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TITLE 3—THE PRESIDENT

PROCLAMATION 3247

CITIZENSHIP DAY AND CONSTITUTION WEEK, 1958

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS our government of the people, by the people, and for the people is cherished by all American citizens; and

WHEREAS this government is guaranteed by the Constitution of the United States of America, signed at Philadelphia on September 17, 1787, and secured by the travail, stamina and wisdom of American patriots; and

WHEREAS it is ever imperative that all our citizens, both native-born and naturalized, understand the significance of this great document so that they may give life and meaning to its principles; and

WHEREAS by a joint resolution approved February 29, 1952 (66 Stat. 9), the Congress designated the seventeenth day of September of each year as Citizenship Day in commemoration of the signing of the Constitution and in recognition of all our citizens who have come of age and all who have been naturalized during the year; and

WHEREAS by a joint resolution approved August 2, 1956 (70 Stat. 932), the Congress requested the President to designate the week beginning September 17 of each year as Constitution Week, a time for study and observance of the acts which resulted in the formation of the Constitution; and

WHEREAS the aforesaid resolutions of the Congress authorize the President to issue annually a proclamation calling for the observance of Citizenship Day and Constitution Week:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, call upon the appropriate officials of the Government to display the flag of the United States on all Government buildings on Citizenship Day, September 17, 1958; and I urge Federal, State, and local officials, as well as all religious, civic, educational and other organizations, to arrange for appropriate ceremonies on Citizenship Day to strengthen a better understanding of our rights and our responsibilities as citizens of the United States.

I also designate the period beginning September 17 and ending September 23, 1958, as Constitution Week; and I urge the people of the United States to observe that week with appropriate ceremonies and activities in their schools and churches and in other suitable places, so that they may manifest their gratitude for that historic week in September 1787 during which our Constitution was signed, delivered to the Continental Congress, and made known to the people.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twentieth day of June in the year of our Lord nineteen hundred and [SEAL] fifty-eight, and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 58-4901; Filed, June 24, 1958; 1:12 p. m.]

PROCLAMATION 3248

IMMIGRATION QUOTA—UNITED ARAB REPUBLIC

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS under the provisions of section 202 (a) of the Immigration and Nationality Act, each independent country, self-governing dominion, mandated territory, and territory under the international trusteeship system of the United Nations, other than independent countries of North, Central, and South America, is entitled to be treated as a separate quota area when approved by the Secretary of State; and

WHEREAS under the provisions of section 201 (b) of the Immigration and Nationality Act, the Secretary of State,

(Continued on p. 4669)

CONTENTS

THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CONTENTS—Continued

CONTENTS—Continued

CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

the Secretary of Commerce, and the Attorney General, jointly, are required to determine the annual quota of any quota area established pursuant to the provisions of section 202 (a) of that act, and to report to the President the quota of each quota area so determined; and

WHEREAS the United Arab Republic was on February 25, 1958, recognized *de jure* by the United States; and

WHEREAS the Secretary of State, the Secretary of Commerce, and the Attorney General have reported to the President that in accordance with the duty imposed and the authority conferred upon them by section 201 (b) of the Immigration and Nationality Act, they jointly have made the determination provided for and computed under the provisions of section 201 (a) of that act; and have fixed, in accordance therewith, an immigration quota for the United Arab Republic as hereinafter set forth:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid act of Congress, do hereby proclaim and make known that the annual quota of the quota area hereinafter designated has been determined in accordance with the law to be, and shall be, as follows:

Area No.	Quota area	Quota
99	United Arab Republic	100

The establishment of an immigration quota for any quota area is solely for the purpose of compliance with the pertinent provisions of the Immigration and Nationality Act and is not to be considered as having any significance extraneous to such purpose.

Proclamation No. 2980 of June 30, 1952, entitled "Immigration Quotas", is amended by the abolishment of the immigration quotas established for Egypt and Syria and by the addition of the immigration quota for the United Arab Republic as established by this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twentieth day of June in the year of our Lord nineteen hundred and [SEAL] fifty-eight, and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 58-4902; Filed, June 24, 1958; 1:12 p. m.]

RULES AND REGULATIONS

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 11]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS

SUBPART I—DESIGNATED POSITIVE CONTROL ROUTE SEGMENTS

VOR CIVIL AIRWAY; LOS ANGELES, CALIF., TO NEW YORK, N. Y.

The VOR civil airway No. 1512 (Los Angeles, Calif., to New York, N. Y.) is being shifted between the Los Angeles and Goffs, Calif., omnirange stations effective July 3, 1958, to read: "From the Los Angeles, Calif., omnirange station via the intersection of the Los Angeles omnirange 123° and the Long Beach omnirange 287° radials; Long Beach, Calif., omnirange station; Ontario, Calif., omnirange station; Hector, Calif., omnirange station; Goffs, Calif., omnirange station;" due to relocation and commissioning of omnirange facilities (see FEDERAL REGISTER dated June 12, 1957). Thus, the above portion of VOR civil airway No. 1512 utilized as describing a Positive Control Route Segment in Subpart I of Part 601, 23 F. R. 3917, June 5, 1958, must also be amended to indicate the above shift of the airway. To accomplish this, the Positive Control Route Segment established as being VOR civil airway No. 1512 (Los Angeles, Calif., to New York, N. Y.) is amended effective July 15, 1958, to begin at the Ontario, California omnirange station via Hector, California, omnirange station, to Goffs, California, omnirange station with the remaining being as published. After July 3, 1958, there will not be any positive control route segment between the Daggett, Calif., omnirange station and the Goffs, Calif., omnirange station.

Inasmuch as immediate action is necessary for the protection of air traffic operating in this area, the Administrator finds that compliance with the notice, procedures, and effective date procedures of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest and therefore is not required.

Subpart I of Part 601 is amended as follows:

The VOR civil airway No. 1512 in § 601.8001 is amended by changing all before "Goffs, Calif., omnirange station" to read as follows:

§ 601.8001 *General.* * * *

VOR civil airway No. 1512 (Los Angeles, Calif., to New York, N. Y.) (See § 600.6612 of this chapter). From the Ontario, Calif., omnirange station via the Hector, Calif., omnirange station; Goffs, Calif., omnirange station; * * *

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. July 15, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JUNE 20, 1958.

[F. R. Doc. 58-4818; Filed, June 25, 1958; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 58-10]

Miscellaneous Vessel Inspection Amendments

Notices regarding proposed changes in the navigation and vessel inspection regulations were published in the Federal Register dated February 12, 1958 (23 F. R. 905-910), and March 1, 1958 (23 F. R. 1268-1270). Pursuant to these notices a public hearing was held on March 18, 1958, by the Merchant Marine Council at Washington, D. C.

This document is the fifth of a series covering the regulations and actions considered at this public hearing and annual session of the Merchant Marine Council and contains the final actions taken with respect to Items V, VI, VII, XI, and XVII, and portions in Item IX. The first document, identified as CGFR 58-8 (23 F. R. 2604), contained miscellaneous amendments to inspection requirements to implement the act of May 10, 1956, as amended (46 U. S. C. 390-390g), which were based on Item III of the Agenda. The second document, identified as CGFR 58-17 (23 F. R. 3376-3384), contained the requirements governing private aids to navigation on the outer Continental Shelf and waters under the jurisdiction of the United States, which were based on Item I of the Agenda. The third document, identified as CGFR 58-18 (23 F. R. 3447, 3448), contained new requirements regarding radar observers and miscellaneous changes respecting renewal of merchant mariner's licenses, which were based on Item IV of the Agenda. The fourth document, identified as CGFR 58-9, contains miscellaneous amendments and requirements respecting dangerous cargoes, which were based on Items XIV, XV, and XVI of the Agenda.

All the comments, views, and data submitted in connection with the items considered by the Merchant Marine Council at this public hearing have been very helpful to the Coast Guard and are very much appreciated. On the basis of the information received certain proposed regulations were revised. The following items considered at the public hearing held March 18, 1958, as revised, are adopted and included in this document:

Item V—Load Lines: Basic Minimum Freeboards for Vessels; and Variances for Steam Colliers, Barges, and Self-Propelled Barges (46 CFR Parts 43, 44, 45)

Item VI—Rules and Regulations for Tank Vessels; Miscellaneous Amendments (46 CFR 32.50, 33.05, 38.01)

Item VII—Electrical Engineering Regulations; Miscellaneous Amendments (46 CFR Parts 110-113, 32.45, 35.30)

Item XI—Deep Sea Sounding Devices for Passenger, Tank, Cargo, and Miscellaneous Vessels and Public Nautical School Ships (46 CFR 32.15, 77.27, 96.27, 167.40)

Item XVII—Equivalents Allowed for Vessels Loading Grain (46 CFR Part 144).

Portions of the following item considered at the public hearing held March 18, 1958, as revised, are adopted and included in this document:

Item IX—Fire Precautions for Passenger, Tank, Cargo, and Miscellaneous Vessels (46 CFR 32.60, 72.03, 72.05, 72.10, 76.10, 92.05, 92.10, 95.10)

The proposals in Item V of the Agenda, regarding load lines, were modified on the basis of some of the information received. Changes were made in 46 CFR 44.01-5 (b), and 44.05-25 (e). The proposal designated 46 CFR 44.01-13 was not adopted. In addition, amendments to 46 CFR 43.01-40 and 45.01-30 (a) were adopted. These changes clarify the regulations with respect to assigning authority.

The proposals in Item VI of the Agenda with respect to the remote manual shut down for engine driving cargo pump on tank barges and for materials used in construction of lifeboats were modified on the basis of some of the comments received. Changes were made in 46 CFR 32.50-35 and 33.05-35.

The proposals in Item VII of the Agenda, respecting the Electrical Engineering Regulations, were modified after consideration of the information received. The class designations of insulation materials in 46 CFR 111.05-30 were revised to agree with the latest changes to section 12 of AIEE No. 45 standards. The suggestion that a warning should be added to the footnotes in certain tables since the temperature rise allowance is based only on consideration of insulation was accepted and changes were made in 46 CFR Tables 111.10-30 (a1), (a2), 111.25-10 (a1), (a2). With respect to the other proposals, changes were made in 46 CFR 111.35-1 (d), regarding switchboard construction; 111.35-15 (b), regarding equipment for direct-current switchboards, and equipment for alternating-current switchboards; 111.40-1 (g), regarding overcurrent protection of and number of overcurrent devices on one panel board; 111.45-15, regarding heater circuits; 111.50-5 (c), regarding ventilation systems; 111.50-20, regarding interrupting rating of fuses and circuit breakers; 111.60-26, regarding shore connection boxes; and 111.70-90, regarding lighting on tank vessels. The general requirements for emergency lighting and power system in 46 CFR Table 112.05-1 (a) was modified to permit manual starting for small vessels. The provisions of 46 CFR 112.05-5 (c), regarding emergency source of power, were made applicable to all vessels contracted for on or after October 1, 1958. With respect to requirements for emergency diesel-engine driven generator sets, the proposals in 46 CFR 112.50-1 were revised. With respect to electric cables, "mineral insulated metal sheathing" cable was added to 46 CFR 113.10-5 (b), 113.15-5 (b), 113.20-5 (c), 113.25-15 (d) (1), 113.50-25 (a), and 113.70-5 (b). With respect to rudder angle indicator systems, changes were made in 46 CFR 113.40-5 (a) so that these requirements will agree with 46 CFR 57.25-35 (c).

The proposals in Item IX of the Agenda, respecting fire precautions other than those pertaining to fire detecting, extinguishing equipment and portable fire extinguishers, have been considered and actions thereon are included in this document. With respect to segregation of spaces containing the emergency source of electric power in 46 CFR 32.60-45, 72.03-20, 92.05-15, and 112.05-5 (c), these provisions will become effective on and after October 1, 1958 for all vessels contracted for after that date. With respect to the requirements for stairways, ladders, and elevators, changes were made in 46 CFR 72.05-20 and 92.10-25 (b). The major changes increased the maximum angle of inclination for types 2 and 3 stairways used by crews to 50 degrees and type 4 stairway used by crews to 55 degrees, while permitting curved, spiral or winding stairways when it is considered by the Commandant as equivalent with respect to safety and dimensions to the stairways described in the regulations.

The proposals in Item XI of the Agenda, regarding deep sea sounding devices, are accepted without change.

The proposals in Item XVII of the Agenda, regarding equivalents allowed for vessels loading grain, are accepted with minor changes made in 46 CFR 144.40-10 (a), which deal with construction of feeders and bin bulkheads.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F. R. 6521), 167-9, dated August 3, 1954 (19 F. R. 5915), 167-14, dated November 26, 1954 (19 F. R. 8026), 167-20, dated June 18, 1956 (21 F. R. 4894), and CGFR 56-28, dated July 24, 1956 (21 F. R. 5659), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments and regulations are prescribed and shall become effective 90 days after the date of publication of this document in the Federal Register unless otherwise specifically provided in the text of the regulations:

Subchapter D—Tank Vessels

Part 32—Special Equipment, Machinery, and Hull Requirements

Subpart 32.15—Navigation Equipment

Section 32.15-10 is amended to read as follows:

§ 32.15-10 *Sounding machines—T/OCL.* All tankships of 500 gross tons and over shall be equipped with an efficient mechanical or electronic deep-sea sounding apparatus, in addition to the ordinary deep-sea hand lead. The mechanical or electronic deep-sea sounding apparatus above required shall be installed, kept in working order, and ready for immediate use: *Provided*, That tank vessels of less than 1,500 gross tons navigating the Great Lakes exclusively need not be equipped with deep-sea sounding apparatus as required by this section.

Subpart 32.45—Electrical Installations

Section 32.45-1 (h) is amended to read as follows:

§ 32.45-1 *Requirements for tank vessels the construction or conversion of which is contracted for on or after November 19, 1955—TB/ALL.* * * *

(h) *Cargo pump room handling Grade A, B, C, or D liquid cargo.* (1) Lighting in cargo pump rooms handling Grade A,

B, C, or D liquid cargo shall be accomplished either through permanently fixed glass lenses fitted in the bulkhead and/or overhead, or by the use of explosion-proof fixtures, except that explosion-proof fixtures may be installed only under certain conditions. For detail requirements see § 111.70-10 (c) of Subchapter J (Electrical Engineering) of this chapter.

(2) Through runs of electric cable, regardless of how they may be protected, are prohibited.

SUBPART 32.50—PUMPS, PIPING, AND HOSE FOR CARGO HANDLING

Subpart 32.50 is amended by adding at the end thereof a new section reading as follows:

§ 32.50-35 *Remote manual shut-down for internal combustion engine driving cargo pump on tank barges—B/ALL.* (a) Any tank barge which is equipped with an internal combustion engine on the weather deck shall be provided with a minimum of one remote manual shut-down station, conspicuously marked, and located at the midpoint of the barge, or 100 feet from the engine, whichever is the more practical. The remote quick acting manual shut-down shall be installed on the engine so as to provide a quick and effective means of stopping the engine, such as by cutting off the intake air.

(b) This regulation shall become effective October 1, 1958, with respect to the initial installation of internal combustion engines on tank barges, and shall become effective July 1, 1960, with respect to existing installations of internal combustion engines on tank barges.

SUBPART 32.60—HULL REQUIREMENTS FOR TANK VESSELS CONSTRUCTED ON OR AFTER JULY 1, 1951

Subpart 32.60 is amended by adding a new section to the end thereof, which reads as follows:

§ 32.60-45 *Segregation of spaces containing the emergency source of electric power—TB/ALL.* (a) The provisions of this section shall apply to all vessels contracted for on or after October 1, 1958.

(b) When a compartment containing the emergency source of electric power, or vital components thereof, adjoins a space containing either the ship's service generators or machinery necessary for the operation of the ship's service generators, all common bulkheads and/or decks shall be protected by approved "structural insulation" or other approved material. This protection shall be such as to be capable of preventing an excessive temperature rise in the space containing the emergency source of electric power, or vital components thereof, for a period of at least one hour in the event of fire in the adjoining space. Bulkheads or decks meeting Class A-60 requirements, as defined by § 72.05-10 of Subchapter H (Passenger Vessels) of this chapter, will be considered as meeting the requirements of this paragraph.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 33—LIFESAVING APPLIANCES

SUBPART 33.05—LIFEBOATS, LIFE RAFTS, AND BUOYANT APPARATUS REQUIRED

Section 33.05-35 is amended to read as follows:

§ 33.05-35 *Wooden lifeboats prohibited on tank vessels—TB/ALL.* Lifeboats installed on tank vessels after September 1, 1943, shall be constructed of metal or other material approved by the Commandant. Internals, such as buoyancy tanks, water tanks, and provision and equipment lockers may be constructed of suitable materials other than metal which have been approved by the Commandant.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 35—OPERATIONS

SUBPART 35.30—GENERAL SAFETY RULES

Section 35.30-30 is amended to read as follows:

§ 35.30-30 *Portable electrical equipment—TB/ALL.* Illumination may be obtained in any compartment by the use of approved explosion-proof, self-contained, battery-fed lamps. Otherwise, no portable electrical equipment of any type shall be used in bulk cargo tanks, fuel oil tanks, cargo pump rooms, or enclosed spaces immediately above or adjacent to bulk cargo tanks unless all the following conditions are met:

(a) The compartment itself is gas-free;

(b) The compartments adjacent and the compartments diagonally adjacent are either (1) gas-free, (2) inerted, (3) filled with water, (4) contain Grade E liquid and are closed and secured, or (5) are spaces in which inflammable vapors and gases normally are not expected to accumulate; and

(c) All other compartments of the vessel in which inflammable vapors and gases may normally be expected to accumulate are closed and secured.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 2, 54 Stat. 1028, sec. 3, 68 Stat. 675; 46 U. S. C. 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 38—LIQUEFIED INFLAMMABLE GASES

SUBPART 38.01—GENERAL

Section 38.01-5 is amended to read as follows:

§ 38.01-5 *Certificate of inspection—TB/ALL.* The certificate of inspection shall be endorsed for the carriage of liquefied inflammable gases as follows:

Inspected and approved for the carriage of liquefied inflammable gases having vapor pressures not exceeding _____ pounds per square inch gage at 115° F.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

Subchapter E—Load Lines

PART 43—FOREIGN OR COASTWISE VOYAGE

SUBPART 43.01—ADMINISTRATION

Section 43.01-40 is amended to read as follows:

§ 43.01-40 *Assignment and certification; assigning authority.* (a) As provided in the Load Line Acts approved March 2, 1929, and August 27, 1935, the American Bureau of Shipping is appointed to assign load lines and to determine whether the position of and the manner of marking each vessel to which the act applies has been performed in accordance with this part, and is authorized to issue a load line certificate, certifying to the correctness of the marks under its own hand and seal. As provided in the aforesaid acts, the Commandant, U. S. Coast Guard, may, at the request of a shipowner, appoint any other recognized classification society which he may approve, as the load line assigning authority. The American Bureau of Shipping, or other approved load line assigning agency is authorized to renew from time to time by endorsement a load line certificate. Load line certificates will not be issued until the load line marks have been verified. This certificate will be issued in duplicate, one copy being delivered to the owner or master of the vessel and one copy, together with a summary of the data used to determine the load line, will be forwarded to the Commandant, U. S. Coast Guard, Washington 25, D. C. In addition, effective January 1, 1948, each new vessel, when receiving its first load line certificate, shall be furnished a copy of the load line survey report which shall be retained on board to be available for the information of inspectors and surveyors when carrying out subsequent load line surveys.

(b) As referred to in this subchapter, the term "assigning authority" or "American Bureau of Shipping" shall refer either to that society or to such other society as may have been specifically approved by the Commandant as a load line assigning authority for the vessel concerned.

(c) The scale of maximum fees payable to the assigning authority for this service is contained in § 43.40-5.

(Sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended; 46 U. S. C. 85a, 88a)

SUBPART 43.15—LOAD LINES FOR STEAMERS

Section 43.15-97 (a) is amended by revising Table 43.15-97 (a) to read as follows:

§ 43.15-97 *Freeboard table for steamers.* (a) * * *

TABLE 43.15-97 (a)—BASIC MINIMUM SUMMER FREEBOARD FOR STEAMERS

L (feet)	Freeboard (inches)	L (feet)	Freeboard (inches)
80	8.0	200	23.1
90	9.0	210	24.8
100	10.0	220	26.6
110	11.0	230	28.5
120	12.0	240	30.3
130	13.0	250	32.3
140	14.2	260	34.4
150	15.5	270	36.5
160	16.9	280	38.7
170	18.3	290	41.0
180	19.8	300	43.4
190	21.4	310	45.9

TABLE 43.15-97 (a)—BASIC MINIMUM SUMMER FREEBOARD FOR STEAMERS—Continued

L (feet)	Freeboard (inches)	L (feet)	Freeboard (inches)
330	48.4	670	145.9
340	51.0	680	148.1
340	53.7	690	150.2
350	56.5	700	152.3
360	59.4	710	154.4
370	62.4	720	156.4
380	65.4	730	158.5
390	68.4	740	160.5
400	71.5	750	162.5
410	74.6	760	164.4
420	77.8	770	166.3
430	80.9	780	168.2
440	84.0	790	170.1
450	87.1	800	172.0
460	90.2	810	173.8
470	93.3	820	175.6
480	96.3	830	177.4
490	99.3	840	179.2
500	102.3	850	180.9
510	105.2	860	182.6
520	108.1	870	184.3
530	110.9	880	186.0
540	113.7	890	187.7
550	116.4	900	189.3
560	119.1	910	190.9
570	121.8	920	192.5
580	124.4	930	194.1
590	127.0	940	195.7
600	129.5	950	197.3
610	132.0	960	198.9
620	134.4	970	200.4
630	136.8	980	201.9
640	139.1	990	203.4
650	141.4	1,000	204.9
660	143.7	(1)	(1)

[1] Vessels above 1,000 feet are to be dealt with by the administration.

(Sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended; 46 U. S. C. 85a, 88a)

SUBPART 43.30—LOAD LINES FOR TANKERS

Section 43.30-70 (a) is amended by revising Table 43.30-70 (a) to read as follows:

§ 43.30-70 *Freeboard table for tankers.* (a) * * *

TABLE 43.30-70 (a)—BASIC MINIMUM SUMMER FREEBOARD FOR TANKERS

L (feet)	Freeboard (inches)	L (feet)	Freeboard (inches)
190	21.5	610	110.3
200	23.1	620	112.2
210	24.7	630	114.0
220	26.3	640	115.8
230	28.0	650	117.6
240	29.7	660	119.3
250	31.5	670	121.0
260	33.3	680	122.6
270	35.2	690	124.2
280	37.1	700	125.8
290	39.1	710	127.3
300	41.1	720	128.8
310	43.1	730	130.3
320	45.1	740	131.8
330	47.1	750	133.2
340	49.2	760	134.6
350	51.3	770	135.9
360	53.5	780	137.2
370	55.7	790	138.5
380	57.9	800	139.8
390	60.2	810	141.1
400	62.5	820	142.3
410	64.9	830	143.5
420	67.4	840	144.7
430	69.9	850	145.8
440	72.5	860	146.9
450	75.1	870	148.0
460	77.7	880	149.1
470	80.2	890	150.1
480	82.7	900	151.1
490	85.1	910	152.1
500	87.5	920	153.1
510	89.8	930	154.1
520	92.1	940	155.1
530	94.3	950	156.1
540	96.5	960	157.1
550	98.6	970	158.0
560	100.7	980	158.9
570	102.7	990	159.8
580	104.6	1,000	160.7
590	106.5	(1)	(1)
600	108.4		

[1] Vessels above 1,000 feet are to be dealt with by the administration.

(Sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended; 46 U. S. C. 85a, 88a)

PART 44—VARIANCE FOR STEAM COLLIERS, BARGES, AND SELF-PROPELLED BARGES (WHEN ENGAGED IN SPECIAL SERVICES ON COASTWISE AND INTER-ISLAND VOYAGES)

The title for Part 44 is amended to read as set forth above.

SUBPART 44.01—ADMINISTRATION

1. Section 44.01-1 (a) is amended to read as follows:

§ 44.01-1 *Establishment of regulations for special service.* (a) Pursuant to the Coastwise Load Line Act, 1935, as amended (49 Stat. 888, 1543; 46 U. S. C. 88-88g), the Commandant, U. S. Coast Guard, under the direction and supervision of the Secretary of Treasury, is vested with discretion to vary the load line marks from those established by the International Load Line Treaty, 1930, on steam colliers, tugs, barges, and self-propelled barges engaged in special services on inter-island voyages and on coastwise voyages from port to port in the continental United States, the following regulations in this part, applicable to steam colliers, barges, and self-propelled barges are hereby established. Such variance for tugs is not permitted.

2. Section 44.01-5 (b) is amended to read as follows:

§ 44.01-5 *Administration; special service.* * * *

(b) Application for the assignment of load lines under this part for the types of vessels described in § 44.01-1 shall be made in writing to the American Bureau of Shipping unless another society has been specifically approved by the Commandant as a load line assigning authority. In the latter case applicaton shall be made to the society so approved. Applications shall state the following information:

(1) Name of vessel and official number.

(2) Type of vessel (steam collier, barge, or self-propelled barge).

(3) Date keel was laid.

(4) Normal sea speed of vessel.

(5) Limits of voyage for which approval is requested.

(6) Normal maximum distance off shore in course of voyage.

(7) Length of voyage in days and nautical miles.

(8) Statement of weather conditions to be expected.

(9) Cargo to be carried.

(10) Whether vessel is to be operated manned or unmanned.

3. Section 44.01-10 (a) is amended to read as follows:

§ 44.01-10 *Approval by Commandant, U. S. Coast Guard, of special service.* (a) Subject to the conditions contained in this part, the Commandant, U. S. Coast Guard, has determined that load lines at variance from the position fixed by the International Load Line Treaty, 1930, but not above the actual line of safety, may be assigned steam colliers, barges, or self-propelled barges (separately by class) for certain specifically limited coastwise voyages between ports of the continental United States or between islands of a group over which the United States has jurisdiction.

4. Subpart 44.01 is amended by inserting two new sections to follow after § 44.01-10, which read as follows:

§ 44.01-11 *Assignment and marking load lines; special service.* (a) The assignment and marking of special service load lines and certifications thereof shall be in accordance with this part to the satisfaction of the American Bureau of Shipping. The load line certificate shall define the voyage limits and seasonal restrictions governing the validity of the load lines.

§ 44.01-12 *Voyage limits; special service.* (a) Special service load lines may be assigned for operation not more than a specified limited distance offshore which shall not exceed 20 nautical miles. The offshore distance shall be measured from the coastline except where a line of inland waters has been otherwise established.

(b) For continental United States ports, special service load lines may be issued for operation between but not to exceed the extreme port limits specified below, or for operation between intermediate ports within the extreme limits specified:

(1) Central and Northern Atlantic Coast—From Norfolk, Virginia, to Eastport, Maine.

(2) Southeast Atlantic Coast—From Key West, Florida, to Jacksonville, Florida, except that the special service load line shall not be valid for manned vessels during the hurricane season, i. e., July 1st to November 15th, both dates inclusive.

(3) Gulf of Mexico Coast—From the mouth of the Rio Grande River, Texas, to Key West, Florida, except that the special service load line shall not be valid for manned vessels during the hurricane season, i. e., July 1st to November 15th, both dates inclusive.

(4) Pacific Coast—From San Francisco, California, to San Diego, California.

(c) Assignment of special service load lines for voyage limits between the islands of a group over which the United States has jurisdiction shall be made only upon authorization by the Commandant, U. S. Coast Guard, after submittal to him of the information called for by § 44.01-5 (b).

(Sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended; 46 U. S. C. 85a, 88a)

SUBPART 44.05—RULES OF ASSIGNMENT; SPECIAL SERVICE

1. Section 44.05-5 is amended to read as follows:

§ 44.05-5 *Definitions.* (a) A steam collier is a vessel mechanically propelled, and specially designed for the carriage of coal in bulk.

(b) A towed barge is a vessel without sufficient means for self-propulsion and which requires to be towed.

(c) A self-propelled barge is a vessel mechanically propelled of the type specially designed for use in limited coastwise and Great Lakes service and capable of transiting interconnecting canals.

2. Section 44.05–20 is amended to read as follows:

§ 44.05–20 *Conditions of assignment*—(a) *Steam colliers.* The conditions of assignment for steam colliers shall be in accordance with the requirements of Part 43 of this subchapter and also with the supplementary requirements of §§ 43.30–1 to 43.30–70 of this subchapter in cases where a tanker freeboard is assigned, except that in the case of steam colliers constructed with bulwarks, the freeing port may be of a practically continuous slot type, located as low as possible, the clear area of the slot to be not less than 20 percent of the superficial area of the unpierced bulwarks. If, due to sheer, or other conditions, the assigning authority considers that extra local provision should be made for freeing decks of water, the slots are to be located so as to have maximum efficacy.

(b) *Towed barges.* The conditions of assignment for towed cargo barges where the cargo is carried under deck shall be in accordance with §§ 45.10–5 to 45.10–100 of this subchapter. In the case of tank barges and cargo barges carrying cargo only on deck, compliance will also be required with the supplementary conditions of §§ 45.20–1 to 45.20–70 of this subchapter. In the case of cargo barges of the open type, assignment will be limited to barges in unmanned operation and the construction of the vessel must be such as to satisfy the assigning authority that no unusual hazards will be experienced.

(c) *Self-propelled barges.* The conditions of assignment for self-propelled cargo barges carrying cargo under decks shall be in accordance with the provisions of §§ 45.10–5 to 45.10–100 of this subchapter. In the case of self-propelled tank barges and self-propelled cargo barges carrying cargo only on deck, compliance will also be required with the supplementary conditions of §§ 45.20–1 to 45.20–70 of this subchapter.

3. Section 44.05–25 is amended to read as follows:

§ 44.05–25 *Freeboards*—(a) *General.* When the assigning authority is satisfied that the requirements of this part as applicable to the type of vessel under consideration are complied with the freeboards will be computed as described in this section.

(b) *Steam colliers.* Steam colliers that have constructional features similar to those of a tanker which afford extra invulnerability against the sea may be assigned a reduction of freeboard from that determined under §§ 43.15–1 to 43.15–97 of this subchapter. The amount of such reduction shall be determined by the assigning authority, in relation to the freeboard assigned to tankers, having regard to the degree of compliance with the supplementary conditions of assignment laid down for these ships, but without regard to the degree of subdivision provided. The freeboard assigned to such a vessel shall in no case be less than would be assigned the vessel as a tanker, as determined by §§ 43.30–1 to 43.30–70 of this subchapter.

(c) *Towed cargo barges with cargo under deck.* The freeboard is to be computed under §§ 45.15–1 to 45.15–97 of this subchapter. The fresh water and seasonal markings where applicable are to be determined from §§ 43.15–1 to 43.15–97 of this subchapter.

(d) *Towed cargo barges with cargo only on deck.* The freeboard for barges of this type is to be computed in accordance with the requirements of §§ 45.20–1 to 45.20–70 of this subchapter. The fresh water and seasonal markings where applicable are to be the same as determined from §§ 43.15–1 to 43.15–97 of this subchapter.

(e) *Towed cargo barges of the open type.* The load line shall be placed where, in the judgment of the assigning authority, the draft will be such that no unusual hazard will be experienced. In general, drafts assigned will be such that the barge will remain afloat with a reasonable freeboard after flooding of the net available open space.

(f) *Towed tank barges.* The freeboard is to be computed in accordance with §§ 45.20–1 to 45.20–70 of this subchapter. The fresh water and seasonal markings where applicable are to be determined from §§ 43.15–1 to 43.15–97 of this subchapter.

(g) *Self-propelled cargo barges.* The freeboard is to be computed under §§ 45.15–1 to 45.20–15 of this subchapter. The fresh water and seasonal markings where applicable are to be determined from §§ 43.15–1 to 43.15–97 of this subchapter.

(h) *Self-propelled tank barges.* The freeboard is to be computed in accordance with §§ 45.20–1 to 45.20–70 of this subchapter. The fresh water and seasonal markings where applicable are to be determined from §§ 43.15–1 to 43.15–97 of this subchapter.

(Sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended; 46 U. S. C. 85a, 88a)

PART 45—MERCHANT VESSELS WHEN ENGAGED IN A VOYAGE ON THE GREAT LAKES

SUBPART 45.01—ADMINISTRATION

Section 45.01–30 (a) is amended to read as follows:

§ 45.01–30 *Assignment and certification of load lines; assigning authority.* (a) As provided in the Coastwise Load Line Act, 1935, the American Bureau of Shipping is appointed to assign load lines and to determine whether the position of and the manner of marking each vessel to which the act applies has been performed in accordance with this part, and is authorized to issue a load line certificate, certifying to the correctness of the marks under its own hand and seal. As provided in the aforesaid act, the Commandant, U. S. Coast Guard may, at the request of a shipowner, appoint any other recognized classification society which he may approve, as the load line assigning authority. The American Bureau of Shipping, or other approved load line assigning agency, is authorized to renew from time to time by endorsement a load line certificate. Load line certificates will not be issued until the load line marks have been verified. This certificate will be issued in duplicate, one copy being delivered to the owner or master of the vessel and one copy, together with a summary of the data used to determine the load line, will be forwarded to the Commandant, U. S. Coast Guard, Washington, D. C. In addition, effective January 1, 1948, each new vessel, when receiving its first load line certificate, shall be furnished a copy of the load line survey report which shall be retained on board to be available for the information of inspectors and surveyors when carrying out subsequent load line surveys.

(Sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended; 46 U. S. C. 85a, 88a)

Subchapter H—Passenger Vessels

PART 72—CONSTRUCTION AND ARRANGEMENT

SUBPART 72.03—GENERAL FIRE PROTECTION

Subpart 72.03 is amended by adding a new section to the end thereof, which reads as follows:

§ 72.03–20 *Segregation of spaces containing the emergency source of electric power.* (a) The provisions of this section shall apply to all vessels contracted for on or after October 1, 1958.

(b) When a compartment containing the emergency source of electric power, or vital components thereof, adjoins a space containing either the ship's service generators or machinery necessary for the operation of the ship's service generators, all common bulkheads and/or decks shall be protected by approved "structural insulation" or other approved material. This protection shall be such as to be capable of preventing an excessive temperature rise in the space containing the emergency source of electric power, or vital components thereof, for a period of at least one hour in the event of fire in the adjoining space. Bulkheads or decks meeting Class A–60 requirements, as defined by § 72.05–10, will be considered as meeting the requirements of this paragraph.

SUBPART 72.05—STRUCTURAL FIRE PROTECTION

1. Section 72.05–20 is amended to read as follows:

§ 72.05–20 *Stairways, ladders, and elevators.* (a) (1) Except as further noted, the provisions of this section apply to all vessels.

(2) For vessels contracted for prior to January 1, 1959, existing construction, arrangements, and materials may be maintained, and minor repairs and alterations may be made to the same standards as the original construction. Major repairs or changes should meet the requirements for new construction insofar as is reasonable and practicable.

(3) For small vessels, special consideration for relief may be given where it is shown to be unreasonable or impracticable to meet the detailed requirements for stairway size, slope, dimensioning, and landing area.

(4) Stairways, ladders, and elevators within main machinery spaces or cargo holds are not covered by the general provisions of this section, but shall meet the requirements of paragraph (b) of this section.

(b) Stairways, ladders, and elevators within main machinery spaces and cargo holds shall meet the following requirements:

(1) All stairways, ladders, and elevators shall be of steel.

(c) Deck penetrations shall meet the following requirements:

(1) Where a continuous vertical deck penetration for a stairway or elevator exceeds one deck, the integrity of all decks involved shall be assured by enclosure bulkheads and decks meeting the applicable requirements of § 72.05–10 (d) thru (g), and by doors at all levels meeting the requirements of § 72.05–25 (b) (9).

(2) Where only two decks are served by a stairway or elevator, the integrity of the deck involved may be assured as noted in the preceding paragraph. Alternately, the integrity may be maintained at one level only by means of bulkheads and by doors meeting the requirements of § 72.05–25 (b) (9). If the latter method is used, it should be noted that the integrity of a deck is involved, and accordingly, the bulkhead classifications should be selected from Tables 72.05–10 (f) or 72.05–10 (g), the spaces above or below being assumed to extend to the bulkheads and doors.

(3) Stairways or elevators to a balcony within a space need not be enclosed, provided the stairway or elevator serves only the space and the balcony within the space.

(d) For the purpose of this section, stairways are identified as follows:

Type 1—Main Vertical Zone enclosed stair towers.

Type 2—Enclosed stairways other than Type 1.

Type 3—Interior stairways not enclosed.

Type 4—Exterior stairways or exterior inclined ladders.

(e) Each Main Vertical Zone shall be served by at least one Type 1 stairway, so that independent of adjoining Main Vertical Zones, escape may be effected from any accommodation space or any other space where persons may be normally quartered or employed, to ALL other decks having any such spaces within the same Main Vertical Zone without coming out of the stair tower enclosure. Each Type 1 stairway shall give access to the Embarkation Deck or, if the Embarkation Deck does not extend to the portion of the vessel in question, to at least one weather deck from which convenient communication to the Embarkation Deck is provided by means of Type 4 stairways. In cases where a Type 1 stairway is accessible from two Main Vertical Zones, it may be considered as the required Type 1 stairway for both zones provided all boundaries of the stairway meet Main Vertical Zone requirements.

(f) Insofar as is reasonable and practicable, Types 1 and 2 stairways, and all elevator enclosures, should not give direct access to accommodations or other enclosed spaces in which a fire may originate.

(g) The furnishings for Types 1 and 2 stairways, and all elevator enclosures, shall be as set forth in § 72.05–55 (c).

(h) In general, curved, spiral, or winding stairways will not be permitted. Relaxation from this requirement may be permitted, provided, in the opinion of the Commandant, the proposed stairway is equivalent with respect to safety and dimensions to the stairways covered by this section.

(i) For all types of stairways, the stairs, platforms, and landings shall be of sufficient strength to sustain a load of 100 pounds per square foot with a factor of safety of 4 based on the ultimate strength.

(j) The stringers, treads, and all platforms and landings of all Types 1, 2, and 3 stairways shall be of solid steel construction. Risers shall be of approved incombustible material. Type 4 stairways shall be of either steel or aluminum construction, and risers need not be fitted.

(k) For all types of stairways, handrails shall be fitted on both sides of the stairs. For stairways in excess of 66 inches in width, additional center handrails shall be provided. All handrails shall be fitted at a vertical height above the tread at its nosing of between 33 and 36 inches.

(l) For all types of stairways, the stair width shall be clear of all obstructions other than the handrails.

(m) Handrails and trim for all Types 1, 2, and 3 stairways shall be of approved "incombustible materials."

(n) For all types of stairways, there shall be no variation in the width of the stairs, the depth of the tread, or the height of the risers in any flight. Where variation in height of riser or depth of tread in different flights is necessary, such variations shall be minimized.

(o) For all types of stairways, the sum of the riser height and tread depth shall be at least 17 inches and not more than 18 inches. Type 1, 2, and 3 stairways having treads less than 10 inches in depth shall have a nosing of one inch or other means to provide additional room on the tread.

(p) All stairways shall be dimensioned in accordance with Table 72.05–20 (p), depending upon the type of stairway and the number of persons served.

TABLE 72.05–20 (p)

Type of stairway	Primary use	Maximum angle of inclination (degrees)	Minimum stair tread width, in inches, based upon number of persons served by the stairway						
			Number of persons						
			1–10	11–20	21–30	31–40	41–50	51–60	Over 60
1	Passenger or crew	40	28	30	32	34	36	40	44
2 or 3	Passenger	40	28	30	32	34	36	36	36
2 or 3	Crew	50	28	30	30	30	30	30	30
4	Passenger or embarkation route.	45	28	30	30	30	30	30	30
4	Crew	55	24	24	24	24	24	24	24

(1) The maximum angle of inclination from the horizontal for any stairway shall be as given in Table 72.05–20 (p).

(2) For all types of stairways, the minimum width shall be determined on a deck-by-deck basis. Except as further noted, on any particular deck, only those persons on that deck using the stairway are involved in the width determination. However, once a minimum required width has been established at any one level, that width may not be reduced at any subsequent deck level in the direction of normal escape. This does not prohibit the use of stair widths exceeding the required minimum for any particular flight or flights.

(3) The various spaces shall be considered to have the number of persons in them as follows:

(i) Passenger staterooms—designed capacity.

(ii) Crew staterooms—two-thirds designed capacity.

(iii) Theaters, dining halls, and similar spaces having fixed seating—maximum seating capacity.

(iv) Lounges, club rooms, etc.—1 person for every 20 square feet of deck area.

(v) Working spaces—normal operating capacity.

(4) Type 1 stairways shall be dimensioned on a deck-by-deck basis as described in the previous subparagraphs. In determining the number of persons using a Type 1 stairway, all persons within the Main Vertical Zone or Zones in question are assumed to be using Type 1 stairways. No consideration is given to any Type 2 or 3 stairways that may be available. If more than one Type 1 stairway serves a particular Main Vertical Zone, the persons shall be distributed between the stairways dependent upon the arrangements, and the stairways shall be dimensioned accordingly. If in the normal operation of the vessel, a Type 1 stairway is intended for a greater number of persons than given by the foregoing, the larger number shall be used.

(5) Types 2, 3, and 4 stairways shall be dimensioned on a deck-by-deck basis as described in this paragraph. In determining the number of persons using the stairways, the normal operation of the vessel shall be the determining factor. In this respect, if any particular stairway forms part of a normal debarkation route, the number of persons using the stairway for that purpose shall be considered.

(q) All types of stairways designed with a broken flight between any two decks shall conform to the additional requirements of this paragraph.

(1) Any interruption of the slope or change of direction of the stairway shall be accomplished by means of an intermediate landing of rectangular or nearly rectangular shape based on the actual dimensions of the stairs landing thereon.

(2) Each set of stairs of a broken flight shall be dimensioned independently, and shall conform to the minimum stair widths given in Table 72.05–20 (p).

(r) Landings for stairways shall be provided in accordance with the applicable requirements of this paragraph.

(1) For all types of stairways, at the top and bottom of each flight of stairs, there shall be a clear landing having an area at least equal to the square of the actual stair tread width.

(2) For Type 1 stairways, there shall be provided within the enclosure at each deck level a landing having a minimum clear area in square feet, exclusive of the stairs, equal to 1.2 times the number of persons from that deck using the stairway.

(3) Where an aisle around a stairway is required due to the relationship of the flights, such aisle shall have a clear width at all points at least equal to the actual stair tread width.

(s) The total clear width of doors to stairways shall be as set forth in Table 72.05–20 (s), and shall meet all of the other applicable requirements of this paragraph.

TABLE 72.05–20 (s)

Type of stairway	Primary use	Minimum clear opening, in inches, of doors to stairways based on number of persons served by doors					
		Number of persons (*N*)					
		1–10	11–20	21–30	31–40	41–50	Over 50
1	Passenger or crew	28	30	32	34	36	0.75*N*[1]
2 or 3	Passenger	28	30	32	34	36	36
2 or 3	Crew	28	30	30	30	30	30

[1] Obtain clear opening in inches by multiplying the number of persons served (*N*) by 0.75.

(1) The dimensioning of doors shall be based on the same fundamentals as described in paragraphs (p) (2) through (5) of this section for stairways. However, the number of people involved for a particular door shall be determined from the arrangements, each door being calculated independent of any other doors to the stairway at the same level.

(2) In no case shall a clear door width be less than 28 inches.

(3) On the Embarkation Deck, each Type 1 stairway shall provide at least 44 inches of exit door width to each side of the vessel. Exit may be provided directly to the weather or indirectly by passageways and/or corridors which lead to the weather.

2. Section 72.05–25 is amended by revising paragraph (b) (9) by adding a subdivision (iv), which reads as follows:

§ 72.05–25 *Doors, other than watertight.* * * *

(b) * * *

(9) * * *

(iv) For additional requirements for stairway doors, see § 72.05–20 (s).

SUBPART 72.10—MEANS OF ESCAPE

Section 72.10–5 is amended by adding new paragraphs (b) and (c), which reads as follows:

§ 72.10–5 *Two means of escape.* * * *

(b) Elevators shall not be considered as one of the required means of escape.

(c) Stairways serving only a space and a balcony to a space shall not be considered as one of the required means of escape.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, as amended, 4418, as amended, 4426, as amended, 4490, as amended, sec. 3, 24 Stat. 129, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 347, as amended, sec. 2, 54 Stat. 1028, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 482, 483, 363, 369, 367, 1333, 463a, 390b, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 76—FIRE PROTECTION EQUIPMENT

SUBPART 76.10—FIRE MAIN SYSTEM, DETAILS

Section 76.10–10 (c) and (j) (3) are amended to read as follows:

§ 76.10–10 *Fire hydrants and hose.* * * *

(c) On vessels over 1,000 gross tons there shall be at least one shore connection to the fire main available to each side of the vessel in an accessible location. Suitable cut-out valves and check valves shall be provided. Suitable adaptors also shall be provided for furnishing the vessel's shore connections with couplings mating those on the shore fire lines.

* * * * *

(j) * * *

(3) Where combination solid stream and water spray fire hose nozzles are used, they shall be of approved type. New installations and replacements after June 27, 1957, shall be constructed in accordance with Subpart 162.027 of Subchapter Q (Specifications) of this chapter. The detachable applicator shall be stowed adjacent to the fire hydrant, except where combination nozzles are not required, in which case the applicator may be stowed at the discretion of the master.

(R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, as amended, 4418, as amended, 4426, as amended, 4470, as amended, 4471, as amended, 4477, as amended, 4479, as amended, 4483, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 2, 54 Stat. 1028, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 464, 470, 472, 476, 367, 526p, 1333, 463a, 390b, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 77—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

SUBPART 77.27—SOUNDING EQUIPMENT

Section 77.27–1 is amended to read as follows:

§ 77.27–1 *When required.* (a) All mechanically propelled vessels in ocean or coastwise service of 500 gross tons and over, and all mechanically propelled vessels in Great Lakes service of 1,500 gross tons and over, except paddle wheel vessels, shall be fitted with an efficient mechanical or electronic deep-sea sounding apparatus in addition to the deep-sea hand leads. On Great Lakes vessels, a shallow water alarm may be substituted.

(R. S. 4405, as amended, 4462 as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, as amended, 4418, as amended, 4426, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 367, 526p, 1333, 390b, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

Subchapter I—Cargo and Miscellaneous Vessels

PART 92—CONSTRUCTION AND ARRANGEMENT

SUBPART 92.05—STRUCTURAL FIRE PROTECTION

Subpart 92.05 is amended by adding a new section thereto reading as follows:

§ 92.05–15 *Segregation of spaces containing the emergency source of electric power.* (a) The provisions of this section shall apply to all vessels contracted for on or after October 1, 1958.

(b) When a compartment containing the emergency source of electric power, or vital components thereof, adjoins a space containing either the ship's service generators or machinery necessary for the operation of the ship's service generators, all common bulkheads and/or decks shall be protected by approved "structural insulation" or other approved material. This protection shall be such as to be capable of preventing an excessive temperature rise in the space containing the emergency source of electric power, or vital components thereof, for a period of at least one hour in the event of fire in the adjoining space. Bulkheads or decks meeting Class A–60 requirements, as defined by § 72.05–10 of Subchapter H (Passenger Vessels) of this chapter, will be considered as meeting the requirements of this paragraph.

SUBPART 92.10—MEANS OF ESCAPE

Section 92.10–25 is amended by adding a new paragraph (b), which reads as follows:

§ 92.10–25 *Stairway size.* * * *

(b) Vessels contracted for on or after January 1, 1959, shall meet the requirements of this paragraph. Special consideration for relief may be given in the case of small vessels if it is shown to be unreasonable or impracticable to meet the requirements.

(1) All interior stairways, other than those within the machinery spaces or

cargo holds, shall have a minimum width of 28 inches. The angle of inclination with the horizontal of such stairways shall not exceed 50 degrees.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, 4490, as amended, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 482, 483, 363, 367, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

PART 95—FIRE PROTECTION EQUIPMENT

SUBPART 95.10—FIRE MAIN SYSTEM, DETAILS

Section 95.10–10 is amended by revising paragraph (c) and paragraph (i) (3) to read as follows:

§ 95.10–10 *Fire hydrants and hose.* * * *

(c) On vessels over 1,000 gross tons there shall be at least one shore connection to the fire main available to each side of the vessel in an accessible location. Suitable cut-out valves and check valves shall be provided. Suitable adaptors also shall be provided for furnishing the vessel's shore connections with couplings mating those on the shore fire lines.

(i) * * *

(3) Where combination solid stream and water spray fire hose nozzles are used, they shall be of approved type. New installations and replacements after June 27, 1957, shall be constructed in accordance with subpart 162.027 of subchapter Q (Specifications) of this chapter. The detachable applicator shall be stowed adjacent to the fire hydrant, except where combination nozzles are not required, in which case the applicator may be stowed at the discretion of the master.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, 4470, 4471, 4477, 4479, and 4483, as amended, secs. 1, 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 463, 464, 470, 472, 476, 367, 526p, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 96—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

SUBPART 96.27—SOUNDING EQUIPMENT

Section 96.27 (a) is amended to read as follows:

§ 96.27–1 *When required.* (a) All mechanically propelled vessels in ocean or coastwise service of 500 gross tons and over, and all mechanically propelled vessels in Great Lakes service of 1,500 gross tons and over, except paddle wheel vessels, shall be fitted with an efficient mechanical or electronic deep-sea sounding apparatus in addition to the deep-sea hand leads. On Great Lakes vessels, a shallow water alarm may be substituted.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, as amended, secs. 1, 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 367, 526p, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

Subchapter J—Electrical Engineering

PART 110—GENERAL PROVISIONS

SUBPART 110.15—DEFINITION OF TERMS USED IN THIS SUBCHAPTER

1. Section 110.15–15 (b) (1) is amended by revising Table 110.15–15 (b) (1) to read as follows:

§ 110.15–15 *Cable terms.* * * *

(b) *Cable designations.* (1) * * *

TABLE 110.15–15 (b) (1)—LIGHTING AND POWER, INTERIOR COMMUNICATION, AND TELEPHONE CABLE SYMBOLS

Column 1	Column 2	Column 3	Column 4	Column 5
Symbol designating cable type	Symbol designating type of insulation	Symbol designating type of outer covering	Symbol designating type of armor	Symbol designating wire size for light and power cable or number of conductors for interior communication or number of pairs of conductors for telephone cable
S=single conductor, light and power. D=double conductor, light and power. T=triple conductor, light and power. F=four conductor, light and power. IC=interior communication. TT=twisted pair, telephone. TTC=twisted pair, inter-cabin telephone.	R=rubber. V=varnished-cambric. AV=asbestos-varnished-cambric. T=thermoplastic-asbestos or thermoplastic-glass-asbestos.	A=armored only. L=leaded and armored. I=impervious sheathed and armored. S=reinforced sheathed and armored.	None=steel. A=aluminum B=bronze.	Wire size in nearest 1,000 circular mils or number of conductors or number of pairs of conductors.

2. Section 110.15–35 is amended by adding a new paragraph (l), reading as follows:

§ 110.15–35 *Control equipment terms.* * * *

(l) *Temperature compensated overload relay.* A temperature compensated overload relay is an overload relay which functions at any current in excess of a predetermined value essentially independent of ambient temperature.

3. Section 110.15–190 (a) is amended by adding a new subparagraph (4), reading as follows:

§ 110.15–190 *Vessel.* (a) * * *

(4) *Barge.* Where the term "barge" is used in this subchapter, it shall be considered to include all non-self-propelled vessels.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4426, 4427, 4433, 4453, as amended, sec. 14, 29 Stat. 690, sec. 10, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1384, 1544, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 392, 399, 404, 405, 411, 435, 366, 395, 363, 369, 367, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 111—ELECTRICAL SYSTEM; GENERAL REQUIREMENTS

SUBPART 111.05—GENERAL REQUIREMENTS

Section 111.05–30 is amended to read as follows:

§ 111.05–30 *Insulation materials.*—(a) *Class designation.* Insulation material referred to in this subchapter is designated by class as described in this section.

(b) *Class O insulation.* Materials or combinations of materials such as cotton, silk, and paper without impregnation.[1] Other materials or combinations of materials may be included in this class if by experience or accepted tests they can be shown to be capable of operation at 90° C.

(c) *Class A insulation.* Materials or combinations of materials such as cotton, silk, and paper when suitably impregnated [1] or coated or when immersed in a dielectric liquid such as oil. Other materials or combinations of materials may be included in this class if by experience or accepted tests they can be shown to be capable of operation at 105° C.[2]

(d) *Class B insulation.* Materials or combinations of materials such as mica, glass fiber, asbestos, etc., with suitable bonding substances. Other materials or combinations of materials, not necessarily inorganic, may be included in this class if by experience or accepted tests they can be shown to be capable of operation at 130° C.[2]

(e) *Class C insulation.* Insulation that consists entirely of mica, porcelain,[3] glass, quartz, and similar inorganic materials. Other materials or combinations of materials may be included in this class if by experience or accepted tests they can be shown to be capable of operation at temperatures over 220° C.

(f) *Class H insulation.* Materials or combinations of materials such as silicone elastomer, mica, glass fiber, asbestos, etc., with suitable bonding substances

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[1] Insulation is considered to be "impregnated" when a suitable substance provides a bond between components of the structure and also a degree of filling and surface coverage sufficient to give adequate performance under the extremes of temperature, surface contamination (moisture, dirt, etc.), and mechanical stress expected in service. The impregnant must not flow or deteriorate enough at operating temperature so as to seriously affect performance in service.

[2] The electrical and mechanical properties of the insulation must not be impaired by the prolonged application of the limiting insulation temperature permitted for the specific insulation class. The word "impaired" is here used in the sense of causing any change which could disqualify the insulating material for continuously performing its intended function whether creepage spacing, mechanical support, or dielectric barrier action.

[3] Porcelain should not be used for lamp sockets, switches, receptacles, fuse blocks, etc., where the material is rigidly fastened by machine screws or the equivalent.

such as appropriate silicone resins. Other materials or combinations of materials may be included in this class if by experience or accepted tests they can be shown to be capable of operation at 180° C.[2]

SUBPART 111.10—GENERATORS

Section 111.10-30 (a) is amended by adding a footnote 1 to the title of Table 111.10-30 (a1), and by adding a new footnote 2 to the heading of Table 111.10-30 (a2), which read as follows:

§ 111.10-30 *Temperature limitations.* (a) * * *

TABLE 111.10-30 (a1)—LIMITS OF TEMPERATURE RISES FOR DIRECT-CURRENT GENERATORS BASED ON 50° C. AMBIENT TEMPERATURE[1]

[1] The limiting observable temperature rise for Class H insulation is 40° C. higher than the value given for Class B insulation. Special consideration shall be given to other parts of the machine such as bearings, etc.

* * * * *

TABLE 111.10-30 (a2)—LIMITS OF TEMPERATURE RISES FOR ALTERNATING-CURRENT GENERATORS BASED ON 50° C. AMBIENT TEMPERATURE[1 2]

[1] The limiting observable temperature rise for Class H insulation is 40° C. higher than the value given for Class B insulation. Special consideration shall be given to other parts of the machine such as bearings, etc.

SUBPART 111.20—TRANSFORMERS

Section 111.20-5 (a) is amended to read as follows:

§ 111.20-5 *Temperature rise.* (a) The temperature rise, based on an ambient temperature of 40° C., shall not exceed the following:

Class A insulation: 55° C.
Class B insulation: 80° C.
Class H insulation: 150° C.

SUBPART 111.25—MOTORS

Section 111.25-10 (a) is amended by adding a footnote 1 to the title of Table 111.25-10 (a1), and by adding a footnote 2 to the title of Table 111.25-10 (a2), which read as follows:

§ 111.25-10 *Temperature limitations.* (a) * * *

TABLE 111.25-10 (a1)—LIMITS OF TEMPERATURE RISES FOR DIRECT-CURRENT MOTORS[1]

[1] The limiting observable temperature rise for Class H insulation is 40° C. higher than the value given for Class B insulation. Special consideration shall be given to other parts of the machine, such as bearings, etc.

* * * * *

TABLE 111.25-10 (a2)—LIMITS OF TEMPERATURE RISES FOR ALTERNATING-CURRENT MOTORS[1 2]

[1] The limiting observable temperature rise for Class H insulation is 40° C. higher than the value given for Class B insulation. Special consideration shall be given to other parts of the machine, such as bearings, etc.

SUBPART 111.35—SWITCHBOARDS AND PROPULSION CONTROLS

1. Section 111.35-1 is amended by revising paragraphs (d), (h), and (j), to read as follows:

[2] See footnote on previous page.

§ 111.35-1 *General requirements.* * * *

(d) *Switchboard construction.* Panels should be made of impregnated ebony asbestos, laminated phenolic material, or the equivalent. They may be made of metal if the live parts mounted thereon are properly insulated. The supporting framework for all panels is to be of rigid construction. No wood should be used in the construction of switchboards except that a hardwood or nonconducting hand rail should be provided for the protection of personnel from live parts.

* * * * *

(h) *Nameplates.* Nameplates shall be provided for each piece of apparatus to indicate clearly its service. Nameplates for feeders and branch circuits shall include the circuit designation, description of the load served, and the rating or setting of the overcurrent protective device.

* * * * *

(j) *Grounding of instruments, relays, meters, and instrument transformers.* Metal cases of instruments, relays, meters, and instrument transformers and the secondary windings of instrument transformers located on switchboards shall be grounded.

2. Section 111.35-15 is amended by revising paragraphs (b) (1), (b) (7), (c) (1), and (c) (6) to read as follows:

§ 111.35-15 *Ship's service generator and distribution switchboards.* * * *

(b) *Equipment for direct-current switchboard.* * * *

(1) An unfused generator switch or links which will completely disconnect the generator and its circuit breaker from the bus, except when the generator circuit breaker is of the draw-out type.

* * * * *

(7) Adequate means for ground detection for power and lighting systems. For 3-wire generators see subparagraph (2) of this paragraph. Where the distribution system is isolated electrically into several parts by motor-generator sets or transformers, ground detection shall be provided for each part of the distribution system at the ship's service switchboard. Where ground lamps are supplied for ground detection, a normally closed spring-return-to-normal switch shall be provided in the ground connection. Ground detector lamps shall be either clear (not inside frosted) medium base unobstructed lamps of a rating not less than 25 watts operating at approximately one-half voltage in the absence of grounds, or lamps of a size, type, and rating approved by the Commandant as equally effective.

(c) *Equipment for alternating-current switchboards.* * * *

(1) An unfused generator switch or links which will completely disconnect the generator and its circuit breaker from the bus, except when the generator circuit breaker is of the draw-out type.

* * * * *

(6) An indicating watt-meter for each generator arranged for parallel operation.

3. Section 111.35-30 (a) is amended to read as follows:

§ 111.35-30 *Tests for switchboards and propulsion controls.* (a) Switchboards and propulsion control apparatus shall be capable of meeting the test requirements of section 35, American Bureau of Shipping Rules for the Classification and Construction of Steel Vessels.

SUBPART 111.40—DISTRIBUTION PANELBOARDS (SWITCHBOARD AND PANELBOARD TYPES)

Section 111.40-1 (g) is amended to read as follows:

§ 111.40-1 *General requirements.* * * *

(g) *Overcurrent protection of and number of overcurrent devices on one panelboard.* Not more than 60 overcurrent devices of a lighting or appliance branch circuit panelboard shall be installed in any one cabinet. Panelboards supplying lighting and appliance branch circuits and panelboards having switching devices rated at 50 amperes or less shall have overcurrent protection not in excess of 200 amperes.

SUBPART 111.45—MOTOR CIRCUITS AND CONTROLLERS

§ 111.45-5 *Motor overcurrent protection.* * * *

1. Section 111.45-5 (c) is amended to read as follows:

(c) *Continuous duty motors, one horsepower or less, manually started.* Any motor of one horsepower or less which is portable, is manually started, and is within sight from the starter location, shall be considered as protected against overcurrent by the overcurrent device protecting the conductors of the branch circuit. This branch circuit overcurrent device shall not be larger than that specified by Table 111.45-20 (b3), except that any such motor may be used at 125 volts or less on a branch circuit protected at 20 amperes. Any such motor which is out of sight from the starter location and any such motor which is not portable, shall be protected as specified in paragraph (d) of this section for automatically started motors.

2. Section 111.45-10 *Remote-control, electrical interlock, and indicator circuits* is corrected in paragraph (e) by changing the phrase "source or potential" to "source of potential" in the first sentence.

3. Section 111.45-15 is amended to read as follows:

§ 111.45-15 *Heater circuits.* (a) Where motors or controllers or both are fitted with electric heaters located inside the enclosures and energized from a separate circuit, the heater circuits shall be disconnected in the same manner as required for control, interlock, and generator circuits in § 111.45-10 (e) (2).

4. Section 111.45–20 (b) is amended by revising Table 111.45–20 (b3) to read as follows:

§ 111.45–20 *Motor-branch-circuit overcurrent protection.*

(b) *Rating or setting for individual motors.* * * *

TABLE 111.45–20 (b3)—CONDUCTOR SIZE AND OVERCURRENT PROTECTION FOR MOTORS

Full-load current rating of motor in amperes	Minimum size conductor AWG and MCM									For running protection of motors (amperes) [1]		Maximum allowable rating or setting of branch circuit protective devices (amperes) [1]							
	1-conductor			2-conductor			3-conductor					With code letters F to V, inclusive, or without code letters: Single-phase and squirrel cage and synchronous, full voltage, resistor and reactor starting		With code letters B to E, inclusive: Single-phase and squirrel cage and synchronous, full voltage resistor or reactor starting. With code letters F to V, inclusive: Auto-transformer starting. Without code letters: Squirrel cage and synchronous, auto-transformer starting; high reactance squirrel cage.[3] (Both not more than 30 amperes)		With code letters B to E, inclusive: Squirrel cage and synchronous, auto-transformer, starting. Without code letters: Squirrel cage and synchronous, auto-transformer starting; high reactance squirrel cage.[3] (Both more than 30 amperes)		With code letter A: All motors. Without code letters: Direct-current and wound rotor motors	
	R	VC	AVC	R	VC	AVC	R	VC	AVC	Maximum rating of nonadjustable protective devices	Maximum setting of adjustable protective devices	Fuses	Circuit breakers (non-adjustable trip)	Fuses	Circuit breakers (non-adjustable trip)	Fuses	Circuit breakers (non-adjustable trip)	Fuses	Circuit breakers (non-adjustable trip)
[4] 1	14	12	14	14	12	14	14	12	14	[5] 2	[5] 1.25	15	15	15	15	15	15	15	15
[4] 2	14	12	14	14	12	14	14	12	14	[5] 3	[5] 2.50	15	15	15	15	15	15	15	15
[4] 3	14	12	14	14	12	14	14	12	14	[5] 4	[5] 3.75	15	15	15	15	15	15	15	15
[4] 4	14	12	14	14	12	14	14	12	14	[5] 6	[5] 5.040	15	15	15	15	15	15	15	15
[4] 5	14	12	14	14	12	14	14	12	14	[5] 8	[5] 6.25	15	15	15	15	15	15	15	15
[4] 6	14	12	14	14	12	14	14	12	14	[5] 8	[5] 7.50	20	15	15	15	15	15	15	15
7	14	12	14	14	12	14	14	12	14	[5] 10	[5] 8.75	25	20	20	15	15	15	15	15
8	14	12	14	14	12	14	14	12	14	[5] 10	[5] 10.00	25	20	20	20	20	20	15	15
9	14	12	14	14	12	14	14	12	14	[5] 12	[5] 11.25	30	30	25	20	20	20	15	15
10	14	12	14	14	12	14	14	12	14	[5] 15	[5] 12.50	30	30	25	20	20	20	15	15
11	14	12	14	14	12	14	14	12	14	[5] 15	[5] 13.75	35	30	30	30	25	30	20	20
12	14	12	14	14	12	14	14	12	14	15	15.00	40	30	30	30	25	30	20	20
13	12	12	14	12	12	14	12	12	14	20	16.25	40	40	35	30	30	30	20	20
14	12	12	14	12	12	14	12	12	12	20	17.50	45	40	35	30	30	30	25	30
15	12	12	14	12	12	14	12	12	12	20	18.75	45	40	40	30	30	30	25	30
16	12	12	14	12	12	12	12	12	12	20	20.00	50	40	40	40	35	40	25	30
17	12	12	12	12	12	12	10	12	12	25	21.25	60	50	45	40	35	40	30	30
18	12	12	12	10	12	12	10	12	12	25	22.50	60	50	45	40	40	40	30	30
19	12	12	12	10	12	12	10	10	12	25	23.75	60	50	50	40	40	40	30	30
20	10	12	12	10	12	12	10	10	12	25	25.00	60	50	50	40	40	40	30	30
22	10	12	12	10	10	12	10	10	10	30	27.50	70	70	60	50	45	50	35	40
24	10	12	12	10	10	12	8	10	10	30	30.00	80	70	60	50	50	50	40	40
26	10	10	12	8	10	10	8	10	10	35	32.50	80	70	70	70	60	70	40	40
28	8	10	12	8	10	10	8	8	10	35	35.00	90	70	70	70	60	70	45	50
30	8	10	10	8	10	10	8	8	10	40	37.50	90	100	80	70	60	70	45	50
32	8	10	10	8	10	10	7	8	8	40	40.00	100	100	80	70	70	70	50	50
34	8	10	10	7	8	10	7	8	8	45	42.50	110	100	90	70	70	70	60	70
36	8	10	10	7	8	10	6	8	8	45	45.00	110	100	90	100	80	100	60	70
38	7	10	10	7	8	8	6	7	8	50	47.50	125	100	100	100	80	100	60	70
40	7	8	10	6	8	8	5	7	8	50	50.00	125	100	100	100	80	100	60	70
42	7	8	10	6	8	8	5	6	7	50	52.50	125	125	110	100	90	100	70	70
44	6	8	8	6	8	8	5	6	7	60	55.00	125	125	110	100	90	100	70	70
46	6	8	8	5	7	8	4	6	6	60	57.50	150	125	125	100	100	100	70	70
48	6	8	8	5	7	8	4	6	6	60	60.00	150	125	125	100	100	100	80	100
50	6	8	8	5	7	7	4	5	6	60	62.50	150	125	125	100	100	100	80	100
52	5	8	8	4	6	7	4	5	6	70	65.00	175	150	150	125	110	125	80	100
54	5	7	8	4	6	7	3	5	5	70	67.50	175	150	150	125	110	125	90	100
56	5	7	8	4	6	7	3	5	5	70	70.00	175	150	150	125	125	125	90	100
58	4	7	8	4	6	6	3	4	5	70	72.50	175	150	150	125	125	125	90	100
60	4	6	7	3	5	6	3	4	5	80	75.00	200	150	150	125	125	125	90	100
62	4	6	7	3	5	6	2	4	5	80	77.50	200	175	175	125	125	125	100	100
64	4	6	7	3	5	6	2	4	4	80	80.00	200	175	175	150	150	150	100	100
66	4	6	6	3	5	5	2	3	4	80	82.50	200	175	175	150	150	150	110	125
68	4	6	6	3	5	5	2	3	4	90	85.00	225	175	175	150	150	150	110	125
70	3	5	6	2	4	5	1	3	4	90	87.50	225	175	175	150	150	150	110	125
72	3	5	6	2	4	5	1	3	3	90	90.00	225	200	200	150	150	150	125	125
74	3	5	6	2	4	5	1	2	3	100	92.50	225	200	200	150	150	150	125	125
76	3	5	6	2	4	5	1	2	3	100	95.00	250	200	200	175	175	175	125	125
78	3	5	5	1	3	4	1	2	3	100	97.50	250	200	200	175	175	175	125	125
80	2	4	5	1	3	4	0	2	3	100	100.00	250	200	200	175	175	175	125	125
82	2	4	5	1	3	4	0	2	2	110	102.5	250	225	225	175	175	175	150	150
84	2	4	5	1	3	4	0	2	2	110	105.0	250	225	225	175	175	175	150	150
86	2	4	5	1	3	4	0	1	2	110	107.5	300	225	225	175	175	175	150	150
88	2	4	5	1	3	3	0	1	2	110	110.0	300	225	225	200	200	200	150	150
90	2	4	4	0	2	3	0	1	2	110	112.5	300	225	225	200	200	200	150	150
92	2	3	4	0	2	3	00	1	2	125	115.0	300	250	250	200	200	200	150	150
94	1	3	4	0	2	3	00	1	2	125	117.5	300	250	250	200	200	200	150	150
96	1	3	4	0	2	3	00	1	1	125	120.0	300	250	250	200	200	200	150	150
98	1	3	4	0	2	3	00	1	1	125	122.5	300	250	250	200	200	200	150	150
100	1	3	4	0	2	2	00	0	1	125	125.0	300	250	250	200	200	200	150	175
105	1	2	3	00	1	2	000	0	1	150	131.5	350	300	300	225	225	225	175	175
110	0	2	3	00	1	2	000	0	0	150	137.5	350	300	300	225	225	225	175	175
115	0	2	3	00	1	1	000	00	0	150	144.0	350	300	300	250	250	250	200	200
120	0	2	2	000	0	1	4/0	00	0	150	150.0	400	300	300	250	250	250	200	200
125	00	1	2	000	0	1	4/0	00	0	175	156.5	400	350	350	250	250	250	200	200
130	00	1	2	000	0	1	4/0	00	00	175	162.5	400	350	350	300	300	300	200	200

See footnotes at end of table.

TABLE 111.45-20 (b3)—CONDUCTOR SIZE AND OVERCURRENT PROTECTION FOR MOTORS—Continued

Full-load current rating of motor in amperes	Minimum size conductor AWG and MCM									For running protection of motors (amperes) [1]		Maximum allowable rating or setting of branch circuit protective devices (amperes) [2]							
	1-conductor			2-conductor			3-conductor					With code letters F to V, inclusive, or without code letters: Single-phase and squirrel cage and synchronous, full voltage, resistor and reactor starting		With code letters B to E, inclusive: Single-phase and squirrel cage and synchronous, full voltage resistor or reactor starting. With code letters F to V, inclusive: Auto-transformer starting. Without code letters: Squirrel cage and synchronous, auto-transformer starting; high reactance squirrel cage.[3] (Both not more than 30 amperes)		With code letters B to E, inclusive: Squirrel cage and synchronous, auto-transformer, starting. Without code letters: Squirrel cage and synchronous, auto-transformer starting; high reactance squirrel cage.[3] (Both more than 30 amperes)		With code letter A: All motors. Without code letters: Direct-current and wound rotor motors	
	R	VC	AVC	R	VC	AVC	R	VC	AVC	Maximum rating of nonadjustable protective devices	Maximum setting of adjustable protective devices	Fuses	Circuit breakers (non-adjustable trip)	Fuses	Circuit breakers (non-adjustable trip)	Fuses	Circuit breakers (non-adjustable trip)	Fuses	Circuit breakers (non-adjustable trip)
135	00	1	2	4/0	0	0	4/0	000	00	175	169.0	450	350	350	300	300	300	225	225
140	00	1	1	4/0	00	0	250	000	00	175	175.0	450	350	350	300	300	300	225	225
145	000	0	1	4/0	00	0	250	000	00	200	181.5	450	400	400	300	300	300	225	225
150	000	0	1	4/0	00	0	300	000	000	200	187.5	450	400	400	300	300	300	225	225
155	000	0	1	4/0	00	00	300	4/0	000	200	194.0	500	400	400	350	350	350	250	250
160	000	0	0	250	000	00	300	4/0	000	200	200.0	500	400	400	350	350	350	250	250
165	000	0	0	250	000	00	300	4/0	000	225	206	500	500	450	350	350	350	250	250
170	4/0	00	0	250	000	00	350	4/0	4/0	225	213	500	500	450	350	350	350	300	300
175	4/0	00	0	300	000	000	350	250	4/0	225	219	600	500	450	350	350	350	300	300
180	4/0	00	0	300	4/0	000	350	250	4/0	225	225	600	500	450	400	400	400	300	300
185	4/0	00	00	300	4/0	000	350	250	4/0	250	231	600	500	500	400	400	400	300	300
190	4/0	00	00	300	4/0	000	400	250	4/0	250	238	600	500	500	400	400	400	300	300
195	250	000	00	350	4/0	000	400	300	250	250	244	600	500	500	400	400	400	300	300
200	250	000	00	350	4/0	4/0	450	300	250	250	250	600	500	500	400	400	400	300	300
210	250	000	00	350	250	4/0	450	300	250	250	263	----------	600	600	500	450	500	350	350
220	300	4/0	000	400	250	4/0	500	350	300	300	275	----------	600	600	500	450	500	350	350
230	300	4/0	000	450	300	250	550	350	300	300	288	----------	600	600	500	500	500	350	350
240	300	4/0	000	450	300	250	550	400	350	300	300	----------	600	600	500	500	500	400	400
250	350	250	4/0	500	300	250	600	400	350	300	313	----------	----------	----------	500	500	500	400	400
260	350	250	4/0	500	350	300	650	450	350	350	325	----------	----------	----------	600	600	600	400	400
270	350	250	4/0	550	350	300	650	450	400	350	338	----------	----------	----------	600	600	600	450	500
280	400	250	250	600	350	300	------	500	400	350	350	----------	----------	----------	600	600	600	450	500
290	400	300	250	600	400	350	------	500	450	350	363	----------	----------	----------	600	600	600	450	500
300	450	300	250	650	400	350	------	550	450	400	375	----------	----------	----------	600	600	600	450	500
320	500	350	300	------	450	400	------	600	500	400	400	----------	----------	----------	----------	----------	----------	500	500
340	550	350	300	------	500	450	------	650	550	450	425	----------	----------	----------	----------	----------	----------	600	600
360	600	400	350	------	550	450	------	------	600	480	450	----------	----------	----------	----------	----------	----------	600	600
380	650	450	350	------	600	500	------	------	650	500	475	----------	----------	----------	----------	----------	----------	600	600
400	700	450	400	------	650	550	------	------	------	500	500	----------	----------	----------	----------	----------	----------	600	600
420	750	500	450	------	------	600	------	------	------	600	525	----------	----------	----------	----------	----------	----------	----------	----------
440	800	550	450	------	------	650	------	------	------	600	550	----------	----------	----------	----------	----------	----------	----------	----------
460	850	600	500	------	------	------	------	------	------	600	575	----------	----------	----------	----------	----------	----------	----------	----------
480	950	650	550	------	------	------	------	------	------	600	600	----------	----------	----------	----------	----------	----------	----------	----------
500	1,000	650	550	------	------	------	------	------	------	----------	625	----------	----------	----------	----------	----------	----------	----------	----------

[1] Values may be modified as permitted by § 111.45-5.
[2] Values may be modified as permitted by § 111.45-20.
[3] High-reactance squirrel-cage motors are those designed to limit the starting current by means of deep-slot secondaries or double-wound secondaries and are generally started on full voltage.
[4] For the grouping of small motors under the protection of a single set of fuses, see § 111.45-20 (c).
[5] For running protection of motors of 1 horsepower or less, see § 111.45-5 (c).

5. Section 111.45-40 (a) is amended to read as follows:

§ 111.45-40 *Group control panels*—(a) *General.* The provisions in this section are in addition to and amendatory of the other provisions of this subpart and are applicable to two or more motor controllers grouped into a motor control center and supplied by a common feeder. The provisions of this paragraph are not applicable to the controllers for two or more motors driving several parts of a single machine or piece of apparatus when the controllers are grouped or installed in a single enclosure.

SUBPART 111.50—DISTRIBUTION AND CIRCUIT LOADS

1. Section 111.50-5 (c) is amended to read as follows:

§ 111.50-5 *Ship's service power circuits.* * * *

(c) *Ventilation systems.* Cargo ventilation fans, machinery spaces ventilation fans, and accommodation ventilation fans shall, if practicable, be supplied by separate feeders. All electrical ventilation systems shall be provided with remote control means for stopping the motors in case of fire or other emergency. For the machinery space ventilation, there shall be provided a control located in the passageway leading to, but outside of, the space. For all other ventilation systems there shall be provided two emergency stop stations. One of these stations shall be in the wheelhouse, fire control room, the inside passageway near the wheelhouse door, or in an accessible position in the passageway leading to, but outside of, the space ventilated. The second emergency stop station shall be located as distant as practicable from the other, except that the ventilation circuit breakers at the main ship's service switchboard may be considered as the second station provided all are grouped together and are conspicuously marked "In Case of Fire Trip To Stop Ventilation." The means provided for stopping ventilation fans from the main ship's service switchboard shall not interfere with power to other circuits. The remote emergency stop stations shall be protected by enclosures with glass paneled doors on the front of which shall be marked "In Case of Fire Break Glass and Operate Switch to Stop Ventilation." Each control switch shall have the "stop" position clearly identified and shall be provided with a nameplate identifying the system with which it is associated. This remote control system shall be of the undervoltage protection type and so arranged that damage to the master switch or cable will automatically stop the fans. For automatic shutdown of mechanical

ventilation in spaces protected by a carbon dioxide fire extinguishing system, see Part 34 of Subchapter D (Tank Vessels), Part 76 of Subchapter H (Passenger Vessels), and Part 95 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

(1) The requirements of this paragraph shall not be construed to include a closed ventilation system for a motor or generator, diffuser fans for refrigerated spaces, room circulating fans, or exhaust fans for private toilets of an electrical rating comparable to that of room circulating fans.

2. Section 111.50-15 (a) (4) is amended to read as follows:

§ 111.50-15 *Light branch circuits and lighting requirements*—(a) *General requirements, branch circuits.* * * *

(4) *Signaling lamp circuit.* A separate branch circuit shall be provided to supply the signaling lamp(s) required by Subpart 113.60 of Part 113 of this subchapter. The branch circuit shall be supplied either from the emergency lighting panel required by subparagraph (d) (2) or from the final emergency source of emergency lighting and power as provided for in § 112.15-5 (h) of this subchapter, or from a source as approved in the case of vessels not fitted with an emergency lighting and power system.

3. Section 111.50-20 is amended by revising Table 111.50-20 (a) in paragraph (a) and paragraph (c) (2) to read as follows:

§ 111.50-20 *Circuit loads and demand factors*—(a) *General.* * * *

TABLE 111.50-20 (a)—DEMAND LOADS

Type of circuit	Demand load
Generator cables	125 percent of continuous generator rating.
Switchboard bus-tie, except ship's service to emergency switchboard bus-tie.	75 percent of generating capacity of the larger switchboard.
Emergency switchboard bus-tie.	125 percent of continuous rating of emergency generator.
Feeder supplying two or more motors.	125 percent of the rating of the largest motor plus 100 percent of the sum of the ratings of all other motors supplied and including 50 percent of the rating of the spare switches or circuit breakers on the distribution panel.[1]
Feeder supplying two or more cargo winch motors arranged for the "Burtoning" method of cargo handling.	125 percent of the rating of the largest motor plus 35 percent of the sum of the ratings of all other motors supplied.[1]
Feeder supplying two or more 'tween deck cargo winch motors, cargo elevator motors, or cargo cranes.	125 percent of the rating of the largest motor plus 50 percent of the sum of the ratings of all other motors supplied.
Galley equipment feeder.	100 percent of either the first 50 KW or one-half the connected load, whichever is the larger, plus 65 percent of the remaining connected load, plus 50 percent of the rating of the spare switches or circuit breakers on the distribution panel.
Lighting feeder	100 percent of the connected load plus the average active circuit load for the spare switches or circuit breakers on the distribution panels.

[1] Where a large number of motors are supplied from one feeder and the character of the load is such that not all motors will be operated simultaneously, a smaller demand load may be approved.

TABLE 111.50-20 (a)—DEMAND LOADS—CON.

Type of circuit	Demand load
Grounded neutral of a dual voltage feeder.	100 percent of the capacity of the ungrounded conductors when grounded neutral is not protected by a circuit breaker overcurrent trip, or not less than 50 percent of the capacity of the ungrounded conductors when the grounded neutral is protected by a circuit breaker overcurrent trip.

* * * * *

(c) *Lighting branch circuits.* * * *

(2) *Maximum load.* The connected load on a lighting branch circuit shall not exceed 880 watts, computed on the basis of the lamp sizes to be installed, but in no case less than 50 watts per outlet unless the design of the fixture precludes the possibility of installing lamps of a higher wattage than those originally installed. Circuits supplying electric discharge type lamp shall be computed on the basis of ballast input current. Receptacle outlets provided for the convenience of passengers or crew to which no ship's service apparatus, such as room fans, desk lamps, table lamps, etc. will be connected, need not be counted as a connected load.

SUBPART 111.55—OVERCURRENT PROTECTION

1. Section 111.55-1 is amended by revising paragraphs (b) (8) and (g) (2) to read as follows:

§ 111.55-1 *Installation of overcurrent protective devices.* * * *

(b) *Overcurrent protection of conductors.* * * *

(8) *Lighting branch circuits.* Lighting branch circuits shall be protected against overcurrent either by fuses rated at not more than 10 amperes or by circuit breakers rated or set at not more than 15 amperes, except that 20-ampere lighting branch circuits complying with the provisions of § 111.50-20 (c) (3) may be protected by overcurrent devices rated or set at not more than 20 amperes, and 30-ampere lighting branch circuits complying with the provisions of § 111.50-20 (c) (4) may be protected by overcurrent devices rated or set at not more than 30 amperes, and low voltage lighting branch circuits may be protected in accordance with § 111.50-20 (e).

* * * * *

(g) *Protection of ship's service generators.* * * *

(2) *Generator circuits for parallel operation.* Each direct-current generator arranged for parallel operation shall be provided with a reverse current device. Each alternating-current generator arranged for parallel operation shall be provided with a reverse power relay.

2. Section 111.55-10 (c) is amended to read as follows:

§ 111.55-10 *Enclosures of overcurrent protective devices.* * * *

(c) *Disconnection of fuses and thermal cutouts.* Disconnecting means shall be provided on the supply side of and adjacent to all cartridge fuses or thermal cutouts so that each individual circuit containing fuses or thermal cutouts can be independently disconnected from the source of electrical energy except as indicated in this paragraph.

3. Section 111.55-20 (a) is amended to read as follows:

§ 111.55-20 *Interrupting rating of fuses and circuit breakers*—(a) *General.* Any circuit breaker or fuse installed at a point in the circuit where the maximum possible short-circuit current exceeds its interrupting rating shall be backed up by either, a circuit breaker of adequate interrupting rating with an instantaneous trip setting not more than 90 percent of the interrupting rating of the device protected, or by a suitable current limiting fuse. The back-up breaker or fuse nearest the source of power shall have an interrupting rating not less than the maximum short-circuit current available at the point where it is installed.

(1) *Current limiting fuses.* If a fuse is used as a back-up device, its selection and application shall be governed by the following design parameters:

(i) The maximum fuse rating shall be selected which will give adequate protection, on fault currents, to the device it backs up. In no case shall the device being backed up be called upon to interrupt fault currents in excess of 90 percent of its interrupting rating.

(ii) Fault currents cleared by the device backed up shall not cause damage or any change in the time-current characteristics of the current limiting fuse.

(iii) Fuses should be so applied that single phase operation of any three-phase connected motor will be precluded.

(2) *Fused circuit breakers.* Fused circuit breakers with fuses connected to the load side may be used for back-up service provided the fuses and circuit breakers are of coordinated design so that arc restrike in the circuit breaker cannot occur when a fuse blows.

SUBPART 111.60—WIRING METHODS AND MATERIALS

1. Section 111.60-1 is amended by revising paragraph (b) (1) (ii) and paragraph (d) (5) to read as follows:

§ 111.60-1 *Electric cable.* * * *

(b) *Construction.* * * *

(1) *Classes of cables.* * * *

(ii) Interior communication and telephone cable;

* * * * *

(d) *Cable applications.* * * *

(5) *Interior communication and telephone cable.* Cable for interior communication apparatus operating on potentials not exceeding 300 volts shall be either interior communication cable, telephone cable, or power and lighting cable of the types described in this subpart.

2. Section 111.60-5 (b) is amended by revising footnote 2 in Table 111.60-5 (b) (referred to in the seventh column) to read as follows:

§ 111.60-5 *Portable electric cord and fixture wire.* * * *

(b) *Application, portable cords.* * * *

TABLE 111.60-5 (b)—PORTABLE CORDS

[1] The temperature limit indicated applies only to the individual conductors where the cord is employed within an appliance. The temperature limit on the jacket of Type HS rubber-jacketed heater cord and Type AFS or AFSJ rubber-jacketed heat-resistant cord is limited to 75° C. The temperature limit on the jacket of Type HSJ rubber-jacketed heater cord is limited to 60° C. unless the jacket is marked by means of indent printing or indelible-ink printing at intervals of two feet or less with the value "75° C."

3. Section 111.60-20 is amended by revising the text of paragraph (b) (but not the Table 111.60-20 (b)), and paragraph (e) to read as follows:

§ 111.60-20 *Outlet boxes.* * * *

(b) *Size.* Outlet boxes shall have an internal depth of at least 1½ inches, except that when an outlet box is incorporated in a fixture the depth may be decreased to not less than 1 inch provided the outlet box volume is not less than 20 cubic inches. The free space within an outlet box for each conductor, not counting fixture wires, shall be not less than that given in Table 111.60-20 (b). Table 111.60-20 (b) applies where no fitting or devices, such as cable clamps, hickeys, switches or receptacles are contained in the box. Where one or more such devices are contained in the box, each such device shall count as one conductor. Each conductor terminated in the box is counted as one conductor.

* * * * *

(e) *Penetration of walls.* Holes in the walls of watertight outlet boxes for the purpose of providing means for the attachment of parts on the exterior or interior thereof, or for securing the cover and the like, shall not penetrate the total thickness of the box wall.

4. Subpart 111.60 is amended by inserting a new section to follow § 111.60-25, reading as follows:

§ 111.60-26 *Shore connection boxes.* (a) Shore connection boxes shall be of ample size to accommodate the connections of the portable and fixed cables, and shall be of watertight construction when installed in damp or wet locations.

(b) Shore connection boxes for installation in corrosive locations shall not be constructed of sheet metal unless the conditions of § 111.60-25 (b) (4) (i), (ii), or (iii) are met.

(c) The minimum spacing between live parts and between live parts and ground in shore connection boxes shall meet the requirements of Table 111.35-5 (d). Means other than friction between parts shall be provided to prevent cable lugs from rotating.

(d) Shore connection boxes shall be arranged for bottom entrance of portable cable and shall provide a protected enclosure while in use.

5. Section 111.60-35 (g) (6) is amended to read as follows:

§ 111.60-35 *Lighting fixtures.* * * *

(g) *Special provisions for electric-discharge-lamp fixtures.* * * *

(6) Electric discharge lamps having a length exceeding 40 inches shall be provided with supplementary supporting clamps or other means to prevent drop-out due to vibration.

SUBPART 111.70—SPECIAL REQUIREMENTS FOR TANK VESSELS

1. Section 111.70-10 is amended by revising paragraphs (b) (4), (c) (1), and (c) (3), to read as follows:

§ 111.70-10 *Special requirements for tank vessels contracted for on or after November 19, 1955—TB/ALL.* * * *

(b) *General.* * * *

(4) *Portable equipment.* Illumination may be obtained in any compartment by the use of approved explosion-proof, self-contained, battery-fed lamps. Otherwise, no portable electrical equipment of any type shall be used in bulk cargo tanks, fuel oil tanks, cargo pump rooms, or enclosed spaces immediately above or adjacent to bulk cargo tanks unless all the following conditions are met:

(i) The compartment itself is gas-free;

(ii) The compartments adjacent and diagonally adjacent are either (*a*) gas-free, (*b*) inerted, (*c*) filled with water, (*d*) contain Grade E liquid and are closed and secured, or (*e*) are spaces in which inflammable vapors and gases normally are not expected to accumulate; and

(iii) All other compartments of the vessel in which inflammable vapors and gases normally may be expected to accumulate are closed and secured.

* * * * *

(c) *Installation requirements on tank vessels handling Grade A, B, C, or D liquid cargo.* * * *

(1) *Lighting of cargo pump rooms.* (i) Except as otherwise permitted by subdivision (ii) of this subparagraph, cargo pump rooms shall be lighted through permanently fixed glass lenses fitted in the bulkhead and/or overhead. Each fixed glass lens shall be of rugged construction and arranged to maintain the watertight and gastight integrity of the structure. The fixed glass lens may form a part of a lighting fixture provided that all of the following conditions are complied with: (*a*) No means of access to the interior of the fixture from the pump room is provided; (*b*) The fixture is vented to the engine room or a similar non-hazardous area; (*c*) The fixture is wired from outside the pump room; and (*d*) The maximum observable temperature on the pump room surface of the glass lens based on an ambient temperature of 40° C. shall not exceed 180° C. (ii) Where the location of a cargo pump room does not permit the lighting arrangement of subdivision (i) of this subparagraph, or where the lighting arrangement of subdivision (i) of this subparagraph, if used, would not provide the required illumination, approved explosion-proof lighting fixtures may be installed. Specific approval by the Commandant is required for the installation of approved explosion-proof lights, associated wiring and accessories.

* * * * *

(3) *Cable.* Through runs of electric cable, regardless of how they may be protected, are prohibited in cargo pump rooms. In any enclosed space immediately above or adjacent to cargo tanks other than cargo pump rooms, through runs of electric cable are permitted.

2. Section 111.70-90 is amended by revising paragraphs (a) (11) and (b) (3) to read as follows:

§ 111.70-90 *Special requirements for tank vessels constructed prior to November 19, 1955—TB/ALL*—(a) *General installation requirement for tank vessels construction or conversion of which was started on or after November 10, 1936, but prior to November 19, 1955.* * * *

(11) *Portable equipment.* When the vessel is not gas free, no portable electrical equipment shall be used in the cargo or fuel oil tanks, the cargo pump rooms or any enclosed space immediately above or adjacent to the bulk cargo tanks, except as permitted by § 111.70-10 (b) (4).

* * * * *

(b) *Cargo pump rooms and enclosed spaces of tank vessels constructed on or after July 1, 1951, but prior to November 19, 1955.* * * *

(3) *Lighting.* Lighting of pump rooms or the enclosed spaces immediately above the bulk cargo tanks shall be effected by means of approved explosion-proof or magazine type lighting fixtures. When the vessel is not gas free no portable lighting equipment shall be used except as permitted by § 111.70-10 (b) (4).

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4426, 4427, 4433, 4453, as amended, sec. 14, 29 Stat. 690, sec. 10, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1384, 1544, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 392, 399, 404, 405, 411, 435, 366, 395, 363, 369, 367, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 112—EMERGENCY LIGHTING AND POWER SYSTEM

SUBPART 112.05—GENERAL REQUIREMENTS

1. Section 112.05–1 (a) is amended by revising Table 112.05–1 (a) to read as follows:

§ 112.05–1 *Source of power.* (a) * * *

TABLE 112.05–1 (a)

Size of vessel and service	Type of types of emergency source of power	Period of operation and minimum capacity of emergency source of power
Passenger vessels over 65 feet in length		
Ocean and Coastwise, 1,600 g. t. and over, and any passenger vessel, regardless of tonnage or service, where electric power-operated water-tight doors are required.	Storage battery with automatic transfer gear for temporary source, and supplemented by diesel generator with automatic starting and transfer gear for final source.	½ hour. 36 hours.
Ocean and Coastwise, over 15 g. t. but less than 1,600 g. t.[1]	Storage battery with automatic transfer gear or diesel generator with automatic starting and transfer gear.	36 hours or twice the time of run, whichever is the smaller.
Other than Ocean and Coastwise, 100 g. t. and over, but less than 1,600 g. t.	Storage battery with automatic transfer gear or diesel generator with automatic starting and transfer gear.	8 hours or twice the time of run, whichever is the smaller.
Other than Ocean and Coastwise, over 15 g. t, but less than 100 g. t.[1]	Storage battery or diesel generator with automatic or manual operation.[2]	8 hours or twice the time of run, whichever is the smaller.
Cargo and miscellaneous self-propelled vessels and tank ships; barges with sleeping accommodations for more than 6 persons[3]		
All waters, 1,600 g. t. and over	Storage battery or diesel generator, automatic or manual operation.	12 hours.
All waters, 300 g. t. and over, but less than 1,600 g. t.	Storage battery or diesel generator, automatic or manual operation, or approved relay-controlled battery-operated lanterns.	12 hours or twice the time of run, whichever is the smaller.[4]

[1] See also § 112.05–15.
[2] See also §§ 112.35–1 and 112.35–5.
[3] Applicable to barges contracted for on or after November 19, 1958.
[4] Minimum period of operation of relay-controlled, battery-operated lanterns may be less than 12 hours but not less than 6 hours.

2. Section 112.05–5 is amended by adding a new paragraph (c), reading as follows:

§ 112.05–5 *Emergency source of supply.* * * *

(c) (1) The provisions of this paragraph shall apply to all vessels contracted for on or after October 1, 1958.

(2) When a compartment containing the emergency source of electric power, or vital components thereof, adjoins a space containing either the ship's service generators or machinery necessary for the operation of the ship's service generators, all common bulkheads and/or decks shall be protected by approved "structural insulation" or other approved material. This protection shall be such as to be capable of preventing an excessive temperature rise in the space containing the emergency source of electric power, or vital components thereof, for a period of at least one hour in the event of fire in the adjoining space. Bulkheads or decks meeting Class A–60 requirements, as defined by § 72.05–10 of Subchapter H (Passenger Vessels) of this chapter, will be considered as meeting the requirements of this paragraph.

(3) Cable runs from the emergency switchboard supplying vital services in case of a casualty to the ship's service generating plant shall be located so as not to be damaged as a result of the casualty to the ship's service generating plant.

3. Section 112.05–10 (b) is amended to read as follows:

§ 112.05–10 *Emergency lights.* * * *

(b) Emergency lights for the illumination of boats and embarkation decks, lifeboat launching gear, wheelhouse, chart room, and navigating instruments need not be continuously lighted and, except as provided otherwise in this paragraph, shall be controlled by switches located in the wheelhouse.

(1) On "island type" vessels, such as tankers and Great Lakes' bulk freighters, lighting for illumination of lifeboats, launching gear and embarkation areas remote from the wheelhouse island may be controlled from a central location within the island involved in lieu of from the wheelhouse.

SUBPART 112.35—OPERATION OF A MANUALLY CONTROLLED EMERGENCY SYSTEM HAVING A STORAGE BATTERY OR A DIESEL-ENGINE-DRIVEN GENERATOR AS THE SOLE SOURCE OF EMERGENCY LIGHTING AND POWER

Section 112.35–5 (a) is amended to read as follows:

§ 112.35–5 *Means for starting.* (a) The starting means shall be located in the wheelhouse or so as to be under the control of the chief engineer.

SUBPART 112.50—EMERGENCY DIESEL-ENGINE-DRIVEN GENERATOR SETS

Section 112.50–1 is amended to read as follows:

§ 112.50–1 *General requirements.* (a) The diesel engine of the generator set shall be complete with all accessories necessary for operation and protection of the engine, shall have a self-contained cooling system of size to assure continuous engine operation using 100° F. air, and the fuel used shall have a flash point of not less than 110° F. The room in which the set is located shall be provided with suitable intake and exhaust ducts to supply adequate cooling air. The diesel engine as installed shall be without starting aid except that a thermostatically controlled electric water jacket heater, connected to the final emergency bus, may be employed. The diesel engine as installed shall be capable of carrying its full rated load within 20 seconds after cranking is initiated with the intake air, room ambient, and starting battery all at a temperature of 32° F. The diesel engine shall be electric starting unless otherwise approved, and the starting battery shall be of sufficient capacity to provide six consecutive cycles of cranking, each cycle to consist of approximately one-half minute of cranking at a speed recommended by manufacturer followed by approximately one minute of battery rest, with the intake air, room ambient, and starting battery at a temperature of 32° F. At the end of the sixth cycle of cranking, the battery voltage shall be not less than 50 percent of nominal voltage. The diesel-engine-driven generator set shall lubricate and operate satisfactorily when permanently inclined to an angle of 22½ degrees athwartship and 10 degrees fore and aft, and shall be arranged so that it will not spill oil under a vessel roll of 30 degrees each side of the vertical. Units depending on forced lubrication shall be provided with an audible alarm device to sound on loss of oil pressure while running.

(b) Hydraulic means of starting the diesel engine will be considered equally acceptable to the electric means described in paragraph (a) provided all the following conditions are met:

(1) The hydraulic cranking device shall be a self-contained system which will provide the required cranking forces and engine starting RPM as recommended by engine manufacturer.

(2) Electrically operated means shall automatically provide and maintain the stored hydraulic pressure within the predetermined pressure limits.

(3) The means of automatically maintaining the hydraulic system within the predetermined pressure limits shall be energized from the final emergency bus.

(4) Means shall be provided to manually recharge the hydraulic system.

(5) Charging of the hydraulic cranking system shall not create an absence of hydraulic power for engine starting at any time.

(6) The capacity of the hydraulic cranking system shall provide not less than 6 cranking cycles. Each cranking cycle shall provide the necessary number of revolutions at the required RPM to permit the diesel engine to meet the requirements of carrying its full rated load within twenty seconds after cranking is initiated with intake air, room ambient temperature and hydraulic cranking system at 32° F.

(7) Capacity of the hydraulic cranking system sufficient for three starts under conditions of subparagraph (6) of this paragraph shall be held in reserve and arranged so that the operation of a single control by one person will isolate the discharged or initially used part

of the system and permit the reserve capacity to be employed.

SUBPART 112.55—STORAGE BATTERY INSTALLATION

1. Section 112.55–1 (a) is amended to read as follows:

§ 112.55–1 *General requirements.* (a) Storage batteries for emergency lighting and power systems, including starting batteries for emergency diesel-engine driven generator sets, shall be of a design and construction proven successful in merchant marine service, and capable of withstanding the roll and pitch of a vessel and exposure to salt air. Positive plates of lead-acid batteries shall be at least 0.25 inch thick, and the specific gravity of the electrolyte when fully charged shall be 1.210 to 1.220, both inclusive, at 25° C., except that thin positive plate construction (0.080 inch thick minimum) may be used for engine cranking batteries. The fully charged specific gravity of the electrolyte of lead-acid engine cranking batteries shall not exceed 1.260 at 25° C. for high watering space type batteries or 1.285 at 25° C. for normal watering space type batteries.

2. Section 112.55–10 (a) is amended to read as follows:

§ 112.55–10 *Storage battery requirements.* (a) Storage battery installations for emergency lighting and power, including starting batteries for emergency diesel-engine driven generator sets, shall include the necessary apparatus automatically to maintain the battery in a fully charged condition. At all times when the ship's service source of supply is available, the battery shall be furnished a continuous trickle charge, except that after a battery discharge, the battery shall be automatically charged at a higher rate until the battery voltage increases to a predetermined point. Charging operations shall not create an absence of battery power at any time. Instruments to show the rate of charge shall be provided.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4426, 4427, 4433, 4453, as amended, sec. 14, 29 Stat. 690, sec. 10, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1384, 1544, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 392, 399, 404, 405, 411, 435, 366, 395, 363, 369, 367, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 113—COMMUNICATION AND ALARM SYSTEMS AND EQUIPMENT

SUBPART 113.10—AUTOMATIC FIRE DETECTING AND ALARM SYSTEMS

Section 113.10–5 is amended by revising paragraphs (a) and (b) to read as follows:

§ 113.10–5 *General requirements.* (a) Fire alarm annunciators, power supply, fire detectors, test stations, and vibrating bells shall be of a type approved by the Commandant. Systems installed on vessels contracted for on or after November 19, 1959, shall meet the requirements of Subpart 161.002 of Part 161 of Subchapter Q (Specifications) of this chapter.

(b) All electric cables installed in conjunction with fire detecting and alarm systems shall be either leaded and armored, impervious sheathed and armored or mineral insulated metal sheathed.

SUBPART 113.15—MANUAL FIRE ALARM SYSTEMS

Section 113.15–5 is amended by revising paragraphs (a) and (b) to read as follows:

§ 113.15–5 *General requirements.* (a) Manual fire alarm annunciator, power supply, manual stations, and vibrating bells shall be of a type approved by the Commandant. Systems installed on vessels contracted for on or after November 19, 1959, shall meet the requirements of Subpart 161.002 of Part 161 of Subchapter Q (Specifications) of this chapter.

(b) All electric cables installed in conjunction with manual fire alarm systems shall be either leaded and armored, impervious sheathed and armored or mineral insulated metal sheathed.

SUBPART 113.20—AUTOMATIC SPRINKLER SYSTEMS

Section 113.20–5 (c) is amended to read as follows:

§ 113.20–5 *General requirements.* * * *

(c) All electric cable employed in a sprinkler alarm system shall be either leaded and armored, impervious sheathed and armored or mineral insulated metal sheathed.

SUBPART 113.25—GENERAL ALARM SYSTEMS

1. Section 113.25–1 is amended by revising paragraph (c) and adding a new paragraph (d), reading as follows:

§ 113.25–1 *Application.* * * *

(c) The provisions of § 113.25–30 shall apply to all barges of 300 gross tons and over contracted for on or after November 19, 1958, with sleeping accommodations for more than 6 persons.

(d) The provisions of § 113.25–90 shall apply to all manned vessels of over 100 gross tons, except barges, scows, and similar vessels, contracted for prior to November 19, 1952.

2. Section 113.25–10 is amended to read as follows:

§ 113.25–10 *General requirements—*(a) *Power supply.* (1) The power supply for the general alarm system shall be a storage battery located above the bulkhead deck or above the freeboard deck, whichever is the higher, and in a protected area outside the machinery casing.

(2) The nominal potential of the general alarm system shall be not less than 6 volts and not more than 120 volts.

(3) The general alarm system supply shall be one of the following types:

(i) One storage battery, used for no other purpose, in combination with an automatic charging panel that will maintain the battery in a fully charged condition at all times except immediately following a discharge. The storage battery shall have sufficient capacity to supply the general alarm system continuously for a period of at least 8 hours without being recharged;

(ii) Duplicate storage batteries, used for no other purpose, and so connected, in combination with a manual two-position transfer switch (having no OFF position), that one battery will be charged while the other battery is available for furnishing power to the system. Each of the two storage batteries shall have sufficient capacity to supply the general alarm system continuously for a period of at least 4 hours without being recharged;

(iii) A circuit connected to the temporary emergency bus of an emergency switchboard as provided for by § 112.15–1 (i) of this subchapter; or

(iv) A circuit from an interior communication switchboard, the interior communication switchboard being supplied by duplicate storage batteries so connected, in combination with a manual two-position transfer switch (having no OFF position), that one battery will be charged while the other battery is available for furnishing power to the switchboard. The interior communication batteries shall each be of sufficient capacity to supply without recharging the general alarm system continuously for a period of 4 hours and to supply all other connected loads at maximum expected demand for a period of at least 8 hours.

(4) When the general alarm system is the only load supplied by the general alarm system battery or batteries, the battery or batteries shall be protected against overcurrent by enclosed fused switches or circuit breakers, having provisions for locking to prevent either unauthorized operation of the switch or circuit breaker or unauthorized tampering with the fuses. The fused switch or circuit breaker shall be located outside of, but adjacent to, the battery room or battery locker, and the capacity of the fuses or circuit breaker shall be not less than 200 percent of the connected load.

(5) When the general alarm system is supplied from an emergency or interior communication switchboard, the fused switch or circuit breaker supplying the general alarm system shall have provisions for locking to prevent either unauthorized operation of the switch or circuit breaker or unauthorized tampering with the fuses.

(b) *Distribution of general alarm system feeders and branch circuits.* (1) A feeder distribution panel shall be provided to divide the system into the required number or zone feeders. The distribution panel shall afford overcurrent protection for each zone feeder, but no disconnect switches shall be provided. The distribution panel shall be located above the bulkhead deck or above the freeboard deck, whichever is the higher, and outside the machinery casing.

(2) At least one feeder shall be provided for each vertical fire zone in which general alarm bells are located.

(3) One or more branch circuit distribution panels shall be provided for each zone feeder with at least one fused branch circuit for each deck level. The distribution panels shall be located above the bulkhead deck or above the freeboard deck, whichever is the higher, in the zone served, and no disconnect

switches shall be provided for the branch circuits.

(4) No more than five general alarm bells shall be connected to one branch circuit, and a branch circuit shall not supply bells on more than one deck level.

(5) On vessels not divided into fire zones by main vertical fire bulkheads, the vessel shall be divided into vertical zones not exceeding 150 feet in length and a general alarm feeder provided for each such zone in which general alarm bells are required.

(6) On vessels where accommodation spaces are located only at the extremities of the vessels, other arrangements of feeders and branch circuits will be considered.

(c) *Location of general alarm bells.* (1) General alarm bells shall be so distributed throughout passengers' and crew's quarters in such number and in such a manner as to obtain in each room with the door closed either:

(i) A sound level of not less than 75 decibels; or

(ii) A sound level of 20 decibels above the ground noise level existing when the vessel is underway in moderate weather, whichever is the high.

(2) General alarm bells shall be so distributed throughout public spaces, work spaces, and machinery spaces in such number and in such a manner as to warn all occupants in an emergency.

3. Section 113.25-15 (d) (1) is amended to read as follows:

§ 113.25-15 *Detail requirements.* * * *

(d) *Electric cable and distribution fittings.* (1) All cable installed in conjunction with general alarm systems shall be either leaded and armored, impervious sheathed and armored or mineral insulated metal sheathed.

4. Subpart 113.25 is amended by adding a new section to follow § 113.25-25, which reads as follows:

§ 113.25-30 *General alarm system for barges of 300 gross tons and over with sleeping accommodations for more than 6 persons.* (a) Barges of 300 gross tons and over with sleeping accommodations for more than 6 persons shall be provided with a suitable alarm bell installation.

SUBPART 113.30—SOUND POWERED TELEPHONE AND VOICE TUBE SYSTEMS

Section 113.30-1 (a) is amended to read as follows:

§ 113.30-1 *Application.* (a) The provisions of this subpart, with the exception of § 113.30-90, shall apply to all self-propelled vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 113.30-90.

SUBPART 113.35—ENGINE ORDER TELEGRAPH SYSTEMS

1. Section 113.35-1 (a) is amended to read as follows:

§ 113.35-1 *Application.* (a) The provisions of this subpart, with the exception of § 113.35-90, shall apply to all self-propelled vessels contracted for on or after November 19, 1952. Installations contracted for prior to November 19, 1952, shall meet the requirements of § 113.35-90.

2. Section 113.35-50 is amended to read as follows:

§ 113.35-50 *Electric engine order telegraph system, operation.* (a) Where more than one transmitter, located in the wheelhouse, the wings of the navigating bridge, and/or the top of the wheelhouse, operate a common indicator in the engine room, either the transmitters shall operate in synchronism in accordance with paragraph (b) of this section, or the transmitters shall operate under the control of a transmitter transfer control in accordance with paragraph (c) of this section.

(b) All transmitter handles and pointers and all reply pointers shall operate in synchronism. Where the transmitters are mechanically interlocked to effect synchronous operation, the requirements of § 113.35-30 (a) shall be met.

(c) All transmitters shall operate under the control of a transmitter transfer control so that movement of any one transmitter handle automatically connects that instrument electrically to the engine room indicator and simultaneously disconnects electrically all other transmitters. The reply pointers of all transmitters shall operate in synchronism at all times.

SUBPART 113.40—RUDDER ANGLE INDICATOR SYSTEMS

1. Section 113.40-1 (a) is amended to read as follows:

§ 113.40-1 *Application.* (a) The provisions of this subpart, with the exception of § 113.40-90 shall apply to all self-propelled vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 113.40-90.

2. Section 113.40-5 (a) is amended to read as follows:

§ 113.40-5 *General requirements.* (a) Vessels of 5,000 gross tons or over, or vessels of any tonnage certificated to carry 250 passengers or more, shall be provided with a system, either electrical or mechanical, for indicating in the wheelhouse the position of the rudder. When non-follow-up steering control is installed at the after steering station, a separate rudder angle indicator system shall be installed for that station. See Part 57 of Subchapter F (Marine Engineering) of this chapter.

3. Section 113.40-10 (e) is amended to read as follows:

§ 113.40-10 *Detail requirements.* * * *

(e) The electric rudder angle indicator system shall comply with the applicable requirements of §§ 113.35-40 and 113.35-45 (a) to (d), inclusive.

SUBPART 113.50—EMERGENCY LOUD SPEAKER SYSTEMS

Section 113.50-25 is amended to read as follows:

§ 113.50-25 *Type of cable and equipment enclosures.* (a) All cable used in connection with the system shall be either leaded and armored, impervious sheathed and armored or mineral insulated metal sheathed.

(b) All junction or connection boxes employed in the distribution system shall be of watertight construction.

SUBPART 113.55—NAVIGATION LIGHTS

Section 113.55-25 (a) is amended to read as follows:

§ 113.55-25 *Navigation light indicator panel.* (a) Self-propelled vessels of 1,600 gross tons and over shall be provided with a navigation light indicator panel located in the wheelhouse to control electric side, masthead, range, and stern lights. The panel shall provide visible and audible indications of the failure of any of the above named navigation lights.

SUBPART 113.70—SMOKE DETECTOR SYSTEMS

Section 113.70-5 is amended to read as follows:

§ 113.70-5 *General requirements.* (a) The smoke detector control unit shall be of a type approved by the Commandant. Systems installed on vessels contracted for on or after November 19, 1959, shall meet the requirements of Subpart 161.002 of Part 161 of Subchapter Q (Specifications) of this chapter.

(b) All electric cable installed in conjunction with the smoke detector system shall be either leaded and armored, impervious sheathed and armored or mineral insulated metal sheathed.

(c) Cable runs between the smoke detector control unit and the supply switchboard shall be as direct as possible and shall avoid staterooms, lockers, and other enclosed spaces where the cable could be damaged by a localized fire or by other causes.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4426, 4427, 4433, 4453, as amended, sec. 14, 29 Stat. 690, sec. 10, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1384, 1544, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 392, 399, 404, 405, 411, 435, 368, 395, 363, 369, 367, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

Subchapter M—Bulk Grain Cargoes

PART 144—LOADING AND STOWAGE OF GRAIN CARGOES

SUBPART 144.10—GENERAL REQUIREMENTS

1. Section 144.10-10 is amended to read as follows:

§ 144.10-10 *Application to vessels.* (a) The regulations in this part apply to every passenger vessel and every cargo vessel of 500 gross tons or over loading loose grain in bulk within the limits defined in § 144.01-1 (a) for an international voyage (excepting on the Great Lakes).

(b) The regulations in this part apply to every United States passenger vessel and every United States cargo vessel of 500 gross tons or over carrying loose grain in bulk as cargo on an international voyage (excepting on the Great Lakes).

2. Section 144.10–90 is amended by adding a new paragraph (b), reading as follows:

§ 144.10–90 *Equivalents.* • • •

(b) In any case where it is shown to the satisfaction of the Commandant that the use of specified loading and stowage requirements in this part are unreasonable or impracticable, the Commandant may permit the use of equivalent loading and stowage requirements in lieu of those described in this part to such extent and upon such conditions as will insure to his satisfaction a degree of safety consistent with the minimum standards set forth in Subparts 144.10 to 144.30, inclusive.

3. Subpart 144.10 is amended by adding a new section at the end thereof, reading as follows:

§ 144.10–95 *Responsibility of owner or master.* (a) Nothing in the regulations in this part shall be deemed to relieve the owner or master of a ship from taking all necessary and reasonable precautions to prevent grain from shifting.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, as amended, sec. 1, 49 Stat. 1544, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 367, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

4. Part 144 is amended by adding a new Subpart 144.40, reading as follows:

Subpart 144.40—Equivalents Allowed for Construction of Feeders and Bin Bulkheads, and Stowage of Loose or Heavy Grain in Bulk

Sec.

AUTHORITY: §§ 144.40–1 to 144.40–50 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, as amended, sec. 1, 49 Stat. 1544, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 367, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

§ 144.40–1 *Application.* (a) It has been shown to the satisfaction of the Commandant that a degree of safety consistent with the minimum standards set forth in this part will be obtained when United States vessels, and when foreign vessels loading in United States ports, comply with the equivalents in this subpart for §§ 144.10–70 (c) and (d), 144.20–10 (a) and (c), 144.20–20 (a) and (c), and 144.20–40.

§ 144.40–5 *Conditions of acceptance.* (a) It is a condition of the Commandant's acceptance of these equivalents that the owners shall furnish the Commandant with plans and stability data, including the following related information:

(1) A capacity plan, including grain capacities and centers.

(2) Fuel and water consumption per day and maximum anticipated voyage duration in days.

(3) Stability data for the least favorable condition with a full cargo of grain in bulk, including:

(i) Details of the type of grain, weight and distribution of cargo, including arrangement of bins and/or feeders and the quantity of bagged grain in each hold or space;

(ii) Details of other weights (e. g. ballast, bunkers, fresh water, stores, etc.); and

(iii) Draft and metacentric height, with allowance for slack tanks.

(b) If, upon examination of these data, the Commandant is satisfied as to the adequacy of the vessel's stability for the proposed service, he will issue a letter certifying what equivalent provisions have been accepted for that particular vessel.

(c) Applicability of these alternative arrangements is also subject to the provisions that:

(1) All bulk grain is well trimmed up between the beams and in the wings, and the spaces between them are completely filled.

(2) Grain bags and other materials used in the construction of bins, feeders, etc., are of suitable quality, and good workmanship is employed in the construction.

(d) The requirements in §§ 144.40–10, 144.40–20, 144.40–30 shall apply to "heavy" and "light" grain except that §§ 144.40–20 and 144.40–30 shall not apply to linseed in bulk.

§ 144.40–10 *Construction of feeders and bin bulkheads.*[1] (a) Feeders or bin bulkheads may be constructed of bagged grain: *Provided,* That:

(1) The bags are tightly stowed and interlocked.

(2) Whenever practicable the bags are so stowed as to engage firmly with the ship's sides, bulkheads, and other convenient structures. Where this is not possible the bagged bulkheads are to be not less than 11 feet (mean) in thickness and stepped.

(3) Transverse bagged bulkheads not in way of hatchways or forming feeders but supporting grain on one side only are not less than 11 feet (mean) thickness and stepped.

(b) Under this arrangement bins shall be constructed by filling the wings of a 'tween deck with bagged grain or other suitable cargo to a breadth of not less than 25 percent of the beam of the ship on each side and regulating the size of the bin by the construction of transverse bagged bulkheads. In any bin so constructed longitudinal bulkheads or shifting boards in line with the keel shall not be required.

(c) In place of bagged grain, as required under these equivalent arrangements, cased, baled or other suitable cargo may be used provided it is equally strongly supported and made grain tight with strong separation cloths.

§ 144.40–20 *Holds, compartments or bins partly filled with grain in bulk.*[2] (a) In any hold or compartment which is partly filled with loose grain in bulk, the hold or compartment shall be divided by a properly constructed longitudinal bulkhead or shifting boards, clear of the hatchway in line with the keel, and extending for the full depth of the compartment. The grain in bulk shall be leveled and topped off with bagged grain or other suitable cargo extending to a height of not less than 4 feet above the top of the grain in bulk and supported on suitable platforms laid over the whole surface of the grain in bulk except that in the space beneath the hatchway and extending to the sides of the compartment, 5 feet of bagged grain shall be required.

(b) The fitting of a longitudinal bulkhead or shifting boards in a lower hold shall not be required if the grain in bulk does not exceed one-third of the capacity of the hold, or in the case of a hold containing a shaft or other similar tunnel, one-half the capacity of the hold.

(c) Not more than two holds or compartments shall be partly filled with grain in bulk, but other holds or compartments may be partly filled with grain in bulk provided they are filled up to the deckhead with bagged grain or other suitable cargo.

§ 144.40–30 *Holds or compartments entirely filled with grain in bulk.*[3] (a) Every hold or compartment which is entirely filled with loose grain in bulk shall be divided by a longitudinal bulkhead, or shifting boards clear of the hatchway, in line with the keel, which shall be properly constructed, secured and fitted grain tight with proper fittings between the beams. In holds such shifting boards shall extend downwards from the underside of the deck to a distance of at least one-third of the depth of the hold or 8 feet, whichever is the greater. In compartments in tween decks and superstructures they shall extend from deck to deck. In addition, either:

(1) The bulk grain beneath the hatchway shall be trimmed in the form of a saucer or pit hard up to the deckhead beyond the hatchway. It shall also be topped off with bagged grain or other suitable cargo extending to a height in the center of the saucer or pit of not less than 6 feet above the top of the grain in bulk (measured below the deck line) and supported on tarpaulins or strong separation cloths. The bagged grain or other suitable cargo shall be stowed tightly against the deck, the longitudinal bulkheads, the hatch beams and side and end coamings; or

(2) The hold or compartment shall be fed by a feeder constructed in accordance with § 144.40–10 or in accordance with § 144.10–70, and having a capacity of not less than 5 percent or more than 10 percent of the quantity of grain carried in the compartment which it feeds. Consideration of stability information may make it necessary to level off the surface of the bulk grain in large feeders and to overstow it with two tiers of bagged grain.

(b) When grain in bulk is loaded in a deep tank, the arrangements described in the last sentence of § 144.20–20 (c) shall apply.

[1] Equivalent to § 144.10–70 (c) and (d).

[2] Equivalent to § 144.20–10 (a) and (c).

[3] Equivalent to § 144.20–20 (a) and (c).

§ 144.40–40 *Location of stowage for heavy grain in bulk.*[1] (a) Heavy grain in bulk shall not be carried above deck except in the manner specified in § 144.20–40 except that feeders and bins may be constructed of bagged grain and the capacity of any bin may exceed 8,000 cubic feet.

§ 144.40–50 *Countries utilizing these equivalents.* The equivalents authorized by this subpart are being invoked in the ports of the following countries:

Argentina.
Uruguay.

Subchapter R—Nautical Schools

PART 167—PUBLIC NAUTICAL SCHOOL SHIPS

SUBPART 167.40—CERTAIN EQUIPMENT REQUIREMENTS

Section 167.40–20 is amended to read as follows:

§ 167.40–20 *Deep-sea sounding apparatus.* Nautical school ships shall be equipped with an efficient mechanical or electronic deep-sea sounding apparatus in addition to the ordinary deep-sea hand lead. The mechanical or electronic deep-sea sounding apparatus required shall be installed, kept in working order, and ready for immediate use.

(R. S. 4405, as amended; 46 U. S. C. 375. Interpret or apply R. S. 4417, as amended, 4418, as amended, 4426, as amended, 4428–4431, as amended, 4433, as amended, 4434, as amended, 4450, as amended, 4488, as amended, 4491, as amended, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, 1545, 54 Stat. 163–167, 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 406–409, 411, 412, 239, 363, 367, 463a, 481, 489, 526–526t, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

Dated: June 20, 1958.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Gaurd,
Acting Commandant.

[F. R. Doc. 58–4845; Filed, June 25, 1958; 8:50 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Effective upon publication in the FEDERAL REGISTER, paragraph (d) (1) is added to § 6.114 as set out below.

§ 6.114 *Department of Health, Education, and Welfare.* * * *

(d) *Social Security Administration.* (1) Fifteen positions required in connection with the 1960 White House Conference on Children and Youth, as follows: Twelve professional positions in fields concerned directly with child life and three administrative positions requiring broad knowledge of, or experience with, professional and lay groups participating in programs relating to child life. Employment under this provision shall not extend beyond June 30, 1961.

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58–4868; Filed, June 25, 1958; 8:53 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF STATE

Effective upon publication in the FEDERAL REGISTER, paragraphs (a) (4) and (10) and (p) (1) of § 6.302 are revoked, and paragraphs (a) (5) and (i) (3) are amended as set out below.

§ 6.302 *Department of State*—(a) *Office of the Secretary.* * * *

(5) Two Confidential Assistants and four Private Secretaries to the Secretary.

* * * * * *

(i) *Bureau of International Organization Affairs.* * * *

(3) One Private Secretary to each Deputy Assistant Secretary (2 positions).

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58–4867; Filed, June 25, 1958; 8:53 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1958 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Dry Edible Beans]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1958-CROP DRY EDIBLE BEAN LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1958 crop of dry edible beans. The 1958 C. C. C. Grain Price Support Bulletin 1 (23 F. R. 2663), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1958 is supplemented as follows:

Sec.
421.3176 Purpose.
421.3177 Availability of price support.
421.3178 Eligible beans.
421.3179 Warehouse receipts.
421.3180 Determination of quantity.
421.3181 Determination of quality.
421.3182 Credit for loss or damage.
421.3183 Maturity of loans.
421.3184 Packaging and Warehouse charges.
421.3185 Support rates.
421.3186 Storage in transit.
421.3187 Delivery of beans under purchase agreements.
421.3188 Settlement.

AUTHORITY: §§ 421.3176 to 421.3188 issued under sec. 4, 62 Stat. 1070, as amended, 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053; 15 U. S. C. 715c; 7 U. S. C. 1447, 1421.

§ 421.3176 *Purpose.* Sections 421.3176 to 421.3188 prescribe additional specific regulations which, together with the general regulations contained in the 1958 C. C. C. Grain Price Support Bulletin 1 (§§ 421.3001 to 421.3020) apply to loans and purchase agreements under the 1958-Crop Dry Edible Bean Price Support Program.

§ 421.3177 *Availability of price support*—(a) *Method of support.* Price support will be available through farm-storage and warehouse-storage loans and through purchase agreements. Farm-storage loans will not be available to cooperative marketing associations of producers.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever beans of the eligible classes are grown in all States of the continental United States, except that farm-storage loans will not be available in areas where the State committee determines the beans cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support must be made at the office of the county committee which keeps the farm-program records for the farm. An eligible cooperative marketing association of producers must make application at the county committee office for the county in which the principal office of the association is located unless the State committee designates some other county ASC office.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1959, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date. Applicable documents referred to herein include the Producer's Note and Loan Agreement for warehouse-storage loans, the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage for farm-storage loans, and the Purchase Agreement for purchase agreements.

(e) *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and wherever applicable, a State, political subdivision of a State, or any agency thereof producing eligible beans in 1958 as landowner, landlord, tenant, or sharecropper. Executors, administrators, trustees, or receivers who represent an eligible producer or his estate may qualify for price support provided the loan or purchase agreement documents executed by them are legally valid. Two or more eligible producers may obtain a joint loan on beans harvested by them if stored in the same farm-storage facility. In the case of joint loans, each person signing the note shall be held jointly and severally re-

[1] Equivalent to § 144.20–40.

sponsible for the loan. Where the county office has experienced difficulties in settling farm-storage loans with a producer, the county committee shall determine that he is not eligible for a farm-storage loan. He shall be eligible, however, to obtain a warehouse-storage loan or sign a purchase agreement. Warehouse-storage loans may be made to a warehouseman who tenders to CCC warehouse receipts issued by him on beans produced by him only in those States where the issuance and pledge of such warehouse receipts are valid under State law.

(f) *Cooperative associations.* A cooperative marketing association which satisfies the requirements of this paragraph shall be deemed an eligible producer and shall be eligible for warehouse-storage loans and purchase agreements on eligible beans as defined in § 421.3178: *Provided*, That warehouse-storage loans may be made to an association which tenders to CCC warehouse receipts issued by it on its own beans only in those States where the issuance and pledge of such warehouse receipts are valid under State law. To be eligible for price support, the association must meet the following requirements:

(1) The association must be a producer-owned and producer-controlled cooperative marketing association of producers which operates in good faith as a cooperative marketing association of producers under the control of its producer members.

(2) All beans delivered to the association by producer members must be marketed through the association pursuant to a uniform marketing agreement between the association and each of its producer members.

(3) The major part of all the beans marketed by the association must be produced by producer-members, and the major part of beans of a class which is eligible for price support and which is marketed by the association, must be eligible beans produced by members who are eligible producers.

(4) The association must have authority to obtain a loan on the security of the beans and to give a lien thereon as well as authority to sell such beans.

(5) The association must maintain a record by grade of the quantities of beans of each class eligible for price support acquired by or delivered to the association from each source, and the record must also show the disposition of such beans. Records must be maintained separately for eligible and ineligible beans of such class.

(6) The association shall distribute the proceeds from the disposition of all eligible beans solely to the eligible producers who delivered such beans to the association and only on a basis which results in the proceeds being distributed proportionately to such producers according to the quantity and quality of the eligible beans delivered by each eligible producer. This provision shall not be construed to prohibit the association from establishing separate pools based on grades, classes, qualities of the beans or time of acquisition or time of disposition of the beans.

(7) Beans held by the association must be made available for inspection by CCC at all reasonable times so long as the association has beans under price support and the books and records of the association must be available to CCC for inspection at all reasonable times through May 1, 1964.

(8) Notwithstanding the requirement of subparagraph (1) of this paragraph that the association shall consist of producers, a cooperative marketing association, which includes in its membership other cooperative marketing associations composed of producer members, shall be eligible for price support if its member associations meet the requirements for price support under this paragraph, except that the requirement in subparagraph (4) of this paragraph shall be deemed to be satisfied if such member associations have the right to deliver beans of its producer members to the association applying for price support and to authorize such association to sell the beans, to obtain a loan on the security of the beans and to give a lien thereon. The association applying for price support shall: (i) in its charter, by-laws, marketing contracts or by other legal means require that its member associations meet such requirements for price support; (ii) certify to CCC that its member associations are in fact eligible for price support under such requirements; and (iii) except for the requirement that it consist of producers, otherwise qualify for price support under this paragraph.

(9) Determinations with respect to the eligibility of cooperative marketing associations of producers pursuant to this section shall be made by the Executive Vice President, CCC.

§ 421.3178 *Eligible beans.* At the time the beans are placed under loan or delivered under a purchase agreement, they must meet the following requirements:

(a) The beans must have been produced in the continental United States in 1958 by an eligible producer.

(b) (1) The beneficial interest in the beans must be in the producer tendering the beans for loan or for delivery under a purchase agreement and must always have been in him or in him and a former producer whom he succeeded before the beans were harvested. In the case of cooperative marketing associations, the beneficial interest in the beans must have been in the producers who delivered the beans to the association or to member associations meeting the requirements of § 421.3177 (f) and must always have been in them or in them and former producers whom they succeeded before the beans were harvested. Any producer or association in doubt as to whether the requirements of this subparagraph have been fulfilled should make available to the county committee, prior to filing an application, all pertinent information which will permit a determination to be made by CCC.

(2) To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the beans were produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

(c) The beans must be dry edible beans of the classes Pea, Medium White, Great Northern, Small White, Flat Small White, Pink, Small Red, Pinto, Dark Red Kidney, Light Red Kidney, Western Red Kidney, Large Lima and Baby Lima.

(d) The beans must not contain mercurial compounds or other substances poisonous to man or animals.

(e) Beans placed under warehouse-storage loan or delivered under a purchase agreement must grade U. S. Choice Handpicked, U. S. Extra No. 1, U. S. No. 1, or U. S. No. 2.

(f) (1) Beans placed under farm-storage loan must meet the requirements set forth in paragraph (e) of this section for warehouse-storage loans and purchase agreements, or must be beans (hereinafter referred to as "thresher run" beans) which have not been commercially cleaned; which contain not in excess of 18 percent moisture; which after deduction of foreign material, contain not more than 8 percent of other defects, as these terms are defined in the United States Standards for Beans; which are not musty, moldy, sour, heating, hot, weevily, materially weathered, or otherwise of distinctly low quality; and which do not have any commercially objectionable odor.

(2) If offered as security for a farm-storage loan, beans must have been stored in the storage structure for at least 30 days prior to inspection for measurement, sampling, and sealing, unless otherwise approved by the State committee.

§ 421.3179 *Warehouse receipts.* Warehouse receipts, representing beans in approved warehouse-storage to be placed under loan or to be delivered under a purchase agreement must meet the following requirements:

(a) Except as provided in paragraph (f) of this section, warehouse receipts must be issued in the name of the producer or cooperative marketing association, must be properly endorsed in blank so as to vest title in the holder, and must be receipts issued by a warehouse for which a CCC Form 28, "Bean Storage Agreement", is in effect and which is approved by CCC for price support purposes. The receipts must be negotiable and must cover eligible beans actually in store in the warehouse.

(b) In order to be acceptable under the loan program, each warehouse receipt, or the accompanying supplemental certificate, must contain a statement that the beans are insured in accordance with CCC Form 28, "Bean Storage Agreement", and if such insurance was not effective as of the date of deposit of the beans in the warehouse, the warehouseman must certify as to the effective date of the insurance and that the beans are in the warehouse and undamaged. The insurance on commingled beans

must be obtained by the warehouseman. Insurance on beans with respect to which the warehouseman does not guarantee quantity and quality (hereinafter called identity-preserved beans) must be obtained by either the producer or the warehouseman. If the insurance is obtained by the producer, it must be assigned to the warehouseman, with the consent of the insurance company, before a loan will be made and the warehouseman must also certify that the insurance has been assigned to him with the consent of the insurance company. Insurance is not required in order for warehouse receipts to be purchased under the purchase agreement program.

(c) Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show the gross and net weight of beans, the class and the grade or all grading factors used in the determination of the quality of the beans.

(d) In the case of "identity-preserved" beans, the warehouse receipt shall show the lot number and number of bags in the lot, and the producer must execute the supplemental certificate and assume responsibility for the quantity and quality indicated thereon.

(e) The warehouse receipt may be subject to liens for warehouse charges only to the extent of the charges indicated in § 421.3184 (b).

(f) If the receipt is issued for beans of which the warehouseman is the owner either solely, jointly, or in common with others, the fact of such ownership shall be stated on the receipt. Such receipts shall also be registered or recorded with appropriate State or local officials when required by State law. In States where the pledge of warehouse receipts by a warehouseman on his own beans is not valid under State law and the warehouseman elects to deliver beans to CCC under a purchase agreement for which he is eligible under this program, the warehouse receipt shall be issued in the name of CCC.

§ 421.3180 *Determination of quantity*—(a) *When loans are made*—(1) *Farm-storage or "identity-preserved" warehouse-stored beans.* (i) At the time the loan is made, the quantity of beans may be determined either by weight or, if stored in bulk, by measurement. Where the quantity is determined by measurement, 2.1 cubic feet shall constitute 100 pounds.

(ii) In the case of bagged beans grading U. S. No. 2 or better, loans shall be made on the net weight of the lot or on a quantity determined by multiplying the number of bags by 100 pounds, whichever is the smaller. In the case of other eligible beans, loans shall be made on the basis of the net weight of sound beans in the lot. Sound beans, shall be beans free from dockage and other defects as defined in the United States Standards for Beans.

(iii) If the beans are stored in bags, a deduction of ¾ pound per bag shall be made from the gross weight of bagged beans, except where the net weight is shown on the warehouse receipt.

(2) *Commingled warehouse-storage beans.* The quantity on which a loan shall be made shall be the net weight of beans shown on the warehouse receipt or supplemental certificate.

(b) *At time of delivery or acquisition*—(1) *Delivery from other than an approved warehouse or delivery or acquisition as identity-preserved in an approved warehouse.* The net weight of beans delivered to CCC from other than an approved warehouse, or delivered to or acquired by CCC in an approved warehouse as "identity-preserved" beans shall be determined by weighing the beans. In the case of bagged beans, if all the beans in the lot are not weighed, the net weight shall be determined by multiplying the average net weight of the bags weighed (but not less than 10 percent of the bags in the lot) by the total number of bags in the lot. The producer will be credited with the net weight delivered or acquired or with a quantity determined by multiplying the number of bags in the lot by 100 pounds, whichever quantity is less.

(2) *Delivery or acquisition in an approved warehouse of beans covered by a commingled warehouse receipt.* The net weight of beans delivered to or acquired by CCC in an approved warehouse where the warehouseman guarantees the quality and quantity shall be the net weight of beans specified on the warehouse receipt or supplemental certificate.

§ 421.3181 *Determination of quality.* (a) The class, grade, and all quality factors shall be determined in accordance with the United States Standards for Beans.

(b) Where quality is guaranteed by the warehouseman, the class and grade of beans placed under loan or acquired or delivered under a loan or purchase agreement shall be that shown on the warehouse receipt.

(c) The class and grade of beans placed under farm-storage loan or identity-preserved warehouse-storage loan shall be determined from an official (Federal or Federal-State) lot inspection certificate, or from an official sample inspection certificate based on a sample drawn by a representative of the county committee. The State committee may require that any such inspection certificates issued prior to the date of the loan application shall be on the basis of a sample drawn within a specified time prior to the date of the loan application. Notwithstanding the foregoing provisions of this paragraph, in the case of loans on thresher-run beans the quality of the beans may be determined by the State ASC office where the Grain Division, Commodity Stabilization Service, authorizes such determination.

(d) Except where quality is guaranteed by the warehouseman as provided in paragraph (b) of this section, the class and grade of beans delivered or acquired under a farm-storage or identity-preserved warehouse-storage loan or a purchase agreement shall be determined from an official lot inspection certificate dated not earlier than 15 days prior to the applicable maturity date for loans and submitted by the producer in accordance with the settlement provisions of this subpart.

(e) Inspection fees incurred in connection with the making of warehouse-storage loans and with the acquisition of beans by CCC will be for the account of the producer. Inspection fees incurred by the county committee in connection with the making of farm-storage loans will be for the account of CCC.

§ 421.3182 *Credit for loss or destruction.* The amount to be credited to the producer for loss or destruction assumed by CCC, in accordance with § 421.3015, shall be determined by multiplying the number of hundredweight of sound beans, lost or destroyed, by the support rate for U. S. No. 2 beans of the class lost or destroyed, except that if the warehouse receipt or an official inspection certificate covering the beans shows a grade of U. S. No. 2 or better, the amount credited shall be determined by multiplying the net weight of the beans lost or destroyed by the support rate for the class and grade of such beans.

§ 421.3183 *Maturity of loans.* Loans mature on demand but not later than February 28, 1959, in the case of beans produced in the States of Michigan, New York, and Pennsylvania, and not later than April 30, 1959, in the case of beans produced in all other States.

§ 421.3184 *Packaging and warehouse charges*—(a) *Packaging.* Unless otherwise approved by CCC, beans placed under a warehouse-storage loan must be packed 100 pounds net in new bags made of 36-inch, 10.4 ounce "A" or "B" quality common jute or heavier weight jute, or provision must have been made for such packaging by the producer. Bag seams must be as strong as the full strength of the cloth. Bags must be marked to show the commodity name and class, the net weight when packed; and the name and address of the packer. Beans delivered under a farm-storage loan or purchase agreement must also meet the packaging requirements set forth in this paragraph.

(b) *Warehouse charges.* Storage, bagging, cleaning, inspection fees and all other charges, except receiving and loading out charges in the warehouse in which the beans are acquired by CCC, accruing through February 28, 1959, in the case of beans produced in the States of Michigan, New York and Pennsylvania, and through April 30, 1959, in the case of beans produced in all other States, shall be paid by the producer prior to the time that the beans are placed under warehouse-storage loan or delivered under a purchase agreement, or shall be paid from the loan or purchase proceeds. Such charges include the cost of movement to a normal railroad shipping point if the warehouse is not located on a railroad, and any unpiling, turning, repiling, or other charges, except loading out charges, incident to official weight and grade determinations on identity-preserved beans. CCC will assume warehouse storage charges (not in excess of those approved for the 1958 crop under CCC Form 28, "Bean Storage

Agreement") accruing after April 30, 1959 (February 28, 1959, for beans produced in Michigan, New York, and Pennsylvania), which are delivered to or acquired by CCC.

§ 421.3185 *Support rates.* (a) The loan rate for eligible beans shall be the applicable support rate shown in paragraph (b) of this section, for the class, grade, and county where produced; however, if the beans have been moved by truck to approved storage in a higher loan rate county, or if the warehouseman guarantees delivery by truck to approved storage or on track in a higher support rate county, the loan rate shall be the support rate for the county in which the beans are stored or to which delivery is guaranteed.

(b) The support rates per 100 pounds net weight established for dry edible beans are as follows:

Class and Area	Rate per 100 lbs. U. S. No. 1 [1]
Pinto:	
Area I. All counties in New Mexico except McKinley, Rio Arriba, San Juan, Taos and Valencia	$5.97
Area II. All counties in Kansas, Nebraska, Oklahoma, and Texas. In Colorado, the counties of Adams, Arapahoe, Baca, Bent, Boulder, Cheyenne, Clear Creek, Crowley, Denver, Douglas, Elbert, El Paso, Fremont, Gilpin, Huerfano, Jefferson, Kiowa, Kit Carson, Larimer, Las Animas, Lincoln, Logan, Morgan, Otero, Phillips, Prowers, Pueblo, Sedgwick, Teller, Washington, Weld, and Yuma. In Wyoming, counties of Goshen, Laramie and Platte	5.87
Area III. Counties of McKinley and Valencia in New Mexico	5.77
Area IV. All counties in Arizona, California, South Dakota and Utah. In Colorado, all counties not in Area II. In Wyoming, all counties except Goshen, Laramie, and Platte. In New Mexico, counties of Rio Arriba, San Juan and Taos	5.67
Area V. Washington	5.37
Area VI. All other States and counties	5.47
Great Northern:	
Area I. Minnesota, Nebraska, North Dakota. In Colorado, all counties east of 106 degrees longitude. In Wyoming, counties of Goshen, Laramie, and Platte	6.57
Area II. South Dakota, and all counties in Wyoming, except Goshen, Laramie and Platte	6.37
Area III. All counties in Montana, Malheur County in Oregon, and counties of Ada, Bannock, Bear Lake, Bingham, Boise, Canyon, Caribou, Cassia, Elmore, Franklin, Gem, Gooding, Jerome, Lincoln, Minidoka, Oneida, Owyhee, Payette, Power, Twin Falls in Idaho	6.17
Area IV. All other States and counties	6.07
Pea and Medium White:	
Area I. Michigan, Minnesota, Maine, New York and Wisconsin	$6.92
Area II. All other States	6.42
Small White and Flat Small White	6.80
Dark Red Kidney	7.98
Light Red Kidney	7.98
Western Red Kidney	7.98
Pink	6.60
Small Red:	
Area I. Idaho and Colorado	6.75
Area II. Washington	6.65
Area III. All other States	6.70
Large Lima	9.55
Baby Lima	4.80

[1] Premium for U. S. C. H. P. and U. S. Extra No. 1, 10 cents except that premium for U. S. C. H. P. on pea beans is 25 cents. Discount for U. S. No. 2, 25 cents. Loan rate for thresher-run beans—U. S. No. 1 less $2, except in Michigan and New York, where the loan rate shall be U. S. No. 1 less $3. Quantity on thresher-run beans is the net weight of sound whole beans.

§ 421.3186 *Storage in transit.* (a) Reimbursement will be made by CCC to producers or warehousemen for paid-in rail freight (including freight tax) on beans stored in approved warehouses, subject to the following conditions:

(1) The movement from point of origin to storage point must be an "inline" movement as determined by CCC, and must be no greater than 100 miles from the point of production unless otherwise approved by CCC prior to the date of shipment.

(2) The freight must have been paid in by the person claiming reimbursement and he must not have been otherwise reimbursed.

(3) The warehouseman must furnish the descriptive data on all freight bills or transit tonnage slips on all eligible beans received into the storage facility at the time and in the manner stipulated in CCC Form 28, "Bean Storage Agreement", in effect with CCC for the 1958 crop.

(4) The freight bills or transit tonnage slips must be made available to CCC in accordance with the provisions of Form CCC 28, "Bean Storage Agreement".

(5) Not more than one transit stop must have been used on the billing.

(6) The freight bills must be otherwise acceptable to CCC under the terms of the storage agreement.

(b) Reimbursement for paid-in freight under this section will be made by the appropriate CSS Commodity Office subsequent to actual delivery of the beans to CCC pursuant to a loan or purchase agreement.

§ 421.3187 *Delivery of beans under purchase agreement—*(a) *Commingled storage in approved warehouses.* In the case of eligible beans stored commingled in an approved warehouse, the producer must, not later than the day following the loan maturity date or during such period of time thereafter as may be specified by the county committee, submit to the office of the county committee warehouse receipts under which the warehouseman guarantees quality and quantity, for the quantity of beans he elects to sell to CCC.

(b) *Other than commingled storage in approved warehouses.* In the case of beans stored in other than approved warehouse storage, or stored identity-preserved in approved warehouse storage the county committee will, on or after the loan maturity date, issue delivery instructions to the producer. The producer must then complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions, unless the county committee determines that more time is needed for delivery. The producer shall, at his expense, furnish to the county committee at the time of delivery official lot inspection and weight certificates dated subsequent to February 15, 1959, for beans produced in Michigan, New York and Pennsylvania, and subsequent to April 15, 1959, for beans produced in all other States: *Provided, however,* That if at the time of delivery to CCC, a commingled warehouse receipt covering the beans delivered, agreed to by the producer and warehouseman is issued by an approved warehouse, inspection and weight certificates will not be required.

(c) *Storage after maturity date.* The producer may be required to retain beans stored in other than approved warehouse storage for a period of 60 days after the applicable loan maturity date without any cost to CCC. CCC will not assume any loss in quantity or quality of beans covered by a purchase agreement occurring prior to delivery to CCC, except for quality deterioration under the following circumstances. If a producer has properly requested delivery instructions and CCC cannot accept delivery within the 60-day period following the applicable loan maturity date, the producer may notify the county committee at any time after such 60-day period that the beans are going out of condition or are in danger of going out of condition. Such notice must be confirmed in writing. If the county committee determines that the beans are going out of condition or are in danger of going out of condition and that the beans cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county committee shall obtain an inspection and grade and quality determination. If such inspection shows the beans to be of an eligible grade, settlement, when delivery is completed, shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, and on the basis of the quantity actually delivered, but not in excess of the quantity specified on the Purchase Agreement.

§ 421.3188 *Settlement.* The settlement value of the beans delivered or acquired under a loan or delivered under purchase agreement shall be determined as set forth in this section.

(a) *Applicable support rate.* Settlement of loans and purchase agreements shall be made at the support rate for the county in which the beans are produced except as follows:

(1) In the case of farm-storage loans, settlement shall be made at the support rate for the county where the beans are delivered if the beans have been delivered to such county by truck and such county

has a higher support rate than the county where the beans were produced.

(2) In the case of warehouse-storage loans, both identity-preserved and commingled, (i) if the warehouse is located off the railroad, settlement will be made with the producer at the support rate for the county to which the warehouseman guarantees delivery for loading if such support rate is higher than the support rate for the county where the beans were produced, and (ii) if the beans are acquired in storage in an approved warehouse in a county having a higher support rate than the county where the beans were produced and movement to such warehouse was made by truck, settlement will be made at the support rate for the county in which acquisition is made by CCC.

(3) In the case of beans delivered under purchase agreement from other than approved warehouse storage, the provisions of subparagraph (1) of this paragraph shall be applicable. In the case of beans delivered under purchase agreement in an approved warehouse, the provisions of subparagraph (2) of this paragraph shall be applicable.

(b) *Applicable support rate for class and grade*—(1) *Commingled warehouse-storage loans.* Settlement will be made with the producer at the applicable county support rate for the class and grade of beans shown on the warehouse receipt and accompanying documents for the quantity shown thereon.

(2) *Farm-storage and identity-preserved warehouse-storage loans.* (i) In the case of eligible beans delivered to CCC from farm-storage or acquired by CCC in identity-preserved warehouse-storage under the loan program, settlement will be made at the applicable county support rate for the class and grade of the total quantity of beans delivered. The producer shall, at his expense, furnish to the county committee official lot inspection and weight certificates dated subsequent to February 15, 1959, for beans produced in Michigan, New York and Pennsylvania, and subsequent to April 15, 1959, for beans produced in all other States. On farm-storage loans such certificates shall be furnished at the time of delivery of the beans. On identity-preserved warehouse-storage loans such certificates shall be furnished within 10 days after the applicable maturity date. In any instance where the producer fails to furnish to CCC weight or inspection certificates required for settlement, CCC may obtain such certificates. The cost incurred by CCC in obtaining such certificates and any other fees or expenses incurred in connection with settlement on loans shall be for the account of the producer. However, notwithstanding the foregoing provisions of this subdivision, if at the time of delivery to or acquisition by CCC, a commingled warehouse receipt covering the beans delivered or acquired, agreed to by the producer and warehouseman, is issued by an approved warehouse, inspection and weight certificates will not be required and settlement with the producer will be made at the applicable county support rate for the class and grade of the beans shown on the commingled warehouse receipt and accompanying documents for the quantity shown thereon.

(ii) In the case of beans delivered under a farm-storage loan or acquired by CCC under an identity-preserved warehouse storage loan which are of a grade for which no support rate has been established, the settlement value shall be computed at the support rate established for the class and grade placed under loan, less the difference, if any, at the time the inspection and weight certificates, or the commingled receipt, are delivered to the county committee, between the market price for the class and grade placed under loan and the market price of the beans delivered or acquired as determined by CCC: *Provided, however,* That in the case of thresher-run beans which, when delivered are not of a grade for which a support rate has been established, the settlement value shall be the support rate for beans of the same class grading U. S. No. 2, less the difference, if any, at the time of delivery, between the market price for such grade and the market price of the beans delivered, as determined by CCC: *Provided, further,* That if any such beans are sold by CCC in order to determine the market price for purposes of settlement, the settlement value shall not be less than such sales price. If upon delivery, the beans contain mercurial compounds or other substances poisonous to man or animals, such beans shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel or industrial uses where the end product shall not be consumed by man or animals, and the settlement value shall be the same as the sales price. If CCC is unable to sell such beans for the use specified above, the settlement value shall be the market value, if any, as determined by CCC, as of the date of delivery.

(iii) Any amount determined to be due CCC or the producer in settlement for difference in quantity or quality of an identity-preserved warehouse storage loan shall be paid as provided in § 421.3018 (a) (2) and (3).

(3) *Purchase agreements.* Eligible beans delivered to CCC under a purchase agreement will be purchased at the applicable support rate for the class and grade of beans delivered.

(i) *Commingled storage in approved warehouses.* Beans stored commingled in approved warehouses will be purchased on the basis of the weight, grade, and other quality factors shown on the warehouse receipts and/or accompanying documents.

(ii) *Other than commingled storage in approved warehouses.* Beans stored identity-preserved in an approved warehouse and beans delivered from other than approved warehouse storage will be purchased on the basis of the weight, grade, and other quality factors shown on the official lot inspection and weight certificates and agreed to by the producer on Commodity Purchase Form 4 or 4A whichever is applicable: *Provided, however,* That if upon delivery, the beans contain mercurial compounds or other substances poisonous to man or animals, and such beans are inadvertently accepted by CCC, the beans shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel or industrial uses where the end product shall not be consumed by man or animals, and the settlement value shall be the sales price: *Provided further,* That if CCC is unable to sell such beans for the use specified above, the settlement value shall be the market value, if any, as determined by CCC, as of the date of delivery.

(c) *Determination of quantity for settlement purposes.* The quantity of beans on which settlement will be made shall be determined in accordance with § 421.3180 (b).

(d) *Refund of prepaid handling charges.* In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on beans under loan or purchase agreement stored in a warehouse under the Bean Storage Agreement, the producer shall, upon delivery of the beans to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges authorized under the Bean Storage Agreement, provided the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid.

(e) *Method of payment under purchase agreement settlements.* When delivery of beans under purchase agreement is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct, on Commodity Purchase Form 4 or 4A, whichever is applicable, to whom payment of the proceeds shall be made.

Issued this 20th day of June 1958.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-4885; Filed, June 25, 1958; 8:57 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 909—ALMONDS GROWN IN CALIFORNIA

REVISED SALABLE AND SURPLUS PERCENTAGES

Pursuant to the provisions of Marketing Agreement No. 119, as amended, and Order No. 9, as amended, regulating the handling of almonds grown in California (7 CFR 909; and 23 F. R. 903), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), notice of a proposal to change the salable percentage from 75 percent to 76 percent and the surplus percentage from 25 percent to 24 percent, applicable to almonds received by handlers during the crop year beginning July 1, 1957, was published in the FEDERAL REGISTER on June 4, 1958 (23 F. R. 3862). The said notice provided that written data, views, or arguments filed by June 14, 1958, would be considered prior to

issuance of a final order establishing the revised percentages. No such communications were filed during the time provided.

The proposal to so change the almond salable and surplus percentages was based on estimates and recommendations of the Almond Control Board, which body administers the almond marketing agreement and order program, and other information available to the Department.

After consideration of all relevant information available, it is hereby found that the quantity of salable almonds is not sufficient to satisfy trade demand and desirable carryover requirements for the crop year 1957–58, and that to establish the revised salable and surpus percentages set forth below will tend to effectuate the declared policy of the act.

Therefore, it is ordered, That § 909.207 *Revised salable and surplus percentages for almonds during the crop year beginning July 1, 1957,* which was published in the FEDERAL REGISTER of February 7, 1958 (23 F. R. 823) be amended by deleting therefrom the terms "75 percent and 25 percent, respectively," and inserting in lieu thereof the terms "76 percent and 24 percent, respectively."

It is hereby found that good cause exists for making this order effective upon publication in the FEDERAL REGISTER rather than 30 days or any lesser period thereafter for the reasons that (1) the effect of this action is to relieve restrictions upon handlers, and (2) compliance with the changed percentages herein established will require no special preparation on the part of handlers or other persons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 23, 1958, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 58-4884; Filed, June 25, 1958; 8:57 a. m.]

[Plum Order 11]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.593 *Plum Order 11*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 17, 1958.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 27, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no shipper shall ship from any shipping point during any day any package or container of Burbank plums unless such plums grade at least U. S. No. 1; and, except to the extent otherwise permitted under this paragraph,

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than two (2) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than two (2) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent: *And provided further,* That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 6-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed one hundred (100) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph and all such smaller plums meet the following applicable requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and thirteen-sixteenths (1 13/16) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenths (1 13/16) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent: *And provided further,* That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7-row standard pack, they shall be deemed to meet the minimum requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days: *Provided,* That, shipment is also made on the particular calendar day by such shipper of the full quantity of such smaller sized plums such shipper is authorized to ship on such day under subparagraph (2) of this paragraph.

(4) When used in this section, "U. S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have

the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520–1537 of this title; 23 F. R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 (§ 936.100 et seq.), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 23, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4876; Filed, June 25, 1958; 8:55 a. m.]

[Plum Order 12]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.594 *Plum Order 12*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 17, 1958.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 27, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no shipper shall ship any package or container of Duarte plums unless such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and,

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and thirteen-sixteenth ($1^{13}/_{16}$) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenth ($1^{13}/_{16}$) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent: *And provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "U. S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520–1537 of this title; 23 F. R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 (§ 936.100 et seq.), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwith-

standing that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 23, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4877; Filed, June 25, 1958; 8:55 a. m.]

[Plum Order 13]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.595 *Plum Order 13*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 17, 1958.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 27, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no shipper shall ship from any shipping point during any day any package or container of Becky Smith plums unless such plums grade at least U. S. No. 1; and, except to the extent otherwise permitted under this paragraph.

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than two (2) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than two (2) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent; *And provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 6-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed eleven and eleven one-hundredths (11.11) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph and all such smaller plums meet the following applicable requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and thirteen-sixteenth (1 13/16) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenth (1 13/16) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent: *And provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7-row standard pack, they shall be deemed to meet the minimum requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days: *Provided*, That, shipment is also made on the particular calendar day by such shipper of the full quantity of such smaller sized plums such shipper is authorized to ship on such day under subparagraph (2) of this paragraph.

(4) When used in this section, "U. S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520–1537 of this title; 23 F. R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom

end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 (§ 936.100 et seq.), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 23, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4878; Filed, June 25, 1958; 8:55 a. m.]

[Plum Order 14]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.596 *Plum Order 14*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 17, 1958.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 27, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no shipper shall ship from any shipping point during any day any package or container of Mariposa plums unless such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and, except to the extent otherwise permitted under this paragraph,

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than two (2) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than two (2) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent: *And provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 6-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed twenty-five (25) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph and all such smaller plums meet the following applicable requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and thirteen-sixteenth (1 13/16) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenth (1 13/16) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent: *And provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7-row standard pack, they shall be deemed to meet the minimum requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days: *Provided*, That, shipment is also made on the particular calendar day by such shipper of the full quantity of such smaller sized plums such shipper is authorized to ship on such day under subparagraph (2) of this paragraph.

(4) When used in this section, "U. S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520-1537 of this title; 23 F. R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7½-row standard pack" shall mean that the top layer of the pack contains 56

plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 (§ 936.100 et seq.) sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 23, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4879; Filed, June 25, 1958; 8:55 a. m.]

[Plum Order 15]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.597 *Plum Order 15*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 17, 1958.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 27, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no shipper shall ship from any shipping point during any day any package or container of Ace plums unless such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and, except to the extent otherwise permitted under this paragraph.

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than two (2) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than two (2) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent; *And provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 6-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed twenty-five (25) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph and all such smaller plums meet the following applicable requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and thirteen-sixteenth (1 13/16) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenths (1 13/16) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent: *And provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7-row standard pack, they shall be deemed to meet the minimum requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days: *Provided*, That, shipment is also made on the particular calendar day by such shipper of the full quantity of such smaller sized plums such shipper is authorized to ship on such day under subparagraph (2) of this paragraph.

(4) When used in this section, "U. S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520–1537 of this title; 23 F. R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack"

shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 (§ 936.100 et seq.), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 23, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4880; Filed, June 25, 1958; 8:56 a. m.]

[Plum Order 16]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.598 *Plum Order 16*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 17, 1958.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 27, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no shipper shall ship from any shipping point during any day any package or container of Elephant Heart plums unless such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and, except to the extent otherwise permitted under this paragraph,

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than two (2) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than two (2) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent: *And provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 6-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed twenty-five (25) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph and all such smaller plums meet the following applicable requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and thirteen-sixteenth (1 13/16) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenth (1 13/16) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent: *And provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7-row standard pack, they shall be deemed to meet the minimum requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days: *Provided*, That, shipment is also made on the particular calendar day by such shipper of the full quantity of such smaller sized plums such shipper is au-

thorized to ship on such day under subparagraph (2) of this paragraph.

(4) When used in this section, "U. S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520–1537 of this title; 23 F. R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 (§ 936.100 et seq.), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 23, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4881; Filed, June 25, 1958; 8:56 a. m.]

[Plum Order 17]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.599 *Plum Order 17*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 17, 1958.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 27, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no shipper shall ship from any shipping point during any day any package or container of Sugar plums unless such plums grade at least U. S. No. 1; and, except to the extent otherwise permitted under this paragraph,

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 5 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than one and ten-sixteenth ($1^{10}/_{16}$) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than one and ten-sixteenth ($1^{10}/_{16}$) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent: *And provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7½-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed eleven and eleven one-hundredths (11.11) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph and all such smaller plums meet the following applicable requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 5 x 6 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and eight-sixteenth ($1^{8}/_{16}$) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and eight-sixteenth ($1^{8}/_{16}$) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent: *And provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 8½-row standard pack, they shall be deemed to meet the minimum requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any ship-

ping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days: *Provided*, That, shipment is also made on the particular calendar day by such shipper of the full quantity of such smaller sized plums such shipper is authorized to ship on such day under subparagraph (2) of this paragraph.

(4) When used in this section, "U. S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520-1537 of this title; 23 F. R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 (§ 936.100 et seq.), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 23, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4882; Filed, June 25, 1958; 8:56 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

REVIEW AND ADJUSTMENT OF WIDOWS' DEPENDENCY AND INDEMNITY COMPENSATION

Correction

In F. R. Document 58-4656, appearing in the issue for Thursday, June 19, 1958, at page 4411, make the following change: In § 4.495 (d) (2), the date "December 31, 1958" should read "December 31, 1956".

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 96—AIR CARRIERS

MISCELLANEOUS AMENDMENTS

In Part 96 Air Carriers, make the following changes:

a. In §§ 96.1 (d) (3), 96.2 (c), 96.3 (a) (1), 96.3 (c), 96.4 (a), and 96.4 (d), change the title "Regional Transportation Manager" to "Distribution and Traffic Manager."

b. In § 96.1 *Carriers' responsibilities* amend paragraphs (e) and (f) to read as follows:

(e) *For preparing schedules.* Schedules must be prepared north to south and east to west, with flights arranged in chronological order left to right. A brief explanatory letter or cover sheet must accompany proposed new schedules. Copies of changes to existing schedules must be filed with the Post Office Department not less than 10 days prior to the effective date. Three copies must be filed with the Assistant Postmaster General, Bureau of Transportation, Post Office Department, Washington 25, D. C. Three copies must be filed with the Assistant Controller, Bureau of Finance, Post Office Department, Washington 25, D. C. One copy must be filed with the Distribution and Traffic Manager, Post Office Department, in each region concerned. The date of filing will be the date of receipt in the office of the Assistant Postmaster General, Bureau of Tranportation, Washington 25, D. C. A copy of the schedule of all Alaskan routes must also be furnished the Distribution and Traffic Manager, Post Office Department, Seattle, Washington. The Assistant Postmaster General, Bureau of Transportation, will determine which trips are to be designated for the transportation of mail and will notify the carrier accordingly.

(f) *For answering correspondence.* Air carriers must answer promptly all correspondence from officials of the Post Office Department. Correspondence concerning the operations of the airmail service (except that which is initiated by and directed to the Department at Washington, D. C., and postal inspectors) must be channeled through the Distribution and Traffic Manager, Post Office Department, having jurisdiction of the region or route involved. Correspondence concerning the operation of the Alaska airmail service must be channeled through the Distribution and Traffic Manager, Post Office Department, Seattle, Washington.

c. In § 96.3 *Handling of mail* amend paragraph (b) to read as follows:

(b) *Direct transfer between planes.* Carriers must make transfers according to routing authorized on original Forms 2729, 2733 or 2734. Form 2733, Interline Air Mail Record, must be carried with the related mail from point of dispatch to point of transfer and delivered with the mail to the receiving carrier. When actual mail does not agree with listing on Form 2733, the delivering carrier must prepare Form 2734, Air Mail Exception Record, listing actual mail transferred by online destination of receiving carrier. The delivering carrier is responsible for determining that mail tendered is accurately recorded on transfer documents, Form 2733 or 2734, and verified by receiving carrier. All transfers are based on normal operations and under normal conditions, should be made as authorized. If the arriving carrier is off schedule, it is the responsibility of that carrier to determine whether the intended connection can be made. If, because of his late operation the intended trip cannot be connected, the arriving carrier should obtain new routing instructions from local postal personnel and tranfer mail accordingly. The delivering carrier will complete Form 2734 and deliver the mail to an alternate carrier, or to a postal representative, as instructed. After acceptance of transferred mail, if the trip of the receiving carrier to which the mail was routed (1) is delayed more than one hour, (2) is cancelled, or (3) for any other reason cannot provide the ordered service, the receiving carrier is responsible for securing new routing instructions and for transferring the mail as required. Carriers must accept mail tendered them by transfer, unless the mail is not properly listed on transfer forms or the mail is not routed for delivery or transfer at a point on their routes. To facilitate transfers, carriers are responsible for concluding mutually agreeable local arrangements regarding the point of exchange between carriers. These arrangements are subject to approval by the Distribution and Traffic Manager to assure that they are adequate for postal needs.

d. In § 96.4 *Reports* amend paragraph (b) (6) to read as follows:

(6) The carrier must submit POD Form 2702 promptly to the designated Distribution and Traffic Manager, Post Office Department. In any event the form must be submitted within 14 days after the completion of a trip. The original and triplicate copy of Form 2702 for Alaskan routes must be forwarded to the Distribution and Traffic Manager, Post Office Department, Seattle, Washington.

e. In § 96.5 *Submission of claims* amend paragraph (a) (1) by deleting the following sentence therefrom: "Carriers should requisition POD Forms 2734 from the Regional Transportation Manager of

the region in which the headquarters or supply center of the carrier is located."

NOTE: The corresponding Postal Manual Part is Part 531.

(R. S. 161, 396, as amended; sec. 405, 52 Stat. 994, as amended; 5 U. S. C. 22, 369, 49 U. S. C. 485)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F. R. Doc. 58-4839; Filed, June 25, 1958; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 2004]

PART 244—RIGHTS-OF-WAY OTHER THAN FOR RAILROAD PURPOSES AND FOR LOGGING ROADS ON THE OREGON AND CALIFORNIA AND COOS BAY REVESTED LANDS

On page 2352 of the FEDERAL REGISTER of April 10, 1958, there was published a notice of proposed rule making, relating to permits for construction in advance of approval of a right-of-way, which would clarify applicants' authority to occupy and use the lands involved and which would provide a method of payment for the permitted use and occupancy. Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed regulations.

No comments or suggestions were submitted within the 30-day period. The proposed regulations are hereby adopted without change and are set forth below.

FRED A. SEATON,
Secretary of the Interior.

JUNE 20, 1958.

Paragraph (a) of § 244.8 and paragraphs (d) and (e) of § 244.21 are revised to read as follows:

§ 244.8 *Commencement of construction work in advance of approval of right-of-way; trespass.* (a) Permission to commence construction work over and through lands under the jurisdiction of the Department of the Interior or of its agencies and to use and occupy such lands in advance of the approval of a right-of-way may be granted by the manager upon a satisfactory showing of the necessity for such action and upon a determination, after the request for permission has been cleared by all interested agencies of the Department, that such action is compatible with the public interest. Requests for such advance authority need not meet the formal requirements of §§ 244.3 to 244.5 and may be filed with the agency having supervision of the land involved, in which case a duplicate request must be filed in the office specified in § 244.3.

§ 244.21 *Payment required; exceptions; default; revision of charges.* * * *

(d) (1) There shall be remitted to the Bureau of Land Management with the application, or with the request for advance permission (see § 244.8), the amount provided as the rental for a calendar year or fraction thereof.

(2) Where the application is for a reservoir, dam, well, or plant sites, etc., the sum of five dollars ($5), the minimum charge specified for such cases, shall be remitted to the Bureau of Land Management with the application or the request for advance permission.

(e) The holder of the right-of-way or permit for advance construction, use, and occupancy thereafter shall pay, on or before the first day of each calendar year, the rental charges for that calendar year in accordance with paragraphs (a) and (b) of this section. If the rental charge is not paid when due, and such default shall continue for thirty days after the first day of January, action may be taken to cancel the right-of-way or permit. After default has occurred, no structures, buildings, or other equipment may be removed from the right-of-way except upon written permission first obtained from the authorized officer.

(R. S. 161, 453, 2478; 5 U. S. C. 22, 43 U. S. C. 2, 1201)

[F. R. Doc. 58-4844; Filed, June 25, 1958; 8:50 a. m.]

Appendix—Public Land Orders

[Public Land Order 1661]

[78862]

IDAHO

POWER SITE RESTORATION NO. 543; REVOKING THE EXECUTIVE ORDER OF APRIL 6, 1917, CREATING POWER SITE RESERVE NO. 588; RESTORING CERTAIN LANDS WITHDRAWN IN POWER PROJECT NO. 912

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive order of April 6, 1917, withdrawing all portions of the following-described lands lying within 50 feet of the center line of the right-of-way shown on maps filed on December 12, 1916, as part of the application Coeur d'Alene 010458 for an electric transmission line as Power Site Reserve No. 588, is hereby revoked:

BOISE MERIDIAN

T. 47 N., R. 4 E.,
Sec. 3, SW¼NE¼, E½NW¼, W½SE¼, and SE¼SE¼.
T. 49 N., R. 5 E.,
Sec. 30, NW¼NW¼.

The area described contains approximately 17 acres.

2. Pursuant to DA-508 Idaho, of the Federal Power Commission, issued March 14, 1958, the following-described lands, withdrawn pursuant to application for license in Project No. 912, are hereby opened, subject to any existing valid rights and the requirements of applicable law, to filing of applications, selections and locations in accordance with the following, subject, however, to the provisions of section 24 of the act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended and subject to the prior right of the licensee and its successors to use the lands for purposes of power development to the extent shown upon the map designated as "Exhibit K, Sheet 2 of 3" entitled "Public Utilities Consolidated Corp., Reservoir, Dam and Conduit, Section 3, T. 47 N., R. 4 E., Boise Meridian, Shoshone County, Idaho," and filed in the office of the Federal Power Commission on July 10, 1928:

BOISE MERIDIAN

T. 47 N., R. 4 E.,
Sec. 3, Lot 2, the unpatented portion of lot 3, and SW¼NE¼, NE¼SW¼, NW¼SE¼, and SE¼NW¼.

The areas described aggregate approximately 200 acres.

3. The lands are located along Placer Creek, a tributary to the South Fork Coeur d'Alene River, about one mile south of the town of Wallace, Idaho. The topography is characterized by very steep mountainsides sloping away from the narrow stream channel of Placer Creek. The vegetative cover is mainly dense brush.

4. No application for the lands described in paragraph 2 may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m. on July 26, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on October 25, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m., on October 25, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

6. The restored lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws, subject to the provisions of Section 24 of the Federal Power Act of June 10, 1920, and the stipulation pertaining to the prior rights of the project licensee and its successors, referred to in paragraph 2 of this order, beginning at 10:00 a. m. on October 25, 1958.

7. With respect to the S½SE¼ of Section 3, T. 47 N., R. 4 E., and the NW¼ NW¼ Section 30, T. 49 N., R. 5 E., the Federal Power Commission on April 17, 1922, issued its general determination that where lands of the United States had heretofore been or thereafter were reserved or classified as power sites, solely because such lands were either occupied by power transmission lines or their occupancy and use for such purposes had been applied for or authorized under appropriate laws of the United States, that the value of such lands would not be injured or destroyed for purposes of power development by location, entry, or selection under the public-land laws subject to the reservation of Section 24 of the Federal Power Act. The lands, therefore, will continue open to application and appropriation under the public land laws but without reference to the provisions of Section 24 of the Federal Power Act.

8. The lands described in paragraph 2 shall be subject until 10:00 a. m. on September 20, 1958, to application by the State of Idaho under any statute or regulation applicable thereto, for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways pursuant to Section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended.

9. Persons claiming veterans preference rights must enclose, with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 20, 1958.

[F. R. Doc. 58-4819; Filed, June 25, 1958; 8:45 a. m.]

[Public Land Order 1662]

[Nevada 043795]

NEVADA

WITHDRAWING LANDS FOR USE OF ATOMIC ENERGY COMMISSION IN CONNECTION WITH NEVADA TEST SITE, ADDITIONAL TO THOSE WITHDRAWN BY PUBLIC LAND ORDER NO. 805 OF FEBRUARY 12, 1952

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Nevada are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws and the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601-604) as amended, and reserved for use of the Atomic Energy Commission in connection with the Nevada Test Site:

Beginning at a point that has coordinates—

Northing, 911,554.32;
Easting, 714,867.37;
Latitude 37°15'07.268" N.,
Longitude 115°55'42.268" W.,

which is the northeast corner of the present Atomic Energy Commission Proving Ground as withdrawn by Public Land Order No. 805, thence

N. 0°32'47" W., 2 miles to the intersection of a line bearing west of the point for a corner of Tps. 7 and 8 S., Rs. 55 and 56 E.;
East, 10 miles along line for Tps. 7 and 8 S.;
South, 6 miles to intersection of the 2d Standard Parallel South and Rs. 55 and 56 E.
West, 10 miles along said Parallel to east boundary of Public Land Order No. 805
N. 0°32'47" W., 4 miles along said boundary to point of beginning.

The above described tract will embrace the following lands, if and when surveyed:

MOUNT DIABLO MERIDIAN

T. 8 S., R. 54 E.,
Secs. 1 to 4, 9 to 16, 21 to 28, and 33 to 36 inclusive.
T. 8 S., R. 55 E.

The area described contains approximately 38,400 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 20, 1958.

[F. R. Doc. 58-4820; Filed, June 25, 1958; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 160]

LOAN PROCEDURES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 4 of the Fish and Wildlife Act of 1956 (70 Stat. 1119, 1121), it is proposed to adopt the regulations set forth below as a revision of Part 160—Loan Procedures. The purpose of this revision is to clarify the meaning of several sections of the regulations, to include fishery marketing cooperatives as qualified loan applicants, to delete the provision allowing a person using a fishing vessel or fishing gear under his control on a lease or share basis to be a qualified applicant for financial assistance, and to specify additional purposes for which applications for financial assistance cannot be considered.

The regulations proposed to be revised related to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U. S. C. 1003); however, it is the policy of the Department of the Interior, that, wherever practicable, the rule making provisions of the act be observed voluntarily. Accordingly, prior to the final adoption of the regulations set forth below in tentative form, consideration will be given to any comments, suggestions, or objections relating thereto which are submitted in writing to the Director, Bureau of Commercial Fisheries, Washington 25, D. C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: June 20, 1958.

ROGER ERNST,
Assistant Secretary of the Interior.

Sec.
160.1 Definition of terms.
160.2 Purposes of loan fund.
160.3 Interpretation of loan authorization.
160.4 Qualified loan applicants.
160.5 Basic limitations.
160.6 Applications.
160.7 Processing of loan applications.
160.8 Approval of loans.
160.9 Interest.
160.10 Maturity.
160.11 Security.
160.12 Books, records, and reports.
160.13 Penalties on default.

AUTHORITY: §§ 160.1 to 160.13 issued under sec. 4, 70 Stat. 1121.

§ 160.1 *Definitions of terms.* For the purposes of this part, the following terms shall be construed, respectively, to mean and to include:

(a) *Secretary.* The Secretary of the Interior or his authorized representative.

(b) *Administrator.* Administrator of the Small Business Administration or his authorized representative.

(c) *Person.* Individual, association, partnership or corporation, any one or all as the context requires.

(d) *State.* Any State, the Territories and possessions of the United States, the Commonwealth of Puerto Rico, and the District of Columbia.

§ 160.2 *Purposes of loan fund.* The broad objective of the fisheries loan fund created by the Fish and Wildlife Act of 1956 is to provide financial assistance which will aid the commercial fishing industry to bring about a general upgrading of the condition of both fishing vessels and fishing gear thereby contributing to more efficient and profitable fishing operations.

(a) Under section 4 of the act, the Secretary is authorized, among other things:

(1) To make loans for financing and refinancing of operations, maintenance, replacement, repair and equipment of fishing gear and vessels, and for research into the basic problems of fisheries.

(2) Subject to the specific limitations in the section, to consent to the modification, with respect to the rate of interest, time of payment of any installment of principal, or security, of any loan contract to which he is a party.

(b) All financial assistance granted by the Secretary must be for one or more of the purposes set forth in paragraph (a) of this section.

§ 160.3 *Interpretation of loan authorization.* The terms used in the act to describe the purposes for which loans may be granted are construed to be limited to the meanings ascribed in this section.

(a) *Operation of fishing gear and vessels.* The words "operation of fishing gear and vessels" mean and include all phases of activity directly associated with the catching of fish and shellfish for commercial purposes.

(b) *Maintenance of fishing gear and vessels.* The words "maintenance of fishing gear and vessels" mean the normal and routine upkeep of all parts of fishing gear and fishing vessels, including machinery and equipment.

(c) *Replacement of fishing gear and vessels.* The words "replacement of fishing gear and vessels" contemplate the purchase of fishing gear or equipment, parts, machinery, or other items incident to outfitting for fishing to replace lost, damaged, worn, obsolete, inefficient, or discarded items of a similar nature, or the purchase or construction of a fishing vessel to operate the same type of fishing gear as a comparable vessel which has been lost, destroyed or abandoned or has become obsolete or inefficient. Any vessel lost, destroyed or abandoned more than two years prior to the date of receipt of the application shall not be considered eligible for replacement.

(d) *Repair of fishing gear and vessels.* The words "repair of fishing gear and vessels" mean the restoration of any worn or damaged part of fishing gear or fishing vessels to an efficient operating condition.

(e) *Equipment of fishing gear and vessels.* The words "equipment of fishing gear and vessels" mean the parts, machinery, or other items incident to outfitting for fishing which are purchased for use in fishing operations.

(f) *Research into the basic problems of fisheries.* The words "research into the basic problems of fisheries" mean investigation or experimentation designed to lead to fundamental improvements in the capture or landing of fish conducted as an integral part of vessel or gear operations.

§ 160.4 *Qualified loan applicants.* (a) Any person residing or conducting business in any State shall be deemed to be a qualified applicant for financial assistance if such person:

(1) Owns a commercial fishing vessel of United States registry (if registration is required) used directly in the conduct of fishing operations, irrespective of the type, size, power, or other characteristics of such vessel;

(2) Owns any type of commercial fishing gear used directly in the catching of fish or shellfish;

(3) Owns any property, equipment, or facilities useful in conducting research into the basic problems of fisheries or possesses scientific, technological or other skills useful in conducting such research.

(4) Is a fishery marketing cooperative engaged in marketing all catches of fish or shellfish by its members pursuant to contractual or other enforceable arrangements which empower the cooperative to exercise full control over the conditions of sale of all such catches and disburse the proceeds from all such sales.

(b) Applications for financial assistance cannot be considered if the loan is to be used for:

(1) Any phase of a shore operation.

(2) Refinancing existing preferred mortgages or secured loans on fishing gear and vessels, except in those instances where the Secretary deems such refinancing to be desirable in carrying out the purpose of the Act.

(3) Paying creditors for debts previously incurred, except for marshalling and liquidating the indebtedness of the applicant to existing lien holders in those instances where the Secretary deems such action to be desirable in carrying out the purpose of the Act.

(4) (i) Effecting any change in ownership of a fishing vessel (except for replacement of a vessel or purchase of the interest of a deceased partner), (ii) replenishing working capital used for such purpose or (iii) liquidating a mortgage given for such purpose less than two years prior to the date of receipt of the application.

(5) Replacement of fishing gear or vessels where the applicant or applicants owned less than a 20 percent interest in said fishing gear or vessel to be replaced or owned less than 20 percent interest in a corporation owning said fishing gear or vessel: *Provided*, That applications for a replacement loan by an eligible applicant cannot be considered unless and until the remaining owners or shareholders shall agree in writing that they will not apply for a replacement loan on the same fishing gear or vessel.

(6) Repair of fishing gear or vessels where such fishing gear or vessels are not offered as collateral for the loan by the applicant.

(7) Financing new business ventures involving fishing operations.

§ 160.5 *Basic limitations.* Applications for financial assistance may be considered only where there is evidence that the credit applied for is not otherwise available on reasonable terms (a) from applicant's bank of account, (b) from the disposal at a fair price of assets not required by the applicant in the conduct of his business or not reasonably necessary to its potential growth, (c) through use of the personal credit and/or resources of the owner, partners, management, affiliates or principal stockholders of the applicant, or (d) from other known sources of credit. The financial assistance applied for shall be deemed to be otherwise available on reasonable terms unless it is satisfactorily demonstrated that proof of refusal of the desired credit has been obtained from the applicant's bank of account: *Provided*, That if the amount of the loan applied for is in excess of the legal lending limit of the applicant's bank or in excess of the amount that the bank normally lends to any one borrower, then proof of refusal should be obtained from a correspondent bank or from any other lending institution whose lending capacity is adequate to cover the loan applied for. Proof of refusal of the credit applied for must contain the date, amount, and terms requested. Bank refusals to advance credit will not be considered the full test of unavailability of credit and, where there is knowledge or reason to believe that credit is otherwise available on reasonable terms from sources other than such banks, the credit applied for cannot be granted notwithstanding the receipt of written refusals from such banks.

§ 160.6 *Application.* Any person desiring financial assistance from the fisheries loan fund shall make application to the Fish and Wildlife Service, Department of the Interior, Washington 25, D. C., on a loan application form furnished by that Service except that, in the discretion of the Secretary, an application made other than by use of the prescribed form may be considered if the application contains information deemed to be sufficient. Such application shall indicate the purposes for which the loan is to be used, the period of the loan, and the security to be offered.

§ 167.7 *Processing of loan applications.* If it is determined, on the basis of a preliminary review, that the application is complete and appears to be in conformity with established rules and procedures, a field examination shall be made. Following completion of the field investigation the application will be forwarded with an appropriate report to the Fish and Wildlife Service, Department of the Interior, Washington 25, D. C.

§ 160.8 *Approval of loans.* Loan agreements shall be executed on a form approved by the Secretary. The Secretary will evidence his approval of the loan by issuing a loan authorization covering the terms and conditions for making the loan. Such loan authorization shall be referred to the Administrator who will direct the closing of the loan with the applicant in the field and render services involving the collection of repayments and such other loan servicing functions as may be required. Any modification of the terms of a loan agreement following its execution must be agreed to in writing by the borrower and the Secretary.

§ 160.9 *Interest.* The rate of interest on all loans which may be granted is fixed at five per cent per annum.

§ 160.10 *Maturity.* The period of maturity of any loan which may be granted shall be determined and fixed according to the circumstances but in no event shall the date of maturity so fixed exceed a period of ten years.

§ 160.11 *Security.* Loans shall be approved only upon the furnishing of such security or other reasonable assurance of repayment as the Secretary may require. The proposed collateral for a loan must be of such a nature that, when considered with the integrity and ability of the management, and the applicant's past and prospective earnings, repayment of the loan will be reasonably assured.

§ 160.12 *Books, records, and reports.* The Secretary shall have the right to inspect such books and records of the applicant as the Secretary may deem necessary. Disbursements on a loan made under this part shall be made only upon the agreement of the loan applicant to maintain proper books of account and to submit such periodic reports as may be required by the Secretary during the period of the loan. During such period, the books and records of the loan applicant shall be made available at all reasonable times for inspection by the Secretary.

§ 160.13 *Penalties on default.* Unless otherwise provided in the loan agreement, failure on the part of a borrower to conform to the terms of the loan agreement will be deemed grounds upon which the Secretary may cause any one or all of the following steps to be taken:

(a) Discontinue any further advances of funds contemplated by the loan agreement.

(b) Take possession of any or all collateral given as security and the property purchased with borrowed funds.

(c) Prosecute legal action against the borrower.

(d) Declare the entire amount advanced immediately due and payable.

(e) Prevent further disbursement of and withdraw any funds advanced to the borrower and remaining under his control.

[F. R. Doc. 58-4843; Filed, June 25, 1958; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

U. S. STANDARDS FOR RED PIMIENTO PEPPERS FOR PROCESSING[1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Red Pimiento Peppers for Processing pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than July 15, 1958.

The proposed standards are as follows:

GRADES

Sec.
51.2900 U. S. No. 1.
51.2901 U. S. No. 2.

CULLS

51.2902 Culls.

DEFINITIONS

51.2903 Well colored.
51.2904 Fairly well colored.
51.2905 Well shaped.
51.2906 Fairly well shaped.
51.2907 Length.
51.2908 Diameter.
51.2909 Firm.
51.2910 Sunscald.
51.2911 Damage.
51.2912 Serious damage.

AUTHORITY: §§ 51.2900 to 51.2912 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GRADES

§ 51.2900 *U. S. No. 1.* "U. S. No. 1" consists of pimiento peppers which are well colored, well shaped, firm, free from decay, mold, insects, sunscald, holes or cracks penetrating through the wall, and from damage by any other means.

(a) Unless otherwise specified, the minimum diameter of each pepper shall be 2¼ inches.

§ 51.2901 *U. S. No. 2.* "U. S. No. 2" consist of pimiento peppers which are fairly well colored, fairly well shaped, and which are free from decay, mold, insects, holes, or cracks penetrating through the wall, and from serious damage by any other means.

(a) Unless otherwise specified, the minimum diameter of each pepper shall be 1¾ inches.

CULLS

§ 51.2902 *Culls.* Pimiento peppers which fail to meet the requirements of either of the foregoing grades shall be designated as "culls".

DEFINITIONS

§ 51.2903 *Well colored.* "Well colored" means that the outer surface of the pepper has good color characteristic of a well ripened pimiento pepper with at least a tinge of red on the inside of the wall: *Provided,* That not more than 10 percent of the surface may have a different color if such color can be removed with the skin in the normal mechanical peeling operation, leaving good characteristic colored flesh beneath.

§ 51.2904 *Fairly well colored.* "Fairly well colored" means that 90 percent or more of the outer surface of the pepper has color characteristic of a fairly well ripened pimiento pepper.

§ 51.2905 *Well shaped.* "Well shaped" means that the pepper has a shape characteristic of a pimiento pepper, and that it is free from distinct grooves or depressions, and that its length is at least four-fifths of its diameter.

§ 51.2906 *Fairly well shaped.* "Fairly well shaped" means that the pepper is not badly curved or deeply grooved, and that its length is at least two-thirds of its diameter.

§ 51.2907 *Length.* "Length" means the greatest dimension of the pepper measured from the base next to the stem to the apex or blossom end.

§ 51.2908 *Diameter.* "Diameter" means the greatest dimension of the pepper measured at right angles to a line running from the stem to the apex or blossom end.

§ 51.2909 *Firm.* "Firm" means that the pepper is not more than slightly wrinkled due to loss of moisture.

§ 51.2910 *Sunscald.* "Sunscald" means toughened, dried, shrunken or discolored areas in the wall of the pepper caused by excessive exposure to the sun.

§ 51.2911 *Damage.* "Damage" means any defect which materially affects the processing or edible quality of the pepper and which cannot be removed in the normal mechanical peeling operation. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Cracks which are healed with caloused dark brown or black scar tissue; and,

(b) Sunburn which materially discolors the flesh beneath the peel.

§ 51.2912 *Serious damage.* "Serious damage" means any defect which seriously affects the processing or edible quality of the pepper, or which when removed will cause a loss of 20 percent or more of the area of the pepper.

Dated: June 23, 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 58-4841; Filed, June 25, 1958; 8:49 a. m.]

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[7 CFR Part 966]

[Docket No. AO-257-A4]

Handling of Milk in Shreveport, Louisiana, Marketing Area

Decision With Respect to Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Monroe, Louisiana, on March 4–6, 1958, pursuant to notice thereof issued on February 7, 1958 (23 F. R. 911).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on June 10, 1958 (23 F. R. 4317), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of opportunity to file written exceptions thereto.

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Monroe, Louisiana, on March 4–6, 1958, pursuant to notice thereof which was issued February 7, 1958 (23 F. R. 911).

The material issues on the record of the hearing related to:

1. Extension of the marketing area.
2. Revision of order provisions with respect to the classification of milk.
3. The level of class prices in the present and proposed extended marketing area.
4. Establishment of location adjustments from the nearer of the city halls at Shreveport and Monroe, Louisiana, and the revision of the present rate of adjustment.
5. Changes in the assignment and transfer of bases.
6. A revision of the computation of the value of producer milk when a handler has other source milk allocated to Class I in the same month that associated producer milk is assigned to such handler.

Findings and conclusions. The following findings and conclusions on Issue No. 3 with respect to the level of class prices in the present marketing area are based on evidence presented at the hearing and the record thereof. Expedited action is necessary on this issue in order to effectuate, at the earliest date, the recommendations herein.

Action is being deferred on all other issues until a later date. The findings and conclusions on Issue No. 3 are as follows:

3. The Class I price through June 30, 1960, should be the basic formula price for the preceding month plus $2.00 for the months of March through June and plus $2.40 for all other months.

Producers proposed that the Class I differentials should be $2.20 per hundredweight during each of the months of March through June and $2.60 for all other months. The order, since its effective date of April 1, 1955, has and currently does provide a Class I differential of $2.00 for the March–June period. During the July through February periods of 1956–57 and 1957–58, however, as a result of amendments, a Class I differential of $2.40 applied. The order presently provides a differential of $2.20 for the July–February period. A $2.20 differential was in effect for these months during 1955–56.

Production in this marketing area is increasing, annually, at about the same rate as increases in Class I sales. During the latter part of 1957 and the first part of 1958, however, Class I sales were increasing as compared to a year earlier. Production in early 1958 was less than the corresponding period of 1957. But, on an annual basis it is found that receipts of producer milk represented about 98 percent of the total Class I utilization for both of the years 1956 and 1957.

The period of October through February, each year, has been the time when producer milk receipts were shortest in relation to Class I needs. During the October–February 1955–56 period, receipts of producer milk were only 82.5 percent of the market's Class I needs; 94.5 percent during the same period of 1956–57 and only 85 percent during the 1957–58 October through February period. These data do not show any marked changes in the supply and Class I utilization of producer milk.

As in previous years it is necessary to import large quantities of other source milk to meet demand for fluid milk products in this marketing area. Such importations in 1956 and 1957 represented approximately 15 percent and 17 percent, respectively, of the total annual receipts of producer milk. Importations in the form of fluid milk and cream represented about one-quarter to one-third of the total quantities of other source milk received by handlers during the two-year period 1956–57. Handlers brought in slightly more than 16 million pounds of other source milk in 1956 and nearly 19 million pounds during 1957. Of these amounts 14 percent and 24 percent, respectively, was allocated each year to Class I.

Fluid milk and cream are imported into this area from New Orleans, North Texas, Ozarks, and Chicago marketing areas. Under present marketing conditions it is advisable to maintain the Class I prices at the level of the past two years so as to continue the flow of milk from these marketing areas to the Shreveport market. The Class I price is reasonably aligned with the markets that furnish supplemental supplies.

Local production conditions, as well as current supply conditions noted above, rule out any reduction in Class I prices at this time. Total receipts of producer milk have undoubtedly been unfavorably influenced by several factors during 1957, which may well continue through 1958. These factors are heavy culling of dairy cows resulting from favorable beef prices and from an extensive Bang's disease eradication program which demands herds free of the disease by the close of 1959. Approximately one-half of the herds in this market have not as yet participated in this program. Currently 15 percent of the milk supply is received from farms in bulk tanks, but it is expected that as much as 40 percent may be received by December 1958. Additional supplies must be attracted from outside the area or from newly established dairy farmers.

The proposal by producers, that the Class I differential should be $2.60 for the months of July through February and $2.20 all other months was evidently based on the supposition that such prices would attract new dairy farms. No evidence, however, was presented that such a price would stimulate new production much more than present prices are likely to. Rather such a price might unduly influence sources of supply in other marketing areas to associate themselves temporarily with the Shreveport marketing area and thus create unstable marketing conditions. It is concluded on the basis of the facts of this record that the Class I differentials, should be continued for a limited period at the same level as the past two years. The proposal for differentials of $2.60 for the months of July-February and $2.20 for all other months is denied.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions and the regulatory provisions of this decision are at variance with any of the exceptions such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Shreveport, Louisiana, Marketing Area" and "Order Amending the Order Regulating the Handling of Milk in the Shreveport, Louisiana, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be further amended by the attached order which will be published with this decision.

Determination of representative period. The month of April, 1958 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order, regulating the handling of milk in the Shreveport, Louisiana, marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D. C., this 20th day of June 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Shreveport, Louisiana, Marketing Area

§ 966.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Shreveport, Louisiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Shreveport, Louisiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended, as follows:

Delete § 966.51 (a) and substitute the following:

(a) *Class I milk price.* Through June 30, 1960, the minimum price shall be the basic formula price for the preceding month plus $2.00 for each of the months March, April, May and June, and plus $2.40 for all other months; and

[F. R. Doc. 58-4833; Filed, June 25, 1958; 8:57 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[7 CFR Part 967]

[Docket No. AO-170-All]

HANDLING OF MILK IN SOUTH BEND-LA PORTE-ELKHART, INDIANA, MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the marketing agreement and order to regulate the handling of milk in the South Bend-La Porte-Elkhart, Indiana, marketing area, which was issued June 6, 1958 (23 F. R. 4087; F. R. Doc. 58-4430), is hereby extended to June 28, 1958. Such exceptions must be filed with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on June 28, 1958.

Dated: June 20, 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-4842; Filed, June 25, 1958; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Ch. I]

[Economic Regs. Draft Release 95]

OPERATIONS PERMITTED BY FOREIGN AIR CARRIERS

NOTICE OF PROPOSED RULE MAKING

JUNE 20, 1958.

Notice is hereby given that the Civil Aeronautics Board has under consideration the issuance of an interpretive rule on whether foreign air carriers holding foreign air carrier permits issued pursuant to seciton 402 of the Civil Aeronautics Act may take on traffic at one United States point named in such permit and disembark it at another United States point named in such permit if the traffic originates at or is destined to a point outside the United States and is in continuous transit, by means of connections with another carrier or carriers, from or to the foreign point.

Interested persons may participate in the interpretive rule through submission of written data, views or arguments pertaining thereto, addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All relevant matters in communications received on or before August 7, 1958 will be considered by the Board before it makes its ruling. The issuance of the rule is proposed under authority of sections 1 (21), 205, 401, 402, and 501 of the Civil Aeronautics Act of 1938, as amended (52 Stat. 977, 984, 987, 991, 1005, 49 U. S. C. 401 (21), 425, 481, 482, 521) and under section 6 (b) of the Air Commerce Act of 1926, as amended (42 Stat. 572, 52 Stat. 1028, 49 U. S. C. 176 (b)).

The legal problem involved had its immediate origin in recent requests to the Board for interpretive rulings made by Qantas Empire Airways Limited and others in connection with the Qantas operations (C. A. B. Docket No. 9240, available for inspection in the Board's offices at Washington, D. C.). Without limiting the presentation of any interested person or the scope of the Board's

consideration of the issues inherent in this matter, the Board states its desire for written comment and argument in the following general areas:

1. Whether the provisions of section 6 (b) of the Air Commerce Act of 1926, as amended, which specify that foreign civil aircraft "shall not take on at any point within the United States, persons, property, or mail carried for compensation or hire and destined for another point within the United States", preclude a foreign civil aircraft from taking on commercial traffic at one United States point and discharging it at another United States point when (a) such traffic is in continuous transit, by means of connections with a carrier or carriers other than the operator of such aircraft, from or to a point outside the United States, and (b) both United States points are points named in a permit issued to the operator of the aircraft pursuant to section 402 of the Civil Aeronautics Act and the permit states that the holder is authorized to engage in foreign air transportation between the points named therein.

2. Whether the carriage of common traffic or mail by a foreign air carrier constitutes "foreign air transportation" within the meaning of the Civil Aeronautics Act when such traffic or mail is (a) taken on by that carrier at a point within the United States, (b) discharged by that carrier at another point within the United States, and (c) in continuous transit, by means of connections with another carrier or carriers, from or to a point outside the United States.

3. If the answer to the question posed in paragraph 2 is in the affirmative, whether such foreign air transportation lawfully may be authorized to be carried by a foreign air carrier pursuant to the provisions of section 402 of the Civil Aeronautics Act.

4. Whether, and to what extent, the questions posed in paragraphs 1, 2 and 3 are affected by (a) the Chicago Convention (Convention on International Civil Aviation, 61 Stat. 1180) or other international agreement, (b) the particular manner of designating points in foreign air carrier permits, such as terminal points, co-terminal points, etc.

By the Civil Aeronautics Board.

[SEAL] MARVIN BERGSMAN,
Acting Secretary.

[F. R. Doc. 58-4870; Filed, June 25, 1958; 8:54 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order 179-2]

TRANSFER OF FUNCTIONS WITHIN THE BUREAU OF THE MINT

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950, I hereby transfer, effective August 1, 1958, all of the functions of the Superintendent and of the Assayer of the United States Mint at San Francisco, California, to the Director of the Mint, to be exercised by him through such officers and employees of the Bureau of the Mint and at such Mint institution or institutions as he shall designate.

Dated: June 19, 1958.

[SEAL] FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 58-4846; Filed, June 25, 1958; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8955]

AEROLINEAS PERUANAS, S. A.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Aerolineas Peruanas, S. A., under section 402 of the Civil Aeronautics Act of 1938, as amended, for a foreign air carrier permit to engage in foreign air transportation in scheduled and nonscheduled operations with respect to mail, persons, and property (a) between a point or points in Peru and the terminal point Miami, Florida, via intermediate points; and (b) between a point or points in Peru and the terminal point Los Angeles, California, via intermediate points.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on June 26, 1958, at 10:00 a. m., e. d. s. t., in Room E-224, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Walter W. Bryan.

Dated at Washington, D. C., June 23, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-4871; Filed, June 25, 1958; 8:54 a. m.]

[Docket No. SA-333]

ACCIDENT OCCURRING NEAR BRUNSWICK, MD.

NOTICE OF HEARING

In the matter of investigation of collision accident involving aircraft of United States Registry N 7410 and Military T-33, which occurred near Brunswick, Maryland, May 20, 1958.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Monday, June 30, 1958, at 9:30 a. m. (local time) in the Main Auditorium, Department of Commerce, Washington, D. C.

Dated at Washington, D. C., June 19, 1958.

[SEAL] REID C. TAIT,
Presiding Officer.

[F. R. Doc. 58-4872; Filed, June 25, 1958; 8:54 a. m.]

[Docket No. 9183]

CAPITAL AIRLINES, INC.

NOTICE OF PREHEARING CONFERENCE

In the matter of an investigation instituted pursuant to Order No. E-12563 to determine whether General Rule 17 (A) of the tariff rules of Capital Airlines, Inc., contained in Local and Joint Passenger Rules Tariff No. PR-3, CAB No. 27, issued by M. F. Redfern, Agent, in effect on December 29, 1951, was unlawful.

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on July 2, 1958, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner F. Merritt Ruhlen.

Dated at Washington, D. C., June 23, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-4873; Filed, June 25, 1958; 8:54 a. m.]

[Docket No. 9333]

STEWART AIR SERVICE

NOTICE OF POSTPONEMENT OF HEARING

In the matter of Stewart Air Service Enforcement Proceeding.

Notice is hereby given that the hearing in the above-entitled proceeding heretofore assigned to be held on June 24, 1958, is postponed until July 7, 1958, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., June 23, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-4874; Filed, June 25, 1958; 8:54 a. m.]

[Docket No. 9399]

MACHINE TICKETING RULE INVESTIGATION

NOTICE OF PREHEARING CONFERENCE

In the matter of Board investigations in Order Nos. E-12397 and E-12562.

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on July 8, 1958, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Leslie G. Donahue.

Dated at Washington, D. C., June 23, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-4875; Filed, June 25, 1958; 8:54 a. m.]

FEDERAL CIVIL DEFENSE ADMINISTRATION

ARKANSAS

NOTICE OF MAJOR DISASTER

Pursuant to the authority vested in me by the President under Executive Order 10427, dated January 16, 1953, and Executive Order 10737, dated October 29, 1957 (18 F. R. 407; 22 F. R. 8799), by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U. S. C. 1855-1855g), as amended, and in furtherance of a declaration by the President in his letter to me dated May 15, 1958, reading in part as follows:

I hereby determine the damage in the various areas of Arkansas adversely affected by recent heavy rainstorms and floods to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following counties in the State of Arkansas to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 15, 1958:

Arkansas.	Jefferson.
Ashley.	Lee.
Bradley.	Lincoln.
Calhoun.	Logan.
Chicot.	Miller.
Cleveland.	Monroe.
Columbia.	Nevada.
Crittenden.	Ouachita.
Cross.	Perry.
Desha.	Phillips.
Drew.	St. Francis.
Hempstead.	Sevier.
Hot Spring.	Union.
Howard.	Woodruff.
Independence.	

Dated: June 12, 1958.

[SEAL] LEO A. HOEGH,
Administrator,
Federal Civil Defense Administration.

[F. R. Doc. 58-4824; Filed, June 25, 1958; 8:46 a. m.]

LOUISIANA

NOTICE OF MAJOR DISASTER

Pursuant to the authority vested in me by the President under Executive Order 10427, dated January 16, 1953, and Executive Order 10737, dated October 29, 1957 (18 F. R. 407; 22 F. R. 8799), by virtue of the act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U. S. C. 1855-1855g), as amended, and in furtherance of a declaration by the President in his letter to me dated May 20, 1958, reading in part as follows:

I hereby determine the damage in the various areas of Louisiana adversely affected by recent floods to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following Parishes in the State of Louisiana to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 20, 1958:

Avoyelles.	La Salle.
Bossier.	Morehouse.
Caddo.	Natchitoches.
Caldwell.	Ouachita.
Catahoula.	Rapides.
Concordia.	Red River.
Franklin.	Union.
Grant.	West Carroll.

Dated: June 12, 1958.

[SEAL] LEO A. HOEGH,
Administrator,
Federal Civil Defense Administration.

[F. R. Doc. 58-4825; Filed, June 25, 1958; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[SF-93680]

CALIFORNIA

ORDER PROVIDING FOR THE OPENING OF PUBLIC LANDS; CORRECTION

JUNE 20, 1958.

In Federal Register Document 58-3739, published on pages 3409 and 3410 in the issue for Tuesday, May 20, 1958, the following changes in land descriptions should be made:

1. In paragraph 1, under T. 3 N., R. 26 E.: Sec. 4, change description to read, Lots 6, 7, 8, 9, 10, SW¼NE¼, S½NW¼, SE¼;

2. In paragraph 1, under T. 2 N., R. 27 E.: Sec. 30, change description to read, Lots 1, 2, NW¼NW¼;

3. In paragraph 1, under T. 3 N., R. 27 E.:

Sec. 18, change description to read, Lots 1, 2, 3, 4, 5, 6, S½NW¼, SW¼, NW¼SE¼, SE¼SE¼;

Sec. 33, change description to read, Lots 1, 2, 3, 4, SW¼NE¼, SE¼NW¼, W½NW¼, SW¼, W½SE¼, SE¼SE¼;

4. In paragraph 4, delete:

T. 6 N., R. 24 E.,
Sec. 3, Lot 1, 2;
Sec. 14, SW¼SE¼;
Sec. 23, NW¼NE¼.

HARRY M. MIWA,
Southern Field Group,
Acting Officer-in-Charge,
Los Angeles.

[F. R. Doc. 58-4822; Filed, June 25, 1958; 8:45 a. m.]

[Classification 95]

NEVADA

SMALL TRACT CLASSIFICATION; AMENDED

Pursuant to the authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby revoke Small Tract Classification Order No. 95, dated October 2, 1953, as to the following lands:

MOUNT DIABLO MERIDIAN, NEVADA

T. 21 S., R. 60 E.,
Sec. 23, SE¼NW¼NE¼, S½NE¼NE¼, SW¼NE¼, N½SE¼NE¼;
Sec. 24, S½NW¼NW¼.

Containing 110 acres.

W. REED ROBERTS,
Acting State Supervisor.

JUNE 17, 1958.

[F. R. Doc. 58-4823; Filed, June 25, 1958; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8227 etc.; FCC 58M-659]

UNION BROADCASTING CO. ET AL.

ORDER CONTINUING HEARING

In re applications of Union Broadcasting Company, Elizabeth, New Jersey, Docket No. 8227, File No. BP-5893; W. Frank Short & Austin E. Harkins, d/b as The Alkima Broadcasting Company, West Chester, Pennsylvania, Docket No. 12414, File No. BP-10640; Lion Broadcasting Co., Inc., Dover, New Jersey, Docket No. 12415, File No. BP-11215; for construction permits.

The Hearing Examiner having under consideration a petition for leave to amend application filed June 13, 1958, on behalf of The Alkima Broadcasting Company, together with the amendment therein referred to, and the agreements and statements of counsel for the parties as shown by the transcript record of the prehearing conference held on this date; and

It appearing from the petition that the amendment proposes a change in the requested facilities from 1510 kilocycles, 1 kilowatt power, daytime only, to 1260 kilocycles, with power of 500 watts, daytime only, utilizing a directional antenna, as well as changes in the transmitter location and in the applicant's financial showing; and

It further appearing that counsel for all participants stated that there are no objections to the acceptance of the amendment, and that such action will conduce to the orderly dispatch of the Commission's business; and

It further appearing that the petition's request that the application as amended be granted forthwith must be dismissed as contrary to the Commission's rules and practice, particularly in that the application must be removed from hearing as provided in §§ 1.354 (g) and 1.363 (a) of the Commission's rules; and

It further appearing that the designated hearing date of July 14, 1958 created a conflict in this Hearing Examiner's schedule with a hearing previously scheduled in another proceeding, and

that a continuance of this hearing is required;

Now therefore, it is ordered, This 19th day of June 1958, that the petition for leave to amend application is granted, that the amendment as described therein is accepted, that petitioner's application is removed from the hearing docket, and that the applications of Union Broadcasting Company and Lion Broadcasting Co., Inc. are retained in hearing status; and

It is further ordered, That the hearing in this proceeding now scheduled to be commenced on July 14, 1958, is continued to a date to be fixed by subsequent order.

Released: June 20, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 58-4855; Filed, June 25, 1958; 8:52: a. m.]

[Docket No. 12167; FCC 58M-664]

CAPITOL BROADCASTING CO. (WJTV)

ORDER CONTINUING HEARING

Capitol Broadcasting Company (WJTV), Jackson, Mississippi, Docket No. 12167; pursuant to section 316 of the Communications Act of 1934, as amended; in re modification of construction permit.

Upon oral request made by counsel for Capitol Broadcasting Company (WJTV) on the record of a hearing conference held this date in the above-entitled matter, and with the concurrence of all other parties: *It is ordered,* This 20th day of June 1958, that further hearing procedures herein are suspended until such time as one or more counsel shall move that further hearing be held.

Released: June 23, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

F. R. Doc. 58-4856; Filed, June 25, 1958; 8:52: a. m.]

[Docket No. 12364; FCC 58M-660]

WESTSHORE SHRIMP CO.

ORDER CONTINUING HEARING

In the matter of Westshore Shrimp Company, 102 Constant Street, Tampa, Florida, Docket No. 12364; Order to Show Cause why there should not be revoked the license for Radio Station WH-7089 aboard the vessel "Miss Annie T".

The Hearing Examiner having under consideration a motion filed on June 18, 1958, by the Safety and Special Radio Services Bureau, requesting that the hearing in the above-entitled proceeding presently scheduled to commence on June 23, 1958, at 10:00 a. m., be continued indefinitely; and

It appearing, that the public interest requires an early consideration of such motion and good cause has been shown for the grant thereof;

It is ordered, This 20th day of June 1958, that the motion be and it is hereby granted; and the hearing in the above-entitled proceeding be and it is hereby continued to a time and place to be specified in a subsequent order.

Released: June 20, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 58-4857; Filed, June 25, 1958; 8:52 a. m.]

[Docket No. 12410; FCC 58M-658]

BRIDGEPORT BROADCASTING CO. (WICC)

ORDER CONTINUING HEARING

In re application of The Bridgeport Broadcasting Company (WICC), Bridgeport, Connecticut, Docket No. 12410, File No. BP-10707; for construction permit.

Pursuant to agreements reached at the pre-hearing conference held June 19, 1958, the evidentiary hearing in the above-entitled proceeding presently scheduled to begin on July 18, 1958, is now rescheduled to begin on July 28, 1958.

It is so ordered, This the 19th day of June 1958.

Released: June 20, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 58-4858; Filed, June 25, 1958; 8:52 a. m.]

[Docket Nos. 12475, 12476; FCC 58M-661]

MOUNTAIN STATE BROADCASTING CO., INC., AND RADIO MID-POM, INC.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Mountain State Broadcasting Company, Inc., Middleport-Pomeroy, Ohio, Docket No. 12475, File No. BP-11223; Radio Mid-Pom, Inc., Middleport-Pomeroy, Ohio, Docket No. 12476, File No. BP-11682; for construction permits.

It is ordered, This 20th day of June 1958, that a prehearing conference, in accordance with § 1.111 of the rules, will be held in the above-entitled matter at 10:00 a. m., September 8, 1958, in the Commission's offices in Washington, D. C.

Released: June 20, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 58-4859; Filed, June 25, 1958; 8:52 a. m.]

[Docket No. 12486]

MICHAEL ALAN KAUFMAN

ORDER ASSIGNING MATTER FOR PUBLIC HEARING

In the matter of Michael Alan Kaufman, Sherman Oaks, California, Docket No. 12486; suspension of Amateur Radio Operator License.

The Commission having under consideration the request of Michael Alan Kaufman, 3733 Meadville Drive, Sherman Oaks, California, for a hearing in the above-entitled matter;

It appearing, that the said Michael Alan Kaufman, acting in accordance with the provisions of section 303 (m) (2) of the Communications Act of 1934, as amended, filed with the Commission within the time provided therefor, an application requesting a hearing on the Commission's Orders of May 28 and June 4, 1958, which suspended his General Class Amateur Radio Operator License for the period of time ending August 5, 1962; and

It appearing, that under the provisions of section 303 (m) (2) of the Communications Act of 1934, as amended, said licensee is entitled to a hearing in the matter, and that upon the filing of a timely written application therefor, the Commission's Suspension Order is held in abeyance until the conclusion of proceedings in the said hearing;

It is ordered, This 20th day of June 1958, under authority contained in section 303 (m) (2) of the Communications Act of 1934, as amended, and section 0.292 (f) of the Commission's rules, that the matter of the suspension of the General Class Amateur Radio Operator License of Michael Alan Kaufman be designated for hearing before a Commission Examiner, at a time and place later to be specified, upon the following issues:

1. To determine whether the licensee committed the violations of the Commission's rules as set forth in the Commission's Order of Suspension;

2. If the licensee committed such violations, to determine whether the facts or circumstances in connection therewith would warrant any change in the Commission's Order of Suspension.

It is further ordered, That a copy of this order be transmitted by Certified Mail—Return Receipt Requested, to Mr. Michael Alan Kaufman, 3733 Meadville Drive, Sherman Oaks, California, and to his attorney of records, Mr. Sidney Dorfman, 9012 West Olympic Boulevard, Beverly Hills, California.

Released: June 20, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 58-4860; Filed, June 25, 1958; 8:52 a. m.]

[Docket No. 12487; FCC 58-588]

WILA, INC. (WILA)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of WILA, Incorporated (WILA), Danville, Virginia, Docket

No. 12487, File No. BMP-7593; for modification of construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of June 1958;

The Commission having under consideration the above-captioned application of WILA, Incorporated, for a construction permit to increase the authorized power of Station WILA, Danville, Virginia, from 500 watts to one kilowatt and to operate on the presently assigned frequency of 1580 kilocycles, daytime only;

It appearing, that, except as indicated by the issues specified below, the applicant is legally, technically and financially qualified to operate Station WILA as proposed but that the Mecklenburg Broadcasting Corporation, licensee of Station WHEE, Martinsville, Virginia, filed a pleading on January 24, 1958, stating, in substance, that S. L. Goodman, president and majority stockholder of the applicant corporation, has abused the Commission's processes through a course of action by applying for construction permits for new stations in Rocky Mount, Franklin, Danville and Bassett, Virginia, specifying one frequency; that upon the filing by other applicants of conflicting applications specifying the same frequency, Goodman would amend each of his applications to specify a different frequency; that upon receiving a construction permit authorizing the use of the second frequency requested, Goodman would file applications for modifications of his construction permits to specify the frequency he had originally requested, thereby making it impossible for the competing applicant to receive a grant of its application without the necessity of a hearing proceeding; that Goodman's purpose in applying for modifications of his construction permits was to obstruct the disposition of other applications and to secure local radio monopolies for himself; that one Robert R. Murray, Jr., of Danville, Virginia, has stated, in an affidavit dated November 23, 1957, that Goodman had told Murray of his having prepared an application for a new station at Vinton, Virginia, which he would cause to be filed for the purpose of "blocking" the application of Radio Franklin, Incorporated, for a new station at Rocky Mount, Virginia; that one Charles M. McCraw, in an affidavit dated July 8, 1957, has stated that Goodman, together with Harry W. Pritchett, Jr., and Richard A. Bendall, presently stockholders in the applicant, WILA, Incorporated, improperly compelled McCraw to accept $7,500 for his interest in a now defunct corporation, the Danville Broadcasting Corporation, which at the time was applicant for a new station at Danville and proposed an operation in conflict with the instant application (at a time when both proposals specified a frequency of 970 kilocycles); that Goodman has engaged in "trafficking" in FCC licenses and has made misrepresentations to the Commission by securing permits, thereafter assigning the permits to corporations in which he is the sole stockholder with the representation that the ownership will remain the same, after which he has divested himself of all or a substantial portion of the stock; that Goodman has misrepresented his intentions to the Commission by stating in each original application that he will be general manager of the proposed station, after which he has employed someone else to manage the stations; and that a decree of the Court of Chancery in Murfreesboro, Tennessee, issued January 24, 1939, voiding a conveyance of property by Goodman to a dummy corporation in an attempt to defeat a seller's lien reflects adversely on Goodman's character; and

It further appearing, that on February 21, 1958, Goodman filed a response to the Mecklenburg Broadcasting Corporation's pleading of January 24, 1958, and stated that he is fully prepared to proceed to hearing on charges repeatedly made against him which have either been considered and disposed of by the Commission or abandoned by other opposing interests; that his purpose in requesting modification of construction permits to specify frequencies for which he was the original applicant was not to obstruct the disposition of other applications but to improve facilities for which he had been granted construction permits; that he denies that his efforts to improve his facilities were an abuse of the Commission's processes; that he did not cause to be filed an application for a new station at Vinton to "block" favorable action on the application of Radio Franklin, Incorporated, had not prepared such an application but did discuss the matter of filing an application for a station at Vinton with Robert R. Murray, Jr., when he made it clear that such an application would have to be filed in good faith by a party who would construct and operate the station; that Charles M. McCraw's statement that he was forced to accept $7,500 representing a net profit of $2,500 "scarcely inspires credence in" McCraw's statement; that he has neither engaged in nor intends to engage in trafficking in licenses; that he has assigned construction permits granted in his individual name to corporate entities to achieve the benefits of incorporation; that he has transferred stock in corporate licensees to others to identify more closely the ownership with local residents and to enable station personnel to participate in ownership; and that each step taken with respect to ownership of stations in which he has interests has either had prior approval of the Commission or has been promptly reported to the Commission; that he made no misrepresentation to the Commission when he stated that he would be general manager of each station applied for; that he has employed managers of each station who are directly responsible to him and that he has at all times remained personally responsible for the operation of each station; that he had vigorously denied various allegations made in the bill of complaint filed in 1939 in the Court of Chancery of Tennessee and that no one except he sustained any damage as a result of the suit; and

It further appearing, that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applicant was advised by letter dated April 9, 1958, of the aforementioned charges and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing, that, in a reply dated May 4, 1958, to the Commission's letter, S. L. Goodman, on behalf of the applicant, referred to his pleadings previously filed and addressed to the matters raised by the Mecklenburg Broadcasting Corporation; stated that he is prepared to present evidence at a hearing in response to issues relating to said matters; and renewed the request first made by pleading filed February 21, 1958, that the Commission grant the instant application notwithstanding the pendancy of further proceedings concerning the questions sought to be raised by the Mecklenburg Broadcasting Corporation; and

It further appearing, that, by letter of May 5, 1958, the Mecklenburg Broadcasting Corporation expressed a desire to participate in a hearing; and

It further appearing, that, in a pleading filed February 28, 1958, the Mecklenburg Broadcasting Corporation requested that the Commission disregard Goodman's response filed on February 21, 1958, on the ground that the response was not filed within the ten-day period prescribed by § 1.13 of the Commission's rules; but that § 1.361 (c) of the Commission's rules provides that the limitation on pleadings and time for filing pleadings provided for in § 1.13 shall not be applicable to any objections duly filed to applications for instruments of authorization before Commission action thereon and, therefore, the Mecklenburg Broadcasting Corporation's request must be denied; and

It further appearing, that questions obtain as to whether the actions alleged to have been taken by S. L. Goodman constitute obstruction of the disposition of other applications, "trafficking" in licenses and misrepresentation to the Commission and whether, therefore, S. L. Goodman, president and majority stockholder of WILA, Incorporated, possesses the requisite character qualifications to be a party to a Commission licensee; and

It further appearing, that, in view of the foregoing, the Commission is of the opinion that a hearing on the instant application is necessary;

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

1. To determine whether S. L. Goodman has abused the Commission's processes by filing applications for the purpose of impeding, obstructing or delaying the disposition of any other applications.

2. To determine whether S. L. Goodman, president and majority stockholder of WILA, Incorporated, possesses the requisite character qualifications to be a party to a Commission licensee.

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

It is further ordered, That the Mecklenburg Broadcasting Corporation is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be

heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the above described request of WILA, Incorporated for an immediate grant of the instant application is denied.

Released: June 23, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4861; Filed, June 25, 1958; 8:52 a. m.]

[Docket Nos. 12488, 12489; FCC 58-589]

YOUNG PEOPLE'S CHURCH OF THE AIR, INC. AND WJMJ BROADCASTING CORP.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of The Young People's Church of the Air, Inc., Philadelphia, Pennsylvania, Docket No. 12488, File No. BPH-2394; WJMJ Broadcasting Corporation, Philadelphia, Pennsylvania, Docket No. 12489, File No. BPH-2423; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of June 1958;

The Commission having under consideration the above-captioned applications of The Young People's Church of the Air, Inc., and the WJMJ Broadcasting Corporation for construction permits for new Class B FM broadcast stations to operate on 104.5 megacycles, Channel No. 283, in Philadelphia, Pennsylvania;

It appearing that both of the applicants are legally, technically, financially and otherwise qualified to operate their proposed stations, but that the operation of both stations as proposed would result in mutually destructive interference; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated May 7, 1958, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that both applicants replied, indicating that they would appear at a hearing on their applications; and

It further appearing that the Commission, after consideration of the above is of the opinion that a hearing on these applications is necessary; and

It further appearing that The Young People's Church of the Air, Inc., proposes an RCA, Type No. BTF-5B, 5-kw transmitter which has not been type accepted by the Commission; and

It further appearing that the WJMJ Broadcasting Corporation proposes an RCA, Type No. BTF-5B, 5-kw transmitter which has not been type accepted by the Commission; and

It further appearing that the WJMJ Broadcasting Corporation proposes to mount the FM antenna on one of the towers of the WJMJ directional antenna system;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate its proposed station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

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

It is further ordered, That in the event of a grant of the application of The Young People's Church of the Air, Inc., the construction permit shall contain a condition requiring the submission of sufficient data in accordance with § 3.250 of the Commission's rules for type acceptance of the transmitter.

It is further ordered, That in the event of a grant of the application of the WJMJ Broadcasting Corporation the construction permit shall contain a condition requiring the submission of sufficient data in accordance with § 3.250 of the Commission's rules for type acceptance of the transmitter.

It is further ordered, That in the event of a grant of the application of the WJMJ Broadcasting Corporation the construction permit shall contain a condition requiring that Station WJMJ shall receive permission from the Commission to determine power of WJMJ by the indirect method and maintain the directional antenna system as closely as possible to values appearing in the license during installation of the FM antenna, and upon completion of the installation to submit sufficient data to the Commission to show that the directional antenna pattern remains substantially unchanged, and to submit Forms 302 for WJMJ if there is any change in the antenna or common point resistance.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: June 23, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4862; Filed, June 25, 1958; 8:52 a. m.]

[Docket No. 12490; FCC 58-591]

REVISED TENTATIVE ALLOCATION PLAN FOR CLASS B FM BROADCAST STATIONS

PROPOSED ALLOCATION TO WINSTON-SALEM, N. C.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

General area	Channel	
	Delete	Add
Winston-Salem, N. C.	----------	298

3. The purpose of the proposed amendment is to make Channel 298 available for assignment in Winston-Salem, North Carolina, as requested in an application, File No. BPH-2429, submitted by Winsonett, Inc., which proposes to establish an FM broadcast station in Winston-Salem to operate on Channel 298.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c),)d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before July 18, 1958, a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before that same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of

all statements, briefs, or comments shall be furnished the Commission.

Adopted: June 18, 1958.

Released: June 23, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4863; Filed, June 25, 1958; 8:53 a. m.]

[Docket Nos. 12493, 12494; FCC 58-594]

VETERANS BROADCASTING CO. INC., AND CAPITAL CITIES TELEVISION CORP.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Veterans Broadcasting Company, Inc., Vail Mills, New York, Docket No. 12493, File No. BPCT-2397; Capital Cities Television Corporation, Vail Mills, New York, Docket No. 12494, File No. BPCT-2435; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 18th day of June 1958;

The Commission having under consideration the above-captioned applications each requesting a construction permit for a new television broadcast station to operate on Channel 10 in Vail Mills, New York; and

It appearing, that these applications are mutually exclusive in that operation by more than one of the applicants, as proposed, would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters that their applications were mutually exclusive, of the necessity for a hearing, and were advised of all objections to their applications, and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-captioned applications, the amendments thereto and the replies to the above letters, the Commission finds that Veterans Broadcasting Company, Inc., and Capital Cities Television Corporation are legally, financially, technically, and otherwise qualified to construct, own and operate the proposed television broadcast stations;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications of Veterans Broadcasting Company, Inc. and Capital Cities Television Corporation, are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine on a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in light of the record made with respect to the significant differences between the applicants as to:

a. The background and experience of each having a bearing on its ability to own and operate the proposed television broadcast station.

b. The proposals of each with respect to the management and operation of the proposed television broadcast stations.

c. The programming service proposed in each of the above-captioned applications.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, upon his own motion or upon petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard, Veterans Broadcasting Company, Inc. and Capital Cities Television Corporation, pursuant to § 1.140 (c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: June 23, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4866; Filed, June 25, 1958; 8:53 a. m.]

[Docket No. 12491; FCC 58-592]

REVISED TENTATIVE ALLOCATION PLAN FOR CLASS B FM BROADCAST STATIONS

PROPOSED ALLOCATION TO GAINESVILLE AND SHERMAN, TEX.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

General area	Channel	
	Delete	Add
Gainesville, Tex.	----	233
Sherman, Tex.	236	240

3. The purpose of the proposed amendment is to make Channel 233 available for assignment in Gainesville, Texas, as requested in a petition dated June 2, 1958, submitted by the Gainesville Broadcasting Company, Inc., licensee of standard broadcast Station KGAF.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before July 18, 1958, a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before that same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: June 18, 1958.

Released: June 23, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4864; Filed, June 25, 1958; 8:53 a. m.]

[Docket No. 12492; FCC 58-593]

REVISED TENTATIVE ALLOCATION PLAN FOR CLASS B FM BROADCAST STATIONS

PROPOSED ALLOCATION TO SAN DIEGO, CALIF.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

General area	Channel	
	Delete	Add
San Diego, Calif.	----	293

3. The purpose of the proposed amendment is to make Channel 293 available for assignment in San Diego, California, as requested in a petition dated May 20, 1958, submitted by Barbary Coast Records, Inc., which proposes to file an application for a new FM broadcast station in San Diego for operation on this channel.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be

adopted in the form set forth herein, may file with the Commission on or before July 18, 1958, a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before that same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.54 of the Commisison's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: June 18, 1958.

Released: June 23, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4865; Filed, June 25, 1958; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6828]

EL PASO ELECTRIC CO.

NOTICE OF APPLICATION

JUNE 20, 1958.

Take notice that on June 11, 1958, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by El Paso Electric Company ("Applicant"), a corporation organized under the laws of the State of Texas and doing business in the State of New Mexico with its principal business office at El Paso, Texas, seeking an order authorizing the issuance of (A) $6,500,000, principal amount of the First Mortgage Bonds ("New Bonds") __ percent Series (B) $3,000,000, principal amount of __ percent Debentures ("New Debentures") and (C) $4,000,000, face amount of Unsecured Promissory Notes. The New Bonds, to be dated as of July 1, 1958, and to be due July 1, 1988, are to be issued pursuant to an Indenture of Mortgage of Applicant dated October 1, 1946, to State Street Trust Company (now Second Bank-State Street Trust Company), Trustee, as heretofore supplemented and as to be further supplemented by a Fifth Supplemental Indenture to be dated as of July 1, 1958. The New Debentures, to be dated July 1, 1958, and to be due July 1, 1978, will be issued pursuant to the provisions of an Indenture to be dated as of July 1, 1958, with El Paso National Bank as Trustee, providing for a sinking fund designed to retire 50 percent of the Debentures prior to maturity. The Unsecured Promissory Notes will be payable to such bank or banks from which Applicant may borrow funds, up to but not exceeding $4,000,000 at any one time outstanding, for periods not exceeding 12 months from the date of original issue or renewal thereof, such notes issued originally or upon renewal from time to time to have maturity dates not later than December 31, 1959. Said Notes will bear interest at the rate per annum not in excess of ¼ of 1 percent over the prime rate in effect in New York City at the time of borrowing or renewal. Applicant on July 15, 1958, proposes to invite bids for the purchase of the aforesaid New Bonds and New Debentures. The aforesaid securities are to be sold by Applicant for the purpose of obtaining funds to refund Applicant's outstanding $6,500,000, principal amount of First Mortgage Bonds, 4¾ percent Series due 1987; to pay Applicant's bank loans (amounting to $800,000, face amount at April 30, 1958); and to reimburse Applicant's Treasury for construction expenditures heretofore made and to finance additional construction.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 9th day of July 1958, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4826; Filed, June 25, 1958; 8:46 a. m.]

[Docket No. E-6829]

OTTER TAIL POWER CO.

NOTICE OF APPLICATION

JUNE 20, 1958.

Take notice that on June 12, 1958, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Otter Tail Power Company ("Applicant"), a corporation organized under the laws of the State of Minnesota and doing business in the States of Minnesota, North Dakota and South Dakota, with its principal business office at Fergus Falls, Minnesota, seeking an order authorizing the issuance of $9,000,000 principal amount of First Mortgage Bonds __ percent Series of 1958 ("New Bonds"). Applicant proposes to issue the aforesaid $9,000,000 of New Bonds __ percent Series dated on August 1, 1958, to mature August 1, 1988, under and pursuant to an Indenture of Mortgage dated July 1, 1936, to First Trust Company of Saint Paul and Louis S. Headley, Trustees as supplemented, including a proposed Twenty-second Supplemental Indenture to be dated August 1, 1958, which will set forth the items of the proposed issue. Applicant proposes to sell the $9,000,000 of New Bonds under competitive bidding. Applicant proposes to use the proceeds from the sale of the aforesaid New Bonds to repay temporary bank loans incurred for financing of its construction program and to provide funds for the costs of such construction program to be incurred during the remainder of 1958 and during 1959.

Any person desiring to be heard or to make any protest with reference to said application should, on or before July 7, 1958, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4827; Filed, June 25, 1958; 8:46 a. m.]

[Docket No. E-6830]

IDAHO POWER CO.

NOTICE OF APPLICATION

JUNE 20, 1958.

Take notice that on June 13, 1958, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Idaho Power Company ("Applicant"), a corporation organized under the laws of the State of Maine and doing business in the States of Idaho, Oregon and Nevada, with its principal business office at Boise, Idaho, seeking an order authorizing the issuance of 350,000 shares of $10 par value Common Stock. Applicant proposes to issue the aforesaid 350,000 shares of Common Stock, par value $10, on or after July 21, 1958, and is presently engaged in negotiations with prospective underwriters for the proposed sale. With respect to the issuance and sale of the aforesaid Common Stock, Applicant reqests an exemption from section 34.1a of the regulations under the Federal Power Act, requiring competitive bidding. Applicant proposes to use the proceeds from the sale of Common Stock to obtain permanent capital for repayment in part of the principal amount of short-term bank loans now outstanding, heretofore made by Applicant for its interim financing of the cost of construction, extension and improvement of operating facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 9th day of July 1958, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4828; Filed, June 25, 1958; 8:46 a. m.]

[Docket No. G-1142 etc.]

UNITED GAS PIPE LINE CO.

ORDER REOPENING PROCEEDINGS

JUNE 20, 1958.

In the matters of United Gas Pipe Line Company, Docket Nos. G-1142, G-2019, et al.

Upon appeal by Mississippi River Fuel Corporation (Mississippi), a purchaser of natural gas from United Gas Pipe Line Company (United), the Court of Appeals for the District of Columbia Circuit on July 8, 1957, although it affirmed in all other respects, vacated the Commission's order issued herein on November 8, 1955, and remanded the case to the Commission for further proceedings and determination as to the "factual justification for the price increases paid by United to Union."[1] The order of November 8, 1955, affirmed the Presiding Examiner's findings and conclusions in his decision in United Gas Pipe Line Company, Docket Nos. G-1142, G-2019 et al., with respect to, among other things, the allowance in the cost of service of United for gas purchased the full prices paid by United to Union Producing Company (Union), an affiliate.[2]

In its opinion of July 8, 1957, as amended by order of September 19, 1957, the Court stated (252 F. 2d 622-623):

> In this situation there are several important factors not ordinarily present. The United-Union prices were not arm's-length transactions. From time to time these prices between the two affiliates were increased. At least part of the increase authorized by the Commission in United's prices to Mississippi arose from these increases in United's payments to Union. If the United-Union increases were bona fide increases in costs incurred by Union in acquiring gas, that would be one thing; but, if they were merely a device for siphoning potential profits from one affiliate to another, for transferring amounts from an advantage to customers to an advantage for stockholders, that is another thing * * *. A mere comparison of such prices with prevailing prices would not sufficiently justify the transactions.
>
> The Commission's order in the case at bar was issued shortly before the opinion of this court in City of Detroit, Michigan v. Federal Power Commission * * *. We rejected this use of the field price, because the Commission record did not show that such an allowance was reasonably necessary to serve any stated ends of the Natural Gas Act. A 100 per cent affiliate stands in the same position as does the integrated producing "arm" of a pipe-line company. Under the doctrine of the City of Detroit case United could not, on the record as it is now before us, use as costs the fair field price of gas produced by its affiliate, Union; a reconsideration by the Commission under the principles laid down in that case would be necessary.
>
> But United did not seek to use fair field prices; it used contract prices fixed in contracts with its affiliate, and measured the reasonableness of those contract prices by the fair field prices. From time to time the affiliated contractors increased the prices applicable to sales between them. We think the Commission could no more test the reasonableness of interaffiliate prices by the use of fair field prices (without more) than it could allow as costs the fair field prices (without more). To be included in United's costs, increases in the interaffiliate prices must have some factual economic justification * * *. The same course of reasoning which we followed in the City of Detroit case is applicable here. Therefore we think the Commission must at least inquire into the factual justification for the price increases paid by United to Union. By this we mean that to include the increased prices in the costs of United the Commission must at least determine that the increases were justified by reason of Union's costs or by reason of some other stated end of the Natural Gas Act; the Commission must ascertain that they were not mere bookkeeping or intracorporate-system adjustments. We must remand the case for that inquiry. We do not hold that a full-blown inquiry into the rates of Union is necessary. Subsequent developments in the proceeding may or may not indicate such a necessity.

Upon consideration of the foregoing, we deem it necesary to reopen the proceedings in Docket Nos. G-1142, G-2019, et al., for the specific and limited purpose of providing United an opportunity to introduce evidence as to the "factual economic justification", if any there be, for the test period 1952, as adjusted, for the inclusion in its cost of service to be used for the purpose of pricing its sales to Mississippi River Fuel Corporation of payments to Union in excess of the initial contract prices. Other parties to the proceeding, of course, should have the right to participate in such reopened proceedings, including the right to offer evidence material to the issue involved in the limited reopening; but the burden of proof is and shall remain upon United.

The Commission orders:

(A) The proceedings in Docket Nos. G-1142, G-2019, et al., are hereby reopened for the limited purposes hereinbefore specified; and the proceedings are hereby remanded to the Presiding Examiner for such further hearing.

(B) The further proceedings in Docket Nos. G-1142, G-2019, et al. be held commencing on July 14, 1958, at 10:00 a. m., e. d. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-4829; Filed, June 25, 1958; 8:47 a. m.]

[Docket No. G-15310]

WARREN PETROLEUM CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

JUNE 20, 1958.

Warren Petroleum Corporation (Operator) (Warren), on June 12, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated June 11, 1958.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 3 to Warren's FPC Gas Rate Schedule No. 30. Supplement No. 9 to Warren's FPC Gas Rate Schedule No. 43.

Effective date: July 13, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed favored-nation rate increases, Warren states that the gas quality and delivery conditions for gas from its four plants is more favorable to El Paso Natural Gas Company than from Phillips Petroleum Company's (Phillips) Lee Plant. It states that the gas from Phillips' plants is sour and saturated with water vapor whereas Warren's gas is dehydrated and processed for sulfur removal; Warren's gas is compressed through three stages of compression and delivered variously at 650 psig from its South Fullerton and Waddell Plants to 830 psig at its Denton Plant whereas Phillips' Lee Plant gas is compressed two stages and delivered at 200 psig and is only compressed one stage at Phillips' other plants; Warren's delivery volumes are the same or as much as six times greater; the heating value of Warren's gas (1036-1044 B. t. u.) is slightly less than Phillips Lee Plant gas (1050 B. t. u.), but Warren's contract minimum heat content is 1000 B. t. u. versus Phillips' minimum heat content of 950 B. t. u.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 3 to Warren's FPC Gas Rate Schedule No. 30, and Supplement No. 9 to Warren's FPC Gas Rate Schedule No. 43, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 3 to Warren's FPC Gas Rate Schedule No. 30, and Supplement No. 9 to Warren's FPC Gas Rate Schedule No. 43.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until November 9, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have

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[1] Mississippi River Fuel Corp. v. Federal Power Comm., 252 F. 2d 622, certiorari denied 355 U. S. 904.

[2] The Presiding Examiner's decision in these matters was rendered after further hearings pursuant to FPC Opinion No. 277 and accompanying order of November 2, 1954, wherein the Commission approved the settlement agreed to by the parties except Mississippi. Tyler Gas Service Company, City of Tyler, Tex., and Mobile Gas Service Corporation accepted the settlement subject to the outcome of then pending but since decided litigation: See Tyler Gas Service Co., et al., v. Federal Power Comm., — F. 2d —, cert. denied, — U. S. —; United Gas Pipe Line Co. v. Mobile Gas Service Corp., et al., 350 U. S. 332.

expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Kline dissenting as to suspension of Supplement No. 3 to Warren's FPC Gas Rate Schedule No. 30).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-4830; Filed, June 25, 1958; 8:47 a. m.]

[Docket No. G-15311]

WARREN PETROLEUM CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

JUNE 20, 1958.

Warren Petroleum Corporation (Warren) on June 12, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated June 11, 1958.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 9 to Warren's FPC Gas Rate Schedule No. 42. Supplement No. 3 to Warren's FPC Gas Rate Schedule No. 45.
Effective date: July 13, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed favored-nation rate increases, Warren states that the gas quality and delivery conditions for gas from its four plants is more favorable to El Paso Natural Gas Company than from Phillips Petroleum Company's (Phillips) Lee Plant. It states that the gas from Phillips' plants is sour and saturated with water vapor whereas Warren's gas is dehydrated and processed for sulfur removal; Warren's gas is compressed through three stages of compression and delivered variously at 650 psig from its South Fullerton and Waddell Plants to 830 psig at its Denton Plant whereas Phillips' Lee Plant gas is compressed two stages and delivered at 200 psig and is only compressed one stage at Phillips' other plants; Warren's delivery volumes are the same or as much as six times greater; the heating value of Warren's gas (1036-1044 B. t. u.) is slightly less than Phillips' Lee Plant gas (1050 B. t. u.), but Warren's contract minimum heat content is 1000 B. t. u. versus Phillips' minimum heat content of 950 B. t. u.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 9 to Warren's FPC Gas Rate Schedule No. 42, and Supplement No. 3 to Warren's FPC Gas Rate Schdule No. 45, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 9 to Warren's FPC Gas Rate Schedule No. 42, and Supplement No. 3 to Warren's FPC Gas Rate Schedule No. 45.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until November 9, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-4831; Filed, June 25, 1958; 8:47 a. m.]

[Docket No. G-15312]

HUSKY OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JUNE 20, 1958.

Husky Oil Company (Husky) on May 26, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated April 22, 1958.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 2 to Husky's FPC Gas Rate Schedule No. 3.
Effective date: July 1, 1958 (effective date is the effective date proposed by Husky).

In support of the proposed favored-nation rate increase, Husky submits a copy of a letter from El Paso Natural Gas Company (El Paso) notifying Husky that effective January 1, 1958, El Paso had commenced the purchase of gas-well gas delivered at the wellhead in the Permian Basin area at a rate of 1 cent per Mcf higher than it paid for such gas before that date and that, consequently, under the favored-nation provision of the contract, El Paso would increase its purchase price to El Paso to 10½ cents per Mcf dependent upon Commission action. In addition, Husky quotes the favored-nation provision of the contract and states that the proposed rate is just, reasonable and proper; that the contract resulted from good faith arm's-length bargaining, and the increase is necessary to offset increased production costs. Husky further states that the increase would furnish an incentive for further exploration and denial thereof would constitute the taking of its property without due process of law.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 2 to Husky's FPC Gas Rate Schedule No. 3 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Husky's FPC Gas Rate Schedule No. 3.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until December 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-4832; Filed, June 25, 1958; 8:47 a. m.]

[Docket No. G-15313]

UNION OIL COMPANY OF CALIFORNIA

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JUNE 20, 1958.

Union Oil Company of California (Union Oil) on May 28, 1958, tendered for

filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Natural Gas Pipeline Company of America.
Rate schedule designation: Supplement No. 4 to Union Oil's FPC Gas Rate Schedule No. 16.
Effective date: June 28, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed two-step periodic rate increase, Union Oil states that the contract resulted from arm's-length negotiations; that the entire pricing provision of the contract represents the negotiated price for the gas, and that periodic price increase provisions are economically beneficial to the buyer. Union Oil also states that the amount of the increase is minimal (68 cents per day), and is less than the inflationary forces existing and does not exceed current field prices for similar gas.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 4 to Union Oil's FPC Gas Rate Schedule No. 16 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Union Oil's FPC Gas Rate Schedule No. 16.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use therof deferred until November 28, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-4833; Filed, June 25, 1958; 8:47 a. m.]

[Docket No. G-15314]

PHILLIPS PETROLEUM CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JUNE 20, 1958.

Phillips Petroleum Company (Operator) et al. (Phillips), on May 29, 1958, tendered for filing a proposed change in its presently effective rate schedule [1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated May 27, 1958.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 2 to Phillips' FPC Gas Rate Schedule No. 256.
Effective date: July 1, 1958 (Effective date is the effective date proposed by Phillips).

In support of the proposed favored-nation rate increase, Phillips submits a copy of a letter from El Paso Natural Gas Company notifying Phillips that the Commission had permitted certain increased rates for gas purchased by it in the Permian Basin to go into effect subject to refund January 10, 1958, and that such increases were 15.05 percent higher than those in effect immediately prior to that date. Phillips states that even after the increase the proposed price will be below that which is just and reasonable; that the new rate will not result in an excessive return to Phillips and will do no more than reduce the deficiency in Phillips' jurisdictional revenues.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 2 to Phillips' FPC Gas Rate Schedule No. 256 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Phillips' FPC Gas Rate Schedule No. 256.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until December 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Kline dissenting.)

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-4834; Filed, June 25, 1958; 8:48 a. m.]

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-14006.

[Docket No. G-15315]

PHILLIPS PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JUNE 20, 1958.

Phillips Petroleum Company (Phillips) on May 29, 1958, tendered for filing a proposed change in its presently effective rate schedule [1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated May 27, 1958.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 3 to Phillips' FPC Gas Rate Schedule No. 66.
Effective date: July 1, 1958 (effective date is the effective date proposed by Phillips).

In support of the proposed favored-nation rate increase, Phillips submits a copy of a letter from El Paso Natural Gas Company notifying Phillips that the Commission had permitted certain increased rates for gas purchased by it in the Permian Basin to go into effect subject to refund January 10, 1958, and that such increases were 15.5 percent higher than those in effect immediately prior to that date. Phillips states that even after the increase the proposed price will be below that which is just and reasonable; that the new rate will not result in an excessive return to Phillips and will do no more than reduce the deficiency in Phillips' jurisdictional revenues.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 3 to Phillips' FPC Gas Rate Schedule No. 66 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-14007.

and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Phillips' FPC Gas Rate Schedule No. 66.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until December 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-4835; Filed, June 25, 1958; 8:48 a. m.]

[Docket No. G-15316]

BARRON KIDD AND C. R. SMITH

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JUNE 20, 1958.

Barron Kidd and C. R. Smith (Kidd and Smith) on May 29, 1958, tendered for filing a proposed change in their presently effective rate schedule [1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated May 29, 1958.

Purchaser: Texas Illinois Natural Gas Pipeline Company.

Rate schedule designation: Supplement No. 8 to Kidd and Smith's FPC Gas Rate Schedule No. 1.

Effective date: July 1, 1958 (effective date is the effective date proposed by Kidd and Smith).

In support of the proposed redetermined rate increase, Kidd and Smith have submitted a copy of a letter to them from Texas Illinois Natural Gas Pipeline Company stating that the parties have determined that a fair and reasonable price for the subject gas for the five-year period commencing January 1, 1958, is 14.5 cents per Mcf, and have further determined that there shall be no tax reimbursement unless the Texas occupation tax rate exceeds 7 percent. To this the producers have agreed. In addition, Kidd and Smith state that their gas is highly corrosive, thereby necessitating periodic replacement of facilities and the increase is necessary to help meet increasing material and labor costs.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 8 to Kidd and Smith's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 8 to Kidd and Smith's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until December 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-4836; Filed, June 25, 1958; 8:48 a. m.]

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-12766.

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 344]

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY WITH RESPECT TO DISPOSAL OF 15 ACRES OF PERPETUAL EASEMENT AT NAVAL INDUSTRIAL RESERVE AIRCRAFT PLANT, KANSAS CITY, MO.

1. Pursuant to authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), (herein referred to as the "Act"), authority is hereby delegated to the Secretary of Defense to dispose of approximately 15 acres of perpetual easement, comprising a portion of the right-of-way for the Government's 115 KV transmission line serving the Naval Industrial Reserve Aircraft Plant, Kansas City, Missouri, by negotiated sale or otherwise; on such terms as may be advantageous to the United States: *Provided*, That in the event of a negotiated disposal not less than the appraised fair market value shall be obtained.

2. The authority conferred herein shall be exercised in accordance with the Act and regulations of General Services Administration issued pursuant thereto; however, since the easement is in an area to be flooded by the construction of a dam by the Shawnee Mission Park District, it has been determined that screening of the property with other Federal agencies would serve no useful purpose. Therefore, the easement is determined to be surplus property.

3. The authority delegated herein may be redelegated to any officer or employee of the Department of Defense.

4. This delegation shall be effective as of the date hereof.

Dated: June 19, 1958.

FRANKLIN FLOETE, *Administrator.*

[F. R. Doc. 58-4837; Filed, June 25, 1958; 8:48 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-III-1, Amdt. 1]

CHIEF, FINANCIAL ASSISTANCE DIVISION

DELEGATION RELATING TO FINANCIAL ASSISTANCE FUNCTIONS

Delegation of Authority No. 30-III-1 (22 F. R. 6603) is hereby amended by deleting section II in its entirety and substituting the following in lieu thereof:

II. The authority delegated in section HB may not be redelegated.

Dated: May 27, 1958.

WILLIAM H. HARMAN, *Regional Director, Philadelphia Regional Office.*

[F. R. Doc. 58-4840; Filed, June 25, 1958; 8:49 a. m.]

TARIFF COMMISSION

[List No. D-7-17]

CERTAIN EXPANSION BRACELETS AND PARTS THEREOF

PUBLIC NOTICE OF DISMISSAL OF COMPLAINTS

JUNE 23, 1958.

After preliminary inquiry in accordance with § 203.3 of its rules of practice and procedure (19 CFR 203.3), the United States Tariff Commission, on the 18th day of June 1958 dismissed the two complaints filed under section 337 of the Tariff Act of 1930 (19 U. S. C. 1337) by Speidel Corporation, 70 Ship Street, Providence, Rhode Island, alleging unfair methods of competition and unfair acts in the importation and sale in the United States of certain expansion bracelets and parts thereof. Notice of the receipt of these complaints was published in 21 F. R. 8473.

The principal reason for the dismissal of the complaints is that while the prayer in the complaints was for the total exclusion from entry into the United States of foreign articles made in accordance with United States patents because the effect or tendency of such imports is to destroy, substantially injure, or prevent the establishment of, domestic industries producing expansible bracelets of construction and design covered by the claims of such United States patents, Speidel, since the filing of the complaints, has entered into extensive licensing arrangements with major importers of allegedly offending bracelets.

Section 337 is not an extension of the patent laws and its purpose is not to protect patent rights as such. The complaints set forth that the domestic-manufacturer licensees are not granted licenses to import, and pray for the exclusion from entry of all bracelets which infringe complainant's patents in order that the public will not "lose an important domestic industry developed by private capital" whose economic justification was based on the protection of the patents. Complainant's action in granting import privileges to several of the large importers charged in the complaints as violating section 337 indicates that complainant is not so much concerned with the protection from injurious import competition of domestic industries that owe their existence to the patents involved as he is with royalties, whether the royalties come from domestic producers or from importers.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 58-4869; Filed, June 25, 1958; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ALICE FLORA GRETE HIRSCHBERG ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Alice Flora Grete Hirschberg, Stanford Hall Fl. 19, Grantham Street—Potts Point, Sydney, Australia; $62.60 in the Treasury of the United States.

Wolfgang Wagner, 10 Brach Road, Edgecliff, Sydney, Australia; $20.87 in the Treasury of the United States.

Ruth Lili Klemencic, nee Wagner, Wien III, Reisnerstr. 20/7, Austria; $20.87 in the Treasury of the United States.

Hannah Wagner, 10 Brach Road, Edgecliff, Sydney, Australia; $20.87 in the Treasury of the United States.

Claim No. 60297.

Vesting Order No. 17705.

Executed at Washington, D. C., on June 17, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-4800; Filed, June 24, 1958; 8:52 a. m.]

H. MEINDERS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

H. Meinders, Bilthoven, The Netherlands; $262.62 in the Treasury of the United States; Claim No. 61428.

Vesting Order No. 17947.

Executed at Washington, D. C., on June 17, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-4801; Filed, June 24, 1958; 8:52 a. m.]

MARIA PURR

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Maria Purr, Parsau No. 25 via Vorsfelde, Germany; Claim No. 61497; $574.17 in the Treasury of the United States.

Vesting Order No. 14262

Executed at Washington, D. C., on June 17, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-4802; Filed, June 24, 1958; 8:52 a. m.]

CUSTODIAN TRUST CO., LTD.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Custodian Trust Company, Ltd., 179 Queen Street, Charlottetown, Prince Edward Island, Canada; Claim No. 60910; $25.25 in the Treasury of the United States.

Vesting Order No. 18121.

Executed at Washington, D. C., on June 20, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-4847; Filed, June 25, 1958; 8:51 a. m.]

HILDE PERLS HOLLAENDER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Hilde Perls Hollaender, 4 Rue Charles Dickens, Paris (16e), France; Claim No. 64092; $322.93 in the Treasury of the United States.

Vesting Order No. 9693.

Executed at Washington, D. C., on June 20, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-4848; Filed, June 25, 1958; 8:51 a. m.]

YAYOI IWAMOTO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and

after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Yayoi Iwamoto, nee Nakashima, Seishoji, Taimei Mura, Tamana Gun, Kumamoto Ken, Japan; Claim No. 60248; $2,536.67 in the Treasury of the United States.

Vesting Order No. 6736.

Executed at Washington, D. C., on June 20, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-4849; Filed, June 25, 1958; 8:51 a. m.]

SOCIETE LUMINELEC

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Societe Luminelec, 11, rue St. Lazare, Paris, France; Claim No. 29407; An undivided one-half interest in the property described in Vesting Order No. 666 (January 18, 1943) relating to United States Letters Patent No. 2,161,790.

Vesting Order No. 666.

Executed at Washington, D. C., on June 20, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-4850; Filed, June 25, 1958; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 23, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34769: *Fine coal—Southwestern mines to Hallam, Nebr.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7311), for interested rail carriers. Rates on fine coal, carloads, as described in the application from specified points in named groups in Arkansas, Kansas, Missouri, and Oklahoma to Hallam, Nebr.

Grounds for relief: Competition of natural gas and fuel oil.

Tariff: Supplement 29 to Southwestern Freight Bureau, Agent, tariff I. C. C. 4270.

FSA No. 34770: *Crude petrolatum—Southwestern points to Eastern points.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7313), for interested rail carriers. Rates on crude petrolatum, suitable only for mixing, blending and/or refining, tank-car loads from specified points in Kansas, Louisiana, Missouri, Oklahoma, and Texas to Gardner-Heywood, Mass., and Matawan, N. J.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 143 to Southwestern Lines Freight tariff I. C. C. 4150.

FSA No. 34771: *Barley—Fort Worth, Tex., to Port Arthur, Tex.* Filed by The Texas-Louisiana Freight Bureau, Agent (No. 327), for and on behalf of the Texas and New Orleans Railroad Company. Rates on barley, carloads from Fort Worth, Tex., to Port Arthur, Tex., for export.

Grounds for relief: Port competition and equalization.

Tariff: Supplement 33 to Texas-Louisiana Freight Bureau tariff I. C. C. 878.

FSA No. 34772: *Substituted service—Rail for motor, Erie, R. R.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 89), for interested carriers. Rates on freight of various kinds, loaded in highway trailers and transported on railroad flat cars in substituted service between Chicago, Ill., or Hammond, Ind., on the one hand, and Jersey City, N. J., on the other, on traffic originating at or destined to points on motor carriers beyond the named points.

Grounds for relief: Motor truck competition.

Tariff: Supplement 4 to The Eastern Central Motor Carriers Association, Inc., Agent, tariff MF-I. C. C. No. A-148.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-4838; Filed, June 25, 1958; 8:48 a. m.]