

PART I

FEDERAL REGISTER

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Title 7—AGRICULTURE

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

PART 904—MILK IN GREATER BOSTON, MASS., MARKETING AREA

PART 996—MILK IN SPRINGFIELD, MASS., MARKETING AREA

PART 999—MILK IN WORCESTER, MASS., MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the orders regulating the handling of milk in the Greater Boston, Massachusetts, marketing area (7 CFR Part 904), the Springfield, Massachusetts, marketing area (7 CFR Part 996), and the Worcester, Massachusetts, marketing area (7 CFR Part 999), it is hereby found and determined that:

(a) For the month of January 1960 all the provisions of § 904.48(b), § 996.48(b) and § 999.48(b) of the respective orders, except the provision "The supply-demand adjustment factor shall be" and the provision ".88" as they appear in subparagraph (4), no longer tend to effectuate the declared policy of the Act.

The supply-demand adjustor, as set forth in the sections of the respective orders referred to above, is intended to reflect in the computation of the New England basic Class I price for the current month the current regional supply-demand balance based on experience in the second and third preceding months as measured by conditions existing in the Greater Boston, Springfield, and Worcester markets. With the institution of regulation in the Southeastern New England and Connecticut markets there has been a shifting of supplies and sales as between the five New England markets which has resulted in an apparent shortening of the regional supply as measured by the present mechanics of the supply-demand adjustor.

This issue includes two parts bound together. Part II contains a revision of the regulations of the National Park Service, Department of the Interior, Chapter I of Title 36 of the Code of Federal Regulations.

On the basis of the evidence introduced at a public hearing held in Boston on April 14-15, 1959, it was concluded that, in fact, there had been no significant change in the actual supply-demand situation in the region. Accordingly, the supply-demand adjustment factor was held by suspension action at 0.90 for the pricing months of May through October.

Evidence received at the public hearing held at Boston on October 19-20, 1959 indicated that the Class I price level maintained by suspension of the supply-demand adjustment factor to 0.90 since May 1959 had brought forth an adequate supply of milk to meet the fluid milk uses in the five markets. While other factors contained in the New England basic Class I price formula indicated a price increase for the months of November and December, the overall supply-demand relationship did not warrant such action. Accordingly, suspension action was taken to set a supply-demand factor of 0.88 for the months of November and December 1959, thus continuing the same basic Class I price level as that which has provided an adequate supply of milk for the five markets since April of 1959.

There has been no significant change in the supply-demand situation in the five markets or in the other factors contained in the New England Class I price formula since the last suspension action. Use of a supply-demand adjustment factor of 0.88 for the month of January 1960, will provide for continuing the same basic Class I price level which has prevailed in the preceding months of 1959.

Failure to suspend the provisions as herein provided would result in a Class I price for the month of January 1960 in the five New England Federal order mar-

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kets higher than would otherwise prevail. Any price higher than that which will result from this action would be higher than necessary to provide an adequate supply of pure and wholesome milk, and would be higher than justified by the actual supply-demand situation.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are not practical, not necessary, and contrary to public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in each of the respective marketing areas.

Therefore, good cause exists for making this order applicable for the month of January 1960.

It is therefore ordered, That the aforesaid provisions of the aforesaid orders are hereby suspended effective upon issuance, for the month of January 1960.

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

Issued at Washington, D.C., this 24th day of December 1959.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 59-11104; Filed, Dec. 29, 1959; 8:46 a.m.]

[Navel Orange Reg. 176, Amdt. 1]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling

of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (i) of § 914.476 (Navel Orange Regulation 176, 24 F.R. 10275) are hereby amended to read as follows:

(i) District 1: 350,000 cartons.

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

Dated: December 23, 1959.

S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F.R. Doc. 59-11105; Filed, Dec. 29, 1959; 8:43 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

SUBCHAPTER B—FEDERAL FARM LOAN SYSTEM

PART 10—FEDERAL LAND BANKS GENERALLY

Interest Rates on Loans Made Through Associations

The interest rate on new loans made by the Federal Land Bank of New Orleans through national farm loan associations generally has been increased from 5½ percent to 6 percent per annum effective December 22, 1959. In order to reflect such change, § 10.41 of Title 6 of the Code of Federal Regulations, as amended (1959 Supp.; 24 F.R. 845, 2267, 3181, 3559, 4296, 5329, 6256, 7894, 8628, 8898, 9527), is amended: By substituting "6" for "5½" in the line with "New Orleans" therein.

(Sec. 6, 47 Stat. 14, as amended; 12 U.S.C. 665. Interprets or applies secs. 12 "Second", 17(b), 39 Stat. 370, 375, as amended; 12 U.S.C. 771 "Second", 831(b))

GLENN E. HEITZ,
Acting Governor,
Farm Credit Administration.

[F.R. Doc. 59-11109; Filed, Dec. 29, 1959; 8:47 a.m.]

SUBCHAPTER E—PRODUCTION CREDIT SYSTEM

PART 52—PARTICULAR PRODUCTION CREDIT ASSOCIATIONS

Special Rules Regarding Loans in Third Farm Credit District

Title 6 of the Code of Federal Regulations is hereby amended by adding the following new section incorporating a regulation prescribed by the farm credit board of the Third Farm Credit District (North Carolina, South Carolina, Georgia, Florida), with the approval of the Farm Credit Administration, relating to loans made by production credit associations in that district:

§ 52.2 Completion of credit forms and making of record searches by production credit associations in the Third Farm Credit District.

The production credit associations in the Third Farm Credit District (North Carolina, South Carolina, Georgia, and Florida) shall comply with the following requirements:

(a) Credit forms which evidence or secure loans made by an association shall be filled out and completed by the officers or employees of the association in accordance with instructions issued by the General Counsel of the Federal Intermediate Credit Bank of Columbia.

(b) Officers or employees of an association shall obtain information from the public records regarding the liens which secure loans made by an association in accordance with instructions issued by the General Counsel of the Federal Intermediate Credit Bank of Columbia.

(Secs. 20, 23, 48 Stat. 259, 261, as amended; 12 U.S.C. 1131d, 1131g)

GLENN E. HEITZ,
Acting Governor,
Farm Credit Administration.

[F.R. Doc. 59-11110; Filed, Dec. 29, 1959; 8:47 a.m.]

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER B—FARM OWNERSHIP LOANS

[FHA Instruction 443.1]

PART 331—POLICIES AND AUTHORITIES

Miscellaneous Amendments

1. The citations of authority applicable to §§ 331.1 to 331.17 are revised to read as follows:

Authority: §§ 331.1 to 331.17 issued under sec. 41, 50 Stat. 528, as amended, sec. 18, 72 Stat. 840; 7 U.S.C. 1015, 1006e; Order of Acting Sec. of Agric., 19 F.R. 74, 22 F.R. 8188. Additional authority is cited in parentheses following the sections affected.

2. Section 331.1, Title 6, Code of Federal Regulations (22 F.R. 9409) is revised to define "insured loans" and "direct loans," and to read as follows:

§ 331.1 General.

This part outlines the policies and authorities for making insured and direct Farm Ownership loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1000 et seq.). As used in this part, the term "insured loan" means a loan made from funds furnished by lenders and insured by the Government at the time of closing, or a loan made from the insurance fund pursuant to Public Law 85-748, 85th Congress (7 U.S.C. 1006e), and insured by the Government subsequent to closing, or both, as appropriate. "Direct loan" means a loan made from funds authorized annually by the Congress. The making of Farm Ownership loans to Indians is subject to the additional policies and procedures contained in Part 392 of this chapter.

3. The citations of authority following § 331.2 in Title 6, Code of Federal Regulations (21 F.R. 10443) are revised to read as follows:

(Sec. 1, 50 Stat. 522, as amended; 7 U.S.C. 1001)

4. Paragraph (c) of § 331.3 in Title 6, Code of Federal Regulations (21 F.R. 10443) is revised to provide that the advice of the title insurance company may be obtained with regard to the lien and title status of the improvements and appurtenances on the farm, and to read as follows:

§ 331.3 Definitions.

(c) *Farm*. The word "farm" as used in regulations relating to Farm Ownership loans includes the land, buildings, fences, water, water stock, water facilities, and other improvements which customarily pass with the farm in the change of ownership.

(1) In some states, certain improvement items or appurtenances which ordinarily would be considered a part of the real estate may, by agreement between the owner of the land and the person furnishing or using such appurtenances, remain personal property. Such an agreement would be binding on a Farm Ownership borrower who purchases the land. In all cases where funds are included in a Farm Ownership loan to purchase such improvement or appurtenances, the County Supervisor, with the advice of the designated attorney, title insurance company, or the attorney in charge, will ascertain that such appurtenances are free from any liens or encumbrances and are covered adequately by a first real estate or chattel mortgage.

(2) In some areas, facilities or improvement items not generally considered to be a part of the real estate, however, ordinarily do pass with the land when such a farm changes ownership. If it is administratively determined that certain such items customarily do pass with the land in the area, Farm Ownership loan funds may be included for the acquisition of such items necessary to the efficient operation of the farm. The advice of the designated attorney, title

insurance company, or the attorney in charge should be obtained in such cases. Where such facilities or improvement items do not commonly pass with the land when such a farm changes ownership, Farm Ownership loan funds will not be used for acquisition of the facilities even though such facilities may be necessary to the efficient operation of the farm.

§ 331.6 [Amendment]

5. Subparagraph (5) of § 331.6(b), Title 6, Code of Federal Regulations (21 F.R. 10444, 22 F.R. 7629) is revoked and the citations of authority following said § 331.6 are revised to read as follows:

(Secs. 1, 2, 3, 44, 50 Stat. 522, as amended, 523, as amended, 530, as amended, sec. 17, 70 Stat. 802, as amended; 7 U.S.C. 1001, 1002, 1003, 1018, 1006d)

6. Paragraph (b) of § 331.7, Title 6, Code of Federal Regulations (21 F.R. 10445) is revised to change the basis for computing the loan limitation for direct loans and to read as follows:

§ 331.7 Loan limitations.

(b) *Limitation of amount of loan*—

(1) *Direct loan*. Direct loans (initial or subsequent) will not be approved which will result in an indebtedness for the Farm Ownership loan and prior lien, if any, in an amount which exceeds the fair and reasonable value of the farm except that in the case of a loan to purchase a farm in which the applicant does not have an undivided interest, the Farm Ownership loan and any prior lien must not exceed the lesser of the fair and reasonable value of the farm or the sum of the price of the farm to be acquired by the applicant, the amount necessary for all planned construction and land development, and the amount of any necessary fees and expenses which are required to be paid by the applicant.

7. The citations of authority following § 331.7, Title 6, Code of Federal Regulations (21 F.R. 10445) are revised to read as follows:

(Sec. 3, 50 Stat. 523, as amended; 7 U.S.C. 1003)

8. Paragraph (a) of § 331.8, Title 6, Code of Federal Regulations (21 F.R. 10445) is revised to prescribe the criteria for making loans from the insurance fund when other sources of funds are not available, and paragraph (i) of said § 331.8 is revised to delete reference to Subpart A of the Part 373 of this chapter. As revised, said paragraphs (a) and (i) will read as follows:

§ 331.8 Special requirements.

(a) *Insured loan preference*. Whenever possible, the credit needs of an applicant will be met with an insured loan. If a loan by a local or state lender or the United States as Trustee under a 2(f) agreement is not available, the loan may be made from the insurance fund provided funds are available and the loan is not less than \$3,000.

(i) *Debt-settlement cases*. A Farm Ownership loan will not be made to an applicant whose debts have been settled pursuant to regulations contained in Part 364 of this chapter or Subpart A of Part 372 of this chapter, as reflected by the County Office records, or where settlement under such regulation is contemplated, unless (1) the applicant's failure to pay his loan indebtedness was the result of circumstances beyond his control, (2) the causes which necessitated the debt settlement, other than weather hazards, disasters, or price fluctuations, have been removed, and (3) the borrower's operations will be sound and afford him a reasonable prospect of repaying the loan and meeting his other obligations. Loan dockets, accompanied by available case folders, in such cases, must be submitted to the National Office for review prior to approval.

9. Section 331.9, Title 6, Code of Federal Regulations (21 F.R. 10446, 23 F.R. 7131, 24 F.R. 6831) is revised to reflect a change in interest rate for direct loans approved on and after September 1, 1959, to provide for the interest rate, which includes an annual charge, for loans insured under Public Law 85-748, 85th Congress. As revised, said § 331.9 and the citations of authority thereto as amended will read as follows:

§ 331.9 Terms of loans.

(a) *Amortization period*. Loans will be amortized within the shortest period consistent with the ability of the borrower to pay. In no case will the repayment period exceed 40 years from the date of the note.

(b) *Interest rates*. (1) For direct loans, the interest rate will be 5 percent per year on the unpaid principal.

(2) For insured loans, the interest rate will be 5 percent per year on the unpaid principal. The Government will retain out of interest payments an annual charge which in no case will be less than 1 percent per year on the unpaid principal. The insurance endorsement will provide for the rate of such charge.

(Sec. 3, 50 Stat. 523, as amended, sec. 12, 60 Stat. 1076, as amended; 7 U.S.C. 1003, 1005b)

10. The citations of authority following § 331.10, Title 6, Code of Federal Regulations (21 F.R. 10446) are revised to read as follows:

(Secs. 1, 3, 44, 50 Stat. 522, as amended, 523, as amended, 530, as amended, sec. 16, 69 Stat. 553, as amended, sec. 17, 70 Stat. 802, as amended; 7 U.S.C. 1001, 1003, 1018, 1006c, 1006d)

§ 331.14a [Revocation]

11. Section 331.14a, Title 6, Code of Federal Regulations (22 F.R. 737) is revoked.

Dated: December 22, 1959.

H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F.R. Doc. 59-11108; Filed, Dec. 29, 1959;
8:47 a.m.]

SUBCHAPTER D—SOIL AND WATER
CONSERVATION LOANS

[FHA Instruction 442.2]

PART 352—PROCESSING LOANS TO
INDIVIDUALS

Loans to Individuals

Part 352, Title 6, Code of Federal Regulations (20 F.R. 1967, 5283, 21 F.R. 1227, 3715, 4313, 4997, 9759, 22 F.R. 9409) is revised to read as follows:

- Sec.
352.1 General.
352.2 County Committee certification.
352.3 Special items in preparation of docket.
352.4 Title evidence required in connection with real estate security.
352.5 Approval or disapproval of loan.
352.6 Procedures between loan approval and loan closing.
352.7 Loan closing.
352.8 Actions subsequent to loan closing.
352.9 Loans to homestead entrymen.
352.10 Loans to contract purchasers on reclamation projects.

AUTHORITY: §§ 352.1 to 352.10 issued under sec. 2, 50 Stat. 869, as amended, secs. 5, 6, 50 Stat. 870, secs. 9, 10, 68 Stat. 735, sec. 11, 72 Stat. 841; 16 U.S.C. 590s, 590v, 590w, 590x-2, 590x-3, 590x-4. Order of Acting Sec. of Agric., 19 F.R. 74, 22 F.R. 8188. Secs. 352.9 and 352.10 also issued under sec. 1, 63 Stat. 883; 7 U.S.C. 1006a.

§ 352.1 General.

Sections 352.1 to 352.10 outline the general policies and authorities for processing direct and insured Soil and Water Conservation loans to individuals. As used herein, the term "insured loan" means (a) a loan made from funds furnished by lenders and insured by the Government at the time of closing, or (b) a loan made from the insurance fund pursuant to Public Law 85-748 (72 Stat. 840), and insured by the Government subsequent to closing, or both, as appropriate. "Direct loan" means a loan made from funds authorized annually by the Congress. The term "private lender" means any source of insured funds other than the insurance fund and funds made available under an agreement pursuant to section 2(f) of the Rural Rehabilitation Corporation Trust Liquidation Act (64 Stat. 98). When it appears that an applicant is eligible for an individual Soil and Water Conservation loan, Form FHA-14, "Farm and Home Plan", will be developed in accordance with instructions of the Farmers Home Administration.

§ 352.2 County Committee certification.

(a) When adequate information on the proposed loan has been assembled, the County Supervisor will present it to the County Committee for a determination as to the eligibility of the applicant for a Soil and Water Conservation loan.

(b) If the applicant's farm will be taken as security for the loan, the County Committee also will determine the fair and reasonable value of the farm based upon the normal market value after the contemplated improvements are made.

(1) Whenever a technical appraisal has been made, the Committee will be governed largely by the facts disclosed

on the appraisal report. Committee members may personally inspect the farm in such a case if they feel that they need additional information.

(2) Whenever a technical appraisal has not been made, one or more members of the Committee will visit the farm for the purpose of acquiring pertinent information for the consideration of the full Committee.

(c) The County Committee will execute Form FHA-121, "County Committee Certification," if it finds that the applicant is eligible.

§ 352.3 Special items in preparation of docket.

(a) *Planning farm development.* Farm development work will be planned in accordance with §§ 304.21 to 304.24 of this chapter. Form FHA-643, "Farm Development Plan," will be used with each Soil and Water Conservation loan. Any required plans, specifications, and cost estimates will be attached to Form FHA-643.

(b) *Agreements with prior lienholders.* Agreements with prior lienholders regarding enforcement of objectionable provisions of their liens or giving notice of foreclosure or assignment of their liens, or both, will be obtained when required by Part 307 of this chapter.

(c) *Form FHA-87, "Report of Lien Search."* Whenever a chattel lien will be taken as security for a Soil and Water Conservation loan, Form FHA-87 or similar form approved by the Farmers Home Administration will be obtained.

(d) *Form FHA-259, "Severance Agreement."* Whenever it is necessary to obtain a severance agreement in connection with securing a chattel lien, Form FHA-259 will be used and will be executed and processed in accordance with § 342.3(p) of this chapter. Form FHA-259 will be executed not later than the date on which the property purchased with loan funds is delivered to the farm.

(e) *Form FHA-260, "Supplement to Lease or Purchase Contract."* This form or a form containing similar provisions approved by the Farmers Home Administration will be used whenever the terms of an applicant's lease or purchase contract are not satisfactory and do not provide for reimbursement for real estate improvements made by the tenant or purchase contract holder.

(f) *Corporations engaged in farming.* If the applicant is a corporation engaged in farming, it will furnish a copy of its articles of incorporation and bylaws, a financial statement, and, if necessary, a resolution authorizing the officers to obligate the corporation for the Soil and Water Conservation loan.

(g) *Multiple advances for direct loans.* Ordinarily, loan funds should be disbursed in one advance. However, provision may be made for more than one advance in the case of direct loans only when the purposes for which the loan is being made clearly justify the need for multiple advances. The loan may be disbursed in not to exceed three advances, provided none of the advances will be scheduled for disbursement later than 24 months from the date of loan

closing. Multiple advances will not be used for loans of less than \$1,000.

(h) *Additional items.* The applicant will be required to furnish the County Supervisor, before the docket is assembled, a copy of any mortgage held by the prior lienholder and either the note or the maturity date of the note and the repayment schedule. In addition, the County Supervisor will be furnished a current statement from the mortgagee showing (1) the correct outstanding principal balance of the existing mortgage(s), (2) the amount of any accrued interest, (3) whether the account(s) is current or delinquent, and (4) the rate of interest, if not shown on the mortgage. This information will be included in the docket for the information of the loan approval official. Any cost incident to securing a copy of a mortgage or current statement will be paid by the applicant.

§ 352.4 Title evidence required in connection with real estate security.

(a) Whenever real estate will be taken as security, the applicant should furnish the County Supervisor with a copy of his deed or purchase contract and any mortgage or other lien on the property offered as security. If water stock is being offered as security for the loan, the applicant should furnish the stock certificate. These documents should be available at the time the loan docket is prepared.

(b) An applicant for a Soil and Water Conservation loan will be required to furnish title evidence in accordance with Part 307 of this chapter. Ordinarily, an applicant will be required to furnish evidence after the County Committee has executed the Form FHA-121. All title evidence other than the opinion of title, mortgagee title policy, and water stock certificates will be returned to the borrower when the loan has been closed. The opinion of title or mortgagee title policy will be retained in the borrower's County Office case folder and any water stock certificates will be sent to the State Office when the loan is closed.

§ 352.5 Approval or disapproval of loan.

(a) When a loan is approved, the loan approval official will indicate on all copies of Form FHA-476 or attachments any condition that must be met before the loan is closed and specify the security requirements that the applicant will need to meet, such as a first real estate lien or a junior lien subject to certain prior liens, a lien on specified items of chattel property, water rights, and so forth. For an insured loan, he will also indicate on Form FHA-476 that the loan will not exceed 90 percent of the value of the security property less any prior lien(s). If title evidence was not included in the docket prior to approval and other approval conditions apparently can be met, the applicant will be notified to obtain title evidence in accordance with Part 307 of this chapter. When satisfactory title evidence has been obtained, the County Supervisor will proceed with processing the loan except that if the title evidence does not conform with the conditions

specified by the approval official, the docket will be reconsidered by the loan approval official.

(b) If a loan submitted to the State Office is disapproved, the County Supervisor will notify the applicant, giving the reasons for disapproval of the loan.

§ 352.6 Procedures between loan approval and loan closing.

(a) *Meeting loan approval conditions and ordering check.* After a Soil and Water Conservation loan has been approved, the County Supervisor will notify the applicant of the approval and of any special conditions with which he must comply before the loan can be closed. As soon as all such special approval conditions have been met, the required legal work, such as curing title defects and establishing water rights, has been completed in accordance with the instructions furnished by the designated attorney, title insurance company, or the Attorney in Charge and the borrower has indicated that he is ready to use the loan funds, the County Supervisor will order the loan check.

(1) For an insured loan by a private lender, the County Supervisor will request the check by preparing Form FHA-971, "Request for Check," in an original and one copy and submit the original to the State Director. If the lender does not require attestation of the County Supervisor's signature, the original Form FHA-971 may be delivered to the lender and the copy sent to the State Office. Whenever the bank handling a supervised bank account will require the lender's personal check to clear before disbursing funds, the lender should be requested to furnish a certified or cashier's check. When suitable arrangements can be made with the lender, a bank draft may be used to obtain insured loan funds.

(2) When Form FHA-971 is received from the County Office, unless the County Supervisor has delivered the original completed Form FHA-971 to the lender, the State Director or other State Office official will attest the signature of the County Supervisor on the original of Form FHA-971 and forward it to the lender.

(3) Upon request, mailed to the Farmers Home Administration, United States Department of Agriculture, Washington 25, D.C., the lender will be furnished with a duplicate of the signature card of each employee of the State Office who is authorized to attest the signature of the County Supervisor on Form FHA-971.

(b) *Handling loan checks.* (1) The lender or his representative may present the check for an insured loan at the time the loan is closed or, if desired, the check may be mailed to the County Supervisor. If, for any reason, a loan check cannot be delivered to the borrower, it will be returned to the lender with a request for cancellation. When a loan check is lost or destroyed, the County Supervisor will immediately notify the lender. If the borrower desires that a new check be issued, the lender will be requested to issue a new check.

(2) If the loan check is to be deposited in a supervised bank account, this will be done on the date of loan closing in accordance with Part 303 of this chapter, after it has been determined that the loan can be closed.

(3) When a lender issues a loan check payable jointly to the borrower(s) and the Farmers Home Administration, the County Supervisor is authorized to endorse the check on behalf of the Farmers Home Administration at the time of loan closing as follows:

Endorsed without recourse:
Farmers Home Administration
By _____
Title _____

The State Director also is authorized to endorse such a check in the same manner.

(c) *Cancellation of loan.* Soil and Water Conservation loans to individuals may be cancelled before loan closing upon submission of Form FHA-903, "Request for Cancellation of Loan," to the County Supervisor. Any checks issued by a private lender will be returned promptly to the lender with an explanatory letter. Interested parties will be notified of the cancellation as provided in Part 307 of this chapter.

§ 352.7 Loan closing.

When the applicant has complied with any loan approval conditions to be met at the time of loan closing and the check has been received, the County Supervisor will arrange to close the loan as soon as possible.

(a) *Applicant's financial condition.* The County Supervisor will review with the applicant the financial statement which was prepared at the time the docket was developed. If there have been significant changes in his financial condition, the financial statement will be revised. When an applicant's financial condition has changed to the extent that it appears that the loan would be unsound or improper, the County Supervisor will submit a revised loan docket to the loan approval official for reconsideration.

(b) *Authority to execute, file, and record legal instruments.* Properly bonded County Office employees are authorized to execute and file or record any legal instruments necessary to obtain or preserve security for Soil and Water Conservation loans. This includes mortgages and similar lien instruments, as well as affidavits, acknowledgments, and other certifications (when the mortgagee must execute such certification under State law).

(c) *Preparation and endorsements of promissory note.* The note will be prepared and completed at the time of loan closing. Form FHA-252, "Promissory Note (Insured SW Loan)," or Form FHA-966, "Promissory Note—Direct Soil and Water Conservation Loan," will be used, as appropriate.

(1) The applicant's spouse will be required to execute the note when required by State law; the designated attorney, representative of the title insurance company, or the Attorney in Charge determines that the signature is needed because of the spouse's interest in the farm

or other property being offered as security; or the State Director determines, on a State basis, that the spouse's signature will be required.

(2) When a loan is closed between December 1 and January 1, the first installment will be collected at the time of loan closing.

(3) Multiple advances are permitted in direct loans only. When one or more advances will be made after January 1 of the year following loan closing, the repayment installment on each succeeding January 1 up to and including the January 1 following the last advance may be for an amount equal to interest that will accrue on the advances made, provided the borrower will be unable during such period to pay a full amortized installment on the entire loan. When principal payments are deferred in accordance with Part 351 of this chapter on a loan involving more than one advance, the period for which interest-only payments may be scheduled will not extend beyond the third January 1 following the date of loan closing. The amount of each advance, including the first one, will be entered in the space on the reverse side of the note entitled "Schedule of Advances." The date of the first advance will be the date of loan closing. The date entered for each subsequent advance will be the estimated date on which it will be needed by the borrower. The date on which each subsequent advance was made will be the date of the loan check.

(4) For insured loans, other than those made from the insurance fund, the promissory note will be assigned to the lender simultaneously with loan closing. This will be done by endorsing the note over to the lender, using the form of endorsement on the reverse of the note. Form FHA-250, "Insurance Endorsement (Insured FO or SW Loan)," also will be executed simultaneously with loan closing for delivery to the lender with the note. The rate of the annual charge to be inserted in Form FHA-250 at the time of loan closing is 1 percent.

(5) Each County Supervisor and each State Director is authorized to sign the endorsement on the reverse of the note and to execute Form FHA-250. The insurance endorsement constitutes the Government's contract of insurance of the loan.

(6) For loans from the insurance fund, the note will not be endorsed and the insurance endorsement will not be executed until the loan is assigned from the insurance fund to a lender. In such cases, the Director, Finance Office, will sign the endorsement on the reverse of the note and will execute the insurance endorsement in accordance with Part 375 of this chapter.

(d) *Property insurance.* When there are insurable buildings on the real estate given as security for a Soil and Water Conservation loan, the County Supervisor will see that adequate insurance is provided, effective as of the time of loan closing, in accordance with Part 306 of this chapter.

(e) *When liens on real estate, interest in real estate, or water rights are to be taken as security for the loan.* When liens on real estate, interest in real

estate, or water rights are to be taken as security for a loan, the loan will be closed in accordance with Part 307 of this chapter with the assistance of the designated attorney, title insurance company, or the closing instructions of the Attorney in Charge.

(1) If water stock certificates are taken as security, they should be re-issued in the name of the Government, or the borrower and the Government, in accordance with the rules of the company.

(2) If, at the time of loan closing, any changes affecting the title appear since the date of the previous title opinion, the loan will not be closed until all necessary corrections have been made and it is determined that the proposed loan can be made properly.

(3) When the loan is closed, the mortgage recorded, and all legal requirements have been met, the loan funds may be disbursed.

(f) *When chattel liens are taken as security.* When a chattel lien is taken as security for a Soil and Water Conservation loan, the loan will be closed in accordance with § 342.6 of this chapter except that Soil and Water Conservation promissory notes will be used and Form FHA-293, "Chattel Mortgage (Insured SW Loans)," for the appropriate state will be used for insured Soil and Water Conservation Loans and Form FHA-30, "Crop and Chattel Mortgage," will be adapted for direct loans. Whenever Form FHA-30 is used, the words "but not exceeding the rate of five per centum per annum" will be deleted in the refinancing clause. The provisions designed to create a crop lien also will be deleted in Form FHA-30. All such deletions will be initiated by the borrower before the mortgage is executed.

(g) *When both real estate and chattel liens are taken as security.* When both real estate security and chattel security are taken for a Soil and Water Conservation loan, separate security instruments will be used.

§ 352.8 Actions subsequent to loan closing.

(a) The real estate or chattel mortgage will be delivered to the recording office for recordation or filing, as appropriate. A conformed copy of the mortgage will be delivered to the borrower and the original will be retained in the borrower's County Office case folder, unless the original is retained by the filing official for the county records.

(b) For an insured loan by a private lender, immediately after loan closing, the original note properly endorsed and the original insurance endorsement will be given or sent to the lender. If for any reason it is not possible for the same County Supervisor who signed Form FHA-971 to endorse the note and sign the insurance endorsement, the note and insurance endorsement will be sent to the State Office instead of directly to the lender. In such a case, the State Director or other authorized state official will attest on Form FHA-250 the signature of the different County Supervisor before sending the note and the insurance endorsement to the lender. This will not be necessary when a local

lender has no objection to a different signature on the endorsement of the note and the insurance endorsement than that which appeared on Form FHA-971.

§ 352.9 Loans to homestead entrymen.

This section provides additional policies and procedures applicable to the making of insured and direct Soil and Water Conservation loans to homestead entrymen whose loans are to be secured by real estate.

(a) *Authority.* Public Law 361, 81st Congress (63 Stat. 883), authorizes the insuring and making of Soil and Water Conservation loans to eligible homestead entrymen on unpatented public lands including public lands within Federal reclamation projects and in Alaska in accordance with the provisions of the Water Facilities Act of 1937, as amended.

(b) *Cooperation between the Department of Agriculture and the Department of the Interior.* The extension of financial assistance authorized in paragraph (a) of this section will be facilitated through the cooperation of the Farmers Home Administration, the Bureau of Land Management, and the Bureau of Reclamation.

(c) *Special policies applicable to Soil and Water Conservation loans.* Soil and Water Conservation loans will not be made to applicants who lack the capital or credit resources necessary to provide a habitable dwelling within the statutory period prescribed for the establishment of residence and to make the other farm improvements essential to a sound farming operation. Soil and Water Conservation loans will not be made to applicants who expect to apply for a Farm Ownership loan to make additional farm improvements.

(d) *Patent requirements.* All homestead entrymen will be expected to comply promptly and fully with pertinent laws and regulations of the Department of the Interior relating to the issuance of a patent for a homestead entry. When applicable, reclamation proof must be filed by the borrower at the earliest possible date.

(1) *Residence requirements.* The entryman must establish residence upon the land entered within six months from the date of allowance of entry. When he has established residence, he should notify the Manager of the District Land Office by mail or otherwise. Under certain conditions additional time, not exceeding six months, may be allowed by the Bureau of Land Management. Residence must be maintained for a period of at least seven months during each of the first three years, except where credit is allowed for residence on account of military or naval service.

(2) *Final homestead proof.* Final proof must be filed within five years from the date of allowance of entry issued to the entryman by the Bureau of Land Management. A patent will not be issued by the United States until the entryman has submitted final proof. Final proof must show that a habitable house is on the land at the time proof is submitted, that residence requirements have been met, that the improvements are of such character as to show good faith, and that the entryman is a

citizen of the United States. A habitable dwelling within the meaning of the homestead laws is any permanent building or structure erected on the land entered which is suitable for, and actually occupied as, a dwelling as distinguished from other buildings. When the entryman borrower is ready to submit final proof, he should notify the District Land Office and request instructions regarding the procedure to be followed.

(3) *Reclamation proof.* Reclamation proof may be submitted with, or at any time after, the submission of homestead proof. In addition to the final homestead proof mentioned in subparagraph (2) of this paragraph, the filing of reclamation proof is required as a condition in obtaining a patent to any entry within a reclamation project. Reclamation proof must show reclamation and cultivation of at least one-half of the irrigable area in the entry for two years immediately preceding the date of submission of proof and the payment of all reclamation charges due at that time. Reclamation proof, in proper form, must be submitted to the District Land Office accompanied by the payment of final homestead commissions.

(e) *Loan processing.* Existing Soil and Water Conservation policies, procedures, and loan authorities will be followed, except as follows:

(1) *Applications—(i) Applications from homestead entrymen not in a Federal reclamation project.* An application for a Soil and Water Conservation loan from a homestead entryman entering public land not within a Federal reclamation project will be considered only after the entryman has selected a farm and received his allowance of entry from the Bureau of Land Management. The original document showing allowance of entry must be attached to Form FHA-197, "Application for FHA Services."

(ii) *Applications from homestead entrymen in a Federal reclamation project.* An application for a Soil and Water Conservation loan from a homestead entryman entering public land within a Federal reclamation project will not be considered until after the entryman has received a certificate of eligibility from the Bureau of Reclamation and has selected a farm. If at the time of making application the entryman has received his allowance of entry from the Bureau of Land Management, he will attach the original of such document to Form FHA-197. If the entryman has not received his allowance of entry, a copy of his certificate of eligibility must be attached to Form FHA-197. However, the docket will not be approved until the original document showing allowance of entry has been received from the applicant and placed in the loan docket.

(iii) *Supplemental information on applicant.* At the time of making application for a Soil and Water Conservation loan, the homestead entryman may be requested to authorize the Farmers Home Administration to secure from the Bureau of Land Management or the Bureau of Reclamation any available infor-

mation concerning his application for homestead or reclamation entry which may be used by the Farmers Home Administration in determining his eligibility for the loan.

(2) *Special items in development of Soil and Water Conservation loan dockets.* Loan dockets for loans to homestead entrymen will be prepared in accordance with §§ 352.1 to 352.8 except that when the entryman's farm is located in a Federal reclamation project, any development items listed on Form FHA-643, "Farm Development Plan," must be consistent with the over-all plans for development of the reclamation project. If the development plans for the unit conflict with the over-all plans for the development of the Federal reclamation project, officials of the Bureau of Reclamation will so advise the County Supervisor. The processing of the loan will not be delayed while awaiting such advice from the Bureau of Reclamation.

(3) *Title clearance.* The entryman applicant will be required to furnish and pay for a certified statement prepared by a qualified title examiner (including designated attorneys) or abstractor which will include findings with respect to any outstanding land leveling contracts and any other claims of any kind on record against the entry.

§ 352.10 Loans to contract purchasers on reclamation projects.

(a) *General.* This section outlines the policies and procedures to be followed on the Columbia Basin Reclamation project in Washington and on the Wellton-Mohawk Division of the Gila Project in Arizona in making insured and direct Soil and Water Conservation loans which are to be secured by real estate to individuals who are contract purchasers of land from the Bureau of Reclamation.

(1) *Cooperation between the Department of Agriculture and the Department of the Interior.* The making of loans pursuant to this section will be facilitated through the cooperation of the Farmers Home Administration and the Bureau of Reclamation.

(2) *National Office consideration.* A loan application within the intent of, but not specifically covered by, this section will be submitted to the National Office for consideration.

(b) *Policies.* Existing Soil and Water Conservation policies and loan approval authorities will be followed in processing loans to such contract purchasers with the following modifications: Soil and Water Conservation loans may be made to contract purchasers from the Bureau of Reclamation for all authorized purposes even though a deed to the farm has not been obtained, provided:

(1) The applicant is not in default under his purchase contract, including, but not limited to:

(i) Delinquency on either principal or interest on the purchase contract, or delinquency on taxes, assessments, or irrigation district charges or assessments against his farm unit.

(ii) Default by reason of his failure to meet the residence requirements stated

in his purchase contract, or his failure to be in a position to meet such residence requirements within the period prescribed in his purchase contract, either because he lacks the funds, a satisfactory source of credit, or the prospective farm income necessary to make the improvements in order to fulfill the residence requirements.

(2) His credit needs for farm development purposes, in order to place his farm unit in an operable and livable condition can be met adequately under the Soil and Water Conservation and the Operating loan programs.

(c) *Loan processing.* Soil and Water Conservation loan dockets will be prepared and processed in accordance with the provisions of the applicable procedures with the following modifications:

(1) *Consent by Bureau of Reclamation.* Written consent of the Bureau of Reclamation will be obtained prior to the making of the proposed loan.

(2) *Supplemental information on applicant.* At the time of making application for a Soil and Water Conservation loan, the contract purchaser may be required to authorize the Farmers Home Administration to secure from the Bureau of Reclamation any available information concerning his purchase contract or application for a purchase contract and which may be used by the Farmers Home Administration in determining his eligibility and qualifications for the loan.

(3) *Land leveling contracts.* When there is an outstanding land leveling contract, a copy of such contract will be included in the loan docket and marked for return to the County Supervisor.

(4) *Purchase contracts.* The County Supervisor will obtain from the applicant a copy of the purchase contract.

(d) *Loan closing.* Existing Soil and Water Conservation procedures will be followed in the closing of these loans, except that the applicant will have filed for record in the County Recorder's office the purchase contract entered into with the Bureau of Reclamation.

(e) *Property insurance.* Property insurance will cover the interests of the United States as they may appear under the Soil and Water Conservation mortgage and the purchase contract.

Dated: December 23, 1959.

H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F.R. Doc. 59-11107; Filed, Dec. 29, 1959;
8:47 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 7—ADVISORY BOARDS

The present general regulations of the Commission pertaining to advisory boards (10 CFR Part 7) are applicable only to advisory boards established by the Commission under section 161a of the Atomic Energy Act of 1954. The Commission has determined that it is in the public interest to extend the ap-

plicability of these regulations to advisory boards established by statute and other advisory boards performing a similar function, as reflected in the revised regulations which follow. The revised regulations will not apply to advisory boards for which Congress has by statute specified the purpose, composition, and conduct nor will they apply to boards comprised wholly of persons from non-profit organizations or whose primary function is that of rendering a public service other than giving advice to the Government, which are not established under section 161a.

The Commission has also determined that the duly authorized representative shall have the authority to adjourn any meeting whenever he feels its continuation would not be in the public interest and that he shall be responsible for certifying the accuracy of the minutes of each meeting.

The Commission has additionally determined that it is in the public interest that industry members of industry advisory committees shall be selected from members actively engaged in the industries concerned, unless otherwise provided by statute or unless the Commission deems such limitation impracticable for effective committee operation.

Because of the organizational and procedural nature of these regulations, the Atomic Energy Commission has found that general notice of proposed rule making and public procedure thereon are unnecessary, and that good cause exists why these rules should be made effective without the customary period of prior notice.

The following regulations are made effective upon publication thereof in the FEDERAL REGISTER:

Sec.	
7.1	Purpose.
7.2	Definitions.
7.3	Functions and limitations.
7.4	Chairman.
7.5	Membership.
7.6	Meetings.
7.7	Agenda.
7.8	Minutes.
7.9	Subcommittees.
7.10	Industry advisory committees and conferences.

AUTHORITY: §§ 7.1 to 7.10 issued under sec. 161, 68 Stat. 948; 42 U.S.C. 2201.

§ 7.1 Purpose.

The regulations in this part set forth the scope, procedure, and limitations of the authority of advisory boards established by the Atomic Energy Commission pursuant to section 161 a. of the Atomic Energy Act of 1954 (68 Stat. 919) or established by statute to render advice or recommendation to the Commission, insofar as consistent with any specific statutory requirements, except the Patent Compensation Board, the Advisory Board on Contract Appeals, the Personnel Security Review Board, and the Personnel Security Boards. These regulations also apply to any advisory board not so established, but only during any period when it is being utilized by the Commission for advice or recommendations in a manner similar to that which would be employed in utilizing

advisory boards established by the Commission. These regulations shall not apply to any advisory board for which the Congress has by statute specified the purpose, composition, and conduct, such as the General Advisory Committee and the Advisory Committee on Reactor Safeguards. Nor shall they apply to any advisory board not established under section 161 a. of the Atomic Energy Act of 1954, and composed wholly of persons from charitable, religious, educational, civic, social welfare, or other similar non-profit organizations or to any local civic committee whose primary function is that of rendering a public service other than giving advice or making recommendations to the Government.

§ 7.2 Definitions.

As used in this part:

(a) "Commission" means the Atomic Energy Commission.

(b) "Duly authorized representative" of the Commission means a full-time government employee designated by the Commission or the General Manager.

§ 7.3 Functions and limitations.

(a) It is the function of an advisory board to furnish advice, recommendations and opinions concerning the subject matter with respect to which the board has been established. Advisory boards may not establish policy or take any action on behalf of the Commission.

(b) Advisory boards may not request information from any source other than the Commission either in the name of the board or in the name of the Commission. Information needed by an Advisory Board will be obtained by the Commission or its duly authorized representative.

§ 7.4 Chairman.

(a) Each advisory board will have as chairman a full-time government employee, except where the Commission finds that the public interest will not be adversely affected if the chairman is not a full-time government employee.

(b) The chairman will preside at all meetings of the advisory board and will be responsible for the control and conduct of its meetings. Where the Commission makes an exception to the requirement of a full-time government chairman, a full-time government employee will attend all meetings of the advisory board.

(c) The duly authorized representative of the Commission shall have the authority to adjourn any meeting whenever he feels that its continuation would not be in the public interest.

§ 7.5 Membership.

The Commission or its duly authorized representative will appoint the members of the advisory boards.

§ 7.6 Meetings.

(a) Advisory boards shall meet only at the call of the Commission or its duly authorized representative. Meetings will be called sufficiently in advance to enable

able board members to make arrangements to attend and to permit prior individual consideration of the matters to be discussed.

(b) Except as otherwise authorized by the Commission or its duly authorized representative, advisory boards shall meet only on government premises.

§ 7.7 Agenda.

The agenda for each meeting will be formulated by the Commission or its duly authorized representative and, so far as practicable, will be forwarded to the members of the advisory board in advance of the meeting.

§ 7.8 Minutes.

(a) Full and complete minutes of each meeting shall be kept, including a record of those in attendance, and shall be certified as accurate by the duly authorized representative of the Commission. Such minutes shall be maintained as permanent and official records of the Commission.

(b) The chairman or the duly authorized representative of the Commission shall decide whether a stenographic transcript is necessary.

§ 7.9 Subcommittees.

All advisory board subcommittees, temporary or permanent, shall be subject to the rules and procedures governing the respective full boards.

§ 7.10 Industry advisory committees and conferences.

(a) Industry advisory committees and industry advisory conferences are deemed to be industry advisory boards and subject to the requirements of the regulations in this part. Except as otherwise authorized by the Commission, or its duly authorized representative, attendance at meetings of industry advisory committees or conferences shall be limited to the members of the committee or conference and Commission employees.

(b) Persons selected for membership on industry advisory committees or conferences shall be chosen, insofar as is practicable, with a view to assure a representation of a cross-section of the group or groups affected, with due consideration given to large, medium and small business, geographic distribution, members and non-members of trade associations and other relevant factors. Selection of industry members shall, unless otherwise provided by statute, be limited to individuals actively engaged in the industry or industries concerned, except where the Commission deems such limitation impracticable for effective committee operation.

Dated at Germantown, Md., this 16th day of December 1959.

For the Atomic Energy Commission.

A. R. LUEDECKE,
General Manager.

[F.R. Doc. 59-11116; Filed, Dec. 29, 1959; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—ECONOMIC REGULATIONS

[Reg. ER-292]

PART 249—PRESERVATION OF AIR CARRIER ACCOUNTS, RECORDS AND MEMORANDA

Passenger Ticket Flight Coupons

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of December 1959.

Part 249 of the Board's Economic Regulations, § 249.11, as amended, requires each certificated air carrier subject to the reporting requirements of Part 241 to retain original passenger ticket flight coupons for a period of two years (Category 151(a) of the Schedule of Records).

With the rapid accumulation of these records, carriers have advised that the retention period of two years for such coupons in their original form has resulted in an acute storage problem and considerable economic benefits may result by reproducing and preserving microfilm copies thereof in lieu of the original coupons.

After a review of the subject matter, the Board finds that by the retention of the original flight coupons for a period of only three months, and of microfilm copies thereof for the remainder of the required preservation period, the Board's audit needs will be accommodated and the carriers can be granted substantially all of the relief desired. Therefore, the Board will amend the existing regulations by giving the aforesaid certificated carriers the option of (1) preserving the original flight coupons for a period of two years or (2) preserving the original flight coupons for a period of three months and preserving microfilm copies of the original flight coupons for the balance of the two-year period.

Since this amendment relaxes the existing regulation, notice and public procedure hereon are unnecessary, and the amendment may be made effective upon less than 30 days notice.

Accordingly, § 249.11 of Part 249 of the Economic Regulations (14 CFR Part 249) is hereby amended, effective December 30, 1959, as follows:

1. By changing the fourth paragraph of § 249.11(f) to read as follows:

M-2, M-3, etc.—Indicates that microfilms may be substituted for retention of the original records only after the original records have been retained in their original form for the number of years (unless otherwise indicated) corresponding to the numeral.

2. By amending Category 151(a) of the Schedule of Records to read as follows:

(a) Flight coupons: 2 years; M-3 months.
(b) Auditors coupons: 2 years.

3. By redesignating the sub-listings (b), (c), (d), (e) and (f) under Category 151 as (c), (d), (e), (f) and (g).

(Sec. 204, 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 407, 72 Stat. 766; 49 U.S.C. 1377)

By the Civil Aeronautics Board.

[SEAL]

MABEL McCART,
Acting Secretary.

[F.R. Doc. 59-11078; Filed, Dec. 29, 1959;
8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-NY-12]

[Amdt. 154]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 188]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEG- MENTS

Revocation of Federal Airway, Asso- ciated Control Areas and Design- ated Reporting Point

On September 30, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 7878) stating that the Federal Aviation Agency was considering an amendment to Parts 600 and 601 of the regulations of the Administrator which would revoke Red Federal airway No. 57, and its associated control areas, from Akron, Ohio, to Youngstown, Ohio.

As stated in the notice, Red 57 presently extends from Akron to Youngstown. An IFR peak-day airway traffic survey for the last half of the calendar year 1958, and the first half of the calendar year 1959, shows aircraft movements on this airway as zero and three respectively. On the basis of this survey, the retention of this airway and its associated control areas is unjustified as an assignment of airspace and the revocation thereof is in the public interest. Coincident with this action, § 601.4257, relating to the designated reporting points for this airway, is revoked.

No adverse comments were received regarding the proposed amendments.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) Parts 600 and 601 (14 CFR, 1958 Supp., Parts 600, 601) are amended as follows:

1. Section 600.257 *Red Federal airway No. 57 (Akron, Ohio, to Youngstown, Ohio)* is revoked.

2. Section 601.257 *Red Federal airway No. 57 control areas (Akron, Ohio, to Youngstown, Ohio)* is revoked.

3. Section 601.4257 *Red Federal airway No. 57 (Akron, Ohio, to Youngstown, Ohio)* is revoked.

These amendments shall become effective 0001 e.s.t., February 11, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on December 22, 1959.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-11088; Filed, Dec. 29, 1959;
8:45 a.m.]

[Airspace Docket No. 59-LA-41]

[Amdt. 155]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 190]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEG- MENTS

Revocation of Federal Airway, Asso- ciated Control Areas and Revoca- tion of Reporting Point

On September 30, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 7880) stating that the Federal Aviation Agency proposed to amend Parts 600 and 601 of the regulations of the Administrator by revoking Blue Federal airway No. 37 which extends from Casper, Wyoming, to Rapid City, South Dakota.

As stated in the Notice, Blue 37 presently extends from Casper to Rapid City. An IFR peak-day airway traffic survey for each half of calendar year 1958, showed aircraft movements on this airway as zero and eight respectively. On the basis of this survey, the retention of this airway and its associated control areas is unjustified as an assignment of airspace, and the revocation thereof is in the public interest. Section 601.4637, relating to the associated designated reporting points, is also revoked.

No comment was received regarding the proposed amendments.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), Parts 600 and 601 (14 CFR, 1958 Supp., Parts 600, 601) are amended as follows:

1. Section 600.637 *Blue Federal airway No. 37 (Casper, Wyo., to Rapid City, S. Dak.)* is revoked.

2. Section 601.637 *Blue Federal airway No. 37 control areas (Casper, Wyo., to Rapid City, S. Dak.)* is revoked.

3. Section 601.4637 *Blue Federal airway No. 37 (Casper, Wyo., to Rapid City, S. Dak.)* is revoked.

These amendments shall become effective 0001 e.s.t. February 11, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on December 22, 1959.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-11087; Filed, Dec. 29, 1959;
8:45 a.m.]

[Airspace Docket No. 59-LA-39]

[Amdt. 156]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 191]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEG- MENTS

Revocation of Federal Airway, Asso- ciated Control Areas and Design- ated Reporting Point

On September 30, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 7879) stating that the Federal Aviation Agency was considering an amendment to Parts 600 and 601 of the regulations of the Administrator which would revoke Blue Federal airway No. 76, and its associated control areas, from Sinclair, Wyo., to Casper, Wyo.

As stated in the notice, Blue 76 presently extends from Sinclair to Casper. An IFR peak-day airway traffic survey for each half of the calendar year 1958, showed aircraft movements on this airway as two and three respectively. On the basis of this survey, the retention of this airway and its associated control areas is unjustified as an assignment of airspace and the revocation thereof is in the public interest. Coincident with this action, § 601.4676, relating to the associated reporting points for this airway is revoked.

No comments were received regarding the proposed amendments.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) Parts 600 and 601 (14 CFR, 1958 Supp., Parts 600, 601) are amended as follows:

1. Section 600.676 *Blue Federal airway No. 76 (Sinclair, Wyo., to Casper, Wyo.)* is revoked.

2. Section 601.676 *Blue Federal airway No. 76 control areas (Sinclair, Wyo., to Casper, Wyo.)* is revoked.

3. Section 601.4676 *Blue Federal airway No. 76 (Sinclair, Wyo., to Casper, Wyo.)* is revoked.

These amendments shall become effective 0001 e.s.t. February 11, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on December 22, 1959.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-11086; Filed, Dec. 29, 1959;
8:45 a.m.]

[Airspace Docket No. 59-WA-97]

[Amdt. 111]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 134]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEG- MENTS

Modification of Federal Airway and Associated Control Areas

The purpose of these amendments to §§ 600.6157 and 601.6157 of the regulations of the Administrator is to modify the segment of VOR Federal airway No. 157 and its associated control areas between Wilmington, N.C., and Rocky Mount, N.C.

A segment of Victor 157 presently extends from the Wilmington VOR to the Rocky Mount VOR via the intersection of the Wilmington VOR 014° and Rocky Mount VOR 169° radials. The Federal Aviation Agency is installing a VOR near Kinston, N.C., at latitude 35°22'12" N., longitude 77°33'30" W. on or about March 10, 1960, and redesignating this segment of Victor 157 and its associated control areas via the Kinston VOR in order to provide more precise navigational guidance. Such action will result in this segment of Victor 157 extending from the Wilmington VOR to the Rocky Mount VOR via the Kinston VOR. The control areas associated with Victor 157 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary. Coincident with this action, the captions to §§ 600.6157 and 601.6157, relating to the airway and associated control areas respectively, are being modified to more accurately describe the airway.

This action has been coordinated with the Army, the Navy, the Air Force, and interested civil aviation organizations. Accordingly, compliance with the Notice, and public procedures provisions of section 4 of the Administrative Procedure Act have, in effect, been complied with. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.6157 (24 F.R. 1283, 1305, 2646, 3871) and § 601.6157 (24 F.R. 1305) are amended as follows:

1. Section 600.6157 VOR Federal airway No. 157 (Key West, Fla., to Washington, D.C.):

(a) In the caption, delete "(Key West, Fla., to Washington, D.C.)" and substitute therefore, "(Key West, Fla., to Florence, S.C., and Wilmington, N.C., to Washington, D.C.)".

(b) In the text, delete "From the Wilmington, N.C., VOR via the INT of the Wilmington VOR 014° and the Rocky Mount VOR 169° radials;" and substitute therefore, "From the Wilmington, N.C., VOR via the Kinston, N.C. VOR;"

2. In the caption of § 601.6157 VOR Federal airway No. 157 control areas (Key West, Fla., to Washington, D.C.), delete "(Key West, Fla., to Washington, D.C.)" and substitute therefore, "(Key West, Fla., to Florence, S.C., and Wilmington, N.C. to Washington, D.C.)".

These amendments shall become effective 0001 e.s.t. March 10, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on December 22, 1959.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-11089; Filed, Dec. 29, 1959;
8:45 a.m.]

[Airspace Docket No. 59-WA-405; Amdt. 182]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEG- MENTS

Modification of Control Area Extension

The purpose of this amendment to § 601.1241 of the regulations of the Administrator is to modify the Tulsa, Okla., control area extension.

The Tulsa control area extension south of Tulsa is partially described by the use of VOR Federal airway No. 15 E. However, Victor 15 E does not enclose the northern portion of this area. Therefore, VOR Federal airway No. 15 is being substituted for Victor 15 E in the description of the control area extension. The airspace encompassed by this modification is essentially the same as that presently designated.

Since this amendment imposes no additional burden on the public, compliance with the Notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530)

§ 601.1241 (14 CFR, 1958 Supp., 601.1241) is amended as follows:

In the text of § 601.1241 Control area extension (Tulsa, Okla.), delete "that airspace south of Tulsa bounded on the west and northwest by VOR Federal airway No. 15 E;" and substitute therefor "that airspace south of Tulsa bounded on the W and NW by VOR Federal airway No. 15;"

This amendment shall become effective 0001 e.s.t. January 1, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on December 22, 1959.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-11082; Filed, Dec. 29, 1959;
8:45 a.m.]

[Airspace Docket No. 59-WA-410; Amdt. 163]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEG- MENTS

Modification of Control Area Extension

The purpose of this amendment to § 601.1335 of the regulations of the Administrator is to modify the Lafayette, La., control area extension.

The Lafayette control area extension is partially described by Red Federal airway No. 96 and Green Federal airway No. 6. Red 96 has been revoked between Lafayette, La., and Baton Rouge, La. Moreover, in the interest of consistency in control area extension description, victor airways are being utilized in place of colored airways. Therefore, VOR Federal airways No. 70 and No. 20 are being substituted for Red 96 and Green 6 in the description of the Lafayette control area extension. The airspace encompassed by these modifications is essentially the same as that presently designated.

Since this amendment imposes no additional burden on the public, compliance with the Notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 601.1335 (14 CFR, 1958 Supp., 601.1335) is amended as follows:

In the text of § 601.1335 Control area extension (Lafayette, La.), delete "and the airspace east of Lafayette bounded on the northwest by Red Federal airway No. 96, on the northeast by VOR Federal airway No. 114 and on the south by Green Federal airway No. 6;" and substitute therefor "and the airspace east of Lafayette

ette bounded on the northwest by VOR Federal airway No. 70, on the northeast by VOR Federal airway No. 114 and on the south by VOR Federal airway No. 20."

This amendment shall become effective 0001 e.s.t., January 14, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on December 22, 1959.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-11084; Filed, Dec. 29, 1959;
8:45 a.m.]

[Airspace Docket No. 59-WA-407; Amdt. 181]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEG- MENTS

Modification of Control Area Extension

The purpose of this amendment to § 601.1384 of the regulations of the Administrator is to modify the Hopkinsville, Ky., control area extension.

The present Hopkinsville control area extension is partially described by the use of the Campbell AAF nondirectional radio beacon. However, this radio beacon has been relocated. Therefore, in order to correct the description of the control area extension and still continue to encompass the same airspace, geographical coordinates latitude 36°37'26.9" N., longitude 87°32'59.0" W. as the reference point will be substituted for the Campbell AF nondirectional radio beacon.

Since this amendment imposes no additional burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 601.1384 (14 CFR, 1958 Supp., 601.1384, 24 F.R. 704; 2231) is amended as follows:

In the text of § 601.1384 *Control area extension* (Hopkinsville, Ky.), delete "the Campbell AAF nondirectional radio beacon" and substitute therefor "a point at latitude 36°37'26.9" N., longitude 87°32'59.0" W."

This amendment shall become effective 0001 e.s.t. January 1, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on December 22, 1959.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-11083; Filed, Dec. 29, 1959;
8:45 a.m.]

[Airspace Docket No. 59-WA-434; Amdt. 189]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEG- MENTS

Revocation of Control Zone and Control Area Extension

The purpose of these amendments to Part 601 and § 601.1983 of the regulations of the Administrator is to revoke the El Morro, N. Mex., control zone and control area extension.

The El Morro Airport was abandoned October 15, 1959. Therefore, the retention of the three mile radius control zone and control area extension on the south course of the El Morro radio range are no longer justified as an assignment of airspace and the revocation thereof is in the public interest.

Since these amendments eliminate a burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) Part 601 and § 601.1983 (14 CFR, 1958 Supp., Part 601, § 601.1983) are amended as follows:

1. In the text of § 601.1983, *Three mile radius zones*, delete "El Morro, N. Mex.: CAA intermediate field."

2. Section 601.1204 *Control area extension* (El Morro, N. Mex.) is revoked.

These amendments shall become effective 0001 e.s.t. February 11, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on December 22, 1959.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-11085; Filed, Dec. 29, 1959;
8:45 a.m.]

[Airspace Docket No. 59-NY-4; Amdt. 116]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEG- MENTS

Modification of a Control Zone

On August 8, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 6396) stating that the Federal Aviation Agency was considering an amendment to § 601.2292 of the regulations of the Administrator which would modify the Oceana, Va., control zone.

As stated in the notice, the present Oceana control zone is designated as within a five mile radius of the airport, excluding that portion which overlies the Pendleton, Va., Restricted Area (R-74). The modification to the control zone as proposed in the notice was to designate an extension two miles either side of the southwest course of the Oceana radio range station to a point ten miles southwest of the range to provide control area for instrument approaches to the Oceana Naval Air Station. Subsequent to the issuance of the notice, the U.S. Navy advised that the Oceana radio range was decommissioned. This decommissioning necessitates a re-description of the dimensions of the control zone as described in the notice. In order to provide protection for all the approach procedures to the Oceana Naval Air Station, the Federal Aviation Agency and the Department of the Navy have agreed to base the control zone extension on the Navy Fentress VOR rather than the previously described radio range, and to expand the width of the extension from 2 miles on either side of the SW course of the radio range as previously described, to 3½ miles either side of a line of bearing 218° from the Oceana Naval Air Station. However, no change is being made in the length of the extension described in the notice. This action will result in the control zone extension being designated from the five mile radius zone on a line bearing 218° from the Oceana NAS to a point ten miles southwest.

No adverse comment was received regarding the proposed amendment.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 601.2292 (14 CFR, 1958 Supp., 601.2292) is amended to read:

§ 601.2292 Oceana, Va., control zone.

Within a 5-mile radius of the Oceana, Va., Naval Air Station, and within 3½ miles either side of a line bearing 218° from the Oceana Naval Air Station extending from the 5-mile radius zone to a point 10 miles SW, excluding that portion which lies within the geographic limits of, and between the designated altitudes of the Pendleton restricted area (R-74).

This amendment shall become effective 0001 e.s.t. February 11, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on December 22, 1959.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-11081; Filed, Dec. 29, 1959;
8:45 a.m.]

[Airspace Docket No. 59-WA-216; Amdt. 33]

PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

Revocation of Segment of Coded Jet Route

The purpose of this amendment to § 602.130 of the regulations of the Administrator is to revoke the segment of L/MF jet route No. 30, which extends from Denver, Colo., to Sioux Falls, S. Dak.

The Federal Aviation Agency IFR peak day survey for each half of calendar year 1958 showed zero aircraft movements on the segment of jet route J-30-L between Denver and Sioux Falls. On the basis of this survey, the retention of this segment of jet route J-30-L is unjustified as an assignment of airspace and the revocation thereof is in the public interest. This action will result in jet route J-30-L extending from Sioux Falls to Washington, D.C.

This action has been coordinated with the Army, the Navy, the Air Force, and interested civil aviation organizations. Accordingly, compliance with the notice, and public procedures provisions of section 4 of the Administrative Procedure Act have, in effect, been complied with. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 602.130 (14 CFR, 1958 Supp., 602.130) is amended as follows:

Section 602.130 L/MF jet route No. 30 (Denver, Colo., to Washington, D.C.).

(a) In the caption delete "(Denver, Colo., to Washington, D.C.)" and substitute therefor "(Sioux Falls, S. Dak., to Washington, D.C.)."

(b) In the text delete "From the Denver, Colo., RR via the North Platte, Nebr., RR; Sioux Falls, S. Dak., RR; Minneapolis, Minn., RR;" and substitute therefor "From the Sioux Falls, S. Dak., RR via the Minneapolis, Minn., RR;"

This amendment shall become effective 0001 e.s.t. February 11, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on December 22, 1959.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-11080; Filed, Dec. 29, 1959; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7217 o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

South Village Mills, Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 Invoicing products falsely: Wool Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1190 Composition: Wool Products Labeling Act; § 13.1212 Formal regulatory and statutory requirements: Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements: Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68-68(c)) [Cease and desist order, Joseph Crowley, Webster, Mass., Docket 7217, October 21, 1959]

In the Matter of South Village Mills, Inc., a Corporation; Edward Kunkel, Individually and as an Officer of Such Corporation, and Joseph Crowley, Individually and as General Manager of Such Corporation

This proceeding was heard on the complaint of the Commission charging a manufacturer of wool products in Webster, Mass., with violating the Wool Products Labeling Act by tagging and invoicing as "100% Vicuna", woolen fabrics which did not contain vicuna or contained substantially less than said quantity, and by failing to label wool products as required by the Act. Respondents South Village Mills, Inc., and Edward Kunkel agreed to a consent order which became effective Dec. 20, 1958, 24 F.R. 671.

As to respondent Joseph Crowley, who failed to answer or appear, the hearing examiner entered an order to cease and desist the unlawful practices, which was remanded by the Commission on appeal. On the ground that the challenged practices were voluntarily discontinued, the hearing examiner then dismissed the charges. Hearing the matter on complaint counsel's appeal, the Commission found the dismissal unjustified, vacated the initial decision, and on October 21 rendered in lieu thereof its own findings, conclusions, and order to cease and desist.

Said order to cease and desist is as follows:

It is ordered, That respondent Joseph Crowley, and his agents, representatives and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offer-

ing for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of "wool products", as such products are defined in and subject to the Wool Products Labeling Act of 1939, to forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained or included therein;

2. Failing to affix labels to such products showing each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondent Joseph Crowley and his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of wool products or any other products or materials in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from directly or indirectly:

Misrepresenting the constituent fibers of which their products are composed or the percentages or amounts thereof in sales invoices, shipping memoranda or in any other manner.

By "Findings As To the Facts, Conclusions and Order", report of compliance was required as follows:

It is further ordered, That respondent Joseph Crowley shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: October 21, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-11099; Filed, Dec. 29, 1959; 8:46 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Exemption of Small Holding-Company Systems; Postponement of Rescission

The Securities and Exchange Commission today announced the postponement from December 31, 1959 to February 29,

1960 of the effective date for the rescission of Rule 9 promulgated under the Public Utility Holding Company Act of 1935 ("Act"), which rule affords a basis for claiming exemption from the provisions of the Act by small holding company systems.

Certain holding companies, presently exempt under Rule 9 (§ 250.9), have been undertaking action to make them eligible for exemption on a basis other than Rule 9 or to render them no longer holding companies. A few holding companies, by reason of special problems, have been unable to complete such action within the time heretofore provided and have requested a further extension of the exemption afforded by Rule 9.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

DECEMBER 22, 1959.

[F.R. Doc. 59-11130; Filed, Dec. 29, 1959;
8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 2—DELEGATIONS OF AUTHORITY

Managers of Hospitals

Part 2, Chapter I of Title 38 of the Code of Federal Regulations is amended by adding a new § 2.56 as follows:

§ 2.56 Managers of Veterans Administration hospitals authorized to appoint Boards of Medical Officers to determine mental incompetency of members of the uniformed services being furnished medical care in Veterans Administration hospitals.

This delegation of authority is identical to § 17.952(c) of this chapter.

This regulation is effective December 30, 1959.

[SEAL] ROBERT J. LAMPHERE,
Associate Deputy Administrator.

[F.R. Doc. 59-11103; Filed, Dec. 29, 1959;
8:46 a.m.]

PART 17—MEDICAL

Instructions Relating to Determination of Mental Incompetency of Members of the Uniformed Services Being Furnished Medical Care in Veterans Administration Hospitals

Part 17, Chapter I of Title 38 of the Code of Federal Regulations is amended by adding a new § 17.952 as follows:

§ 17.952 Instructions relating to determination of mental incompetency of members of the uniformed services being furnished medical care in Veterans Administration hospitals.

(a) Purpose. These instructions are issued to implement the provisions of

Public Law 86-145 which, effective August 7, 1959, amends the Act of June 21, 1950, relating to the appointment of Boards of Medical Officers for the purpose of determining mental incompetency of members of the uniformed services. This is in connection with the provisions of that act which authorize the Secretary of the Military Department to which a member of the uniformed services belongs to designate persons to receive active duty pay or retired pay where the member is mentally incapable of managing his own affairs.

(b) Scope of the law. Public Law 86-145 authorizes the determination of mental incompetency of members of the uniformed services by competent medical authority appointed by the head of the department or agency charged with the hospital or medical care of those members or by a person designated by the head of that department or agency. The term "members of the uniformed services" as used in the act means any person on the active or retired list of the Army, Navy, Marine Corps, Air Force, Coast Guard, Coast and Geodetic Survey, or Public Health Service, including transferred members of the Fleet Reserve and of the Fleet Marine Corps Reserve, and members of the Reserve components of the respective services entitled to Federal pay either on the active or any retired list of said services. Competent medical authority under the statute consists of a board of at least three qualified medical officers or physicians, one of whom must be specially qualified in the treatment of mental disorders.

(c) Delegation of authority. Managers of Veterans Administration hospitals are authorized to appoint Boards of Medical Officers, consisting of at least three qualified physicians, one of whom must be qualified in the treatment of mental disorders, to determine whether members of the uniformed services who are being furnished medical care in our hospitals are mentally capable of managing their own affairs.

(d) Instructions. In view of the nature of the determination and the need for special staff as well as careful and sometimes lengthy evaluation, appointments of Boards of Medical Officers for the purposes of the Act of June 21, 1950, as amended by Public Law 86-145, are limited solely to hospitals and determinations as to mental competency will be made only on a basis of inpatient examination. A board will be appointed in all cases where:

(1) A request is received from a military department to determine the mental competency of a member, or

(2) Hospital management feels such determination in the case of a hospitalized member will serve a useful purpose. (Instruction 1, Public Law 86-145)

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective December 30, 1959.

[SEAL] ROBERT J. LAMPHERE,
Associate Deputy Administrator.

[F.R. Doc. 59-11102; Filed, Dec. 29, 1959;
8:46 a.m.]

Title 41—PUBLIC CONTRACTS

EDITORIAL NOTE

In order to provide (1) for the further development of the Federal Procurement Regulations System, established March 10, 1959 (24 F.R. 1933), and (2) for the codification of other Government-wide regulations affecting public contracts, Title 41 of the Code of Federal Regulations is hereby reorganized.

1. The title is divided into two subtitles as follows:

Subtitle A—Federal Procurement Regulations System

Subtitle B—Other Provisions Relating to Public Contracts

2. Chapters 1 to 49 are assigned to Subtitle A. Chapter 1 consists of the Federal Procurement Regulations. Chapters 2 through 49 consist of agency regulations which implement or supplement the Federal Procurement Regulations. In chapters 2-49 the first forty-nine parts of each chapter are reserved for regulations implementing the Federal Procurement Regulations and numerically keyed thereto; the remaining parts are reserved for regulations supplementing the Federal Procurement Regulations.

3. Chapters 50 to 99 are assigned to Subtitle B. This subtitle will consist of other Government-wide regulations not included in the Federal Procurement Regulations System, but which affect procurement policies and procedures.

4. Former Chapters II and III of Title 41 are assigned to Subtitle B and are redesignated as follows:

a. Chapter II is redesignated "Chapter 50—Division of Public Contracts, Department of Labor", and the parts therein are renumbered as follows:

Old part No.	New part No.
201.....	50-201
202.....	50-202
203.....	50-203
210.....	50-210

b. Chapter III is redesignated "Chapter 51—Committee on Purchases of Blind-Made Products" and the parts therein are renumbered as follows:

Old part No.	New part No.
301.....	51-1
302.....	51-2

c. The renumbering of the parts in Chapters 50 and 51 does not affect the digits to the right of the decimal point in the section numbers in those chapters. All references within the Code of Federal Regulations are changed to reflect the renumbering.

5. As of December 31, 1959, the assignment of chapters within Title 41 is as follows:

TITLE 41—PUBLIC CONTRACTS

SUBTITLE A—FEDERAL PROCUREMENT REGULATIONS SYSTEM

Chapter 1—Federal Procurement Regulations

Chapter 2—Federal Aviation Agency

Chapter 3—Department of Health, Education, and Welfare

Chapter 5—General Services Administration

Chapter 9—Atomic Energy Commission

Chapter 18—National Aeronautics and Space Administration

Chapter 39—Post Office Department

SUBTITLE B—OTHER PROVISIONS RELATING TO PUBLIC CONTRACTS

Chapter 50—Division of Public Contracts, Department of Labor

Chapter 51—Committee on Purchases of Blind-Made Products

Title 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

SUBCHAPTER H—TRAINING

[Gen. Order 87]

PART 310—MERCHANT MARINE TRAINING

Subpart A—Regulations and Minimum Standards for State Maritime Academies and Colleges

Subpart A is hereby revised by deleting the existing text (General Order 22, Third Rev., WSA Function Series) and substituting therefor the following:

- Sec.
- 310.1 Definitions.
- 310.2 Federal aid and finances.
- 310.3 Schools and courses.
- 310.4 Training vessel.
- 310.5 Personnel.
- 310.6 Entrance requirements.
- 310.7 Enrollment.
- 310.8 Uniform, textbook and subsistence allowance.
- 310.9 Leave.
- 310.10 Medical attention and injury claims.
- 310.11 Discipline and dismissal.
- 310.12 Scope and effect of §§ 310.1 to 310.13, inclusive.
- 310.13 Form of agreement.

AUTHORITY: §§ 310.1 to 310.13 issued under sec. 101, 1936 Act, as amended (49 Stat. 1985; 46 U.S.C. 1101) and Pub. Law 85-672 (72 Stat. 622; 46 U.S.C. 1381).

§ 310.1 Definitions.

For the purposes of §§ 310.1 and 310.13, inclusive:

(a) "Administration" means the United States Maritime Administration, U.S. Department of Commerce.

(b) "Administrator" means the Maritime Administrator, United States Maritime Administration.

(c) "Deputy" means the Deputy Maritime Administrator, United States Maritime Administration.

(d) "Superintendent" means the Superintendent of the State Maritime Academy or the President of the Maritime College and "Commanding Officer" means the Commanding Officer of the training vessel.

(e) "Officers" mean all officers and faculty connected with the State Maritime Academy or College or the training vessel, except part-time instructors.

(f) "Maritime Service" means the United States Maritime Service.

(g) "Supervisor" means the member of the Maritime Administrator's office designated to supervise the Federal Government's interest in the State Maritime Academies or Colleges under the provisions of General Order 87 (§§ 310.1 to 310.13) and applicable Public Laws.

(h) "Act" means Maritime Academy Act of 1958, P. L. 85-672.

(i) "School" means State Maritime Academy or College.

(j) "Agreement" means agreement between Schools and the Maritime Administrator.

(k) "Secretary" means Secretary of Commerce.

§ 310.2 Federal assistance.

(a) The Maritime Administrator under the authority delegated to him by the Secretary of Commerce (Department of Commerce Order 117 (amended) section 6 effective September 3, 1953) may enter into agreements with the present or later established Maritime Academies or Colleges meeting the requirements of the "Maritime Academy Act of 1958," to make annual payments to such Academies or Colleges for not in excess of four years in the case of each such agreement, to be used for the maintenance and support of such Academies or Colleges. Such payments for any year to any Maritime Academies or Colleges shall be an amount equal to the amount furnished to such Academies or Colleges for their maintenance and support by the State in which the Academy or College is located, except that such payment to any Academy or College for any year shall not exceed \$75,000, or \$25,000 if such Academy or College does not meet the requirements of section 5(b) of the "Maritime Academy Act of 1958."

(b) The Secretary may under the provisions of section 3 of said Act furnish any suitable vessel under his jurisdiction or obtain from any department or agency of the United States, or construct and furnish a suitable vessel, if such is not available, to the State of Maine, the State of Massachusetts, the State of New York, the State of California, and any other State or Territory of the United States for use as a training vessel for a Maritime Academy or College meeting the requirements of the Act.

As a condition to receiving any payments or the use of any vessel under the provisions of said Act, an Academy or College shall comply with the provisions of section 5(a) of said Act and shall agree in writing to conform to such standards as provided for under section 5(a) (2) of said Act. Said standards to be so agreed upon are set forth here in §§ 310.1 to 310.13, inclusive.

§ 310.3 Schools and courses.

(a) *State Maritime Schools operating with Federal aid.* The following State Maritime Schools are presently operated with Federal aid under said Act:

- California Maritime Academy.
- Maine Maritime Academy.
- Massachusetts Maritime Academy.
- State University of New York State Maritime College.

(b) *General rules for operation of academies and colleges.* (1) The State

Maritime Academies and Colleges, hereinafter called the "Schools" shall maintain adequate berthing, messing and classroom instruction facilities ashore, or have in preparation such plans and intention to establish same at the earliest possible time, unless prevented from doing so by acts of war, acts of God, fire, force majeure or conditions beyond the control of the School, provided, however, in such case the School shall be conducted on the training vessel.

(2) As a condition to receiving payments of any amount of \$75,000 as provided by the Act in excess of \$25,000 for any year such School shall agree to admit to the School, students resident in other States to the extent of at least ten percent of the School's student capacity, provided, however, that such out-of-State students apply for such admission and are qualified for such admission.

(3) The Schools shall upon the request of the Administration furnish such reports and estimates as may be required in the preparation of Federal Budget estimates for the State Marine Schools.

(4) Rules and regulations for the internal organization and administration of each School will be determined under the direction of the State authority.

(5) The Administration shall have the right to inspect shore base facilities at all reasonable times.

(6) Records pertaining to the Schools, its officers, faculty, crew cadets, the training vessel, and shore base, shall be maintained by each School, and shall be available to the Supervisor upon request. A detailed daily log of absences, with or without leave, hospitalizations, disenrollments and other analogous data shall be kept by each School. A copy of these daily logs shall be furnished to the Supervisor upon request.

(7) The Administration shall include in any pamphlets, brochures or other public information materials distributed with respect to any Federal Maritime School or with respect to maritime training an adequate description of each School so that information will be imparted giving the reader knowledge of the existence of the School, its purposes and where to obtain information concerning the same.

(c) *Curriculum.* For all classes enrolled after July 1, 1959, the minimum period of training shall be three years, at least six months of which must be aboard a training vessel in a cruise status. Should any School extend the minimum period of training beyond three years, such School shall notify the Administrator.

The State authorities shall prescribe and be responsible for the courses of instruction and general system of training subject to approval by the Administrator and with the addition of such reasonable maritime courses as may be prescribed by Federal authorities. Courses in atomic or nuclear propulsion shall be established as soon as practical and possible.

(d) *Board of Visitors.* It is recommended that a board of visitors, acting in an advisory capacity only and meeting at least once a year, be appointed by the State for its School. It should be com-

posed of at least eight members including the following:

- One from the shipping industry;
- One from the shipbuilding or ship repair industry;
- One from the Alumni of the Academy or College;
- One merchant marine master mariner possessing an active license;
- One merchant marine chief engineer possessing an active license;
- One officer of the United States Navy, active or retired, designated by the Commandant of the Naval District in which the School is located;
- One from the State Board of Education or other similar State bureaus;
- One representative of the Administration designated by the Administrator.

§ 310.4 Training vessel.

The Administration will furnish a training vessel, if such is available, to each of the Schools. If such a vessel is not available, adequate cruising facilities will be furnished if possible. The furnishing of the training vessel shall be subject to the following terms and conditions:

(a) *General provisions.* (1) The States shall exercise reasonable care to safeguard the interests of the Administration and to avoid loss and damage of every nature with respect to said vessel.

(2) Excerpts from log books and reports shall be submitted as directed by the Supervisor.

(3) Initial telegraphic or telephonic reports shall be made promptly to the Supervisor and the appropriate U.S. Maritime Administration Coast Director concerned in the event of accident causing damage to the training vessel, equipment or machinery, or damage inflicted by the training vessel to any other ship or property; such reports to be followed by written details of the occurrence.

(4) The Supervisor shall determine whether or not the berth of the training vessel at the base in its home port is suitable, from the standpoint of safe mooring. When the vessel is not on cruise, the Commanding Officer or Superintendent shall keep the Supervisor informed of the location of the vessel and any contemplated change of berth. The Supervisor finds that all present berths of the training vessels at each School are suitable for safe mooring of such vessel.

(5) The following notice shall be posted conspicuously on board a training vessel furnished to the State:

This training vessel is the property of the United States of America. It is furnished to the State of _____ by the Department of Commerce, Maritime Administration for the purpose of training young men to become officers in the merchant marine of the United States. Neither the State, the Commanding Officer, nor any other person has any right, power or authority to create, incur, or permit to be imposed upon this vessel, any lien whatever.

(6) No structural changes shall be made to the training vessel, her machinery, or boilers without the written approval of the Administrator.

(7) In the event of the termination of the use of said training vessel by the State or by the Administrator, the State shall return, in the State base port, the vessel and all property whatsoever owned

by the Administration. Title to all additions, replacements, and renewals made by the State shall vest in the Administration without charge therefor.

(b) *Termination of use.* The Administrator may terminate the use of a vessel upon such reasonable notice to the State as the circumstances may permit:

(1) By substituting another vessel therefor.

(2) If the vessel is required by the Governmental agency which furnished the same to the Department of Commerce, in which case the Administrator, as soon as practical, will return the vessel to said agency and provide another to the School.

(3) If she is not used in accordance with sound maritime practices, in which case the Administrator shall so notify the State and shall give the State a reasonable time in which to remedy the conditions complained of.

(c) *Property aboard vessel.* The State shall have the use of all equipment, appliances, apparel, spare and replacements parts on board a training vessel, subject to the following terms and conditions:

(1) The same or their substantial equivalent excepting therefrom spare and replacement parts, shall be returned to the Administration, ordinary wear and tear, unavoidable accident, and perils of the sea excepted, and any such items otherwise lost or destroyed shall be replaced at the expense of the State.

(2) Administration property shall not be permanently removed from the training vessel to shore base without the written approval of the Supervisor.

(3) The Administration shall take inventories of State and Federal property on board the vessel at such times as it deems necessary for this purpose. The School shall furnish such assistance as may be necessary for this purpose.

(d) *Condition surveys.* Before a vessel is released to a School and manned by State officers under State control, a condition survey will be made by duly authorized representatives of the School and the Administration. If the vessel is found in order, the School representative shall sign a receipt for the vessel. Subsequently, after due notice to the State authorities, a condition survey may be made of the vessel whenever deemed advisable by the Administration, and, in any event, upon redelivery of the vessel by the State to the Administration.

(e) *Maintenance and repairs.* (1) The vessels shall be maintained in good repair by the Secretary of Commerce as provided by the Act. Expenses for repairs to the vessel, changes, and alterations, repairs to equipment, and replacements of equipment in accordance with the Administration's approved allowance lists of the vessel, will be borne by the Administration under the following terms and conditions:

(i) Except for emergencies or while the vessel is on foreign cruise, repairs shall not be made without the prior written approval thereof by the Supervisor.

(ii) When it is necessary to repair or drydock the training vessel because of damage or other reasons (except in an

emergency, when the vessel is on foreign cruise), the Commanding Officer or Superintendent shall notify the Supervisor and appropriate Coast Director by telephone or telegraph in order to enable a representative of the Maritime Administration Coast Director's office, if available, to be present, when the survey of the damage is made.

(iii) To further training and for the purpose of reducing expenses, repairs which need not be carried out during the annual overhaul period shall be made by the Cadets if possible, under the supervision of the ship's officers. When repair material is required for this purpose, the Commanding Officer or Superintendent shall forward to the Supervisor a list of such material and estimated costs, and a description of the repairs to be carried out by the Cadets. The Supervisor shall promptly advise the Commanding Officer or Superintendent whether or not such work comes under the heading of repairs, and if acquirement of the material is authorized.

(iv) Requisitions covering repairs, renewals, and betterments shall be prepared in quintuplicate by the heads of departments of the training vessel and submitted by the Commanding Officer or Superintendent to the Supervisor at least 45 days before the date of the annual overhaul, with one copy to the appropriate Coast Director's office.

(v) The State is authorized to expend not to exceed \$5,000 for repairs which become necessary while the vessel is on foreign cruise and will be reimbursed by the Administration therefor upon submission of vouchers to, and approval thereof by, the Administrator after termination of such cruise. To obtain reimbursement for repairs estimated to cost in excess of \$5,000, authority must be obtained by the State from the Supervisor prior to undertaking such repairs.

(2) *To be borne by the State.* Except as otherwise provided in this section, the State shall, at its own expense, accomplish the following:

(i) Undertake usual preventive maintenance of the training vessel and shall keep her, above the water line clean and painted according to good maritime practices.

(ii) Cause the training vessel to be fumigated if required by the Administration and shall forward to the Supervisor, after each such fumigation a copy of the fumigation certificate.

(iii) Pay for all consumable stores, fresh water, fuel, and costs incidental to the operation of the training vessel, such payment of operating expenses being subject to approval by the Superintendent of the School or the Commanding Officer of the training vessel.

(f) *Cruises.* The cruise itinerary of the training vessel including a listing of foreign ports to be visited must have the approval of the Supervisor and shall be submitted to him by the Superintendent, if possible, at least 30 days in advance of the date such cruise is scheduled to begin. The Supervisor will arrange with the Department of State for clearance of the vessel to visit foreign ports. While on cruise the Commanding Officer shall advise the Supervisor by

dispatch of the date of arrival at each port visited and of the date of departure if the latter is at variance with the approved itinerary. Permission for the training vessel to visit the U.S. Naval stations or Naval bases shall be arranged by the Supervisor.

(g) *Hospitalization and repatriation.* The School shall be responsible for hospitalization, if required, and the return to the home port of the training vessel, at the expense of other than the United States Government of all personnel and others including Cadets, originally embarked on the cruise from a Continental United States port, that are left behind, after the departure of the training vessel from a foreign port. The School shall also be responsible for the return to the training vessel's home port of those left behind in Alaska, Hawaii, Puerto Rico, Canal Zone and other United States possessions. In the latter instance, United States Public Health Service if available, may be provided.

§ 310.5 Personnel.

(a) *Superintendent.* The Superintendent of a School shall:

(1) Be selected by the State and the Administrator notified of the selection. In the event the nominee is either an active, inactive or retired officer of the Navy, Coast Guard, or Maritime Service, he must hold the rank of not below Captain, active, inactive or retired in one of these services, or

(2) Hold a valid Master's or Chief Engineer's Ocean, unlimited license issued by the U.S. Coast Guard, and have served at least five years as Master or Chief Engineer on oceangoing vessels of no less in size than the one used as a training vessel of that particular School, or

(3) Have served as Commanding Officer or Chief Engineer of a State School Training Vessel for not less than five years, and hold a valid Master's or Chief Engineer's Ocean, unlimited license, or

(4) Be a qualified person from the field of education, possessing at least a Master's Degree and demonstrative ability in University or College administration.

It is preferable that the nominee for Superintendent be selected from conditions in subparagraph (1), (2) or (3) of this paragraph.

(b) *Commanding Officer of training vessel.* The Commanding Officer shall hold a valid Master's Ocean, unlimited license issued by the U.S. Coast Guard and have served for at least two years on oceangoing vessels of no less in size than the one used as a training vessel by that particular School.

(c) *Chief Engineer.* The Chief Engineer assigned after July 1, 1959, must hold a valid Chief Engineer's (Steam) Ocean, unlimited license, issued by the U.S. Coast Guard and have served as Chief Engineer of an oceangoing steamship or a School training vessel of comparable horsepower to that of the training vessel used by that particular School.

(d) *Watch Officers.* Both Deck and Engineer Watch Officers in charge of a watch, underway, appointed after July 1,

1959, shall hold valid Ocean, unlimited licenses, issued by the U.S. Coast Guard, in their particular field.

(e) *Radio Officers.* Each training vessel will be required to, during the cruise period, have assigned one or more radio officers, currently licensed by the U.S. Coast Guard, in accordance with their regulations.

(f) *Licensed Engineer.* When the training vessel boiler or boilers are in operation, there shall be a Licensed Engineer aboard at all times.

(g) *Insignia for officers and instructors.* The insignia for officers and instructors other than officers of the U.S. Navy, Naval Reserve, U.S. Maritime Service and U.S. Coast Guard, will be that prescribed by the State. All officers of the U.S. Navy or Naval Reserve in inactive status are authorized to wear merchant marine reserve insignia as prescribed by the Bureau of Naval Personnel, or of the U.S. Maritime Service as prescribed by the Administrator.

All personnel assigned to the Schools or training vessel prior to July 1, 1959, are considered to have met the requirements of this section.

§ 310.6 Entrance requirements.

(a) A candidate for admission to a School (other than a Foreign National admitted in accordance with State Regulations) must be a male citizen of the United States and qualify as a merchant marine student, as set forth in Department of the Navy, Bureau of Naval Personnel Recruiting Service Manual. Such merchant marine student shall also agree in writing to apply, at an appropriate time, prior to graduation, for a commission as Ensign in the U.S. Naval Reserve and to accept such commission if tendered: *Provided, however,* That a waiver of this requirement shall be made by the Administrator, if the physical defects noted in the Navy examination are not such as to disqualify the candidate physically for an officer's license in the U.S. merchant marine, in accordance with the regulations prescribed by the U.S. Coast Guard: *And provided further,* That all Cadets who have been granted a waiver by the Administrator and who have received the uniform, textbook and subsistence allowance, must agree in writing to apply, at an appropriate time, prior to graduation, for a commission as Ensign in the U.S. Naval Reserve and accept the commission if tendered. Students appointed to the Schools or training vessels after July 1, 1960, who receive a Federal subsistence and uniform and textbook allowance, shall not be less than 17 years of age and they shall not have reached their 22d birthday in the year appointed to the School. The State may fix the age limits of students not receiving the subsistence, uniform and textbook allowance. However, the physical and other requirements in the case of these students unless Foreign Nationals shall not be less than required by the U.S. Coast Guard for licensing as a merchant marine officer. The written certification of the medical officer approved by the School, that the candidate meets the physical requirements established by the U.S. Coast Guard for a

U.S. merchant marine officer's original license will be acceptable to the Administrator for obtaining the waiver.

(b) A candidate shall not be married at the time of admission to the School or married while enrolled in the School.

(c) A candidate must possess a secondary school education or equivalent, satisfactory for admission as an undergraduate, to colleges or universities under control of the State in which the School is located.

(d) Admission to the School will be granted by the Superintendent or appropriate State authorities on the basis of the candidate's ability to satisfy the requirements established by the School as indicated by such criteria as the individual's secondary school grades, rank in graduating class, aptitude and achievement as measured by an objective examination, character, personality, and qualities of leadership.

§ 310.7 Enrollment.

(a) Each Cadet who has been admitted to a School, who has qualified as a merchant marine student, as set forth in § 310.6 or has been granted a waiver by the Administrator and has been enrolled in the U.S. Maritime Service shall be entitled to be granted a uniform, textbook and subsistence allowance at the rate and conditions stated in P.L. 85-672, section (6), provided that Congress has appropriated necessary funds for this purpose. Upon enrollment in the U.S. Maritime Service, each Cadet shall be required to take an oath or affirmation of allegiance to the United States of America and execute a Non-Subversive Activities and No-Strike Affidavit, Form MA-2016.

§ 310.8 Uniform, textbook and subsistence allowance.

(a) The uniform, textbook and subsistence allowance will be paid monthly and will be paid directly to the School concerned, upon the presentation of a statement containing the names of the Cadets and showing the number of days each was present during the month, or absent, under the provisions of § 310.9. In the case of new Cadets admitted to the Schools after July 1, 1959, and subsequently thereafter the statement supporting the first voucher for payment of the new Cadets, shall certify that the new Cadets have met the Entrance Requirements in § 310.6. The statement shall also contain such other information as may be required by the Administrator. The voucher submitted for the payments of this allowance shall contain a certification by the Superintendent of the respective School that payment of the voucher will be used to assist in defraying the cost of the uniform, textbook and subsistence of each student on the basis of the amount entitled as reflected by attached Daily Attendance Report. No Cadet will be granted a uniform, textbook and subsistence allowance for any time during which he is absent without leave or for a condition not in line of duty.

(b) For the fiscal year commencing July 1, 1959, if at any time during such year it appears that the amount of money appropriated by Congress under section

6(a) of the Act for said year shall not be sufficient to make payments at the rate not in excess of \$600 per academic year per student, then the Administrator, after consultation with the School, may determine who shall be paid at said rate during said fiscal year only.

(c) All students enrolled in the Schools, Classes of 1960, 1961 and 1962, as of July 1, 1959, and those First Classmen scheduled to graduate in August 1959, are considered to have met the requirements of this section: *Provided*:

(1) That they are United States Citizens.

(2) That they meet the minimum physical standards for an original license as a U.S. merchant marine officer.

(3) That they or their parents or guardian, are not receiving Federal educational assistance (in the latter instance in behalf of the student). Where Federal assistance is indicated, the Superintendent will furnish the Supervisor with all pertinent details and a determination will be reached with the appropriate Federal Agencies, as to whether or not the student concerned is entitled to receive dual Government educational assistance.

§ 310.9 Leave.

Leave with allowance from the Government for Cadets, the specific periods of which shall be at the discretion of the Superintendents, shall be as follows:

(a) If transferred to a hospital, or sick at home, or in the sick bay, not to exceed 4 months.

(b) For an emergency due to the serious illness, injury or death of a very near relative, not to exceed 7 days.

(c) Annual leave not to exceed 30 days.

(d) Christmas and Easter not to exceed a total of 12 days. All Legal Holidays—Federal and State.

(e) Leave with allowance, in addition to that provided in paragraphs (a), (b), (c) and (d) of this section, may be granted only if approved by the Supervisor upon direct request by the Superintendent.

§ 310.10 Medical attention and injury claims.

(a) *Medical attention and hospitalization for Cadets.* Cadets shall be entitled to receive U.S. Public Health Service hospitalization and medical and dental attention. A medical officer shall be attached or on call to the School. During the cruise, a medical officer shall be assigned to the training vessel.

(b) *Compensation claims of Cadets.* Compensation claims for personal injuries or death sustained by a Cadet enrolled in the U.S. Maritime Service in performance of duty shall be forwarded via the Supervisor to the Administrator for transmission to the Bureau of Employees' Compensation; necessary forms to be furnished by the Supervisor.

(c) *Medical care and compensation for personnel.* Officers, instructors, and crew members may avail themselves of any medical facilities furnished by the State or Federal Government. During illness or while recovering from injury, officers and instructors who are not on the Federal payroll, shall receive pay

and allowances as authorized by the State. The Superintendent, Commanding Officer, officers and instructors, left in other than the vessel's home port by reason of illness or injury while on the training vessel, shall be furnished suitable transportation to the home port unless contrary to State law.

§ 310.11 Discipline and dismissal.

(a) In the event it is determined that a Cadet was married at the time of admission to the School or if he marries while in attendance at the School, he shall be dismissed if he does not resign.

(b) Each school shall establish a demerit system for Cadet infractions of the Schools' Rules and Regulations.

§ 310.12 Scope and effect of §§ 310.1 to 310.13, inclusive.

(a) If any provisions of §§ 310.1 to 310.13, inclusive, conflict with laws and regulations of the State, the appropriate State authorities shall notify the Administrator in writing of such conflict and pertinent circumstances.

(b) The Administrator may, after consultation with the appropriate State authorities issue instructions supplementing §§ 310.1 to 310.13, inclusive.

(c) Effective July 1, 1959, §§ 310.1 to 310.13, inclusive, supersede all previous regulations for State Maritime Academies and Colleges.

§ 310.13 Form of agreement.

The form of agreement for assistance and subsistence payments under the "Maritime Academy Act of 1958" is set forth below:

Form MA-208
(11-59)

UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
MARITIME ADMINISTRATION

STATE MARITIME ACADEMY OR COLLEGE AGREEMENT

This agreement, entered into as of the _____ day of _____, 19____, by and between the United States of America, acting through the Department of Commerce, Maritime Administration (hereinafter called the "Administration") and the State of _____ (hereinafter called the "State"), acting through the _____ Maritime Academy or College (hereinafter called the "School").

Witnesseth, Whereas:

1. "The Maritime Academy Act of 1958", Public Law 85-672 (hereinafter called the "Act"), provides for payments to State and Territory Maritime Academies and Colleges (hereinafter called the "Schools") for the maintenance and support of such Schools and for students in attendance at such Schools;

2. The Act further provides for certain requirements regarding courses of instruction and educational standards which any such School must meet in order to receive said payments referred to in paragraph 1 above;

3. The Administration has determined that the School has met or by virtue of this Agreement does meet all the requirements referred to in paragraph 2 above.

Now, therefore, in consideration of the premises and of the mutual promises hereinafter set forth, the parties hereto agree as follows:

ARTICLE 1. *Assistance payments.* The Administration, subject to the provisions of

Article 3, agrees to make annual payments to the School for not in excess of four years under this Agreement to be used for the maintenance and support of the School. As a further condition to receiving such payment, the State shall appropriate each year for the purpose of maintenance and support of the School, an amount not less than that received from the Federal Government for such year for the same purpose. Such payments to the School for any year shall not exceed \$75,000, or \$25,000 if the School does not meet the requirements of Article 3(b) of this Agreement.

ART. 2. *Subsistence payments.* The Administration, subject to the provisions of Article 3, agrees to make payments, at a rate not in excess of \$600 per academic year per student, to the School for the account of the student with respect to each student attending the School. The School agrees that the payments provided for in this Article 2 shall be used by the student to assist in defraying the cost of uniforms, textbooks, and subsistence for such student. It is further agreed that the payments provided for in this Article 2 shall commence to accrue on the day such student begins his first term of work at the School and that such payments shall be paid to the School in such installments as the Administration shall prescribe while such student is in attendance and until the completion of his course of instruction, but in no event for more than the normal period required, by the School, to complete the prescribed course for any one student.

ART. 3. *Requirements.* (a) In consideration of the payments to be made to the School pursuant to the provisions of Articles 1 and 2 above, the School shall, as a condition to receiving any payments under this Agreement,

(1) Provide courses of instruction to youths in navigation and marine engineering, including steam and diesel propulsion, and courses in atomic or nuclear propulsion as soon as practical and possible; and

(2) Conform to such standards in such course, in training facilities, in entrance requirements, and in instructors, as are established by the Administration after consultation with Superintendents of Schools in the United States.

(b) In addition to the condition provided in paragraph (a) above, as a condition to receiving payment of any amount in excess of \$25,000 for any year under Article 1 of this Agreement, the School hereby agrees to admit to its courses of instruction students resident in other States in such numbers as the Administration shall prescribe, except that the number of such students prescribed for the School shall not, at any time, exceed one-third of the student capacity of the School.

ART. 4. *Method of payment—assistance and subsistence.* (a) The School shall submit annually a voucher, in form approved by the Administration, to the Administration for the assistance payments provided for in Article 1. A voucher with respect to an assistance payment under the requirements of section 5(b) of the Act shall be supported by certified statements regarding operating expenses for the preceding year and an estimate of operating expenses for the year with respect to which the voucher is submitted, amounts furnished by the State to the School for maintenance and support and evidence of compliance with the requirements of section 5(b) of the Act as required by the Administration. A voucher submitted for an assistance payment not under the requirements of section 5(b) of the Act, shall be supported by certified statements regarding operating expenses for the preceding year and an estimate of operating expenses for the year, with respect to which the voucher is submitted and amounts furnished by the State to the School for maintenance and support. Upon approval by

the Administration of the vouchers referred to above, payment shall be made by the Administration to the School. All vouchers and payments hereunder are subject to Administration General Order 87.

(b) The School shall submit a voucher monthly, in form approved by the Administration, for the subsistence payments provided for in Article 2. Said voucher shall be supported by a certified Daily Attendance Report listing the names of all students and the number of days each is entitled to payments as stated on such voucher. Upon approval of the voucher referred to above in this paragraph (b) by the Administration, payment shall be made by the Administration to the School. All vouchers and payments hereunder are subject to Administration General Order 87.

ART. 5. *Public information.* It is understood that the School shall include in its curriculum catalogue, student information pamphlets, brochures or other public information materials distributed, an adequate description of the financial assistance afforded the School and its students under the Act and this Agreement.

ART. 6. *Regulations.* This Agreement is subject to all the provisions of Administration General Order 87. The School shall conform to said General Order with respect to visitation rights of the Administration, reports and any other matters arising under this Agreement.

ART. 7. *Officials not to benefit or be employed.* No Member of Congress, or Resident Commissioner, shall be admitted to any share or part of this Agreement or to any benefit that may arise therefrom, except as provided in section 116 of the Act approved March 4, 1909 (35 Stat. 1109).

ART. 8. *Disputes.* Except as otherwise provided in this Agreement, any dispute concerning a question of fact arising under this Agreement which is not disposed of by agreement shall be decided by the Administrator, designated under the terms of Administration General Order 87, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the School, which decision shall be final and conclusive unless within thirty (30) days from the date of receipt of such copy, the School appeals by mailing or otherwise furnishing said Administrator, a written appeal addressed to the Secretary of Commerce. The decision of the Secretary of Commerce or his duly authorized representative for the hearing of such appeals, unless determined by a court of competent jurisdiction to have been fraudulent, arbitrary, capricious, or so grossly erroneous as necessarily to imply bad faith, or is not supported by substantial evidence, shall be final and conclusive. In connection with any appeal, the School shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the School shall proceed diligently with performance of the Agreement in accordance with the decision of the Administrator.

In witness whereof, the United States of America, represented as aforesaid, has caused this Agreement to be executed on its behalf in three counterparts the _____ day of _____, 19____.

By: UNITED STATES OF AMERICA,
DEPARTMENT OF COMMERCE,
MARITIME ADMINISTRATION.

By: _____
Maritime Administrator

ATTEST:

Assistant Secretary.

ATTEST:

Approved as to form:

Assistant General Counsel,
Maritime Administration.

Dated: December 22, 1959.

By order of the Maritime Administrator.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-11119; Filed, Dec. 29, 1959;
8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 24—UNIFORM SYSTEM OF ACCOUNTS FOR REFRIGERATOR CAR LINES

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 23d day of December A.D. 1959.

The matter of accounting regulations prescribed for refrigerator car lines pursuant to the provisions of section 20(6) of the Interstate Commerce Act, as amended, being under consideration; and,

It appearing that the refrigerator car lines subject to the provisions of the accounting regulations in Part 24 of this title having requested revision of the regulations and said car lines having been afforded opportunity to review the proposed regulations and having concurred in the revision, the rule making requirements of section 4(a) of the Administrative Procedures Act are deemed to have been satisfied; therefore,

It is ordered, That the effective accounting regulations in Part 24 of this title be, and they are hereby, canceled in their entirety effective January 1, 1960, and the Uniform System of Accounts for Refrigerator Car Lines, Issue of 1960, which is attached hereto and by this reference made a part of this order, be substituted for the text thereof; and,

It is further ordered, That for good cause shown, the Commission deeming it necessary that the revised accounting regulations be given effect for the full calendar year and the industry concurring, the Uniform System of Accounts, Issue of 1960, shall become effective on January 1, 1960, on and after which date all refrigerator car lines subject to its provisions shall comply therewith; and,

It is further ordered, That this order be served on each refrigerator car line subject to its provisions, and that notice be given the general public by filing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing with the Director, Office of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interpret or apply sec. 20(6), 54 Stat. 917; 49 U.S.C. 20(6))

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

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General Instructions

- 1 Persons or companies for whom this system of accounts is prescribed.

This system of accounts is prescribed for refrigerator car lines which are rail-

road owned or controlled and are operated in interstate commerce subject to provisions of section 20(6) of the Interstate Commerce Act furnishing cars or protective services against heat or cold. This system of accounts is not designed to meet the requirements of persons or companies, except those "railroad owned or controlled", which furnish cars but not protective service, to or on behalf of any carrier by railroad or express company subject to Part I of the Act.

2 Definitions.

(a) "Accounts" means the accounts prescribed in this system of accounts.

(b) "Actually issued" as applied to securities issued or assumed, means those which have been sold to a bona fide purchaser for a valuable consideration and those issued as dividends on stock.

(c) "Actually outstanding" as applied to securities issued or assumed by the accounting company means those which have been actually issued and are neither retired nor held by or for the accounting company.

(d) "Affiliated companies" means companies or persons that directly, or indirectly through one or more intermediaries, control, or are controlled by, or are under common control with, the accounting company.

(e) "Amortization" means the gradual extinguishment of an amount in an account by distributing such amount over a fixed period, over the life of the asset or liability to which it applies, or over the period during which it is anticipated the benefit will be realized.

(f) "Book cost" means the amount at which assets are recorded in the accounts of the company without deduction of any related reserves or other items. If the book cost of units and minor items of property retired cannot be determined definitely from the company's records, the book cost of such items shall be estimated.

(g) "Book liability" means the amount at which liabilities (including securities issued or assumed by the company) are recorded in the accounts of the company.

(h) "Cars or protective service" means the furnishing of cars or protective service against heat or cold to or on behalf of any carrier by railroad or express company and services incident thereto. "Cars or protective service property" means property devoted to such service.

(i) "Company," when not otherwise indicated in the context, means the persons to which this system of accounts is applicable.

(j) "Commission" means the Interstate Commerce Commission.

(k) "Control" (including the terms "controlling," "controlled by," and "under common control with") means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a company, whether such power is exercised through one or more intermediary companies, or alone, or in conjunction with, or pursuant to an agreement, and whether such power is established through a majority of minority ownership or voting of securities, common directors, officers or stockholders, voting

trusts, holding trusts, associated companies, contract or any other direct or indirect means.

(l) "Cost of removal" means cost of demolishing, dismantling, tearing down or otherwise removing property.

(m) "Debt expense" means all expenses in connection with the issuance and initial sale of evidences of debt, such as fees for drafting mortgages and trust deeds; fees and taxes for issuing or recording evidences of debt; cost of engraving and printing bonds and certificates of indebtedness; fees paid trustees; specific costs of obtaining governmental authority; fees for legal services; fees and commissions paid underwriters, brokers, and salesmen for marketing such evidences of debt; fees and expenses of listing on exchanges; and other like costs.

(n) "Discount" as applied to the securities issued or assumed by the accounting company means the excess of the par (stated value of no-par stocks) or face value of the securities plus interest or dividends accrued at the date of the sale over the cash value of the consideration received from their sale.

(o) "Ledger value of property" means the value at which the property is carried in the property investment account in the general ledger of the company. In case the value of any item of property is not shown separately in the ledger the ledger value of that item shall be its proportionate share of the value of the entire group in which the particular property is included.

(p) "Minor items of property" means the associated parts or items of which units of property are composed.

(q) "Nominally issued" as applied to securities issued or assumed by the company, means those which have been signed, certified, or otherwise executed, and placed with the proper officer for sale and delivery, or pledged, or otherwise placed in some special fund of the accounting company.

(r) "Nominally outstanding" as applied to securities issued or assumed by the accounting company, means those which, after being actually issued, have been reacquired by or for the accounting company under such circumstances which require them to be considered as held alive and not retired.

(s) "Persons" means those who furnish cars or protective service against heat or cold to or on behalf of any carrier by railroad or express company, and includes an individual, firm, copartnership, corporation, company, association or joint-stock association; also a trustee, receiver, assignee, or personal representative thereof.

(t) "Premium" as applied to securities issued or assumed by the company, means the excess of the cash value of the consideration received from their sale over the sum of their par (stated value of no-par stocks) or face value and interest or dividends accrued at the date of sale.

(u) "Property retired" means property which has been removed, sold, abandoned, destroyed, or which for any cause has been withdrawn from service.

(v) "Protective service contracts" means those entered into with any common carrier by railroad or express company under the provisions of paragraph 14(b) of section 1 of the Interstate Commerce Act for furnishing protective services against heat or cold to property transported in interstate or foreign commerce.

(w) "Service life" means the period between the date when property is placed in service and the date of its retirement.

(x) "Service value" means the ledger value less the value of the salvage, including insurance, recovered therefrom.

(y) "Value of salvage" means the amount received for property retired and disposed of, or the amount at which material recovered will be charged if reused.

3 Classification of accounts.

Accounts are prescribed to cover cost of property used in furnishing cars or protective service and for revenues, expenses, taxes, and income from such service. Separate accounts are prescribed for investment in property not used in such services and for other investments and income therefrom; for unusual profits and losses includible directly in retained income; and for assets, liabilities and capital includible in the balance sheet statement.

All items of profit and loss recognized during the year are includible in net income except items which in the aggregate are both material in relation to net income for the year and are clearly not identified with or do not result from usual business operations of the year. Important items of the kind which occur from time to time and which, when material in amount, are to be excluded from net income are those resulting from unusual sales of property and investment securities other than temporary cash investments, from company bonds reacquired, and from delayed items (other than ordinary adjustments of a recurring nature). Material items are those which, unless excluded from income accounts, would distort the accounts and impair the significance of net income for the year so that misleading inferences might be drawn therefrom. Items so excludable from net income are to be entered directly in the retained income accounts provided for such items.

All charges to the accounts prescribed for operating revenues, operating expenses and other accounts for furnishing cars or protective service shall be just, reasonable and necessary to the honest and efficient operation and management of the company's business. Payments or allowances in excess of such just and reasonable charges shall be included in account 551, "Miscellaneous income charges."

4 Records.

(a) Each company shall keep its books of account, and all other books, records, and memoranda which support the entries in such books of account so as to be able to furnish readily full information as to any item included in any account. Each entry shall be supported

by such detailed information as will permit ready identification, analysis, and verification of all facts relevant thereto.

The books and records referred to herein include not only accounting records in a limited technical sense, but all other records, such as minute books, stock books, reports, correspondence, memoranda, etc., which may be useful in developing the history of or facts regarding any transaction.

(b) In addition to prescribed accounts, clearing accounts, temporary or experimental accounts, and subdivisions of any accounts, may be kept, provided the integrity of the prescribed accounts is not impaired. The titles of all subdivisions or subaccounts shall refer by number or title to the accounts prescribed herein of which they are subdivisions.

(c) The "Regulations to Govern the Destruction of Records of Railroad Companies" prescribed by this Commission are applicable to persons and companies subject to this system of accounts.

5 Accounting period.

Each company shall keep its books on a monthly basis so that for each month all transactions applicable thereto, or nearly as may be ascertained, shall be entered in the books of the company. The final entries for any month shall be made not later than 60 days after the last day of the month for which the accounts are stated, except that the period within which the final entries for the month of December shall be made may be extended to such date in the following March as shall not interfere with the preparation and filing of annual report.

6 Accrual method of accounting.

The accounting for operating revenues, operating expenses and income each month and year shall be, as nearly as practicable, upon the basis of accruals in conformity with generally accepted accounting principles consistently applied. Any change in practice of accounting for accruals or any unusual accruals involving material amounts shall be reported promptly to the Commission.

7 Unaudited items.

When it is known that a transaction has occurred which affects operating revenues, operating expenses or other income account but the amount involved and its effect upon the accounts cannot be determined with absolute accuracy, the amount thereof shall be estimated and included in the appropriate income and balance sheet accounts. Such estimate shall be adjusted in the following month or as soon thereafter as the actual amount can be determined. If the estimate is not adjusted in the following month, the amount shall be revised whenever and at the time a substantial change is indicated and the amounts in the balance sheet accounts with respect to such items shall be kept separately in the records until settled and adjusted. The company is not required to anticipate items which do not appreciably affect the accounts.

8 Delayed items.

Ordinary delayed items and adjustments arising during the current year

which are applicable to prior years shall be included in the same account which would have been charged or credited if the item had been taken up or the adjustment made in the year to which it pertained. When the amount of a delayed item or adjustment is relatively so large that its inclusion in net income for a single month would seriously distort the accounts for the month (but not for the year), such amount may be distributed in equal monthly charges or credits, as the case may be, to the remaining months of the calendar year. See instruction 3 for provisions covering delayed items of a nonrecurring nature which are includible directly in retained income accounts.

9 Operating reserves.

Accretions to reserve accounts made by charges to operating expenses, operating revenues, or income shall not exceed a reasonable provision for expenses or other costs incurred during the accounting period. Balances for each year in each reserve account shall be kept separately until the items have been settled and adjusted and amounts shall not be diverted from the purpose for which provided unless permission of the Commission is first obtained.

10 Item lists.

Lists of "items" appearing in the texts of the accounts or elsewhere herein are for the purpose of more clearly indicating the application of the prescribed accounting. The lists are intended to be representative, but not exhaustive. The appearance of an item in a list warrants the inclusion of the item in the account mentioned only when the text of the account also indicates inclusion inasmuch as the same item frequently appears in more than one list. The proper entry in each instance must be determined by the texts of the accounts.

11 Submission of questions.

To maintain uniformity of accounting questions of doubtful interpretation shall be submitted to the Commission for consideration and decision.

Property Accounts Instructions

12 Items to be charged.

To the property accounts shall be charged the cost of purchasing land, the cost of purchasing and constructing buildings, facilities and equipment, and the cost of additions and improvements of property owned and used by the company in furnishing cars or protective service or leased to others for such services. "Cost" means the amount of money actually paid for property or services. When the consideration given for the property is other than cash in a purchase and sale transaction, as distinguished from a transaction involving the issuance of capital stock in reorganization or a merger and pooling of interest, the value of the consideration shall be determined on a cash basis. The company shall be prepared to furnish the Commission the particulars of its determination of the actual cash value of the consideration if other than money.

Suitable records shall be maintained showing expenditures for property constructed or purchased; for mergers, purchases and reorganizations; for additions and betterments; and credits for property retired.

13 Minimum rule applicable to additions to property.

An exception to the foregoing rule is that when the cost of acquisition of units of property and of additions and betterments to existing units of property (other than land) is less than \$500.00, such cost shall be charged to operating expenses. The company shall not parcel expenditures under a general plan for the purpose of bringing the accounting for such expenditures within this minimum rule. An amount of less than \$500.00 may be adopted for purposes of this rule provided the company first notifies the Commission of the amount it proposes to adopt and thereafter makes no change in the amount unless authorized to do so by the Commission.

14 Land.

Accounts are provided for the cost of land used in furnishing cars or protective service and also for land used for other purposes. When land is no longer used in furnishing cars or protective service but is retained by the company, the estimated value of such land, not to exceed original cost, shall be transferred to the account prescribed for property used in other than furnishing cars or protective service. When any land, the cost of which is included in the accounts, is sold or otherwise retired, the ledger value shall be credited to the appropriate property investment account. The profit or loss from sale or retirement of land shall be included in the accounts prescribed for such amounts.

15 Structures.

Accounts are provided for the cost of several classes of buildings and facilities, including fixtures permanently attached to and made a part thereof. When a building or other structure is used primarily for furnishing cars or protective service and is an integral part of the company's plant, but a part thereof is held or used for commercial purposes such as for rental to others or for use in other than furnishing cars or protective service by the company, the entire cost of the building or other structure is includible in the accounts for cars or protective service property. When a building or other structure is used or held primarily for commercial purposes or for use in other than car line operations by the carrier, the entire cost of the building or structure is includible in account 737, "Miscellaneous physical property." The accounting for costs of maintenance, taxes, other operating costs, and for revenues and rentals shall be consistent with the classification of the building or other structure.

16 Equipment.

Accounts are provided for several classes of equipment, such as rolling stock, work equipment, miscellaneous equipment and the necessary appurtenances, furniture, and fixtures first to

equip for service, including the cost of inspection, setting up, and trying out, and transportation over foreign lines; also the cost of additions and betterments, such as improved appliances, parts, or appurtenances. In case retired equipment is held without being torn down, the estimated value of the salvage therefrom shall be included in account 741, "Other assets," until the salvage is recovered.

17 Components of construction cost.

The cost of constructing property includible in the property accounts shall include the direct and other costs as listed and defined hereunder.

(a) Cost of labor: This includes the amount paid for labor performed by the company's own employees. The salaries and expenses of engineers and other officers specifically assigned to construction work shall be included in the accounts appropriate for the cost of the property in connection with which their services are rendered. No charge shall be made to these accounts for the pay of operating officers and members of their staffs who merely render service incidentally in connection with construction work.

NOTE: The office, traveling, and other personal expenses of officers and employees shall be included in the accounts to which their pay is chargeable, except that traveling and incidental expenses incurred by operating officers and members of their staffs while rendering service incidentally in connection with construction work shall be included in the cost of the work upon which they are incidentally engaged.

(b) Cost of material, supplies, and small tools: This includes the purchase price at the point of free delivery, plus costs of royalties, inspection, loading, transportation, and an equitable proportion of store expenses.

In determining the cost of material used, proper allowance shall be made for the value of unused portions, small tools recovered and used for other purposes, and all other salvage.

NOTE: The cost of individual items of small value (\$25.00 or less) or of short life, including small tools, shall not be charged to the cost of construction unless the correctness of the accounting therefor is verified by current inventories, but shall be charged to operating expenses.

(c) Cost of special machine service: This includes the cost of material and supplies used in operating the company's machines and work equipment; it also includes expenditures for the rental, maintenance, and operation of machines and equipment of others.

NOTE: No charge shall be made to these accounts to cover a return upon the company's investment in special machines or work equipment used in construction service.

(d) When an important construction project necessitates the purchase of machines to be used exclusively thereon, the cost shall be included in the accounts to which the cost of the work is charged, which accounts shall be credited with the amount realized from any subsequent sale, or the appraised value of the machines if retained after the completion

of the special work for which they were purchased. The appraised value of machines retained shall be debited to the appropriate primary equipment accounts.

(e) Cost of contract work: This includes amounts paid for work performed under contract by other companies, firms, or individuals, and costs incident to the award of the contracts, and the inspection of such work.

(f) Cost of protection from casualties: This includes expenditures for protection against fire, payments for discovery or extinguishment of fires, cost of detecting incendiaries, witness fees in relation thereto, amounts paid to municipal corporations and others for fire protection, including the cost of protecting the property of others from damage when in connection with construction work, and other analogous items.

(g) Cost of injuries and damages: This includes expenditures on account of injuries to persons or damage to property, less insurance recovered, when incident to construction. Such costs shall be included in the cost of the work in connection with which the injury or damage occurs. They shall include also that portion of premiums paid for insuring against casualties applicable to the period prior to the completion of the property insured. The cost of injuries and damages in connection with the removal of old structures which are encumbrances on newly acquired lands shall be included in account 51, "Land."

(h) Taxes: Taxes on physical property belonging to the company assessed during construction and before the facilities are completed and placed in service shall be included in the accounts appropriate for the cost of the property so taxed.

(i) Interest during construction: This includes the net cost of borrowed funds used for construction purposes. Such interest shall be charged to the accounts appropriate for the cost of the property in connection with which the funds are expended. The period for which interest may be charged shall be limited to the period of construction. The interest includible in these accounts is:

(1) Interest on bonds, notes and other evidences of indebtedness sold, and on any interest-bearing debt incurred for the acquisition or construction of property. It includes the interest accruing on that part of the debt representing the cost of property acquired (less interest, if any, allowed to companies on unexpended balances) after such funds become available for use and before the receipt or the completion of the property so acquired. Interest on bonds, notes, or other evidences of indebtedness accruing before the proceeds from the sale of the securities become available for use shall not be included in these accounts nor shall there be included in these accounts any interest accruing after the property with respect to which the proceeds are expended is received or becomes available for service.

(2) There shall be deducted from or added to such interest charges a proportion of premium, or discount and expense on securities sold. The amount of pre-

mium deducted or discount and expense added shall be determined by the ratio which the period between the date the proceeds from the securities issued become available and the receipt, completion, or coming into service of the property bears to the entire life of the securities issued. In no case except as provided in this paragraph shall discount and expense be included in the property accounts.

(j) Overhead construction costs: (a) This includes such overhead construction costs as engineering, supervision, legal expenses, insurance, injuries, damages, taxes (except payroll taxes) and interest shall be distributed equitably to the work benefited, so that the entire cost of construction, both direct and indirect, may be included in the appropriate primary accounts. These instructions should not be interpreted as permitting the addition to cost of property of arbitrary percentages or amounts to cover assumed overhead costs, but as requiring the assignment to the cost of each particular project of the actual and necessary overhead costs.

(k) Disposing of material: The cost of disposing of material excavated, including privilege of wasting in connection with construction, shall be considered as a part of the cost of the work, except that when such material is used for filling, the cost of loading, hauling, and dumping shall be equitably apportioned between the work in connection with which the removal occurs and the work in connection with which the material is used.

18 Additions to and retirements of units of property.

When a unit of property is added to the plant, the cost thereof shall be included in the appropriate primary account. When a unit of property is retired, with or without replacement, the cost thereof shall be credited to the property account at time of retirement. The amount credited to the primary property accounts for property retired from service shall be charged concurrently as follows:

(a) Where the group plan of depreciation is used, the service value of units and minor items of depreciable property accounted for as retired, shall be charged to account 735, "Accrued depreciation—Cars or protective service property."

Where the unit plan of depreciation is used, an amount equal to the credit balance in account 735, "Accrued depreciation—Cars or protective service property," with respect to the property retired shall be charged to that account and the remainder (less salvage and insurance recovered, if any) shall be charged to the appropriate retirement accounts in operating expenses.

(b) The value of salvage from retired property shall be charged to the account appropriate according to the disposition made thereof. If retired property is held temporarily without being torn down, the estimated value of the salvage recoverable therefrom shall be included in account 743, "Other deferred charges", until the property is dismantled or otherwise disposed of. If retired property is

held for other than furnishing cars or protective service, its appraised value shall be included in account 737, "Miscellaneous physical property."

(c) The cost of demolishing retired property shall be charged to the appropriate retirement account in operating expenses.

19 Additions and retirements of other than units of property.

When an item of property, other than a complete unit, is added to the plant and the addition is not a replacement, the cost thereof shall be accounted for in the same manner as an addition of a complete unit of property, subject to the \$500 minimum rule. When an item of property other than a complete unit is replaced, independent of the complete unit of which it is a part, the cost of replacement shall be treated as maintenance and charged to operating expenses; except that, when the replacement effects a substantial betterment, the primary aim of which is to make the property affected more useful, more efficient, of greater durability, or of greater capacity, the excess cost of the replacement over the estimated cost of replacing without betterment shall be charged to the appropriate primary property account.

NOTE: The term "estimated cost of replacing" shall not be construed as requiring an estimate based on the current price of material identical with the material replaced when such material is no longer obtainable at reasonable price or would not be used if replacement without betterment were undertaken. In such cases the estimated cost shall be based on the fair and reasonable cost of material comparable to the material being replaced.

20 Units of property rebuilt or converted.

A unit of property shall be treated as rebuilt and such unit shall be accounted for as an addition and the old unit accounted for as retired from service when: (a) The cost of renewals of a unit of property, exclusive of the expense of dismantling, exceeds fifty percent of the replacement cost of a unit of the kind and class as rebuilt at the time of rebuilding; or (b) a car undergoes general reconditioning and a new body is constructed in substitution for the old body under a plan consistently followed in order to prolong the useful life of the unit.

The charge to the appropriate property account for rebuilt or converted units shall be the sum of (a) the cost (estimated if necessary), less recorded depreciation, or salvage value, whichever is lower, of the parts reused and (b) the cost of labor expended in rebuilding or in the conversion process and the cost of additional material applied. In no case shall the total amount charged to the property accounts for such units exceed the estimated cost of units of the same kind and class with fair allowance for depreciation.

Maintenance and Operation Expense Instructions

21 Items to be charged to maintenance expense.

The accounts provided for maintenance of property and equipment are

designed to show the cost of repairs and also the loss through depreciation of the property used in furnishing cars or protective service, including expenses resulting from ordinary wear and tear of service, exposure to the elements, inadequacy, obsolescence, or other depreciation, or from accident, fire, flood, or other casualty.

These accounts shall include the cost of labor, materials and supplies, special machine service, contract work, privileges, protection from casualties, and other analogous items of expense in connection with the maintenance of property used in furnishing cars or protective service. The cost of materials and supplies, which shall include small tools, shall include the cost at the point of free delivery plus freight charges of foreign lines, and the costs of inspection and loading assumed by the company; also a proportion of store expenses. Royalties for patent rights on mechanical appliances used in repairs of equipment shall be included in the cost of the repairs. The cost of boarding, traveling, and other incidental expenses of employees shall be included in the accounts to which the pay of the employees is chargeable, except where otherwise specified in the text of the accounts.

Distinct maintenance accounts have been provided for expenses of a general character, such as superintendence, stationery and printing, and injuries to persons, which, on account of established practice, it is deemed advisable to segregate.

The cost of repairs shall include the cost of inspecting to determine the repairs necessary, and of adjusting or repairing parts; the cost of inspecting and testing after repairs have been made to determine whether the repairs have been properly made; incidental costs of repairs; cost of mowing and beautifying grounds around buildings; repairing fences, sidewalks, driveways, and streets within or adjacent to such grounds; cost of removing snow from roofs of buildings (when not removed by those employed in the buildings); cost of periodical restoration of seasonal features, such as gardens, shrubbery, and lawns; cost of operating hothouses in connection with the work of beautifying grounds; and cost of clearing and removing casual incumbrances, such as ice, snow, and fallen timber.

22 Equalization of car maintenance.

The cost of car repairs shall be included in account 210, "Car repairs", in the month in which the expense is incurred. In case the company adopts a budget or estimate for all or a part of the calendar year of car repair expense includible in account 210, an equitable monthly proportion of the difference between the budgeted or estimated expenses and the actual expenses chargeable each month may be debited or credited as appropriate to account 230, "Equalization-Car repairs," with contra entries to account 773, "Equalization reserves." Amounts included in account 773, "Equalization reserves," in accordance with the foregoing paragraph, shall be cleared therefrom at the close of each calendar year through the accounts originally charged or credited.

23 Supervision expenses.

(a) The supervision expenses includible in operating expenses shall consist of the pay and expenses, including transportation, lodgings, meals, and other incidental expenses, of the officers, clerks, attendants and other employees and consultants engaged in supervising and directing the maintenance and operation of the various services or functions; also the office expenses, including supplies, services, books, periodicals, repairs of office furniture and equipment, etc.

(b) When the officers and other employees are engaged in supervising more than one service and it is found impracticable to segregate all of the pay and expenses by services currently to the appropriate supervision accounts, such expenses as are common to two or more services may be included in a clearing account, and allocated to the respective supervision accounts annually, or more frequently, if required. A similar method of allocation may be used with respect to any other common expenses relating to two or more services, where it is impracticable to segregate such expenses currently.

24 Rent expense.

Expense accounts are provided under each service in which to include the amounts payable for the use of property leased from others. These accounts shall be charged each month with the amounts payable as rent of the property and facilities used in performing the various services. If the amount of rent is in payment for property used in more than one service, such amount shall be apportioned to the appropriate rent or clearing accounts on an actual, or if necessary, on an estimated basis.

25 General expenses.

The company shall be prepared to report to the Commission annually or more frequently, if required, the allocation of general expenses (accounts 450 to 469, inclusive) to the respective services.

Clearing Account Instructions

26 Items to be charged.

In recognition of the fact that certain expenditures incident to the construction and the operation of property are not chargeable directly to any particular property investment or expense account, clearing accounts have been provided for the purpose of securing an equitable distribution of such items to the proper primary accounts, as hereinafter set forth.

27 Boarding house operations.

This clearing account shall include the cost of commissary supplies and the expenses incurred in purchasing, storing and disbursing such supplies; also, the cost of supervision, labor, and other expenses incurred in the maintenance and operation of boarding houses. The account shall be cleared each month to the appropriate operating expense or other accounts and shall be apportioned among the various accounts affected upon the basis of the relative proportion which the balance in the account bears to the directly distributed labor. Expenses assignable to this account include

pay and expenses of officers and employees engaged in purchasing, servicing, maintenance and operation; cost of fuel, light and water; and other commissary supplies, including food. To this account shall be credited the value of free meals served and amounts collected direct or deducted from wages of employees for meals and other items.

28 Ice plant operations.

This clearing account shall include the cost of supervision, labor, material and other costs, except production cost of ice, incurred in the maintenance and operation of ice manufacturing plants, natural ice plants and ice storage plants (including icing platforms and precooling facilities operated in conjunction with such ice plants). The account shall be cleared each month to the appropriate operating expense accounts. (See accounts 284, "Precooling service," and 252, "Ice produced.") Expenses assignable to this account include pay and expenses of officers and employees directly in charge of maintenance and operation at ice plants; cost of material and labor used for maintenance of buildings, machinery, ice ponds, wells and reservoirs; cost of repairing ice tools and appliances; expenses incident to injuries to persons at ice plants; rental paid for property used in ice plant operations; cost of fuel, oil, electricity; water purchased except when used in manufacturing or producing steam; also supplies for and maintenance of automotive equipment; cost of labor and power, icing cars; loading ice; and other maintenance and operation expenses at ice plants not otherwise provided for. This account shall also include depreciation charges on facilities; the cost of dismantling and recovering salvage from buildings and other facilities retired; and the undepreciated service value of the property at time of retirement. To this account shall be credited maintenance and operation expenses applicable to precooling service, etc., the directly distributed charges for which are made to the clearing account "Ice plant operations."

29 Power plant operations.

This clearing account shall include the supervision, labor, material and other expenses incurred in the maintenance and operation of power plants operated to produce electric or other power. The account shall be cleared each month in accord with disposition of the power produced.

30 Production cost of ice.

This clearing account shall include the direct costs entering into the production and storage of ice at ice manufacturing plants, natural ice plants and ice storage plants. The account shall be cleared each month to the appropriate operating expense or other accounts. (See accounts 284, "Precooling service," and 252, "Ice produced.") Expenses assignable to this account include wages, power room, tank room, ice storeroom employees, (except when engaged in maintenance work); the cost of electric energy and fuel; the cost of ammonia, water and other supplies used in the production of

ice; cost of fuel, power, and labor engaged in flooding ponds, bucking snow, cutting and running ice, and conveying ice to storerooms and to cars. This account shall also include contractual payments for purchase or storage of ice; transportation charges on stored ice; and other expenses applicable to production of ice not otherwise provided for. To this account shall be credited the production cost applicable to precooling service and to the protection of perishable commodities in storerooms rented to others, the directly distributed charges for which are made to clearing account, "Production cost of ice."

31 Material and stationery store expenses.

To clearing accounts called "Material store expenses" and "Stationery store expenses" shall be charged expenses in connection with purchasing, handling and storing material and stationery in and distributing it from material stores including the pay of officers and employees in the purchasing and store departments and their traveling, office, and other expenses; also expenses, including wages of operators, fuel, repairs and supplies, of motor trucks, tractors and trailers, "truck-lifts," locomotive and other power cranes, etc., used in handling material. The pay and expenses of men employed in purchasing or inspecting a single class of material, such as lumber, shall be added as store expenses to the cost of that particular material.

The total amount of expenses charged to these accounts shall be so distributed among the accounts to which material and stationery has been charged that the amounts thus distributed will be, for each account, in proportion to the value of the items issued chargeable thereto, except that the amount representing the purchasing department expenses shall be apportioned on the value of the items issued which were purchased by that department. To avoid monthly fluctuations in the ratio of store expenses to the value of material and stationery purchased or issued, the company may make a monthly apportionment on the basis of fair percentage rates, provided the store expense accounts are adjusted and closed out at the end of each year.

32 Shop expenses.

A clearing account entitled "Shop expenses" shall be kept to which shall be charged items of expense at car repair shops, and other places at which mechanical work is done, not assignable directly to specific accounts. Such expenses shall be apportioned among the various amounts affected. The basis of distribution shall be the relative proportion which the total amount of charges to "Shop expenses" bears to the total of the directly distributed labor. To avoid monthly fluctuations in the ratio of shop expenses to the total of distributed labor, the monthly apportionment may be made on the basis of a percentage of the distributed labor, provided the shop expense account is adjusted and closed out at the end of each year.

The expenses assignable to this account shall include the pay of foremen (who exercise supervision over all departments), their clerks, and other employees engaged in general work in and about shops; costs of heat, light and power; cost of small tools and supplies and water and power purchased; also cost of removal of snow and ice from transfer tables and shop yards, and other incidental shop expenses. To this account shall be charged expenses, including wages, fuel and supplies, of operating motor trucks, tractors and trailers.

Depreciation Accounts Instructions

33 Method.

(a) There shall be charged monthly to the appropriate operating expense accounts or other appropriate accounts and credited to account 735, "Accrued depreciation—Cars or protective service property," during the service life of depreciable property amounts which will approximate the loss in service value not restored by current repairs or covered by insurance, except that such charges covering property used seasonally, such as ice and heater facilities, shall be spread over the period when such facilities are used. The charges for currently accruing depreciation shall be computed in conformity with the group plan for rolling stock and the unit plan for all other depreciable property, by applying to the book cost, such percentage rates as will distribute the service value by the straightline method in equal monthly charges to operating expenses or other accounts during the estimated life of the property.

(b) In computing monthly charges the annual percentage rates shall be applied to the book cost of depreciable property as of the first of each month and the result divided by twelve, except for property used seasonally.

(c) The term "group plan" means the method under which the depreciation charges are accrued upon the basis of the book cost of depreciable property included in each primary account using the service life thereof properly weighted.

(d) For the purpose of depreciation accounting the following primary accounts are classed as depreciable accounts:

52. Public improvements.
53. Rolling stock.
54. Miscellaneous equipment.
55. Tracks.
56. Car shop buildings and machinery.
57. Work equipment.
58. Ice manufacturing plants.
59. Natural ice plants.
60. Ice storage houses and equipment.
61. Precooling plants.
62. Icing platforms.
63. Transmission systems.
64. Testing apparatus.
65. Miscellaneous structures.
66. Mechanical protective service units.
67. Mechanical protective service facilities.

34 Rates of depreciation.

The company shall compute annual percentage rates estimated to be applicable to the book cost of the property in each depreciable primary account. These percentage rates shall be based on the estimated service values and serv-

ice lives of the depreciable property developed by a study of the company's history and experience and such engineering and other information as may be available with respect to future conditions. Such percentage rates shall, for each primary account comprised of more than one class of property, produce a charge for depreciation based on book cost or estimated book cost of the depreciable property included in such account equal to the sum of the amounts that would otherwise be chargeable as depreciation for each of the various classes of property included in such account.

35 Depreciation records to be kept.

The company shall maintain for each class of property in convenient and accessible form data bearing on prospective service lives, and shall keep such records of depreciable property and property retirements as will reflect the service life of property which has been retired, or will permit the determination of service life indications by mortality, turnover, or other appropriate methods; also such records as will reflect the percentage of value of the salvage for property retired from each class of depreciable property. For purposes of analysis the company shall maintain subsidiary records in which the reserve is broken down into component parts corresponding to each primary property account.

Income and Balance Sheet Accounts

36 Current assets.

In the group of accounts designated as current assets shall be included cash, those assets which are readily convertible into cash or are held for current use in operations, current claims against others and amounts accruing to the company which are subject to current settlement. There shall not be included in this group of accounts any item the collection of which is not reasonably assured by the known financial condition of the debtor. Items of current character but of doubtful value previously credited to operating revenue, operating expense or income accounts shall be written down or written off by charging those accounts. If there has been any impairment in value, such items shall be included in account 741, "Other assets," at an amount not in excess of a reasonable estimate of future value. If it is desired to retain a record of assets written off they shall be recorded at a nominal value in account 741, "Other assets."

37 Book value of securities owned.

The investment in securities other than those issued or assumed by the accounting company shall be recorded in these accounts at the money value, at the time of acquisition, of the consideration given therefor by the accounting company, but excluding amounts paid for accrued interest and accrued dividends. The accounting company shall write down the ledger value of any securities to the extent of impairment in their value or write off entirely if there is no reasonable prospect of realizing any value therefrom. Fluctuations in mar-

ket value shall not be recorded. Adjustments in the ledger values of securities shall not be delayed beyond the year in which a loss is claimed for income tax purposes. Reserves may be created to provide for depreciation in the value of securities by credits to account 723, "Reserve for adjustment of investment in securities—Cr."

The amount of the adjustment for the loss in value written off shall be charged to account 551, "Miscellaneous income charges," or to retained income, as appropriate.

Under no circumstances shall securities be stated in these accounts at an amount in excess of their cost to the accounting company.

38 Discount, expense, and premium on debt.

Ledger accounts shall be provided to cover the discounts, expense, and premiums at the sale or resale of each subclass of funded debt and of receivers' and trustees' securities issued for the benefit of or assumed by the company. (For explanation of "subclass" see account 765, "Funded debt unmatured.") The net debit balances remaining in these ledger accounts shall be included in account 742, "Unamortized discount on long-term debt," and the total of the net credit balances in account 783, "Unamortized premium on long-term debt."

Each fiscal period there shall be charged to income account 548, "Amortization of discount on funded debt," a proportion (based upon the ratio of such fiscal period to the remaining life of the respective securities reckoned from the beginning of the period to the date of maturity of the debt to which the charges relate) of each of the debit balances in these accounts, and correspondingly there shall be credited to income account 517, "Release of premiums on funded debt," a similar proportion of each of the credit balances in these accounts. When the total discount and expense applicable to any particular issue of securities does not exceed \$25,000, accounting company may charge the entire amount to account 548, "Amortization of discount on funded debt," at the time of issue.

When any funded debt which has been actually issued to bona fide holders for value is reacquired by the accounting company, that proportion of the balance remaining in the accounts containing discount, expense and premium on funded debt for the subclass of the security reacquired applicable to the portion reacquired shall be credited or charged thereto, as may be appropriate, and concurrently charged or credited to account 519, "Miscellaneous income," account 551, "Miscellaneous income charges," or to retained income. Such proportion shall be based upon the ratio of the par value of the security reacquired to the par value of all the securities of the subclass actually outstanding immediately before such reacquirement.

39 Discount, premium, and assessment on capital stock.

Separate ledger accounts shall be provided for each subclass of capital stock

issued or assumed by the accounting company to cover discount suffered and premium realized at the sale or resale of capital stock. General levies or assessments against stockholders shall be credited to the appropriate ledger accounts for the subclass of capital stock against which the levy or assessment is made.

The total of net debit balances in these ledger accounts shall be included in account 793, "Discount on capital stock," and the total of net credit balances in account 794, "Premiums and assessments on capital stock."

Discount on each subclass of capital stock may be offset or reduced by charges to account 794, "Premiums and assessments on capital stock," to the extent that net gains from premiums or assessments have been included therein or to account 795, "Paid-in surplus," to the extent that net gains from reacquisition and resale or retirement of capital stock applicable to such subclass have been included therein. Any remaining discount may be amortized by charge to account 616, "Other debits to retained income," or may be retained and carried in account 793, "Discount on capital stock," until the stock to which the discount applies is retired.

In case the accounting company is permitted and elects with the approval of the Commission, to distribute all or any part of the net balance of paid-in surplus to its stockholders, the amount thus distributed shall be charged to account 795, "Paid-in surplus."

When an issue of capital stock, or any part thereof, is reacquired either by purchase or through donations by shareholders, and is not canceled, or held as treasury stock, it shall be charged at its par value or if stock without par value at the proportionate amount at which the particular class of stock is included in account 791, "Capital stock issued," to account 715, "Sinking funds"; 716, "Capital and other reserve funds"; 717, "Insurance and other funds"; as may be appropriate.

The difference between the amount at which such reacquired stock was recorded in account 791, "Capital stock issued," and the amount paid by the accounting company for such stock, including any premium or discount applicable to such subclass carried in account 794, "Premiums and assessment on capital stock," or in account 793, "Discount on capital stock," and the commissions and expenses in connection with its reacquisition shall be included in account 795, "Paid-in surplus"; *Provided, however,* That the excess of a debit over the amount of accumulated net gains applicable to such subclass included in paid-in surplus shall be charged to account 616, "Other debits to retained income."

When reacquired capital stock is resold at a price in excess of the amount included in capital stock account such excess shall be included in account 795, "Paid-in surplus"; *Provided, however,* That the excess of a debit over the amount of accumulated net gains applicable to each subclass of capital stock resold included in paid-in surplus shall

be charged to account 616, "Other debits to retained income."

40 Joint liabilities.

The accounting company shall state as a liability in its balance sheet the difference between the total par value of securities jointly or severally issued by it and others and the portion of such liability which, under the joint arrangement, it is expected will be liquidated by the other party or parties to the joint arrangement. The amount of the jointly or severally issued securities it is expected will be liquidated by the other party or parties shall be shown as a contingent liability in accordance with Instruction 41, Contingent assets and liabilities.

41 Contingent assets and liabilities.

Contingent assets and liabilities shall not be included in the body of the balance-sheet statement, but shall be shown in detail in a supplementary statement to the balance-sheet. Contingent assets are those without value to the accounting company until the fulfillment of conditions regarded as uncertain. Contingent liabilities include items which may, under certain conditions, become obligations of the company, but are neither direct nor assumed obligations on the date of the balance sheet. Examples of contingent liabilities are items which may become obligations as a result of pending or threatened litigation, assessments or possible assessments of indebtedness of others, and agreements or obligations to repurchase securities or property. Where the outcome is reasonably foreseeable, such as probable tax assessment which the carrier may not reasonably expect to contest successfully, such liabilities are to be reflected in the accounts and are not to be treated as contingent liabilities.

Property Accounts Texts

51 Land.

(a) This account shall include the cost of land used or held for use in furnishing cars or protective service, including:

(1) Cost of rights to occupy permanently land not purchased outright.
(2) Cost of grounds for buildings and other fixed improvements and of the land for ingress to or egress from such grounds.

(3) Cost of "ground rents."
(4) Cost of riparian or littoral rights.
(5) Cost of removing and locating elsewhere the property of others (including cost of land for relocation of property when such cost is assumed by the company).

(b) Proceeds from the sale of timber or of improvements purchased with the land, or of minerals known to be in the land when purchased and considered in the purchase price thereof, less any cost of removal, shall be credited to this account.

DETAILS

- (1) Abstracts and guarantees of title.
- (2) Appraisals.
- (3) Commissions paid.

(4) Compensation and expenses of land agents when specifically assigned to and solely engaged in acquiring land—not arbitrary apportionments for incidental services.

(5) Condemnation expenses, including court costs, and special counsel fees; also fees of commissioners appointed by the court to assess damages in condemnation proceedings.

(6) Costs, including agreed settlements, judgments, witness fees, and decreed court costs in proceedings to clear or defend titles against defects antedating the company's acquisition of property.

(7) Cost of filling submerged or low land to establish a general level and grading land to render it usable for construction of fixed improvements.

(8) Cost of making changes in or relocating property of others, when borne by the company in order to secure permanent rights to locations the cost of which is includible in this account; also the cost of securing sites for such relocations.

(9) Ditches for waterways when part of consideration.

(10) Easements, granting right of permanent occupancy.

(11) Land for control of watersheds to obtain water.

(12) Lump-sum payments for right to use in perpetuity or for a period of years public property. Amounts paid for the right to use such property for a period of years shall be amortized through account 532, "Car line tax accruals," during the period of use.

(13) Notarial fees.

(14) Payments to vendors to secure release from restrictive provisions of original deeds.

(15) Plats.

(16) Premiums on commendation bonds.

(17) Recording deeds and easements.

(18) Removal and relocation of buildings and other structures not purchased.

(19) Surveys in connection with the purchase of the land.

(20) Taxes and assessments for public improvements accrued and assumed at time of purchase.

NOTE A: When the acquisition of land involves also the purchase of land not to be used in furnishing cars or protective service, the charges to this account shall be based upon the cost of the land purchased, less the estimated fair market value of that portion which will not be so used.

NOTE B: The cost of land acquired for purposes other than furnishing cars or protective service shall be included in account 737, "Miscellaneous physical property." The cost of land acquired for which there is a definite plan for use in furnishing cars or protective service shall be included in this account.

NOTE C: The net proceeds from the sale of minerals or timber, in excess of the amount contracted for in the purchase price shall be credited to account 519, "Miscellaneous income."

NOTE D: Periodical payments for the use of land held under "ground rents" shall be accounted for as rent.

NOTE E: When land together with buildings thereon, is acquired, each shall be separately appraised and the cost shall be apportioned between the land and the buildings on the basis of such appraisals. If the

plan of acquisition contemplates the removal of the buildings, the total cost of the land and buildings shall be accounted for as the cost of land and the salvage value of the buildings less any cost of removal when disposed of shall be deducted from the cost of the land so determined.

NOTE F: Held for use referred to in paragraph (a) of this section implies the ability of the company to substantiate by plans or policy its characterization of the probable future use which is to be made of the land within a reasonable period of time.

52 Public improvements.

This account shall include amounts assessed on cars or protective service property by governmental authority to cover the cost of constructing public improvements, when such assessments are made against property within defined areas of taxing districts. It shall include also the cost borne by the company of public improvements constructed by it under governmental requirements.

DETAILS

Curbing streets and highways.
Drainage systems.
Flood protection.
Grade eliminations.
Grading streets and highways.
Guttering streets and highways.
Irrigation systems.
Levees.
Paving streets and highways.
Sewer systems.
Sidewalks.
Street-lighting systems.
Viaducts carrying streets and highways over terminal property.
Waterworks.

(a) The cost to the company of assessments on cars or protective service property for maintaining or renewing public improvements shall be included in operating expenses.

(b) Any portion of the cost of public improvements which is included in the general tax levy for a regular taxing district shall be included in the account appropriate for taxes.

(c) When an assessment for the construction of public improvements is to be paid in installments over a period of more than one year, the full amount thereof shall be charged to this account when the assessment is levied and the amount of the deferred payments shall be credited to account 765, "Funded debt unmatured." The installments of the assessments shall be charged to that account as they become due and payable. Interest on the assessments shall be included in account 546, "Interest on funded debt."

(d) Penalties imposed for failure to pay assessments within the allotted time shall be charged to account 547, "Interest on unfunded debt."

(e) Assessments on miscellaneous physical property for the cost of constructing public improvements shall be charged to account 737, "Miscellaneous physical property."

53 Rolling stock.

This account shall include the cost of refrigerator and other railroad cars owned or held under agreement for purchase, which are used or held for use in furnishing cars or protective service including all appurtenances, furniture and fixtures necessary to equip them for

service and the cost of inspection and transportation to point where placed in service.

54 Miscellaneous equipment.

This account shall include the cost of automobiles, trucks, tractors, trailers, and other highway vehicles, including the cost of car curtains and car heaters which are used or held for use in furnishing cars or protective service, and the cost of transporting them to the point where placed in such service.

55 Tracks.

This account shall include the cost of clearing and grading roadway, whether by excavations or embankments, including ditching and protection of embankments, cuts and slopes and the cost of labor engaged in and material used in laying, ballasting and surfacing of tracks used for the movement and storage of locomotives and cars, including cleaning, storage, loading, unloading and repair tracks.

56 Car shop buildings and machinery.

(a) This account shall include the cost of buildings to be used as shops and storehouses; foundations; apparatus; furniture and fixtures; sewerage and water supply systems and plants for heat and light.

DETAILS

Air brake test shops.
Blacksmith shops.
Carpenter shops.
Car repair sheds.
Engine houses.
Fire hose houses.
Foot bridges.
Garages.
Hose houses.
Lumber sheds.
Machine shops.
Material docks, bins and shelving.
Material reclaiming sheds.
Material and supply storehouses.
Mill buildings.
Office, shop.
Oil houses.
Paint shops.
Pump houses.
Scrap docks and bins.
Tin shops.
Tool houses.
Transformer houses.
Wash rooms.
Watchmen's houses.
Welding shops.
Wells.

(b) This account shall also include the cost of machinery and other apparatus in car shops, including the cost of special foundations and installation, and cost of hand tools necessary to equip shops.

DETAILS

Air brake test apparatus.
Air compressors.
Belting.
Blowers.
Boilers.
Boring machines.
Cars, push.
Conveyors.
Cranes.
Dripping tanks and apparatus.
Drilling machines and presses.
Electric meters, motors, starters, etc.
Fire pumps.
Forges.
Furnaces.
Galvanizing tanks and apparatus.

Gas engines.
Grinding and polishing machines.
Hammers, riveting, air or electric.
Hoists.
Incinerators.
Lathes.
Lifting magnets.
Locomotives.
Material elevators.
Milling machines.
Oil tanks.
Paint tanks.
Pipe threading and cutting machines.
Planers.
Portable power tools.
Pumps.
Scales, platform and track.
Saws.
Shafting.
Shapers.
Slotters.
Welding outfits.
Wheel presses.
Wood working machines.

NOTE: The cost of grading and preparing grounds both before and after the construction of shop buildings, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the buildings.

57 Work equipment.

This account shall include the cost of machines and equipment provided for the construction and maintenance of tracks, buildings and other structures.

DETAILS

Boilers, portable.
Concrete mixers.
Dirt plows.
Dirt scrapers.
Donkey engines.
Dump carts.
Electric motors.
Engines, portable.
Hoists.
Portable forges.
Shafting.
Shaft boxes and pulleys.
Sheave wheels.
Steam shovels.
Tractors.
Tower equipment.

58 Ice manufacturing plants.

(a) This account shall include the cost of ice manufacturing plant buildings and structures; foundations; apparatus; furniture and fixtures, drainage, sewerage, and water supply systems; and plants for heat and light.

DETAILS

Bicycle sheds.
Blacksmith shops.
Carpenter shops.
Coal storage and bins.
Engine houses.
Fire houses.
Garages.
Hose houses.
Ice freezing tank buildings.
Ice power plant buildings.
Machine shops.
Material bins and shelving.
Material storehouses.
Office buildings.
Oil houses.
Pump houses.
Salt storehouses.
Time clock houses.
Toilet buildings.
Tool houses.
Transformer houses.
Watchmen's houses.
Welding shops.
Wells.

(b) This account shall also include the cost of machinery and apparatus in ice manufacturing plants, including cost of special foundations and installation, and cost of hand tools necessary to equip ice manufacturing plants.

DETAILS

Accumulators.
Air compressors.
Agitators.
Ammonia compressors.
Ammonia coils.
Automatic drops.
Belting.
Boilers.
Boiler feed pumps and heaters.
Boiler stacks.
Brine tanks.
Circulating pumps.
Clutches.
Coils.
Conveyors.
Cranes.
Electric generators.
Electric controllers.
Electric meters.
Electric motors.
Electric starter boxes.
Elevator baskets.
Expansion coils and fittings.
Fire pumps.
Fire coolers.
Fuel oil tanks.
Gas engines.
Gears.
Heaters.
Ice cans.
Ice can covers, dumps and fillers.
Ice chain.
Ice chain flights and sprockets.
Mechanical coal handling equipment.
Oil burners.
Oil feed pump.
Oil tanks.
Pipe.
Pipe covering fittings and hangers.
Pipe trenches and conduits.
Pumps.
Raw water agitating system.
Shafting.
Sheave wheels.
Steam condensers.
Suction lines.
Sumps.
Take-ups.
Vertical elevators.
Winter machine conveyors.

NOTE: The cost of grading and preparing grounds before and after the construction of ice manufacturing plant buildings, and cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the buildings.

59 Natural ice plants.

(a) This account shall include the cost of natural ice plant buildings and structures; foundations; furniture, fixtures; drainage, sewerage and water supply systems; and heating and lighting systems.

DETAILS

Barns and stables.
Blacksmith shops.
Boarding houses.
Bunk houses.
Carpenter shops.
Coal storehouses and bins.
Engine houses.
Fire houses.
Foot bridges.
Garages.
Lunch houses.
Machine shops.
Material bins and shelves.
Material storehouses.
Office buildings.

Oil houses.
Power plant buildings.
Pump houses.
Salt storehouses.
Scrap docks and bins.
Toilet buildings.
Tool houses.
Wash rooms.
Watchmen's houses.

(b) This account shall also include the cost of grading and constructing natural ice ponds including intakes and outlets, spillways, canals, aqueducts, pipe lines, flumes, etc.

DETAILS

Concrete work.
Embankments.
Excavating and filling.
Flumes.
Grading.
Intake gates and valves.
Outlet gates and valves.
Pipe.
Piling.
Retaining walls.
Spillways.
Trestles.
Water rights.

(c) This account shall also include the cost of machinery, apparatus, implements and tools used in connection with the harvesting of ice and the operation of natural ice plants.

DETAILS

Chutes.
Clutches.
Electric motors.
Gas engines.
Gears.
Ice chains.
Ice conveyors.
Ice plows.
Ice saws.
Pinions.
Shafting.
Shaft collars and boxes.
Shaft pulleys.
Sheave wheels.
Snow scrapers.
Take-ups.

NOTE A: The cost of grading and preparing grounds both before and after the construction of natural ice plant buildings, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the buildings.

NOTE B: The cost of facilities used solely for supplying water to car shops, ice manufacturing plants, ice storage houses and office buildings, shall be included in the appropriate accounts relating to the property so supplied.

60 Ice storage plants.

This account shall include cost of ice storage plants; buildings; structures; foundations; machinery, equipment and apparatus used in the operation of ice storage houses, including furniture, fixtures, tools and equipment; also drainage, sewerage and water supply system and heating and lighting systems.

NOTE: The cost of grading and preparing grounds before and after the construction of ice storage houses, and the cost of constructing sidewalks, driveways and fences thereon shall be included in the cost of the houses.

61 Precooling plants.

(a) This account shall include the cost of precooling buildings and sheds; foundations; furniture and fixtures; drainage, sewerage and water supply systems; and heating and lighting systems.

(b) This account shall also include the cost of precooling equipment, implements and tools at precooling plants, including cost of installation.

DETAILS

Belting.
Blowers.
Butterfly valves.
Electric controllers.
Electric motors.
Electric starter boxes.
Fans.
Gears.
Pipe.
Pipe fittings.
Precooler ducts.
Precooler duct doors.
Shafting.
Shaft collars and boxes.
Shaft pulleys.
Take-ups.

NOTE: The cost of grading and preparing grounds before and after the construction of precooling plant buildings, and the cost of constructing sidewalks, driveways and fences thereon shall be included in the cost of the buildings.

62 Icing platforms.

(a) This account shall include the cost of icing platforms; ice loading and unloading platforms; foundations; including furniture and fixtures; drainage; sewerage and water supply systems, and heating and lighting systems.

(b) This account shall also include the cost of machinery, apparatus, tools and implements at icing platforms, including cost of installation.

DETAILS

Clutches.
Electric motors.
Gas engines.
Gears.
Ice chains.
Ice chains flights.
Ice chain sprockets.
Incline conveyors.
Pinions.
Retarding conveyors.
Shafting.
Shaft pulleys.
Shaft collars and boxes.
Sheave wheels.
Take-ups.

NOTE: The cost of grading and preparing grounds before and after the construction of platforms, and the cost of constructing sidewalks, driveways and fences thereon shall be included in the cost of the platforms.

63 Transmission systems.

This account shall include the cost of transmission systems for transmitting electric current, steam and compressed air to car shops, ice plants, icing platforms, ice houses, or other similar facilities, including the cost of transformers, main switch boards, conduits, poles, cross arms, pole fixtures and other structures.

DETAILS

Air pipe-lines.
Cables.
Compressed air storage tanks.
Conduits.
Cross arms.
Cut-outs.
Electric wire.
Insulation.
Poles.
Steam pipe-lines.
Switches.
Switch boards.
Span wires.

Towers.
Transformers.

NOTE: The cost of transmissions or distribution systems located within buildings and grounds of car shops, ice plants, icing platforms, ice houses, and other similar facilities, shall be included in the cost of the structures.

64 Testing apparatus.

This account shall include the cost of special testing and other instruments and apparatus used to test machinery, secure temperatures, and analogous purposes.

DETAILS

Ananometers.
Brine and ammonia testing sets.
Current transformers.
Electric measuring instruments.
Electric resistance thermometers, coils.
Electric thermometer.
Hydrometers.
Galvanometers.
Steam indicators.
Planometers.
Portable wattmeters.
Recording thermometers.
Voltmeters.

65 Miscellaneous structures.

This account shall include the cost of permanent structures not provided for elsewhere, including foundations, equipment, furniture, fixtures and tools; drainage, sewerage and water supply systems; and heating and lighting systems.

DETAILS

Carheater storage houses.
Charcoal storage houses.
Dwellings.
Fruit warehouses.
Heater service buildings.
General office buildings.

NOTE: The cost of grading and preparing grounds before and after the construction of miscellaneous buildings and cost of constructing sidewalks, driveways and fences thereon, shall be included in the cost of the buildings.

66 Mechanical protective service units.

This account shall include the cost of mechanical protective service units, and of appurtenances and fixtures necessary to equip them for service, including inspection, setting up and trying out after receipt from builders, and transportation charges.

67 Mechanical protective service facilities.

This account shall include the cost of special facilities used in the maintenance and operation of mechanical protective service units and services, including building and structures, complete with foundations, furniture and fixtures; water supply, drainage, and sewer systems; and heating and lighting systems.

This account shall also include the cost of machinery and appurtenances in special facilities used in the maintenance and operation of mechanical protective service units and service, including cost of special foundations and installations, and cost of hand tools necessary to equip such facilities.

70 Organization expenses.

This account shall include all fees paid to Government, State or Municipal authorities and like bodies for the privilege

of incorporation, and office and other expenditures incident to organizing the corporation and putting it in readiness to do business; cost of preparing and distributing prospectuses; soliciting subscriptions to stock; special counsel fees; cost of preparing and issuing certificates of stock; cost of procuring the necessary certificates from State authorities and other like costs.

Operating Revenue Accounts Texts

100 Operating revenue accounts.

The primary accounts included in this general account are designed to show the amount of money which the company becomes entitled to receive from the furnishing of cars or protective service against heat or cold including service incidental thereto. Adjustments of overcharges or undercharges shall be accomplished through these accounts.

Car Service

101 Car mileage.

This account shall include amounts receivable for the use of cars owned, leased, or otherwise under the control of the accounting company, while in service on railroad companies' lines based on the number of miles traveled. The records shall be so kept that the revenue from each class of cars for which different mileage rates are fixed may be determined.

102 Car rental.

This account shall include amounts of rental receivable for use of cars on the basis of fixed charge per trip, per day, per month, or basis other than miles traveled.

104 Cleaning cars.

This account shall include amounts receivable for cleaning cars for loading.

108 Other car service revenue.

This account shall include car service revenues not otherwise provided for, including compensation for special equipment of cars.

Icing Protective Service

110 Ice and salt.

This account shall include revenue from ice and salt delivered in bunkers or bodies of refrigerator cars for protection of perishable freight.

111 Supervision.

This account shall include revenue from inspecting and supervising the icing, salting, and other protective services furnished car-carriers, in connection with perishable freight transported under icing service, at unit prices specified in protective service contracts.

112 Refrigerating device damage.

This account shall include allowances at unit prices specified in protective service contracts, or under other arrangements, to cover repairs to refrigerating devices and cleaning of tanks and drains and around hatchways of refrigerator cars.

113 Top or body ice damage.

This account shall include allowances at unit prices specified in protective service contracts, or under other arrangements, to cover damage to refrigerator cars caused by top or body or package ice loaded in the bodies of the cars for the protection of perishable freight, including cleaning occasioned solely by that service.

114 Precooling.

This account shall include revenue from precooling refrigerator cars at unit prices specified in protective service contracts.

115 Other icing service revenue.

This account shall include icing service revenues not otherwise provided for.

Mechanical Protective Service

116 Mechanical protective service units.

This account shall include revenue from the use of mechanical protective service units installed in cars owned, leased, or otherwise under the control of the accounting company while in service on railroad companies' lines.

117 Inspecting, servicing, and supervision.

This account shall include revenue from inspecting and servicing mechanical protective service units while in service on railroad companies' lines for protection of perishable freight, and revenue from supervising such service.

118 Fuel.

This account shall include revenue from fuel furnished mechanical protective service units while in service on railroad companies' lines for the protection of perishable freight.

119 Other mechanical protective service revenue.

This account shall include revenues from mechanical protective service operations not otherwise provided for.

Heater Service

120 Car heaters.

This account shall include revenue from the use of car heaters owned, leased, or otherwise under the control of the accounting company, while in service on railroad companies' lines for the protection of perishable freight, at unit prices specified in protective service contracts.

121 Heater fuel.

This account shall include revenue from heater fuel furnished incident to heater service performed for the protection of perishable freight at unit prices specified in protective service contracts.

122 Servicing heaters.

This account shall include revenue from the servicing of car heaters, while in service on railroad companies' lines for the protection of perishable freight, at unit prices specified in protective service contracts.

123 Supervision.

This account shall include revenue from inspecting and supervising all protective services furnished carriers, in connection with perishable freight under protective service against cold, at unit prices specified in protective service contracts.

124 Preheating cars.

This account shall include revenue from the use of special equipment such as stoves, salamanders, oil heaters, etc., in preheating cars for carriers in connection with perishable freight under protective service against cold, at unit prices specified in protective service contracts.

128 Other heater service revenue.

This account shall include heater service revenues not otherwise provided for.

Other Services

130 Ventilation service.

This account shall include revenue from inspecting and supervising the protective services furnished carriers, in connection with perishable freight under ventilation service, at unit prices specified in protective service contracts.

132 Other ice and salt.

This account shall include the revenues from furnishing ice and salt other than that delivered in bunkers or bodies of cars in connection with protective services to perishable freight.

133 Miscellaneous.

This account shall include amounts of miscellaneous revenue from sources not otherwise provided for.

Operating Expense Accounts Texts

200 Operating expense accounts.

The primary accounts included in this general account are designed to show expenses of furnishing cars or protective service against heat or cold, and services incidental thereto, including the expenses of maintenance (repairs, depreciation and amortization) of the property used in such service.

Car Service

201 Supervision.

This account shall include the cost of supervising and directing the maintenance and operation of car service.

203 Rents; car service facilities.

This account shall include all rents except as otherwise provided of property of others used, occupied, or operated in connection with furnishing car service.

205 Car distribution.

This account shall include the pay, travel, office and other expenses of officers, clerks and attendants, general, district and local agents and other employees in charge of or engaged in the distribution of cars to loading points, including keeping car records, reporting movements of cars; also cost of telephone and telegraph services in connection therewith.

208 Cleaning and conditioning cars.

This account shall include the cost to the company, including amounts payable to others, for cleaning and conditioning cars; also maintenance and rental of tracks used for such purpose.

210 Car repairs.

This account shall include the cost of repairing cars and their appurtenances, including cost of small hand tools, amounts paid others for repairs to cars for which the company is liable and cost of transporting cars to shops and repair tracks for repairs.

NOTE: The cost of repairs to refrigerating devices in cars and repairs of damage to cars caused by top or body ice shall be charged to account 283, "Repairs-icing service facilities," or account 306, "Supplies and repairs," as appropriate.

211 Other repairs.

This account shall include cost of repairing shops, buildings and other car service facilities, including drainage, water, gas, and sewer pipes and connections; machinery and other apparatus; also cost of maintaining grounds appurtenant to such facilities.

221 Injuries to persons.

This account shall include payments on account of injuries to persons when caused directly in connection with car service and not recoverable through insurance including expenses of physicians and surgeons, nurses, hospital service, medical and surgical supplies, artificial limbs, undertaking and funeral expenses, transportation expenses of injured persons and attendants; also expenses of employees and others while engaged as adjusters and witnesses in connection with such claims.

222 Insurance.

This account shall include the cost of premiums, except reinsurance premiums, for insuring the company against loss through injuries to persons, damage to, destruction or loss of property when such loss or damage would be chargeable to car service; also premiums or fidelity bonds of employees whose pay is charged to car service.

223 Stationery and printing.

This account shall include the cost of all stationery and printing, rentals of and repairs to office appliances and office machines used in connection with furnishing car service.

229 Other expenses.

This account shall include all expenses in connection with car service operations not otherwise provided for.

230 Equalization; car repairs.

This account shall include adjustments of the differences between the actual and the estimated cost of car repairs as provided in Instruction 22. The amounts included in this account shall be concurrently debited or credited to account 773, "Equalization reserves."

236 Depreciation; rolling stock.

This account shall include the amount of depreciation charges applicable to the

accounting period relating to rolling stock.

237 Depreciation; other car service facilities.

This account shall include the amount of depreciation charges applicable to the accounting period relating to all car service property, except rolling stock.

238 Retirements; car service facilities.

This account shall include the cost of dismantling retired car service property and recovering the salvage therefrom. It shall also include the undepreciated service value of car service property at the time of its retirement, which was accounted for under the unit plan of depreciation accounting.

Icing Protective Service

251 Ice purchased.

This account shall include the cost (including transportation charges and cost of storage, if stored at company expense) of ice purchased from individuals and companies and placed in the bunkers or bodies of cars for refrigeration purposes; also transportation charges, if any, transporting ice to icing platforms.

252 Ice produced.

This account shall include the cost (including transportation charges, if any, and cost of storage, if stored at company expense) of ice manufactured or harvested at ice plants operated by the company, which is placed in the bunkers or bodies of cars for refrigeration purposes; also transporting ice to icing platforms.

NOTE: The cost per ton of producing ice shall be determined and distributed to this account through a clearing account.

253 Rents; icing facilities.

This account shall include all rents of property of others used, occupied, or operated in connection with the operation of icing facilities.

254 Icing operations.

This account shall include the pay and expenses of employees engaged in placing ice and salt in bunkers or bodies of cars for refrigeration of shipments, whether at icing platforms or sheds, or elsewhere. It shall also include telephone service, heat, light, water, power for ice handling machinery, and other supplies and incidental expenses in connection with operating icing platforms and sheds; also cost of labor and other platform expenses incurred at points where ice is purchased from others and the expense of unloading shipments of ice from cars to platform and delivery to bunkers or bodies of cars.

255 Repairs; icing facilities.

This account shall include the cost of repairing icing platforms, machinery and sheds including equipment; fixtures, and appurtenances thereto; and electric wiring, conveyors, and motors, used in connection with icing shipments; also the cost of cleaning facilities and lubricating equipment; and maintaining grounds appurtenant to the facilities.

256 Injuries to persons.

This account shall include payments on account of injuries to persons when caused directly in connection with icing operations and not recoverable through insurance, including expenses of physicians and surgeons, nurses, hospital service, medical and surgical supplies, artificial limbs, undertaking and funeral expenses, transportation expenses of injured persons and attendants; also expenses of employees and others while engaged as adjusters and witnesses in connection with such claims.

257 Insurance.

This account shall include the cost of premiums, except reinsurance premiums, for insuring the company against loss through injuries to persons, damage to, destruction of or loss of property when such loss or damage would be chargeable to icing operations; also premiums on fidelity bonds of employees whose pay is chargeable to icing operations.

258 Other expenses.

This account shall include all expenses in connection with the icing of shipments, not otherwise provided for.

265 Depreciation; icing facilities.

This account shall include the amount of depreciation charges applicable to the accounting period relating to all icing facilities.

270 Retirements; icing facilities.

This account shall include the cost of dismantling retired icing facilities and recovering the salvage therefrom. It shall also include the undepreciated service value of icing facilities at the time of their retirement.

275 Salt.

This account shall include the cost of salt supplied to cars in connection with icing shipments, including the cost of placing salt in the bunkers of the cars.

NOTE: When salt is placed in refrigerator cars incidental to regular icing operations, the costs in connection therewith, when not readily separable, may be included in account 254, "Icing operations."

Other Icing Service

281 Supervision.

This account shall include the cost of supervising and directing the maintenance and operation of icing service.

282 Rents; icing service facilities.

This account shall include all rents except as otherwise provided of property of others used, occupied, or operated in connection with furnishing icing service.

283 Repairs; icing service facilities.

This account shall include the cost of repairing buildings, machinery, fixtures, and other apparatus used in connection with furnishing icing service; also cost of cleaning facilities and lubrication equipment; and maintaining grounds appurtenant to the facilities. It shall also include the cost repairs to ice bunkers in cars and repairs of damage to cars caused by top or body ice.

284 Precooling service.

This account shall include the cost of precooling refrigerator cars for loading with shipments at precooling plants or elsewhere.

285 Injuries to persons.

This account shall include payments on account of injuries to persons when caused directly in connection with icing service operations and not recoverable through insurance, including expenses of physicians and surgeons, nurses, hospital service, medical and surgical supplies, artificial limbs, undertaking and funeral expenses, transportation expenses of injured persons and attendants; also expenses of employees and others while engaged as adjusters and witnesses in connection with such claims.

286 Insurance.

This account shall include the cost of premiums, except re-insurance premiums, for insuring the company against loss through injuries to persons, damage to or destruction or loss of property when such loss or damage would be chargeable to icing service operations; also premiums on fidelity bonds of employees whose pay is charged to such service.

287 Stationery and printing.

This account shall include the cost of all stationery and printing, rentals of and repairs to office appliances and machines used in connection with furnishing icing service.

290 Other expenses.

This account shall include all expenses in connection with icing service operations not otherwise provided for.

295 Depreciation; icing service facilities.

This account shall include the amount of depreciation charges applicable to the accounting period relating to icing service property.

296 Retirements; icing service facilities.

This account shall include the cost of dismantling retired refrigeration service property and recovering the salvage therefrom. It shall also include the undepreciated service value of icing service property at the time of its retirement.

Mechanical Protective Service**301 Supervision.**

This account shall include the cost of supervising and directing the maintenance and operation of mechanical protective service.

302 Rents.

This account shall include all rents of property of others used, occupied, or operated in connection with furnishing mechanical protective service.

303 Fuel.

This account shall include the cost of fuel (including transportation charges and cost of storage, if stored at company expense) delivered to mechanical protective service units, including the labor cost (when separable) of delivering such fuel to the units.

NOTE: When fuel is used in mechanical protective service units during inspections and repairs, the labor costs in connection therewith, when not readily separable, may be included in account 305, "Inspecting and servicing," or account 306, "Supplies and repairs," as appropriate.

305 Inspecting and servicing.

This account shall include the pay of employees engaged in inspecting and servicing mechanical protective service units, both preparatory to loading cars and while under load, to place and keep the units in proper operating condition for protection of the lading, including setting thermostats, refueling, and (when not separable) furnishing supplies.

NOTE: The costs of inspecting and servicing mechanical protective service units in the process of repairing or otherwise maintaining the units are chargeable to account 306, "Supplies and repairs."

306 Supplies and repairs.

This account shall include the cost of supplies, other than fuel, used in mechanical protective service units, including freon, anti-freeze, lubricating oil, and supplies for standby service, and shall include the cost of maintaining and repairing such units. For this purpose the cost of repairs shall include the cost of inspecting and servicing incidental thereto, and the maintenance of buildings and other structures (including grounds appurtenant thereto), machinery, fixtures, and other facilities used in furnishing mechanical protective services.

This account shall also be charged with amounts paid to others for expenses as detailed above which were incurred for units for which the company is liable, and credited with amounts billed against others for similar expenses as to units not owned or controlled by the company.

NOTE: The cost of dry ice (solidified carbon dioxide) used as a refrigerant, when a mechanical unit fails to provide the necessary protection, shall be charged to account 315, "Other expenses," to which account shall also be credited amounts collected from others for similar emergency protection.

307 Injuries to persons.

This account shall include payments on account of injuries to persons when caused directly in connection with mechanical protective service maintenance and operations and not recoverable through insurance, including expenses of physicians and surgeons, nurses, hospital service, medical and surgical supplies, artificial limbs, undertaking and funeral expenses, and transportation expenses of injured persons and their attendants; also expenses of employees and others while engaged as adjusters and witnesses in connection with claims for such injuries.

308 Insurance.

This account shall include the cost of premiums, except reinsurance premiums, for insuring the company against loss through injuries to persons, damage to or destruction or loss of property when such injuries, damage, or loss would be chargeable to mechanical protective service maintenance and operations;

also premiums on fidelity bonds of employees whose pay is charged to such service.

309 Stationery and printing.

This account shall include the cost of all stationery and printing, and rentals of and repairs to office appliances and machines, used in connection with mechanical protective service maintenance and operations.

315 Other expenses.

This account shall include all expenses in connection with mechanical protective service maintenance and operations not otherwise provided for.

320 Depreciation; mechanical service facilities.

This account shall include the amount of depreciation charges applicable to the accounting period relating to mechanical protective service property. (See provisions of Instruction 33.)

321 Retirements; mechanical service facilities.

This account shall include the cost of dismantling retired mechanical protective service units and facilities, and recovering the salvage therefrom. It shall also include the undepreciated service value of mechanical protective service units and facilities at the time of their retirement.

Heater Service**351 Supervision.**

This account shall include the cost of supervising and directing the maintenance and operation of heater service.

353 Rents; heater service facilities.

This account shall include all rents except as otherwise provided of property of others used, occupied or operated in connection with furnishing heater service.

357 Heater fuel.

This account shall include the cost, including freight, express and handling charges of charcoal, charketts, coal, coke, briquets, oil, solidified alcohol or other fuel, but excluding fuel for special equipment for preheating cars, to be used in heating cars moving or to move under protective service against cold; also the cost of unloading and placing such fuel in buildings or other regular storage facilities.

This account shall be credited with the value of heater fuel reclaimed in the servicing of car heaters.

NOTE: The cost of fuel used in special equipment for preheating cars shall be charged to account 361, "Preheating service."

358 Inspecting and servicing of heaters.

This account shall include the pay, travel and other expenses of employees, other than those included in accounts 351, "Supervision," and 360, "Repairs—heater service facilities," engaged in servicing cars containing shipments moving under any form of heater service, the installation, lighting, fueling, adjusting, extinguishing, and cleaning of heaters in cars and removing heaters from cars either during the progress of

or after the completion of the movement, when placed therein for protection of the lading of the cars against cold. It shall also include the cost of opening, closing or otherwise manipulating car ventilators, plugging drains, stacking and wiring ice grates, applying heater warning and other cards to cars; also the cost of lanterns, flashlights, ladders, ropes and other tools, supplies and expenses used in or incident to performing such services.

360 Repairs; heater service facilities.

(a) This account shall include the cost of repairing car heaters; also the cost of handling and transporting heaters between storage houses and distributing or other points where normally held for service or repairs.

(b) This account shall also include the cost of cleaning, protecting, and repairing heater facilities, such as buildings and other structures for the handling, storing, and repairing of car heaters and the storing of heater fuel, tools, and other supplies, including fixtures, machinery, and other appurtenances of the building; also the cost of maintaining grounds appurtenant to such buildings.

361 Preheating service.

This account shall include all expenses incident to the preheating of cars prior to installation of car heaters in cars, to be moved under any form of heater service, with special equipment such as salamanders, stoves, or oil heaters. Such expenses include the cost of all fuel and supplies used in this equipment and the cost of installing, fueling, firing, checking, extinguishing, and removing the equipment from cars; also the cost of handling, repairing, storing and moving the equipment when not in use, and the traveling and other expenses of employees engaged in preheating cars.

371 Injuries to persons.

This account shall include payments on account of injuries to persons when caused directly in connection with heater service and not recoverable through insurance, including expenses of physicians and surgeons, nurses, hospital service, medical and surgical supplies, artificial limbs, undertaking and funeral expenses, transportation expenses of injured persons and attendants; also expenses of employees and others while engaged as adjusters and witnesses in connection with such claims.

372 Insurance.

This account shall include the cost of premiums, except reinsurance premiums for insuring the company against loss through injuries to persons, damage to or destruction or loss of property when such loss or damage would be chargeable to heater service; also premiums on fidelity bonds of employees whose pay is chargeable to heater service.

373 Stationery and printing.

This account shall include the cost of all stationery and printing, rentals of and repairs to office appliances and office machines used in connection with furnishing heater service.

379 Other expenses.

This account shall include all expenses in connection with heater service operations not provided for elsewhere.

386 Depreciation; heater service facilities.

This account shall include the amount of depreciation charges applicable to the accounting period relating to heater service property.

388 Retirements; heater service facilities.

This account shall include the cost of dismantling retired heater service property and recovering the salvage therefrom. It shall also include the undepreciated service value of heater service property at the time of its retirement.

Miscellaneous

401 Ventilation service.

This account shall include all expenses incurred in connection with furnishing ventilation service.

405 Curtain service.

This account shall include all expenses incurred in connection with furnishing curtains placed in cars for the purpose of separating shipments moving under more than one class of protective service.

408 Papering cars.

This account shall include all expenses incurred in papering cars to be used for shipments transported under protective service.

410 Loss and damage claims.

This account shall include payments for loss, damage, delay or destruction of perishable freight moving under protective service when not recoverable through insurance; also the pay, travel, office, and other expenses of employees and others engaged in supervising, investigating, adjusting, and settling loss and damage claims, including notarial fees in connection with claims, expenses of employees, and others serving as witnesses in law suits, and all other expenses directly incident to the handling of loss and damage claims.

414 Diversions and reconsignments.

This account shall include the pay, and travel and other expenses of employees engaged in handling and maintaining records of diversions and reconsignments of shipments moving under protective service, including furnishing passing information, and all other expenses incident to diversion or reconsignment of such shipments.

415 Other expenses.

This account shall include any expenses of an incidental nature incurred in connection with furnishing protective service not otherwise provided for.

General

450 Salaries and expenses of general officers and clerks.

This account shall include:

(a) *Salaries of officers.* The pay of general officers and assistants authorized to act for such officers, including

salaries and fees of receivers and trustees and commissions paid to general officers in lieu of salaries.

(b) *Salaries of clerks and attendants.* The pay of clerks and attendants in the offices of the general officers whose pay is chargeable to this account.

(c) *Expenses.* Traveling and other expenses of employees whose pay is chargeable to this account.

NOTE: The pay and expenses of purchasing agents, storekeepers and their clerks and attendants shall be included in clearing accounts for material store expenses and stationery store expenses.

451 General office supplies and expenses.

This account shall include the office expenses of general officers, and of their clerks and attendants.

452 Rents.

This account shall include all rents, except rent of office machines, payable for the property of others used, occupied, or operated in connection with the general administrative functions of the company.

454 Law expenses.

(a) This account shall include the pay of officers directly in charge of the law department, and of solicitors and attorneys, their clerks and attendants, and fees and retainers for services of attorneys not regular employees of the company.

(b) Traveling expenses of officers specified above and of their clerks; cost of law books, printing briefs, legal forms, testimony, reports, and similar items of expense and supplies.

(c) The cost of suits and payments of special fees, notarial and witness fees not provided for under accounts for "Loss and Damage," and "Injuries to Persons," and fees paid arbitrators for settlement of disputed questions, and all law and court costs not provided for elsewhere.

459 Pensions and relief.

This account shall include pensions or gratuities paid out of the company's funds to retired employees or the heirs of former employees and the expenses incurred solely in connection therewith.

It shall also include premiums on policies under which employees are insured and they or their heirs are the beneficiaries; and expenses incurred and amounts contributed towards funds or otherwise for the relief of employees.

NOTE: If under a contractual pension plan which definitely establishes the payment of pensions to employees regularly retired for superannuation or disability, the company elects to set aside in an irrevocable trust fund each month, amounts determined through the application of equitable factors, which together with interest accruals thereon, will as nearly as may be, meet its liabilities for the payment of pensions or for the purchase of annuities, it shall concurrently charge this account and credit account 771, "Pension and welfare reserves," with amounts equal to those paid into the trust fund.

460 Insurance.

This account shall include the cost of premiums, except reinsurance premiums, for insuring the company against loss or damage, when such loss or damage would be chargeable to general expenses; also premiums on fidelity bonds of employees whose pay is chargeable to general expenses.

461 Stationery and printing.

This account shall include the cost of stationery, stationery supplies, printing, tabulatory cards, books and blank forms used in connection with general administrative functions of the company including contracts, leases, and all stationery and printing of the law department except cost of law books and cost of printing briefs, legal forms, testimony, and reports of that department. It shall also include the rent and repair cost of labor-saving office machines used in connection with the general administrative functions of the company.

462 Repairs; general.

This account shall include the cost of repairs to general office buildings and other property used in connection with the general administrative functions of the company.

465 Depreciation; general.

This account shall include the amount of depreciation charges applicable to the accounting period relating to general administrative facilities.

466 Retirements; general.

This account shall include the cost of demolishing retired general administrative property and recovering the salvage therefrom. It shall also include the undepreciated service value of such property at the time of its retirement.

469 Other expenses.

This account shall include all expenses in connection with the general administrative functions of the company not provided for elsewhere.

LIST OF EXPENSES

Annual audits or investigations.
Annual reports.
Association membership.
Bank charges for services.
Contributions for charitable, social or community welfare purposes.
Corporate and fiscal notices of general character.
Donations to fire departments.
Donations to YMCA and similar institutions.
Electing directors.
Exchange, domestic, on checks cashed or deposited.
Exchange on domestic drafts.
Fees and expenses paid directors.
Loss by burglary of funds, defalcations or fire when not recoverable from insurance.
Loss from acceptance of counterfeit money.
Notice of dividends declared.
Premiums, less cash surrender value of insurance, on lives of officers when company is the beneficiary.
Stockholders' meetings.

Income Accounts Texts**CREDITS****501 Car line operating revenues.**

This account shall include the total revenues derived from operations as shown in the primary revenue accounts provided in this part.

502 Revenues from miscellaneous operations.

This account shall include the total revenues derived from the operation of miscellaneous operating physical property, such as that the cost of which is includible in balance-sheet account 737, "Miscellaneous physical property."

NOTE: The income from miscellaneous nonoperating physical property shall be included in account 511, "Income from nonoperating property."

510 Miscellaneous rent income.

This account shall include such rents of property owned and controlled by the accounting company as are not provided for in the foregoing accounts.

To this account shall be charged the cost of maintenance of the property rented, also specific incidental expenses in connection with such property, such as the cost of negotiating contracts, advertising for tenants, fees paid conveyancers, collectors' commissions, and analogous items.

NOTE A: If property the rent of which is chargeable to account 543, "Miscellaneous rents," is sublet by the accounting company, the rent receivable therefor shall be credited to this account.

NOTE B: Taxes on property the rent of which is creditable to this account shall be charged to account 532, "Car line tax accruals."

NOTE C: The rent from property carried in balance-sheet account 737, "Miscellaneous physical property," shall not be included in this account, but in account 511, "Income from nonoperating property."

NOTE D: Rent and other income from real estate acquired for additions and betterments shall be credited to the appropriate property and equipment accounts until the completion or coming into service of the property.

511 Income from nonoperating property.

This account shall include the net credit balance of the nonoperating revenues or income from, and the expenses (including depreciation, but excluding taxes) of, physical property the cost of which is carried in balance-sheet account 737, "Miscellaneous physical property."

NOTE: The revenues from the operation of miscellaneous operating physical property shall be included in income account 502, "Revenues from miscellaneous operations," and the expenses of operation shall be included in account 534, "Expenses of miscellaneous operations."

513 Dividend income.

This account shall include dividends declared on stocks of other companies, the income from which is the property of the accounting company, whether such

stocks are owned by the accounting company and held in its treasury or deposited in trust, or are controlled through lease or otherwise.

Dividends declared shall not be credited prior to actual collection unless their payment is reasonably assured by past experience, guaranty, anticipated provision, or otherwise. (See Note C to account 708, "Interest and dividends receivable.")

Accruals of guaranteed dividends may be included in this account if their payment is reasonably assured.

NOTE A: This account shall not include credits for dividends on stocks issued or assumed by the accounting company and owned by it, whether pledged as collateral or held in its treasury, in special deposits, or in sinking or other reserve funds.

NOTE B: Dividends on stocks of other companies held in sinking or other reserve funds shall be credited to account 516, "Income from sinking and other reserve funds."

514 Interest income.

This account shall include the interest on securities and debenture stock of other companies, the income from which is the property of the accounting company, whether such securities are owned by the accounting company and held in its treasury or deposited in trust, or are controlled through lease or otherwise. It shall include also, interest on notes and other evidences of indebtedness and interest on bank balances, open accounts, and other analogous items, including discount on short-term notes. Interest accrued shall not be credited prior to actual collection unless its payment is reasonably assured by past experience, guaranty, anticipated provision, or otherwise. (See Note C to account 708, "Interest and dividends receivable.")

At the option of the accounting company there may be included each year in this account the portion applicable to the fiscal period, of the amount requisite to extinguish, during the interval between the date of acquisition and the date of maturity, the discount or premium on securities of other companies owned (other than short-term notes). Amounts thus credited or charged shall be concurrently charged or credited to the account in which the cost of the securities is carried. The discount on short-term notes shall be distributed through equal monthly credits, over the terms of the notes.

NOTE A: This account shall not include interest on securities issued or assumed by the accounting company and owned by it, whether pledged as collateral or held in its treasury, in special deposits, or in sinking or other reserve funds.

NOTE B: Interest on securities, other than those of the accounting company, and on other assets held in sinking or other reserve funds shall be included in account 516, "Income from sinking and other reserve funds."

NOTE C: Discount on bills for material purchased shall be credited to the accounts to which is charged the cost of the material with respect to which the discount is allowed.

516 Income from sinking and other reserve funds.

This account shall include the income accrued on cash, securities, and other assets (not including securities issued or assumed by the accounting company) held in sinking and other reserve funds. (See Note C to account 708, "Interest and dividends receivable.")

At the option of the accounting company there may be included each year in this account the portion, applicable to the fiscal period, of the amount requisite to extinguish, during the interval between the date of acquisition and the date of maturity, the discount or premium on funded securities held in sinking or other reserve funds. Amounts thus credited or charged shall be concurrently charged or credited to the account in which the cost of the securities is carried.

NOTE: Credits to fund reserve accounts representing income on reserve funds shall be concurrently charged to account 620, "Appropriations for sinking and other reserve funds."

517 Release of premiums on funded debt.

This account shall include, during each fiscal period, such proportion of the premiums on outstanding funded debt as may be applicable to the period. This proportion shall be determined in accordance with Instruction 38.

519 Miscellaneous income.

This account shall include all items not provided for elsewhere properly creditable to income accounts during the current year. Among the items which shall be included in this account are:

Cancellation of balance-sheet accounts representing unclaimed wages and vouchered accounts written off because of the company's inability to locate the creditor.

Profit from sale of securities acquired for temporary cash investments.

Profits from sale of investment securities.

Profit from sale of land and from sale of other property. (See note.)

Profit from company bonds reacquired. (See note.)

NOTE: When the profit from sale of investment securities (exclusive of temporary cash investments), from sale of land and other property, and from company bonds reacquired, is so material in amount that its inclusion in this account would distort income and impair the significance of net income for the year, such profit shall be credited to the appropriate retained income account. (See Instruction 3.)

DEBITS**531 Car line operating expenses.**

This account shall include the total expenses caused by operations, as shown in the primary expense accounts provided in these regulations.

532 Car line tax accruals.

This account shall include accruals for taxes of all kinds relating to car line property, operations, and privileges, whether based upon the valuation of the property, amount of stocks and bonds or other evidences of debt issued or out-

standing; gross or net earnings, dividends declared, rolling stock operated or owned, or other basis.

The taxes on leased property shall be included in this account by the accounting company obligated to assume such expenses under the terms of the lease.

Accruals for Federal income taxes shall be included in this account, except that the tax consequences of the items recorded directly in retained income accounts shall be included in account 617, "Federal income taxes assigned to retained income." Federal income taxes paid in prior years which are refundable as the result of carry-back of operating loss shall be credited to this account in the year in which the loss occurs. The reduction in taxes due to operating losses carried forward shall be credited to this account in the year in which such losses are applied to reduce taxes, except as otherwise provided in account 606, "Other credits to retained income."

NOTE A: Taxes on leased property paid by one party to the lease and chargeable to the other party to the lease shall be charged directly to the party bearing the expense and not included in the income account of the party first making payment.

NOTE B: Taxes on other than car line property, operations, and privileges shall be charged to account 544, "Miscellaneous tax accruals," when the amount is separable from the taxes chargeable to this account.

NOTE C: Special assessments for street and other improvements, and special benefit taxes, such as water taxes and the like, shall be included in operating expense accounts or investment accounts, as may be appropriate.

NOTE D: Taxes accruing on property acquired for addition or betterment purposes before the facilities become available for service shall be charged to property and equipment accounts.

533 Rent payable for cars.

This account shall include amounts payable for use of cars, rented or leased from others, while in car line operations of the company.

534 Expenses of miscellaneous operations.

This account shall include the total expenses caused by the operation of miscellaneous physical property the cost of which is includible in balance-sheet account 737, "Miscellaneous physical property."

NOTE: The expenses of miscellaneous nonoperating physical property shall be included in account 511, "Income from nonoperating property."

535 Taxes on miscellaneous operating property.

This account shall include accruals of taxes paid or payable upon miscellaneous operating property, such as that the cost of which is includible in account 737, "Miscellaneous physical property."

NOTE: Taxes upon miscellaneous nonoperating physical property shall be included in account 544, "Miscellaneous tax accruals."

543 Miscellaneous rents.

This account shall include rents payable accrued on property held by the accounting company under lease or other agreement and not properly

chargeable to any of the foregoing accounts.

NOTE A: This account shall not include rents provided for in the operating expense accounts.

NOTE B: If property, the rent of which is chargeable to this account, is sublet to others the rent from the sublease shall be credited to the appropriate rent income account, depending on the classification of the property as car line or non-car line, in the same manner as rent from property owned by the company.

NOTE C: Payments for the exclusive use of miscellaneous property maintained by the lessor and used by the accounting company shall be divided into two portions: One, representing the cost of maintenance, shall be charged to the appropriate operating accounts, and the other, representing rent (amount applicable to the investment in the property), shall be charged to this account. The bill rendered by the creditor shall show the distribution of the payments as between maintenance and rent, and such distribution shall be adhered to by the debtor.

544 Miscellaneous tax accruals.

This account shall include all accruals for taxes not provided for elsewhere, such as taxes on securities owned, taxes on income from securities owned, and taxes on miscellaneous nonoperating physical property the cost of which is includible in balance-sheet account No. 737, "Miscellaneous physical property."

NOTE A: When the proper separation of any particular tax is not ascertainable the entire amount shall be included in account 532, "Car line tax accruals."

NOTE B: Taxes upon miscellaneous operating property shall be charged to account 535, "Taxes on miscellaneous operating property."

546 Interest on funded debt.

This account shall include the current accruals of interest on all classes of long-term debt, the principal of which is includible in account 765, "Funded debt unmatured"; 766, "Equipment obligations"; 767, "Receivers' and trustees' securities"; 768, "Debt in default"; and 769, "Amounts payable to affiliated companies," also interest accruals on debenture stock. This account is to be kept in such form that the interest on debenture stock, on receivers' and trustees' securities, and on other classes of funded debt shall be shown separately.

NOTE A: This account shall not include charges for interest on funded debt obligations issued or assumed by the accounting company and owned by it, whether pledged as collateral or held in its treasury, in special deposits, or in sinking or other reserve funds.

NOTE B: When funded debt is incurred for addition and betterment purposes, the accruals of interest on such funded debt (less interest received on unexpended balances), to the date of completion or coming into service of the property so acquired shall be included in the property and equipment accounts.

NOTE C: This account shall be maintained so as to show separately: (a) Fixed interest which will be paid, or for which provision for payment will be made, when the interest matures; (b) Interest in default; and (c) contingent interest accrued.

547 Interest on unfunded debt.

This account shall include interest accrued on unfunded debt, such as short-

RULES AND REGULATIONS

term notes payable on demand or having dates of maturity one year or less from dates of issue, and open accounts including discount and expense on demand and short-term loans, interest on receipts outstanding for installments paid on capital stock, interest on deferred payments for public improvements, and other analogous items. The discount on short-term notes, if of a considerable amount, shall be distributed through equal monthly charges, over the term of the notes.

NOTE: When short-term notes or other evidences of unfunded indebtedness are issued for addition and betterment purposes the accrual of interest to the date of completion or coming into service of the property shall be included in the property and equipment accounts.

548 Amortization of discount on funded debt.

This account shall be charged during each fiscal period with the proportion of the discount and expense on funded debt obligations applicable to that period. This proportion shall be determined according to a rule the uniform application of which through the interval between the date of sale and the date of maturity will extinguish the discount and expense on funded debt. The charge to this account for any period must not be either greater or less than the proportion of the balance remaining unamortized applicable to that period so long as any portion of the discount and expense remains unextinguished, except that if the total discount and expense applicable to any particular issue of securities does not exceed \$25,000, the entire amount may be charged to this account at time of issue.

551 Miscellaneous income charges.

This account shall include items not provided for elsewhere properly chargeable to income accounts during the current year. Among the items which shall be included in this account are:

Interest on tax deficiencies, and on court awards.

Income tax upon the interest on the accounting company's funded debt when these taxes are assumed by the company.

Payments of old accounts previously written off.

Penalties and fines for violation of the Interstate Commerce Act or other Federal and State laws when not specifically provided for elsewhere.

Loss on sale of securities acquired as temporary cash investments.

Loss on sale of investment securities, and on sale of land and other property, and also charges to write down the ledger value of investment securities because of impairment in their value. (See note.)

Loss from company bonds reacquired.

NOTE: When the loss on sale of investment securities (exclusive of temporary cash investments), from sale of land and other property, from write down in ledger value of investment securities, and from company bonds reacquired, is so material in amount that its inclusion in this account would distort income and impair the significance of net income for the year, such loss shall be debited to the appropriate retained income account. (See instruction 3.)

560 Form of income statement.

The classified form of income statement is designed to show the financial

changes resulting from furnishing cars or protective service and other business of the accounting company during any specified period.

I. CAR LINE OPERATING INCOME

501	Car line operating revenues.....	\$	_____
531	Car line operating expenses.....		_____
532	Car line tax accruals.....		_____
533	Rent payable for cars.....		_____

Car line operating income (or loss).....

II. OTHER INCOME

502	Revenues from miscellaneous operations.....		_____
510	Miscellaneous rent income.....		_____
511	Income from nonoperating property.....		_____
513	Dividend income.....		_____
514	Interest income.....		_____
516	Income from sinking and other reserve funds.....		_____
517	Release of premiums on funded debt.....		_____
519	Miscellaneous income.....		_____

Total other income.....

Total income (or loss).....

III. MISCELLANEOUS DEDUCTIONS FROM INCOME

534	Expenses of miscellaneous operations.....		_____
535	Taxes on miscellaneous operating property.....		_____
543	Miscellaneous rents.....		_____
544	Miscellaneous tax accruals.....		_____
551	Miscellaneous income charges.....		_____

Total miscellaneous deductions.....

Income available for fixed charges (or loss).....

IV. FIXED CHARGES AND OTHER DEDUCTIONS

546	Interest on funded debt:		
	(a) Fixed interest not in default.....		_____
	(b) Interest in default.....		_____
	(c) Contingent interest.....		_____
547	Interest on unfunded debt.....		_____
548	Amortization of discount on funded debt.....		_____

Total fixed charges and other deductions.....

Net income (or loss).....

Retained Income Accounts Texts

CREDITS

601 Credit balance (at beginning of calendar year).

This account shall include the net credit balance in the retained income account at the beginning of the calendar year.

602 Credit balance transferred from income.

This account shall show the net credit balance brought forward from the income account for the calendar year.

603 Profit from sale of property.

This account shall include profit derived from the sale of land and other property when such profit is material in relation to net income for the year. (See Instruction 3 and account 519, "Miscellaneous income.")

604 Profit from sale of investment securities.

This account shall include profit derived from the sale of investment securities, other than temporary cash investments, when such profit is material in

relation to net income for the year. (See Instruction 3 and account 519, "Miscellaneous income.")

NOTE: Profit from sale of securities carried as temporary cash investments shall be credited to account 519, "Miscellaneous income."

605 Profit from company bonds reacquired.

This account shall include the amount of profit resulting from adjustments required to bring to par, bonds and other debt securities issued or assumed by the company and reacquired at a cost less than the par value, after giving effect to unreleased premiums and unextinguished discount on such securities, when the amount is material in relation to net income for the year. (See Instruction 38.)

NOTE: When the aggregate amount resulting from adjustments for securities reacquired is not material in relation to net income for the year, that amount shall be credited to account 519, "Miscellaneous income." In determining whether the amount of profit is material, all adjustments in this account together with the adjustments in account 615, "Loss on company bonds reacquired," shall be considered.

606 Other credits to retained income.

This account shall include profits and credit adjustments, not provided for elsewhere, which are so material in amount that inclusion in income accounts would distort such accounts and impair the significance of net income for the year. Among amounts which shall be included in this account are adjustments of items relating to prior years, other than ordinary adjustments of a recurring nature, such as unusual credit adjustments and refunds of Federal income taxes of prior years, unusual adjustments of reserves of prior years determined to be excessive, and other items representing transactions of prior years which are not identifiable with or do not result from business operations of the current year. (See Instruction 3, and account 519, "Miscellaneous income.")

This account may also include profits and credit adjustments, not provided for elsewhere, resulting from unusual transactions and events which occurred during the current year, but only after such inclusion has been authorized by the Commission.

NOTE: Ordinary adjustments of a recurring nature shall be included in the same account or accounts which would have been credited if the item had been taken up or adjusted in the year to which it pertained.

DEBITS**611 Debit balance (at beginning of calendar year).**

This account shall include the net debit balance in the retained income account at the beginning of the calendar year.

612 Debit balance transferred from income.

This account shall show the net debit balance brought forward from the income account for the calendar year.

613 Loss on sale or retirement of property.

This account shall include the loss on sale or retirement of land and property when such loss is material in relation to net income for the year. (See Instruction 3 and account 551, "Miscellaneous income charges.")

614 Loss on sale of investment securities.

This account shall include loss incurred on the sale of investment securities, other than temporary cash investments, when such loss is material in relation to net income for the year. (See Instruction 3, and account 551, "Miscellaneous income charges.")

NOTE: Loss on sale of securities carried as temporary cash investments shall be charged to account 551, "Miscellaneous income charges."

615 Loss on company bonds reacquired.

This account shall include the amount of loss resulting from adjustments required to bring to par, bonds and other debt securities issued or assumed by the company and reacquired at a cost exceeding the par value, after giving effect to unreleased premiums and unextinguished discount on such securities, when

the amount is material in relation to net income for the year. (See Instruction 38.)

NOTE: When the aggregate amount resulting from adjustments for securities reacquired is immaterial in relation to net income for the year this amount shall be charged to account 551, "Miscellaneous income charges." In determining whether the amount of loss is material, all adjustments in this account together with the adjustments in account 605, "Profit from company bonds reacquired," shall be considered.

616 Other debits to retained income.

This account shall include losses and debit adjustments not provided for elsewhere, which are so material in amount that inclusion in income accounts would distort such accounts and impair the significance of net income for the year. Among amounts which shall be included in this account are adjustment of items relating to prior years, other than ordinary adjustments of a recurring nature, such as unusual debit adjustments and assessments of Federal income taxes of prior years, unusual adjustments of reserves of prior years determined to be deficient, and similar items representing transactions of prior years which are not identifiable with or do not result from business operations of the current year. (See Instruction 3, and account 551, "Miscellaneous income charges.")

This account shall also include charges which reduce or write off discount on capital stock issued by the company, but only to the extent that such charges exceed credit balances in capital surplus for shares reacquired.

This account may also include losses and debit adjustments not provided for elsewhere resulting from unusual transactions and events which occurred during the current year, such as losses resulting from abnormal floods, storms, and similar calamities or catastrophes, but only after such inclusion has been authorized by the Commission.

NOTE: Ordinary adjustments of a recurring nature shall be included in the same account which would have been charged if the item had been taken up or adjusted in the year to which it pertained.

617 Federal income taxes assigned to retained income.

This account shall include the estimated Federal income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which, for accounting purposes, are classified as unusual and extraordinary, and are recorded in retained income accounts.

620 Appropriations for sinking and other reserve funds.

This account shall be charged and account 797, "Retained income—Appropriated," shall be credited with amounts appropriated pursuant to provisions of reorganization plans, mortgages, deeds of trust, or other contracts requiring payments into sinking funds, capital funds, and other funds.

621 Appropriations for other purposes.

This account shall be charged and account 797, "Retained income—Appropriated," shall be credited with the amount

of appropriations for corporate purposes not provided for elsewhere. The appropriations shall be released when their respective purposes have been served.

622 Appropriations released.

This account is provided to return to unappropriated retained income the amount of appropriations no longer required as segregations of retained income. The account shall be subdivided to show the nature of the appropriations being released and the circumstances of the release shall be fully described.

623 Dividends.

This account shall be charged with the amount of dividends declared on actually outstanding capital stock issued or assumed by the company, other than debenture stock. If the dividend is not payable in cash, the securities or other property to be distributed shall be described with sufficient particularity to identify the distribution. The account shall be subdivided to show separately the dividends declared on the various subclasses of capital stock.

NOTE A: Interest on debenture stock shall be charged to account 546, "Interest on funded debt."

NOTE B: This account shall not include charges for dividends on capital stock issued or assumed by the company and owned by it, whether pledged as collateral or held in its treasury, in special deposits, or in sinking or other reserve funds.

General Balance Sheet Accounts**DEBITS****701 Cash.**

This account shall include money, checks, sight drafts, and sight bills of exchange in the hands of the accounting company's financial officers and agents. It shall include, also, deposits with banks and trust companies available for use on demand, and savings accounts subject to the usual clause reserving the right to defer payment for a specified number of days.

NOTE: The amount of checks and drafts, which have been transmitted to payees and which remain unpaid at the close of the accounting period, shall be credited to this account. When the amount of such checks and drafts cannot be determined with absolute accuracy an estimate of the amount shall be used.

702 Temporary cash investments.

This account shall include the cost of securities and other collectible obligations acquired for the purpose of temporarily investing cash, such as United States Treasury certificates, marketable securities, time drafts receivable, demand loans, time loans, time deposits with banks and trust companies, and other similar investments of a temporary character.

703 Special deposits.

This account shall include funds specifically deposited for the payment of dividends, interest, and other current liabilities; also other deposits subject to current withdrawal for specific purposes only.

NOTE: Deposits available for general company purposes shall be included in account 701, "Cash."

704 Loans and notes receivable.

This account shall include the book value of all collectible obligations in the form of demand or time loans and notes receivable, or other similar evidences (except interest coupons) of money receivable within a time not exceeding one year from date of issue.

NOTE A: Obligations held as investments which mature more than one year after date of issue shall be included in accounts 721, "Investments in affiliated companies"; or 722, "Other investments," as may be appropriate.

NOTE B: Loans and notes receivable acquired for the purpose of temporarily investing cash shall be included in account 702, "Temporary cash investments."

705 Mileage accounts receivable.

This account shall include amounts receivable (other than amounts covered by bills collectible) for mileage, per diem, or rental earned from the use of cars owned, leased, or otherwise under the control of the company, while in service on railroad companies' lines.

707 Miscellaneous accounts receivable.

This account shall include amounts due in audited accounts considered good, such as miscellaneous bills against other companies, corporations, firms, and individuals; and other similar items.

NOTE: The amount to be entered in this account is not the net balance between this account and account 754, "Miscellaneous accounts payable."

708 Interest and dividends receivable.

This account shall include the amount of interest accrued to the date of the balance sheet on bonds owned and on loans made, the amount of dividends declared on stocks owned, and dividends accrued on such stocks when contracts require that the dividends be paid at stated times.

NOTE A: No amount representing interest or dividends receivable shall be included in this account unless its payment is reasonably assured by past experience, anticipated provision, or otherwise.

NOTE B: No dividends or other returns on securities issued or assumed by the accounting company shall be included in this account.

NOTE C: If settlement of amounts included in this account is not made when due either in cash or with other tangible assets of equal money value, such amounts shall be cleared from this account and charged to the income account originally credited. If notes are taken in settlement of amounts included in this account, the amounts thereof shall be charged to account 704, "Loans and notes receivable," or account 741, "Other assets," as may be appropriate, but such amounts shall not be credited to income (or if previously credited to income shall be cleared therefrom as provided in the first sentence of this note), unless inclusion therein is justified by the current asset position of the obligor. If such notes are of doubtful value, the amount at which they are charged to account 741, "Other assets," shall be credited to account 784, "Other deferred credits," and income shall not be credited until payment is received, and then only with the amount collected. If long-term notes are

taken in settlement of current assets, the credit to income shall be canceled and account 741, "Other assets," shall be charged with their true values, and a like sum shall be credited to account 784, "Other deferred credits."

709 Accrued accounts receivable.

This account shall include estimates of all unaudited current items receivable by the company to the date of the balance sheet, including those which are creditable to revenue, expense, or income accounts in accordance with the instruction relating to unaudited items.

Examples of items to be included:

Rents receivable which are not includible in account 707, "Miscellaneous accounts receivable." See Note C to account 708, "Interest and dividends receivable."

Amounts receivable from others for unreported car mileage.

Amounts receivable from others for use of facilities, including equipment, for which bills have not been rendered.

Amounts receivable from others for services for which bills have not been rendered.

710 Working fund advances.

This account shall include amounts advanced to officers, agents, and other employees, as working funds from which certain expenditures are to be made and accounted for.

711 Prepayments.

This account shall include the balances in the accounts representing prepaid rents chargeable to the appropriate rent accounts as the term is consumed for which the rents are paid; also interest and insurance premiums paid in advance of their accrual, which are to be apportioned and charged, as they accrue, to the appropriate accounts.

NOTE: Expenditures by the company for improvements to office buildings and other facilities rented for more than one year, title to which will pass to the lessor at the end of the rental period, shall be charged to account 743, "Other deferred charges," and amortized over the rental period as additional rent.

712 Material and supplies.

This account shall include the balances representing the cost, less depreciation, if any, of all unapplied material, such as shop material, articles in process of manufacture by the accounting company, fuel, stationery, and other supplies. In determining the cost of material and supplies suitable allowance shall be made for any discounts allowed in the purchase thereof.

NOTE: An inventory of material and supplies shall be taken during each calendar year and the necessary adjustments to bring this account into harmony with the actual inventory balances shall be made in the accounts of the year in which the inventories are taken. In effecting this adjustment determined differences in accounting for important classes of material shall be equitably assigned among the accounts to which the classes of material are ordinarily chargeable. Other differences shall be equitably apportioned among the primary accounts to which material has been charged since the last inventory.

713 Other current assets.

(a) This account shall include items of current assets not covered by accounts 701 to 712, inclusive.

(b) It shall include asset items not includible in any of the foregoing asset accounts that have been advanced beyond the stage of deferred assets.

715 Sinking funds.

This account shall include the amount of cash, the ledger value of live securities of other companies, and other assets which are held by trustees of sinking and other funds for the purpose of redeeming outstanding obligations, including such assets so held in the hands of the accounting company's treasurer when the assets are segregated in a distinct fund; also amounts deposited with such trustees on account of mortgaged property sold, the proceeds of which are to be held for the redemption of securities, and the par value or with respect to no par stock, the amounts recorded in account 791, "Capital stock issued," relating thereto, of live securities issued or assumed by the accounting company and held in such funds. A separate account shall be kept for each fund. The title of each such account shall designate the obligation in support of which the fund is created.

NOTE: In stating the balance sheet in the annual reports to the Commission the total amount of the funds and the par value or with respect to no par stock, the amounts recorded in account 791, "Capital stock issued," relating thereto, of securities issued or assumed by the accounting company and held in the funds shall be shown in the short columns, and the net amount of the funds (total amount less securities issued or assumed) shall be shown in the long column.

716 Capital and other reserve funds.

(a) This account shall include cash and the ledger value of other assets held by trustees or by the accounting company's treasurer when segregated in distinct funds that have been (1) realized from the sale of equipment obligations or other long-term obligations and not yet applied toward the specific purposes for which the obligations were incurred, and (2) set aside in accordance with governmental, mortgage, or contractual requirements in connection with reorganizations or otherwise. This account shall also include funds deposited with trustees to be held until mortgaged property sold is replaced.

(b) An appropriate record shall be maintained for securities issued or assumed by the accounting company and held in the funds, identifying those that are nominally issued or nominally outstanding.

NOTE A: Funds specifically set aside for sinking fund purposes shall be included in account 715, "Sinking funds." If one purpose of a capital fund is to provide contributions to a sinking fund under specified conditions, the entire amount of the fund shall be included in this account until the contributions to the sinking fund are made, at which time the amounts thereof shall be transferred to account 715.

NOTE B: The ledger value of assets of the character indicated in paragraph (a) (2) of this section, shall be transferred to the ap-

appropriate current asset account when the assets are definitely assigned in advance of expenditure to the payment of interest or other current liabilities payable within one year.

NOTE C: Bank deposits subject to current withdrawal for specific purposes only, shall be included in account 703, "Special deposits." Deposits available for general company purposes shall be included in account 701, "Cash."

717 Insurance and other funds.

This account shall include the amount of cash and the ledger value of securities of other companies and other assets which are in the hands of trustees or managers of insurance, employees' pension, savings, relief, hospital, and other funds which have been raised and specifically set aside or invested for specific purposes not provided for elsewhere; also the par value or with respect to no par stock, the amounts recorded in account 791, "Capital stock issued," relating thereto, of securities issued or assumed by the accounting company and held in such funds. A separate account shall be kept for each fund.

NOTE A: Sinking funds and capital and other reserve funds are provided for in accounts 715 and 716, respectively.

NOTE B: In stating the balance sheet in the annual reports to the Commission the total amount of the funds and the par value or with respect to no par stock, the amounts recorded in account 791, "Capital stock issued," relating thereto, of securities issued or assumed by the accounting company and held in the funds shall be shown in the short columns, and the net amount of funds (total amount less securities issued or assumed) shall be shown in the long column.

NOTE C: This account shall not include funds held by the accounting company solely as trustee and in which it has no beneficial interest.

NOTE D: Bank deposits subject to current withdrawal for specific purposes only, shall be included in account 703, "Special deposits." Deposits available for general company purposes shall be included in account 701, "Cash."

721 Investments in affiliated companies.

This account shall include the ledger value of the accounting company's investment in securities issued or assumed by affiliated companies other than securities held in special deposits or special funds, and also investment advances made to affiliated companies.

This account shall be maintained in such manner as to show each of the following classes of investment in each affiliated company:

- (a) Stocks.
- (b) Bonds.
- (c) Other secured obligations.
- (d) Unsecured notes.
- (e) Investment advances.

A complete record of securities pledged shall be maintained so that the ledger value of securities pledged and unpledged may be shown separately in the annual report to the Commission.

NOTE A: Accounts with affiliated companies which are subject to current settlement, if their collection is reasonably assured, shall be classed as current assets, but if settlement is deferred beyond one year such items shall be transferred to account 741, "Other assets."

NOTE B: The term "affiliated companies" include:

1. Controlled companies, including companies solely controlled by the accounting company, and also companies jointly controlled by the accounting company and others under a joint arrangement.

2. Controlling companies, including both companies solely controlling the accounting company, and companies which jointly control the accounting company under a joint arrangement.

3. Companies controlled by controlled companies.

4. Companies controlled by controlling companies.

By "control" is meant the ability to determine the action of a corporation. For the purposes of this account, the following are to be considered forms of control:

(a) Right through title to securities issued or assumed to exercise the major part of the voting power in the controlled corporation.

(b) Right through agreement of some character or through some source other than title to securities, to name the majority of the board of directors, managers, or trustees of the controlled corporation.

(c) Right to foreclose a first lien upon all or a major part in value of the tangible property of the controlled corporation.

(d) Right to secure control in consequence of advances made for construction of the operating property of the controlled corporation.

(e) Right to control only in a specific respect the action of the controlled corporation.

A leasehold interest in the property of a corporation is not to be classed as a form of control over the lessor corporation.

"Sole control" is that which rests in one corporation.

"Joint control" is that which rests in two or more corporations and which is held under a joint arrangement.

NOTE C: The value of securities "borrowed" by the accounting company and pledged shall not be included in this account.

NOTE D: The value of securities pledged for purposes other than that of security for funded debt or short-term loans shall be included in accounts 715, "Sinking funds," 716, "Capital and other reserve funds," or 717, "Insurance and other funds," as may be appropriate.

722 Other investments.

This account shall include the ledger value of the accounting company's investment in securities issued or assumed by nonaffiliated companies other than securities held in special deposits or special funds; also investment advances made to nonaffiliated companies and to individuals.

This account shall be maintained in such manner as to show each of the following classes of investment in each non-affiliated company:

- (a) Stocks.
- (b) Bonds.
- (c) Other secured obligations.
- (d) Unsecured notes.
- (e) Investment advances.

A complete record of securities pledged shall be maintained so that the ledger value of securities pledged and unpledged may be shown separately in the annual report to the Commission.

NOTE A: Accounts with nonaffiliated companies which are subject to current settlement, if their collection is reasonably assured, shall be classed as current assets, but if settlement is deferred beyond one year such items shall be transferred to account 741, "Other assets."

NOTE B: The term "nonaffiliated companies" includes all companies other than those de-

fined as "affiliated" in Note B of account 721, "Investment in affiliated companies."

NOTE C: The value of securities borrowed by the accounting company and pledged shall not be included in this account.

NOTE D: The value of securities pledged for purposes other than that of security for funded debt or short-term loans shall be included in accounts 715, "Sinking funds," 716, "Capital and other reserve funds," or 717, "Insurance and other funds," as may be appropriate.

723 Reserve for adjustment of investment in securities—Cr.

This account shall include the total of the balances in such reserves as are maintained by the accounting company for the purpose of providing for reductions in the value of securities owned and recorded in accounts 721, "Investments in affiliated companies," or 722, "Other investments." Corresponding charges shall be made to account 551, "Miscellaneous income charges," or account 616, "Other debits to retained income," as appropriate.

If reserves are maintained in provision for anticipated losses in specific securities, when the related assets are written down or written off, or are sold or otherwise disposed of at a loss, the reduction in the book value or the losses sustained shall be charged to this account to the extent of the credit balance in the account applicable to the particular securities involved, and the remainder, if any, shall be charged to account 551, "Miscellaneous income charges," or account 616, "Other debits to retained income," as appropriate. In case a general reserve for losses in unspecified security values is maintained, all such losses resulting from write-downs, write-offs, etc., shall be charged to this account to the extent of the total credit balance in the account, and the remainder, if any, shall be charged to account 551, "Miscellaneous income charges," or account 616, "Other debits to retained income," as appropriate.

731 Cars or protective service property.

This account, except in connection with the acquisition of property as provided for in account 733, "Acquisition adjustment," shall include the accounting company's investment in property (including that held under contract for purchase), used or held for use in connection with furnishing cars or protective service against heat or cold to or on behalf of any carrier by railroad or express company in existence at the date of the balance sheet.

When property is retired from service this account shall be credited with the ledger value of the property retired.

NOTE A: This amount shall not include any items representing titles to securities.

NOTE B: When any equipment is acquired under an agreement which provides that the cost shall be paid in installments, the cost (its money value at time of purchase) shall be charged to the appropriate property and equipment accounts at the time the equipment is delivered to the company and included in this account in the same manner as the cost of equipment purchased outright. When the par value of notes or other securities issued in payment, or in part payment, for such equipment is more (or less) than the actual cash value of the equipment at

the time of the purchase, or of the proportion to which the securities are applicable, the difference between the par value of the securities and the actual cash value of the equipment, or of the proportion paid for by the securities, shall be charged (or credited) to the proper discount and premium accounts.

NOTE C: Held for use, as referred to above, implies the ability of the company to substantiate by plans or policy its characterization of the probable future use which is to be made of the property within a reasonable period of time.

733 Acquisition adjustment.

This account shall be charged with the cost of the property of another company acquired as an operating entity or system by purchase, merger, consolidation, reorganization, receivership sale or transfer, or otherwise. If the consideration or a part thereof given for the property acquired consists of securities issued by the accounting company, the cash value thereof for the purpose of determining the cost to be charged to this account shall be the sum of the par value of securities having par values and the stated or assigned values of no par securities. Where the consideration given for the property acquired is other than cash or securities issued by the accounting company, such consideration shall be valued on a current cash basis.

The accounting for assets acquired and liabilities assumed shall then be as follows:

(a) Assets acquired, except property includible in accounts 731, "Cars or protective service property," or 737, "Miscellaneous physical property," and liabilities assumed shall be recorded in their appropriate accounts in the manner provided for in classification of general balance sheet accounts.

(b) The cost to the predecessor company (estimated if not known) shall be included in accounts 731, "Cars or protective service property," and 737, "Miscellaneous physical property," as may be appropriate.

(c) Balances in accounts 736, "Amortization of defense projects—Cars or protective service property," 735, "Accrued depreciation—Cars or protective service property," and 738 "Accrued depreciation—Miscellaneous physical property," carried on the books of the predecessor company or companies at date of acquisition shall be recorded in those accounts on the books of the accounting company.

(d) This account shall concurrently be debited or credited, as appropriate, to offset asset and liability items recorded in accordance with paragraphs (a) to (c) of this section.

(e) To the extent that a credit balance is available in this account, if so authorized upon application to the Commission, retirement of nondepreciable property in existence at the date of acquisition which is not replaced may be charged hereto if the loss is not assignable to operations subsequent to date of acquisition. Other charges to this account may be made on specific approval by the Commission.

735 Accrued depreciation—Cars or protective service property.

(a) This account shall be credited with amounts concurrently charged to

operating expenses or other accounts to cover the loss in service value of cars and depreciable protective service property.

(b) The service value of each unit of property retired and also of each minor item (less than a unit) retired and not replaced for which depreciation reserve has been established shall be charged to this account where the group plan of accounting for depreciation is used, and with the amount included in this account with respect to the property retired where the unit plan is used.

(c) For balance sheet purposes, this account shall be treated as a single composite reserve for property. However, for purposes of analysis, the accounting company shall maintain subsidiary records in which this reserve is broken down into components corresponding to the primary accounts for depreciable property. These subsidiary records shall show the current debits and credits to this reserve by primary accounts.

736 Amortization of defense projects—Cars or protective service property.

This account shall include the amounts of accumulated past provisions for amortization of cars or protective service property, the cost of which is included in account 731, "Cars or protective service property." This account shall be charged with the credit balance herein applicable to specific property at the time the property is retired.

737 Miscellaneous physical property.

This account shall include the accounting company's investment in physical property other than property assignable to account 731, "Cars or protective service property."

738 Accrued depreciation—Miscellaneous physical property.

This account shall be credited with amounts charged to income or other accounts to cover the depreciation of property the cost of which is included in account 737, "Miscellaneous physical property."

When any miscellaneous physical property is destroyed, sold, or otherwise retired from service, the amount included in this account with respect to the property retired shall be charged hereto.

741 Other assets.

This account shall include the estimated value of salvage recoverable from property retired when the recovery of the salvage is deferred for any reason; items of a current character but of doubtful value; other deferred assets; and assets not otherwise provided for in general balance sheet accounts.

742 Unamortized discount on long-term debt.

This account shall include the total of the net debit balances in the discount, expense, and premium accounts for the several subclasses of funded debt.

743 Other deferred charges.

This account shall include the amount of debit balances in suspense accounts that cannot be cleared and disposed of until additional information is received; debit balances in clearing accounts, such

as "Ice plant operations," "Production cost of ice;" unextinguished discount on short-term notes; unadjusted debit items not otherwise provided for and similar items the proper disposition of which is uncertain.

CREDIT

751 Loans and notes payable.

This account shall include the balances representing obligations outstanding in the form of loans and notes payable or other similar evidences (except interest coupons) of indebtedness payable on demand or within a time not exceeding one year from date of issue.

This account shall be kept in such form so as to show separately the amounts of notes payable within one year from date of issue that are secured by collateral.

NOTE: This account shall not include obligations which mature more than one year after date of issue, or demand or short-term notes issued to affiliated companies and includible in account 769 "Amounts payable to affiliated companies."

753 Audited accounts and wages payable.

This account shall include the amount of audited vouchers or accounts and audited payrolls unpaid on the date of the balance sheet. It shall include balances representing unclaimed wages and outstanding pay and time or discharge checks issued in payment of wages and all other unpaid vouchered items.

NOTE: The amount of checks and drafts, which have been transmitted to payees and which remain unpaid at the close of the accounting period, shall be credited to account 701, "Cash."

754 Miscellaneous accounts payable.

This account shall include outstanding drafts drawn on the company by officers, agents and other employees, taxes collected from employees and others for the account of taxing agencies, and other items of the nature of demand liabilities not covered by accounts 751, 753, 755 and 756.

NOTE A: The amount to be reported under this account is not the net balance between this account and account 707, "Miscellaneous accounts receivable."

NOTE B: The amount of checks and drafts, which have been transmitted to payees and which remain unpaid at the close of accounting period, shall be credited to account 701, "Cash." When the amount of such checks and drafts cannot be determined with absolute accuracy an estimate of the amount shall be used.

755 Interest matured unpaid.

This account shall include the amount of matured and unpaid interest on funded debt, and other obligations of the accounting company for which provision has been made for current settlement.

Interest which matures on the first day following that for which the balance sheet is made shall be included in this account.

NOTE: Interest matured unpaid on non-negotiable debt to affiliated companies, if not subject to current settlement, shall be included in account 769, "Amounts payable to affiliated companies."

756 Dividends matured unpaid.

This account shall include the amount of dividends payable on capital stock but unpaid, uncalled for, or unclaimed at the date of the balance sheet.

Dividends which become payable on the first day following that for which the balance sheet is made shall be included in this account.

757 Unmatured interest accrued.

This account shall include the amount of interest subject to current settlement accrued to the date the balance sheet is made, but not payable until after the first day following that date, on funded securities or obligations, debt in default, receivers' and trustees' securities, amounts payable to affiliated companies, notes payable and other indebtedness issued or assumed by the accounting company.

NOTE A: Interest accrued which is not paid when it matures shall be included in account 781, "Interest in default," unless provision has been made for current settlement. Where interest is in default, subsequent accruals shall be credited direct to account 781, "Interest in default."

NOTE B: Interest accrued on amounts recorded in account 769, "Amounts payable to affiliated companies," and not subject to current settlement, shall be included in that account.

758 Unmatured dividends declared.

This account shall include dividends declared on capital stock, but not payable until after the first day following the date of the balance sheet.

759 Accrued accounts payable.

This account shall include estimates of all unaudited items payable by the company to the date of the balance sheet, including those which are chargeable to revenue, expense, or income accounts in accordance with the instruction relating to unaudited items.

Examples of items to be included:

Rents payable under leases due subsequent to the date of the balance sheet which are not includible in account 754, "Miscellaneous accounts payable."

Amounts payable to others for use of facilities, including equipment, for which bills have not been rendered.

Amounts payable to others for services for which bills have not been rendered.

Estimated amounts payable within one year covering liability for claims for injuries to persons, loss and damage, and similar items.

760 Federal income taxes accrued.

This account shall be credited with the estimated liability for Federal income taxes which has been concurrently charged to the appropriate income or other accounts.

761 Other taxes accrued.

This account shall be credited with the accruals of all taxes, other than Federal income taxes, which have been concurrently charged to the appropriate income or other accounts for taxes. Such accruals may be based upon estimates, provided such estimates shall be adjusted so as to reflect in this account at all times the car line's estimate of its unpaid

liability for each of the several classes of taxes which have not been finally settled.

Vouchers for the current payment of taxes, including taxes for which accruals have not been made previously, shall be charged to this account. Taxes paid in advance shall also be charged to this account.

The records supporting the entries in this account shall be kept to show separately by classes of taxes the amount of the tax accruals for the current year and adjustments of accruals for prior years.

763 Other current liabilities.

There shall be included in this account the principal amount of unrepresented bonds drawn for redemption through the operation of sinking and redemption fund agreements, also the principal amount of unrepresented funded debt obligations, and receivers' and trustees' securities which have matured (for which provision has been made for current settlement), and other current liabilities not covered by accounts 751 to 761, inclusive.

764 Equipment obligations and other debt due within one year.

This account shall include the total amount of bonds, equipment obligations and other long-term debt obligations, including obligations maturing serially or payable in installments, which are due and payable within one year, and amounts required to be expended within one year under sinking fund provisions. This account shall be subdivided according to the different classes of debt so maturing.

765 Funded debt unmatured.

This account shall include the total par value of unmatured debt (other than equipment obligations), maturing more than one year from the close of the accounting period, whether the securities were issued by the accounting company or the payment was assumed by the accounting company after being issued as the debt of other companies. (See account 764, "Equipment obligations and other debt due within one year.")

The amounts included in this account shall be divided so as to show the par value of (1) certificates or other evidences of funded debt (pledged and unpledged) held in the company's treasury, by its agents or trustees, or otherwise subject to its control, including both those reacquired after actual issue and those nominally but never actually issued; and (2) certificates or other evidences of funded debt issued and actually outstanding, being those not held by the company, its agents or trustees, or subject to its control.

The amounts included herein shall be further divided so as to show the amount of each class of funded debt, as follows:

(a) *Mortgage bonds.* Bonds secured by lien on physical property and not includible in the other subdivisions of this account.

(b) *Collateral trust bonds.* Bonds and notes secured by a lien on securities or other negotiable paper; and stock

trust certificates that are similar in character to collateral trust bonds.

(c) *Income bonds.* Bonds which are a lien on a car line's revenue alone, or bonds which, while being a lien on its property, can claim payment of interest only in case interest is earned.

(d) *Miscellaneous obligations.* All funded obligations not provided for by the other subdivisions of this account, also notes, unsecured certificates of indebtedness, debenture bonds, plain bonds, real estate mortgages executed or assumed and other similar obligations maturing more than one year from date of issue, but excluding liabilities for assessments for public improvements and those evidenced by conditional or deferred equipment purchase contracts for which provision is made in account 782, "Other liabilities," and account 766, "Equipment obligations," respectively.

(e) *Receipts outstanding for funded debt.* Receipts for payments on account of funded debt. When certificates are issued for amounts so paid, the par value shall be included in the account covering the class of funded debt for which the certificates are issued.

Each of the above classes shall also be divided into subclasses according to differences in mortgage or other lien or security therefor, rate of interest, interest dates, or date of maturity. Parts of any issue agreeing in other characteristics but maturing serially may be treated as of the same subclass.

NOTE A: Securities (other than equipment obligations) maturing one year or less from date of issue shall be included in accounts 769, "Amounts payable to affiliated companies," or 751, "Loans and notes payable," except that where an issue of securities maturing serially over a period of years contains short-term obligations such obligations may be included as funded debt. Matured funded debt shall be included in account 761, "Other current liabilities," if provision has been made for current settlement. If no provision has been made for current settlement, matured funded debt shall be included in account 768, "Debt in default," except that when the collection of matured funded debt of affiliated companies is not enforced by controlling companies, the principal amount (to the extent held by a controlling company) shall be included in account 769, "Amounts payable to affiliated companies."

NOTE B: Nonnegotiable notes having a maturity of more than one year after date of issue, held by affiliated companies, shall be included in account 769, "Amounts payable to affiliated companies."

NOTE C: Securities nominally issued or reacquired and held in the company's treasury, except securities held by trustees in sinking or other funds, shall be included in a subdivision of this account. In the general balance-sheet statement the total unmatured funded debt included in the account shall be shown in the first short column. The amount nominally but not actually issued and the amount nominally outstanding shall be shown in the second short column, and in the long column shall be shown the amount actually outstanding.

766 Equipment obligations.

This account shall include the par value of equipment securities and the principal amount of contractual obligations for the purchase of equipment, excluding principal of obligations maturing serially or payable in installments

within one year from the close of the accounting period. (See account 764, "Equipment obligations and other debt due within one year.")

The amounts included herein shall be divided as follows:

(a) Principal amount of equipment securities including those maturing serially, issued or assumed by the accounting company or by receivers and trustees.

(b) Principal sums of obligations for equipment purchased under conditional or deferred payment contracts.

767 Receivers' and trustees' securities.

When receivers or trustees acting under the orders of a court are in possession of the property of the company, and under the order of such court issue or assume evidences of indebtedness (other than equipment securities or obligations) the par value of such evidences shall be credited to this account.

NOTE: The par value of equipment securities or the principal amount of obligations incurred for the purchase of equipment under conditional or deferred payment contracts shall be included in account 766, "Equipment obligations."

768 Debt in default.

This account shall include amounts transferred from other accounts representing matured funded securities or obligations, receivers' and trustees' securities, equipment obligations and short-term notes, when maturity dates of such obligations have not been extended.

NOTE A: The principal amount of matured funded debt of affiliated companies, the collection of which is not enforced by the controlling company shall (to the extent of the principal amount held by the controlling company) be included in account 769, "Amounts payable to affiliated companies."

NOTE B: The principal amount of unrepresented funded debt obligations which have matured, and for which provision has been made for payment shall be included in account 763, "Other current liabilities."

769 Amounts payable to affiliated companies.

This account shall include the par value of nonnegotiable notes issued to affiliated companies, matured funded debt of affiliated companies held by controlling companies where there is no agreement of an extension as to time of payment and collection of the principal is not enforced, credit balances in open accounts with such companies other than credit balances in current accounts classable as current liabilities, and interest accrued on notes, matured funded debt of affiliated companies and open accounts included in this account, when such interest is not subject to current settlements.

This account shall be divided:

(a) Notes, including herein not only nonnegotiable notes that run longer than a term of one year, but also such notes payable on demand or within one year from the date of issue when it is mutually agreed that the notes shall not be enforced as current assets by the holder.

(b) Par value of matured funded debt of affiliated companies held by controlling companies where there is no agreement for an extension of time and collection is not enforced.

(c) Open accounts not subject to current settlement.

(d) Interest accrued on amounts included in this account when not subject to current settlements.

NOTE A: Accounts with affiliated companies which are subject to current settlements, such as charges for material and supplies currently furnished, charges for repairs to equipment, etc., shall be classed as current assets or current liabilities, as may be appropriate.

NOTE B: No item shall be included in this account which is not known to be the property of an affiliated company.

NOTE C: The term "affiliated companies" includes:

1. Controlled companies, including companies solely controlled by the accounting company, and also companies jointly controlled by the accounting company and others under a joint arrangement.

2. Controlling companies, including both companies solely controlling the accounting company, and companies which jointly control the accounting company under a joint arrangement.

3. Companies controlled by controlled companies.

4. Companies controlled by controlling companies.

By "control" is meant the ability to determine the action of a corporation. For the purposes of this account, the following are to be considered forms of control:

(a) Right through title to securities issued or assumed to exercise the major part of the voting power in the controlled corporation.

(b) Right through agreement of some character or through some source other than title to securities, to name the majority of the board of directors, managers, or trustees of the controlled corporation.

(c) Right to foreclose a first lien upon all or a major part in value of the tangible property of the controlled corporation.

(d) Right to secure control in consequence of advances made for construction of the operating property of the controlled corporation.

(e) Right to control only in a specific respect the action of the controlled corporation.

A leasehold interest in the property of a corporation is not to be classed as a form of control over the lessor corporation.

"Sole control" is that which rests in one corporation.

"Joint control" is that which rests in two or more corporations and which is held under a joint arrangement.

771 Pension and welfare reserves.

This account shall include the credit balances representing the liability of the company for amounts provided by charges to operating expenses, including amounts contributed by employees, irrespective of whether carried in special funds or in the general funds of the car line, for pensions, accident and death benefits, savings, relief, hospital, or other provident purposes.

Separate subaccounts shall be kept for each kind of reserve created, and the appropriate reserve shall be charged when payments are made to retired employees, or disbursements are made for the pur-

poses for which the reserves were created.

772 Insurance reserves.

This account shall include the net credit balance in the accounts to which are credited insurance premiums currently charged to operating expenses to cover self-carried risks on fire, fidelity, boiler, casualty, burglar, and other insurance, and to which are charged losses sustained on items protected by such insurance.

773 Equalization reserves.

This account shall include ledger balances representing reserves created by charges to operating expenses for maintenance of equipment under a program designed to equalize such expenses by months within a calendar year. The debit or credit balances in this account shall be closed at the end of each calendar year to the accounts through which they were created.

774 Casualty and other reserves.

This account shall include reserves created by charges to operating expenses to provide for estimated liability for injuries to persons and loss and damage claims, and reserves not otherwise provided for in balance sheet accounts.

In order that the probable liability for casualties may be shown currently, there shall be included in the appropriate casualty accounts estimates of such liabilities with concurrent credits to this account. Credits for this purpose shall not be made in excess of a reasonable provision against such losses. When the liability is admitted, either voluntarily or because of the decision of a court or other lawful authority such as workmen's compensation board, the admitted liability shall be charged to the reserve and credited to the appropriate liability account, with appropriate adjustments of the reserve.

NOTE: Estimates of amounts payable within one year covering liability for claims for injuries to persons, loss and damage, and similar items, shall be transferred from this account to account 759, "Accrued accounts payable."

781 Interest in default.

This account shall include the amount of matured and unpaid interest (for which no provision has been made for current settlement) on all indebtedness issued or assumed by the accounting company except interest which is added to the principal of the debt on which incurred. Where interest is in default, subsequent accruals shall be credited direct to this account.

782 Other liabilities.

This account shall include assessments for public improvements payable over a period longer than one year; retained percentages due contractors to be paid upon completion of contracts; other deferred liabilities; and liabilities not otherwise provided for in general balance sheet accounts.

NOTE: The amount of assessments for public improvements, if payments are to be

made within one year, shall be included in account 763, "Other current liabilities."

733 Unamortized premium on long-term debt.

This account shall include the total of the net credit balances in the discount, expense, and premium accounts for the several subclasses of funded debt.

734 Other deferred credits.

This account shall include the amount of credit balances in suspense accounts that cannot be entirely cleared and disposed of until additional information is received, such as credit balances in clearing accounts, "Ice plant operations," "Production cost of ice," unadjusted credit items not otherwise provided for; and similar items, the proper disposition of which is uncertain.

791 Capital stock issued.

This account shall include the total par value of par value stock, and the total amount paid in for stock without par value, for all shares of capital stock or other form of proprietary interest in the accounting company which have been issued to bona fide purchasers and have not been reacquired and canceled, also shares of stock nominally issued, and reacquired shares which have not been canceled.

Appropriations of retained income which have been transferred to no par stock account shall also be included. The amount of the consideration received from the sale of par value stock in excess of the amount credited to this account shall be credited to account 794, "Premiums and assessments on capital stock."

When capital stock is retired or canceled, this account shall be charged with the amount at which such stock is carried in this account. In the case of no par stock the amount to be charged hereto shall be the proportion, applicable to the reacquired shares immediately prior to reacquisition of the total book liability included herein of actually outstanding shares of the particular class and series of stock of which the reacquired shares are a part.

The amounts included in this account shall be recorded so as to show:

(a) Par value of shares of par value stock and amount paid in for shares of no par stock (pledged or unpledged) held in the company's treasury, by its agents or trustees, or otherwise subject to its control, including shares nominally but never actually issued and

(b) Par value of shares of par value stock and amount paid in for shares of no par stock issued and actually outstanding, being the shares not held by the company, its agents or trustees, or subject to its control.

The amounts included herein shall be further divided so as to show the amount of each class of stock issued, separated as between par value and no par value stock, as follows:

(1) *Common stock.* Stocks which have no preference over other issues of stock in distribution of dividends or of assets.

(2) *Preferred stock.* Stocks having preference over other issues of stock in distribution of dividends or of assets.

(3) *Debtenture stock.* Stocks issued under a contract to pay a specified return at specified intervals.

(4) *Receipts outstanding for installments paid.* Receipts for payments on account of subscriptions to capital stock.

When the subscriber has paid his subscription in full and is entitled to receive certificates representing the shares for which he has subscribed, the par value of stocks having par value or the agreed purchase price of stock without par value shall be included in the division appropriate for the class for which the certificates are issued.

Each of the above classes shall also be divided into subclasses according to differences in dividend or interest rights, voting rights, or conditions under which the securities may be retired.

NOTE A: When a general levy or assessment is made against the holders of capital stock, requiring the payment of any sum in addition to the consideration agreed upon at the time of sale, the amount collected upon such levy or assessment shall be credited to account 794, "Premiums and assessments on capital stock."

NOTE B: When capital stock having par value is exchanged for capital stock without par value any sums resting in account 794, "Premiums and assessments on capital stock," with respect thereto shall be cleared to account 791, "Capital stock issued," and any amounts resting in the discount account with respect thereto shall be cleared to account 795, "Paid-in surplus"; *Provided, however,* That any excess over the amount of accumulated net gains applicable to the subclass exchanged included in paid-in surplus shall be charged to account 616, "Other debits to retained income."

NOTE C: An appropriate record shall be maintained with respect to shares of capital stock showing the number of shares nominally issued, nominally outstanding, actually issued and actually outstanding.

NOTE D: For the purpose of the balance-sheet statement capital stock is considered to be nominally issued when certificates are signed and sealed and placed with the proper officer for sale and delivery, or pledged, or otherwise placed in some special fund of the accounting company. It is considered to be actually issued when it has been sold to a bona fide purchaser for a valuable consideration, and such purchaser holds it free from all control by the accounting company. All capital stock actually issued and not reacquired and held by or for the accounting company is considered to be actually outstanding. If reacquired by or for the accounting company under such circumstances as required it to be considered as held alive and not canceled or retired, it is considered to be nominally outstanding.

NOTE E: Share of stock nominally issued or reacquired and held in the company's treasury, except shares held by trustees in sinking or other funds, shall be included in a subdivision of this account. In the balance-sheet statement the balance in the sub-account shall be stated in the short column only.

792 Stock liability for conversion.

This account shall include the company's liability under agreements to exchange its capital stock for the outstanding securities of companies whose physical property has been acquired under such agreements, but whose securities have not yet been surrendered for exchange.

793 Discount on capital stock.

This account shall include discount suffered in the issuance and sale of capital stock. Record supporting the entries to this account shall be kept to show the discount suffered, if any, on each subclass of capital stock.

794 Premiums and assessments on capital stock.

This account shall include the excess of the actual cash value (at the time of the sale of the stock) of the consideration received over the amounts recorded in account 791, "Capital stock issued," for par value stock plus accrued dividends, if any, also subsequent assessments against stockholders representing payments required in excess of par or other amounts recorded in account 791, "Capital stock issued," in accordance with the text of that account.

When capital stock is retired and canceled, the amount in this account with respect to the shares of such stock retired and canceled shall be charged hereto.

795 Paid-in surplus.

This account shall include such items as amount of consent dividends on the accounting company's capital stock; surplus arising from donations by the accounting company's stockholders; amounts representing reduction of the par or recorded value of the accounting company's capital stock; amounts of forfeited subscriptions to the accounting company's capital stock; gains from the acquisition, retirement, or resale of reacquired shares of the accounting company's capital stock; and long-term debt of the accounting company forgiven by stockholders.

It shall be charged with amounts included herein when capitalized by stock dividends or otherwise, and losses from retirement or resale of reacquired shares up to an amount not in excess of credits included herein applicable to the reacquired shares; and may be charged with the amortization of discount on capital stock to the extent of credits herein.

796 Other capital surplus.

This account shall include all capital surplus not provided for in account 795, "Paid-in surplus."

797 Retained income—Appropriated.

This account shall include the accumulated amount of retained income which has been appropriated and set aside pursuant to provisions of mortgages, deeds of trust, reorganization plans, or other agreements requiring payments into capital funds, sinking funds, or other funds; and also appropriations for other specific purposes. The account is to be subdivided by classes of appropriations showing the purpose for which each is made.

798 Retained income—Unappropriated.

This account shall include the net balance (debit or credit) of the amounts included in accounts 601 to 623, inclusive.

Any balance representing retained income not segregated at the date of the

balance sheet shall be included in a sub-799 Form of general balance sheet statement.

The balance of accounts 601 to 623, inclusive, shall be closed into this account at the end of each calendar year.

ASSETS		LIABILITIES AND SHAREHOLDERS' EQUITY	
CURRENT ASSETS		CURRENT LIABILITIES	
701 Cash		751 Loans and notes payable	
702 Temporary cash investments		753 Audited accounts and wages payable	
703 Special deposits		754 Miscellaneous accounts payable	
704 Loans and notes receivable		755 Interest matured unpaid	
705 Mileage accounts receivable		756 Dividends matured unpaid	
707 Miscellaneous accounts receivable		757 Unmatured interest accrued	
708 Interest and dividends receivable		758 Unmatured dividends declared	
709 Accrued accounts receivable		759 Accrued accounts payable	
710 Working fund advances		760 Federal income taxes accrued	
711 Prepayments		761 Other taxes accrued	
712 Material and supplies		763 Other current liabilities	
713 Other current assets			
Total current assets		Total current liabilities (exclusive of long-term debt due within 1 year)	
SPECIAL FUNDS		LONG-TERM DEBT DUE WITHIN ONE YEAR	
715 Sinking funds			
716 Capital and other reserve funds			
717 Insurance and other funds			
Total special funds			
INVESTMENTS		LONG-TERM DEBT DUE AFTER ONE YEAR	
721 Investments in affiliated companies			
722 Other investments			
723 Reserve for adjustment of investment in securities—Other			
Total investments			
PROPERTIES		EQUIPMENT OBLIGATIONS AND OTHER DEBT	
731 Cars or protective service property			
733 Acquisition adjustment			
Total cars or protective service property			
735 Accrued depreciation—Cars or protective service property			
736 Amortization of defense projects—Cars or protective service property			
Total cars or protective service property less recorded depreciation and amortization			
737 Miscellaneous physical property			
738 Accrued depreciation—Miscellaneous physical property			
Miscellaneous physical property less recorded depreciation and amortization			
Total properties less recorded depreciation and amortization			
OTHER ASSETS AND DEFERRED CHARGES		CAPITAL STOCK (PAR OR STATED VALUE)	
741 Other assets		791 Capital stock issued	
742 Unamortized discount on long-term debt		792 Stock liability for conversion	
743 Other deferred charges		793 Discount on capital stock	
Total other assets and deferred charges		Total capital stock	
Total Assets		Capital surplus:	
		794 Premiums and assessments on capital stock	
		795 Paid-in surplus	

LIABILITIES AND SHAREHOLDERS' EQUITY

CURRENT LIABILITIES

751 Loans and notes payable	
753 Audited accounts and wages payable	
754 Miscellaneous accounts payable	
755 Interest matured unpaid	
756 Dividends matured unpaid	
757 Unmatured interest accrued	
758 Unmatured dividends declared	
759 Accrued accounts payable	
760 Federal income taxes accrued	
761 Other taxes accrued	
763 Other current liabilities	

Total current liabilities (exclusive of long-term debt due within 1 year)

LONG-TERM DEBT DUE WITHIN ONE YEAR

764 Equipment obligations and other debt	
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LONG-TERM DEBT DUE AFTER ONE YEAR

765 Funded debt unmatured	
766 Equipment obligations	
767 Receivers' and trustees' securities	
768 Debt in default	
769 Amounts payable to affiliated companies	

Total long-term debt due after one year

RESERVES

771 Pension and welfare reserves	
772 Insurance reserves	
773 Equalization reserves	
774 Casualty and other reserves	

Total reserves

OTHER LIABILITIES AND DEFERRED CREDITS

781 Interest in default	
782 Other liabilities	
783 Unamortized premium on long-term debt	
784 Other deferred credits	

Total other liabilities and deferred credits

SHAREHOLDERS' EQUITY

Capital stock (par or stated value):	
791 Capital stock issued	
792 Stock liability for conversion	
793 Discount on capital stock	
Total capital stock	
Capital surplus:	
794 Premiums and assessments on capital stock	
795 Paid-in surplus	

LIABILITIES AND SHAREHOLDERS' EQUITY—Continued

SHAREHOLDERS' EQUITY—continued

	Total issued	Held by or for company
Capital surplus—Continued		
796 Other capital surplus.....		
Total capital surplus.....		
Retained income:		
797 Retained income—Appropriated.....		
798 Retained income—Unappropriated.....		
Total retained income.....		
Total shareholders' equity.....		
Total Liabilities and Shareholders' Equity.....		

[F.R. Doc. 59-11115; Filed, Dec. 29, 1959; 8:48 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

SWEET PEPPERS

United States Standards¹

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Sweet Peppers pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627).

The proposed revision would include a U.S. Fancy grade requiring higher quality than the present U.S. Fancy grade. This provides for a wider spread between U.S. Fancy and U.S. No. 1 quality than exists between the two grades in the present standards. Provision would also be made in all grades for more precise limitations in the definitions of shape, injury, damage and serious damage. Minor changes are included for clarification where required.

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 January 30, 1960.

The proposed standards, as revised, are as follows:

Sec.	UNCLASSIFIED
51.3273	Unclassified.
	TOLERANCES
51.3274	Tolerances.
	APPLICATION OF TOLERANCES
51.3275	Application of tolerances.
	DEFINITIONS
51.3276	Mature green.
51.3277	Similar varietal characteristics.
51.3278	Firm.
51.3279	Well shaped.
51.3280	Injury.
51.3281	Fairly well shaped.
51.3282	Damage.
51.3283	Not seriously misshapen.
51.3284	Serious damage.
51.3285	Diameter.
51.3286	Length.

AUTHORITY: §§ 51.3270 to 51.3286 issued under secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627.

GRADES

§ 51.3270 U.S. Fancy.

"U.S. Fancy" consists of mature green sweet peppers of similar varietal characteristics which are firm, well shaped, and free from sunscald, freezing injury, decay, and from injury caused by scars, hail, sunburn, disease, insects, mechanical or other means.

(a) *Size.* The diameter of each pepper shall be not less than 3 inches and the length of each pepper shall be not less than 3½ inches.

(b) *Color.* Any lot of peppers which meets all the requirements of this grade, except those relating to color may be designated as "U.S. Fancy Mixed Color" or "U.S. Fancy Red". (See Tolerances, § 51.3274.)

§ 51.3271 U.S. No. 1.

"U.S. No. 1" consists of mature green sweet peppers of similar varietal characteristics which are firm, fairly well shaped, and free from sunscald and decay, and free from damage caused by freezing injury, hail, scars, sunburn, disease, insects, mechanical or other means.

(a) *Size.* Unless otherwise specified, the diameter of each pepper shall be not less than 2½ inches and the length of each pepper shall be not less than 2½ inches.

(b) *Color.* Any lot of peppers which meets all the requirements of this grade, except those relating to color may be designated as "U.S. No. 1 Mixed Color" or "U.S. No. 1 Red". (See Tolerances, § 51.3274.)

§ 51.3272 U.S. No. 2.

"U.S. No. 2" consists of mature green sweet peppers of similar varietal characteristics which are firm, not seriously misshapen, and free from sunscald and decay, and free from serious damage caused by freezing injury, hail, scars, sunburn, disease, insects, mechanical or other means.

(a) *Color.* Any lot of peppers which meets all the requirements of this grade, except those relating to color may be designated as "U.S. No. 2 Mixed Color" or "U.S. No. 2 Red". (See Tolerances, § 51.3274.)

UNCLASSIFIED

§ 51.3273 Unclassified.

"Unclassified" consists of sweet peppers which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.3274 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, are provided as specified:

(a) U.S. Fancy and U.S. No. 1 grades.

(1) *For defects.* Not more than a total of 10 percent of the peppers in any lot may fail to meet the requirements of these grades, but not more than one-half of this amount, or 5 percent, shall be allowed for peppers which are seriously damaged, including therein not more than 2 percent for peppers affected by decay; and,

(2) *For off-size.* Not more than 10 percent of the peppers in any lot may fail to meet the size specifications.

(b) U.S. No. 2 grade.

(1) *For defects.* Not more than a total of 10 percent of the peppers in any lot may fail to meet the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for peppers affected by sunscald, including therein not more than 2 percent for peppers affected by decay.

APPLICATION OF TOLERANCES

§ 51.3275 Application of tolerances.

The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade:

Sec.	GRADES
51.3270	U.S. Fancy.
51.3271	U.S. No. 1.
51.3272	U.S. No. 2.

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.

(a) When a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than 1½ times the tolerance specified.

(b) When a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified.

DEFINITIONS

§ 51.3276 Mature green.

"Mature green" means that the pepper has reached the stage of development that will withstand normal handling and shipping.

§ 51.3277 Similar varietal characteristics.

"Similar varietal characteristics" means that each pepper is of the same general type. For example, thin walled types and thick walled types shall not be mixed.

§ 51.3278 Firm.

"Firm" means that the pepper is not soft, shriveled, limp or pliable, although it may yield to slight pressure.

§ 51.3279 Well shaped.

"Well shaped" means that the pepper is not more than slightly curved, slightly indented or not otherwise more than slightly misshapen.

§ 51.3280 Injury.

"Injury", unless otherwise specifically defined in this section, means any defect which more than slightly detracts from the appearance, or the edible or shipping quality of the pepper. 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 injury:

(a) Scars when scattered over the surface and aggregating more than the area of a circle five-eighths inch in diameter or one scar three-eighths inch in diameter on a pepper 3½ inches in length and 3 inches in diameter, or correspondingly greater areas of scars on larger peppers;

(b) Sunburn when causing discoloration which affects an aggregate area exceeding 5 percent of the surface of the pepper;

(c) Bacterial Spot when aggregating more than the area of a circle five-eighths inch in diameter on a pepper 3½ inches in length and 3 inches in diameter, or correspondingly greater areas of spots on larger peppers; and,

(d) Hail or similar injury when the skin is healed and the affected areas aggregate more than the equivalent of a circle three-eighths inch in diameter on a pepper 3½ inches in length and 3 inches in diameter, or correspondingly greater areas of injury on larger peppers.

§ 51.3281 Fairly well shaped.

"Fairly well shaped" means that the pepper may be more than slightly indented or curved, but is not of the type commonly known as "button" or is not decidedly crooked, constricted or deformed.

§ 51.3282 Damage.

"Damage", unless otherwise specifically defined in this section, means any defect which materially detracts from the appearance, or the edible or shipping quality of the pepper. 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) Scars when scattered over the surface and aggregating more than the area of a circle five-eighths inch in diameter or one scar three-eighths inch in diameter on a pepper 2½ inches in length and 2½ inches in diameter, or correspondingly lesser or greater areas of scars on smaller or larger peppers;

(b) Sunburn when causing discoloration which affects an aggregate area exceeding 15 percent of the surface of the pepper;

(c) Bacterial Spot when aggregating more than the area of a circle five-eighths inch in diameter on a pepper 2½ inches in length and 2½ inches in diameter, or correspondingly lesser or greater areas of spots on smaller or larger peppers; and,

(d) Hail or similar injury when the skin is healed and the affected areas aggregate more than the equivalent of a circle three-eighths inch in diameter on a pepper 2½ inches in length and 2½ inches in diameter, or correspondingly lesser or greater areas of injury on smaller or larger peppers.

§ 51.3283 Not seriously misshapen.

"Not seriously misshapen" means that the pepper is not badly indented, crooked, constricted or otherwise badly deformed.

§ 51.3284 Serious damage.

"Serious damage", unless otherwise specifically defined in this section, means any defect which seriously detracts from the appearance or the edible or shipping quality of the pepper. 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 serious damage:

(a) Sunscald;

(b) Any opening or puncture through the fleshy wall of the pepper;

(c) Scars when scattered over the surface and aggregating more than the area of a circle 1 inch in diameter or one scar three-fourths inch in diameter on a pepper 2½ inches in length and 2½ inches in diameter, or correspondingly lesser or greater areas of scars on smaller or larger peppers;

(d) Sunburn when causing discoloration which affects an aggregate area exceeding 25 percent of the surface of the pepper; and,

(e) Bacterial Spot when aggregating more than the area of a circle 1 inch in diameter on a pepper 2½ inches in length and 2½ inches in diameter, or correspondingly lesser or greater areas of spots on smaller or larger peppers.

§ 51.3285 Diameter.

"Diameter" means the greatest dimension measured at right angles to the longitudinal axis.

§ 51.3286 Length.

"Length" means the greatest over-all length measured in a straight line parallel to the longitudinal axis, exclusive of the stem.

Dated: December 23, 1959.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 59-11106; Filed, Dec. 29, 1959;
8:46 a.m.]

[7 CFR Parts 924, 1025]

[Docket Nos. AO-225-A10, AO-310]

MILK IN DETROIT, MICHIGAN, AND CENTRAL MICHIGAN MARKETING AREAS

Notice of Correction of Final Decision

The tentative order attached to the "Decision on proposed amendments to tentative marketing agreement and to order" in the above captioned proceeding issued by the Acting Secretary of Agriculture on December 11, 1959, and published in the FEDERAL REGISTER of December 17, 1959 (24 F.R. 10207; F.R. Doc. 59-10683), is hereby corrected as follows:

In column 2 of page 10220, § 924.54(a), "Zone V—Adjustment Rate 15 Cents" is corrected by the addition of the phrase "in Sanilac and Huron Counties, all territory not included in Zone III" immediately preceding the phrase "and in Osceola County * * *" so that the entire subparagraph shall read as follows:

Zone V—Adjustment Rate 15 Cents

St. Joseph County; Kalamazoo County; Barry County; Kent County; Mecosta County; in Ionia and Montcalm Counties all territory not included in Zone IV; in Allegan County the townships of Salem, Dorr, Leighton, Monterey, Hopkins, Wayland, Allegan, Watson, Martin, Trowbridge, Otsego and Gun Plain; in Ottawa County the townships of Wright, Tallmadge, Georgetown and Jamestown; in Sanilac and Huron Counties, all territory not included in Zone III; and in Osceola County the townships of Lincoln, Cedar, Osceola, Sylvan, Richmond, Hersey, Evart and Orient.

Issued at Washington, D.C., this 24th day of December 1959.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59-11143; Filed, Dec. 29, 1959;
8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 59-FW-51]

FEDERAL AIRWAYS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6016 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 16 presently extends, in part, from Mineral Wells, Tex., to Dallas, Tex. The Federal Aviation Agency is considering a modification to Victor 16 south alternate between Mineral Wells and Dallas by redesignating it via the Mineral Wells VOR 094° and the Dallas VOR 229° radials. This action would realign Victor 16-S to overlie the Dallas Naval Air Station and would eliminate the necessity for restricting jet aircraft which depart Dallas NAS to the north and northwest, to prolonged distances at low altitudes, which is required with the present alignment of Victor 16-S in order to separate these departures from over traffic on this airway. The control areas associated with Victor 16-S are so designated that they would automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

If this action is taken, VOR Federal airway No. 16 south alternate between Mineral Wells, Tex., and Dallas, Tex., would be redesignated via the intersection of the Mineral Wells VOR 094°, and the Dallas VOR 229° radials.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on December 22, 1959.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-11093; Filed, Dec. 29, 1959;
8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-106]

FEDERAL AIRWAYS AND CONTROL AREAS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6167 and 601.6167 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 167 and its associated control areas presently extends from New York, N.Y., to Providence, R.I. The Federal Aviation Agency has under consideration extending Victor 167 southward from New York, N.Y., to Cape Charles, Va., via the Coyle, N.J., VOR; Atlantic City, N.J., VOR; and a VOR to be installed approximately April 15, 1960, near Roxana, Del., at latitude 38°28'48"N., longitude 75°11'58"W.; thence via a VOR to be installed approximately April 15, 1960, near Accomac, Va., at latitude 37°49'56"N., longitude 75°35'22"W. The extension of Victor 167 would, in conjunction with the proposed modification of VOR Federal airway No. 1 segment between Salisbury, Md., and Coyle, N.J., (Airspace Docket No. 59-WA-93), establish a dual north/south airway structure for the movement of the heavy volume of air traffic presently using Victor 1 between Cape Charles and Coyle.

If this action is taken, VOR Federal airway No. 167 and its associated control areas would then be extended from New York, N.Y., to Cape Charles, Va., via Coyle, N.J., Atlantic City, N.J., Roxana, Del., and Accomac, Va.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal

Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on December 22, 1959.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-11090; Filed, Dec. 29, 1959;
8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-331]

FEDERAL AIRWAYS AND CONTROL AREAS

Designation, Revocation and Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 and §§ 600.6091, 600.6203, 600.6431, 601.6091 and 601.6431 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the following proposed airspace actions:

1. Designation of VOR Federal airway No. 487 and its associated control areas from the Poughkeepsie, N.Y., VOR via a VOR to be installed approximately July 1, 1960, near Grafton, N.Y., at latitude 42°59'40"N., longitude 73°20'39"W., thence to the Benson, Vt., VOR. The designation of Victor 487, together with connecting airways, would provide a bypass route east of Albany, N.Y., for the high volume of air traffic operating between the New York City Terminal area and the Burlington, Vt., and Montreal, Canada terminals.

2. Designation of VOR Federal airway No. 490 and its associated control areas from the Utica, N.Y., VOR via the Grafton VOR to the Keene, N.H., VOR. The designation of Victor 490 would provide a bypass route to the north of the high activity Albany terminal area for aircraft operating between Utica, and Glens Falls, N.Y., and the Boston, Mass., terminal area.

3. Modification of VOR Federal airway No. 431 and its associated control areas, which presently extends from Glens Falls, N.Y., VOR to the Plattsburgh VOR by extending it southeasterly from the Glens Falls VOR to the Grafton VOR. Victor 431 would then connect with proposed Victor 487 at Grafton VOR to form a bypass route east of the high activity Albany terminal area for VOR equipped aircraft operating between Poughkeepsie and Glens Falls.

4. A minor modification of VOR Federal airway No. 203 between the Chester,

Mass., VOR and the intersection with VOR Federal airway No. 130 by realigning it via the Chester VOR 293° radial. Victor 203 would thereby be realigned to form a common intersection in the vicinity of Brainard, N.Y., with Victor 130 and the proposed Victor 487 for air traffic management purposes.

5. Revocation of VOR Federal airway No. 91 east alternate between the Poughkeepsie VOR and the Albany VOR. This east alternate airway segment would no longer be required if Victor 487 is designated as proposed herein. Adequate alternate VOR airway routing would be available between these points via the proposed Victor 487 and the existing Victor 130.

The control areas associated with VOR Federal airways No. 203 and No. 91 east alternate are so designated that they will automatically conform to the modified airways. Accordingly, no amendment relating to such control areas is necessary.

If these actions are taken:

1. VOR Federal airway No. 487 and its associated control areas would be designated from Poughkeepsie, N.Y., to Benson, Vt., via Grafton, N.Y.

2. VOR Federal airway No. 490 and its associated control areas would be designated from Utica, N.Y., to Keene, N.H., via Grafton, N.Y.

3. VOR Federal airway No. 431 and its associated control areas would be extended from Glens Falls, N.Y., to Grafton, N.Y.

4. The segment of VOR Federal airway No. 203 between Chester, Mass., and Brainard, N.Y., intersection would be redesignated via the 293° radial of the Chester VOR.

5. VOR Federal airway No. 91 east alternate between Poughkeepsie, N.Y., and Albany, N.Y., would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for exam-

ination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on December 22, 1959.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-11091; Filed, Dec. 29, 1959;
8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-414]

FEDERAL AIRWAYS, CONTROL AREAS AND CONTROL ZONES

Designation of Federal Airway and Associated Control Areas, Modifi- cation of Federal Airway and Des- ignation of Control Zone

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601, §§ 600.6019, 601.1984 and 601.6019 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration designation of VOR Federal airway No. 489 from the Paterson, N.J., Intersection via a VOR to be installed approximately April 15, 1960, near Clermont, N.Y., at latitude 41°39' 55" N., longitude 73°49'23" W., thence to the Albany, N.Y., VOR. The designation of Victor 489 would provide an additional VOR airway for the movement of the high volume of VHF equipped aircraft between the New York metropolitan area and the Albany terminal and other northern terminals. Concurrently the Federal Aviation Agency is considering the revocation of VOR Federal airway No. 91 west alternate between the Poughkeepsie, N.Y., VOR and the Albany VOR; and modifying the main airway segment of Victor 91 between the Poughkeepsie VOR and the Albany VOR. The main airway segment of Victor 91 between Poughkeepsie and Albany, and its west alternate, would not have sufficient lateral separation with Victor 489 to permit optimum use of these airway segments for air traffic management purposes. Accordingly, it is proposed to realign Victor 91 from Poughkeepsie to Albany via the intersection of the Poughkeepsie VOR 342° and the Albany VOR 181° radials and to revoke the west alternate of Victor 91 between these points. Victor 91 would then coincide with Victor 489 from the intersection of the Poughkeepsie VOR 342° and the Albany VOR 181° radials to the Albany VOR. The Federal Aviation Agency is also considering the designation of a 5-mile radius control zone at the Dutchess County Airport, Clermont, N.Y. This control zone would provide protection for aircraft conducting instrument approach procedures to and departing from the Dutchess County Airport.

If these actions are taken, VOR Federal airway No. 489 and its associated control areas would be designated from Paterson, N.J., to Albany, N.Y., via Clermont, N.Y.; VOR Federal airway No. 91 west alternate and associated control areas from Poughkeepsie, N.Y., to Albany, N.Y., would be revoked; VOR Federal airway No. 91 main airway segment and associated control areas from Poughkeepsie, N.Y., to Albany, N.Y., would be realigned via the intersection of the Poughkeepsie VOR 342° and the Albany VOR 181° radials; and a control zone would be designated, within a 5-mile radius of the Dutchess County Airport, Clermont, N.Y.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on December 22, 1959.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-11092; Filed, Dec. 29, 1959;
8:46 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 59-WA-431]

CODED JET ROUTES

Establishment

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 602 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the establishment of VOR/VORTAC jet route No. 97 from Boston, Mass., to the United States/Canadian border, via the intersection of the Boston VOR 307° and the Plattsburgh, N.Y., VOR 161° radials; the Plattsburgh VOR, and the Plattsburgh VOR 341° radial. The establishment of this jet route will provide a portion of a route for jet aircraft service between Boston, Mass., and Anchorage, Alaska, which will begin in the near future. Air traffic utilizing this jet route would proceed from the United States/Canadian border to Montreal, Canada, via Victor 91.

If this action is taken VOR/VORTAC jet route No. 97 would be established from Boston, Mass., to the United States/Canadian border via the intersection of the Boston VOR 307° and the Plattsburgh, N.Y., VOR 161° radials, the Plattsburgh VOR, and the Plattsburgh VOR 341° radial to the United States/Canadian border.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on December 22, 1959.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-11079; Filed, Dec. 29, 1959;
8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration
[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition for Establishment of an Exemption From Requirement of Tolerance for Residues of Viable Spores of Microorganism *Bacillus Thuringiensis* Berliner

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d) (1), 68 Stat. 512; 21 U.S.C. 346a (d) (1), the following notice is issued:

A petition has been filed by Bioform Corporation, Wasco, California, proposing the establishment of an exemption from the requirement of a tolerance for residues of viable spores of the microorganism *Bacillus thuringiensis* Berliner from pesticidal use in or on growing crops.

The analytical method proposed in the petition for determining residues of viable spores of *Bacillus thuringiensis* Berliner is a spore-count assay consisting of a standard plate count procedure using a heat-treated suspension (65° C. for 30 minutes) of the material to be tested.

Dated: December 21, 1959.

[SEAL] ROBERT S. ROE,
Director, Bureau of Biological
and Physical Sciences.

[F.R. Doc. 59-11111; Filed, Dec. 29, 1959;
8:47 a.m.]

of the Klamath River. There is no apparent value for agricultural development. Available data indicate Section 8 to be wooded mountainous terrain having an elevation of about 800 feet on the north to 2,500 feet above sea level on the south. Available data on Sections 17 and 18 indicate a wooded mountainous terrain having an elevation of 750 feet in the northwest corner of Section 18 to 3,000 feet above sea level in the east central part of Section 17.

Subject to any existing valid rights and the requirements of applicable law, the lands described above are hereby opened to filing applications and selections 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 date 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 and selections under the nonmineral public land laws presented prior to 10:00 a.m. on January 25, 1960, 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.

b. The lands have been open to applications and offers under the mineral leasing laws and to locations under the mining laws.

Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to 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 these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Room 1000, California Fruit Building, 4th and J Streets, Sacramento 14, California.

R. J. LITTEN,
Acting Manager, Land Office,
Sacramento.

[F.R. Doc. 59-11100; Filed, Dec. 29, 1959;
8:46 a.m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management
CALIFORNIA

Notice of Filing of Plat of Survey and Order Providing for Opening of Lands

DECEMBER 21, 1959.

Notice is given that the plat of original survey of the following described lands, accepted September 3, 1958, will be officially filed in the Land Office, Sacramento, California, effective at 10:00 a.m., on January 25, 1960:

ramento, California, effective at 10:00 a.m., on January 25, 1960:

HUMBOLDT MERIDIAN

T. 9 N., R. 4 E.,
Sec. 8; Lot 3;
Sec. 17: Lots 3, 4, 5, 6;
Sec. 18: Lots 7, 8, 9, 10.

The area described aggregates 282.76 acres of public land.

The lands lie along the north boundary of the Hoopa Valley Indian Reservation in northeastern Humboldt County and are generally inaccessible by road. The lands are in the watershed

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 22, 1959.

The Bureau of Sport Fisheries and Wildlife, U.S. Fish and Wildlife Service,

has filed an application, Serial No. Los Angeles 0158928, for the withdrawal of those parts of the following described lands, outside the present boundary of the Havasu Lake National Wildlife Refuge as established by Executive Order No. 8647 of January 22, 1941, and enlarged by Public Land Order No. 559 of February 11, 1949, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to existing withdrawals and valid existing rights.

The applicant considers the lands essential for the effective management, development and operation of the refuge and for controlling recreational development adjacent to Havasu Lake. The Bureau of Land Management shall continue to administer the grazing resources of the affected lands until such time as they are required for a specific wildlife or recreational project.

For a period of 30 days from the date of publication of the notice, persons having cause may present their objections or suggestions in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Bartlett Building, 215 West Seventh Street, Los Angeles 14, California.

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

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

The lands involved in the application are:

SAN BERNARDINO MERIDIAN, CALIFORNIA

- T. 7 N., R. 23 E.,
 Sec. 1, Lot 1, E $\frac{1}{2}$ Lot 2, N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$.
 T. 8 N., R. 23 E.,
 Sec. 9, Lot 1, W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 10, W $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 15, NW $\frac{1}{4}$;
 Sec. 22, W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 23, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 25, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 26, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 36, Lot 3, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$.
 T. 5 N., R. 24 E.,
 Sec. 1, Lot 1.
 T. 6 N., R. 24 E.,
 Sec. 3, Lots 1, 2, 3, 4, 5, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 10, E $\frac{1}{2}$;
 Sec. 15, NE $\frac{1}{4}$;
 Sec. 24, Lots 2, 3.
 T. 7 N., R. 24 E.,
 Sec. 5, (All);
 Sec. 6, Lot 8, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 8, Lots 1, 2, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 9, (All);
 Sec. 16, Lots 2, 3, 4, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 22, Lots 1, 2, 4, W $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 27, Lots 2, 3, 5, 6, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 34, Lots 1, 2, 3, 4, 5, SW $\frac{1}{4}$ SW $\frac{1}{4}$, unsurveyed portion (All).
 T. 3 N., R. 26 E.,
 Sec. 3, Lots 6, 7, 9, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 4, Lots 7, 8, 9, 10, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;

- Sec. 10, Lots 3, 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, SE $\frac{1}{4}$ (All);
 Sec. 11, Lots 6, 7, 8, 9, S $\frac{1}{2}$ S $\frac{1}{2}$ (All);
 Sec. 13, All;
 Sec. 14, N $\frac{1}{2}$.
 T. 3 N., R. 27 E.,
 Sec. 18, Lot 3, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
 Sec. 19, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 20, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 28, Lots 1, 2 (All);
 Sec. 29, Lots 1, 2, 3, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ (All);
 Sec. 33, Lots 1, 2, 3, 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

Also, all of that unsurveyed area, containing approximately 676 acres, that exists as a hiatus between Townships 3 and 4 North, Range 26 E., S.B.M., beginning at the southwest corner of Sec. 32, T. 4 N., R. 26 E., S.B.M. (surveyed 1883—Plat approved July 10, 1895); thence south approximately 43 chains to the north quarter corner of Sec. 6, T. 3 N., R. 26 E. (independent resurvey of 1934—Plat approved April 8, 1935); thence east along the north boundary of said township 179 chains to the meander corner of Section 4, and the northeast corner of said township; thence northwesterly along the westerly bank of the Colorado River approximately 60 chains to the meander corner of the south boundary of T. 4 N., R. 26 E. (surveyed in 1883—Plat approved July 10, 1895), said corner also being the southeast corner of Section 33; thence west along the south boundary of T. 4 N., R. 26 E., 135.40 chains to the Place of Beginning.

The above-described area contains approximately 9,800 acres. The lands are located near Havasu Lake in the eastern part of San Bernardino County, California.

GEORGE H. WHEATLEY,
 Acting Manager.

[F.R. Doc. 59-11125; Filed, Dec. 29, 1959;
 8:45 a.m.]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 22, 1959.

The United States Forest Service of the Department of Agriculture has filed an application, Serial Number Colorado 031703, for the withdrawal of the lands described below from location and entry under the General Mining Laws, subject to existing valid claims.

The applicant desires the land for use as a horse pasture in conjunction with the Kremmling Ranger Station at Kremmling, Colorado.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado State Office, 339 New Custom House, P.O. Box 1018, Denver 1, Colorado.

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

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will

be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 1 N., R. 80 W.

A tract of land lying in sections 16, 17, 20 and 21; beginning at corner No. 0 from which the section corner common to sections 16, 17, 20 and 21 bears N. 90° E. 2.50 chains.

From corner No. 0, by metes and bounds,
 N. 43°12' E., 3.38 chs., to corner No. 1;
 N. 27° E., 4.00 chs., to corner No. 2;
 N. 19° E., 2.00 chs., to corner No. 3;
 N. 7° E., 7.00 chs., to corner No. 4;
 N. 53° E., 8.00 chs., to corner No. 5;
 N. 87° W., 12.78 chs., to corner No. 6;
 S. 4° W., 4.00 chs., to Colorado State Highway Department Road Marker, FWA 128-F2, Station 46+00;
 S. 4° W., 4.00 chs., to corner No. 7;
 S. 18° W., 13.00 chs., to corner No. 8;
 S. 18° W., 5.00 chs., to corner No. 9;
 N. 67° E., 4.50 chs., to corner No. 10;
 N. 42° E., 4.00 chs., to corner No. 0, the place of beginning.

The tract as described contains 16.56 acres.

J. ELLIOTT HALL,
 Lands and Minerals Officer.

[F.R. Doc. 59-11126; Filed, Dec. 29, 1959;
 8:45 a.m.]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 21, 1959.

The Bureau of Reclamation has filed an application, Serial Number Nevada-048015 for the withdrawal of the lands described below, from all forms of appropriation, including the mining and mineral leasing laws.

The lands within the Toiyabe National Forest will continue to be administered by the Forest Service until required for reclamation purposes. All remaining lands will continue to be administered by the Bureau of Land Management for grazing until actually needed for reclamation purposes. The applicant desires the land for the construction of two dams, three reservoirs, a powerplant, transmission facilities, borrow areas, access roads, camp sites, two canals and potential project lands to be subject to homestead entry in connection with the Washoe Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1551, Reno, Nevada.

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

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

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

- T. 11 N., R. 20 E.,
 Sec. 1;
 Sec. 2, E $\frac{1}{2}$ of Lot 1 and E $\frac{1}{2}$ of Lot 2 of NW $\frac{1}{4}$, NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 4, Lot 1 of NW $\frac{1}{4}$, SW $\frac{1}{4}$;
 Sec. 5, E $\frac{1}{2}$ of Lot 2 of NE $\frac{1}{4}$;
 Sec. 9, Lots 1, 2 and 4, NW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 10, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 11, NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$, W $\frac{1}{2}$;
 Sec. 12, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 13, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 14, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 24, N $\frac{1}{2}$;
 Sec. 26, That portion of Tract 51 in State of Nevada.
 T. 12 N., R. 20 E.,
 Sec. 12, S $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 13, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, S $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 23, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 25, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 26, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 27, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
 Sec. 28, SE $\frac{1}{4}$;
 Sec. 33, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 35, E $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
 Sec. 36, E $\frac{1}{2}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$.
 T. 13 N., R. 20 E.,
 Sec. 1;
 Sec. 2, NE $\frac{1}{4}$;
 Sec. 12, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 24, NE $\frac{1}{4}$;
 Sec. 25, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
 Sec. 26, N $\frac{1}{2}$ N $\frac{1}{2}$.
 T. 14 N., R. 20 E.,
 Sec. 21, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
 T. 11 N., R. 21 E.,
 Sec. 6, Lots 4 and 5.
 T. 12 N., R. 21 E.,
 Sec. 31.

The areas described aggregate approximately 10,187.41 acres.

E. J. PALMER,
State Supervisor.

[F.R. Doc. 59-11127; Filed, Dec. 29, 1959;
 8:45 a.m.]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 23, 1959.

The Federal Aviation Agency has filed an application, Serial Number Nevada-053893 for the withdrawal of the lands described below, from all forms of appropriation, including the mining and mineral leasing laws. The applicant desires the land for the construction, operation and maintenance of a Very High Frequency Omnidirectional Radio Range combined with a Tactical Air Navigational facility.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1551, Reno, Nevada.

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

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

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

- T. 27 N., R. 41 E.,
 Sec. 19, E $\frac{1}{2}$ SW $\frac{1}{4}$.

The area described above contains 80 acres.

MAX W. BRIDGE,
Acting State Supervisor.

[F.R. Doc. 59-11128; Filed, Dec. 29, 1959;
 8:45 a.m.]

[No. 60-3]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 22, 1959.

The Regional Administrator, Federal Aviation Agency, has filed an application, Serial No. Oregon 09947, for the withdrawal of the lands described below, subject to valid existing rights, from all forms of appropriation under the public land laws including the general mining laws and mineral leasing laws, but excepting grazing uses under the act of June 28, 1934 (48 Stat. 1269).

The applicant desires the land for the establishment of the Redmond, Oregon, VORTAC Facility.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, United States Department of the Interior, 809 Northeast Sixth Avenue, Portland 12, Oregon.

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

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

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

- T. 15 S., R. 12 E.,
 Sec. 21: SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$.

The total area is 120 acres.

RUSSELL E. GETTY,
State Supervisor.

[F.R. Doc. 59-11129; Filed, Dec. 29, 1959;
 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-147]

NORTH AMERICAN AVIATION, INC.

Notice of Issuance of Construction Permit

Please take notice that no request for a formal hearing having been filed fol-

lowing the filing of notice of proposed action with the Office of the Federal Register on December 8, 1959, the Atomic Energy Commission has issued Construction Permit No. CPCX-15 to North American Aviation, Incorporated, authorizing construction of a separable-half type critical experiments facility at its site in Ventura County, California.

Notice of the proposed action was published in the FEDERAL REGISTER on December 9, 1959, 24 F.R. 9953.

Dated at Germantown, Md., this 24th day of December 1959.

For the Atomic Energy Commission.

H. L. PRICE,
*Director, Division of
 Licensing and Regulation.*

[F.R. Doc. 59-11117; Filed, Dec. 29, 1959;
 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-17930]

PURE OIL CO.

Notice of Postponement of Oral Argument

DECEMBER 22, 1959.

Take notice that the oral argument in the above-designated matter now scheduled for January 28, 1960, is hereby postponed to February 2, 1960, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIE,
Secretary.

[F.R. Doc. 59-11096; Filed, Dec. 29, 1959;
 8:46 a.m.]

[Docket Nos. G-20348, G-20349]

SUNRAY MID-CONTINENT OIL CO. AND PHILLIPS PETROLEUM CO.

Order for Hearings and Suspending Proposed Changes in Rates¹

DECEMBER 18, 1959.

In the matters of Sunray Mid-Continent Oil Company, Docket No. G-20348; Phillips Petroleum Company, Docket No. G-20349.

The above-named Respondents have tendered Notices of Change which propose to increase the level of rate from 5.5 cents to 6.9918 cents per Mcf at 14.65 psia, for gas produced in the Nena Lucia Field, Nolan County, Texas and sold to West Lake Natural Gasoline Company (West Lake). West Lake processes the gas through its gasoline plant and sells the residue to El Paso Natural Gas Company (El Paso). West Lake's contracts with Respondents provide that the latter will receive 50 percent of the revenue received by West Lake for the residue sold. West Lake's increased rate of 13.9836 cents was suspended in Docket No. G-19156 for a period of five months, until January 22, 1960, and thereafter until

¹This order does not provide for the consolidation of the above designated matters for hearing, nor should it be so construed.

such further time as it is made effective pursuant to the Natural Gas Act. Fifty percent of such increased rate, 6.9918 cents, is now sought by Respondents, West Lake's suppliers. The proposed changes, which include an October 29, 1959 letter wherein West Lake agrees to pay 50 percent of the increased residue gas rate, are contained in the following designated filings:

Respondent	Rate schedule	Supplement No.	Date of notice	Date tendered
Sunray Mid-Continent Oil Co.	158	2	11-19-53	11-23-59
Phillips Petroleum Co.	316	2	11-17-59	11-19-53

¹ Supp. No. 1 in effect subject to refund in Docket No. G-15907.
² Supp. No. 1 in effect subject to refund in Docket No. G-15994.

The 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 hearings concerning the lawfulness of each of the said proposed changes, and that the supplements herein designated be suspended and the use thereof deferred as herein-after 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), public hearings be held upon dates to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-described supplements.

(B) Pending such hearings and decisions thereon, each of said supplements be and they are each hereby suspended and the use thereof deferred for a period of one day from January 22, 1959, (or from the date of West Lake's increased rates are made effective in Docket No. G-19156, if later), and until such further time as each is 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 these proceedings have 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 (Commissioner Kline dissenting).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-11097; Filed, Dec. 29, 1959; 8:46 a.m.]

[Project No. 2203]

ALABAMA POWER CO.

Notice of Application for License

DECEMBER 23, 1959.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Alabama Power Company of Birmingham, Alabama, for license for proposed water-power Project No. 2203 to be located on Black Warrior River contiguous to the proposed redeveloped U.S. Government Lock and Dam No. 13, approximately five miles upstream from the City of Tuscaloosa in Tuscaloosa County, Alabama, affecting navigable waters of the United States, the U.S. Government Lock and Dam No. 13, and lands acquired by the Corps of Engineers, Department of the Army. The proposed project will consist of an intake structure, penstocks, powerhouse containing two 27,667 h.p. turbines connected to 20,000 kw generators, tailrace, and substation.

A preliminary permit for the proposed project was issued to Alabama Power Company, effective December 1, 1956, and expired November 30, 1959.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is February 3, 1960. The application is on file with the Commission for public inspection.

[SEAL]

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-11120, Filed, Dec. 29, 1959; 8:45 a.m.]

[Docket No. DA-480-Oregon, Jefferson County, Oregon]

LANDS WITHDRAWN IN PROJECT NO. 57

Partial Vacation of Withdrawal Under Section 24 of Federal Water Power Act

DECEMBER 22, 1959.

The Bureau of Land Management, United States Department of the Interior, on behalf of Jefferson County, Oregon, has requested the Commission to make a determination in connection with the sale of the next described land for use as a garbage disposal site under the Act of June 14, 1926 (44 Stat. 741), as amended:

WILLAMETTE MERIDIAN, OREGON

T. 10 S., R. 13 E.,
Sec. 33, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

and, since the following-described adjoining land has the same status and value for power purposes, Commission action is being extended to include it:

WILLAMETTE MERIDIAN, OREGON

T. 10 S., R. 13 E.,
Sec. 33, SW $\frac{1}{4}$ SE $\frac{1}{4}$.

The above-described lands are crossed by Willow Creek about two and

a half miles above its confluence with the Deschutes River. They were reserved, among other lands, pursuant to the filing on October 14, 1925, of an application for amendment of the license for Project No. 57. The license for the project was subsequently revoked.

The power development proposed under the plan for Project No. 57 included a dam at the Pelton site developed in Project No. 2030 now under license. The proposed reservoir in Project No. 57 had a normal flow line of 1548 feet elevation, while the reservoir as constructed in Project No. 2030 has a normal flowage elevation of 1563 feet. The above-described lands lie at elevations above 2000 feet and are at least two miles distant from the shore of the constructed Pelton Reservoir. Consequently, the power value of the lands is negligible.

The Commission finds: Inasmuch as the lands have negligible value for purposes of power development, the existing power withdrawal serves no useful purpose and vacation of the withdrawal is in the public interest.

The Commission orders: The existing power withdrawal pertaining to the above-described lands under section 24 of the Federal Water Power Act pursuant to the filing of the application for amendment of the license for Project No. 57 is vacated.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-11122; Filed, Dec. 29, 1959; 8:45 a.m.]

[Docket Nos. G-20287-G-20290]

UNION OIL COMPANY OF CALIFORNIA ET AL.

Order Conditionally Accepting Rate Schedules for Filing, Providing for Hearings and Conditional Refunds¹

DECEMBER 23, 1959.

In the matters of Union Oil Company of California, Docket No. G-20287; Pan American Petroleum Corporation, Docket No. G-20288; Austral Oil Company, Incorporated, Docket No. G-20289; Nicklos Oil & Gas Company (Operator), et al., Docket No. G-20290.

The above-named Respondents have tendered for filing certain proposed initial rate schedules reflecting rates wherein a component of that rate involves the Louisiana severance tax reimbursement.

The six initial rate schedules² and amending supplements involving interpretations of the contract tax provisions therein tendered for filing by the Respondents are as follows:

(1) On September 2, 1959, Union Oil Company of California (Union) tendered

¹ This order does not provide for the consolidation for hearing or disposition of the separately docketed matters covered herein, nor should it be so construed.

² See Commission Opinion No. 321 issued May 22, 1959, granting certificates of public convenience and necessity in the subject dockets.

for filing its FPC Gas Rate Schedule No. 40 and Supplement No. 1 thereto for sales of natural gas to Trunkline Gas Company (Trunkline) subject to the jurisdiction of the Commission.

(2) On September 21, 1959, Pan American Petroleum Corporation (Pan American) tendered for filing its FPC Gas Rate Schedules Nos. 258, 259, and 260 and on November 2, 1959, it filed respective Supplement No. 1 thereto for sales of natural gas to Trunkline, subject to the jurisdiction of the Commission.

(3) On September 21, 1959, Austral Oil Company Incorporated (Austral) tendered for filing its FPC Gas Rate Schedule No. 13 for sales of natural gas to Trunkline, subject to the jurisdiction of the Commission.

(4) On October 28, 1959, Nicklos Oil & Gas Company (Operator) et al. (Nicklos) tendered for filing its FPC Gas Rate Schedule No. 2 for sales of natural gas to Trunkline, subject to the jurisdiction of the Commission.

The tax provisions of the subject rate schedules are similar, providing in essence that the purchaser will reimburse the seller for three-fourths of any additional tax levied after the contract dates.

However, the Respondents' interpretation of the contracts as reflected in their filings with the Commission appear to be questionable. It is believed that the filings should be determined after a hearing. Therefore, we believe that the tendered rate schedules and supplements herein should be accepted conditionally, effective on the respective dates of delivery.

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), public hearings be held upon dates to be fixed by notices from the Secretary concerning solely the propriety of the proposed rates, insofar as they relate to the interpretations of the tax reimbursement provisions.

(B) Pending hearings and decisions thereon, the proposed rates shall be conditionally accepted for filing, effective as of the dates of initial delivery, provided however, if the Commission, after hearing finds that the subject rate schedules and respective supplements thereto as submitted are inconsistent with the contract tax provisions, then such rate schedules and applicable supplements shall be rejected and the Respondents shall refund with interest at 6 percent per annum any amounts of the tax reimbursement to which they are not entitled and shall file proper rate schedules.

(C) Respondents shall notify the Commission of the date of commencement of deliveries under each of the above-designated Rate Schedules.

(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.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-11123; Filed, Dec. 29, 1959; 8:45 a.m.]

[Docket Nos. G-20478, G-20479]

WARREN PETROLEUM CORP. AND KERR-McGEE OIL INDUSTRIES, INC.

Order Providing for Hearings and Suspending Proposed Changes in Rates¹

DECEMBER 23, 1959.

In the matters of Warren Petroleum Corporation (Operator), Docket No. G-20478; Kerr-McGee Oil Industries, Inc., Docket No. G-20479.

On November 23, 1959, the above-named Respondents tendered for filing proposed changes in presently effective rate schedules for the jurisdictional sales of natural gas to Lone Star Gas Company (Lone Star) from gas processing plants in Garvin County, Oklahoma. The proposed changes are designated as follows:

1. Respondent: Warren Petroleum Corporation (Operator) (Warren).

Description: Notice of Change, dated November 12, 1959.

Rate schedule designation: Supplement No. 3, to Warren's FPC Gas Rate Schedule No. 21.

Effective date: December 24, 1959 (effective date is the date proposed by Respondent).

2. Respondent: Kerr-McGee Oil Industries, Inc. (Kerr-McGee).

Description: Notice of Change, dated November 20, 1959.

Rate schedule designation: Supplement No. 3 to Kerr-McGee's FPC Gas Rate Schedule No. 17.

Effective date: December 24, 1959 (effective date is the date proposed by Respondent).

Warren proposes a favored-nation increase from 11.0 cents per Mcf to 16.8 cents per Mcf. In support of its proposed increased rate, Warren states that the favored-nation provision of the contract will be triggered by prices paid for certain gas which Oklahoma Natural Gas Company (an intrastate purchaser) and Lone Star have contracted to purchase from the Knox Field in Grady County, Oklahoma, at a price of 16.8 cents per Mcf.² Deliveries of such gas are scheduled to commence on or before December 24, 1959. Warren further states that the delivery conditions and quality of gas from the Garvin County Plants are at

least as favorable to the purchaser as the corresponding factors in the Carter-Knox gas; that the contract was negotiated at arm's length; and that the proposed rate is no greater than the intrastate price for gas in the same general area. In addition to the above, Warren submitted cost of service data for the calendar year of 1958 pertaining solely to the subject gas processing plant.

Kerr-McGee proposes a favored-nation increase from 11.0 cents to 16.8 cents. In support of its proposed increased rate, Kerr-McGee submits a favored-nation notification letter dated October 20, 1959, and states that the increased rate is provided by a contract negotiated at arm's length; that the proposed rate will be no more than the current going price for gas in the area; and that the drilling depths of the plants' suppliers have been increasing. In addition, Kerr-McGee submitted cost of service data similar to the data presented by Warren above.

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 hearings concerning the lawfulness of each of the said proposed changes and that the supplements herein designated 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), public hearings be held upon dates to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-described supplements.

(B) Pending such hearings and decisions thereon, each of said supplements be and they are each hereby suspended and the use thereof deferred until May 24, 1960, and until such further time as each is 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 these proceedings have 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.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-11124; Filed, Dec. 29, 1959; 8:45 a.m.]

¹ This order does not provide for the consolidation for hearing or disposition of the matters covered herein, nor should it be so construed.

² The 16.8 cents per Mcf price paid by Lone Star was certificated in Docket Nos. G-17397, et al.

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3840]

COLUMBIA GAS SYSTEM, INC., AND COLUMBIA GAS SYSTEM SERVICE CORP.

Notice of Proposed Increase in Au- thorized Shares of Common Stock and Intrasystem Issuance, Sale and Acquisition of Shares of Such Stock and Installment Notes

DECEMBER 22, 1959.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and Columbia Gas System Service Corporation ("Service"), a wholly-owned subsidiary rendering service to associates in the Columbia system, have filed a joint application-declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9 and 10 of the Act and Rules 43 and 50 thereunder as applicable to the proposed transactions, which are summarized as follows:

Service proposes (1) to amend its Certificate of Incorporation (with the consent of Columbia, its sole stockholder) so as to increase its authorized shares of common stock, par value \$100 per share, from 5,000 to 13,000 shares, and (2) to issue and sell to Columbia, 8,000 shares of such stock at par for an aggregate of \$800,000, and \$1,095,000 principal amount of unsecured Installment Promissory Notes at the face amount thereof. The notes are to be dated as of the date of their issuance, are to be payable in 25 equal annual installments on February 15 in each of the years 1961-1985, inclusive with interest to be paid semi-annually at the rate of 5.4% per annum, which represents the approximate cost of money to Columbia in respect of its last sale of senior debentures on October 8, 1959.

The proceeds from the above sales, aggregating \$1,895,000 are to be used by Service (1) to repay \$1,795,000 of advances previously made by Columbia to Service for the purchase of land, for the construction of an office building and for the purchase of equipment therefor and (2) to reimburse working capital to the extent of \$100,000.

The estimated expenses to be incurred in connection with the proposals aggregating \$1,180 consists of \$880 of Federal Original Issue Tax to be paid by Service, miscellaneous expenses and service company charges aggregating \$300 of which \$100 is to be paid by Columbia and \$200 by Service.

It is represented that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than January 7, 1960, request this Commission in writing that a hearing be held in respect

of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the amended application-declaration which he desires to controvert; or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the application-declaration as filed or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.[F.R. Doc. 59-11101; Filed, Dec. 29, 1959;
8:46 a.m.]

[File No. 70-3839]

MIDDLE SOUTH UTILITIES, INC.

Notice of Proposed Amendment of Certificate of Incorporation, Two- for-One Common Stock Split, and Solicitation of Proxies in Connection Therewith

DECEMBER 23, 1959.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, and 12(e) of the Act and Rules 46 and 62 thereunder as applicable to the proposed transactions which are summarized as follows:

Middle South proposes to effect a two-for-one split in its common stock in the form of a stock dividend, increasing from 8,050,000 to 16,100,000 the number of shares of \$10 par value common stock outstanding. In connection therewith Middle South also proposes to amend its certificate of incorporation to increase the authorized number of common shares from 12,000,000 to 25,000,000. The stock split will be effectuated by (1) transferring \$80,500,000 from the capital surplus to the capital stock account; (2) declaring the stock dividend; and (3) issuing to stockholders of record on or about February 24, 1960, additional certificates representing one new share of common stock for each share then held.

The amendment increasing the authorized number of common shares requires a favorable vote by holders of two-thirds of the shares of Middle South's outstanding common stock. Approval of the plan to effectuate the stock split requires a favorable vote by holders of a majority of the shares of the common stock. Middle South proposes to submit these matters at a spe-

cial meeting of stockholders to be held on February 15, 1960. Solicitation material and proxy forms in connection therewith have been submitted for Commission approval.

Middle South states that it is expected that the two-for-one stock split will broaden the market for its common stock and bring about an increase in the number of stockholders.

The fees and expenses to be incurred by Middle South are estimated at \$165,000, including legal fees and expenses—\$15,000; transfer agent's fees—\$40,500; registrar fees—\$13,000; Federal issue tax—\$27,500; listing fee—\$18,000; and expenses for printing and for new stock certificates—\$25,500.

The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than January 7, 1960, request this Commission in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.[F.R. Doc. 59-11131; Filed, Dec. 29, 1959;
8:46 a.m.]

[File No. 1-3865]

SKIATRON ELECTRONICS AND TELEVISION CORP.

Order Summarily Suspending Trading

DECEMBER 24, 1959.

In the matter of trading on the American Stock Exchange in the common stock, par value 10 cents per share of Skiatron Electronics and Television Corporation; File No. 1-3865.

The common stock, par value 10 cents per share of Skiatron Electronics and Television Corporation, being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, December 28, 1959, to January 6, 1960, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 59-11132; Filed, Dec. 29, 1959;
8:46 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

ELIZABETH RIVER TERMINALS, INC.,
ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 8435, between Elizabeth River Terminals, Inc., Imperial Tobacco Company, Lamberts Point Docks, Inc., Southern Tidewater Terminals, Inc., and Whitehall Terminals Corporation, provides for the creation of an association to be known as the Norfolk Marine Terminal Association for the purpose of establishing and maintaining, among themselves, just and reasonable terminal rates, charges, classifications, rules, regulations, and practices at the port of Norfolk, Virginia.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: December 28, 1959.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-11118; Filed, Dec. 29, 1959;
8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 109]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 24, 1959.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 80430 (Deviation No. 1), GATEWAY TRANSPORTATION CO., 2130-2150 South Avenue, La Crosse, Wis., filed December 14, 1959. Attorney: Charles L. Redel, 2130-2150 South Avenue, La Crosse, Wis. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Hudson, Wis., over U.S. Highway 94 to Eau Claire, Wis., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities, over the following pertinent service routes: From Minneapolis, Minn., over U.S. Highway 12 to junction Wisconsin Highway 172, thence over Wisconsin Highway 172 to Eau Claire, Wis., thence over U.S. Highway 53 to junction U.S. Highway 12, thence over U.S. Highway 12 via Madison, Wis., and Richmond, Ill., to Chicago (also for operating convenience only, from junction U.S. Highway 12 and Wisconsin Highway 172 west of Eau Claire over U.S. Highway 12 to junction U.S. Highway 53 east of Eau Claire; and also unrestricted, from Richmond over Illinois Highway 31 to McHenry, Ill., thence over Illinois Highway 120 to junction U.S. Highway 45, and thence over U.S. Highway 45 to Chicago), and return over the same routes.

No. MC 107500 (Deviation No. 5), BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill., filed December 16, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, as follows: From Omaha, Nebr.,

over new Nebraska Interstate Highway 80, to junction U.S. Highway 6, about 3 miles south of Gretna, Nebr., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent authorized service route: From Omaha, over U.S. Highway 6 to junction unnumbered highway about 4 miles southwest of Atlanta, Nebr., thence over unnumbered highway via Mascot, Nebr., to Oxford, Nebr., thence over Nebraska Highway 3 via Edison, Nebr., to junction U.S. Highway 6, and thence over U.S. Highway 6 to McCook, and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Deviation No. 43), THE GREYHOUND CORPORATION, 509 Sixth Avenue, North, Minneapolis 5, Minn., filed December 14, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle of passengers over a deviation route as follows: From Omaha, Nebr., over Interstate Highway 80 with access routes, to Lincoln, Nebr., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers between Omaha and Lincoln over U.S. Highway 6.

No. MC 2890 (Deviation No. 7), AMERICAN BUS LINES, INC., 1341 P Street, Lincoln, Nebr., filed December 18, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle of passengers over a deviation route as follows: From Omaha, Nebr., over Interstate Highway 80 with access routes to Lincoln, Nebr., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers between the same points over pertinent service routes as follows: From Omaha over Nebraska Highway 38 to junction unnumbered highway, thence over unnumbered highway via Millard, Nebr., to junction U.S. Highway 6 at a point of approximately 5 miles west of Millard, thence over U.S. Highway 6 via Ashland to Lincoln, Nebr.; from Council Bluffs, Iowa, over U.S. Highway 6 to Lincoln, Nebr., and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 59-11113; Filed, Dec. 29, 1959;
8:47 a.m.]

[Notice 302]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 24, 1959.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209

and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 2960 (Sub No. 2), filed March 30, 1959. Applicant: D. A. BEARD TRUCK LINES CO., a Corporation, 4100 East-Tex Freeway, P.O. Box 938, Houston 16, Tex. Applicant's attorney: Wilmer A. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except commodities of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, (1) from Lake Charles, La., and points within eight (8) miles thereof, to Houston, Tex.; (a) from Lake Charles, and points within 8 miles thereof, over U.S. Highway 90 to Houston, and (b) from Lake Charles, and points within 8 miles thereof, over U.S. Highway 90 to Orange, Tex., thence over Texas Highway 87 to Port Arthur, Tex., thence over U.S. Highways 69-96-287 to Beaumont, Tex., and thence over U.S. Highway 90 to Houston, serving all intermediate points and all points within five miles of said highways, and serving the East Texas Pulp and Paper Co. plant located on or near Texas Highway 105 between Vidor and Evadale, Tex., as an off-route point; and (2) from the plant of East Texas Pulp and Paper Co. (on or near Texas Highway 105 between Vidor and Evadale, Tex.), to Lake Charles, La., and points within eight (8) miles thereof; from said plant site, over Texas Highway 105 to Vidor, Tex., and thence over U.S. Highway 90 to Lake Charles, and points within eight (8) miles thereof; and (3) between Port Arthur, Tex., and Houston, Tex., over Texas Highway 73, as an alternate route for operating convenience only, serving no intermediate points. Applicant is authorized to transport general commodities, with exceptions, from Houston, Tex., to Lake Charles and Shreveport, La., and specified points in Texas, and cotton, cotton linters, wool and mohair, on return.

HEARING: January 25, 1960, at the Federal Office Building, Franklin and Fannin Streets, Houston, Texas, before Joint Board No. 32, or if the Joint Board waives its right to participate, before Examiner Thomas F. Kilroy.

No. MC 106223 (Sub No. 51), filed November 25, 1959. Applicant: GREEN-LEAF MOTOR EXPRESS, INC., 4606 State Avenue, Ashtabula, Ohio. Applicant's attorney: Edwin C. Reminger, 75 Public Square, Suite 1316, Cleveland 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resins*, liquid, in bulk, in tank vehicles, from Ashtabula, Ohio, to Linesville and Union City, Pa. Applicant is authorized to conduct operations in Ohio, Pennsylvania, Connecticut, Massachusetts, Rhode Is-

land, New York, the District of Columbia, Maryland, New Jersey, Indiana, Michigan, Illinois, Kentucky, Delaware, West Virginia, Vermont, Tennessee, Missouri, Wisconsin, Alabama, Iowa, Maine, Minnesota, and New Hampshire.

HEARING: January 27, 1960, at the New Post Office Building, Columbus, Ohio, before Examiner Alton R. Smith.

No. MC 106943 (Sub No. 68), filed November 16, 1959. Applicant: EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Chrysler Corporation at or near Twinsburg, Ohio, as an off-route point in connection with applicant's authorized regular route operations between Cleveland, Ohio, and Pittsburgh, Pa. Applicant is authorized to conduct operations in Iowa, Michigan, Kentucky, West Virginia, Illinois, Pennsylvania, Missouri, New Jersey, Indiana, Maryland, New York, and Ohio.

HEARING: January 27, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 111812 (Sub No. 95), filed December 16, 1959. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, P.O. Box 747, Sioux Falls, S. Dak. Applicant's attorney: Donald Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products and commodities used by packinghouses*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, from Ft. Atkinson, Wis., to points in Washington, Idaho, Montana and Oregon. Applicant is authorized to conduct operations in Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Idaho, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming.

HEARING: January 12, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Allan F. Borroughs.

MOTOR CARRIERS OF PASSENGERS

No. MC 75289 (Sub No. 23), filed December 22, 1959. Applicant: D.C. TRANSIT SYSTEM, INC., 3600 M Street NW., Washington 7, D.C. Applicant's attorney: John R. Sims, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: 1 *Passengers and their baggage, express, mail and newspapers*, between Washington, D.C., and Ashton, Md., (a)

from Washington, D.C., over existing city streets to Maryland-D.C. Line at Georgia Ave., U.S. Highway 29; thence over U.S. Highway 29 to Ashton, Md., and return over the same route, serving all intermediate points, (b) from Washington, D.C., over existing city streets to Maryland-D.C. Line at Georgia Avenue, U.S. Highway 29; thence over U.S. Highway 29 to its intersection with Maryland Highway 97; thence over Maryland Highway 97 to its intersection with Maryland Highway 103; thence over Maryland Highway 103 to Ashton, Md., and return over the same route, serving all intermediate points. 2 Between Washington, D.C., and Rockville, Md., (a) from Washington, D.C., over existing city streets to Maryland-D.C. Line at Georgia Ave., U.S. Highway 29; thence over U.S. Highway 29 to its intersection with Maryland Highway 97; thence over Maryland Highway 97 to its intersection with Maryland Highway 586; thence over Maryland Highway 586 to its intersection Maryland Highway 28; thence over Maryland Highway 28 to Rockville, Md., and return over the same route, serving all intermediate points, and (b) from Washington, D.C. over existing city streets to Maryland-D.C. Line at River Road; thence over Maryland Highway 190 to its intersection with Maryland Highway 189; thence over Maryland Highway 189 to its intersection with Maryland Highway 28; thence over Maryland Highway 28 to Rockville, Md., and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Virginia, Maryland, and the District of Columbia.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 116755 Sub No. 4.

HEARING: January 29, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 120.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 43475 (Sub No. 44), filed December 14, 1959. Applicant: GLEN-DENNING MOTORWAYS, INC., 820 Hampden Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Hudson, Wis., and Eau Claire, Wis.; from Hudson over U.S. Highway 94 to Eau Claire, and return over the same route, serving the intermediate point of Menomonie, Wis., and the off-route points of Baldwin, Elk Mound, Hammond, Hersey, Knapp, Roberts, Rusk, Wilson, and Woodville, Wis. Applicant is authorized to conduct operations in South Dakota, North Dakota, Minnesota, Wisconsin, Illinois, Indiana, and Iowa.

NOTE: Applicant states it is authorized to serve the above intermediate and off-route points between Hudson and Eau Claire, Wis., over U.S. Highway 12 and that the new High-

way is presently open from Hudson, Wis., to Menomonee, Wis., and is scheduled to be completed to Eau Claire shortly.

No. MC 50132 (Sub No. 75), filed December 16, 1959. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Authority sought to operate as a *contract and common carrier*, by motor vehicle, over irregular routes, transporting: Filter clay, from Jackson, Miss., to Omaha, Nebr. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 50132 (Sub No. 38) to determine whether applicant's status is that of a common or contract carrier. Dual authority, under section 210, may be involved.

No. MC 66562 (Sub No. 1602), filed December 15, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Law Department, Railway Express Agency, Incorporated (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Classes A and B explosives, and empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, moving in express service, between Portland, Oreg., and Lyle, Wash., from Portland over U.S. Highway 99 to Vancouver, Wash., thence over U.S. Highway 830 to Lyle, and return over the same route, serving the intermediate or off-route points of Vancouver, Camas, Stevenson, Bingen and White Salmon, Wash. Applicant indicates the service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1603), filed December 18, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Law Department, Railway Express Agency, Incorporated (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Classes A and B explosives*, moving in express service, between Washington, Ind., and Vincennes, Ind., from Washington over U.S. Highway 50 to Vincennes, and return over the same route, serving the intermediate point of Wheatland, Ind. The application indicates the service to be performed will be limited to that which is auxiliary to or

supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant, an immediately prior or an immediately subsequent movement by rail or air. Applicant is authorized to conduct operations throughout the United States.

NOTE: The proposed motor service will be an extension of applicant's operations between Cincinnati, Ohio, and Washington, Ind., under Certificate No. MC 66562 (Sub No. 1012).

No. MC 101126 (Sub No. 128), filed December 14, 1959. Applicant: STILL-PASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Refined (chemically pure) glycerine*, in bulk, in insulated, stainless steel tank vehicles, from Clarksville, Ind., to Cincinnati, Ohio, and *rejected shipments* of the above-specified commodities on return. Applicant is authorized to conduct operations in Alabama, Arizona, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212(c) to determine whether applicant's status is that of a common or contract carrier in No. MC 101126 (Sub No. 86).

No. MC 107403 (Sub No. 296), filed December 15, 1959. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, 811-819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Matured spirits* (blended whiskey), in bulk, in tank vehicles, from Buffalo, N.Y., to Baltimore, Md. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE: Section 210, dual operations may be involved. Applicant holds contract carrier authority in Permit No. MC 117637 (Sub No. 1).

No. MC 108194 (Sub No. 7), filed December 21, 1959. Applicant: WILLIAM B. MAYER, INC., 30 Moffitt Street, Stratford, Conn. Applicant's attorney: Sidney L. Goldstein, 109 Church Street, New Haven, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products, dairy products and articles distributed by meat packing houses*, as defined by the Commission. Service to

be limited to commodities which have had an immediately prior movement by rail or truck, from Stratford or Bridgeport, Conn., to Brewster, N.Y. Applicant is authorized to conduct operations in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Virginia.

No. MC 109451 (Sub No. 108), filed December 14, 1959. Applicant: ECOFF TRUCKING, INC., Fortville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ethyl ether*, from Ficklin, Ill., to Merchantville, N.J. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin.

No. MC 114789 (Sub No. 4), filed December 14, 1959. Applicant: NATION-WIDE CARRIERS, INC., 721 Second Street SE., Minneapolis, Minn. Applicant's attorney: William S. Rosen, Builders Exchange, Minneapolis 2, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, from Minneapolis, Minn., to points in Texas, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Minnesota, Texas, and Wisconsin.

NOTE: Applicant states the purpose of this application is to add one shipper to its existing permit which authorizes such transportation.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub No. 176), filed December 11, 1959. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Earl A. Bagby, 371 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers. Proposed changes in applicant's operating authority in connection with permissive deviation routes and in Certificate No. MC 1501 (Sub No. 138) as revised. (1) Revoke permissive deviation routes, not certificated, but authorized, as follows: (1) 1 (a) Between Anthony, N. Mex., and junction U.S. Highway 50 and New Mexico Highway 478 south of Las Cruces, N. Mex.: From Anthony over U.S. Highway 80 to junction New Mexico Highway 478. (Connects with Texas route 1.) (b) Between North Mesilla Park, N. Mex., and West Las Cruces, N. Mex.: From junction U.S. Highway 80 and By-Pass U.S. Highway 80 (North Mesilla Park), over By-Pass U.S. Highway 80 to junction U.S. Highway 70 (West Las Cruces). The foregoing two routes are permissive alternate

routes to be used for operating convenience only, serving no intermediate points and since these two routes are not certificated no certificate revision is necessary. (2) Authorize a regular route to be assigned New Mexico Route No. 5 in Certificate No. MC 1501 (Sub No. 138) as revised, as follows: "5. Between the Texas-New Mexico State line and West Las Cruces: From the point where Interstate Highway No. 10 intersects the Texas-New Mexico State line, over Interstate Highway 10 to junction U.S. Highway 80 (Anthony Junction), thence over U.S. Highway 80 to junction By-Pass U.S. Highway 80 (North Mesilla Park), thence over By-Pass U.S. Highway 80 to junction U.S. Highway 70 (West Las Cruces). (Connects with Texas route 2.) Service is not authorized at intermediate points, except to and from North Mesilla Park for purposes of joinder only." (3) Authorize a regular route to be assigned Texas Route No. 2 in Certificate No. MC 1501 (Sub No. 138) to be shown on an appropriately numbered revised sheet to Certificate No. MC 1501 (Sub No. 138), as follows: "2. Between Crossroads and the Texas-New Mexico State line: From junction U.S. Highway 80 and Alternate U.S. Highway 80 (Crossroads), over U.S. Highway 80 to junction Interstate Highway 10 (Crossroads Junction), thence over Interstate Highway 10 to the point of its intersection with the Texas-New Mexico State line. (Connects with New Mexico route 5.) Service is not authorized at intermediate points." (4) Revoke present authority to operate over Texas route 2 which reads: "2. Between El Paso and Crossroads: From El Paso over U.S. Highway 80 to junction Alternate U.S. Highway 80 (Crossroads)." Requested Certificate Revision: Delete present Texas Route 2 from applicant's certificate and insert, in lieu thereof, the route proposed in (3) above. (5) Revise New Mexico Route No. 1, as shown on Certificate Sheet No. 53 (for which a revised sheet has not as of date of this application been issued.) (5) 1 Present authorization: (a) As shown in latest revised certificate: "1. Between Albuquerque and the New Mexico-Arizona State line west of Gallup: From Albuquerque over U.S. Highway 66 to the point where it intersects the New Mexico-Arizona State line. (Connects with Arizona route 1.)" (b) As shown in Letter-Notice, dated November 25, 1959, which revision has not, as yet, been shown in the certificate: "1. Between Albuquerque and the New Mexico-Arizona State line west of Gallup: From Albuquerque over U.S. Highway 66 to junction unnumbered highway (East Correo Junction), thence over unnumbered highway via Correo to junction U.S. Highway 66 (West Correo Junction), thence over U.S. Highway 66 to junction unnumbered highway (South Mesita Junction), thence over unnumbered highway via Mesita to junction U.S. Highway 66 (North Mesita Junction), thence over U.S. Highway 66 to a point where it intersects the New Mexico-Arizona State line. (Connects with Arizona route 1.)" (5) 2 Requested

Certificate Revision: Reroute regular New Mexico Route 1 over the relocated portion of U.S. Highway 66 between East Correo Junction and West Correo Junction and between South Mesita and North Mesita by reestablishing said regular Route No. 1 entirely over U.S. Highway 66 between Albuquerque and the New Mexico-Arizona State line in lieu of the presently certificated regular route No. 1 as modified by said Letter-Notice. This route would accordingly be restated as of the current date as it is set forth in (5) 1 (a) above, in adoption of U.S. Highway 66 in said route description as it is presently located. No certificate revision will therefore be required except to reissue the same as of the current date, with said New Mexico Route 1 to be described as presently set forth on present First Revised Sheet No. 53. Applicant is authorized to conduct operations throughout the United States.

NOTE: Unless otherwise specified, the additional authority sought herein is for the transportation of passengers and their baggage, and express and newspapers in the same vehicle with passengers, between the points and in both directions over the routes herein set forth, serving all intermediate points, subject, in each instance, to any and all limitations specifically proposed.

APPLICATION FOR CERTIFICATE OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 78643 (Sub No. 43), filed December 14, 1959. Applicant: HART MOTOR EXPRESS, INC., 2417 North Cleveland, St. Paul, Minn. Applicant's attorney: Donald A. Morken, 1100 First National-Soo Line Building, Minneapolis 2, Minn. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Fargo and Wilton, N. Dak., and points within 15 miles of each on the one hand, and, on the other, points in North Dakota. Applicant is authorized to conduct operations in Illinois, Iowa, Minnesota, Montana, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

NOTE: This application is directly related to MC-F 7399.

APPLICATIONS UNDER SECTIONS 5(a) AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240)

MOTOR CARRIERS OF PROPERTY

No. MC-F-7403. Authority sought for purchase by JOHN F. IVORY STOPAGE CO., INC., 8035 Woodward Avenue, Detroit 2, Mich., of a portion of the operating rights of G. L. RUSSELL, doing business as RUSSELL TRANSFER, 1244

Pegram Street, Charlotte, N.C., and for acquisition by JOHN F. IVORY, also of Detroit, of control of such rights through the purchase. Applicants' attorney: Arthur P. Boynton, 2850 Penobscot Building, Detroit 26, Mich. Operating rights sought to be transferred: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, as a common carrier, over irregular routes, between Charlotte, N.C., on the one hand, and, on the other, points in South Carolina. Vendee is authorized to operate as a common carrier in Louisiana, Maine, New Hampshire, North Dakota, South Dakota, Alabama, Arkansas, Colorado, Connecticut, Delaware, Georgia, Iowa, Illinois, Indiana, Kansas, Kentucky, Massachusetts, Ohio, Maryland, Michigan, Minnesota, Missouri, Mississippi, Nebraska, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, Wisconsin, Texas, Florida, New Mexico, Arizona, Utah, Wyoming, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-11114: Filed, Dec. 29, 1959; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 24, 1959.

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. 35918: *Cottonseed cake and meal from the southwest to Colorado and Wyoming*. Filed by Southwestern Freight Bureau, Agent (No. B-7708), for interested rail carriers. Rates on Cottonseed cake and meal, in carloads from points in southwestern territory to points in Colorado and Wyoming on the CRI&P, D&RGW, and UP.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 120 to Southwestern Freight Bureau tariff I.C.C. 3972.

FSA No. 35919: *Iron and steel articles between points in Texas*. Filed by Texas-Louisiana Freight Bureau, Agent (No. 376), for interested rail carriers. Rates on iron and steel articles, in carloads between points in Texas on interstate domestic traffic.

Grounds for relief: Intrastate competition.

Tariff: Supplement 24 to Texas-Louisiana Freight Bureau tariff I.C.C. 901.

By the Commission.

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-11112: Filed, Dec. 29, 1959; 8:47 a.m.]

[Notice 242]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 28, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62700. By order of December 21, 1959, the Transfer Board approved the transfer to Walter C. Barnes, doing business as New Canaan Moving and Storage Co., New Canaan, Conn., of Certificate in No. MC 47571, issued August 12, 1955, to Walter C. Barnes and E. Morgan Saunders, a partnership, doing business as New Canaan Moving and Storage Co., New Canaan, Conn., authorizing the transportation of: Plants and flowers from Darien, Conn., to New York, N.Y.; New furniture, from New York, N.Y., to Darien, Conn.; and Household goods, between New York, N.Y., on the one hand, and, on the other, points in Connecticut; and, between specified points in Connecticut, on the one hand, and, on the other, points in New Jersey and New York. John J. Dolan, 39 South Avenue, New Canaan, Conn., for applicants.

No. MC-FC 62714. By order of December 21, 1959, the Transfer Board approved the transfer to Automobile Transport Company of California, Gardena, Calif., of Certificate No. MC 113914, issued August 25, 1955, to Ace-Hi Auto Mart, Gardena, Calif., authorizing the transportation of: Used automobiles, in truckaway service, between Phoenix, Ariz., on the one hand, and, on the other, Los Angeles and San Diego, Calif. R. Y. Schureman, 639 South Spring Street, Los Angeles 14, Calif., for applicants.

No. MC-FC 62720. By order of December 21, 1959, the Transfer Board approved the transfer to Emil Swartz, doing business as McKee Transfer, Wagner, S. Dak., of Certificate No. MC 6901, issued March 6, 1941, to Ernest McKee, Wagner, S. Dak., authorizing the transportation of: General Commodities, excluding household goods, commodities in bulk, and other specified commodities, between Wagner, S. Dak., and Sioux City, Iowa, serving the intermediate and off-route points of Dante, Ravinia, Greenwood, and Marty, S. Dak.; Bridge building materials and supplies, from Sioux City to bridge sites in South Dakota and Nebraska within 75 miles of Wagner, S. Dak.; and livestock, from Wagner, S. Dak., and points within 25 miles thereof, to Sioux City.

No. MC-FC 62744. By order of December 21, 1959, the Transfer Board approved the transfer to Michigan & Nebraska Transit Co., Inc., Grand Rapids, Mich., of Certificates Nos. MC 82492, MC 82492 Sub 3, MC 82492 Sub 6, and MC 82492 Sub 9, issued May 20, 1943, August 31, 1948, May 21, 1951, and September 4, 1958, respectively, to Wm. J. Hands, doing business as Michigan & Nebraska Transit Co., Grand Rapids, Mich., authorizing the transportation of: Canned goods, beans, fresh fruits and vegetables, and creamery and packing-house supplies, from Grand Rapids, Mich., and points in Michigan within 175 miles of Grand Rapids, to points in Iowa and Nebraska; fresh fruits and vegetables, from points in Ottawa County, Mich., to Chicago, Ill., St. Louis, Mo., and Gary, Ind.; Beans, from Grand Rapids and Lansing, Mich., to St. Louis, Mo., points in Illinois on and north of U.S. Highway 36; butter, eggs, and poultry, in barrels, boxes, crates or cans, from Omaha, Nebr., and Sioux City, Iowa, to points in that part of Michigan on, south, or west of U.S. Highway 10; paper, and paper products, from Kalamazoo, Mich., and points in Michigan within 50 miles of Kalamazoo, to points in Iowa and Nebraska; commercial feeds, from Chicago, Ill., to Falmouth, Mich., and points in a specified territory in Michigan; furnaces and furnace fittings, and accessories, from Holland, Mich., to Joliet, Springfield, Murphysboro, and Peoria, Ill., Crawfordville and Plymouth, Ind., and points in that part of Indiana on and north of U.S. Highway 6; processed cereals, in packages and soap and cleaning compounds, from Omaha, Nebr., to Grand Rapids, Mich., and all points in Michigan within 175 miles of Grand Rapids; dressed poultry, poultry products, poultry by-products, eggs, butter, margarine, and frozen foods, and advertising matter when transported incidental to the movement of such commodities, from all points in Nebraska and points in Iowa as specified and all points in Michigan within 175 miles of Grand Rapids, except butter, eggs, and poultry, in barrels, boxes, crates, or cartons, from Omaha, Nebr., and Sioux City, Iowa, to points in that portion of Michigan on, south, or west of U.S. Highway 10, from Fairmont and Worthington, Minn., to Grand Rapids, Mich., points in Michigan within 175 miles of Grand Rapids, and points in Ohio and Indiana, from points in Nebraska and those in a specified territory in Iowa, to points in Ohio and Indiana; the commodities classified as meats, meat products, and meat by-products, and as articles distributed by meat-packing houses, from Fort Dodge and Esterville, Iowa, to points in Indiana, those in the lower peninsula of Michigan, and those in that part of Ohio on and north of U.S. Highway 224, from Sioux City, Iowa, to points in Indiana, Ohio, and those in the lower peninsula of Michigan; the commodities classified as dairy products, from Bedford and Winfield, Iowa, to points in Indiana, Ohio, and those in the lower peninsula of Michigan; and meats, meat products, meat by-products, and articles,

distributed by meat-packing houses, from Storm Lake, Iowa, to points in the lower peninsula of Michigan. Transferee is also substituted for transferor in a pending application under Section 207 of the Act, assigned docket No. MC 82492 Sub 11, for authority to continue the transportation of: Frozen fruits, frozen berries and frozen vegetables, from points in Michigan, to points in Iowa, Nebraska, and those in Minnesota on and south of U.S. Highway 14. L. F. Richardson, Michigan National Tower, Lansing 8, Mich., for applicants.

No. MC-FC 62753. By order of December 21, 1959, the Transfer Board approved the transfer to Anderson Transportation Co., Inc., East Northport, New York, of Certificates in Nos. MC 93937, MC 93937 Sub 4, and MC 93937 Sub 5, issued October 6, 1942, April 23, 1945, and February 28, 1949, respectively, to Herbert Anderson, East Northport, New York, authorizing the transportation of fertilizer, fertilizing materials, soil conditioners, agricultural commodities, agricultural lime, limestone, limestone poultry and animal feed, from, to, and between specified points in New Jersey and New York. Transferee was substituted for transferor in Nos. MC 93937 Sub 7TA and MC 93937 Sub 8. Edward M. Alfano, Werner & Alfano, 2 West 45th Street, New York 36, N.Y., for applicants.

No. MC-FC 62772. By order of December 21, 1959, the Transfer Board approved the transfer to Maynard T. Wedul, doing business as Wedul Truck Line, Thief River Falls, Minnesota, of a Certificate in No. MC 88818, issued March 17, 1950, to Arnt Wedul, Thief River Falls, Minnesota, authorizing the transportation of livestock, farm machinery, feed, emigrant movables, farm implements, petroleum products, unprocessed agricultural commodities, and groceries, from, to, and between, specified points in Minnesota and North Dakota. A. R. Fowler, Associated Motor Carriers Tariff Bureau, 2288 University Avenue, Saint Paul 14, Minnesota, for applicants.

No. MC-FC 62792. By order of December 21, 1959, the Transfer Board approved the transfer to B & C Tankers, Inc., Midland, Texas, of a Certificate in No. MC 43387 issued September 20, 1940, to Roger E. Thoes, Wichita Falls, Texas, authorizing the transportation of machinery, materials, supplies, and equipment, in connection with natural gas and petroleum operations between specified points in Texas to points in Oklahoma. Tom P. James, Box 2605, Odessa, Tex., for applicants.

No. MC-FC 62802. By order of December 21, 1959, the Transfer Board approved the transfer to J. V. Vozzolo, Inc., Washington, D.C., of Permits Nos. MC 101791, MC 101791 Sub 1, and MC 101791 Sub 4, issued April 3, 1946, November 25, 1946, and August 9, 1955, respectively, in the name of James V. Vozzolo, Washington, D.C., authorizing the transportation of building block, brick, fire clay, flue lining, gravel, pipe, sand, terra cotta, tile and wall coping, over irregular routes, from Muirkirk, Md., to points in Virginia and the District of Columbia;

from Arlington, Va., to points in the District of Columbia, and those in Maryland, except Baltimore; and return, with no transportation for compensation, to Muirkirk and Arlington; clay products, concrete blocks and cement building products, cinder blocks, cement and masonry mortar, roofing materials, asbestos building products, asphalt building products, insulation materials, plaster-

ing material, metal laths, lime and lime building material, glass products, and gypsum products, over irregular routes, from Washington, D.C., to points in Maryland, except Baltimore, and Virginia; and repossessed, refused or returned building materials, from the above specified destination points to Washington, D.C.; and building blocks and brick, over irregular routes, from

Washington, D.C., to Baltimore, Md., with no transportation for compensation on return. Edward G. Villalon, Perpetual Building, 1111 E Street NW., Washington 4, D.C., for applicants.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-11134; Filed, Dec. 29, 1959;
8:46 a.m.]

CUMULATIVE CODIFICATION GUIDE—DECEMBER

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

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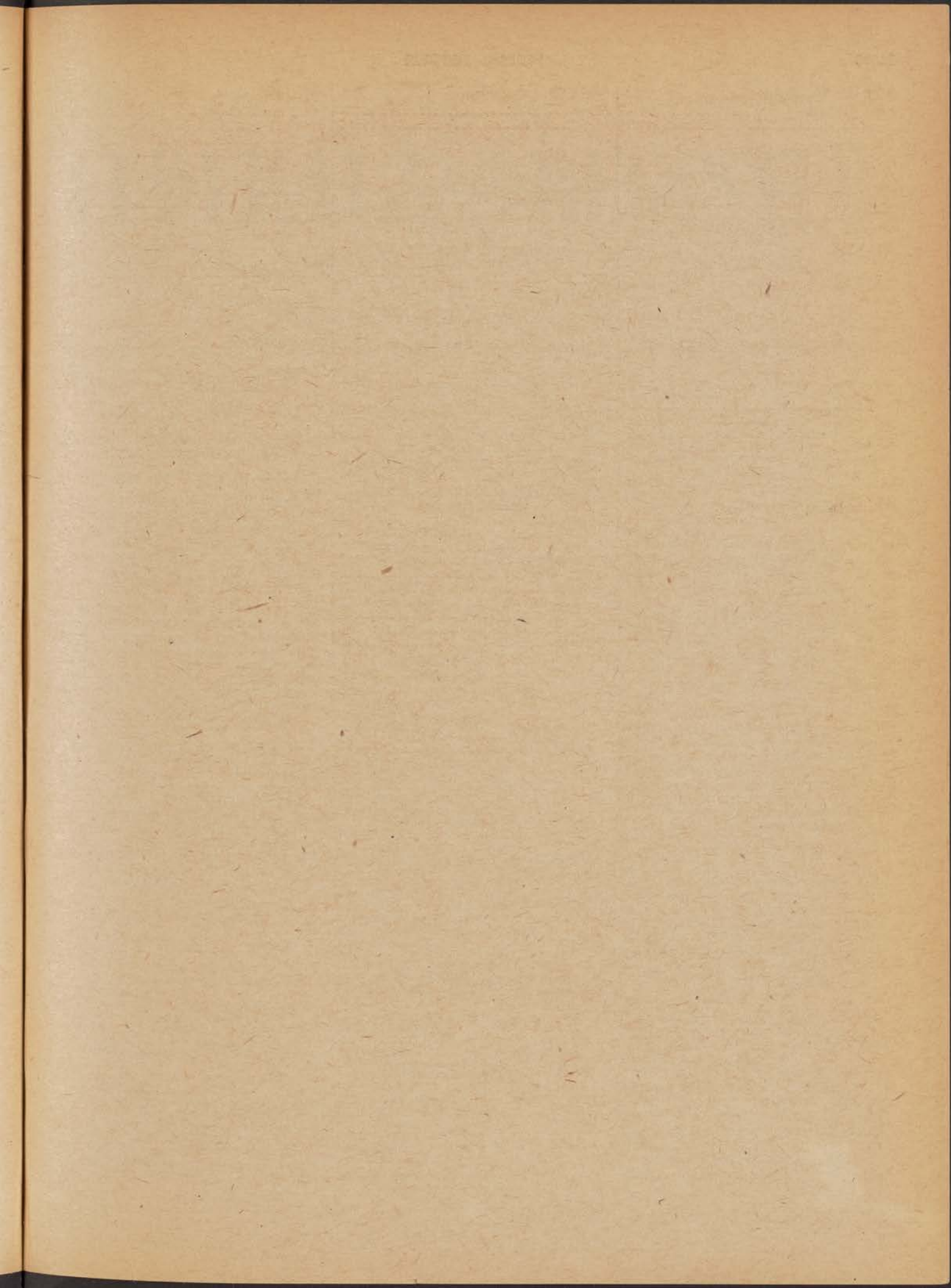
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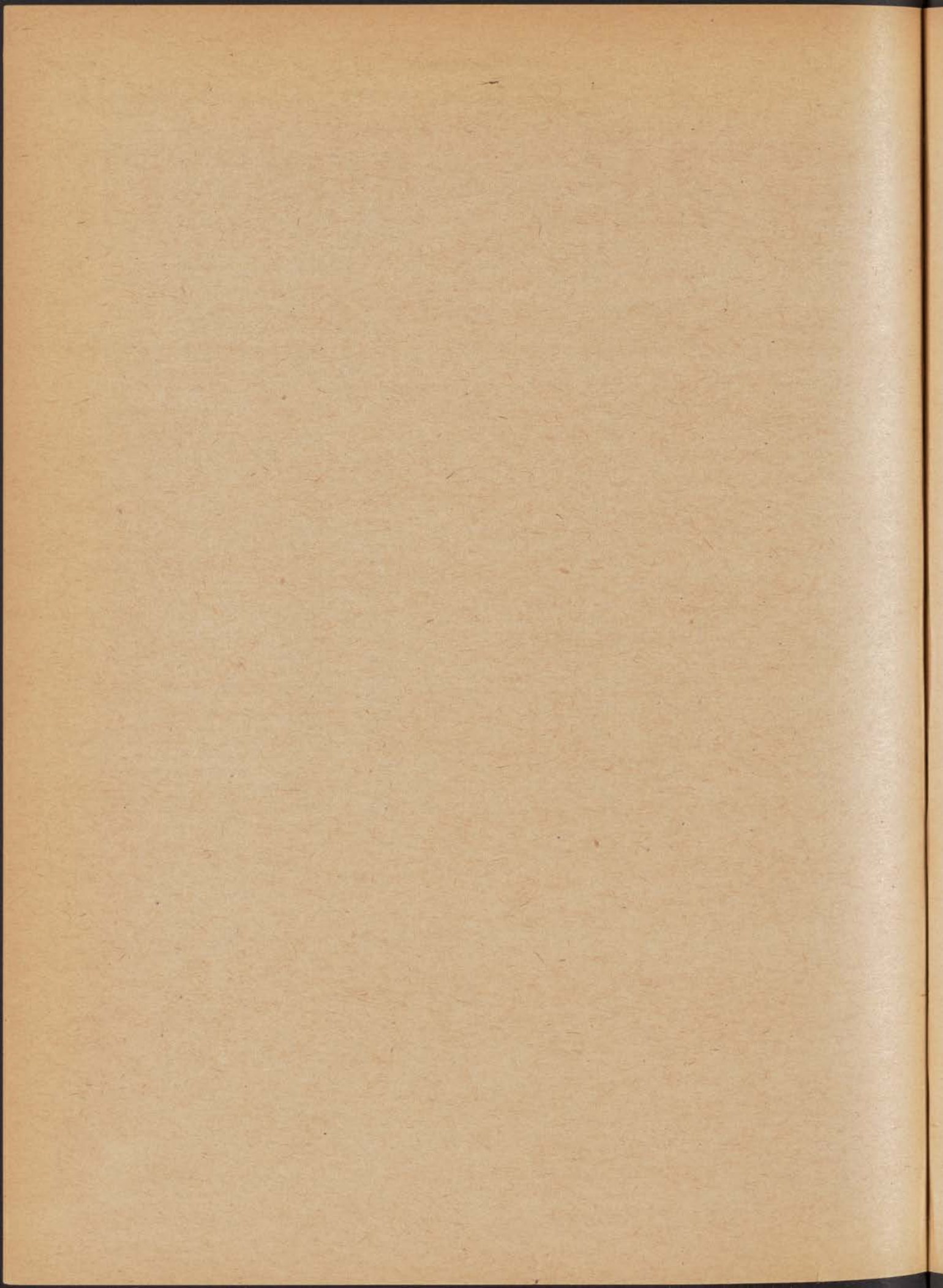
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FEDERAL REGISTER

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PART II

Washington, Wednesday, December 30, 1959

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior REVISION OF REGULATIONS

On pages 9547 and 9848 of the FEDERAL REGISTER (24 F.R. 9547, 9848) there were published notices and text of proposed revisions, rearrangements and amendments of Chapter I, Title 36 of the Code of Federal Regulations, including the National Cemetery Regulations (Part 4).

The purpose of these revisions, rearrangements and amendments is to clarify and modernize the Chapter, as well as to establish reasonable and safe regulations for boating in the national parks, monuments and recreation areas. It is intended also, to have all fees affecting the general public under one part so that they may be easily located by interested persons.

Interested persons were given 21 days within which to submit written comments, suggestions or objections with respect to the proposed amendments. Consideration having been given to all relevant matters presented, it has been determined that the following proposed amendments are hereby recommended for adoption, with editorial changes, and shall become effective upon publication in the FEDERAL REGISTER.

FRED G. AANDAHL,
Acting Secretary of the Interior.

DECEMBER 29, 1951.

- Part
- 1 General rules and regulations.
 - 2 General rules and regulations; National Recreation Areas.
 - 3 National Capital Parks regulations.
 - 4 National cemetery regulations.
 - 5 Private lands subject to exclusive jurisdiction of the United States.
 - 6 Vehicle, guide, admission, and miscellaneous fees.
 - 7 Special regulations relating to parks and monuments.
 - 8 Labor standards applicable to employees of National Park Service concessioners.
 - 9 Procedure and business of the National Park Trust Fund Board.
 - 10 Disposal of certain wild animals.
 - 20 Isle Royale National Park; commercial fishing.

- Part
- 21 Hot Springs National Park; bathhouse regulations.
 - 22 Glacier National Park; timber disposal regulations.
 - 25 National Military Parks; licensed guide service regulations.
 - 26 Olympic and Mount Rainier National Parks; timber disposal regulations.

PART I—GENERAL RULES AND REGULATIONS

- Sec.
- 1.0 General provisions.
 - 1.1 Definitions.
 - 1.2 Preservation of public property, natural features and curiosities.
 - 1.3 Camping.
 - 1.4 Fishing.
 - 1.5 Picnicking.
 - 1.6 Bathing.
 - 1.7 Sanitation.
 - 1.8 Fires.
 - 1.9 Protection of wildlife.
 - 1.10 Feeding of animals.
 - 1.11 Firearms, etc.
 - 1.12 Radios, loud speakers, etc.
 - 1.13 Dogs and cats.
 - 1.14 Mountain climbing.
 - 1.15 Collection of scientific specimens.
 - 1.16 Archaeologic ruins and objects.
 - 1.17 Pack trains and saddle horse parties.
 - 1.18 Closing of areas.
 - 1.19 Report of accidents.
 - 1.20 Grazing and agricultural use.
 - 1.21 Dead animals.
 - 1.22 Begging, soliciting, etc.
 - 1.23 Disorderly conduct.
 - 1.24 Abandonment of property.
 - 1.25 Lost articles.
 - 1.26 Fraudulently obtaining accommodations.
 - 1.27 Prospecting and mining.
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 - 1.30 Advertisements.
 - 1.31 Private operations.
 - 1.32 Private lands.
 - 1.33 Travel on trails.
 - 1.34 Travel on roads.
 - 1.35 Automobiles operated for pleasure.
 - 1.36 Commercial passenger carrying motor vehicles.
 - 1.37 Commercial trucks.
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 - 1.39 House trailers.
 - 1.40 Permits.
 - 1.41 Entrances and exits.
 - 1.42 Limitations on speed.
 - 1.43 Teams.
 - 1.44 Right-of-way.
 - 1.45 Following vehicles.
 - 1.46 Brakes.
 - 1.47 Clutches and gears.
 - 1.48 Lights.
 - 1.49 Sounding horn.
 - 1.50 Muffler cut-outs.

- Sec.
- 1.51 Accidents; stop-overs.
 - 1.52 Traffic signs.
 - 1.53 Persons prohibited from driving.
 - 1.54 Prevention of smoke, etc.
 - 1.55 Excessive acceleration of engine.
 - 1.56 Obstructing traffic.
 - 1.57 Signals by hand and arm or signal device.
 - 1.58 Reckless driving.
 - 1.59 Boats.
 - 1.60 Discrimination in furnishing public accommodations.
 - 1.61 Aircraft.
 - 1.62 Impounding of animals.
 - 1.63 Public meetings and speeches.
 - 1.64 Tampering with a parked motor vehicle.
 - 1.91 Penalties.

AUTHORITY: §§ 1.0 to 1.91 issued under sec. 1-3, 39 Stat. 535, as amended, sec. 1, 47 Stat. 1420, 49 Stat. 2041, as amended, sec. 2, 49 Stat. 666, secs. 5, 2, 52 Stat. 29, 408, sec. 2, 54 Stat. 250, 55 Stat. 745, 60 Stat. 885, secs. 1, 2, 67 Stat. 495-496; 16 U.S.C. 1, 1b, 1c, 2, 3, 9a, 17j-2, 4031, 4502, 460a, 460a-2, 460a-3, 462.

§ 1.0 General provisions.

Except as otherwise provided in special regulations found in Part 7 of this chapter, the following regulations are hereby made and prescribed for the proper use, management, government, and protection of, and maintenance of good order in, all the national parks, national monuments, national military parks, national battlefield parks, national historical parks, national historic sites, national parkways and connected recreational areas, battlefield sites, and miscellaneous memorials which are, or hereafter may be, under the administrative jurisdiction of the National Park Service of the Department of the Interior. The rules and regulations in this part shall not apply to national cemeteries, National Capital Parks, or national recreation areas.

§ 1.1 Definitions.

As used in the rules and regulations in this part, unless otherwise indicated:

(a) The term "Secretary" means the Secretary of the Interior.

(b) The term "Director" means the Director of the National Park Service.

(c) The term "Regional Director" means the administrative officer in charge of a region of the National Park Service.

(d) The term "superintendent" includes a custodian, caretaker, or other

person in charge of a park or monument as hereinafter defined.

(e) The term "park" includes national parks, national military parks, national battlefield parks, national historical parks, national parkways and connected recreational areas as well as Cape Hatteras National Seashore Recreational Area.

(f) The term "monument" includes National Monuments, National Historic Sites, Battlefield Sites, and miscellaneous memorials.

§ 1.2 Preservation of public property, natural features and curiosities.

(a) The destruction, injury, defacement, removal or disturbance in any manner of any public building, sign, equipment, monument, statue, marker, or other structure, or of any tree, pine cone, flower, fruit, vegetation, rock, mineral formation, stalactite, stalagmite, phenomenon of crystallization, incrustation in any lava tube, cave, steam vent, or cone, or of any animal, bird, or other wildlife, or of any ruins, earthworks, trenches, fort, relic, or of any other public property of any kind, is prohibited.

(b) No canes, umbrellas, or sticks of any kind may be taken into caves or caverns, except by special permission of the superintendent or his authorized representative. The tossing, throwing or rolling of rocks or other material inside caves or caverns, into valleys or canyons, or down hills or mountains is prohibited.

(c) Visitors may pick and eat, but not carry out of the parks and monuments, such native fruits and berries as the superintendent may designate. Fruits and berries shall be picked by hand. The use of rakes or mechanical pickers is prohibited.

(d) The unauthorized possession of any flower or other vegetation in any park or monument is prohibited.

(e) The use or possession of any metal detecting device in the parks or monuments without special permission of the superintendent is prohibited.

§ 1.3 Camping.

(a) No camping is permitted outside the specially designated campsites, except when necessary in connection with trips to isolated sections of the parks or monuments in which case special authorization of the superintendent is required. Camping ashore when traveling

by water is restricted to designated sites accessible to vessels.

(b) The superintendent may establish limitations on the time allowed for camping in any public camping areas, and upon the posting of such limitations no person, party, or organization shall be permitted to camp longer than the period limited for the particular area during any calendar year.

(c) Campers shall occupy the sites designated by the superintendent or his representative.

(d) In an emergency, the superintendent may require any camping area to be completely vacated.

(e) Campers shall keep their campsites clean. Combustible rubbish shall be burned on campfires and all other garbage and refuse of all kinds shall be placed in receptacles provided for the purpose. At new or unfrequented camps, garbage shall be burned or buried.

(f) The gathering of dead or fallen wood for fuel by campers is prohibited in those areas designated by the Superintendent by the placing of signs conspicuously at appropriate intervals in such manner as to afford the public full notice of the restriction and of the limits of the restricted area. Sequoia wood or bark shall not be disturbed for any purpose.

(g) The installation of permanent camping facilities by visitors is prohibited.

(h) The digging or leveling of the ground in any campsite without a ranger's permission is prohibited.

(i) Camps must be completely razed and the sites cleaned before the departure of campers. In dismantling camps, all material, such as poles, bark, planks, platforms, etc., used in the construction of temporary camps must be removed, and if combustible, must be piled on the public camp woodpiles.

(j) Campers shall not leave their camps unattended for more than 48 hours without special permission of the superintendent, obtained in advance. Camping equipment left unattended in any public camping area for 48 hours or more is subject to removal by order of the superintendent, the expense of such removal to be paid by the person leaving such equipment.

(k) No camp may be established in a park or monument and used as a base for hunting outside such park or monument.

(l) No camp shall be placed within 25 feet of any water hydrant, main road, or well-defined water course.

(m) Any article likely to frighten horses shall not be hung near a road or trail used by horses.

(n) The superintendent may establish hours during which quiet must be maintained at any camp, and prohibit the running of motors at or near a camp during such hours. The word "motors" as used in this paragraph shall include motor driven power saws and motor driven electric power plants.

(o) No camping is permitted in any part of the Muir Woods National Monument, and no hikers or visitors shall enter or remain therein between one-half hour after sunset and one-half hour before sunrise.

§ 1.4 Fishing.

(a) Any person fishing in the waters of the Yosemite, Sequoia-Kings Canyon, Lassen Volcanic, Grand Canyon, Rocky Mountain, Grand Teton, Acadia, Wind Cave, Great Smoky Mountains, Shenandoah, Everglades, and Zion National Parks, and the monuments under the jurisdiction of the National Park Service, except Katmai and Glacier Bay National Monuments, must secure a sporting fishing license, as required by the laws of the State in which such park or monument, or portion thereof, is situated. Fishing in all parks and monuments shall be done in conformity with the laws of the State in which such park or monument, or portion thereof, is situated, regarding open seasons, size of fish, and the limit of catch, except as otherwise provided in the following paragraphs of this section.

(b) Fishing with nets, seines, traps, or by the use of drugs or explosives, or for merchandise or profit, or in any other way than with hook and line, the rod or line being held in the hand, is prohibited: *Provided*, That fishing with trot and throw lines in the Green and Nolin Rivers in Mammoth Cave National Park and in the Rio Grande River in Big Bend National Park is permitted: *Provided further*, That commercial fishing in the waters of Everglades National Park and Fort Jefferson, Glacier Bay, and Channel Islands National Monuments, and the use of seines for procuring bait in Mammoth Cave National Park, are permitted under special regulations.

(c) The possession of live or dead minnows, chubs, or other bait fish, or fish eggs or the use thereof as bait, or the placing or depositing of fish eggs, fish roe, food or other substance in any waters for the purpose of attracting, collecting, or feeding fish, is prohibited except in Acadia National Park, Everglades National Park, Hawaii National Park, Fort Jefferson and Channel Islands National Monuments, the Green and Nolin Rivers in Mammoth Cave National Park, and the waters of Glacier Bay National Monument in which commercial fishing is permitted in accordance with regulations approved by the Secretary of the Interior.

(d) The digging of worms for bait is prohibited in all parks and monuments.

(e) The canning or curing of fish for the purpose of transporting them out of a park or monument is prohibited.

(f) The possession of fishing tackle or fish upon or along any waters closed to fishing shall be prima facie evidence that the person or persons having such fishing tackle or fish are guilty of unlawful fishing in such closed waters.

(g) State fishing licenses and all fish taken must be exhibited upon demand to any person authorized to enforce the provisions of the regulations in this chapter.

§ 1.5 Picnicking.

(a) The superintendent may establish reasonable limitations on the time during which any person or group of persons may use any picnicking facility when, in his judgment, such limitations are necessary for the accommodation of the visiting public.

(b) Picnicking or the eating of lunches is prohibited in restricted areas designated by the superintendent.

(c) The superintendent may prohibit the playing of games within the parks or monuments when in his opinion such activity is detrimental or inappropriate.

§ 1.6 Bathing.

(a) Bathing in any of the streams or lakes near the regularly traveled thoroughfares, without proper bathing clothes, is prohibited.

(b) Bathing in particular waters may be prohibited by the superintendent when, in his judgment, such action is necessary for the protection of bathers or of water supplies.

(b) The superintendent may, in his discretion, permit the carrying of firearms by employees under his administrative jurisdiction when such possession is deemed necessary in the performance of their official duties.

(c) At the discretion of the superintendent, approved guides in charge of pack trains or saddle horse parties may be permitted to carry unsealed firearms.

(d) Authorized law enforcement officers may carry unsealed firearms within the parks and monuments while engaged in the enforcement of Federal or State laws and regulations, or when otherwise necessary in the performance of their duties.

(e) The members of the armed forces of the United States shall be permitted to carry unsealed firearms; and, in the discretion of the superintendent, members of the armed forces of the several states or friendly foreign nations may be permitted to carry unsealed firearms. The provisions of this paragraph shall be applicable only during time of war in which the United States is engaged.

§ 1.12 Radios, loud speakers, etc.

(a) The use of radios or television sets in public camps, hotels, or other buildings, or in automobiles, is prohibited when audible beyond the immediate vicinity of the radio or television set. Radios or television sets shall not be operated to the annoyance of other persons, nor so as to disturb the quiet of camps or other public places. The erection of aerials or other radio or television installation is prohibited.

(b) The use of loud speakers or public address systems, whether fixed or portable, on lands or highways in the parks and monuments is prohibited without first securing written permission from the superintendent.

§ 1.13 Dogs and cats.

(a) Dogs and cats are prohibited on the Government lands in the parks and monuments unless such animals are on leash, crated, or otherwise under physical restrictive control at all times: *Provided, however*, That the superintendent may designate areas to which dogs and cats shall not be admitted: *Provided further*, That in special cases, the Director may authorize the keeping of dogs and cats by residents in a park or monument under such conditions as he may prescribe.

lives or inflicting personal injury, is prohibited.

(b) Unauthorized possession within a park or monument of the dead body or any part thereof of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this section.

(c) The carcasses of animals or birds or parts thereof, unlawfully taken or possessed within a park or monument, shall be seized and shall be disposed of as the superintendent may prescribe.

(d) During the hunting season, arrangements must be made at entrance stations to identify and transport through the parks and monuments, where necessary, the carcasses of birds or animals legally killed outside the parks and monuments. Failure to make such arrangements shall be deemed a violation of this section.

§ 1.10 Feeding of animals.

The feeding, touching, teasing, or molesting of any of the native birds, mammals, or reptiles is prohibited.

§ 1.11 Firearms, etc.

(a) Explosives, traps, seines, hand thrown spears, nets (except landing nets following the capture of fish by the authorized rod and hook-and-line), and loaded or assembled firearms, including air pistols and rifles and blow guns using CO₂ gas cartridges, bows and arrows or cross bows, and other implements designed to discharge missiles in the air or under water capable of destroying animal life, are prohibited within the parks and monuments, except upon the written permission of the superintendent, or his authorized representative, unless they are adequately sealed, cased, broken down, or otherwise packed in such a way as to prevent their use while in the areas: *Provided, however*, That visitors entering the parks and monuments, or traveling through them to places beyond, shall, at entrance, report all such objects in their possession and, if required to do so in the interest of special park protective measures, surrender them to the first park or monument officer whom they encounter. Such objects as may be surrendered will be returned to the owners upon their departure from the area. The park or monument officers are not authorized to accept the responsibility or custody of any other property for the convenience of visitors.

rocks or earth. On public camp grounds the regular fireplaces constructed for the convenience of visitors must be used. Should camp be made in a locality where no such open space exists or is provided, the dead wood, moss, dry leaves, etc., shall be scraped away to the rock or earth over an area considerably larger than that required for the fire.

(b) Fires shall be lighted only when necessary and, when no longer needed, shall be completely extinguished, and all embers and beds smothered with earth or water, so that there remains no possibility of reignition.

(c) Permission to burn on any cleanup operation within the parks or monuments must first be obtained in writing from the office of the superintendent, and in such cases as it is deemed advisable such burning will be under Government supervision. All costs of suppression and all damage caused by reason of loss of control of such burning operations shall be paid by the person or persons to whom such permit has been granted.

(d) No lighted cigarette, cigar, pipe, heel, match, or other burning material shall be thrown from any vehicle or saddle animal or dropped into any grass, leaves, twigs, tree mold, or other combustible or inflammable material.

(e) The superintendent may, during such periods of time as he may prescribe, prohibit smoking on any lands, including roads, which he may designate.

(f) The building of fires on any lands within the parks or monuments may be prohibited or limited by the superintendent when, in his judgment, the hazard makes such action necessary.

(g) All persons making trips away from established camps are required to obtain written fire permits from the nearest ranger before building camp fires.

(h) The use of fireworks or firecrackers in the parks and monuments is prohibited, except with the written permission of the superintendent.

§ 1.9 Protection of wildlife.

(a) The parks and monuments are sanctuaries for wildlife of every sort, and all hunting, or the killing, wounding, frightening, capturing or attempting to kill, wound, frighten, or capture at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human

(c) Swimming from unanchored boats is prohibited in the park areas. All children under the age of 12 years, when in the water shall wear approved life preservers; water skiers, when in tow, shall wear life belts or life preservers.

§ 1.7 Sanitation.

(a) Campers and others shall not wash clothing or cooking or eating utensils in, or pollute in any other manner, the waters of the parks or monuments.

(b) The cleaning of fish or the washing of clothing at campground hydrants is prohibited.

(c) Garbage, papers, or refuse of any kind shall not be thrown or left on or along roads, in camping or picnic areas, or on any other park or monument lands.

(d) Contamination of watersheds, of water supplies, or of any water used for drinking purposes, is prohibited.

(e) All comfort stations shall be used in a clean and sanitary manner.

(f) The draining or dumping of refuse from any trailer, except in places or receptacles provided for such purpose, is prohibited except in certain areas where the superintendent may grant special permission.

(g) Saddle, pack, or draft animals shall not be kept in or near any camping area. No such animals shall be kept on the floor of the Yosemite Valley except in the operator's corral. All privately owned horses traveling through Glacier National Park must be stabled at the operator's corral when they are kept in the vicinity of developed areas.

(h) Garbage, litter or other waste shall not be dropped or thrown from vessels into park waters but shall be disposed of on shore at designated locations, in a manner prescribed by the superintendent.

(i) Wastes from toilets or galleys of vessels shall not be discharged within one-half mile of the low water line along any shore, or one-half mile from any water supply intake, and the superintendent may restrict any water area if a public health hazard develops or deterioration of esthetic value becomes apparent.

§ 1.8 Fires.

(a) Fires shall not be kindled near or on the roots of trees, dead wood, moss, dry leaves, forest mold, or other vegetable refuse, but in some open space on

(b) Stray dogs or cats running at large in the parks and monuments, and dogs found in the act of pursuing wildlife, may be killed to prevent molestation of the wildlife therein.

(c) In Mount McKinley National Park, dogs may be used for hauling, with the permission of the superintendent, and subject to the following rights and restrictions:

(1) In winter, prospectors and miners may use such dogs as may be necessary for a reasonable time for heavy hauling of supplies, fuel, timber, and other objects; thereafter each person is limited to seven dogs. In summer, no dogs are allowed except in special cases. In no case nor at any time shall litters or pups be raised in the park except by special permission of the superintendent. Persons entering the park with dogs must register at McKinley Park entrance, Katishna entrance, or the nearest ranger station, giving such information as may be required by the superintendent.

§ 1.14 Mountain climbing.

(a) In Mount McKinley, Mount Ranier, Grand Teton, Grand Canyon, and Sequoia National Parks, mountain climbing shall be undertaken only with the permission of the Superintendent.

(b) In Devils Tower National Monument, the climbing of any portion of the Tower, including the talus slopes, shall be undertaken only with the permission of the Superintendent.

(c) In Mount Rushmore National Memorial, climbing beyond the toe of the talus slope shall be undertaken only with the permission of the Superintendent.

(d) In Rocky Mountain National Park, climbing in that area on the east face of Longs Peak, known as the Diamond, shall be undertaken only with the permission of the Superintendent.

(e) The Superintendent shall not grant permission under paragraph (a) or (b) or (c) or (d) of this section until he is satisfied that all members of the party are properly clothed, equipped, and shod, are qualified physically and through previous experience to make the climb, and that the necessary supplies are carried.

(f) No individual will be permitted to start a solo climb or continue to climb alone on Mount McKinley, Mount Ranier, or any major peak in Grand Teton National Park, or Devils Tower, or be-

yond the toe of the talus slope in Mount Rushmore National Memorial, or on the Diamond area on Longs Peak in Rocky Mountain National Park, or major cliff or butte in Grand Canyon National Park.

(g) While the Government assumes no responsibility in connection with any kind of accident to mountain-climbing parties, all persons starting to climb Mount McKinley, Mount Ranier, or any major peak in Grand Teton National Park or Devils Tower, or beyond the toe of the talus slope in Mount Rushmore National Memorial, or on the Diamond area on Longs Peak in Rocky Mountain National Park, shall fill out an information blank furnished by the Superintendent and shall report to him upon return.

(h) When the Superintendent deems such action necessary, he may prohibit all mountain climbing in the areas referred to in paragraphs (a), (b), (c), or (d) of this section.

§ 1.15 Collection of scientific specimens.

Collection of natural objects for scientific or educational purposes shall be permitted only in accordance with written permits first had and obtained from the superintendent. No permits will be issued to individuals or associations to collect specimens for personal use, but only to persons officially representing reputable scientific or educational institutions in procuring specimens for research, group study, or museum display. Permits will be issued only on condition that the specimens taken will become part of a permanent public museum or herbarium collection, or will in some suitable way be made permanently available to the public. No permits may be granted for the collection of specimens the removal of which would disturb the remaining natural features or mar their appearance. Permits to secure rare natural objects will be granted by the Director only upon proof of special need for scientific use and of the fact that such objects cannot be secured elsewhere.

§ 1.16 Archaeologic ruins and objects.

(a) Permits for the examination of cliff ruins, the excavation of archaeological sites, and the gathering of objects of antiquity will be granted only to reputable museums, universities, colleges, or other recognized scientific or educational

institutions, or to their duly authorized agents, upon application to the Secretary.

(b) Visitors shall not remove any artifacts or other objects of archaeological or historical significance from the place where they may be found, nor purchase any such objects from Indians or others. Any such objects purchased or removed in violation of this section shall be delivered to the superintendent or his representative on demand.

(c) Visitors shall not be permitted to visit the cliff dwellings in Mesa Verde National Park unless accompanied by National Park Service employees. The superintendent may waive this requirement by issuing a special written permit to persons engaged in scientific studies.

(d) Visitors shall not be permitted to enter the canyons in Canyon de Chelly National Monument unless accompanied by National Park Service employees or authorized guides. The superintendent may, in his discretion, issue permits to properly qualified persons to act as guides for the purpose of accompanying visitors within the canyons.

(e) The superintendent may prohibit the public from entering or exploring any ancient ruins or other archaeological features of the park or monument under his supervision when in his judgment such entry or exploration will tend to destroy or endanger such ruins or features: *Provided*, That the superintendent may issue special written permits to qualified persons to visit such places for the purpose of making scientific observations upon condition that no artifacts or other objects or features shall be removed or in any way disturbed.

§ 1.17 Pack trains and saddle horse parties.

(a) No pack train or saddle horse party shall be allowed in Crater Lake, Glacier, Grand Canyon, Hawaii, Mesa Verde, Mount McKinley, Mount Ranier, Olympic, Rocky Mountain, Yellowstone, Yosemite, Zion and Bryce Canyon National Parks, unless in charge of an approved guide. Guides may be required to pass an examination prescribed by the superintendent. Prospectors and miners in Mount McKinley National Park, and Death Valley National Monument, are excepted from the provisions of this paragraph.

(b) No person may pass through or camp in any of the parks, except Olympic, Yellowstone, Sequoia-Kings Canyon,

Glacier, Rocky Mountain, and Grand Teton National Parks, using animals or camp equipment not hired from the authorized operators of saddle horse service, where such service is established at the park under contract with the Secretary, unless the animals and equipment belong to a member or members of the party, and unless the other members are not renting, or in any way paying for the use of the animals or equipment, and unless the owners are not making the trip under any lease arrangement, and shall satisfy the superintendent that such are the facts.

(c) To conduct or operate, or to cause to be conducted or operated, a saddle horse party into, or to act as guide for any purpose within any of the parks mentioned in paragraph (a) of this section, without the written permission of the Director or the superintendent, is prohibited; and the person or persons so conducting, operating, or causing to be conducted or operated, or acting as guide shall be subject to the penalties prescribed by law for violation of the regulations in this part.

(d) No saddle horses shall be permitted in the Muir Woods National Monument.

§ 1.18 Closing of areas.

The superintendent may, during any period of emergency, close to public use all or any part of the park, or monument.

§ 1.19 Report of accidents.

(a) All accidents of whatever nature shall be reported as soon as possible by the person or persons involved, to the superintendent or at the nearest ranger station.

(b) In the case of motor vehicle accidents, the vehicle or vehicles involved shall not be moved until the investigating officer arrives at the scene unless the vehicle or vehicles constitute a definite traffic hazard.

§ 1.20 Grazing and agricultural use.

(a) The running at large, herding, driving across, or grazing of livestock of any kind on the Government lands in the parks and monuments, or the use of such lands for agricultural purposes, is prohibited, except where authority therefor has been granted pursuant to a revocable permit issued by an authorized officer or employee of the National Park Service. Applications for such author-

zation may be addressed to the superintendent of the area involved.

(b) Paragraph (a) of this section is subject to the exception contained in the act of Congress approved September 14, 1950 (64 Stat. 849), relating to grazing in Grand Teton National Park, and to the exception contained in the act of Congress approved February 14, 1931 (46 Stat. 1161), reserving to the Navajo Tribe of Indians the right to the surface use of lands in the Canyon de Chelly National Monument for agriculture, grazing, or other purposes, and to the exception contained in the act of February 26, 1919 (40 Stat. 1175) relating to the use of certain lands in Grand Canyon National Park by the Havasupai tribe of Indians.

(c) No authority may be granted for grazing in Yellowstone National Park.

§ 1.21 Dead animals.

All domestic or grazed animals that may die on any Government lands in the parks or monuments shall be removed immediately, or buried immediately by the owner or person having charge of such animals, at least two feet beneath the ground, and in no case less than one-fourth mile from any camp, thoroughfare, or source of water supply. The Superintendent or his authorized representative may issue special instructions for the disposal of dead animals.

§ 1.22 Begging, soliciting, etc.

(a) Begging is prohibited within the parks and monuments.
(b) Hitch-hiking is prohibited within the parks and monuments.
(c) Drumming and soliciting within the Hot Springs National Park for any physician, surgeon, or any person publicly professing to relieve, cure, or heal, or for any bathhouse receiving water from the Hot Springs National Park are prohibited.

§ 1.23 Disorderly conduct.

Persons who render themselves obnoxious by disorderly conduct or bad behavior, or who are under the influence of intoxicating liquor, narcotics or habit forming drugs, shall be subject to the penalties hereinafter prescribed for violation of the regulations in this part, and in addition thereto, or in lieu thereof, may be summarily removed from the park or monument by the superintendent.

§ 1.24 Abandonment of property.

The abandonment of any personal property in the parks and monuments is prohibited.

§ 1.25 Lost articles.

Persons finding lost articles should deposit them at the office of the superintendent, or at the nearest ranger station, leaving their own names and addresses, so that if the articles are not claimed by the owners within 60 days, they may be turned over to those who found them.

§ 1.26 Fraudulently obtaining accommodations.

The obtaining of food, lodging, or other accommodations in the parks and monuments, with intent to defraud, is forbidden, and such fraudulent intent will be presumed from refusal or neglect to pay therefor on demand, or payment therefor, with negotiable paper on which payment is refused, or absconding without paying or offering to pay therefor, or false or fictitious showing or pretense of baggage or other property, or surreptitious removal or attempted removal of baggage.

§ 1.27 Prospecting and mining.

Prospecting and the location of mining claims on Government owned lands within the parks and monuments are prohibited, except that in Mount McKinley National Park, Organ Pipe Cactus, Death Valley and Glacier Bay National Monument, prospecting and mining may be prosecuted under special regulations prescribed by the Secretary. The act of February 14, 1931 (46 Stat. 1162; 16 U.S.C. sec. 445a), reserves to the Navajo Tribe of Indians the mineral rights in the Canyon de Chelly National Monument.

§ 1.28 Gambling.

Gambling in any form, or the operation of gambling devices, whether for merchandise or otherwise, is prohibited.

§ 1.29 Motion or sound pictures.

Before any motion or sound picture, needing a script, cast, schedule, or "props", may be filmed in any park or monument, except by amateurs and bona fide news reel photographers, authority must first be obtained, in writing, from the superintendent, which authority will be granted, in the discretion of the superintendent.

Intendent, under special regulations prescribed by the Secretary.

§ 1.30 Advertisements.

Private notices or advertisements shall not be posted, distributed, or displayed in the parks or monuments, excepting such as the superintendent may deem necessary for the convenience and guidance of the public.

§ 1.31 Private operations.

(a) *Permits.* (1) No person, except National Park Service employees or other persons authorized to do so by law, shall reside permanently on federally owned lands within any park or monument except where authority therefor has been granted pursuant to a revocable permit issued by an authorized officer or employee of the National Park Service.
(2) No person, firm, or corporation shall engage in or solicit any business or erect or maintain buildings or other structures on federally owned lands within any park or monument except when authority therefor has been granted pursuant to a revocable permit issued by an authorized officer or employee of the National Park Service.

(3) No person, firm, or corporation shall construct, or attempt to construct, a telephone line, telegraph line, power line, or other private or public utility over, through, or under any federally owned land within any park or monument except where authority therefor has been granted pursuant to a revocable permit issued by an authorized officer or employee of the National Park Service.

(4) No person, firm, or corporation shall construct, or attempt to construct, a road, trail, path, or other way, over, across, or upon any federally owned land within any park or monument except where authority therefor has been granted pursuant to a revocable permit issued by an authorized officer or employee of the National Park Service.

(5) No person, firm, or corporation shall construct, or attempt to construct, a road, trail, path, or other way, over, across, or upon any federally owned land within any park or monument except where authority therefor has been granted pursuant to a revocable permit issued by an authorized officer or employee of the National Park Service.
(b) *Application for permit.* Applications for such authorization may be addressed to the superintendent of the area involved.

§ 1.32 Private lands.

(a) Owners of private lands, including Indian lands owned either individually or tribally, within the limits of any park or monument are entitled to the full use and enjoyment thereof, subject to any regulations by the Secretary specifically

relating to such private lands: the boundaries of such lands, however, shall be determined, marked, and defined, so they may be readily distinguished from the park or monument lands.

(b) Private owners shall provide against trespass by their livestock upon lands of the parks or monuments, and owners and persons in charge of trespassing livestock shall be subject to the penalties provided by law for violation of the regulations in this part.

(c) Stock may be taken over the lands of parks and monuments with the written permission and under the supervision of the superintendent, but such permission and supervision are not required when access to such private lands is had wholly over roads or lands not owned or controlled by the United States.

(d) No person shall maintain a nuisance upon private lands within a park or monument.

(e) The provisions of §§ 1.7 (a), (d), and 1.8 (a), (b), (c), (d), (f), (h), are applicable to private lands within all parks and monuments.

§ 1.33 Travel on trails.

(a) Pedestrians on trails shall remain quiet when saddle or pack animals are passing.

(b) Persons traveling on the trails, either on foot or on saddle animals, shall not make short cuts, but shall confine themselves to the established trails and they shall abide by all posted official instructions on the trails.

(c) Any or all roads and trails may be closed to public use by order of the superintendent when, in his judgment, conditions make travel thereon hazardous or dangerous, or when such action is necessary to protect the parks or monuments.

(d) The loose herding of pack and saddle animals on park trails is prohibited: *Provided*, That the superintendent may permit such loose herding on hazardous trails, or portions thereof, designated by him.

(e) Motorcycles, or other motor vehicles or bicycles, shall not be operated upon trails.

§ 1.34 Travel on roads.

(a) Saddle horses, pack trains, and horse-drawn vehicles have right-of-way over motor-propelled vehicles at all times.

upon establishing to the satisfaction of the Superintendent that the tour originated from such place and in such manner as not to provide, in effect, a regular and duplicating service conflicting with, or in competition with, the services provided for the public at or outside the park, pursuant to contract authorization from the Secretary. The Superintendent shall have the authority to specify the route to be followed by such vehicles within the park. Admission to the park will be accorded such motor vehicles upon payment of a special tour permit fee.

(4) Commercial passenger-carrying motor vehicles will be admitted to Sequoia-Kings Canyon, Mount Rainier, Crater Lake, Rocky Mountain, Grand Teton, North Rim of Grand Canyon, Zion, Lassen Volcanic, Bryce Canyon, and Mesa Verde National Parks, and Cedar Breaks National Monument provided they are being operated on a general, infrequent, and nonscheduled tour on which the visit to the park is an incident to such tour, carrying only round-trip passengers traveling from the point of origin of the tour. Admission will be accorded such vehicles upon establishing to the satisfaction of the Superintendent that the tour originated from such place and in such manner as not to provide, in effect, a regular and duplicating service conflicting with, or in competition with, the services provided for the public at or outside the park pursuant to contract authorization with the Secretary. Admission will be accorded such motor vehicles upon payment of a special tour permit fee at each park visited.

(b) Motor vehicles that are so large as to require motorcycle escort in order to proceed safely over park roads, or which in the judgment of the superintendent are beyond the carrying capacity or safety factor of the roads, will not be permitted in the parks, except that where they may satisfactorily enter park headquarters they may be parked there during the period of stay.

(c) All permit fees required by this section shall be in accordance with schedules contained in § 6.3 of this chapter, and shall be paid at the park entrance upon arrival.

§ 1.37 Commercial trucks.

(a) The term "commercial truck" as used in this section shall include but not be limited to trucks, station wagons,

(1) Commercial passenger-carrying motor vehicles carrying only members of educational, welfare, and scientific organizations, such as boy scouts, accredited schools and universities, or bona fide mountaineering organizations shall not be deemed commercial within the meaning of this section when the trip to a park or parks is initiated, organized and directed by such organization. Motor vehicles on such trips will be admitted to the parks without charge other than the usual automobile permit fee charged at the particular park only when credentials from the head of such institution or organization are shown to the effect that the visit is initiated, organized and directed by the particular institution or organization. Motor vehicles on trips for which passengers are solicited for the profit of the organization or the transportation operator will not be admitted under this classification.

(2) Commercial passenger-carrying motor vehicles rented or chartered by an organization or group of individuals associating themselves for a general tour on which the visit to a park or parks is an incident to such tour shall not be deemed commercial within the meaning of this section, provided that the tour is not organized, advertised, or sold to passengers by an organization or an individual for personal profit. Admission to each park will be accorded to such tours upon payment of a special tour permit fee in addition to the usual automobile permit fee charged at the parks visited. The special fee shall be for one entrance to a park only.

(3) Commercial passenger-carrying motor vehicles will be admitted to Yellowstone National Park for the purpose of delivering passengers to a point of stay while in the park provided they are being operated on a general, infrequent, and nonscheduled tour on which the visit to the park is an incident to such tour, carrying only round-trip passengers traveling from the point of origin of the tour, subject to the conditions set forth in this paragraph. After passengers have completed their stay, such motor vehicles shall leave the park by the most convenient exit station, considering their destination. Motor vehicles admitted to the park under this paragraph shall not, while in the park, engage in general sightseeing operations. Admission will be accorded such vehicles

§ 1.35 Automobiles operated for pleasure.

The parks and monuments where common carrier service is established under authorization and supervision of the Government are open to automobiles, operated for pleasure, including rental cars, provided the party using a rental car does not hire also the services of a driver. Admission under this section will be accorded such pleasure cars upon payment of the usual automobile permit fee for the particular park.

§ 1.36 Commercial passenger-carrying motor vehicles.

(a) The use of the Government roads by all operators of commercial passenger-carrying motor vehicles, except by those holding a contract from the Secretary for a particular park or monument, is prohibited in Yellowstone (except that portion of U.S. Highway 191 traversing the northwest corner of the park), Yosemite, Sequoia-Kings Canyon, Mount Rainier (except Highway No. 5, U.S. 410), Crater Lake, Glacier (except that portion of the park road from the Sherburne Entrance to the Many Glacier area), Rocky Mountain, Grand Teton (except that portion of Highways Nos. 89 and 187, 287 and 26 commencing at the south boundary of the park and running in a northerly direction to the east boundary of the park), Grand Canyon (except the service road branch of the south entrance road serving park headquarters and Grand Canyon Village, including the portion of the south entrance road which lies between the park boundary and said service road), Zion, Lassen Volcanic (except those portions of Highway No. 89 and Highway No. 44 crossing the northwest corner of the park outside the Manzanita Lake checking station), Mount McKinley (except that portion of the Denali Highway between the Nenana River and the McKinley Park Hotel), and Bryce Canyon National Parks, and Cedar Breaks National Monument: *Provided*, That such motor vehicles operated under the following conditions may be admitted to the foregoing parks and monuments upon a satisfactory showing to the Superintendent or his representative that the conditions of operation are within the following exceptions and upon the following conditions:

(b) Horseback travel over automobile roads is prohibited except where such travel is necessary for ingress to and egress from privately owned property in the parks or monuments, or incidental to authorized trail trips.

(c) Pack trains and saddle horse parties are prohibited from using oil-surfaced roads. Where, in emergencies, it becomes necessary for such pack trains or saddle horse parties to travel along oil-surfaced roads, such travel shall be confined to the unrolled shoulders of the roads.

(d) Any person or persons riding saddle animals, or leading animals of any kind through any tunnel, shall display a light upon the approach of any vehicle.

(e) No vehicle shall be operated outside the roadways or designated parking areas.

(f) Load and weight limitations shall be those prescribed from time to time by the superintendents, and shall be complied with by the operators of all vehicles using the roads of the parks and monuments. Schedules showing weight limitations for the different roads may be seen at the offices of the superintendents and at ranger stations at entrances.

(g) There shall not be operated or moved upon any road any vehicle of any kind the face of wheels or tracks of which are fitted with flanges, ribs, clamps, cleats, lugs, spikes, or any device which may tend to injure the roadway. This section applies to all rings or flanges upon guiding or steering wheels on any such vehicles, but it shall not be construed as preventing the use of ordinary detachable tire or skid chains.

(h) The superintendent may establish the hours during which any of the roads shall be open to the public, and the direction of travel thereon. During any period of emergency the superintendent may prescribe such other conditions regarding travel as may, in his judgment, appear necessary. Information regarding such hours, direction, and conditions of travel may be obtained upon application at the office of the superintendent, or at the ranger stations.

(i) In Acadia National Park, no motor vehicles are permitted on any road specially marked, designated or constructed for horse-drawn vehicular traffic except for general road and roadside maintenance, repair and construction purposes, fire fighting, or in case of accident.

pickups, passenger cars or other vehicles used for rental or used in transporting movable property for a fee or profit, either as a direct charge to a second party, or as an incident to other services provided to a second party or in connection with any business.

(b) The use of the government roads of any park or monument by commercial trucks, when such trucking is in no way connected with the operation of the park or monument, is prohibited, except that in emergencies special trucking permits may be issued by the superintendent, for which a fee will be charged. (The schedule of commercial trucking fees is to be found in Part 6 of this chapter.)

(c) The superintendent may, in his discretion, issue permits without charge for trucks used on Government roads in connection with private lands situated within the boundaries of the park or monument.

(d) Trucking over roads which are officially posted indicating no trucking is allowed shall be deemed a violation of this section.

§ 1.38 Motorcycles.

Motorcycles are admitted to the parks and monuments under the same conditions as automobiles, and are subject to the same regulations so far as they are applicable.

§ 1.39 House trailers.

(a) House trailers are admitted to the parks and monuments under the same conditions as automobiles, except that, in the discretion of the superintendent, they may be required to occupy separate camping areas.

(b) The superintendent may, in his discretion, exclude trailers during the winter season when camp grounds are closed.

§ 1.40 Permits.

(a) (1) No motor vehicle or house trailer may be operated without a permit in any park or monument where a permit is required. The permit must be carried in the motor vehicle or trailer for which issued and exhibited upon request to any officer authorized to enforce the regulations in this chapter. Permits are issued upon payment of the required fee for individual motor vehicles or trailers, and may not be transferred to another motor vehicle or trailer under any circumstances and are good only in the park

or parks or monuments for which the permits are issued.

(2) A house trailer within the meaning of the regulation in this part is defined as a noncollapsible trailer specifically designed and built to provide sleeping accommodations for one or more persons.

(b) In Shenandoah National Park trip permits good only on the day issued may be obtained.

(c) The issuance of a yearly permit for a house trailer confers no right to occupy any camping area for a period longer than that prescribed by the superintendent.

(d) Nothing in the regulations in this part shall be construed so as to interfere with the free public use of Lee Highway or Spotswood Trail in Shenandoah National Park or U. S. Highways Nos. 66 and 260 in Petrified Forest National Monument. The provisions of §§ 1.35 to 1.40 of this part, inclusive, are not applicable to traffic on the Mineral Kings Road in Sequoia National Park, or U. S. Highway No. 410 in Mount Rainier National Park.

§ 1.41 Entrances and exits.

(a) Automobiles, trucks, and other vehicles shall enter or leave the parks and monuments only at regular designated entrances and exits, and between such hours as shall be determined by the superintendent and indicated by official signs posted for that purpose.

(b) All vehicles shall come to a full stop at entrance and exit stations.

§ 1.42 Limitations on speed.

(a) Limitations on speed of vehicles except in emergencies as provided in paragraph (b) of this section are as follows:

(1) Basic speed rule:

(i) No person shall drive a vehicle upon a highway at a speed greater than is reasonable and prudent, having due regard to the traffic, surface and width of the highway, the hazard at intersections, and any other condition then existing.

(ii) No person shall drive at a speed which is greater than will permit the driver to exercise full control of the vehicle and to decrease speed or to stop as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the highway in compliance with legal requirements and with the duty of drivers and other per-

sons using the highways to exercise due care.

(2) 15 miles per hour:

(i) In all campgrounds, parking areas, and places of public assemblage.

(ii) Upon that portion of the highway which passes through or borders upon a scene of emergency such as forest fires, highway repairs or construction, automobile accidents, or similar emergency.

(iii) In any business or residence area.

(iv) Upon approaching within 50 feet and in traversing an intersection of highways where the driver's view in either direction along any intersecting highway within a distance of 200 feet is obstructed, except that when traveling upon a through highway or at a traffic controlled intersection, the district speed applies.

(3) 45 miles per hour upon all other paved public roads except when official signs are posted indicating a lesser speed limit.

(4) Whenever the Superintendent shall determine upon the basis of an engineering and traffic investigation that any prima facie speed hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist on any road or other place, the Superintendent may determine and declare a reasonable and safe prima facie speed limit thereat, not in excess of 45 miles per hour, which shall be effective on such roads or other places, when appropriate signs giving notice thereof are erected by the Superintendent on such roads or other places.

(5) Any speed in violation of the speeds designated in subparagraphs (2), (3) and (4) of this paragraph shall be prima facie evidence of violation of subparagraph (1) of this paragraph.

(b) The provisions of this section shall not apply to any vehicle when driven or operated in an emergency for the protection or preservation of life, health, or for public safety: *Provided*, That this paragraph shall not be so construed as to authorize any such vehicle to be driven or operated at a rate of speed in excess of that which is reasonable under conditions prevailing at such time.

(c) As used in this section, the term "vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a roadway.

(d) The limitation on maximum speed prescribed in this section shall control over any special regulation contained in Part 2 or Part 7 of this chapter, except as follows:

§ 2.20 Lake Mead, Coulee Dam and Shadow Mountain.

§ 7.5 Mount Rainier National Park.

§ 7.13 Yellowstone National Park.

§ 7.22 Grand Teton National Park.

§ 7.43 Natchez Trace Parkway.

§ 7.58 Cape Hatteras National Seashore.

§ 1.43 Teams.

When teams, saddle horses, or pack trains approach, motor vehicles shall be so manipulated as to allow safe passage for the other party. In no case shall motor vehicles pass such animals on the road at a greater speed than 10 miles per hour, or in such a manner or with such noise as to frighten them.

§ 1.44 Right-of-way.

(a) Any vehicle traveling slowly on any of the roads, when overtaken by a faster moving motor vehicle, and upon suitable signal from such overtaking vehicle, shall move to the right to allow a safe passage.

(b) When automobiles going in opposite directions meet on a grade, the ascending machine has the right-of-way, and the descending machine shall be backed or otherwise handled as may be necessary to enable the ascending machine to pass in safety.

§ 1.45 Following vehicles.

Except in slow moving traffic, a vehicle shall not follow another vehicle closer than 50 feet, nor closer than 15 feet at any time. The responsibility for conformance with this section rests with the driver of the following vehicle.

§ 1.46 Brakes.

Every motor vehicle, or combination of motor vehicle and trailer, shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle or combination of vehicles.

§ 1.47 Clutches and gears.

No motor vehicle shall be operated on any highway with clutch disengaged or gear out of mesh except for the purpose of changing or shifting gears or stopping or while being towed. When such vehicle is equipped with commercial free wheeling devices, such devices shall be "locked

out" when traveling upon down grades or when parking the vehicle.

§ 1.48 Lights.

(a) Every motor vehicle other than a motorcycle shall be equipped with two headlights and one or more red taillights. Trailers and semi-trailers shall be similarly equipped with red taillights. In addition every motor vehicle, semi-trailer or trailer shall carry at the rear a white light to illuminate the license plate so that the number is visible for a distance of 50 feet to the rear of such vehicle, at night.

(b) Every motorcycle shall be equipped with at least one headlight and one red taillight.

(c) Every bicycle upon a highway during the times when lights are required shall exhibit a white light on the front and a red light on the rear, except that a red reflector may be used in lieu of a rear light.

(d) Every horse-drawn vehicle upon a highway during the times when lights are required shall exhibit at least one white light on the left side in such manner as to be readily and distinctly seen from both front and rear.

(e) All lights shall be of sufficient brilliance to insure safety in driving at night. All lights shall be lighted during the period from one-half hour after sunset to one-half hour before sunrise when the vehicle is on a road, at all times when passing through unlighted tunnels, and at any other time when there is not sufficient natural light to render clearly discernible a person or object at least 200 feet ahead. Headlights shall be dimmed, depressed or tilted when meeting other vehicles, riding or driving animals, bicyclists, or pedestrians, and when approaching another vehicle from the rear.

(f) The use of red lighting devices of any character on the front of any vehicles, except highway patrol cars, highway maintenance vehicles, ambulances, fire trucks, and snow plows, is prohibited.

(g) All vehicles parked along the roadside after dark shall have "parking" and "tail" lights lighted, or approved lighted flares or reflectors placed front, rear and on the roadway side of the vehicle.

§ 1.49 Sounding horn.

The horn shall be sounded on approaching sharp curves or other places where the view ahead is obstructed, or

before passing other vehicles or pedestrians, or, if necessary, before passing riding or driving animals.

§ 1.50 Muffler cut-outs.

(a) Every motor vehicle operated in the parks or monuments shall be equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise.

(b) Every vessel operating in park waters which is propelled by internal combustion engines shall be equipped with a muffler so constructed as to prevent any unnecessary, intense or prolonged noise in the operation or management of such vessel and the said muffler shall not be removed, cut out, or put out of operation for any purpose whatever, except during regattas. Nothing in this section shall apply to vessels equipped with underwater exhausts or to vessels discharging water through open exhaust pipes so long as these methods of silencing the exhaust are effective.

§ 1.51 Accidents; stop-overs.

If vehicles stop because of accident or other emergency, they shall be immediately parked in such a way as not to interfere with travel on the road.

§ 1.52 Traffic signs.

Drivers of all vehicles shall comply with the directions of all official traffic signs posted in the parks and monuments.

§ 1.53 Persons prohibited from driving.

(a) No person shall drive a motor vehicle in a park or monument unless such person has a valid operator's license: *Provided*, That any person who is a resident of a State, district, territory, or foreign country which does not require the licensing of operators may drive a motor vehicle if such person is at least 15 years of age. The provisions of this paragraph shall not apply to employees of other Federal agencies or of States or territories or their political subdivisions operating motor vehicles on official business. Employees of the Department of the Interior shall be governed by the "Motor Vehicle Regulations and Safe Driving Practices of the Department of the Interior."

(b) No person who is under the influence of intoxicating liquor or narcotic

drugs or tranquilizers shall drive a motor vehicle of any kind in a park or monument.

§ 1.54 Prevention of smoke, etc.

The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

§ 1.55 Excessive acceleration of engine.

The excessive acceleration of the engine of a motor vehicle while such vehicle is not moving, or is approaching a stopping place, is prohibited.

§ 1.56 Obstructing traffic.

No person shall cause or permit a motor vehicle under his control to obstruct traffic by making right or left turns from the wrong traffic lane or by weaving in and out of traffic, or by stopping on the roadway to photograph objects or animals or by driving so slowly as to interfere with the normal flow of traffic or in any other manner.

§ 1.57 Signals by hand and arm or signal device.

No person driving a motor vehicle shall fail to give proper hand signals or confuse other motorists by false signals or unnecessary extension of the hand or arm outside the vehicle. The following signals shall be given by extending the hand and arm from the left side in the following manner:

(a) Left turn. Hand and arm extended horizontally.

(b) Right turn. Hand and arm extended upward.

(c) Stop or decrease speed. Hand and arm extended downward:

Provided, however, That in lieu of such hand signals, signals may be given by a signal lamp or signal device which conveys an intelligible signal or warning to another driver approaching from the front or rear.

§ 1.58 Reckless driving.

The driving of any vehicle upon a Government road in a park or monument carelessly and heedlessly in willful or wanton disregard of the rights or safety of others, or without due caution and at a speed or in a manner so as to endanger or be likely to endanger any person or property is prohibited.

§ 1.59 Boats.

(a) The Superintendent may require the issuance of a permit before any vessel is placed in or allowed to operate upon the waters of any park. He may specify locations and conditions under which vessels may operate and shall have authority to revoke the permit and require the immediate removal of such vessel upon failure of the permittee to comply with the terms and conditions of the permit.

(b) No vessel primarily designed and used for floating living quarters commonly referred to as a "houseboat", shall be permitted upon the waters of the National Parks, Monuments, or Recreation Areas. This paragraph shall not apply to Everglades National Park and National Capital Parks.

(c) All boats operated on park or monument waters shall conform with all provisions of Public Law 85-911 (Federal Boating Act of 1958).

§ 1.60 Discrimination in furnishing public accommodations.

The proprietor, owner, or operator and the employees of any hotel, inn, lodge, or other public accommodation within areas administered by the National Park Service are prohibited from (a) publicizing such facilities in any manner that would directly or inferentially reflect upon or question the acceptability of the patronage of any person or persons because of race, creed, color, or national origin; and (b) discriminating against any person or persons because of race, creed, color, or national origin by refusing to furnish such person or persons any accommodations, facilities, or privileges offered to or enjoyed by the general public.

§ 1.61 Aircraft.

(a) No person shall land aircraft on land or water on any Federally-owned area within any national park or monument, other than at one of the following designated landing areas:

(1) *Mount McKinley National Park, Alaska.* McKinley Park Station Airport, located in Sections 3 and 4, Township 14 South, Range 7 West, and Sections 33 and 34, Township 13 South, Range 7 West, Fairbanks Meridian.

(2) *Death Valley National Monument, California.* Death Valley Airport, located in W $\frac{1}{2}$ Section 16 and NW $\frac{1}{4}$ Section 21,

Township 27 North, Range 1 East, San Bernardino Base and Meridian.

(3) *Glacier Bay National Monument, Alaska.* The entire water area of the monument, except Adams Inlet and any of the lakes within the Monument; provided, however, landings and takeoffs shall not be made on beaches or tidal flats or within one nautical mile of any tidewater glacier in the monument. If authorized by the Superintendent, helicopters may land at selected sites where deemed essential in the conduct of prospecting and mining activities.

(4) *Grand Teton National Park, Wyoming.* Jackson airport, located in SE $\frac{1}{4}$ Section 10, SE $\frac{1}{4}$ and S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 11, S $\frac{1}{2}$ and NW $\frac{1}{4}$ Section 14, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 15, Township 42 North, Range 116 West, 6th Principal Meridian.

(5) *Katmai National Monument, Alaska.* The entire land and water area of the Monument during the period from May 15 to September 15. Planes on official business for the State of Alaska may land within the Monument at any time.

(6) *Fort Jefferson National Monument, Florida.* The waters within a radius of one nautical mile of the fort situated on Garden Key, but approaches, landings and take-offs shall not be made within 300 yards of the nesting grounds of summer term colonies. Seaplanes may be moored or brought up on land only on the northwest beach and the beach between the coaling docks, both at Garden Key.

(7) *Isle Royal National Park, Michigan.* The coastal waters of Lake Superior, Rock Harbor, Tobir Harbor, Duncan Bay, Amygdaloid Channel, Moccasin Cove, Todd Harbor, and Siskiyou Bay.

(b) The provisions of this section shall not be applicable to aircraft (1) engaged on official business of the Federal Government, (2) used in emergency rescue in accordance with the directions of the officer in charge of the park or monument, or (3) forced to land due to unforeseeable circumstances beyond the control of the operator.

§ 1.62 Impounding of animals.

(a) Livestock and dogs trespassing on any lands of the United States in a National Park Service area may be impounded by the superintendent in charge and shall be disposed of in accordance

with State statutes insofar as the same may be applicable. In the absence of applicable State statutes the animals shall be disposed of in accordance with this section.

(b) If the owner is known, prompt written notice of the impounding will be served upon him, and in the event of his failure to remove the impounded animal within five (5) days from delivery of such notice, it will be sold or otherwise disposed of as prescribed in this chapter.

(c) If the owner is unknown, no sale or other disposition of the animal shall be made until at least fifteen (15) days have elapsed from the date that a notice of the impounding is first published in a newspaper of general circulation in the county in which the trespass occurs and posted at the county courthouse.

(d) Regional directors and superintendents are hereby authorized to order the publication of such notices in newspapers by direct transmittal to the publisher of the standard form of advertising order approved by the Comptroller General.

(e) The notice shall state when and where the animal was impounded; shall describe it by brand or earmark, or both, or, in the absence of such distinguishing marks, by such other means as are necessary reasonably to identify such animal; shall specify the time and place it will be offered at public sale to the highest bidder in default of redemption by the owner on or before that date; and shall reserve the right of the official conducting the sale to reject any and all bids so received.

(f) Prior to such sale, the owner may redeem the animal by submitting proof of ownership and paying all expenses of the United States for capturing, advertising, pasturing, feeding, and impounding, and the amount of damage to any National Park Service property injured or destroyed by or through such trespass. Upon the sale of any animal in accordance with this section, the regional director or superintendent shall issue a certificate of sale.

(g) If an animal impounded under this section is offered at public sale and no bid is received or if the highest bid received is in an amount less than the amount of the claim of the United States or of the officer's appraised value of the animal, whichever is the lesser amount, such animal may, in the discretion of the

superintendent be sold at private sale for the highest amount obtainable, or be condemned and destroyed or converted to the use of the United States if of value for that purpose.

(h) In determining the claim of the Government in all livestock trespasses on National Park Service areas, the value of forage consumed shall be computed at the daily, weekly, monthly, or yearly commercial rates prevailing in the locality for the class of livestock found in trespass. In addition, the claim shall include damages to National Park Service property injured or destroyed by trespassing livestock and dogs, the expenses incurred in impounding, sale, or other disposition of such animals, and the pro rata salary of Service employees for the time spent and the expenses incurred in and about the investigation, reports, and settlement or prosecution of the case.

(i) When the amount received in the sale of the animal either at auction or private sale, or when the appraised value of the animal in case it is converted to the use of the Government, is insufficient to meet the amount of the Government's claim, or when it is necessary to destroy the impounded animal without benefit to the Government, the facts shall be fully reported to the Director for appropriate action to obtain full satisfaction of the Government's claim.

§ 1.63 Public meetings and speeches.

(a) Public meetings and assemblies, the making of speeches, and the expression of views, publicly, will be permitted within a park or monument only if an official permit therefor be first obtained from the Superintendent. The Superintendent shall issue a permit designating the site to be used, except in the following circumstances: (1) When a prior application for the same time and place has been made which has been or will be granted; (2) when, in his judgment, such a meeting, assembly, or speech would be contrary to the purposes for which the park or monument is administered; or (3) when, in his judgment, the use of the park or monument at the time and in the manner requested would interfere or

conflict with the comfort, convenience, and interest of the general public.

§ 1.64 Tampering with a parked motor vehicle.

No person shall tamper with, or attempt to enter or start, or move or cause to be moved, a parked motor vehicle not lawfully under his control. This section shall not apply to employees of the National Park Service or other employees of the Federal Government or duly authorized officials, in connection with their official duties.

§ 1.91 Penalties.

(a) Any person who violates any provision of the rules and regulations in this chapter, or as the same may be amended or supplemented, in regard to any national park or monument not specified in paragraph (b) or (c) of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$500 or imprisonment for not exceeding 6 months, or both, and be adjudged to pay all costs of the proceedings.

(b) Any person who knowingly and willfully violates any provision of the rules and regulations in this chapter, or as the same may be amended or supplemented, in regard to any of the national military parks, battlefield sites, national monuments, or miscellaneous memorials transferred to the jurisdiction of the Secretary of the Interior from that of the Secretary of War by Executive Order No. 6166, June 10, 1933, and enumerated in Executive Order No. 6228, July 28, 1933, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$100 or by imprisonment for not more than 3 months, or by both such fine and imprisonment.

(c) Any person violating any provision of the rules and regulations in this chapter, or as the same may be amended or supplemented, in regard to any national historic site shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$500 and be adjudged to pay all costs of the proceedings.

PART 2—GENERAL RULES AND REGULATIONS; NATIONAL RECREATION AREAS

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2.40 Use of Government owned docks, piers and floats.
- AUTHORITY: §§ 2.1 to 2.40 issued under sec. 3, 39 Stat. 585, as amended, 60 Stat. 885; 16 U.S.C. 3, 17j-2.

§ 2.1 General provisions.

- (a) The regulations in this part shall be applicable to the following National Recreation Areas:
- (1) Lake Mead National Recreation Area, Arizona and Nevada, administered by the National Park Service, Department of the Interior, in cooperation with the Bureau of Reclamation and the Bureau of Indian Affairs, Department of the Interior, pursuant to a memorandum of agreement between the National Park Service and the Bureau of Reclamation,

approved October 13, 1936, as amended by supplemental agreement between said two agencies, approved July 18, 1947, and as further detailed in a cooperative agreement between the National Park Service and the Bureau of Indian Affairs approved November 11, 1937.

(2) Coulee Dam National Recreation Area, Washington, administered by the National Park Service, Department of the Interior, in cooperation with the Bureau of Reclamation and the Bureau of Indian Affairs, Department of the Interior, as detailed in a memorandum of agreement among the three agencies, approved December 18, 1946.

(3) Shadow Mountain National Recreation Area, Colorado, administered by the National Park Service, Department of the Interior, in cooperation with the Bureau of Reclamation and the Bureau of Land Management, Department of the Interior, as detailed in a memorandum of agreement between the three agencies approved August 3, 1955.

(4) Glen Canyon National Recreation Area, Arizona and Utah, administered by the National Park Service, Department of the Interior, in cooperation with the Bureau of Reclamation, Department of the Interior, pursuant to a memorandum of agreement dated April 18, 1958, between the two agencies approved May 17, 1958, by the Commissioner of the Bureau of Reclamation and June 9, 1958, by the Acting Director of the National Park Service.

(b) This part, however, shall not be applicable to any of the activities of the Bureau of Reclamation, its officers, employees, agents, or contractors in connection with the construction or operation and maintenance of the works of the respective reclamation projects directly associated with any of the areas mentioned in this section.

(c) This part shall not apply to or on any of the trust or restricted Indian Lands, either tribally or individually owned, within any of the above-described areas.

(d) Wherever in this part the Superintendent is authorized to prohibit or restrict certain actions by the public in an area designated by him, he shall inform the public of the prohibited or restricted action by posting official signs and shall indicate the limits of the restricted area on a map which shall be available for public inspection in the

office of the Superintendent. The posting of official signs shall be accomplished by placing them conspicuously at appropriate intervals in such manner as to afford the public full notice of all restrictions and of the limits of restricted areas.

§ 2.2 Definitions.

As used in the regulations in this part, unless otherwise indicated:

(a) The term "Secretary" means the Secretary of the Interior.

(b) The term "Director" means the Director of the National Park Service.

(c) The term "Regional Director" means the administrative officer in charge of a region of the National Park Service.

(d) The term "Superintendent" means the administrative officer in charge of a national recreation area to which the regulations in this part are applicable, or his authorized representative.

(e) The term "areas" means the national recreation areas to which the regulations in this part are applicable.

(f) (1) The term "Lake Mead National Recreation Area" means the property owned by the United States, including the water surface of Lake Mead and Lake Mohave, within that portion of the Boulder Canyon Project which is administered by the National Park Service, shown outlined in green on a map thereof (Drawing by Thomas 8-3-49, Division of Landscape Architecture, Region Three, National Park Service, Department of the Interior), a copy of which shall be filed with the regulations in this part with the Office of the Federal Register, and a copy of which shall be kept in the office of the Superintendent for public inspection.

(2) The term "Coulee Dam National Recreation Area" means the property owned by the United States, including the water surface of Roosevelt Lake, within that portion of the Columbia Basin Project which is administered by the National Park Service, shown outlined in green on the set of maps comprising 4 sheets numbered RA-CD-7001, 2, 3, and 4, dated April 15, 1946, a copy of which shall be filed with the regulations in this part with the Office of the Federal Register, and a copy of which shall be kept in the office of the Superintendent for public inspection. Nothing contained in this

¹ Filed with the Federal Register Division. See 17 F.R. 6044, July 4, 1952.

part, however, shall be construed as, in any way, conflicting with the paramount rights of the Indians of the Spokane and Colville Reservations to use for hunting, fishing, and boating purposes, the areas set aside by the Secretary of the Interior pursuant to the act of June 29, 1940 (54 Stat. 703), which areas are designated on the above-mentioned maps as the Spokane Indian Zone and the Colville Indian Zone, respectively.

(3) The term "Shadow Mountain National Recreation Area" means the property owned by the United States, including the water surface of Granby Reservoir and Shadow Mountain Lake, within that portion of the Colorado-Big Thompson Project which is administered by the National Park Service pursuant to a memorandum of understanding between the National Park Service, Bureau of Land Management and the Bureau of Reclamation, as shown by Drawing No. RS/SMGR-7100C, dated September 27, 1954, attached to the memorandum of understanding as "Exhibit A," a copy of which shall be filed with the regulations in this part with the Office of the Federal Register, and a copy of which shall be kept in the office of the Superintendent for public inspection.

(4) The term "Glen Canyon National Recreation Area" means the property owned by the United States, including the unimpounded and impounded water surface of the Colorado and San Juan Rivers legally described in the three withdrawals made for the Glen Canyon Unit, Colorado River Storage Project, Published in the FEDERAL REGISTER on June 22, 1954, pp. 3799, 3800 and 3801 and May 24, 1956, p. 3462. Portions of these withdrawn lands needed for construction activities by the Bureau of Reclamation are excepted.

(g) The term "commercial vessel" shall include every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water, which is kept or used for rental or for carrying passengers for hire or used in transporting moveable property for a fee or profit, either as a direct charge to a second party, or as an incident to other services provided to a second party, or in connection with any business.

(h) The term "private vessel" shall include every description of watercraft, other than a seaplane on the water,

- turned to the established boat harbor areas and deposited in receptacles provided for the purpose.
- (h) The cleaning of fish is prohibited in or around designated public use areas except at authorized fish cleaning facilities when provided.
- § 2.12 Disorderly conduct.
- (a) Persons who render themselves obnoxious by disorderly conduct, bad behavior, or indecent exposure shall be subject to the penalties prescribed by law for violation of this part and in addition thereto, or in lieu thereof, may be summarily removed from the areas by the Superintendent.
- (b) No person who is under the influence of intoxicating liquors or narcotic drugs shall operate a water-borne vessel, aircraft, or motor vehicle of any kind within the areas.
- § 2.13 Pets.
- Dogs, cats, and other pets must be under physical restrictive control at all times when in developed and/or concentrated public use areas designated by the Superintendent. Such pets shall not be permitted in public eating places or on swimming beaches at any time.
- § 2.14 Aircraft.
- (a) No person shall land aircraft on any water or land surface within the areas, other than at one of the following designated landing sites:
- (1) *Lake Mead National Recreation Area, Arizona and Nevada.* (i) The entire surface of Lake Mead, except that no aircraft shall be permitted to land or take off within 500 feet of public bathing beaches, boat docks, floats, piers, ramps, or water control structures, or within Black Canyon above Hoover Dam.
- (ii) Temple Bar landing strip located at approximate latitude 36 degrees north, approximate longitude 114 degrees 19 minutes west.
- (iii) Pierce's Ferry landing strip located at approximate latitude 36 degrees 03 minutes north, approximate longitude 114 degrees 05 minutes west.
- (iv) Davis Dam landing strip located in Sections 30 and 31, Township 21 North, Range 21 West, Gila and Salt River Meridian, Arizona.
- (v) Entire surface of Lake Mohave, except that no aircraft shall be permitted to land or take off within 500 feet of public bathing beaches, boat docks, floats,
- (b) Permission to burn on any cleanup operation within the area must first be obtained. In writing, from the Superintendent, and in such cases as it is deemed advisable, such burning will be under Government supervision. All costs of suppression and all damages caused by reason of loss of control of such burning operations shall be paid by the person or persons to whom such permit has been granted.
- § 2.10 Public property; miscellaneous provisions.
- (a) The willful destruction, injury, defacement, or removal of public property is prohibited.
- (b) The Superintendent may permit the collection or removal of natural objects.
- (c) The Superintendent or other officer having authority to grant such authorization may, upon such terms and conditions as are deemed by him to be adequate to protect the interests of the United States, grant permits for the removal of sand, gravel, or building materials, and make reasonable charges therefor.
- § 2.11 Sanitation.
- (a) No garbage, papers, cans, bottles, or rubbish of any kind shall be thrown or dumped in the waters of the areas or along the roads, in picnicking or camping sites, or beaches, or on any other lands of the areas, but shall be burned or buried, or disposed of at points or places designated for the disposal thereof.
- (b) Contamination of watersheds or of any water used for drinking purposes is prohibited.
- (c) All comfort stations shall be used in a clean, sanitary and orderly manner.
- (d) Saddle, pack, or draft animals shall not be kept in, or within 300 feet of any campgrounds.
- (e) Wastes from toilets or galleys on water-borne vessels shall not be discharged within one-half mile of boat landings, moorings, or other habited facilities, except that at Coulee Dam Recreation Area, wastes of any kind may not be discharged into the lake.
- (f) The drainage or dumping of refuse from any trailer, except in places or receptacles provided for such purposes, is prohibited.
- (g) Garbage and refuse of all kinds from lake shore campsites shall be removed.
- Federal, State, and local laws for the protection of wildlife, except in developed and/or concentrated public use areas designated by the Superintendent: Porting are not permitted will be marked on the ground and designated on a map of the area which will be available for inspection in the office of the Superintendent.
- § 2.6 Fishing.
- (a) Fishing is permitted within the areas in accordance with all applicable Federal, State, and local laws for the protection of fish and other aquatic life, except that in Lake Mead National Recreation Area fishing is prohibited in Black Canyon within limits posted by appropriate official signs or markers adjacent to Hoover Dam and within limits similarly posted adjacent to Davis Dam.
- (b) Fishing in designated harbor or mooring areas; from or within 200 feet of any public raft or float designated for water sports, is prohibited.
- § 2.7 Swimming and bathing.
- (a) Swimming and bathing are permitted, except in waters designated by the Superintendent as waters in which such activities are prohibited in the interest of public health and safety.
- (b) Swimming from unanchored boats is prohibited. All children under 12 years, when in the water, and water skiers when in "tow" shall wear approved life preservers.
- § 2.8 Firearms and explosives.
- The carrying of loaded firearms or explosives in developed and/or concentrated public use areas designated by the Superintendent is prohibited. In all other areas firearms or explosives shall not be used in a manner so as to endanger persons or property.
- § 2.9 Fires.
- (a) Due diligence shall be exercised in building and putting out fires to prevent damage to trees and vegetation and to prevent forest and grass fires. In areas provided with such facilities, the fireplaces constructed for the convenience of visitors must be used. The building of fires on any lands within the areas may be prohibited or limited by the Superintendent by the posting of adequate official signs when the hazard makes such action necessary.
- used or capable of being used as a means of transportation on water, which may be placed on or operated upon the waters of the areas for the private recreational use of the owner or operator, and for which no fee or other charge is made by any person, firm or corporation in connection with the use thereof on the waters of the areas.
- (i) The term "water-borne vessel" shall include private and commercial vessels as defined in this section.
- § 2.3 Camping.
- (a) Camping, other than from vessels, in Lake Mead and Coulee Dam Recreation Areas is permitted only in designated areas, except by written authorization of the Superintendent. In Shadow Mountain Recreation area all camping is restricted to designated camp areas.
- (b) The superintendent may establish limitations on camping and upon posting of such limitation no person shall camp for a period longer than that specified for the particular area. Notice of such limitation shall be posted in a conspicuous place at the campground.
- (c) Overnight camping, other than from vessels, is specifically prohibited in picnic areas, on swimming beaches, in areas adjacent to concession developments, or in any area not designated by the superintendent.
- (d) Camping from vessels is limited to 7 days at any one location, except at Coulee Dam Recreation Area where no limit is prescribed. All sanitary facilities shall be established above the high water line of the lake. The campsite shall be restored to its natural state when the camp is abandoned. All refuse shall be returned to a boat landing and deposited in refuse containers.
- § 2.4 Picnicking.
- Picnicking is permitted in the areas. The Superintendent may, however, prohibit picnicking within designated portions of the areas and may establish reasonable limitations on the length of time any person or group of persons may use any picnicking facility when, in his judgment, such limitations are necessary for the accommodation of the visiting public.
- § 2.5 Hunting and trapping.
- (a) Hunting and trapping will be permitted in accordance with all applicable

piers, ramps, or water control structures or within 10 miles of Hoover Dam.

(vi) "Cottonwood" landing strip, located at approximate latitude 35 degrees 27 minutes north, approximate longitude 114 degrees 30 minutes west.

(2) *Coulee Dam National Recreation Area, Washington.* The entire surface of Roosevelt Lake, except that no aircraft shall be permitted to land or take off within 500 feet of public bathing beaches, boat docks, floats, piers, ramps, or water control structures.

(3) *Glen Canyon National Recreation Area, Arizona and Utah.* (i) The entire surface of Glen Canyon Reservoir except that no aircraft shall be permitted to land or take off within 500 feet of public bathing beaches, boat docks, floats, piers, ramps, water control structures, or within 2 miles of Glen Canyon Dam.

(ii) Wahweap landing strip located in section 2, Township 41N, Range 8E, Arizona.

(iii) Existing landing strips at Hite, Utah and Red Canyon, Utah may be used until they are inundated by the filling of Glen Canyon Reservoir.

(b) The provisions of this section shall not be applicable to aircraft (1) engaged on official business of the Federal Government, (2) used in emergency rescue in accordance with the directions of the officer in charge of the area, or (3) forced to land due to unforeseeable circumstances beyond the control of the operator.

§ 2.15 Accidents.

(a) The operator of any vessel or vehicle involved in an accident shall:

(1) Immediately stop and render such assistance as may be reasonably necessary.

(2) Furnish to any person injured, and to the owner of the vessel or vehicle involved in the accident, his name, address, and a full identification of the vessel or vehicle he is operating, and the name and address of the owner thereof.

(3) Report the accident to the Superintendent or his authorized representative as soon as possible.

§ 2.16 Grazing and agricultural use.

The running at large, herding, driving across, or grazing of livestock of any kind on the Government lands in the areas, or the use of such lands for agricultural purposes, is prohibited, except where written authority therefor has

been granted by the Superintendent or under a valid lease from the United States.

§ 2.17 Private and commercial uses.

(a) No person, other than employees of the National Park Service, shall reside permanently in the areas, except in accordance with the provisions of a permit or other written agreement with the United States authorizing such use.

(b) No person, firm, or corporation, or their representatives, shall engage in or solicit any business in the areas, except in accordance with the provisions of a permit, contract, or other written agreement with the United States.

(c) No person, firm, or corporation shall erect, construct, or attempt to erect or construct a building, boat dock, road, trail, path, or other way, telephone line, telegraph line, power line, or other private or public utility, upon, across, over, through, or under any federally owned lands within the areas, except in accordance with the provisions of a valid permit, contract, or other written agreement with the United States.

§ 2.18 Advertisements.

(a) Private notices or advertisements shall not be posted, distributed, or displayed in the areas, except such as the Superintendent may deem necessary for the convenience and guidance of the public.

(b) Advertising signs are prohibited aboard any vessel within the areas.

§ 2.19 Closing of area.

The Superintendent, in his discretion, may close to public use any part of the areas during any period of emergency endangering life or property.

§ 2.20 Vehicles.

(a) Subject to the limiting provisions of this section and such special regulations as may be issued to govern a particular area, motor vehicles, trailers, and other vehicles entering the areas shall be operated in accordance with the applicable State laws and regulations then current within the particular section of the area in which the vehicle is being operated.

(b) Drivers of all vehicles operated within the areas shall comply with the directions of all official traffic signs posted in an area.

(c) Load and weight limitations shall be those prescribed and posted from time to time by the Superintendent, and such limitations shall be complied with by the operators of all vehicles using the roads of the areas. Schedules showing load and weight limitations for the different roads within the areas may be seen at the office of the Superintendent and at ranger stations at entrances to the areas.

(d) No vehicle shall be operated off of established roads except by written authorization of the Superintendent.

§ 2.21 Houseboats.

No waterborne vessel, primarily designed for living quarters or used for that purpose shall be placed in or operated on the waters of the areas without written authorization of the Superintendent.

§ 2.22 Vessels, private.

The superintendent may require the issuance of a permit before any vessel is placed in or allowed to operate on the waters of the areas. He may specify locations and conditions under which vessels may operate, and shall have the authority to revoke the permit and require the immediate removal of such vessel upon failure of the permittee to comply with the terms and conditions of the permit.

§ 2.23 Vessels, commercial.

No commercial vessel shall be launched or docked at any point on the federally owned shorelands surrounding the waters of the areas or make use of any launching or docking facility within the areas, except as authorized by permit, contract, or other written agreement with the United States.

§ 2.24 Restricted waters.

(a) Except to effect rescue or unless otherwise specifically authorized, no water-borne vessel shall be operated within any waters zoned and marked as migratory bird rest waters or for related wildlife uses, including waters zoned and marked for fish culture purposes.

(b) No motor vessel shall be permitted to approach within 500 feet of any designated beaches, except at Coulee Dam Recreation Area, where the approach limit is 200 feet, and except to effect rescues.

(c) No water-borne vessel shall approach within 200 feet of any dam or

other restricted engineering works within the areas, except to effect rescue: *Provided*, That in Lake Mead National Recreation Area no motor vessel shall approach Hoover or Davis Dams closer than the limits posted by appropriate official signs or markers.

(d) The Superintendent, in his discretion, may exclude the operation of water-borne vessels within any designated waters when such action is necessary to protect life and property. Such restricted areas shall be defined by booms or markers and shall be designated on a map of the restricted portions, copies of which shall be posted at all public docks for convenient inspection.

(e) No person or operator of any type of waterborne vessel shall at any time attach a vessel to, or interfere with any navigational reef marker or aid within the waters of the areas.

(f) The provisions of this section shall not apply to any boats operated for official use by any agency of the United States, or of the States in which the waters within a particular area are situated.

(g) In Glen Canyon National Recreation Area no waterborne vessel shall approach Glen Canyon Dam closer than the limits posted by appropriate official signs or markers.

§ 2.25 Speed of water-borne vessels.

No person shall operate a motor vessel—

(a) In a manner which unnecessarily interferes with the free and proper use of the navigable waters of the United States or unnecessarily endangers other vessels therein, or the life and limb of any person.

(b) At a rate of speed greater than will permit him, in the exercise of reasonable care, to bring the motor vessel to a stop within the assured clear distance ahead.

(c) With any person or persons riding or sitting on either the starboard or port gunwales thereof or on the decking over the bow.

(d) Or be in actual physical control of same while under the influence of intoxicating liquor, narcotics or habit-forming drugs, or shall the owner or operator of any vessel authorize or knowingly permit the same to be operated by any other person under the influence of intoxicating liquors, narcotics or habit-forming drugs.

(e) In excess of five miles per hour in designated harbors.

(f) In excess of twenty miles per hour within two hundred feet of the shoreline or reefs.

§ 2.26 Obstructions.

Unless otherwise specifically authorized, no log boom, pier, dock, fence, pile, anchorage, or other obstruction shall be installed in the waters of the areas without a permit therefor issued by the Superintendent designating the place and manner of its installation.

§ 2.27 Compliance with Federal laws and regulations.

Nothing contained in the regulations in this part shall relieve any water-borne vessel, the owner, or the operator thereof, from the obligation to comply with the applicable laws of the United States and the rules and regulations of the United States Coast Guard or other Federal agencies operative within the areas.

§ 2.28 Discrimination in furnishing public accommodations.

The proprietor, owner, or operator and the employees of any hotel, inn, lodge, or other public accommodations within the areas are prohibited from (a) publicizing such facilities in any manner that would directly or inferentially reflect upon or question the acceptability of the patronage of any person or persons because of race, creed, color, or national origin; and (b) discriminating against any person or persons because of race, creed, color, or national origin by refusing to furnish such person or persons any accommodations, facilities, or privileges, offered to or enjoyed by the general public.

§ 2.29 Reckless driving.

The driving of any vehicle upon a Government road or public use area in a national recreation area carelessly and heedlessly in willful or wanton disregard of the rights or safety of others, or without due caution and at a speed or in a manner so as to endanger or be likely to endanger any person or property is prohibited.

§ 2.30 Abandonment of property.

(a) The abandonment of personal property in national recreation areas is prohibited.

(b) Any personal property left untended for a period in excess of 72 hours

is subject to removal by order of the Superintendent or his authorized representative; the expense of such removal shall be paid by the person leaving such property.

§ 2.31 Lost articles.

(a) Lost articles or money found in National Recreation areas, shall be turned in immediately at the office of the Superintendent or at the nearest Ranger Station.

(b) The United States is not responsible for any losses on, or damage to vessels in the areas.

§ 2.32 Relics.

Relics, artifacts, and other articles of historic or archeologic interest found on the Government land are Government property and must, if removed from the place where they are found, be deposited with the Superintendent or at the nearest ranger station.

§ 2.33 Tampering with a parked motor vehicle.

No person shall tamper with, or attempt to enter or start, or move or cause to be moved, a parked motor vehicle not lawfully under his control. This section shall not apply to employees of the National Park Service or other employees of the Federal Government or duly authorized officials, in connection with their official duties.

§ 2.34 Water skiing.

(a) Water skiing is permitted during daylight hours only, on the waters of the areas,

(1) There must be two competent persons in the boat, with one acting as observer when a skier is in "tow".

(2) The direction of all skiing and towing of skiers shall be counter clockwise.

(3) Skiers must wear accepted type ski belts or jackets.

(b) Water skiing is prohibited:

(1) Within 500 feet of harbors, swimming beaches, and mooring areas, or within 100 feet of any person swimming outside a designated swimming area.

(2) In main channels of the lakes and in any areas so posted by the Superintendent.

§ 2.35 Navigation of waterways.

No person shall operate any vessel in a manner which shall unreasonably

interfere with other vessels or with the free and proper navigation of the waterways of the areas. Anchoring in heavily traveled channels or main thoroughfares shall constitute such interference if unreasonable in the prevailing circumstances.

§ 2.36 Launching of vessels.

The Superintendent may require the owner of a vessel to obtain a permit before the vessel is launched on Lake Mead or Lake Mohave.

§ 2.37 Overnight accommodations.

No person or persons shall stay overnight on a vessel moored in any designated mooring area without written authorization of the Superintendent.

§ 2.38 Muffler cut-outs.

Every vessel operating in or on the waters of the areas which is propelled by an internal combustion engine or engines, shall be equipped with a muffler or mufflers so constructed as to prevent any intense or prolonged noise in the operation or management of such

§ 2.39 Trailers.

Wheels, except for making repairs, shall not be removed from trailers in the areas.

§ 2.40 Use of Government-owned docks, piers and floats.

Government-owned docks, piers and floats shall be used for loading and unloading of vessels, except in emergencies. The use of such facilities for any other purpose is prohibited except upon written authorization of the Superintendent or his authorized representative.

vessel and the said muffler or mufflers shall not be removed, cut down, or put out of operation for any purpose whatever, except during periods of repairs and upon authorization of the Superintendent. Nothing contained in this section shall apply to vessels equipped with underwater exhausts or to vessels discharging water through open exhaust pipes so long as these methods of silencing the exhaust are effective.

PART 3—NATIONAL CAPITAL PARKS REGULATIONS

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AUTHORITY: §§ 3.1 to 3.101 issued under sec. 6, 30 Stat. 571, secs. 1-3, 39 Stat. 535, as amended, sec. 16, 43 Stat. 1126, as amended, § 32 Stat. 81, secs. 1, 2, 67 Stat. 495, 496; 8 D.C. Code 143, 16 U.S.C. 1, 1b, 1c, 2, 3, 40 D.C. Code 613.

§ 3.1 Applicability of regulations.

This part applies to all park areas administered by National Capital Parks, National Park Service, in the District of Columbia, Maryland and Virginia, and to other Federal reservations in the environs of the District of Columbia, possessed with the approval or concurrence of the head of the agency having jurisdiction or control over such reservations, pursuant to the provisions of the act of March 17, 1948 (62 Stat. 81).

§ 3.2 Applicability of Federal laws.

In all areas to which this part is applicable all Acts shall be enforced insofar as applicable.

§ 3.3 Applicability of District of Columbia and State laws.

(a) The laws and regulations promulgated for the District of Columbia shall be enforced, insofar as applicable, in all park areas within the District of Columbia.

(b) In areas to which this part is applicable, located outside the geographical limits of the District of Columbia, the laws of the State within which the area is located shall be invoked and enforced in accordance with the act of June 25, 1948 (62 Stat. 686; 18 U. S. C. sec. 13).

§ 3.4 Definitions.

As used in this part, unless otherwise indicated:

(a) Under the regulations, the term "park area" means any and all developed and undeveloped grounds, playgrounds, plazas, squares, circles, triangles, islands, ways, streets, sidewalks, roads, boulevards, parkways, canals,

waters, buildings, monuments, structures and other properties administered by National Capital Parks, National Park Service, including such park areas as herein defined as are used by the District of Columbia Recreation Board pursuant to agreement with the National Capital Parks, National Park Service.

(b) The term "other Federal reservations" means Federal areas, which are not under the administrative jurisdiction of the Department of the Interior, located in Arlington and Fairfax Counties and the City of Alexandria in Virginia, and Prince Georges, Anne Arundel, and Montgomery Counties in Maryland, exclusive of military reservations, unless the policing of such areas by the United States Park Police is specifically requested by the Secretary of Defense or his designee.

(c) The term "environs of the District of Columbia" embraces Arlington and Fairfax Counties and the City of Alexandria, in Virginia, and Prince Georges, Anne Arundel, and Montgomery Counties, in Maryland.

(d) The term "Secretary" means the Secretary of the Interior.

(e) The term "Director" means the Director of the National Park Service or his authorized representative.

(f) The term "Superintendent" means the Superintendent of National Capital Parks or his authorized representative.

(g) The term "official permit" means permits issued by authorized officials of the agency having control or jurisdiction of the Federal area involved.

(h) The term "official sign" means any sign or signs posted by order of authorized officials of the agency having control or jurisdiction of the Federal area involved.

(i) The term "person" includes individuals, partnerships, firms, corporations, and voluntary associations.

(j) The term "driver" means the rider, driver, or leader of any horse or other riding or draft animal, a person who pushes, draws or propels a vehicle, and the operator of a motor-propelled vehicle.

(k) The term "horse" means any riding or draft animal or beast of burden.

(1) The term "park road" means any street, road, highway or public thoroughfare in any Federal area covered by this part.

(m) The term "vehicle" means any conveyance or animal customarily used for the purpose of riding or driving.

(n) The term "commercial vehicle" means any vehicle designed or used for carrying freight or merchandise for or without hire.

(c) The term "parking" means any vehicle left standing, whether or not attended, except when standing in obedience to traffic regulations, signs or signals, or to a police officer.

§ 3.5 Penalties.

(a) *Regulations in this part.* Any person violating any of the provisions of this part, except violations of traffic and motor vehicle regulations in park areas in the District of Columbia, shall, upon conviction thereof, be punished by a fine of not more than \$500 or imprisonment for not exceeding six months or both.

(b) *Traffic violations in District of Columbia.* Any person violating any of the provisions of the traffic and motor vehicle regulations contained in this part in park areas in the District of Columbia, except where a penalty is otherwise provided, shall, upon conviction thereof, be punished by a fine of not more than \$300 or imprisonment of not more than 10 days or both.

(c) *Statutes; other applicable regulations.* Any person violating any act of Congress or State law adopted pursuant to an act of Congress or rule or regulation promulgated by other Federal officials, the Commissioners of the District of Columbia, or other municipal officials, which is in force and applicable to any area covered by this part shall, upon conviction, be punished in accordance with the penalty provisions of such act, rule or regulation.

§ 3.6 Place of trial.

Any person violating any of the regulations contained in this part in park areas within the District of Columbia is subject to prosecution and trial in the Municipal Court for the District of Columbia. Any person violating any of the regulations contained in this part in the areas covered by this part within the States of Maryland or Virginia may be tried by a United States Commissioner authorized to try petty offenses in the judicial district in which the offense was committed or, if the person charged with the offense so elects, he shall be tried in

the district court of the United States which has jurisdiction over the offense.

§ 3.7 Federal property; miscellaneous provisions.

(a) *Statues and other structures.* No person shall climb upon or in any way injure any statue, fountain, wall, banister, ledge, fence, balustrade, railing or other structure.

(b) *Water system.* No person shall tamper with drinking fountains, hydrants, or other water system facilities.

(c) *Life buoys.* No person shall tamper with or remove life buoys from their fastenings except for the purpose of aiding a person who is in danger of drowning.

(d) *Injury to lawns.* No person shall make any use of lawn areas which tends to injure the lawns in any manner. This section shall not be construed to prohibit casual strolling over lawn areas.

(e) *Short cuts.* No person shall make short cuts across lawn areas which tend to make paths. Hikers and horseback riders shall not make short cuts, but must confine themselves to the established trail.

(f) *Signs.* No person shall tamper with, mar, remove or destroy any official or public sign.

(g) *Dumping.* No person shall dump any material or refuse of any description in any area covered by this part, except pursuant to the provisions of an official permit.

(h) *Storage.* No person shall store material of any description, or displace, leave, house, or permit to be placed or left in any area covered by this part any vehicle or parts of vehicles, or rubbish of any description, except pursuant to the provisions of an official permit.

(i) *Fences and other structures.* No person shall enclose any area covered by this part or erect any fence, wall, or build any trail, road, bridge or other structure in any area covered by this part, except pursuant to the provisions of an official permit.

(j) *Spilling of deleterious substance.* No person shall pour or cause to spill or permit to escape in any area covered by this part any oil, gas, salt, acid or other deleterious substance whether liquid, solid or gaseous, except pursuant to the provisions of an official permit.

(k) *Other injury or removal.* Any other injury to or removal of any Fed-

eral property, except under authority of law, is prohibited.

(l) *Historic structures and remains.* The destruction, injury, defacement, removal, or disturbance in any manner of any historic structure, ruins, relics, artifacts or remains is prohibited. Any such object removed in violation of this section shall be delivered to the Superintendent or his representative on demand.

§ 3.8 Lamps and lamp posts in park areas.

(a) No person shall break, damage, or carry away any lantern, glass, frame, street designation, fixture, or other part or appurtenance of any public lamp; or hitch, tie or fasten any animal to any lamp post or appurtenance thereof.

(b) No person shall take up or carry away any public lamp post, or extinguish or obstruct the light in any public lamp, or cap or plug the service pipe of any public lamp.

(c) No person shall climb, damage or destroy any public lamp post, or attach any guy line or sign thereto, or deface any public lamp post or appurtenance thereof by means of lime, mortar, paint, or other material; or pile material of any kind against any public lamp post.

§ 3.9 Comfort stations and other structures.

(a) No person shall enter, remain, or loiter in any comfort station or other public structure in a park area except to use such facility for the purpose for which it is intended.

(b) No person shall deposit any bodily waste in or on any portion of any comfort station or other public structure in a park area excepting directly into such particular fixtures as may be provided for that purpose, nor place any bottle, can, cloth, rag, or metal, wood, or stone substance in any of the plumbing fixtures in such station or structure.

(c) In a comfort station or other public structure in a park area, no person shall interfere with any attendant in the performance of his or her duty.

(d) No person shall cut, deface, mar, destroy, or break, or write on or scratch any wall, floor, ceiling, partition, fixture, or furniture, or use towels in any improper manner, or waste soap, toilet paper, or any of the facilities provided in any comfort station or other public structure in a park area.

§ 3.10 Trees, shrubs, plants, grass and other vegetation.

(a) *General injury.* No person shall prune, cut, carry away, pull up, dig, fell, bore, chop, saw, chip, pick, move, sever, climb, molest, take, break, deface, destroy, set fire to, burn, scorch, carve, paint, mark, or in any manner interfere with, tamper, mutilate, misuse, disturb or damage any tree, shrub, plant, grass, flower, or part thereof, nor shall any person permit any chemical, whether solid, fluid, or gaseous, to seep, drip, drain or be emptied, sprayed, dusted or injected upon, about or into any tree, shrub, plant, grass, flower, or part thereof, except when specifically authorized by competent authority; nor shall any person build fires, or station, or use any tar kettle, heater, road roller or other engine within an area covered by this part in such a manner that the vapor, fumes or heat therefrom may injure any tree or other vegetation.

CROSS REFERENCE: For parking which may impair vegetation and trees, see § 3.33(a) (1) and (8).

(b) *Animals.* No person shall hitch, tie or fasten any horse or other animal to, or within reach of, any tree, shrub, plant, tree box or tree guard.

CROSS REFERENCE: For regulations with respect to domestic animals, see also §§ 3.11 and 3.13.

(c) *Attachments.* No person shall hitch, tie, fasten, nail, anchor, screw or otherwise attach any wire, cable, chain, rope, card, sign, poster advertisement, notice, announcement, handbill, board or other article or device to any tree, shrub or plant, without first obtaining an official permit.

(d) *Excavations.* No person shall excavate any ditches, tunnels, holes or trenches, or lay any sewer or pipe line, drain, conduit or cable, walk, path, drive or highway within or affecting any park area, without first obtaining an official permit. In making permitted excavations proper care shall be taken to pre-

vent injury to the roots of trees, shrubs, or plants. Upon completion of the work, the ground surface shall be restored by the permittee and the correction of any future settling of the back fill shall likewise be the responsibility of the permittee.

(e) *Guards.* All trees, shrubs, or other plants growing within any park area near any excavation or construction of any kind, shall be protected with a substantial and adequate guard constructed by the permittee.

(f) *Gas.* Any person owning or operating beneath the ground, in or adjacent to park areas, any pipes or other conduits for the transmission or delivery of illuminating gas, oil, steam, or other substance in liquid or gaseous form, shall locate and maintain such pipes or conduits free from leaks and in such condition as to prevent injury to any tree, shrub, plant, lawn, or other vegetation growing within park areas.

(g) *Wires.* No person shall string any wire or wires through or above any park areas; nor prune or remove branches or trees which may now or hereafter interfere, rub or grow near existing wires; nor attach any wire, insulator or device to trees or within any area covered by the root system of trees, without first obtaining an official permit. Any person having jurisdiction or control over any wire or conduit for the transmission of an electric current shall guard all trees through which such wires or conduits pass, against any injury from the wires or the electric current carried thereby. The device or means used shall, in each case, be of a type approved by the Superintendent.

(h) *Planting.* No person shall plant or cause to be planted any tree, shrub or plant within a park area without first obtaining an official permit.

(i) *Adjacent trees.* Any tree, shrub or plant growing upon private property and which overhangs any park area in such a way as to present a hazard or impede, obstruct or interfere with traffic, travel or park use shall be trimmed, removed, braced, or otherwise treated by the owner of the premises on which such tree, shrub or plant is located, in a manner prescribed by the Superintendent. In an emergency, the Superintendent is empowered to enter such premises and to trim, remove, brace or otherwise treat any tree which is deemed hazardous to

park travel or use, in such a manner that the hazard shall be eliminated.

§ 3.11 Dogs, cats and livestock.

(a) The laws and regulations of the District of Columbia, Maryland and Virginia, relating to licenses and muzzles shall apply to dogs in the park areas located within the geographical limits of the respective jurisdiction.

(b) No dog or cat, unless caged or on a leash not more than six feet long and entirely under control, shall be taken into or exercised in park areas: *Provided*, That in special cases the Director may authorize the keeping of dogs, cats and livestock by park residents under such conditions as he may prescribe.

(c) No dog or cat shall be permitted by the person exercising or walking the animal to commit any nuisance on playgrounds, trees, shrubs, plants, lawns, sidewalks, footpaths, or in flower beds, buildings, or in any other park area, except in park roadways.

(d) Livestock and dogs trespassing on any land of the United States in the National Capital Park System may be impounded and shall be disposed of in accordance with State or District of Columbia statutes insofar as the same may be applicable.

§ 3.12 Horses.

(a) A horse shall not be left unbridled or unattended in any park area without being securely fastened, unless harnessed to a vehicle with wheels so secured as to prevent its being dragged faster than a walk.

(b) A driver shall continuously hold the reins in his hand while riding, driving or leading a horse within a park area.

(c) No more than two horses abreast shall be permitted on the bridle paths in any park area.

(d) Horses shall not be allowed to move over any park area other than those specifically designated for horse exercise.

(e) Fast or reckless riding or driving of horses in any park area is prohibited. Equestrians shall be careful to come down to a walk or slow trot before passing pedestrians.

(f) Horseback riding on the towpath of the Chesapeake and Ohio Canal between Rock Creek and Swain's Lock (Lock 21) is prohibited without special permit.

CROSS REFERENCE: For regulations prohibiting the tying of horses or other animals to lamp posts or trees, see §§ 3.8(a) and 3.10 (b), respectively.

§ 3.13 Grazing; permitting animals to run loose.

Using park areas for grazing, allowing to graze, or permitting to run loose thereon any animal, is prohibited, unless authorized by an official permit. Any owner or custodian of an animal or animals shall prevent such animal or animals from doing any of the acts enumerated in this section.

§ 3.14 Picnics in park areas.

(a) *Picnicking*. Picnicking is permitted only in areas designated for such use.

(b) *Permits*. Persons holding official permits for the use of established picnic groves in certain park areas shall be entitled to the exclusive use of such groves on the dates and between the hours specified in the permits. All persons not holding permits shall be required to vacate the groves upon the arrival of permit holders.

(c) *Garbage*. Picnic groves in park areas shall be left in a clean condition by persons using the groves. Garbage and refuse of all kinds shall be placed in receptacles provided for the purpose.

§ 3.15 Athletics.

(a) *Permits for set games*. Playing baseball, football, croquet, tennis, and other set games or sports in park areas except under official permit and upon the grounds provided for such purpose, is prohibited.

(b) *Wet grounds*. Persons holding official permits to engage in games and sports at certain times and at places authorized for this use in park areas are prohibited from exercising the privilege of play accorded by the permit if the grounds are wet or otherwise unsuitable for play without damage to the turf.

(c) *Golf and tennis; fees*. No person shall use golf and tennis facilities in park areas except by payment of the prescribed fee, if one is required, and in compliance with regulations approved by the Director. Use of public golf and tennis facilities is restricted to authorized players and persons accompanying them; trespassing, intimidating, harassing or otherwise interfering with authorized golf players, or interfering with the play of tennis players is prohibited.

(d) *Archery*. No bows and arrows shall be permitted in park areas, with the exception stated in § 3.49, except in places designated by order of the Superintendent.

(e) *Ice skating*. When ice is forming on the Tidal Basin, the Reflecting Pool, and other bodies of water within park areas, all persons shall abide by the directions of the Park Police as to when and where the ice shall be available for skating. When skating is allowed, all persons shall be under obligation to refrain from fast and reckless skating when such skating might endanger the life or limb of other persons.

§ 3.16 Model planes.

No model powered plane shall be flown from any park area unless authorized by an official permit.

§ 3.17 Gambling.

Gambling in any form, or the operation of gambling devices whether for merchandise or otherwise in park areas, is prohibited.

§ 3.18 Hunting and fishing.

(a) *Hunting in park areas prohibited*. The parks are sanctuaries for wildlife of every sort and no person shall at any time or at any place within a park area, trap, catch, kill, injure, or pursue any wild birds or wild animals, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, or destroy, remove or disturb the nest or eggs of any wild bird. The Superintendent is authorized to take necessary action to capture or destroy wildlife which is damaging Government property.

(b) *Unauthorized possession of wildlife*. Unauthorized possession within a park area of any live wild bird or animal, or the dead body or any part thereof, of any wild bird or animal shall be prima facie evidence that the person or persons having the same, are guilty of violating this section.

(c) *Fishing in park areas in Maryland and Virginia*. Persons fishing in areas under the jurisdiction of the National Park Service, lying within the geographical limits of Maryland or Virginia, must be licensed by and comply with the applicable State laws.

(d) *Fishing in park areas in the District of Columbia*. Persons fishing in

waters in the District of Columbia controlled by the Secretary of the Interior shall comply with the fishing regulations for the District of Columbia approved by the Secretary of the Interior and adopted by the Commissioners of the District of Columbia.

(e) *Closing of waters*. During a period of emergency, just prior to and during special ceremonial events or competitive aquatic events, adjacent to docks and floats, or to prevent over-use by fishermen of waters open to fishing in areas administered by National Capital Parks, the Superintendent, in his discretion, may close to fishing all or any part of such open waters for such periods of time as may be necessary. Provided, the notice thereof shall be given by the posting of appropriate signs, notices, and markers. Fishing in Prince William Forest Park shall be prohibited in areas designated for swimming, boating, or other public use, such areas to be designated by posting of signs.

§ 3.19 Parades and other functions without permits prohibited; exceptions.

Parades, ceremonies, entertainments, and functions of all kinds, are prohibited in park areas unless authorized by an official permit, except that public meetings and assemblies may be held and speeches and the expression of views publicly may be made without any permit in the following places, which shall be open and available for such purpose at all times to any person, group of persons, or organization:

(a) *Circus grounds*. Located at Oklahoma Avenue and Benning Road. When the circus grounds are in use by circuses or carnivals under official permits, the use of this area for public meetings and assemblies shall be prescribed by the Superintendent in such manner as to minimize, as far as possible, any interference or disturbance of circus or carnival operations.

(b) *Judiciary park*. On the north-south axis of the park between E Street and the statue of José de San Martín.

(c) *Smithsonian grounds*. In the northeast corner of the park and adjacent to Constitution Avenue and Ninth Street NW.

(d) *United States Reservation 46*. North side of Pennsylvania Avenue, west of Eighth Street and south of D Street SE.

§ 3.20 Areas available at all times subject to permit for public meetings; permit applications.

(a) *Available areas.* Public meetings and assemblies may be held and speeches and the expression of views publicly may be made in the following places, which shall be open and available for such purposes at all times to any person, group of persons, or organization, subject to the condition that an official permit therefor be first obtained.

- (1) Anacostia Park west of Eleventh Street.
- (2) Polo Field.
- (3) Banneker Recreation Center, north side.
- (4) Monument Grounds, Sylvan Theater.
- (5) Watergate.
- (6) Bunker Hill Park.
- (7) Lincoln Park.

(b) *Application for permits.* Any application for a permit authorizing the holding of a meeting or other function within the areas covered by this section shall set forth the names of proposed speakers and the nature of all proposed speeches. This information shall be submitted sufficiently in advance of the date of the proposed meeting or function to allow persons desiring to reply to such speeches sufficient opportunity to apply for equal facilities. All such applications shall be available to public inspection. Persons or organizations wishing to present views in opposition to those scheduled for presentation under pending application shall be entitled to preference in applying for permission to use the same facilities immediately following or immediately preceding the meeting or function for which the original application was made.

(c) *Permit may be refused if there is a prior application.* The Superintendent may refuse to grant a permit for the above-named places only if a prior application for use of the same place at the same time has been made and such prior application has been or will be granted. In applying for such permit the applicant shall comply with the provisions of paragraph (b) of this section and shall specify the time and place desired.

(d) *Restricted areas.* Visitors shall not enter restricted areas posted as being closed to the public, except upon written permission from the Superintendent.

§ 3.21 Public meetings may be held subject to permit in any park area; exceptions.

Public meetings and assemblies may be held and speeches and the expressions of views publicly may be made in any park area other than the areas described in §§ 3.19, 3.20 and 3.22 subject to the condition that an official permit therefor be first obtained. The Superintendent shall forthwith issue a permit for such a place unless a prior application for the same time and place has been made which has been or will be granted, or unless, in his judgment, the permit should be refused because of traffic conditions, or because the particular use to which the area is primarily devoted makes its use for public gatherings contrary to the comfort, convenience and interest of the general public. In applying for such permit, the applicant shall comply with the provisions of § 3.20 (b) and shall specify the time and place desired.

§ 3.22 Areas in which parades and public gatherings are prohibited.

Parades, public gatherings of any kind, and the making of speeches are prohibited in the following places because of traffic conditions, or because the particular purpose to which the area is primarily devoted makes its use for public gatherings contrary to the comfort, convenience and interest of the general public:

- (a) Lafayette Park.
- (b) Sherman Square.
- (c) United States Reservation 617, Fifteenth Street and Pennsylvania Avenue NW.
- (d) Farragut Park.
- (e) Rawlins Park.
- (f) Mount Vernon Park.
- (g) Stanton Park.
- (h) The paved area in the Mall near Second Street.
- (i) State Place.
- (j) West and South Executive Avenues.
- (k) Franklin Park.

§ 3.23 Policy governing the issuance of permits for public meetings.

(a) In passing upon requests for permits to speak or meet in such park areas, it is expected that the Superintendent will adhere to established Departmental policy to exclude absolutely from his consideration any agreement or disagreement

ment with the political or economic views of the proposed speaker. Permits should not be granted, however, in the case of any assemblage which will bring clear and present danger of strife, riot or disorder or which will violate the criminal laws relating to sedition, lewdness or other matters prohibited by law.

(b) For political meetings, the National Capital Parks will furnish no services or facilities beyond those existing on the site, except that the sponsors of the meeting may provide additional services and facilities at their own expense, subject to approval by the Superintendent. The same policy will apply with respect to entertainment programs and to patriotic and civic meetings for which an admission fee is charged or at which funds will be solicited or collected.

(c) In the case of civic and patriotic assemblages, and athletic and entertainment programs which are presented as a public service, where no admission is charged and no funds will be solicited or collected, the National Capital Parks office may, within the limits of appropriations, furnish necessary platforms, chairs, music stands, lighting and other equipment as are available and the services of operational employees. At such ceremonial gatherings or events of community interest as the annual Independence Day Celebration at the Monument Grounds, the President's Cup Regatta, and the Cherry Blossom Festival, the National Capital Parks may, despite the fact that charges are made by participating organizations for seats or admission, furnish services and such available equipment as will not in turn be rented to those who attend the affair.

(d) Public meetings are prohibited at the National Memorials except those memorial services which honor the individual to whom the memorial is dedicated.

§ 3.24 Soliciting, advertising, sales.

(a) *Soliciting.* (1) Soliciting of alms and contributions for private gain and of patronage by guides or other persons in park areas is prohibited.

(2) Commercial soliciting of any kind in park areas without an official permit is prohibited.

(b) *Advertising and taking of photographs.* (1) The display or distribution of any form of commercial advertising is prohibited in park areas, except when

authorized by official permit in connection with park activities.

(2) No photograph which may include a public monument or memorial shall be taken or used of any commercial vehicle or bus in a park area without an official permit.

(3) The photographing in park areas of models demonstrating wearing apparel or other commercial articles, for reproduction in commercial advertising, without an official permit, is prohibited.

(4) No photographs shall be taken within any military reservation except by holders of official permits and those persons having special permission of the officer in charge.

(5) No photograph of construction in the National Park system shall be taken or used in commercial advertising unless written permission of the Superintendent is obtained.

(c) *Sales.* No sales shall be made nor admission fee charged, and no article shall be exposed for sale in a park area without an official permit.

§ 3.25 Nuisances; disorderly conduct.

Committing a nuisance of any kind or engaging in disorderly conduct within an area covered by this part is prohibited. The following shall include, but shall not be construed to limit acts committed in areas covered by this part which constitute disorderly and unlawful conduct:

- (a) *Wrestling.* Scuffling and wrestling in the vicinity of other persons.
- (b) *Throwing of breakable articles.* Intentional throwing, dropping or causing to be thrown or dropped, any breakable article such as glass, pottery, or any sharp article which may cause injury to the person or property of others, upon any road, path, walk, parking lot or lawn area in any area covered by this part.
- (c) *Throwing of stones.* Throwing stones or other missiles.
- (d) *Throwing or dropping objects from Washington Monument.* Throwing or dropping any object from the windows at the top of the Washington Monument, or from the staircase or landings of the Monument, unless authorized by the Superintendent.
- (e) *Rubbish.* Placing refuse brought from private property in park receptacles.
- (f) *Spitting.* Spitting upon walks or paths.

(g) *Fireworks.* Discharging or setting off fireworks, firearms or other explosives in areas covered by this part: *Prohibited.* That upon holidays or on special occasions the Superintendent may permit at his discretion, use of such grounds in park areas as he may deem best suited for the purpose of fireworks display and the firing of salutes.

(h) *Unauthorized bathing.* Bathing, swimming or wading in any fountain or pool except where officially authorized. Bathing, swimming, or wading in the Tidal Basin, the Chesapeake and Ohio Canal, or Rock Creek, or entering from areas covered by this part the Potomac River, Anacostia River, Washington Channel or Georgetown Channel, except for the purpose of saving a drowning person.

(i) *Audio devices.* Audio devices including radios, television sets, public address systems and musical instruments, when audible beyond the immediate vicinity of the set or instrument, or when disturbing the quiet of camps, picnic areas, or other public places or gatherings.

(j) *Park benches.* Lying on park benches is prohibited.

(k) *Loitering with intent to remain more than four hours.* Sleeping, loitering or camping, with intent to remain for a period of more than four hours in any park area, is prohibited, except upon proper authorization of the Superintendent.

(l) *Vagrancy.* Habitually using any park area as a place of abode, sleeping therein, loafing therein by day and night by persons having no lawful employment and no lawful means of support realized from a lawful occupation or source and unable to establish the fact of residence elsewhere, is prohibited.

§ 3.26 *Indecency, immorality, profanity.*

(a) *Indecent exposure.* Obscene or indecent exposure by any male or female of his or her person or their persons, in a street, road, park, or other space or enclosure, or automobile, dwelling or other building within any area covered by this part wherefrom the same may be seen in any street, avenue, alley, road, or highway, open space, public square, or private building or enclosure is prohibited.

(b) *Urinating or defecating.* Urinating or defecating in any area covered by

this part other than the places officially provided therefor is prohibited.

(c) *Adultery and fornication.* Adultery and sexual intercourse with or between unmarried persons in any area covered by this part is prohibited.

(d) *Nuisances; soliciting for immoral purposes.* Addressing, soliciting or attempting to make the acquaintance of another person for immoral or indecent purposes is prohibited in any area covered by this part.

(e) *Profanity.* The use of profane and indecent language within hearing of another person or persons in any area covered by this part is prohibited.

(f) *Other obscene and indecent acts.* The committing of any other obscene or indecent act in any area covered by this part is prohibited.

§ 3.27 *Camping.*

(a) Camping is permitted only in areas designated by the Superintendent who may establish limitations of time allowed for camping in any public camping ground. Upon the posting of such limitation in the campground, no person shall camp for a period longer than that specified for the particular campground.

(b) Overnight camping is prohibited in picnic grounds unless authorized by the Superintendent in writing.

(c) Campers shall keep their campgrounds clean. Combustible rubbish shall be burned on camp fires, and all other garbage and refuse of all kinds shall be placed in receptacles provided for the purpose.

(d) Campers and picnickers may use dead or fallen timber for fuel when authorized by the Superintendent.

(e) The installation of permanent camping facilities by visitors, or the digging or leveling of the ground in any campsite without the Superintendent's permission is prohibited. Camps must be completely razed and the sites cleaned before the departure of campers.

(f) No camp may be established in an area and used as a base for hunting outside such area.

(g) The Superintendent may establish hours during which quiet must be maintained at any camp, and prohibit the running of motors at or near a camp during such hours.

§ 3.28 *Use of liquors; intoxication.*

(a) *Drinking in areas covered by this part.* The drinking of beer, wine, or

spirituous liquors within areas covered by this part in the District of Columbia, Maryland, and Virginia is prohibited, except with the written permission of the Superintendent.

(b) *Intoxication.* Entering or remaining in an area covered by this part in a visibly intoxicated condition is prohibited.

(c) *Driving motor vehicle while intoxicated.* No person who is under the influence of intoxicating liquor or narcotic drugs shall operate or drive a motor vehicle of any kind in any area covered by this part.

§ 3.29 *Laws and regulations applicable to traffic control; enforcement.*

(a) *District of Columbia, Maryland and Virginia laws and regulations.* The laws and regulations relating to traffic control promulgated for the District of Columbia and the laws of Maryland and Virginia, respectively, as adopted by the act of June 25, 1948 (62 Stat. 686; Title 18 U.S.C. sec. 13), shall constitute the traffic and motor vehicle regulations enforceable under the act of March 17, 1948 (62 Stat. 81), in all areas covered by this part within their respective geographical limits unless otherwise provided for by act of Congress or the regulations contained in this part: *Provided,* That the traffic regulations adopted by the local governing bodies pursuant to the provisions of the laws of Maryland and Virginia delegating authority to the local governing bodies to adopt such traffic regulations shall not apply; *And provided, further,* That the head of the agency having jurisdiction over the area may fix the speed limits which shall be indicated by signs, markers, and other devices to be erected and maintained by said agency and may fix the weight limits and control the parking of vehicles in such area.

(b) *Enforcement of traffic regulations.* All traffic regulations applicable in areas covered by this part shall be observed by the operators of vehicles, equestrians, and by pedestrians who shall also comply with official traffic signs and signals, and traffic direction by voice, hand or whistle, from any member of the United States Park Police, Metropolitan Police, Park Rangers or special policemen, properly equipped with police badge on duty in an area covered by this part. These directions may include signals for slowing down, stopping, backing, approach-

ing or departing from any place, the manner of taking up or setting down passengers, and the loading and unloading of any material.

(c) *Special regulations governing parades and other ceremonies in park areas.* On the days of parades, ceremonies, celebrations and entertainments in park areas, special regulations as to parking vehicles and the positions and movements of spectators shall be promulgated by the Superintendent. All persons within the area of such special regulations shall obey or comply with the lawful orders of the park police or other authorized persons engaged in maintaining order.

(d) *Checking on speed by use of electronic device.* The speed of any motor vehicle may be checked on any park road in a park area in the States of Maryland and Virginia by the use of radiomicro-wave or other electrical device when such park road on which such device is used is clearly marked within four miles of such device and at State lines and at primary streets and highways by the posting of signs indicating radar control, when marked "Speed checked by radar."

§ 3.30 *Obstructing entrances, exits, sidewalks.*

(a) Assembling, loitering and congregating singly or in groups, in or about the entrances and exits to the various areas covered by this part, or within areas covered by this part, in such a way as to hinder or obstruct the sidewalks, roads, bridges, or bridgepaths, is prohibited.

(b) Congregating or loitering in or about any comfort station or other public structure in any area covered by this part in such a manner as to obstruct the proper use thereof, or to the annoyance of the people using or visiting such structures, is prohibited.

(c) Occupying, parking, stopping or leaving a bicycle, coaster wagon, perambulator, or other similar vehicle in any area covered by this part, on any sidewalk, bridge, road, footpath, or bridge path, in such position as to hinder or obstruct the proper use of the same is prohibited.

§ 3.31 *Speed restrictions.*

(a) *District of Columbia.* No specific speed limits shall apply to the park roads in park areas in the District of Columbia, unless a speed limit is prescribed for a

particular road, or section of roadway, by the posting of official signs.

(b) *Maryland and Virginia.* The speed limits prescribed by the States of Maryland and Virginia shall constitute the speed restrictions on park roads in areas covered by this part within their respective geographical limits, unless a lesser speed limit is prescribed for a particular road, or section of road, by the posting of official signs.

§ 3.32 Reckless driving; prohibited operations.

Persons operating motor vehicles within areas covered by this part shall drive in a safe manner. The following are prohibited:

(a) Driving carelessly and heedlessly in willful or wanton disregard of the rights or safety of others, or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property.

(b) Failing to keep any vehicle under proper control.

(c) Operating any vehicle in such a manner as to cause same to collide with another vehicle, person, fixed or moving object.

(d) Driving on wrong side of street or road.

(e) Following another vehicle too closely to permit clear vision of road ahead or sufficient distance in which to stop within the assured clear distance ahead.

(f) Operating a motor vehicle in grossly unsafe mechanical condition.

(g) Operating a closed passenger-carrying vehicle with side shades or curtains drawn more than half way, except when going to or returning from a funeral or when necessary as protection from the elements.

(h) Operating a motor vehicle when the rear windows are cracked, scarred, clouded or otherwise obscured or defective so as substantially to obstruct vision.

(i) Operating a motor vehicle when either or both identification tags thereon are obscured by snow, mud or other matter.

(j) Changing from one lane of traffic to another without proper and timely signal and due regard to the traffic on the roadway. Every person operating a motor vehicle shall stay within one lane of traffic as much as possible, that lane to be the one nearest the right edge of

the road; and he shall determine in advance, before changing from the lane in which he is driving, that the condition of traffic is such as to make it safe to change. He shall furthermore have the duty of giving a timely signal before changing from one lane to the other.

(k) Making or executing a left turn with any motor vehicle from any one-way road in an area covered by this part from any lane other than that nearest the left curb or edge of the roadway.

(l) Operating or driving or stopping a motor vehicle on any footpath, bridle-path, towpath, walk, sidewalk, footbridge, horsebridge, or lawn area within an area covered by this part.

CROSS REFERENCE: For driving vehicle while intoxicated, see § 3.28(c).

§ 3.33 Parking restrictions; impounding of vehicles.

(a) *General provisions.*—(1) *Undesignated spaces.* Driving over or parking on an area covered by this part other than a road, street or a designated parking space, whether such is grassed or not, is prohibited.

(2) *Official signs.* Stopping, standing or parking in any area covered by this part contrary to the direction of official signs, is prohibited.

(3) *Night parking.* Parking of vehicles between dark and daylight in an area covered by this part where no lighting equipment is installed, is prohibited.

(4) *Screened windows.* Stopping or parking motor vehicles upon any road in any area covered by this part, by day or by night, with windows screened or curtains drawn so as to obscure or conceal the interior of the vehicle, is prohibited.

(5) *Constitution Avenue and Nineteenth Street.* Between the hours of 4 p. m. and 6 p. m. on any day, except Sundays and legal holidays, no driver of a vehicle shall stop, stand, or park to take on or discharge a passenger or passengers, on the south side of Constitution Avenue Northwest, between the east curb line of Nineteenth Street and a point 100 feet in an easterly direction.

(6) *Parades.* Parking on roads in a park area through which a parade will pass two hours prior to the moving of such parade is prohibited. The placing of an official sign by the park police on a park road or in a parking zone by 7 a. m. on the day a parade is to take place, informing the public of the time to va-

cate the park road or parking zone shall be sufficient notice; and if the owner or person in charge of any vehicle shall fail and neglect to remove such vehicle before or by the time specified on the sign, he shall be subject to prosecution.

(7) *Gutters.* Driving or parking in gutters in areas covered by this part where no curb exists, is prohibited.

(8) *Trees and shrubs.* Parking in any area covered by this part which involves contact with any tree, shrub or plant, or with its exposed roots, is prohibited.

(b) *Parking on public ground within District of Columbia; penalty.* No vehicle of any kind shall be parked, stored, or left, whether attended or not, on any park area in the District of Columbia, other than park roads and designated public parking spaces, except when authorized by official permit. Any person violating the provisions of this paragraph, shall, upon conviction thereof, be punished by a fine of not more than \$25.

(c) *Impounding of illegally parked vehicles.* Any unattended vehicle parked in any area covered by this part in violation of any traffic law or regulation; except short-term overtime parking, may, in the discretion of the park police, be removed and impounded until the owner thereof, or other duly authorized person, shall deposit collateral for his appearance in court. A storage fee of one dollar per day may be charged for impounded vehicles left in police custody longer than 7 days. Vehicles left longer than 90 days shall be disposed of as abandoned to the United States.

CROSS REFERENCE: For place of trial, see § 3.6.

§ 3.34 Traffic signs.

Drivers of all vehicles shall comply with the directions of all official traffic signs posted in areas covered by this part.

§ 3.35 Washing of cars prohibited.

Washing, cleaning, lubricating, repairing or performing any mechanical work upon vehicles within park areas is prohibited, except in case of emergency.

§ 3.36 Commercial vehicles and common carriers.

(a) *Operation in park areas prohibited; exceptions.* Commercial vehicles and common carriers, loaded or unloaded, are prohibited on park roads and bridges except on roads designated by

order of the Superintendent, or when authorized by official permit in an emergency, or when operated in compliance with paragraphs (b), (c) or (d) of this section.

(b) *George Washington Memorial Parkway; passenger-carrying vehicles; permits; fees.* (1) Taxicabs licensed in the District of Columbia, Maryland or Virginia, shall be permitted on any portion of the George Washington Memorial Parkway.

(2) Passenger carrying buses for hire or compensation shall be permitted on the George Washington Memorial Parkway upon application for, and the granting of a permit by the Superintendent, National Capital Parks, issued on an annual basis, effective from April 1 until the following March 31, at the rate of \$3 for each passenger-carrying seat in every vehicle so operated. Such permits may be issued (i) to provide passenger service on any portion between Mount Vernon and the Arlington Memorial Bridge, (ii) to provide limited direct non-stop passenger service between Key Bridge and the Central Intelligence Agency Building at Langley, Virginia, and (iii) to provide limited direct non-stop passenger service between the interchange at Route 123 and the Central Intelligence Agency Building at Langley, Virginia.

(3) A quarterly permit may be procured for a fee of 75 cents for each passenger-carrying seat in such vehicle. A quarterly permit may be effective for quarterly increments.

(4) Permits for operation of any such vehicle on the parkway for a single day may be procured at the rate of \$1 per vehicle per day.

(5) Buses operating on a regular schedule shall file that schedule and all schedule changes, with the office of National Capital Parks showing the number of buses operating on the parkway.

(c) *Commercial trucks.* The use of any park road by commercial trucks when such trucking is in no way connected with the operation of the park system is prohibited, except that in special cases trucking permits may be issued at the discretion of the Superintendent.

(d) *Taxicabs.*—(1) *Operations around memorials.* Parking, except in officially designated taxicab stands, or cruising on the access roads to the Washington Monument, the Lincoln Memorial, the Jeffer-

son Memorial, and the circular roads around the same, of any taxicab or hack without passengers is prohibited. However, this section shall not be construed to prohibit the operation of empty cabs responding to definite calls for hack service by passengers waiting at such Memorials, or of empty cabs which have just discharged passengers at the entrances of the Memorials, when such operation is incidental to the empty cabs leaving the area by the shortest route.

(2) *Stands.* Taxicab stands to serve the public convenience may be established by order of the Superintendent in suitable and convenient places.

(e) The provisions of this section prohibiting commercial trucks and common carriers shall not apply within "other Federal reservations", in the environs of the District of Columbia, as defined in § 3.4(b), and shall not apply on that portion of Suitland Parkway between the intersection with Maryland Route 337 and the end of the Parkway at Maryland Route 4, a length of 0.6 mile.

§ 3.37 Vehicles; weight and tread restrictions.

(a) *Maximum weight.* No vehicle, the weight of which including load, exceeds the officially posted weight limit appearing at or on the bridge, shall cross any bridge in any area covered by this part unless authorized by an official permit.

(b) *Permissible solid tires.* (1) No vehicle equipped with solid rubber tires shall be driven or moved over any road in any area covered by this part unless the entire traction surface of the tire is at least 1 inch thick above the edge of the flange for the entire periphery of the tire.

(2) No vehicle equipped with steel tires, loaded or unloaded, shall be driven or moved over any road in any area covered by this part if the total gross weight is in excess of 6,000 pounds.

(c) *Prohibited treads.* There shall not be operated or moved upon any road in any area covered by this part, except by hauling on an approved type of conveyance, any vehicle of any kind the face of the wheels, or tracks of which are fitted with flanges, ribs, clamps, cleats, lugs, spikes or any device which may tend to injure the roadway. This prohibition applies to all rings or flanges upon guiding or steering wheels on any such vehicle but it shall not be construed as

preventing the use of ordinary detachable tire or skid chains.

§ 3.38 Tampering with vehicles prohibited.

Tampering with or attempting to enter or start any motor vehicle parked in any area covered by this part, without authority from the owner of such vehicle, is prohibited.

§ 3.39 Prevention of smoke.

The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

§ 3.40 Bicycling, roller skating and coasting restrictions.

(a) *Bicycling.* Bicycle riding, except upon the roads or other areas designated by order of the Superintendent to be used for that purpose, is prohibited. Walking, driving, or riding bicycles or motorcycles on bridlepaths, is prohibited.

(b) *Roller skating.* Roller skating except upon areas designated by order of the Superintendent to be used for that purpose, is prohibited.

(c) *Coasting.* The operation of sleds, sleighs, scooters, coaster wagons, or similar vehicles by children or adults on any road, walk, bridle path, bridge, or lawn area, other than those places designated by order of the Superintendent to be used for such purposes, is prohibited.

(d) The provisions of this section shall not apply within "other Federal reservations", as defined in § 3.4 (b).

Cross Reference: For regulations with respect to parking, stopping, or leaving of any vehicle, such as a bicycle or coaster wagon, on any sidewalk or other public thoroughfare, see § 3.30 (c)

§ 3.41 Boating.

(a) No privately owned boat, canoe, raft, or other floating craft shall be placed or operated upon the waters of any area covered by this part without an official permit. Such permit will be revoked upon the failure of the permittee to comply with the terms and conditions of the permit and the permittee will be required to immediately remove his craft from the area. The provisions of this section shall not apply to the operation of canoes and other hand-propelled boats in the waters of the Chesapeake and Ohio Canal.

(b) Garbage, litter, or other waste shall not be dropped or thrown from vessels, or from shore, into park waters, but shall be disposed of on shore at designated locations in a manner prescribed by the Superintendent.

(c) Wastes from toilets or galleys shall not be discharged within one half mile of low water line along the shore, or one half mile from any water supply intake, and the Superintendent may restrict any water area if a public health hazard develops or the deterioration of esthetic values becomes apparent.

(d) Every vessel or craft operating in park waters which is propelled by internal combustion engines shall be equipped with a muffler so constructed as to prevent any unnecessary or prolonged, intense noise in the operation or management of such vessel and the said muffler shall not be removed, cut out, or put out of operation for any purpose whatsoever, except during authorized Regattas. Nothing contained in this paragraph shall apply to vessels equipped with underwater exhausts or to vessels discharging water through open exhaust pipes so long as these methods of silencing the exhaust are effective.

§ 3.42 Swimming, water skiing etc.

Swimming from unanchored boats is prohibited. Children under the age of 12 years, when in the water shall wear approved life preservers; water skiers, when being towed, shall wear life belts or life preservers.

§ 3.43 Collection of scientific specimens.

Collection of natural objects for scientific or educational purposes shall be permitted only in accordance with an official permit. No permits will be issued to individuals or associations to collect specimens for personal use, but only to persons officially representing reputable scientific or educational institutions in procuring specimens for research, group study, or museum display. Permits will be issued only on condition that the specimens taken will become part of a permanent public museum or herbarium collection, or will in some suitable way be made permanently available to the public. No permits may be granted for the collection of specimens the removal of which would disturb the remaining natural features or mar their appearance. Permits to secure rare natural objects will be granted by the Director

only upon proof of special need for scientific use and of the fact that such objects cannot be secured elsewhere: *Provided, however,* That the provisions of this section shall not apply within "other Federal reservations", as defined in § 3.4 (b).

§ 3.44 Lost and found articles.

(a) Lost articles or money which are found in areas covered by this part shall be immediately referred to the police official in charge of the area where the article was discovered. Proper records shall be kept at Police Headquarters of the receipt and disposition of such articles. If an article or money found on park areas* and referred to Park Police Headquarters is not claimed by the owner within a period of 60 days, it shall be returned to the finder and appropriate receipt obtained; except, that in the case of Force and National Capital Parks employees, items turned in which are not claimed by the owner within 60 days shall be considered as abandoned to the United States and reported to the nearest representative of the General Services Administration for disposition. In no case will found articles be returned to the employees who found them.

(b) The abandonment of any personal property in any of the park areas is prohibited.

§ 3.45 Photographing; restrictions.

(a) *Frivolous and undignified posing.* Photographing of persons posing in a frivolous or undignified manner within, upon, or by, any National Memorial, is prohibited.

(b) *Use of tripod or other devices.* The use of a tripod or other device for the support of the camera or other instrument on the floors or steps of any memorial, or other park structure, is prohibited, unless the tripod or device is equipped in such a manner as will prevent scratching or other damage.

(c) *Motion or sound pictures.* Before any motion or sound pictures may be filmed in any park area except by amateurs and bona fide newsreel photographers, authority must first be obtained in writing from the Superintendent, which authority will be granted in the discretion of the Superintendent in accordance with the provisions of 43 CFR Part 5.

Cross Reference: For use of pictures taken in park areas for commercial advertising, see § 3.24 (b) (2) and (3).

§ 3.46 Discrimination in furnishing public accommodations and in using park areas.

The operator of any public facility or accommodation in a park area and its employees, including the District of Columbia Recreation Board and its personnel, while using park areas are prohibited from (a) publicizing the facilities, accommodations or any activity conducted therein in any manner that would directly or inferentially reflect upon or question the acceptability of any person or persons because of race, creed, color, or national origin; and (b) discriminating by segregation or otherwise against any person or persons because of race, creed, color, or national origin by refusing to furnish such person or persons any accommodation, facility, service, or privilege offered to or enjoyed by the general public.

§ 3.47 Installation permits.

(a) *Permit required.* No facility, utility, works, building, or other installation may be installed or maintained in a park area without an official permit designated as an "installation permit".

(b) *Application and permit.* (1) Application for "installation permit" shall be made in the form prescribed by the Superintendent of National Capital Parks.

(2) "Installation permits" may be issued by the Superintendent of National Capital Parks and shall be subject to the payment of such fees and such conditions of location, relocation, removal, maintenance, restoration, design, materials, method of construction, time, expiration, termination, and other requirements as may be prescribed in the permit or by regulations of the Secretary of the Interior and instructions issued thereunder. The Superintendent may require a cash or surety bond acceptable to him in such amount as he deems adequate to insure full compliance with the conditions of the installation permit.

(3) All permittees must comply with all Federal and applicable local laws and all regulations of the Secretary of the Interior relating to park areas.

(4) An "installation permit" may be revoked and the removal of the installation required by the Superintendent of National Capital Parks, with the approval of the Director of the National Park Service or the Secretary of the Interior,

by mailing to the permittee written notice to that effect at least 30 days prior to the effective date of the revocation of the permit.

(c) *Appeals from administrative action.* Appeals from action relating to "installation permits" issued pursuant to paragraph (b) of this section may be taken from any administrative action by filing with the Superintendent a written request for reconsideration thereof or notice of appeal. Administrative action of the Superintendent shall be final unless an appeal is taken therefrom within 30 days by filing with the Superintendent a written notice of appeal and a statement setting forth in detail the reasons why the administrative action taken by the Superintendent is contrary to or in conflict with the facts, the law, or the regulations of the Secretary. Upon receipt of such a statement the Superintendent shall submit a statement reviewing the case and presenting the facts and considerations upon which his action is based. The two statements together with all papers comprising the record in the case shall then be transmitted to the Director who shall review the case and will thereupon refer the case with his recommendations to the Secretary for a final decision. The Secretary will thereupon consider the case and recommendations from the Director and advise both the appellant and the Superintendent of his decision.

§ 3.48 Making false reports to the United States Park Police.

Any person who shall make or cause to be made to the United States Park Police or to any officer or member thereof, a false or fictitious report of the commission of any criminal offense within any area administered by the Office of National Capital Parks, or a false or fictitious report of any other matter or occurrence of which said United States Park Police is required to receive reports or in connection with which said United States Park Police is required to conduct an investigation, knowing such report to be false or fictitious, or shall communicate or cause to be communicated to the said United States Park Police or any officer or member thereof any false information concerning the commission of any criminal offense within any area administered by the Office of National Capital Parks, or concerning any other matter or occurrence of which said United

States Park Police is required to receive reports, or in connection with which said United States Park Police is required to conduct an investigation, knowing such information to be false, shall be punished as provided in § 3.5.

§ 3.49 Dangerous weapons.

(a) Carrying or possessing, while in any area covered by this part, a gun, air-gun, bow and arrow, sling, dart, projectile thrower, knife with blade exceeding three (3") inches in length, or other dangerous instrument or weapon is prohibited; except that the prohibition with regard to the possession and carrying of bows, arrows, and firearms shall not apply to the Chesapeake and Ohio Canal lands above Swain's Lock in the State of Maryland, when such bows are unstrung, the arrows in quivers, and such firearms are unloaded or broken or encased and the party or parties in possession thereof are crossing canal property to gain access to legal shooting areas on private properties by the most direct and shortest route: *Provided*, That nothing in this paragraph shall be construed as to prevent the drill or activities of any organized military or semi-military body under an official permit, and the use of bows and arrows by park visitors on officially established archery ranges.

(b) The Superintendent may, in his discretion, permit the carrying of firearms by employees under his administrative jurisdiction when such possession is deemed necessary in the performance of their official duties.

(c) Authorized law enforcement officers may carry unsealed firearms while engaged in the enforcement of Federal or State laws and regulations, or when otherwise necessary in the performance of their duties.

§ 3.50 Fires.

(a) On public campgrounds and picnic areas wood fires shall be lighted only in the established fireplaces constructed for the convenience of visitors except when otherwise authorized by official permit.

(b) For cooking purposes charcoal grilles, gasoline or gas stoves may be used in public campgrounds and picnic areas.

(c) Due diligence shall be exercised in building and putting out fires and the disposal of charcoal to prevent damage

to trees and vegetation and to prevent forest and grass fires.

(d) Smoking, or the building of fires, may be prohibited or limited by the Superintendent when, in his judgment, the fire hazard makes such action necessary.

§ 3.51 Sanitation.

(a) Campers and others shall not wash clothing or cooking or eating utensils in, or otherwise pollute or contaminate the waters of the areas.

(b) The washing of cooking or eating utensils and the cleaning of fish at water hydrants or drinking fountains is prohibited.

(c) Garbage, papers, or refuse of any kind shall not be thrown or left anywhere except in receptacles officially provided for such purpose.

(d) All comfort stations shall be used in a clean and sanitary manner.

§ 3.101 Schedule of minimum collateral (General Order No. 68).

(a) Hereafter persons arrested and taken to the Headquarters of the United States Park Police or to the Metropolitan Police precinct stations for violation of the certain regulations promulgated for the protection of the Park System of the District of Columbia, as set forth on the Schedule of Minimum Collateral attached hereto, will be handled as follows:

(1) The decision as to whether an individual arrested shall be permitted to deposit collateral will rest with the official then in charge of the Force, who shall be guided in his decision by consideration of existing rules and laws governing incarceration of prisoners, and the customs of the community. Determination as to whether collateral shall be required in an amount greater than the minimum provided in the Schedule of Minimum Collateral, will rest with the decision of the official then in charge of the Force.

(2) Experience since 1938 has clearly demonstrated that permitting the forfeiture of collateral for minor offenses has eliminated the necessity for the police force to appear in court, if the person arrested elects to forfeit. As in the past, forfeiture of collateral for violation of National Capital Parks Regulations will be handled in a manner similar to forfeiture of collateral for violation of certain Metropolitan Police regulations.

(3) Whenever a U.S. Park Policeman makes an arrest for an offense covered

by the attached schedule, he will follow up the case and notify this office of the disposition of the case as promptly as possible.

(b) An order has been issued by the Honorable George P. Barse, Chief Judge of the Municipal Court for the District of Columbia, as of December 6, 1947, adopting the schedule of minimum collaterals attached to this section as the U.S.C. 79.

SCHEDULE OF MINIMUM COLLATERAL

A schedule of minimum collateral to be accepted for violations of certain regulations promulgated for the protection of the park system of the District of Columbia, in accordance with the provisions of the act of Congress, approved July 1, 1898 (30 Stat. 570), as amended:

Violations	N. C. P. regulations	Collateral
Animals, domestic or wild:		
Unleashed dogs or cats:	3.11 (a)	\$5.00
Permitting dogs or cats to commit a nuisance on playgrounds, trees, shrubs, plants, lawns, sidewalks, footpaths, or in flower beds, buildings, or in any other park area, except in park roadways.	3.11 (b)	2.00
Horses: Leaving unbridled and unattended.	3.12 (a)	2.00
Horses: Riding, driving, or leading without reins in hand.	3.12 (b)	2.00
Horses: Riding of more than two abreast.	3.12 (c)	2.00
Horses: Allowing to move over lawn areas.	3.12 (d)	2.00
Horses: Fast or reckless riding or driving and failure to bring to a walk or slow trot before passing pedestrians.	3.12 (e)	2.00
Hitch, tie, or fasten any horse or animal to any public lamp post or appurtenance thereof.	3.8 (a)	2.00
Hitch, tie, or fasten any horse or animal to, or within reach of, any tree, shrub, plant, tree-box or tree guard.	3.10 (b)	2.00
Grazing or permitting the running loose of animals except with official permission.	3.13	5.00
Hunting, trapping, catching, killing, pursuing, or needlessly disturbing any birds, water-fowl or wild animal except upon proper authorization.	3.18 (a)	5.00
Athletics:		
Playing of baseball, football, tennis, golf, or other set games, except upon grounds provided under official permit.	3.15 (a)	2.00
Playing on grounds wet or otherwise unsuitable for play without damage to turf.	3.15 (b)	2.00
Unauthorized use of golf or tennis facilities where fee has been prescribed.	3.15 (c)	2.00
Archery: Use of bows and arrows except in park areas designated by order of the Superintendent.	3.15 (d)	2.00
Ice Skating: Fast and reckless skating, failing to abide by directions of the Park Police.	3.15 (e)	2.00
Bicycles: Riding except upon the roads or designated areas.	3.15 (f)	2.00
Boating: Permitting privately owned boat, canoe, raft, or floating craft to be operated upon waters in park area without official permission.	3.40 (a)	2.00
Camping: Camping, loitering, or sleeping with intent to remain more than 4 hours except upon proper authorization of the Superintendent.	3.41	2.00
Comfort stations (revised Aug. 18, 1946):		
Loiter in.	3.25 (k)	5.00
Improper use of.	3.25 (l)	5.00
Interfere with attendant.	3.9 (a)	5.00
Destruction of property therein.	3.9 (b)	5.00
Commercial activities:	3.9 (c)	5.00
Soliciting of alms and contributions for private gain.	3.9 (d)	10.00
Soliciting of patronage by guides or other persons.	3.24 (a)	5.00
Display or distribution of any form of commercial advertising without permission.	3.24 (b-1)	5.00
Photographing a public monument or memorial that includes any commercial vehicle or bus, without permission.	3.24 (b-2)	2.00
Photographing models demonstrating wearing apparel or other commercial articles, without permission.	3.24 (b-3)	2.00
Selling, exposing article for sale, or charging admission fee, without permission.	3.24 (c)	2.00
Fishing:		
Fishing in fountain basins and ornamental pools.	3.18 (d)	2.00
Fishing from the banks of the Potomac River, Anacostia River, Rock Creek, Washington Channel, Chesapeake and Ohio Canal or other waters within park areas where such banks have been posted with official signs prohibiting fishing.	3.18 (e)	2.00
Unlicensed fishing where license is required by State laws.	3.18 (c)	2.00
Fishing in the Tidal Basin between Mar. 31 and May 30.	3.18 (d)	2.00
Gambling: Participating in games for money or property, or the operating of gambling devices for merchandise or otherwise.	3.17	5.00

Violations	N. C. P. regulations	Collateral
Indecency, immorality, profanity:		
Committing obscene or indecent acts.	3.26	*\$25.00
Urinating or defecating in any place other than the places officially provided therefor.	3.26 (a)	5.00
Committing adultery or fornication in park areas.	3.26 (b)	25.00
Addressing, soliciting or attempting to make the acquaintance of another person for immoral or indecent purposes.	3.26 (c)	*25.00
Using profane or indecent language.	3.26 (d)	5.00
Lamps, lanterns, torches:		
Breaking lamp posts, lanterns, glass, frame, street designation or fixture on public land.	3.8 (a)	5.00
Removing extinguisher or obstructing the light in any public lamp.	3.8 (b)	5.00
Climbing upon, damaging, attaching guy line or sign, delacing or piling material against a public lamp post.	3.8 (c)	5.00
Liquors, use of: Drinking beer, wine or spirituous liquors except at places licensed for the sale thereof.	3.28 (a)	5.00
Lying upon park benches.	3.28 (f)	2.00
Meetings and demonstrations:		
Holding of parades or public gatherings without permission except in designated park areas.	3.19 (a)	10.00
Holding public meetings and assemblies in available park areas, without permission.	3.20 (a)	10.00
Holding parades, public gatherings of any kind and the making of speeches in restricted park areas.	3.22	15.00
Nuisances:		
Committing a nuisance of any kind or engaging in disorderly conduct in park areas prohibited.	3.25	5.00
Snuffling and wrestling in the vicinity of other persons.	3.25 (a)	5.00
Intentional throwing or dropping of breakable articles.	3.25 (b)	5.00
Throwing stones or other missiles.	3.25 (c)	5.00
Throwing or dropping any object from windows at the top of Washington Monument or from staircase landings.	3.25 (d)	5.00
Throwing or leaving paper, fruit skins, or other rubbish except in receptacles officially provided for same.	3.51 (c)	2.00
Placing refuse from private property in officially provided receptacles for park refuse.	3.25 (e)	5.00
Spitting upon sidewalks or paths.	3.25 (f)	2.00
Discharging fireworks, firearms or other explosives without official permission.	3.25 (g)	5.00
Bathing, swimming or wading in any fountain or pool except where officially authorized.	3.25 (h)	2.00
Carrying or possessing, while in any park area, a gun, air gun, sling, dart, projectile thrower, knife with blade exceeding 3 inches, or other dangerous weapon.	3.49 (a)	5.00
Obstructing entrances, exits, sidewalks: Occupying roads, highways, bridges, walks, footpaths, or bridge paths in such a manner as to hinder or obstruct their proper use.	3.30 (a-c)	5.00
Photographing other than commercial: restrictions:		
Photographing of persons posing in a frivolous or undignified manner within, upon, or by, any National Memorial.	3.45 (a)	5.00
Using tripod or other device for the support of camera or other instrument on the floors or steps of any memorial unless equipped to prevent scratching or other damage.	3.45 (b)	5.00
Making motion or sound pictures without permission, excepting amateurs and bona fide newsreel photographers.	3.45 (c)	5.00
Picnics:		
Preventing holders of official permits from occupying groves on dates and between hours specified.	3.14 (a)	2.00
Building fires in areas other than established fireplaces, without permission.	3.50 (a)	2.00
Leaving garbage and refuse in park areas other than receptacles provided for same.	3.14 (c)	2.00
Public property:		
Climbing upon or injuring any monument or structure.	3.7 (a)	5.00
Interfering with water system.	3.7 (b)	5.00
Removing or lifebuoys except for the purpose of aiding persons in the water.	3.7 (c)	5.00
Injury to lawns, short cuts.	3.7 (d-e)	2.00
Removing, tampering with or damaging any official or public sign.	3.7 (f)	2.00
Stopping without authority.	3.7 (g)	5.00
Stopping water without authority.	3.7 (h)	10.00
Enclosing park area erect any fence, wall, or build any road, trail, bridge or other structure without authority.	3.7 (i)	10.00
Pour or cause to spill on park area, any gas, salt, acid or other deleterious substance, without authority.	3.7 (j)	10.00
Remove or damaging Government property.	3.7 (k)	5.00
Roller skating and coasting:		
Roller skating except in designated areas.	3.40 (b)	2.00
Operating sleds, sleighs, scooters, coaster wagons or similar vehicles except in designated areas.	3.40 (c)	2.00
Scientific specimens, collection of: Collecting of natural objects without permission.	3.43	3.00
Traffic and motor vehicles:		
Cleaning or repairing except in cases of emergency.	3.35	2.00
Driving or parking in gutters where no curb exists.	3.35 (a-7)	2.00
Driving or parking on any footpath, bridgepath, towpath, walk, sidewalk, footbridge, horsebridge or lawn area.	3.32 (i)	2.00
Driving over or parking on park area other than road, street, or designated parking space, whether such is grassed or not.	3.33 (a-1)	2.00
Left turn from one-way road, from any lane other than lane nearest left curb or edge of roadway.	3.32 (k)	5.00

PART 4—NATIONAL CEMETERY REGULATIONS

GENERAL

Sec.	N. C. P. regulations	Collateral
4.1 Purpose.	3.31 (g)	\$2.00
4.2 Authority for national cemeteries.	3.32 (f)	5.00
4.3 Administration, control, and supervision.	3.35 (a-o)	5.00
4.4 Defacing.	3.39	5.00
4.5 Disposition unserviceable headstones, markers, etc.	3.35 (d)	5.00
4.6 Blank ammunition for veterans' organizations for use in national cemeteries.	3.33 (a-3)	2.00
4.7 Erection of poles and lines and utility lines.	3.33 (a-4)	2.00
4.8 Animals, fowl, and pets.	3.33 (a-5)	2.00
4.9 Cemetery hours.	3.33 (b)	2.00
4.10 Visitors.	3.33	25.00
4.11 Use and display of flag.		
4.12 Services and ceremonies.		
4.13 Photographs.		
4.14 Solicitations.		
INTERMENTS AND DISINTERMENTS		
4.15 Who may be interred.		
4.16 Interment scheduling.		
4.17 Interment cost.		
4.18 Burial permits.	3.10 (a)	5.00
4.19 Utilization and reservation of grave sites.	3.10 (c)	2.00
4.20 Burial sections.		
4.21 Disinterments.	3.25 (f)	10.00

Traffic and motor vehicles—Continued

Operation of passenger-carrying vehicles with curtains drawn more than halfway down, except for funerals or protection from the elements.

Operating a motor vehicle when either or both identification tags thereon are obscured by snow, mud or other matter.

Operating commercial vehicles in park area without official permit.

Operating vehicle without adjustment to prevent excessive fumes or smoke.

Cruising taxicabs in restricted areas.

Parking at night in unlighted park areas.

Parking with windows screened or curtains drawn, in park areas.

Parking which involves contact with any tree, shrub, plant, or with its exposed roots.

Unauthorized parking in park area.

Tampering with or attempting to enter or start any motor vehicle without authority from the owner.

Operating vehicles without permission across bridges when the weight, which includes load, is in excess of officially posted weight limit sign.

NOTE: Traffic violators charged with violations of the traffic regulations promulgated for the District of Columbia, and applicable to all park areas within the confines of the District of Columbia, will be required to post collateral in accordance with the official list of minimum collateral requirements for such violations.

Trees, shrubs, plants:

Removing or injuring trees, shrubs, plants, grass and other vegetation.

Hitch, tie, fasten, nail, anchor, screw, or otherwise attach any wire, cable, chain, rope, card, sign, poster advertisement, notice, handbill, board or other article to any tree, shrub, or plant, without permission.

Vagrancy: Sleeping, loafing, in park areas by day and night by persons having no lawful employment and no lawful means of support realized from a lawful occupation and unable to establish residence.

NOTE 1: Where the specified cash collateral is \$25 or more, the amount of bond in lieu of said cash collateral shall be \$1.00

NOTE 2: Attention is directed to the fact that the foregoing amounts represent only "minimum" collateral. This amount may be increased depending on the seriousness of the violation, this is particularly true in cases of violations preceded by the (*) asterisk.

act of February 22, 1867, ch. 61, 41 Stat. 400, as amended; 24 U.S.C. 271 (ch. 7); the act of August 25, 1916, ch. 408, 39 Stat. 535, as amended; 16 U.S.C. 1 and E.O. 6166, June 10, 1933, as amended; 5 U.S.C. 132 (note).

§ 4.3 Administration, control, and supervision.

The Director of the National Park Service, under the direction and control of the Secretary of the Interior, is responsible for the operation, maintenance, and administration of the national cemeteries below listed, and for the formulation of plans, policies, procedures, and regulations pertaining thereto.

Andrew Johnson National Monument.
Antietam (Sharpsburg), Maryland.
Battleground, District of Columbia.
Chalmette National Historical Park.
Custer Battlefield National Cemetery.
Fort Donelson (Dover), Tennessee.
Fredericksburg, Virginia.
Gettysburg, Pennsylvania.
Poplar Grove (Petersburg), Virginia.
Shiloh (Pittsburg Landing), Tennessee.
Stones River (Murfreesboro), Tennessee.
Vicksburg, Mississippi.
Yorktown, Virginia.

§ 4.4 Defacing.

Every person who willfully destroys, mutilates, defaces, injures, or removes any structure, tree, or plant within the limits of any national cemetery is subject to prosecution under the terms of the Act of March 3, 1911, chapter 231 and 291 (36 Stat. 1167; 24 U.S.C. 286).

§ 4.5 Disposition unserviceable headstones, markers, etc.

(a) Government headstones and grave markers. Government headstones and markers which are replaced will be broken up so that the inscriptions are illegible and the resulting stone used or disposed of as rubble. Government headstones as such will not be sold or donated to any individual or organization.

(b) Private monuments and markers. Private headstones, markers, and monuments that are broken or materially damaged or on which the inscriptions have become illegible will be reported to the Director for instructions as to disposition. The report will include full information as to condition of stone and pertinent information as to the next of kin.

§ 4.1 Purpose.

The regulations in this part define the authority and responsibility for the operation, maintenance, and administration of the national cemeteries under the jurisdiction of the Department of the Interior.

§ 4.2 Authority for national cemeteries. Basic legal authority pertaining to national cemeteries is contained in the

GENERAL

AUTHORITY: §§ 4.1 to 4.25 issued under R.S. 4881, as amended, sec. 1, 19 Stat. 99, as amended, secs. 1-3, 39 Stat. 535, as amended, sec. 1, 49 Stat. 458, sec. 1, 53 Stat. 1342, secs. 1, 2, 67 Stat. 495, 496; 16 U.S.C. 1, 1b, 1c, 2, 3, 231, 4500, 24 U.S.C. 278, 286, E.O. 6166, June 10, 1933, 5 U.S.C. 132 note, E.O. 8428, 5 F.R. 2131, 3 CFR, 1940 Supp., Proc. 2554, 7 F.R. 3143, 3 CFR Cum. Supp.

PENALTIES

4.25 Penalties.

HEADSTONES AND MARKERS

4.22 Headstones and markers.
4.23 Private monuments, and markers for graves.
4.24 Private memorials and commemorative tablets.

§ 4.6 Blank ammunition for veterans' organizations for use in national cemeteries.

(a) The Act of 26 May 1952 (66 Stat. 94; 50 U.S.C. 62) authorized the free issue of caliber .30 blank ammunition to national veterans' organizations recognized by the Veterans Administration, Washington 25, D.C., for use at funerals and other ceremonies within national cemeteries.

(b) The national cemetery superintendent will be responsible for requisitioning, storing, and issuing such ammunition.

§ 4.7 Erection of poles and lines and utility lines.

The construction or erection of poles and lines, including underground lines, for the transmission and distribution of electric power; poles and lines, including underground lines, for telephone and telegraph purposes; and water, sewer and gas pipes will be permitted only with the authorization of the regional director.

§ 4.8 Animals, fowl, and pets.

(a) The keeping of animals or fowl, other than those normally considered as household pets, within the cemetery inclosure is prohibited.

(b) Superintendents will, in each instance, request permission from the regional director to keep household pets within the cemetery inclosure.

§ 4.9 Cemetery hours.

(a) The cemetery gates will be opened to the public every day throughout the year at 8 a.m. and closed at 5 p.m. (local time), except on Memorial Day when the gates will remain open until 7 p.m. Approval may be granted by the regional director for an extension of time in meritorious cases.

(b) A metal plaque showing cemetery hours will be attached to the main entrance gate. The plaque will be lettered as follows:

OPEN EVERY DAY
8 a.m.—5 p.m.
Memorial Day 8 a.m.—7 p.m.

§ 4.10 Visitors.

(a) Visitors will be admitted during the hours the gates are open.

(b) Visitors are not permitted to litter the grounds; cut, break, or injure

trees, shrubs, or plants; use the cemeteries as picnic grounds; or otherwise desecrate the area.

(c) Superintendents will apprise offenders of the regulations and if repeated violations occur, such offenders will be asked to leave. Should it become necessary to arrest an offender, the superintendent will bring, or cause such person to be brought, before any United States Commissioner or judge of any district court of the United States within the State or district in which the cemetery is located, and there the superintendent will make complaint in due form.

(d) The use of national cemetery drives as public highways is prohibited, and the speed of vehicles must not exceed 25 miles per hour. The superintendent may, however, reduce the speed limit to that which he deems consistent with the public safety and in consideration of other pertinent factors. The superintendent will prescribe and promulgate such rules as may be necessary to provide for safety and proper control of traffic including parking rights generally.

(e) Special advance plans may be developed in anticipation of large crowds which may restrict the number of motor vehicles permitted to enter the cemetery area in order to relieve congestion and to promote public safety.

§ 4.11 Use and display of flag.

The flag will be used and displayed in accordance with regulations promulgated pursuant to law. (June 22, 1942, 56 Stat. 377, ch. 435; 36 U.S.C. 173-178.)

§ 4.12 Services and ceremonies.

(a) *General.* Patriotic organizations may, with proper permission, conduct services in national cemeteries. Requests for permission should be addressed to the superintendent of the cemetery who will assign an appropriate time and render assistance in carrying out the program. No organization will be given exclusive permission to enter any cemetery or for any particular occasion. Where several requests are received for separate services, the superintendent will schedule each so as to avoid interference.

(b) *Special occasions.* Since many organizations regularly conduct such services on Memorial Day Veterans' Day, Easter Sunday, national holidays, and other special occasions, the procedure

governing such services will be essentially as above provided. When Memorial Day falls on Sunday the ceremonies may be scheduled for either Sunday or Monday.

§ 4.13 Photographs.

(a) The superintendent may not furnish photographs of individual interment services or of an individual grave within a national cemetery.

(b) The next of kin of the deceased or his authorized representative may photograph the interment services or grave.

(c) The superintendents will furnish to the next of kin a photograph of the grave marker identifying group burials.

(d) The taking of photographs of national cemeteries for private or commercial purposes may be permitted. Superintendents will advise photographers that authorization is granted on the condition that the use or sale of such photographs will not tend to detract from the dignity and reverential atmosphere associated with national cemeteries or invade the privacy of next of kin through publication of any photographs showing name or identifying detail on individual grave markers.

§ 4.14 Solicitations.

(a) Solicitation within the area of a national cemetery of any type of business is prohibited and this includes guide service, the sale of souvenirs and refreshments.

(b) Violators will be ordered to leave the cemetery and repeated violations will be prosecuted according to law.

INTERMENTS AND DISINTERMENTS

§ 4.15 Who may be interred.

Burial in a national cemetery is authorized under regulations prescribed by the Secretary of the Army.

§ 4.16 Interment scheduling.

(a) It is the responsibility of the superintendent to fix the date and hour of all interments in a national cemetery. Upon receipt of a request for interment, the requester will be advised that the time set is tentative pending official determination of eligibility and receipt by the superintendent of authorization for interment. Under normal circumstances, superintendents will tentatively schedule interments so as to allow two full work days for The Quartermaster General to verify service data and deter-

mine eligibility. If extraordinary or compelling conditions require that a funeral be tentatively scheduled within the two work day period, the superintendent will communicate the circumstances to The Quartermaster General, together with his recommendations.

(b) Upon receipt of a request for interment, the superintendent will check all pertinent cemetery records to determine if any prior interment or gravesite reservation has been made in that cemetery for a member of the immediate family of the deceased whose eligibility was derived from the same source. The superintendent will question the next of kin or person in charge of the funeral arrangements, as to whether or not any such family member has been interred in any other national or post cemetery. If so, the name of the deceased and the name of the national or post cemetery are to be included in the request for interment telegram submitted to The Quartermaster General. This action will insure that the requested interment will be made in the proper grave.

(c) Interments will not be made on Saturdays, Sundays, or holidays unless it can be conclusively established that extraordinary conditions exist with respect to the condition of remains which makes it imperative that they be interred prior to a regularly scheduled work day. Requests received by superintendents for interment on these days, together with the pertinent facts in each case, will be referred to the regional director, who may finally approve or disapprove such request.

(d) Interment in national cemeteries prior to receipt of authorization for interment from The Quartermaster General, will be the exception rather than the rule. When the superintendent has not received authority for interment in time to permit the interment as tentatively scheduled, he will telephone or telegraph The Quartermaster General for instructions. Upon consideration of the data available, The Quartermaster General will make determination as to whether interment will be permitted subject to execution by the next of kin, or other person who has authority to direct disposition of the remains, to the effect that should it be determined that such interment was not authorized under existing laws and regulations, they will, upon request, have the remains removed

from the cemetery without expense to the Government. The cemetery superintendent will obtain the signed agreement in advance of accepting custody of the remains in all such cases.

§ 4.17 Interment cost.

(a) All work incident to interment will be done by cemetery labor without cost to relatives or friends. Superintendents will inform funeral directors or others arranging for interments that the acceptance of fees or gratuities by cemetery employees is prohibited.

(b) Cemetery personnel will not act as pallbearers. Superintendents will inform funeral directors in charge of funerals of this regulation in advance of funeral services.

§ 4.18 Burial permits.

Burial permits, usually a part of the death certificate, are required for all interments except those of cremated remains. In such cases burial permits will be required only where state law makes them mandatory. It is permissible to inter, prior to receipt of the burial permit, the remains of members of the Armed Forces who die on active duty.

§ 4.19 Utilization and reservation of gravesites.

(a) Not more than a total of two adjoining (side-by-side) gravesites will be used and reserved for the instant and eventual interment of the persons involved in the spouse and parent-child relationship, viz: service-connected person, spouse, and children of the service-connected person.

(b) When a service-connected person is interred, an adjoining gravesite may be reserved for the eventual interment of the nonservice-connected spouse, provided space is available and a written request for the gravesite reservation is received. When request for a gravesite reservation is received and an adjoining gravesite is not available, option will be given for—

(1) Interment in the same gravesite with the service-connected spouse.

(2) Removal at private expense of the remains of the service-connected spouse to a location where two adjoining gravesite locations are available.

(c) No gravesites will be assigned in advance of their requirements for burial purposes. Reservation of a gravesite for the widow of a nonrecoverable mem-

ber of the Armed Forces of the United States (lost or buried at sea or officially determined to be permanently absent in a status of missing or missing in action) is not authorized. Space in such cases will be assigned as needed.

(d) If it is not possible to make reservation of an adjoining gravesite for the surviving spouse of a member of a group burial, the reservation of an adjacent or neighboring gravesite is authorized.

(e) The Quartermaster General will communicate periodically with surviving nonservice-connected spouses having reservations for the purpose of determining whether it is desired that the reservation remain in force. If it is not possible to obtain a request for continuation of the reservation, such reservation is subject to cancellation. Cancellation of an adjoining gravesite reservation will not preclude burial of the survivor under one of the options shown in paragraph (b) of this section.

§ 4.20 Burial sections.

(a) Layout plans for burial sections in all national cemeteries will be approved by the Director. Sizes of gravesites will conform to dimensions designated by The Quartermaster General.

(b) Burials in unused gravesites in existing established sections of national cemeteries will be in accordance with policies that were in effect for the different categories of decedents at the time the specific section within the cemetery was established.

(c) In all new sections to be developed, interments will be made without distinction as to race and rank. Group interments in new sections will be made in the same section with individual interments. No new separate sections will be established exclusively for group interments.

(d) As the need arises for the use of new sections for burials, such cases will be forwarded to the Director for approval. Plans and recommendations for resolving the situation will accompany the request for final decision.

§ 4.21 Disinterments.

(a) Interments of eligible remains in national cemeteries are considered to be permanent and final and disinterments will not be permitted except upon approval of the Director. Disinterments and removal of remains from a national

cemetery will be approved only when next of kin (includes the person who directed the initial interment if still living) give their consent and establish cogent reasons for the disinterment, or in recognition of a court order directing the disinterment.

(b) All requests for authority to disinter remains will be submitted to the Director, and must state the reason for desiring the disinterment and be accompanied by the following documents:

(1) Notarized affidavits by all close living relatives of the deceased, stating that they interpose no objection to the proposed disinterment. "Close relatives" are defined as surviving spouse, parents, adult brothers and sisters, and adult children and will include the person who directed the initial interment, if living.

(2) A sworn statement, by a person having knowledge thereof, that those who supplied such affidavits comprise all the living close relatives of the deceased.

(c) In lieu of the documents required in paragraph (b) of this section, an order of a court of competent jurisdiction will be considered.

(d) Any disinterment that may be authorized under this section must be accomplished without expense to the Government.

HEADSTONES AND MARKERS

§ 4.22 Headstones and markers.

Headstones and markers, authorized to be furnished at Government expense will be provided under rules and regulations promulgated by the Secretary of the Army.

§ 4.23 Private monuments and markers for graves.

(a) Erection of monuments and markers at private expense to mark graves in lieu of Government headstones or markers is restricted to sections in existing national cemeteries in which private monuments and markers were authorized as of 1 January 1947. Approval of the Director for erection of a private monument or marker in a national cemetery must be obtained in advance and is conditional upon the next of kin agreeing to maintain it in a manner acceptable to the Government; otherwise the Government reserves the right to remove and dispose of the monument or marker and to replace it with a standard Government-type stone. Erection of

private stones will conform to standards prescribed by the Director.

(b) Monuments will be of simple design, dignified, and in keeping with a military cemetery. Ledger monuments, except as may be authorized under § 4.22 for marking group burials, monuments of cross design, and mausoleums or overground vaults are prohibited. Underground vaults may be placed at private expense, if desired, at time of interment.

(c) A drawing or blueprint showing detailed specifications as to design, materials of which to be constructed, finish, carving, lettering, etc., and exact inscription to appear on the monument or marker must be forwarded to the Director, for prior approval. A scale drawing (not less than 1"=1') will be acceptable, but must show all dimensions.

(d) The dimensions of any monument will be governed by the size of the gravesite or lot (two gravesites) on which it is to be erected.

(e) The erection of a monument to span two graves will be permitted only in those sections which are laid out in lots.

(f) Separate monuments may be erected on a lot for the serviceman or woman and his or her spouse, provided each monument is set at the head of the grave, but only after the pertinent interment has been made.

(g) Appropriate inscriptions will be placed on the monument in accordance with the dimensions of the stone and arranged in such manner as to add to the appearance of the stone. Inscriptions will be restricted to those prescribed or approved by the Director.

(h) Details as to the following will be approved by the Director:

(1) Style and type of lettering for inscriptions.

(2) Materials to be used in the construction of monuments and markers.

(3) Finish to be applied to monuments and markers in their construction.

(4) Types of foundation.

(5) All other related matters.

(i) Except as provided for in § 4.24, the erection of monuments, memorials, and tablets for the purpose of commemorating events, units, groups, and organizations is not permitted in national cemeteries.

(j) Footstones (foot markers) are permitted only at the foot of those graves

in lots that are marked with a private monument and only when such private monument is erected to span the center line of the lot.

§ 4.24 Private memorials and commemorative tablets.

(a) *Purpose.* (1) The purpose of this section is to implement the act of August 27, 1954 (68 Stat. 880), as amended by Act July 3, 1956 (70 Stat. 489), which provides that the Secretary of the Interior and the Secretary of the Army shall set aside, when available, suitable plots in the national cemeteries under their jurisdiction to honor the memory of members of the Armed Forces missing in action or who died or were killed while serving in such forces, and whose remains have not been identified, have been buried at sea, or have been determined to be nonrecoverable, and to permit the erection of appropriate markers thereon in honor of any such member or group of members. The regulations in this section govern the erection of private memorial markers in national cemeteries under the jurisdiction of the Department of the Interior, a list of which is set forth in § 4.3. The source of the regulations in this section is the "Joint Regulation" of the Secretary of the Interior and the Secretary of the Army, issued pursuant to the act of August 27, 1954, supra, and effective January 26, 1956.

(b) *Scope.*—(1) *Those who may be memorialized.* Those members of the Armed Forces of the United States whose deaths occurred during a period when the United States was at war or as a result of military operations; whose remains have not been identified, have been buried at sea, or have been determined officially to be nonrecoverable; and on whom there has been either:

(i) A report of missing in action and a subsequent official finding of death; or
(ii) An official report of death in action. "In action" as used in this paragraph characterizes the casualty status as having been the direct result of hostile action; sustained in combat and related thereto; or sustained going to or returning from a combat mission, provided the occurrence was directly related to hostile action.

(2) *Extent of memorialization.* The erection of a private marker may be au-

thorized to memorialize a person or a group of persons. Only one individual marker will be authorized for the memorialization of a person; however, the erection of an individual marker to a person will not preclude the inscription of his name on a group marker.

(c) *Application for memorialization.* (1) Application for authority to erect a private memorial marker shall be submitted to the Director, whose approval should be obtained prior to fabrication of the marker, since erection will not be permitted except in compliance with the conditions specified in the regulations in this part.

(2) Application for permission to erect an individual marker must be submitted by the legal next of kin of the decedent or the authorized representative of the legal next of kin.

(3) Application for permission to erect a group marker may be submitted by a person, a group of persons, or an organization. Each group-marker application must be accompanied by (i) a list of names of the persons to be memorialized and other data desired for inscription on the marker; (ii) the written approval of the legal next of kin of each person whose name is to be inscribed on the marker; and (iii) a scale plan depicting the details of the design, materials, finish, carving, lettering, and arrangement of inscription.

(4) The Quartermaster General will determine the eligibility of the persons or groups of persons to be memorialized.

(5) The Director will exercise approval authority and control over assignment of plots for and the design, type, size, materials, inscription, and erection of the memorial markers. Approval for erection will be conditional upon the applicant's granting to the Department of the Interior the substantive right to remove and dispose of the marker, if the applicant fails to maintain it in a condition acceptable to the Department.

(d) *Markers which may be authorized.* (1) Memorial markers will conform to the type, size, materials, design, and specifications prescribed for the cemetery section in which the memorial marker is to be erected. The inscriptions will conform to those authorized to mark graves in national cemeteries and in addition will include the words "In Memoriam" or "In Memory Of" as man-

datory elements. The inscription on a memorial marker may not include the name of the person or group of persons or the name or insignia of an organization, fraternity, or society responsible for the purchase and erection of the marker.

(e) *Cost and maintenance.* (1) The cost of the private memorial markers, transportation, and erection in the cemetery will be at no expense to the Government. The Department of the Interior will assume no liability or responsibility incident to the purchase, fabrication, delivery, erection, maintenance of, or damage to private memorial markers.

PENALTIES

§ 4.25 Penalties.

Any person who violates any provision of the rules and regulations in this part, or as the same may be amended or supplemented, in regard to any national cemetery under the jurisdiction of the Secretary of the Interior shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$500 or imprisonment for not exceeding 6 months, or both, and be adjudged to pay all costs of the proceedings.

PART 5—PRIVATE LANDS SUBJECT TO EXCLUSIVE JURISDICTION OF THE UNITED STATES.

Sec.

5.1 Applicability.

5.2 Fishing.

5.3 Fires.

5.4 Protection of wildlife.

5.5 Firearms.

5.6 Gambling.

5.7 Discrimination in furnishing public accommodations.

5.8 Intoxicating liquors.

AUTHORITY: §§ 5.1 to 5.8 issued under secs. 1-3, 39 Stat. 535, as amended, secs. 1, 2, 67 Stat. 495, 496; 16 U.S.C. 1, 1b, 1c, 2, 3.

§ 5.1 Applicability.

The regulations in this part shall be applicable to privately owned lands within the following national parks, exclusive jurisdiction over which is vested in the United States: Crater Lake, Glacier, Lassen Volcanic, Mesa Verde, Mount McKinley, Mount Rainier, Olympic, Rocky Mountain, Sequoia-Kings Canyon, Yellowstone, and Yosemite.

§ 5.2 Fishing.

(a) Any person fishing in the waters of the parks listed in § 5.1 shall secure a sport fishing license as required by the laws of the State in which such waters of the park are situated, except that no such said license shall be required of any person fishing in the waters of Glacier, Mount McKinley, Mount Rainier, Olympic, and Yellowstone National Parks.

(b) All fishing in the waters of the parks listed in § 5.1 shall be done in conformity with the laws of the State or territory in which such waters of the park are situated regarding open seasons, size of fish, and the limit of catch, except as otherwise provided in the following paragraphs:

(c) Fishing with nets, seines, traps, or by the use of drugs or explosives, or for merchandise or profit, or in any other way than with hook and line, the rod or line being held in the hands, is prohibited.

(d) Fishing in particular waters may be suspended, or restricted, in regard to the use of particular kinds of bait under special regulations.

(e) The number of fish that may be taken by one person in any one day from the various lakes and streams shall be limited to 10 fish, unless otherwise provided by special regulations.

(f) Possession of more than 2 days' catch by any person at any one time is prohibited, unless otherwise provided by special regulations.

(g) No fish less than 6 inches long may be retained unless a different limit be established by special regulations. All fish hooked less than such limit in length shall be carefully handled with moist hands and returned at once to the water if not seriously injured. Undersized fish retained because seriously injured shall be counted in the number of fish which may be taken in one day.

(h) The possession of live or dead minnows, chubs, or other bait fish, or the use thereof as bait, is prohibited.

(i) The canning or curing of fish for the purpose of transporting them out of any of the said parks is prohibited.

(j) The possession of fishing tackle or fish upon or along any waters closed to fishing shall be prima facie evidence that the person or persons having such fishing tackle or fish are guilty of unlawful fishing in such closed waters.

(k) State fishing licenses, where required, and all fish taken shall be exhibited, upon demand, to any person authorized to enforce the provisions of the regulations in this part.

§ 5.3 Fires.

(a) Fires on privately owned lands within any of the parks listed in § 5.1 shall not be kindled near or on the roots of trees, dead wood, moss, dry leaves, forest mold, or other vegetable refuse, but in some open space on rocks or earth. On public campgrounds the regular fireplaces constructed for the convenience of visitors shall be used. Should camp be made in a locality where no such open space exists or is provided, the dead wood, moss, dry leaves, etc., shall be scraped away to the rock or earth over an area considerably larger than that required for the fire.

(b) Fires shall be lighted on privately owned lands within the said parks only when necessary, and, when no longer needed, shall be completely extinguished, and all embers and beds smothered with earth or water, so that there remains no possibility of reignition.

(c) Permission to burn in connection with any clean-up operation on privately owned lands within the said parks shall first be obtained, in writing, from the office of the superintendent, and in such

cases as it is deemed advisable such burning will be under Government supervision. All costs of suppression and all damage caused by reason of loss of control of such burning operations shall be paid by the person or persons to whom such permit has been granted.

(d) No lighted cigarette, cigar, pipe heel, match, or other burning material shall be thrown from any vehicle or saddle horse or dropped into any grass, leaves, twigs, tree mold, or other combustible or inflammable material on any privately owned lands within any of the said parks.

(e) The building of fires on privately owned lands within the said parks may be prohibited or limited by the superintendent when, in his judgment, the hazard makes such action necessary.

§ 5.4 Protection of wildlife.

(a) The parks are sanctuaries for wildlife of every sort, and all hunting, or the killing, wounding, frightening, capturing, or attempting to kill, wound, frighten, or capture at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited on privately owned lands within the parks listed in § 5.1.

(b) Unauthorized possession on privately owned lands within any of the said parks of the dead body, or any part thereof, of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this section.

(c) The carcasses of animals or birds or parts thereof, unlawfully taken or possessed on privately owned lands within any of the said parks, shall be seized and may be disposed of as the superintendent may prescribe.

(d) During the hunting season, arrangements shall be made at entrance stations to identify and transport within or through the said parks, where necessary, the carcasses of birds or animals legally killed outside the parks.

§ 5.5 Firearms.

Firearms, explosives, traps, seines, and nets are prohibited on privately owned lands within the parks listed in § 5.1, except upon written permission of the superintendent.

§ 5.6 Gambling.

Gambling in any form, or the operation of gambling devices, whether for merchandise or otherwise, is prohibited on privately owned lands within the parks wherein the regulations of this part are applicable.

§ 5.7 Discrimination in furnishing public accommodations.

The proprietor, owner, or operator and the employees of any hotel, inn, lodge, or other public accommodation within any of the parks listed in § 5.1 are prohibited from (a) publicizing such facilities in any manner that would directly or inferentially reflect upon or question the acceptability of the patronage of any person or persons because of race, creed, color, or national origin; and (b) discriminating against any person or persons because of race, creed, color, or national origin by refusing to furnish such person or persons any accommodations, facilities, or privileges offered to or enjoyed by the general public.

§ 5.8 Intoxicating liquors.

(a) No alcoholic, spirituous, vinous, or fermented liquor, containing more than one per cent of alcohol by weight, shall be sold on any privately-owned lands within any of the national parks listed in § 5.1 unless a permit for the sale thereof has first been secured from the appropriate regional director.

(b) In granting or refusing applications for permits as herein provided, the regional directors shall take into consideration (1) the character of the neighborhood, (2) the availability of other liquor-dispensing facilities, (3) the local laws governing the sale of liquor, and (4) any other local factors which, in their judgment, have a relationship to the privilege requested.

(c) A fee will be charged for the issuance of such a permit, corresponding to that charged for the exercise of similar privileges outside the national park boundaries by the local State Government, or appropriate political subdivision thereof within whose exterior boundaries the place covered by the permit is situated.

(d) The applicant or permittee may appeal to the Director, National Park Service, from any final action of the appropriate regional director refusing, conditioning or revoking the permit.

Such an appeal, in writing, shall be filed within twenty days after receipt of notice by the applicant or permittee of the action appealed from. Any final decision of the Director may be appealed to the Secretary of the Interior within 15 days after receipt of notice by the applicant or permittee of the Director's decision.

(e) The revocable permit for sale of intoxicating liquors authorized in this section to be issued by the appropriate regional director shall contain general regulatory provisions as hereinafter set forth, and will include such special conditions as the regional director may deem necessary to cover existing local circumstances, and shall be in a form substantially as follows:

FRONT OF PERMIT

No. ----- Form No. -----, 1948)
Year 19 -----

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

REVOCABLE PERMIT FOR SALE OF INTOXICATING
LIQUORS ON PRIVATELY OWNED LANDS

Permission is hereby granted -----
of -----, during the period from -----
-----, 19-----, to -----, 19-----
inclusive, to sell the following mentioned
intoxicating liquors ----- within
(an established place of business) (a place
of business to be established) (strike out
one) on the following described privately
owned lands within ----- Na-
tional Park, over which the United States
exercises exclusive jurisdiction.-----

subject to the general provisions and any
special conditions stated on the reverse here-
of and subject also to the payment to the
Government of the United States of the sum
of ----- dollars (\$-----)

(annually) (quarterly) (monthly)
in advance, payment to be made through the
Superintendent of the Park. Payment shall
be tendered by money order, check or draft
payable to the Treasurer, United States of
America. Payment shall not be considered
as made until the funds are collected by the
United States.

Issued at -----, this
----- day of -----, 19-----

Superintendent.

The undersigned hereby accepts the above
permit subject to the terms, covenants, obli-
gations, and reservations expressed or implied

therein, with the understanding that this
permit shall not be valid until approved by
the appropriate regional director.

Address: -----
Two witnesses to signature(s): -----
Address: -----
Address: -----
Approved: -----
Regional Director, Region -----

1 Sign name or names as written in body of
permit; for copartnership permittees should
sign as "Members of firm"; for corporation,
the officer authorized to execute contracts,
etc., should sign, with title, the sufficiency of
such signature being attested by the secre-
tary, with corporate seal, in lieu of witnesses.

REVERSE OF PERMIT

GENERAL REGULATORY PROVISIONS OF THIS PERMIT

1. Permittee shall exercise this privilege
subject to the supervision of the Superin-
tendent of the Park and shall comply with
the regulations of the Secretary of the Inte-
rior governing the Park.
2. Any building or structure used for the
purpose of conducting the business here-
in permitted shall be kept in a safe, sanitary
and slightly condition.
3. Permittee shall dispose of brush and
other refuse from the business herein per-
mitted as required by the Superintendent.
4. Permittee shall pay to the United States
for any damage resulting to Government-
owned property from the operation of the
business herein permitted.
5. Permittee, his agents, and employees
shall take all reasonable precautions to pre-
vent forest fires and shall assist the Super-
intendent to extinguish forest fires within
the vicinity of the place of business herein
permitted, and in the preservation of good
order within the vicinity of the business
operations herein permitted.
6. Failure of the permittee to comply with
all State and county laws and ordinances
applicable to the sale of intoxicating liquors,
except provisions requiring payment of li-
cense fees, or to comply with any law or any
regulations of the Secretary of the Interior
governing the Park, or with the conditions
imposed by this permit, will be ground for
revocation of this permit. The permit may
be revoked by the regional director at any
time in his discretion.
7. No minor may be employed by the per-
mittee in the sale or dispensing of intoxi-
cating liquors permitted under this permit.
8. No intoxicating liquors shall be sold to
a minor.
9. No disorderly conduct shall be permitted
on the premises.

10. This permit may not be transferred or
assigned without the consent, in writing, of
the appropriate regional director.
11. Neither members of, nor delegates to
Congress, or Resident Commissioners, officers,
agents, or employees of the Department of
the Interior shall be admitted to any share
or part of this permit or derive, directly or
indirectly, any pecuniary benefit arising
therefrom.
12. The following special provisions are
made a part of this permit:

PART 6—VEHICLE, GUIDE, ADMISSION, AND MISCELLANEOUS FEES

- Sec.
6.1 General.
6.2 Automobile, motorcycle, and house trailer permits.
6.3 Commercial passenger-carrying vehicles.
6.4 Trucking permits.
6.5 Vehicles; miscellaneous.
6.6 Guide and elevator service in caves.
6.7 Guide service; miscellaneous.
6.8 Elevator service; miscellaneous.
6.9 Admission; miscellaneous.
6.10 Wharfage.
6.11 Motor vessel transportation.
6.12 Commercial fishing.
6.13 Hospital service.

AUTHORITY: §§ 6.1 to 6.13 issued under secs. 1-3, 39 Stat. 535, as amended, secs. 1, 2, 67 Stat. 495, 496; 16 U.S.C. 1, 1b, 1c, 2, 3.

§ 6.1 General.

(a) The fees prescribed in this part for the operation of commercial vehicles shall not be applicable to vehicles institutionally owned or chartered, carrying exclusively members of educational, welfare, or scientific organizations, inmates of charitable institutions, and members of generally recognized nonprofit organizations, when the trip to the area is officially initiated, organized, and directed by such organizations.

(b) Personal admission, guide, and elevator fees prescribed in this part shall not be applicable to children under 12 years of age, or groups of elementary and high school children and the accompanying adults who assume responsibility for their safety and orderly conduct.

(c) In proper cases and, upon application made in advance, where practicable, the Director, Regional Directors, or Park Superintendents may waive the fees prescribed in this part when, in their judgment, such action is deemed in the best interest of the United States.

(d) Park Superintendents may, when in the public interest, prescribe seasonal periods during which the collection of vehicle, guide, admission or other fees prescribed for such area shall be suspended.

§ 6.2 Automobile, motorcycle, and house trailer permits.

(a) Fees for automobile permits are as follows:

(c) Fees for house trailer permits are as follows:

	Yearly permit	15-day permit unless otherwise stated
Bryce Canyon National Park.....	\$2.00	\$1.00
Crater Lake National Park.....	2.00	1.00
Grand Canyon National Park.....	4.00	2.00
Grand Teton National Park.....	2.00	1.00
Lassen Volcanic National Park.....	2.00	1.00
Mesa Verde National Park.....	2.00	1.00
Mount Rainier National Park.....	2.00	1.00
Rocky Mountain National Park.....	2.00	1.00
Sequoia-Kings Canyon National Parks.....	4.00	2.00
Shenandoah National Park and the section of the Blue Ridge Parkway between Jarman Gap and Rockfish Gap.....	1.00	1.50
Yellowstone National Park.....	6.00	3.00
Zion National Park.....	2.00	1.00
Bandelier National Monument.....	1.00	.50
Colorado National Monument.....	1.00	.50
Craters of the Moon National Monument.....	1.00	.50
Devils Tower National Monument.....	1.00	.50
Lava Beds National Monument.....	1.00	.50
Petrified Forest National Monument.....	1.00	.50
Pinnacles National Monument.....	1.00	.50
Scotts Bluff National Monument.....	1.50	.25
White Sands National Monument.....	1.00	.50
Kennecaw Mountain National Battlefield Park.....	1.00	1.50

1 Per trip.

(b) Fees for motorcycle permits are as follows:

	Yearly permit	15-day permit unless otherwise stated
Bryce Canyon National Park.....	\$2.00	\$1.00
Crater Lake National Park.....	2.00	1.00
Grand Canyon National Park.....	2.00	1.00
Grand Teton National Park.....	2.00	1.00
Lassen Volcanic National Park.....	2.00	1.00
Mesa Verde National Park.....	2.00	1.00
Mount Rainier National Park.....	2.00	1.00
Rocky Mountain National Park.....	2.00	1.00
Sequoia-Kings Canyon National Parks.....	2.00	1.00
Shenandoah National Park and the section of the Blue Ridge Parkway between Jarman Gap and Rockfish Gap.....	2.00	1.50
Yellowstone National Park.....	1.00	1.00
Zion National Park.....	2.00	1.00
Bandelier National Monument.....	1.00	.50
Colorado National Monument.....	1.00	.50
Craters of the Moon National Monument.....	1.00	.50
Devils Tower National Monument.....	1.00	.50
Lava Beds National Monument.....	1.00	.50
Petrified Forest National Monument.....	1.00	.50
Pinnacles National Monument.....	1.00	.50
Scotts Bluff National Monument.....	1.50	.25
White Sands National Monument.....	1.00	.50
Kennecaw Mountain National Battlefield Park.....	1.00	1.50

1 Per trip.

vehicular traffic without charge to and from national forest lands on either side of the lands added to the General Grant Grove section of Kings Canyon National Park pursuant to Proclamation No. 2411 of June 21, 1940 (54 Stat. 2710), issued pursuant to the act of March 4, 1940 (54 Stat. 41; 16 U.S.C. 80a).

(h) No fee shall be charged for automobiles, trucks, motorcycles, or trailers using the section of U.S. Highway No. 191 in Yellowstone National Park, or for passenger vehicles owned by legally registered voters of Cooke, Montana, operating directly between the north and northeast entrances of the park.

§ 6.3 Commercial passenger-carrying vehicles.

(a) Fees. Fees for commercial passenger-carrying vehicles admissible to the respective parks under § 1.36 of this chapter will be charged as follows:

	\$ 1.36 (a) (1)	\$ 1.36 (a) (2)	\$ 1.36 (a) (3) and (4)
Bryce Canyon National Park.....	\$1.00	\$10.00	(2)
Crater Lake National Park.....	1.00	10.00	1.00
Grand Canyon National Park.....	2.00	10.00	1.00
Grand Teton National Park.....	1.00	10.00	1.00
Lassen Volcanic National Park.....	1.00	10.00	1.00
Mesa Verde National Park.....	1.00	10.00	1.00
Mount McKinley National Park.....	1.00	10.00	1.00
Mount Rainier National Park.....	1.00	10.00	1.00
Rocky Mountain National Park.....	1.00	10.00	1.00
Sequoia-Kings Canyon National Parks.....	1.00	10.00	2.00
Yellowstone National Park.....	3.00	10.00	2.00
Yosemite National Park.....	3.00	10.00	2.00
Zion National Park.....	1.00	10.00	1.00
Cedar Breaks National Monument.....	1.00	10.00	1.00

1 More than 8 passenger seats \$10.00. Less than 8 passenger seats \$5.00.
2 Per passenger seat in vehicle.

(b) *Colonial National Historical Park*; permits. Permits issued by the Superintendent shall be required for the operation of commercial passenger-carrying vehicles, including taxicabs, carrying passengers for hire on any portion of the Colonial Parkway, Colonial National Historical Park. The fees for such permits shall be as follows:

(1) Annual permit for the calendar year: \$3.50 for each passenger-carrying seat in the vehicle to be operated.

Vehicle, 1 ton or less-----	Fee
Vehicle, over 1 ton but not more than 2 tons-----	\$2.00
Vehicle, over 2 tons but not more than 3 tons-----	3.00
Vehicle, over 3 tons but not more than 5 tons-----	4.00
Vehicle, over 5 tons but not more than 10 tons-----	5.00
	10.00

(2) The applicable fee shall be charged for the licensed capacity of a truck, trailer, or semi-trailer.

(3) The fee charged is for one round trip, provided such trip is made in one day, otherwise the fee is for a one-way trip.

(4) No vehicle which has a gross weight, including vehicle and load, in excess of 10 tons, shall be operated or moved on the Trail Ridge Road.

(5) The fees provided in this paragraph shall also apply to special emergency trucking permits issued pursuant to § 1.37(b) of this chapter.

(c) *Yellowstone National Park.* (1) With reference to the permits that may be issued by the Superintendent, as stated in § 7.13 of this chapter, trucking fees for the use of park roads shall be charged as follows:

Emergency trucking between any two park entrances—Round trip permit fee, \$10.

Trucking between the north and northeast entrances:

Trucks with a capacity of $\frac{3}{4}$ ton, but with a capacity of not more than $1\frac{1}{2}$ tons—Yearly permit fee, \$20.

Trucks with a capacity of more than $1\frac{1}{2}$ tons—Yearly permit fee, \$40.

(d) *Yosemite National Park.* (1) The fees for special trucking permits issued by the Superintendent in emergencies pursuant to paragraph (b) of § 1.37 of this chapter shall be based on the licensed capacity of trucks, trailers, or semi-trailers, as follows:

Trucks, less than 1 ton. Appropriate automobile permit fee.

Trucks of 1 ton and over, but not to exceed 10 tons. \$5 for each ton over, but not to fraction thereof.

(i) The fee charged is for one round trip between any two park entrances, provided such trip is made within one 24-hour period; otherwise the fee is for a one-way trip.

(ii) Trucks carrying bona fide park visitors and/or their luggage or camping equipment may enter the park upon payment of the regular automobile fee.

(4) Permit good for one day, more than 5-passenger vehicle: \$2.00.

(h) *National Capital Parks (George Washington Memorial Parkway); permits.* Permits issued by the Superintendent shall be required for the operation of commercial passenger-carrying vehicles on the George Washington Memorial Parkway, as stated in § 3.36 of this chapter. The fees for such permits shall be as follows:

(1) Annual permit effective from April 1 until the following March 31, at the rate of \$3 for each passenger-carrying seat in every vehicle so operated.

(2) A quarterly permit may be procured for a fee of 75 cents for each passenger-carrying seat in such vehicle. A quarterly permit may be effective for quarterly increments.

(3) Permits for operation of any such vehicle on the parkway for a single day may be procured at the rate of \$1 per vehicle per day.

§ 6.4 Trucking permit.

(a) *Crater Lake National Park.* (1) With reference to the trucking permits that may be issued at the discretion of the Superintendent, as stated in § 7.2 of this chapter, non-commercial trucking fees will be charged as follows, on rated capacity:

Vehicle, 1 ton or less----- \$1.00

Vehicle, over 1 ton but not more than 2 tons----- 2.00

Vehicle, over 2 tons but not more than 3 tons----- 3.00

Vehicle, over 3 tons but not more than 5 tons----- 4.00

Vehicle, over 5 tons but not more than 10 tons----- 5.00

Vehicle, over 10 tons----- 10.00

(2) The fees listed above shall entitle the holder to one round trip if performed on the same day of issue; otherwise, the fee will be for a one-way trip.

(3) Nothing in this section shall be construed to prohibit trucks used in connection with park operation.

(4) The fees established in this section shall also apply to special emergency trucking permits issued pursuant to § 1.37(b) of this chapter.

(b) *Rocky Mountain National Park.* (1) With reference to the permits that may be issued by the Superintendent, as stated in § 7.7 of this chapter, fees charged for trucking over the Trail Ridge Road shall be as follows:

permit shall be \$5.00 for the calendar year, or any part thereof.

(e) *Mammoth Cave National Park; permits.* Permits issued by the Superintendent shall be required for the operation of commercial passenger-carrying vehicles, including taxicabs, carrying passengers for hire within the park. The fees for such permits shall be as follows:

(1) Annual permit for the calendar year: \$2.50 for each passenger-carrying seat in the vehicle.

(2) Quarterly permit for a period beginning January 1, April 1, July 1, or October 1: 65 cents for each passenger-carrying seat in the vehicle.

(3) Permit for one day: \$1.00 per vehicle.

(f) *Shenandoah National Park; permits.* Permits issued by the Superintendent shall be required for the operation of commercial passenger-carrying vehicles, including taxicabs, carrying passengers for hire on the Skyline Drive in Shenandoah National Park, and that section of the Blue Ridge Parkway between Jarman Gap and Rockfish Gap. The fees for such permits shall be as follows:

(1) Annual permit for the calendar year: \$3.50 for each passenger-carrying seat in the vehicle to be operated.

(2) Quarterly permit for a period beginning January 1, April 1, July 1, or October 1: \$1.00 for each passenger-carrying seat in the vehicle to be operated.

(3) Permit good for one day, 11-passenger vehicle or less: \$2.00.

(4) Permit good for one day, more than 11-passenger vehicle: \$10.00

(g) *Kennesaw Mountain National Battlefield Park; permits.* Permits issued by the Superintendent shall be required for the operation of commercial passenger-carrying vehicles, including taxicabs, carrying passengers for hire on the Kennesaw Mountain Road, Kennesaw Mountain National Battlefield Park. The fees for such permits shall be as follows:

(1) Annual permit for the calendar year: \$2.50 for each passenger-carrying seat in the vehicle to be operated.

(2) Quarterly permit for a period beginning January 1, April 1, July 1, or October 1: \$1.00 for each passenger-carrying seat in the vehicle to be operated.

(3) Permit good for one day, 5-passenger vehicle: \$1.00.

(2) Quarterly permit for a period beginning January 1, April 1, July 1, or October 1: \$1.00 for each passenger-carrying seat in the vehicle to be operated.

(3) Permit good for one day, 5-passenger vehicle: \$1.00.

(4) Permit good for one day, more than 5-passenger vehicle: \$3.00.

(c) *Everglades National Park; permits.* Permits issued by the Superintendent shall be required for the operation of commercial passenger-carrying vehicles, including taxicabs, carrying passengers for hire on any portion of the park road in Everglades National Park. The fees for such permit shall be as follows:

(1) Annual permit for calendar year: \$3.00 for each passenger-carrying seat in the vehicle to be operated.

(2) Quarterly permit for a period beginning January 1, April 1, July 1, or October 1: \$1.00 for each passenger-carrying seat in the vehicle to be operated.

(3) Permit good for one day, 7-passenger vehicle or less: \$1.00 per vehicle.

(4) Permit good for one day, more than 7-passenger vehicle: \$10.00 per vehicle.

(d) *Great Smoky Mountains National Park; permits.* Permits issued by the Superintendent, and compliance with applicable state and federal regulations, shall be required for the operation of commercial passenger-carrying vehicles, including taxicabs, carrying passengers for hire within the park. The fee for such permits shall be as follows:

(1) Annual permit for calendar year: \$1.00 for each passenger-carrying seat in the vehicle to be operated.

(2) Quarterly permit for a period beginning January 1, April 1, July 1, or October 1: 25 cents for each passenger-carrying seat in the vehicle to be operated.

(3) In addition to the permit required in subparagraphs (1) and (2) of this section, a guide permit issued by the Superintendent shall be required for each driver of a commercial passenger-carrying vehicle, including taxicabs, carrying passengers for hire within the park. Such a permit will be issued by the Superintendent upon a showing to his satisfaction that the applicant possesses adequate knowledge of the park's road system and points of interest, and has complied with all applicable state and federal regulations. The fee for a guide

(2) The fee provided in subparagraph (1) of this paragraph also shall apply to permits for trucking through one park entrance to and from privately-owned lands contiguous to the park boundaries, except that such fee shall be considered an annual vehicle fee covering the use of park roads between the point of access to such property and the nearest park exit connecting with a state or county road.

(3) No commercial trucks will be permitted on the Tioga Road except those used in connection with the activities of the United States Government, the State of California, or agencies operating under contract or agreement with the United States Government to render service to the public in the park, or trucks delivering supplies, materials, etc., to the United States Government, the State of California, or contractors or permittees in the park.

(c) *Zion National Park.* Vehicles exceeding certain size limitations must be conveyed over the park roads, as stated in § 7.10 of this chapter, for which a fee of \$5 per single trip will be charged for each vehicle or combination of vehicles, including vehicles entitled to waiver of the automobile permit fee in accordance with § 6.2(f). For vehicles not entitled to such waiver the convey fee shall be in addition to the automobile permit fee.

(f) "Vehicle." The word "vehicle", as used in this section, shall mean truck, tractor, trailer, semi-trailer, and/or any combination thereof.

§ 6.5 Vehicles; miscellaneous.

(a) *Colonial National Historical Park.* There shall be charged a fee of 25 cents for each passenger car and a fee of \$1.00 for each bus or truck entering the Yorktown bathing beach and picnic area on Saturdays, Sundays, and holidays from May 30 through Labor Day. The truck or bus fee is not applicable to trucks used as family vehicles. The fee is applicable to all buses and to trucks carrying groups. The automobile fee of \$0.25 is applicable to trucks used as family vehicles.

(b) *Yosemite National Park.* As stated in § 7.16(f) of this chapter, motor vehicles driven or moved upon a park road in Yosemite National Park must be registered and properly display current license plates. Such registration

may be with a State or other appropriate authority or, in the case of motor vehicles operated exclusively on park roads, with the Superintendent of the park. An annual registration fee of \$6 will be charged for vehicles registered with the Superintendent which are not connected with the operation of the park.

§ 6.6 Guide and elevator service in caves. No person or persons shall be permitted to enter caves in the areas listed below unless accompanied by National Park Service employees. Competent guide service is provided by the Government, for which the following fees shall be charged each person entering the cave:

	Fee
Carlsbad Caverns National Park.....	\$1.50
Crystal Cave, Sequoia National Park.....	.50
Jewel Cave National Monument.....	.50
Lehman Caves National Monument.....	.50
Mammoth Cave National Park:	
Route:	
No. 1—Echo River.....	1.50
No. 2—Frozen Niagara.....	1.50
No. 3—Historic.....	1.50
No. 4—All Day.....	2.00
No. 5—Scenic.....	2.00
No. 6—Crystal Lake.....	1.50
No. 7—Mammoth Dome.....	1.50
Timpanogos Cave National Monument.....	.50
Wind Cave National Park.....	.75

The fees shall include Federal tax and elevator service when applicable.

§ 6.7 Guide service; miscellaneous.

A guide fee shall be charged each person taking a guided trip through the following areas:

	Trip fee
Casa Grande National Monument.....	\$0.25
Chaco Canyon National Monument.....	.25

§ 6.8 Elevator service; miscellaneous.

(a) *Perry's Victory and International Peace Memorial.* A fee of 25 cents shall be charged each person using the elevator in Perry's Victory and International Peace Memorial: *Provided*, That organized groups of persons from clubs, associations, etc., may be granted a special rate of 10 cents per person.

(b) *Statue of Liberty National Monument.* A fee of 5 cents in each direction shall be charged each person using the elevator in the Statue of Liberty.

(c) *Washington Monument National Memorial.* A fee of 10 cents shall be

charged each person using the elevator to ascend the Washington Monument.

§ 6.9 Admission; miscellaneous.

(a) An admission fee shall be charged each person entering the following areas:

Aztec Ruins National Monument.....	\$0.25
Castillo de San Marcos National Monument.....	.25
Edison Laboratory National Monument.....	.50
El Morro National Monument.....	.25
Fort Pulaski National Monument.....	.25
Fort Raleigh National Historic Site (except after 6 p.m. on days when the pageant, "The Lost Colony," is presented by the Roanoke Island Historical Association).....	.25
George Washington Birthplace National Monument.....	.25
Montezuma Castle National Monument.....	.25
Tonto National Monument.....	.25
Tumacacori National Monument.....	.25
Tuzigoot National Monument.....	.25
Walnut Canyon National Monument.....	.25

(b) An admission fee shall be charged each person entering the following places:

Adams National Historic Site.....	Fee
Appomattox Court House National Historical Park—McLean House.....	\$0.25
Chickamauga and Chattanooga National Military Park—Point Park—Moore House.....	.25
Colonial National Historical Park.....	.25
Fort McHenry National Monument and Historic Shrine—Inner Fort.....	.25
Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park—Museum.....	.25
Gettysburg National Military Park—Cyclorama Building.....	.25
Home of Franklin D. Roosevelt National Historic Site (no charge shall be made for persons desiring to visit only the grave of Franklin D. Roosevelt).....	.25
House Where Lincoln Died.....	.25
Custis-Lee Mansion in Arlington National Cemetery.....	.10
Lincoln Museum.....	.25
Manassas National Battlefield Park—Museum.....	.10
Morristown National Historical Park—Ford Museum and Mansion.....	.25
Ocmulgee National Monument—Museum and Earth Lodge.....	.25
Salem Maritime National Historic Site—Derby House.....	.25
Vanderbilt Mansion National Historic Site.....	.25
Vicksburg National Military Park—Museum.....	.25

(c) *Colonial National Historical Park.* A fee of 25 cents shall be charged each person entering the Government area on Jamestown Island and Glasshouse Point in Colonial National Historical Park, except members of the Association for the Preservation of Virginia Antiquities. The fee shall be combined with a fee of 25 cents per person charged for admission to the area owned by the Association for the Preservation of Virginia Antiquities and included within the Jamestown National Historic Site. Officials of the National Park Service and the Association for the Preservation of Virginia Antiquities may admit the general public to the areas under their jurisdiction without charge, upon special occasions, and official complimentary passes issued by either party shall be honored by the other party.

§ 6.10 Wharfage.

(a) *Salem Maritime National Historic Site.* (1) Fees for use of the Government-owned wharf by any privately owned craft shall be charged as follows:

	1 week	1 month
Craft with an over-all length of 15 feet and not more than 25 feet.....	\$1.00	\$2.50
Craft with an over-all length of more than 25 feet and not more than 50 feet.....	1.50	3.75
Craft with an over-all length of more than 50 feet.....	2.00	5.00

(2) No fee will be charged for the first 2 consecutive days of wharfage in any 7-day period, but any wharfage in excess of the first 2 consecutive days in any 7-day period will be charged for at the weekly rate.

§ 6.11 Motor vessel transportation.

(a) *Isle Royale National Park.* (1) Transportation services between Houghton, Michigan, and Isle Royale National Park, Michigan, rendered aboard Government-owned vessels, shall be charged for at the following rates:

Personal transportation—one way only.....	\$7.50
Personal transportation—round trip.....	15.00
Transportation of boats up to 14 feet in length—one way only.....	5.00
Transportation of boats up to 14 feet in length—round trip.....	10.00
Transportation of boats over 14 feet but limited to 20 feet—one way only.....	10.00

PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

- (1) **First aid and dispensary:** Ward bed, including ordinary drugs, or small dressings, and 8 hours of general nursing service per day----- \$5.00
- (11) **Laboratory:**
- | | |
|---------------------------------------|------|
| Urinalysis, chemical only----- | 1.00 |
| Urinalysis, microscopic only----- | 1.00 |
| White blood count----- | 1.00 |
| Red blood count----- | 1.00 |
| Hemoglobin----- | 1.00 |
| Differential----- | 2.00 |
| Complete count with differential----- | 4.00 |
- (2) The rates mentioned in subparagraph (1) of this paragraph shall be subject to the following discounts:
- (i) Employees of the National Park Service and the dependent members of their families, 66⅔ per cent. No charge will be made for the first 24 hours of hospitalization, except for services furnished in excess of those normally provided.
- (ii) Residents of the park not employed by the National Park Service and dependent members of their families, 33⅓ per cent.
- (3) Minor dispensary services will be rendered to all residents of the park without charge.
- (4) The provision of the laboratory services enumerated above shall be optional with the Superintendent, depending upon equipment and supplies available for the rendering of such services.
- (5) The charges mentioned in subparagraph (1) of this paragraph do not include meals or the services of a physician, which must be arranged for by patients at their own expense.
- Transportation of boats over 14 feet but limited to 20 feet—round trip-- \$20.00
Canoes—round trip----- 3.00
Outboard motors ¾ h.p. to 10 h.p.—round trip----- 3.00
Outboard motors 12 h.p. to 25 h.p.—round trip----- 5.00
Outboard motors over 25 h.p.—round trip----- 7.50
- (2) The rates mentioned in subparagraph (1) of this paragraph are subject to applicable Federal Transportation Taxes.
- (3) Personal transportation for children between the ages of five and twelve, inclusive, will be one-half of the rates mentioned in subparagraph (1) of this paragraph for comparable service. No charge will be made for children under the age of five.
- (4) The rates for personal transportation mentioned in subparagraph (1) of this paragraph include the transportation of usual hand baggage and camping gear.
- § 6.12 Commercial fishing.**
- (a) *Isle Royale National Park.* In those cases where special use permits are issued in conformity with the provisions stated in § 20.2 of this chapter, permittees will be required to pay an annual fee of \$25.00.
- § 6.13 Hospital service.**
- (a) *Mesa Verde National Park.* (1) Services rendered at the Aileen Nusbaum Hospital shall be charged for at the following rates:

- Sec. 7.58 Cape Hatteras National Seashore Recreational Area; hunting.
7.59 Wind Cave National Park.

AUTHORITY: §§ 7.1 to 7.59 issued under secs. 1-3, 39 Stat. 535, as amended, sec. 1, 46 Stat. 815, sec. 1, 47 Stat. 1420, sec. 2, 49 Stat. 666, 49 Stat. 2041, as amended, 50 Stat. 804, secs. 5, 1, 2, 52 Stat. 29, 407, 408, sec. 2, 54 Stat. 250, sec. 3, 56 Stat. 138, secs. 1, 2, 67 Stat. 495, 496; 16 U.S.C. 1, 1b, 1c, 2, 3, 9a, 118, 4031, 4083, 445c, 460, 460a, 460a-2, 460a-3.

§ 7.1 Colonial National Historical Park.

- (a) *Fishing.* Fishing from bridges within the park is prohibited.
- (b) *Travel on roads and trails.* Any road, trail or area within the Park may be closed to public use by order of the Superintendent when, in his judgment, conditions such as fire hazards, work operations, or other dangers make such action necessary for the protection of the Park and of the public.
- (c) *Speed.* Except where different speed limits are indicated by posted signs or markers, speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, shall not exceed 45 miles per hour on park roadways.
- (d) *Closing of areas.* The beach and picnic grounds shall be closed daily at 11:00 p.
- (e) *Landing or launching of boats.* Except when authorized by the Superintendent, no privately-owned boat, canoe, raft or other floating craft shall be launched from land within Colonial National Historical Park and no boat, canoe, raft or other floating craft shall be beached or landed on land within said Park.

§ 7.2 Crater Lake National Park.

- (a) *Fishing.* (1) Fishing is permitted in Crater Lake at any time.
- (2) The fishing season in park streams shall be from June 15 to September 10, inclusive.
- (3) The limit of catch per person per day shall be 10 fish.
- (4) Possession of more than one day's catch by any person at any time is prohibited.
- (b) *Speed.* Speed limits in the Park, except in emergencies as provided in § 1.42 (b) of this chapter are as follows:
- (1) Basic speed rule:
- (i) No person shall drive a vehicle upon a highway at a speed greater than is reasonable and prudent, having due

- Colonial National Historical Park.
7.1 Crater Lake National Park.
7.2 Glacier National Park.
7.3 Grand Canyon National Park.
7.4 Mount Rainier National Park.
7.5 Muir Woods National Monument.
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7.7 Sequoia-Kings Canyon National Parks.
7.8 Shiloh National Military Park.
7.9 Zion National Park.
7.10 Lassen Volcanic National Park.
7.11 Kennesaw Mountain National Battlefield Park.
7.12 Yellowstone National Park.
7.13 Great Smoky Mountain National Park.
7.14 Shenandoah National Park.
7.15 Yosemite National Park.
7.16 Platt National Park.
7.17 Hot Springs National Park.
7.18 Morristown National Historical Park.
7.19 Moors Creek National Military Park.
7.20 Guilford Courthouse National Military Park.
7.21 Grand Teton National Park.
7.22 George Washington Birthplace National Monument.
7.23 Catoclin Mountain Park.
7.24 Hawaii National Park.
7.25 Death Valley National Monument.
7.26 Fort Jefferson National Monument.
7.27 Olympic National Park.
7.28 Bandelier National Monument.
7.29 Bryce Canyon National Park.
7.30 Vanderbilt Mansion National Historic Site.
7.31 Ocmulgee National Monument.
7.32 Statue of Liberty National Monument.
7.33 Blue Ridge Parkway.
7.34 Gettysburg National Military Park.
7.35 Mammoth Cave National Park.
7.36 Timpanogos Cave National Monument.
7.37 Isle Royale National Park.
7.38 Mesa Verde National Park.
7.39 Hopewell Village National Historic Site.
7.40 Big Bend National Park.
7.41 Pipestone National Monument.
7.42 Natchez Trace Parkway.
7.43 Mount McKinley National Park, Alaska.
7.44 Everglades National Park.
7.45 Katmai National Monument.
7.46 Carlsbad Caverns National Park.
7.47 Lake Mead National Recreation Area.
7.48 Oregon Caves National Monument.
7.49 Theodore Roosevelt National Memorial Park.
7.50 Vicksburg National Military Park.
7.51 Devils Tower National Monument.
7.52 Scotts Bluff National Monument.
7.53 Colorado National Monument.
7.54 Acadia National Park.
7.55 Petersburg National Military Park.

regard to the traffic, surface and width of the highway, the hazard at intersections and any other conditions then existing.

(ii) No person shall drive at a speed which is greater than will permit the driver to exercise proper control of the vehicle and to decrease speed or to stop as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and with the duty of drivers and other persons using the highways to exercise due care.

(2) 15 miles per hour:

(i) In all campgrounds, parking areas, and places of public assemblage.

(ii) Upon that portion of any highway which passes through or borders upon a scene of emergency, such as forest fires, auto accidents or similar emergency.

(iii) In any business or residence area.

(3) 20 miles per hour:

(i) Upon approaching within 50 feet and in traversing an intersection of highways where the driver's view in either direction along any intersecting highway within a distance of 200 feet is obstructed, except that when traveling upon a through highway or at traffic-controlled intersection, the district speed applies.

(ii) When approaching, or upon a curve or any other part of a highway, in the event the driver's view is obstructed within a distance of 100 feet along the highway in the direction in which such driver is proceeding.

(iii) When approaching or traversing a section of highway posted as "Construction" or "Men Working" or similarly, unless a lesser speed limit is posted.

(4) 35 miles per hour:

(i) That portion of Annie Springs to Rim Highway lying between Park Headquarters and North Junction.

(5) 45 miles per hour on all other paved, public roads in the Park.

(6) Special speed limits:

(i) Whenever the Superintendent, Crater Lake National Park, determines that a temporary condition or situation exists upon or adjacent to a road, which requires a reduced speed limit, the Superintendent may designate a lesser speed limit, which shall be effective when

appropriate signs giving notice thereof are erected upon such road.

(7) Any speed in excess of the speeds designated in subparagraphs (2), (3), (4), (5) and (6) of this paragraph shall be prima facie evidence of violation of subparagraph (1) of this subparagraph.

(c) *Trucking.* (1) Trucks with a rated load capacity in excess of $\frac{3}{4}$ ton are prohibited from using park roads except that trucks carrying bona fide park visitors and/or their luggage or camping equipment may enter the park upon payment of the regular automobile fee.

(2) The Superintendent may, in his discretion, issue permits for the use of park roads for non-commercial trucking, for which fees will be charged as set forth in Part 6 of this chapter.

§ 7.3 Glacier National Park.

(a) *Fishing; open season.* All waters within the Park are open to fishing in conformance with the State of Montana open season for high mountain streams and shall close at 10:00 p.m. on October 15, subject to the following exceptions and restrictions:

(1) Hours of fishing: 5:00 a.m. to 10:00 p.m.

(2) The open season on the Glacier National Park section of Waterton Lake shall conform to the Canadian season for this lake.

(3) All waters of the Waterton and Belly River drainages, except Waterton Lake, shall be closed to fishing after 10:00 p.m. on October 1.

(4) The open season on the Middle and North Forks of the Flathead River will conform to the Montana season for those waters, except that on the Park side the season will close October 15.

(5) Midvale and Hidden Creeks are closed to fishing at all times.

(6) Hidden Lake: Logging Creek, from the head of Logging Lake and including Grace Lake; Quartz Creek, between Lower Quartz Lake and Quartz Lake; and Kintla Creek, between Kintla Lake and Upper Kintla Lake, shall be open to fishing from July 1 to October 15, inclusive.

(b) *Fishing; limit of catch and in possession.* (1) The limit of catch per fisherman per day shall be 15 pounds of fish (dressed weight with heads and tails intact) and one fish, not exceeding in the aggregate 10 fish.

(2) Possession of more than one day's catch limit by any person at any time is prohibited.

(c) *Fishing; bait; licenses.* (1) Fishing for merchandise or profit is prohibited.

(2) The possession or use for bait, of salmon eggs or other fish spawn, or any imitation thereof, or substance prepared therefrom, is prohibited.

(3) A fishing license is not required to fish in the waters of the Park.

(d) *Speed.* The maximum speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, is limited to 45 miles per hour, subject to the following conditions and limitations:

(1) In all areas so posted, and on dangerous curves, 20 miles per hour.

(2) On the North Fork Truck Trail from Apgar to Kishenehn, and on all feeder roads leading thereto, 25 miles per hour.

(3) Between U. S. Highway No. 89 (Blackfoot Highway) and Cut Bank Chalets, 30 miles per hour.

(4) Between U. S. Highway No. 89 (Blackfoot Highway) and Two Medicine Chalets, 30 miles per hour.

(5) On the Going-to-the-Sun Highway between Logan Creek and Siyeh Creek, 30 miles per hour.

(6) All trucks and buses of $1\frac{1}{2}$ tons capacity or over, 35 miles per hour.

(7) All vehicles towing other vehicles, 35 miles per hour.

(e) *Camping.* No person, party, or organization shall be permitted to camp in the Park more than 30 days in any one calendar year. Camping in Sprague Creek Campground shall not exceed 15 days in any one calendar year.

(f) *Mufflers.* All cars, trucks, busses, and motorcycles shall be equipped with muffling systems in good working order. Cut-outs are prohibited.

§ 7.4 Grand Canyon National Park.

(a) *Limitations on load, weight, and size of vehicles.* Any vehicle operated or moved upon any road within the boundaries of Grand Canyon National Park shall comply with the following height, weight, and load limitations:

(1) No vehicle including any load thereon shall exceed a height of thirteen feet six inches.

(2) No vehicle including any load thereon shall exceed a length of forty

feet extreme overall dimensions, inclusive of front and rear bumpers.

(3) No combination of vehicles coupled together shall consist of more than two units except that a truck tractor and semi-trailer will be permitted to haul one full trailer and no such combination of vehicles shall exceed a total length of sixty-five feet.

(4) (i) The gross weight imposed on the highway by the wheels of any one axle of a vehicle shall not exceed eighteen thousand pounds.

(ii) For the purposes of this section an axle load means the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vehicle planes forty inches apart, extending across the full width of the vehicle.

(5) Subject to the limit upon the weight imposed upon the road through any one axle as set forth in subparagraph (4) of this paragraph, the total gross weight with load imposed upon the road by any one group of two or more consecutive axles of a vehicle or combination of vehicles shall not exceed the gross weight given for the respective distance between the first and last axle of the group of axles measured longitudinally to the nearest foot as set forth in the following table:

Distance in feet between first and last axles of group:		Allowed load in pounds on group of axles	
4	-----	32,000	-----
5	-----	32,000	-----
6	-----	32,200	-----
7	-----	32,900	-----
8	-----	33,600	-----
9	-----	34,300	-----
10	-----	35,000	-----
11	-----	35,700	-----
12	-----	36,400	-----
13	-----	37,100	-----
14	-----	37,800	-----
15	-----	38,500	-----
16	-----	39,200	-----
17	-----	40,000	-----
18	-----	40,800	-----
19	-----	41,600	-----
20	-----	42,400	-----

(6) The total gross weight with load imposed on the road by any vehicle or combination of vehicles where the distance between the first and last axles is more than eighteen feet shall not exceed that given for the respective distances in the following table:

Distance in feet:		Allowed load in pounds	
18	-----	46,400	-----
19	-----	47,200	-----

Distance in feet—Con.
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 56 or over.....

the face of the wheel or wheels of which are fitted flanges, ribs, clamps, cleats, lugs, spikes, or any device which may tend to damage the roadway. This paragraph applies to all rings or flanges upon guiding or steering wheels on any such vehicle, but it shall not be construed to prevent the use of ordinary detachable tire or skid chains.

(c) *Weighting by Park officers.* Any officer of Grand Canyon National Park having reason to believe that the weight of a vehicle and load is unlawful and not in conformity with the regulations, is authorized to weigh the same either by portable or by stationary scales and may require that such vehicle be driven to the nearest scales in the event such scales are within 5 miles. The officer may then require the driver to unload immediately such portions of the load as may be necessary to decrease the gross weight of such vehicle to the maximum therefor specified in paragraphs (a), (b), and (c) of this section.

(d) *Special permits.* The Superintendent of Grand Canyon National Park may, in his discretion, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle of a size or weight exceeding the maximum specified in the foregoing paragraphs upon any Park highway. Every such permit shall be issued for a single trip and may designate the route to be traversed and contain any other restrictions or conditions deemed necessary by said Superintendent. Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by any Park officer.

(e) *Reduction of load and tire limitations.* Whenever by reason of rains, thawing snow or frost, or as a result of any other cause, any Park road or roads are in a soft condition or are unsuitable for heavy traffic, the Superintendent of Grand Canyon National Park may, in his discretion and for so long a period as he deems advisable, reduce the load capacity limitations or he may prohibit all hauling if the condition of any road so warrants.

(f) *Speed.* The maximum speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, shall not exceed the following prescribed limits:

(1) 35 miles per hour on any road, except East Rim Drive, south entrance to junction with East Rim Drive, and north entrance to junction with Cape Royal-Point Imperial spur.
 (2) Approaching and at road intersections, entrance stations, and in residential areas, 25 miles per hour, as posted.
 (3) In school zone, 15 miles per hour, as posted.
 (4) On all curves and grades where so posted, 25 miles per hour.
 (5) Trucks of two and one-half tons capacity or over, 35 miles per hour.
 (6) Cars towing trailers or other cars or vehicles of any kind, 35 miles per hour.

(g) *Commercial passenger carrying motor vehicles.* The prohibition against the admission of commercial passenger carrying motor vehicles, so far as it applies to that section of Grand Canyon National Park north of the Colorado River known as the North Rim, contained in § 1.36 of this chapter, shall be subject to the following exception: (1) Motor vehicles operated on a general, infrequent, and non-scheduled tour on which the visit to the Park is an incident to such tour, carrying only round trip passengers traveling from the point of origin of the tour, will be accorded admission to the Park upon establishing to the satisfaction of the Superintendent that the tour originated from such place and in such manner as not to provide, in effect, a regular and duplicating service conflicting with, or in competition with, the services provided for the public at or outside of the Park pursuant to contract authorization with the Secretary. Admission to the Park will be accorded such motor vehicles upon payment of a special tour permit fee. This fee is set forth in Part 6 of this chapter.

§ 7.5 Mount Rainer National Park.

(a) *Camping.* Quiet shall be maintained in all camps between the hours of 10:00 p.m. and 6:00 a.m.

(b) *Fishing.* (1) The fishing season in streams shall conform to that of the State of Washington, and in lakes shall be from July 4 to September 30, inclusive, with the following exceptions and restrictions:

(i) Fishing is permitted only between the hours of 4 a.m. and 9 p.m.
 (2) The following waters are closed to fishing:

(1) 15 miles per hour:
 (i) When approaching or upon a curve or any other part of a road or highway in the event the driver's view is obstructed within a distance of 100 feet along the road or highway in the direction in which such driver is proceeding.
 (2) 20 miles per hour:
 (i) In any business or residence district.
 (ii) Upon that portion of any road or highway which passes through or borders upon a public campground, parking area, or other place of public assembly.
 (3) 35 miles per hour:
 (i) On U. S. Highway No. 410 from Chinook Pass to its junction with the East Side Road at Cayuse Pass.

(i) Tipsoo Lake.
 (ii) Shadow Lake.
 (iii) Kliekikat Creek above the White River Entrance water supply intake.
 (iv) Laughing Water Creek above the Ohanapocosh water supply intake.
 (v) Panther Creek above the East Side Road.
 (vi) Frozen Lake.
 (vii) Ipsut Creek above the Ipsut Creek campground water supply intake.

(3) (i) The limit of catch per person per day in streams and lakes shall be 10 pounds and 1 fish, with a maximum of 10 fish.
 (ii) Possession of more than 1 day's catch by any person at any time is prohibited.

(4) (i) The Ohanapocosh River and its tributaries are closed to all fishing except fly fishing. The use of bait and other lures is prohibited.
 (ii) The cleaning of fish in lakes or streams is prohibited.

(iii) The placing or depositing of fish eggs, fish roe, food, or other substances in any waters for the purpose of attracting, collecting, or feeding fish is prohibited.

(iv) Fishing with any line, gear, or tackle having more than two spinners, spoons, blades, flashers, or like attractions, and with more than one transparent or black rudder and more than three hooks attached to such line, gear, or tackle is prohibited.

(c) *Speed.* The maximum speed of automobiles and other vehicles, except in emergencies as provided in § 1.42 (b) of this chapter, shall not exceed the following prescribed limits when appropriate signs giving notice thereof are erected:

(1) 15 miles per hour:
 (i) When approaching or upon a curve or any other part of a road or highway in the event the driver's view is obstructed within a distance of 100 feet along the road or highway in the direction in which such driver is proceeding.
 (2) 20 miles per hour:
 (i) In any business or residence district.
 (ii) Upon that portion of any road or highway which passes through or borders upon a public campground, parking area, or other place of public assembly.
 (3) 35 miles per hour:
 (i) On U. S. Highway No. 410 from Chinook Pass to its junction with the East Side Road at Cayuse Pass.

(ii) On the Sunrise (Yakima Park) Road between its junction with the White River Campground Road and Sunrise.

(iii) On the White River Campground Road.

(iv) On the Carbon River Road.

(v) On the road from the Nisqually Park Entrance to Paradise.

(vi) On the West Side Road.

(vii) On the Mowich Lake Road.

(viii) On the Stevens Canyon Road.

(4) 45 miles per hour:

(i) On the East Side Road between its junction with U. S. Highway No. 410 at Cayuse Pass and the south park boundary.

(ii) On the Sunrise (Yakima Park) Road between its junction with U. S. Highway No. 410 and its junction with the White River Campground Road.

(5) 50 miles per hour:

(i) On U. S. Highway No. 410 between the north park boundary and its junction with the East Side Road at Cayuse Pass.

(6) Trucks of a ton and one-half capacity or over, 30 miles per hour except on U. S. Highway No. 410 between the north park boundary and its junction with the East Side Road at Cayuse Pass.

(7) Trucks of a ton and one-half capacity or over, 40 miles per hour on U. S. Highway No. 410 between the north park boundary and its junction with the East Side Road at Cayuse Pass.

(8) Vehicles towing trailers or other vehicles of any kind, 30 miles per hour, except on U. S. Highway No. 410 between the north park boundary and its junction with the East Side Road at Cayuse Pass.

(9) Vehicles towing trailers or other vehicles of any kind, 40 miles per hour on U. S. Highway No. 410 between the north park boundary and its junction with the East Side Road at Cayuse Pass.

(10) In every event, vehicles shall be driven or operated at appropriate reduced speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon a narrow and winding road, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or roadway conditions.

(d) *Entrances and exits.* Automobiles will be permitted to enter and leave the park through park checking stations between the hours of 6:00 a.m. and 11:00 p.m. daily.

(e) *Commercial automobiles and buses.* The prohibition against the admission of commercial automobiles and buses to Mount Rainier National Park, contained in § 1.36 of this chapter, shall be subject to the following exception:

Motor vehicles operated on a general, infrequent, and nonscheduled tour on which the visit to the Park is an incident to such tour, carrying only round-trip passengers traveling from the point of origin of the tour, will be accorded admission to the Park upon establishing to the satisfaction of the Superintendent that the tour originated from such place and in such a manner as not to provide, in effect, a regular and duplicating service conflicting with, or in competition with, the services provided for the public at or outside of the Park pursuant to contract authorization with the Secretary. Admission to the Park will be accorded such motor vehicles upon payment of a special tour permit fee. This fee is set forth in Part 6 of this chapter.

§ 7.6 Muir Woods National Monument.

(a) *Fires.* Fires are prohibited within the monument.

(b) *Dogs.* Dogs are allowed in the monument only under leash. Those found running at large will be impounded and disposed of according to law.

(c) *Fishing.* Fishing is prohibited within the Monument.

§ 7.7 Rocky Mountain National Park.

(a) *Fires.* The building of fires for any purpose on or along park roads, except in designated areas, is prohibited.

(b) *Fishing.* (1) Along the eastern shores of Shadow Mountain Lake and the Granby Reservoir fishing shall be done in conformity with the laws and regulations of the State of Colorado. (2) Elsewhere in the Park, fishing shall be permitted in conformity with the laws and regulations of the State of Colorado regarding minimum size limits and the method of handling and returning undersized fish to the water; and, the following additional provisions:

(i) The open season for fishing shall be June 15 through September 30.

(ii) Permissible hours for fishing shall be 4:00 a. m. to 8:30 p. m., m. s. t.

(iii) The use of seines, throw lines, set lines, or any other method of catching fish, except by rod and line held in the hand, is prohibited.

(iv) Fishing with minnows, small fish, fish eggs, or other live bait or the release or freeing thereof, in any of the waters is prohibited.

(v) The number of fish that may be taken by any person in any one day is limited to 10 fish (not exceeding a total of 10 pounds). The possession of more than one day's catch by any person at any time is prohibited.

(vi) Fishing in rearing ponds or other posted waters is prohibited.

(vii) Tonahutu Creek is closed for a distance of 3 miles upstream from the park boundary.

(viii) The Big Thompson River in Forest Canyon from the junction of Fern Creek to its source is closed to fishing.

(c) *Travel on roads and trails.* Travel on the Fall River Road is limited to one-way travel from Chasm Falls to Fall River Pass.

(d) *Camping.* No person, party, or organization shall be permitted to camp in the park more than 30 days in any calendar year.

(e) *Trucking.* (1) The park superintendent may issue permits for the use of the Trail Ridge Road for trucking by ranchers, farmers, and business concerns located in the counties of Larimer, Boulder, and Grand, Colorado, when the loads carried originate and terminate within these counties, for which fees shall be charged. For applicable fees, see Part 6 of this chapter.

(f) *Report of accidents by wrecker operators.* Before the operator of a commercial wrecking car shall attempt to remove any vehicle involved in an accident within the Park, he shall take reasonable steps to ascertain whether any of the persons involved in the accident have reported it to the appropriate Park authority and if he fails to ascertain that a report of the accident has been made, he shall report the accident to the nearest Park authority before disturbing or removing any of the vehicles, equipment, or materials involved in the accident, except when the removal thereof is necessary to save human life or to prevent the further destruction of property.

(g) *Commercial automobiles and buses.* The prohibition against the admission of commercial automobiles and buses to Rocky Mountain National Park, contained in § 1.36 of this chapter, shall be subject to the following exception:

Motor vehicles operated on a general, infrequent, and nonscheduled tour on which the visit to the park is an incident to such tour, carrying only round-trip passengers traveling from the point of origin of the tour, will be accorded admission to the park upon establishing to the satisfaction of the Superintendent that the tour originated from such place and in such a manner as not to provide, in effect, a regular and duplicating service conflicting with, or in competition with, the services provided for the public at or outside of the Park pursuant to contract authorization with the Secretary. Admission to the park will be accorded such motor vehicles upon payment of a special tour permit fee. The fee for such motor vehicles is set forth in Part 6 of this chapter.

(h) *Speed.* Speed limits in the Park, except in emergencies as provided in § 1.42 (b) of this chapter, are as follows:

(i) 40 miles per hour:

(i) Between the National Park boundary at the Grand Lake Entrance and the Phantom Valley Trading Post.

(2) 35 miles per hour:

(i) All other roads in the Park.

(3) As provided in § 1.42 (a) of this chapter, vehicles shall be operated at an appropriate reduced speed where so posted or when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon a narrow and winding road, and when special hazards exist with respect to pedestrians or other traffic, or by reason of weather or roadway conditions.

(1) *Regulations governing eating and drinking establishments on privately-owned lands—(1) Definitions.* The following definitions shall apply in the interpretation and enforcement of this section:

(i) *Restaurant.* The term "restaurant" shall mean restaurant, coffee shop, cafeteria, short order cafe, luncheonette, tavern, sandwich stand, soda fountain, and all other eating or drinking establishments, as well as kitchens or other places in which food or drink is prepared for sale elsewhere.

(ii) *Employee.* The term "employee" shall mean any person who handles food or drink during preparation or serving, or who comes in contact with any eating or cooking utensils, or who is employed in a room in which food or drink is prepared or served.

(iii) *Utensils*. "Utensils" shall include any kitchenware, tableware, glassware, cutlery, utensils, containers, or other equipment with which food or drink comes in contact during storage, preparation, or serving.

(iv) *Superintendent*. The term "Superintendent" shall mean the Superintendent of Rocky Mountain National Park or his authorized representative.

(v) *Person*. The word "person" shall mean person, firm, corporation, or association.

(2) *Examination and condemnation of unwholesome or adulterated food or drink*. Samples of food, drink, and other substances may be taken and examined by the Superintendent as often as may be necessary for the detection of unwholesomeness or adulteration. The Superintendent may condemn and forbid the sale of, or cause to be removed or destroyed, any food or drink which is unwholesome or adulterated.

(3) *Sanitation requirements for restaurants*. All restaurants shall comply with all of the following items of sanitation:

(i) *Floors*. The floors of all rooms in which food or drink is stored, prepared, or served, or in which utensils are washed, shall be of such construction as to be easily cleaned, shall be smooth, and shall be kept clean and in good repair.

(ii) *Walls and ceilings*. Walls and ceilings of all rooms shall be kept clean and in good repair. All walls and ceilings of rooms in which food or drink is stored or prepared shall be finished in light color. The walls of all rooms in which food or drink is prepared or utensils are washed shall have a smooth, washable surface up to the level reached by splash or spray.

(iii) *Doors and windows*. When flies are prevalent, all openings into the outer air shall be effectively screened and doors shall be self-closing, unless other effective means are provided to prevent the entrance of flies.

(iv) *Lighting*. All rooms in which food or drink is stored or prepared or in which utensils are washed shall be well lighted.

(v) *Ventilation*. All rooms in which food or drink is stored, prepared, or served, or in which utensils are washed, shall be well ventilated.

(vi) *Toilet facilities*. Every restaurant shall be provided with adequate and

conveniently located sanitary toilet facilities for its employees, conforming to the requirements of the Superintendent. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept in a clean condition, in good repair, and well lighted and ventilated. Handwashing signs shall be posted in each toilet room used by employees. In case privies or earth closets are permitted and used, they shall be of a sanitary type, separate from the restaurant building, and shall be fly and rodent proof.

(vii) *Water supply*. Running water under pressure shall be easily accessible to all rooms in which food is prepared or utensils are washed, and the water supply shall be adequate, and of a safe, sanitary quality.

(viii) *Lavatory facilities*. Adequate and convenient hand-washing facilities shall be provided, including hot and cold running water, soap, and approved sanitary towels. The use of a common towel is prohibited. No employee shall resume work after using the toilet room without first washing his hands.

(ix) *Construction of utensils and equipment*. All multi-use utensils and all show and display cases or windows, counters, shelves, tables, refrigerating equipment, sinks, and other equipment or utensils used in connection with the operation of a restaurant shall be so constructed as to be easily cleaned and shall be kept in good repair. Utensils containing or plated with cadmium or lead shall not be used: *Provided*, That solder containing lead may be used for jointing.

(x) *Cleaning and bactericidal treatment of utensils and equipment*. (a) All equipment, including display cases or windows, counters, shelves, tables, refrigerators, stoves, hoods, and sinks, shall be kept clean and free from dust, dirt, insects, and other contaminating material. All cloths used by waiters, chefs, and other employees shall be clean. Single-service containers shall be used only once.

(b) All multi-use eating and drinking utensils shall be thoroughly cleaned and effectively subjected to an approved bactericidal process after each usage. All multi-use utensils used in the preparation or serving of food and drink shall be thoroughly cleaned and effectively subjected to an approved bactericidal process immediately following the day's operation.

eration. Drying cloths, if used, shall be clean and shall be used for no other purpose.

(c) No article, polish, or other substance containing any cyanide preparation or other poisonous material shall be used for the cleansing or polishing of utensils.

(xi) *Storage and handling of utensils and equipment*. After bactericidal treatment, utensils shall be stored in a clean, dry place protected from flies, dust, and other contamination, and shall be handled in such a manner as to prevent contamination as far as practicable. Single-service utensils shall be purchased only in sanitary containers, shall be stored therein in a clean, dry place until used, and shall be handled in a sanitary manner.

(xii) *Disposal of wastes*. All wastes shall be properly disposed of, and all garbage and trash shall be kept in suitable receptacles, in such manner as not to become a nuisance.

(xiii) *Refrigeration*. All readily perishable food and drink shall be kept at or below 50° F. except when being prepared or served. Waste water from refrigeration equipment shall be properly disposed of.

(xiv) *Wholesomeness of food and drink*. All food and drink shall be clean, wholesome, free from spoilage, and so prepared as to be safe for human consumption. All milk, fluid milk products, ice cream, and other frozen desserts served shall be from approved sources. Milk and fluid milk products shall be served in the individual original containers in which they were received from the distributor or from a bulk container equipped with an approved dispensing device: *Provided*, That this requirement shall not apply to cream, which may be served from the original bottle or from a dispenser approved for such service. All oysters, clams, and mussels shall be from approved sources, and if shucked shall be kept until used in the containers in which they were placed at the shucking plant.

(xv) *Storage, display, and serving of food and drink*. All food and drink shall be so stored, displayed, and served as to be protected from dust, flies, vermin, deprecation and pollution by rodents, unnecessary handling, droplet infection, overhead leakage, and other contamination. No animals or fowls shall be kept

or allowed in any room in which food or drink is prepared or stored. All means necessary for the elimination of flies, roaches, and rodents shall be used.

(xvi) *Cleanliness of employees*. All employees shall wear clean outer garments and shall keep their hands clean at all times while engaged in handling food, drink, utensils, or equipment. Employees shall not expectorate or use tobacco in any form in rooms in which food is prepared.

(xvii) *Miscellaneous*. The premises of all restaurants shall be kept clean and free of litter or rubbish. None of the operations connected with a restaurant shall be conducted in any room used as living or sleeping quarters. Adequate lockers or dressing rooms shall be provided for employees' clothing and shall be kept clean. Soiled linens, coats, and aprons shall be kept in containers provided for this purpose.

(4) *Disease control*. No person who is affected with any disease in a communicable form or is a carrier of such disease shall work in any restaurant, and no restaurant shall employ any such person or any person suspected of being affected with any disease in a communicable form or of being a carrier of such disease. If the restaurant manager suspects that any employee has contracted any disease in a communicable form or has become a carrier of such disease he shall notify the Superintendent immediately. A placard containing this section shall be posted in all toilet rooms.

(5) *Procedure when infection suspected*. When suspicion arises as to the possibility of transmission of infection from any restaurant employee the Superintendent may require any or all of the following measures:

(i) The immediate exclusion of the employee from all restaurants.

(ii) The immediate closing of the restaurant concerned until no further danger of disease outbreak exists, in the opinion of the Superintendent.

(iii) Adequate medical examinations of the employee and of his associates, with such laboratory examinations as may be indicated.

§ 7.8 Sequoia-Kings Canyon National Parks.

(a) *Stock driveways*. (1) So long as it may be available for such purpose, the present county road extending from

the west boundary of Kings Canyon National Park near Redwood Gap to Quail Flat junction of the Generals Highway and the old road beyond is designated for the movement of stock and vehicular traffic, without charge, to and from national forest lands on either side of the General Grant grove section of the park. Care must be exercised to prevent stock from straying from the right-of-way.

(2) Noon on Redwood Gap is permitted, provided the stock are first driven beyond the developed area.

(3) In emergencies other stock driveway crossings in the General Grant grove section of the park may be used without charge under special arrangements first made with the superintendent of the parks.

(b) *Camping.* Within the campgrounds or other occupied areas of the Sequoia National Park, quiet must be maintained between the hours of 10:00 p. m. and 6:00 a. m.

(c) *Entrance roads.* (1) Automobiles will be permitted to enter Sequoia National Park through the Ash Mountain and Lost Grove Checking Stations between the hours of 5:00 a. m. and 9:00 p. m. except on Saturdays and days preceding a holiday, on which days entrance will be permitted until 11:00 p. m. Vehicles may leave the park through these stations only between the hours of 6:00 a. m. and 10:00 p. m.

(2) Vehicle travel is prohibited within the Giant Forest and Lodgepole areas between the hours of 11:00 p. m. and 5:00 a. m. except on Saturdays and the days preceding holidays, when the hours shall be 12:00 midnight to 5:00 a. m.

(d) *Speed.* Special speed limits within Sequoia National Park are as follows:

(1) Generals' Highway: Through Ash Mountain Headquarters, Hospital Rock Camp and Giant Forest Village area where signs are posted, 15 miles per hour.

From Giant Forest Lodge to General Sherman Tree where sign is posted, 25 miles per hour.

(2) Moro Rock Crescent Meadow, and Wolverton Roads where sign is posted, 25 miles per hour.

(3) Lodgepole and Giant Forest Camp Roads, 15 miles per hour.

(7) On curves where driver's view is obstructed within a distance of 200 feet along such highway in the direction in which the vehicle is proceeding, 15 miles per hour.

(8) At all intersections, 15 miles per hour.

(9) At intersections, road crossings or ranger stations where posted with "Stop" signs, all vehicles shall come to a full stop before proceeding.

(e) *Fishing.* (1) The fishing season shall conform to that of the State of California.

(2) The limit of catch per person per day shall be 10 fish, not exceeding 10 pounds of fish and 1 fish. Possession of more than 1 day's catch of fish by any person at any one time is prohibited. No minimum size limit for trout is prescribed in the parks.

(3) A California State fishing license is required of all persons 16 years of age or over fishing in the Parks.

(4) In Sequoia National Park the following waters are closed to fishing as a fish conservation measure, and as protection to domestic water supplies, watersheds, and meadows:

(i) On the watershed of the North Fork of the Kaweah River: Yuca Creek and tributaries from confluence with North Fork to sources from July 1 to close of season; Cabin Creek from Generals Highway to source.

(ii) On the watershed of the Marble Fork of the Kaweah River: Deer Creek from the foot bridge on the Sunset Village Trail to source, except to children 10 years of age or younger; that section of Wolverton Creek from the dam upstream to the source, except to persons 15 years of age or younger; at the pond held by the dam; and Silliman Creek from Generals' Highway to source at outlet of Silliman Lakes.

(iii) On the watershed of the Middle Fork of the Kaweah River: Crescent Creek from source to High Sierra Trail Bridge at lower Crescent Meadow.

(4) In Kings Canyon National Park the following waters are closed to fishing as a conservation measure, and as protection to domestic water supplies, watersheds, and meadows:

(i) On the watershed of the South Fork of the Kings River: Sheep Creek and its tributaries from source to Park boundary; Lewis Creek from Park boundary where signs are posted at the

ceeds 35 feet in length single or 55 feet in length combination, may be driven over the highways in Zion National Park except under convoy by the Chief Ranger or some person acting under his authority. Drivers or owners of vehicles will not control the traffic except under the direction of the Chief Ranger or other person acting under his authority. For providing the required convoy service a convey fee shall be charged for each vehicle or combination of vehicles, including vehicles entitled to waiver of the automobile permit fee in accordance with § 6.2(f) of this chapter. For vehicles not entitled to such waiver the convey fee shall be in addition to the automobile permit fee. For convey fees see Part 6 of this chapter.

(d) *Speed.* Speed in the Park, except in emergencies as provided in § 1.42 (a) of this chapter, is limited to 35 miles per hour except where lower limits are prescribed and posted.

§ 7.11 Lassen Volcanic National Park.

(a) *Fishing; open season.* In all waters open to fishing, the season shall be in accordance with that established by the State of California.

(b) *Fishing; limit of catch and in possession.* The limit of catch and in possession per person per day shall be 10 fish, or 10 pounds of fish and 1 fish, in all waters except Manzanita Lake and Reflection Lake, where the daily limit of catch shall be 5 fish, or 5 pounds of fish and 1 fish. All fish caught, regardless of size, shall be retained.

(c) *Fishing; closed waters.* The following waters are closed to fishing:

Manzanita Creek.
Grassy Swale Creek.
Grassy Creek.
Emerald Lake.
Manzanita Lake, within 150 feet of inlet and outlet.

(d) *Entrance roads.* The Manzanita Lake and Sulphur Works entrances will be open from 6:00 a. m. to 10:00 p. m. daily.

(e) *Speed.* Speed limits in the Park, except in emergencies as provided in § 1.42 (b) of this chapter, are as follows:

(1) 25 miles per hour.

(i) On the Hat Creek Road, Butte Lake Road, Warner Valley Road, and Juniper Lake Road.

(2) 20 miles per hour.

(i) In any business, residential, or Government service area.

Intake of the water supply to the first trail crossing; and Comb Creek from Lewis Creek to trail crossing.

§ 7.9 Shiloh National Military Park.

(a) *Maximum weights of vehicles.* The maximum weight of any vehicle using the park roads, including the load of such vehicle, shall not exceed 13,000 pounds.

(b) *Speed.* Except where different speed zones are indicated by signs or markers, speed of automobiles and other vehicles, except ambulances and cars on official emergency trips, shall not exceed 35 miles per hour.

§ 7.10 Zion National Park.

(a) *Limitations on load, weight, and size of vehicles—(1) Maximum size of vehicles.*

Total width of vehicle, including load. 8 feet
Total height of vehicles with load. 10%
Total length of single vehicle. 35 feet
Total length of combination of vehicles. 55 feet

(2) *Maximum weight of vehicles.* The load limits on single axles, wheels and tires, and the maximum gross weight of vehicles and loads, shall be the same as the limits prescribed by the laws of Utah.

(b) *Prohibited vehicles.* (1) The Zion-Mt. Carmel Road within the park shall be open to commercial truck traffic only during those times (approximately from October 1 to June 1) when the Zion-Bryce Canyon Approach Road, Utah State Route 14, is closed to such traffic.

(2) During the period October 1 to June 1, vehicles exceeding 30,000 pounds gross vehicle weight will be permitted over park roads throughout the 24-hour day. Before and after this period such vehicles will be permitted to operate over park roads only when Utah 14 is closed to such traffic, and then only during the hours of 10 p. m. and 6 a. m. local standard time.

Nothing in this section shall be construed to prohibit vehicles complying with Utah State weight and size limitations, owned by the Federal, State or county government, from passage over park roads when used in connection with official operations.

(c) *Convoy required; convey fee.* No vehicle, including any load or equipment thereon, which exceeds 8 feet in width, or exceeds 10 feet 6 inches in height, or ex-

Distance in feet between the first and last axles of any group of axles of any vehicle or combination of vehicles or between the first and last axles of all of the axles of any vehicle

13	37,100
14	43,200
15	44,000
16	44,800
17	45,600
18	46,400

Government cars on emergency trips on Kennesaw Mountain Road is limited to 25 miles per hour.

§ 7.13 Yellowstone National Park.

(a) *Weight and size limits for vehicles.* (1) The total gross weight of any vehicle and load or combination of vehicles and loads shall not exceed the following prescribed limits:

(i) The Chittenden Bridge across the Yellowstone River on the Artist Point Access Road, 5 tons.

(ii) The bridge across the Yellowstone River near Tower Junction on the Northeast Entrance Road, 10 tons.

(iii) The road between Norris Junction and Canyon Junction, 20 tons.

(2) No vehicle and load shall have a gross weight in excess of 450 pounds per inch width of tire, or carry more than 18,000 pounds on any one axle, and no vehicle whatsoever having a total gross weight of vehicle and load or combination of vehicles and loads in excess of 76,800 pounds shall be operated or moved upon any Park road.

(i) *Provided*, The Superintendent may prescribe reduced limits as to weight thereof, on designated highways as posted, whenever said highways may be damaged or destroyed by the above load limits because of deterioration, rain, snow, frost, and other climatic conditions.

(3) The gross weight of any group of axles of any vehicle or combination of vehicles, when the distance between the first and last axles of any group of axles is eighteen (18) feet or less, and the gross weight of any vehicle when the distance between the first and last axle of all the axles of the vehicles is eighteen (18) feet or less, shall not exceed that set forth in the following table of weights:

Distance in feet between the first and last axles of any group of axles of any vehicle or combination of vehicles or between the first and last axles of all of the axles of any vehicle	Maximum gross weight, in pounds, of any group of axles of any vehicle or combination of vehicles, or of any vehicle
4	32,000
5	32,000
6	32,200
7	32,900
8	33,600
9	34,300
10	35,000
11	35,700
12	36,400

(ii) Upon that portion of any road or highway which passes through or borders upon a public campground, picnic area, parking area, or other place of public assemblage.

(3) In every event, vehicles shall be driven or operated at appropriate reduced speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon a narrow and winding road, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or roadway conditions.

(f) *Commercial automobiles and buses.* The prohibition against the admission of commercial automobiles and buses to Lassen Volcanic National Park, contained in § 1.36 of this chapter shall be subject to the following exception: Motor vehicles operated on a general, infrequent, and nonscheduled tour on which the visit to the park is an incident to such tour, carrying only round-trip passengers traveling from the point of origin of the tour, will be accorded admission to the park upon establishing to the satisfaction of the superintendent that the tour originated from such place and in such a manner as not to provide, in effect, a regular and duplicating service conflicting with, or in competition with, the services provided for the public at or outside of the park pursuant to contract authorization with the Secretary. Admission to the park will be accorded such motor vehicles upon payment of a special tour permit fee. For fees applicable to such vehicles, see Part 6 of this chapter.

§ 7.12 Kennesaw Mountain National Battlefield Park.

(a) *Speed.* Speed of automobiles and other vehicles except ambulances and

(4) The gross weight of any vehicle or combination of vehicles, where the distance between the first and last axles of the vehicles or combination of vehicles is more than eighteen (18) feet, shall not exceed that set forth in the following table of weights:

Distance in feet between the first and last axles of all of the axles of a vehicle or combination of vehicles	Maximum gross weight, in pounds, of any vehicle or combination of vehicles
18	46,400
19	47,200
20	48,000
21	48,800
22	49,600
23	50,400
24	51,200
25	52,000
26	52,800
27	53,600
28	54,400
29	55,200
30	56,000
31	56,800
32	57,600
33	58,400
34	59,200
35	60,000
36	60,800
37	61,600
38	62,400
39	63,200
40	64,000
41	64,800
42	65,600
43	66,400
44	67,200
45	68,000
46	68,800
47	69,600
48	70,400
49	71,200
50	72,000
51	72,800
52	73,600
53	74,400
54	75,200
55	76,000
56	76,800
57	77,600

(5) No vehicle shall be operated or moved upon any Park road when the total outside width and length, including the load thereon, exceeds 8 feet in width and 35 feet in length for a single vehicle, or 60 feet in length for a combination of vehicles, or when the total height of a vehicle, including the load thereon, exceeds 13 feet 6 inches, except on that portion of U.S. Highway 191 lying within the boundary of the Park on which highway the size limits shall be as follows:

(i) Buses shall be no more than 102 inches in width. Other vehicles shall be no more than 96 inches in width. No vehicle, including load, shall be more than 13 feet 6 inches in height. Buses shall not be more than 40 feet in length. Single trucks shall not be more than 35 feet in length. Combinations of vehicles shall be no more than 60 feet in length.

(6) Provided, that in special case of individual movements, where the size or weight of such vehicles, including loads, exceed those herein prescribed, may be operated under special permit granted by the Superintendent, under such conditions as to time, route, equipment, speed, and otherwise as he may determine.

(b) *Traffic control.* Speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, shall not exceed the following prescribed limits:

(1) At Bridge Bay from a point approximately 3.7 miles west of Lake Junction on the road to West Thumb, along the entire length of the concrete wall for a distance of .6 mile, 25 miles per hour.

(2) The road between Mammoth Village and the North Entrance; the road between Canyon Junction and Chittenden Bridge; and the road from Norris Junction eastward to the beginning of the new park road at Station 412, approximately 3.5 miles west of Canyon Junction, 35 miles per hour; except that portion of the road through the Virginia

Cascades to the top of Blanding Hill posted at 25 miles per hour.

(3) Passenger cars, and trucks of less than 1½ tons capacity, 45 miles per hour on straight and open stretches. Trucks of 1½ tons capacity or over, and vehicles towing trailers or other vehicles of any kind, 30 miles per hour. Except, on that portion of U. S. Highway 191 lying within the boundary of the park, the speed limits shall be as follows: Single vehicles and trucks with gross weight of 4,000 pounds or less, 65 miles per hour; this limit is reduced to 55 miles per hour during the hours of darkness; combination vehicles, and trucks with gross weight of more than 4,000 pounds, 45 miles per hour.

(4) Travel shall be restricted to one direction when posted on the esplanade at Mammoth Hot Springs, the esplanade at Old Faithful Village, the Bunsen Peak loop road, and the Mammoth Terrace loop road.

(5) Careless driving: The operating of any vehicle upon a park road in a careless and heedless disregard of the rights or safety of others, or without due caution, or at a speed or in a manner so as to endanger or be likely to endanger any person or property is prohibited.

(6) Stop signs: (1) No person shall drive any vehicle onto any road from another road in the Park without coming to a complete stop, provided, however, there are erected appropriate signs at such locations.

(ii) The term "road" means any street, highway turnout, parking area or public thoroughfare.

(7) Parking: No person shall park any vehicle in a posted restricted area except in case of bona fide emergency or for administrative purposes.

(i) The following places are designated as restricted parking areas: All bridges and the immediate surrounding areas of natural features, concession establishments, Government buildings, amphitheatres, and camp and picnic grounds. Provided, however, there are erected appropriate signs at such locations.

(c) *Trucking.* The park superintendent may issue permits for the use of park roads for trucking, for which fees shall be charged. For schedule of fees, see Part 6 of this chapter.

(d) *Boats—(1) Permit.* A permit, issued by the Superintendent, is required for all boats operated upon the waters of the park. This permit must be carried within the boat at all times when any person is aboard, and shall be exhibited upon request to any person authorized to enforce the regulations in this chapter. A violation of the regulations, or disregard of the conditions outlined, by the permittee or other persons using the boat, will constitute cause for the cancellation of the permit.

(2) *Commercial operation.* No privately owned boat shall be used to carry passengers for hire or be used in any commercial operation.

(3) *Size limitation.* No privately owned boat more than 32 feet in length measured through the middle of the boat from bow to stern, and no sailboat of any type, houseboat, or any similar type water craft, shall be placed or operated upon waters of the park. Except for administrative purposes or emergencies, motor-propelled boats may be placed or operated only on Yellowstone, Lewis, and Shoshone Lakes and the channel between Shoshone and Lewis Lakes, and on the Yellowstone River from the outlet of Yellowstone Lake to a point 300 yards below Fishing Bridge.

(4) *Removal of boats.* All privately owned boats, boat trailers, water-borne craft of any kind, buoys, mooring floats, and anchorage equipment will not be permitted in the Park prior to May 1 and must be removed by November 1.

(5) *Boat equipment and requirements.* All boats operated upon Park waters are subject to the following requirements:

(i) All boats operated from sunset to sunrise must display the following lights: (a) Class A (less than 16 feet in length). A clear white light showing all around the horizon and visible for one mile.

(b) Class I (16 feet to less than 26 feet in length). Same light requirement as Class A boats.

(c) Class II (26 feet to 32 feet in length). Individual running lights, red to port and green to starboard, visible for one mile. A bright white light aft showing all around the horizon and visible for two miles, also a bright white light forward showing from right ahead to two points abaft the beam on both sides and visible for two miles.

(ii) Boats shall carry an approved warning device as follows:

(a) Class A boats. No warning device required.

(b) Class I boats. A hand, mouth, or power operated whistle or horn, capable of producing a blast for at least two seconds duration and audible for a distance of at least one-half mile.

(c) Class II boats. Same requirement as Class I boats except the device shall be capable of producing a blast audible for a distance of at least one mile.

(iii) All boats shall carry an approved life preserver, ring buoy, or buoyant cushion in good and serviceable condition for each person on board. Such devices shall be properly secured and stowed so as to be readily accessible in emergency.

(iv) All boats having built-in or inboard motors shall carry approved fire extinguishers as follows:

(a) Class A and Class I boats. One hand operated and portable fire extinguisher. This may be a 1¼-gallon foam, 4-pound carbon-dioxide, one quart carbon-tetrachloride or a 4-pound dry chemical, or larger.

(b) Class II boats. One fixed carbon-dioxide system and two hand operated, portable extinguishers of an approved type, such as 2½-gallon foam, 15-pound carbon-dioxide or 12-pound dry chemical.

(v) All boats powered with inboard motors which use gasoline as fuel are subject to the following conditions:

(a) Carburetors shall be fitted with an approved device which has demonstrated its ability to arrest backfire.

(b) In decked over boats, two or more ventilators are required, with cowls or equivalent capable of removing gases from bilges in engine and fuel tank compartments. Bilges must be kept free of oil, gasoline and grease.

(c) Drip pans are required on all updraft carburetors. These pans are to be equipped with a fine mesh wire screen cover to prevent the overflow from catching fire.

(d) The fuel tank filler pipe must be outside the cabin and cockpit, and so constructed that spillage of gasoline will not flow into the bilge. A vent of not less than ¾-inch diameter is required from the fuel tank to the outside of the

hull and shall be independent of the filler pipe.

(vi) Galley and cabin stoves shall be of such type and installation as approved by the Underwriters Laboratories.

(a) Approved types of galley stoves are those which use coal, charcoal, wood, alcohol, fuel oil or kerosene as fuel. Stoves which use gasoline as fuel are prohibited.

(b) Where a galley or cabin stove is installed, it shall be firmly attached, insulated from the woodwork, and so located that it does not endanger flammable material.

(vii) General conditions. (a) Fuel lines must be intact with no leaks and must have a shut-off valve installed near the fuel tank in a readily accessible location.

(b) Electrical wiring must be in good condition.

(c) All boats must carry a bailing bucket on board in addition to whatever bilge pumps or automatic bailing devices with which they may be equipped.

(d) All boats 26 feet or less in length shall be equipped with oars and oarlocks, or carry a sweep adequate to propel the boat in case of engine failure.

(6) *Special limits for small boats.* No boat 16 feet or less in length measured through the middle of the boat from bow to stern, canoe (regardless of length), or other water-borne craft not propelled by a motor, shall be operated at a distance of more than one quarter mile from the shore of any lake.

(7) *Rules of the road.* The following rules of the road shall be observed:

(i) The operation of boats in such a manner as to endanger life or property is prohibited.

(ii) In narrow channels, boats shall be operated to the right of the middle of the channel.

(iii) When approaching or passing other water craft, speed shall be reduced so that the wake does not endanger the other craft.

(iv) Slow speed shall be maintained in docking and fishing areas so as not to endanger persons or other craft.

(v) Right-of-way shall be given larger craft.

(8) *Registration of trip.* The operator of each boat leaving for an extended trip, including trips of overnight duration, shall register both upon departure and return at one of the following

Ranger Stations: Lake Ranger Station, Fishing Bridge Ranger Station, West Thumb Ranger Station, South Entrance Station, Old Faithful Ranger Station, and East Entrance Station.

(9) *Sanitation.* No fish offal, bottles, cans, rubbish, or refuse shall be discarded from any boat or water-borne craft into Park waters, or from docks, or from the shores, or otherwise placed in the waters of the Park. Boats, not equipped with or utilizing sewage and waste treatment equipment (consisting of shredding, retention, and chlorination prior to discharge) are hereby prohibited from discharging head and/or galley wastes within one-half mile of low water mark or any domestic water supply intake. All boats or other water-borne craft operating in park waters shall have a receptacle aboard to contain rubbish and refuse which shall be emptied only into facilities provided at docks or other specified places.

(10) *Limitation of boat loads.* No boat or other water-borne craft shall be operated on any water of the park with more than a safe capacity load of passengers or supplies. The following formula shall be used to determine the maximum safe load for boats and other water-borne craft: Maximum safe load (in pounds) = $7\frac{1}{2} \times \text{length in feet measured through the middle of the boat} \times \text{width in feet amidship} \times \text{depth in feet amidship}$.

(11) *Restricted landing areas.* The landing of boats or other water-borne craft on either of the islands designated as "Molly Islands" in Yellowstone Lake, or passage of boats or other water-borne craft between these islands, or the disturbance in any manner of the birds inhabiting the same or nesting thereon, is prohibited, except upon written permission of the Superintendent. Prior to July 1 of each year, the landing of any boat or other water-borne craft on the lake shore between Trail Creek and Beaverdam Creek is prohibited.

(12) *Restricted waters.* The operation of any boat, canoe, raft, or other water-borne craft on park streams (as distinguished from lakes) is prohibited, except on the channel between Lewis Lake and Shoshone Lake and on the Yellowstone River from the outlet of Yellowstone Lake to a point 300 yards below Fishing Bridge.

(i) The operation of any canoe, raft, boat, or other water-borne craft of any kind is prohibited on Squaw, Goose, Feather, Sylvan, Eleanor, and Twin Lakes, and Beach Springs Lagoon.

(ii) The operation of any motor-propelled water-borne craft is prohibited south and west of the buoy markers in Flat Mountain Arm of Yellowstone Lake.

(iii) Water skiing, boat racing, towing of aircraft, water pageants, and other spectacular and often unsafe types of recreational use are prohibited on all park waters.

(iv) These restrictions shall not apply to craft operated for administrative purposes or in emergencies.

(e) *Fishing.*—(1) *Open season.* Except as otherwise provided, the open season for fishing in the waters of the park shall be from sunrise on May 30 to sunset on October 15.

(2) *Limited open season.* (i) Riddle Lake, Grebe Lake, Wolf Lake, the stream connecting Grebe and Wolf Lakes and the Yellowstone River and its tributaries from the Upper Falls at Canyon to the marking buoys at the outlet of Yellowstone Lake are open to fishing from sunrise on July 1 to sunset on October 15. Yellowstone Lake and Squaw Lake are open to fishing from sunrise on June 15 to sunset on October 15.

(ii) All streams emptying into Yellowstone Lake, except those closed for management or cultural purposes, are open to fishing from sunrise on July 15 to sunset on October 15. Streams trapped for egg taking purposes are closed during the spawning season. Closure of such streams will be indicated by signs. Mouths of streams shall include those portions of Yellowstone Lake marked by signs and buoys within 100 yards of the stream outlet and/or inlet.

(3) *Night fishing.* Night fishing is prohibited in all waters of the Park open to fishing during specific hours of Mountain Standard Time as follows:

(i) From opening of fishing season to August 31: 9:00 p. m. to 4:00 a. m.
(ii) From September 1 to close of fishing season: 8:00 p. m. to 5:00 a. m.

(4) *Closed waters.* (i) The following waters of the Park are closed to fishing:

Indian Creek, Panther Creek, Duck Lake, Arnica Creek, a tributary of Yellowstone Lake, Obsidian Creek, upstream from the Bridge at the entrance to Indian Creek Campground, Cascade Creek, Mammoth Water

Supply Reservoir, Yellowstone River for a distance of 250 yards on either side of the center of the Yellowstone Cascades, Firehole River, from the Old Faithful water supply intake to the Shoshone Lake Trail crossing above Lone Star Geyser, Gardiner River and Glen Creek for their entire length above the Mammoth water supply intake.

(ii) Fishing from the shores of the following waters is prohibited:

From West Thumb boat dock north along the shore of Yellowstone Lake to the mouth of Little Thumb Creek.

(5) *Limit of catch and in possession.* The limit of catch per day by each person fishing, and the limit of fish in possession at any one time by any one person, shall be 10 pounds of fish (dressed weight with heads and tails intact), plus one fish, not to exceed a total of 5 fish.

(i) In Yellowstone Lake, that portion of the Yellowstone River above the Upper Falls at Canyon, and the streams entering into these waters, the limit of catch per day by each person fishing, and the limit of fish in possession at any one time by any person, shall be 10 pounds of fish (dressed weight with heads and tails intact), plus one fish, not to exceed a total of 3 fish.

(6) *Restrictions on use of bait and lures.* (i) No salmon eggs or other fish eggs, either fresh or preserved, shall be used as bait. The possession of such salmon eggs or other fish eggs is prohibited within the park.

(ii) Only artificial flies, with a single hook, may be used as lures in the Firehole River, Madison River, Squaw Lake, and that section of the Gibbon River extending from the mouth of the stream to the crest of Gibbon Falls. The use of any lures, other than artificial flies, in these waters is prohibited.

(f) *Commercial automobiles and busses.* The prohibition against the admission of commercial automobiles and busses to Yellowstone National Park, contained in § 1.36 of this chapter, shall be subject to the following exceptions: Motor vehicles operated on a general, infrequent, and nonscheduled tour on which the visit to the park is an incident to such tour, carrying only round-trip passengers traveling from the point of origin of the tour, will, subject to the conditions set forth in this paragraph, be accorded admission to the park for the purpose of delivering passengers to a point of stay while in the park. After

passengers have completed their stay, such motor vehicles shall leave the park by the most convenient exit station, considering their destination. Motor vehicles admitted to the park under this paragraph shall not, while in the park, engage in general sightseeing operations. Admission will be accorded such vehicles upon establishing to the satisfaction of the Superintendent that the tour originated from such place and in such a manner as not to provide, in effect, a regular and duplicating service conflicting with, or in competition with, the services provided for the public at or outside of the park, pursuant to contract authorization from the Secretary. The Superintendent shall have the authority to specify the route to be followed by such vehicles within the park. Admission to the park will be accorded such motor vehicles upon payment of a special tour permit fee. Applicable fees are set forth in Part 6 of this chapter.

(g) *Camping.*—(1) *Limitations.* Occupancy of each campground in Yellowstone National Park by any person, party, or organization during any calendar year during the period July 1 to Labor Day, inclusive, shall not exceed 30 days except as hereinafter specified.

(i) Occupancy of Madison, Old Faithful, West Thumb, Lewis Lake, Fishing Bridge, Cascade, and Canyon campgrounds shall not exceed 15 days during the period July 1 to Labor Day, inclusive.

(ii) Occupancy of primitive campgrounds on Yellowstone and Shoshone Lakes shall not exceed 7 days during the period July 1 to Labor Day, inclusive.

(2) *Hours of quiet.* Quiet shall be maintained in all campgrounds and hotels and other buildings during the period from 10:00 p. m. to 6:00 a. m. and the use of any noise producing device, such as motors or television sets, to the annoyance or disturbance of other persons, is prohibited during such periods.

(h) *Dogs and cats.* (1) Dogs and cats on leash, crated, or otherwise under physical restraint are permitted in the park only along established roads, walks, and paths within one quarter mile of roads or parking areas except as hereinafter stated.

(2) Dogs and cats are prohibited in the following locations:

(i) On trails more than one quarter mile from roads, and in primitive camps.

(ii) In establishments dispensing food to the public.

(iii) In possession of any employee residing in the park.

(i) *Alcoholic liquors.* (1) Definitions for the purposes of this section:

(i) The term "minor" means any person under 21 years of age regardless of marital status.

(ii) The term "alcoholic liquor" includes alcohol, spirits, wine and beer and every liquid containing alcohol, spirits, wine and beer and capable of being consumed as a beverage by a human being.

(iii) The term "person" includes any natural person, corporation, partnership or association.

(2) The sale of alcoholic liquor within the park by any person not authorized to do so by written permit or contract issued by the Superintendent or the National Park Service is prohibited.

This does not apply to employees of persons to whom permits have been issued, in carrying out their assigned duties.

(3) No person authorized to sell alcoholic liquor shall sell any alcoholic liquor between the hours of one o'clock a. m. Sunday and six o'clock a. m. Monday.

No person authorized to sell alcoholic liquor shall sell alcoholic liquor on week days between the hours of one o'clock a. m. and six o'clock a. m.

(4) No person authorized to sell alcoholic liquor within the park shall employ any minor to sell or dispense alcoholic liquor or permit any minor to sell or dispense any alcoholic liquor for him.

(5) No person shall sell, give away, dispose of, exchange or deliver, or permit the sale, gift or procuring of any alcoholic liquors, to or for any minor, or any person who is mentally incompetent or any person who is mentally or physically incapacitated by the consumption of such liquors.

(6) No minor may sell or dispense or have in his possession or physical control any alcoholic liquor.

(7) No minor shall obtain, or attempt to obtain alcoholic liquor by misrepresentation of age, or by any other method in any place where alcoholic liquor is sold.

(8) No person authorized to sell alcoholic liquors shall engage in, allow, permit or suffer in or upon the premises

where such alcoholic liquor is sold any disturbances, lewdness, immoral activities or displays, brawls or allow, permit, or suffer the premises where alcoholic liquors are sold to be conducted in such a manner as to become a nuisance public or private.

§ 7.14 Great Smoky Mountains National Park.

(a) *Fishing*—(1) *Open and closed waters.* All Park waters are open to fishing except the following:

(i) North Carolina: That part of Raven Fork and all tributaries thereof lying upstream from the Cherokee Indian Reservation boundary at Big Cove; and all of the following waters: Lands Creek; Mingus Creek; and Chestnut Branch.

(ii) Tennessee: All waters of the Middle Prong of Little Pigeon River above the point where Ramsey Prong enters it.

(2) *Time.* Fishing is permitted from sunrise to sunset only.

(3) *General open season.* Fishing is permitted from May 16 to August 31, inclusive. Special open seasons are listed under subparagraph (7) of this paragraph.

(4) *Restrictions as to use of bait.* Fishing is permitted only with artificial flies or lures with one hook. Possession of insect adults, pupae and larvae, earthworms, amphibians or mammals, or parts thereof, along any stream while in possession of fishing tackle shall be considered prima facie evidence of violation of this section.

(5) *Size limits.* No fish less than 7 inches long may be retained. All fish caught, less than seven inches in length, shall be carefully handled and returned at once to the water. (Special size limits are listed under subparagraph (7) of this paragraph.)

(6) *Limit of catch and in possession.* Five fish is the maximum number of trout or bass, or combination thereof, which an angler may catch and retain in any one day or have in his possession at any time. Immediately upon retention of the fifth fish, the fisherman must disassemble his fishing tackle and cease fishing. There is no creel limit on other species of fishes.

(7) *Restrictions and exceptions in certain waters of the Park.* The following waters are designated as "Sport

Fishing Streams" and subject to the following restrictions:

(i) The waters of Little River, exclusive of the Middle Prong and its tributaries, lying downstream from Millsap Picnic Area to the Park boundary; and the waters of the Oconalufee River, North Carolina, lying downstream from the Kephart bridge to the Park boundary, excepting Mingus Creek, are open to "sport fishing" from September 1 to May 16 inclusive. During this period of time the following restrictions are in effect:

(a) Fishing restricted to artificial flies or lures containing one hook.

(b) No fish less than 16 inches in length may be retained. All fish less than 16 inches must be handled carefully with moist hands and returned immediately to the stream.

(ii) The waters of Bradley Fork and its tributaries, North Carolina, and West Prong of Little Pigeon River and its tributaries, Tennessee:

(a) No closed season.

(b) Fishing restricted to artificial flies or lures containing one hook.

(c) No fish less than 16 inches in length may be retained. All fish less than 16 inches must be handled carefully with moist hands and returned immediately to the stream.

(8) *License.* The National Park Service makes no charge for fishing, but persons fishing within the Park must procure the resident or nonresident State License issued and required by Tennessee, or the resident or nonresident State or county license or permit issued and required by North Carolina. The possessor of a resident fishing license issued by the State of North Carolina shall not fish on the Tennessee side of the Park without first having obtained a fishing license issued by the State of Tennessee, and the possessor of a resident fishing license issued by the State of Tennessee shall not fish on the North Carolina side of the Park without first having obtained a fishing license issued by the State of North Carolina. The possessor of a nonresident license issued by the State of Tennessee or by the State of North Carolina may fish throughout the Park during the open season.

(b) *Fires.* The lighting of fires for any purpose on or along Park roads, except at designated campgrounds and picnic areas, is prohibited.

(c) *Camping.* (1) Camping within one-eighth mile of any open public road, except at designated public camp or picnic grounds, is prohibited.

(2) Camping within one-half mile of the tower on Clingmans Dome is prohibited.

(3) Camping or trespassing on the watershed of any stream furnishing domestic water supply is prohibited.

(d) *Speed.* Except where different speed limits are indicated by posted signs or markers, speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, shall not exceed 45 miles per hour on Park roadways.

(e) *Report of accidents by wrecker operators.* Before the operator of a commercial wrecking car shall attempt to remove any vehicle involved in an accident within the Park, he shall take reasonable steps to ascertain whether any of the persons involved in the accident have reported it to the appropriate Park authority, and if he does not ascertain that a report of the accident has been made, he shall report the accident to the nearest Park authority.

(f) *Load and vehicle weight limitations.* From May 15 to October 15, inclusive, between the hours of 8:00 a. m. and 6:00 p. m., trucks over one and one-half tons capacity, and trucks of one and one-half tons capacity carrying a load in excess of 5,000 pounds, shall not be operated or moved over any road in Great Smoky Mountains National Park.

§ 7.15 Shenandoah National Park.

(a) *Fishing*—(1) *Applicability of regulations.*

The regulations in this section shall govern fishing on those portions of all streams lying wholly within the Park, including those portions of the Conway River, the Rapidan River, and the North River, and South Forks of Moormans River. Along those portions of the streams which follow the boundary line of the Park, the State of Virginia laws and regulations governing fishing shall apply.

(2) *Waters.* All waters in the Park are open to trout fishing only.

(3) *Season.* The opening date of the trout fishing season shall conform with that of the State of Virginia and shall close on the same date as the State, or October 15, whichever date is earlier.

(4) *Size limit.* Trout under nine (9) inches in length shall not be retained.

All undersized fish shall be immediately and carefully returned to the water.

(5) *Limit of catch.* The limit of catch per day, or possession by each person fishing, shall not exceed eight (8) fish.

(6) *Bait.* Only artificial lures such as artificial flies, spinners, or bugs shall be used. Fishing with multiple hooks (double, treble, or gang) is prohibited.

(7) *State licenses.* No special Park license is required, but persons fishing within the Park must first procure an appropriate fishing license issued by the State of Virginia.

(8) *Emergency closing of waters.* During any period of emergency, or to prevent over-use by fishermen of waters open to fishing in Shenandoah National Park, the Superintendent, in his discretion, may close to fishing all or any part of such open waters for such periods of time as may be necessary: Provided, The notice thereof shall be given by the posting of appropriate signs, notices, and markers.

(9) *Speed.* Except where different speed zones are indicated by signs or markers, speed of automobiles and other vehicles, except ambulances and cars on official emergency trips, shall not exceed 35 miles per hour on park roadways.

(10) *Travel on roads and trails.* Any or all roads or trails may be closed to public use by order of the Superintendent when, in his judgment, conditions make travel thereon hazardous or dangerous, or when such action is necessary for the proper protection, administration and maintenance of the Park.

§ 7.16 Yosemite National Park.

(a) *Fishing—(1) Open season.* The open season for fishing within the Park shall conform with that of the State of California for the adjoining counties of Tuolumne, Mariposa, and Madera.

(2) *Open and closed waters.* The waters of Lake Eleanor and its tributaries for a distance of 1 mile from the lake are closed to fishing.

(3) *Limit of catch.* The number of fish that may be taken by any one person in any one day shall not exceed ten fish, or ten pounds and one fish. Possession of more than one day's catch limit by any person at any one time is prohibited.

(4) *Fishing from horseback.* Fishing from horseback in any lake or stream is prohibited.

(5) *Gathering or securing grubs.* Gathering or securing grubs for bait through the destruction or tearing apart of down trees or logs within sight of roads, trails or inhabited areas is prohibited.

(6) *Closed roads.* (1) The road between Hetch Hetchy Dam and Lake Eleanor is closed to all motor vehicle travel except vehicles belonging to the United States Government, the State of California, or the City of San Francisco, California.

(2) The access road, approximately eight-tenths of a mile in length, between the new Big Oak Flat Road and the summit of the Coulterville Road grade near Big Meadows, is closed to all motor vehicle travel except vehicles belonging to the United States Government and other vehicles used in connection with the administration, protection, and maintenance of the park.

(c) *Trucking.* No commercial trucks will be permitted on the Tioga Road except those used in connection with the activities of the United States Government, the State of California, or agencies operating under contract or agreement with the United States Government to render service to the public in the park, or trucks delivering supplies, materials, etc., to the United States Government, or permittees in the park.

(d) *Speed.* Speed limits in the Park, except in emergencies as provided in § 1.42 (b) of this chapter, are as follows, when appropriate signs giving notice thereof are erected:

(1) 15 miles per hour:

(i) When passing a school building, or the grounds thereof, contiguous to the highway during school recess or while children are going to or leaving such school during opening or closing hours or while the playgrounds of any such school are in use by school children.

(ii) Upon roadways within public campgrounds.

(2) 20 miles per hour:

(i) In any business or residence district.

(ii) Upon that portion of any highway which borders upon a public campground, parking area, or place of public assemblage.

(3) 25 miles per hour on the Tioga Road between McSwain Meadows and Cathedral Creek:

(1) On Big Oak Flat Road between Crane Flat and Carl Inn.

(ii) Through Mariposa Grove.

(4) 45 miles per hour:

(i) On Tioga Road between Tioga Pass and Cathedral Creek.

(ii) On Tioga Road between Crane Flat and McSwain Meadows.

(iii) On Glacier Point Road between Badger Pass intersection and Sentinel Dome.

(5) 35 miles per hour on all other public roads in the Park.

(6) In every event, vehicles shall be driven or operated at appropriate reduced speed when approaching and crossing an intersection, when approaching and going around a curve, when traveling upon a narrow and winding road, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or roadway conditions.

(e) *Camping.* Quiet shall be maintained at all camps between 10:00 p. m. and 6:00 a. m.

(f) *Registration of vehicles.* Motor vehicles driven or moved upon a park road in Yosemite National Park must be registered and properly display current license plates. Such registration may be with a State or other appropriate authority or, in the case of motor vehicles operated exclusively on park roads, with the Superintendent of the Park. An annual registration fee will be charged for vehicles registered with the Superintendent which are not connected with the operation of the Park. This fee will be found in Part 6 of this chapter.

(g) *Bicycles.* Bicycles are prohibited on all business sidewalks serving concession operations and public facilities.

§ 7.17 Platt National Park.

(a) *Use of park waters.* The superintendent may, whenever it becomes necessary to do so, restrict the use of the waters of any of the springs to immediate drinking purposes at such springs.

(b) *Speed.* Speed limits in the Park, except in emergencies as provided in § 1.42, are as follows:

(1) The maximum speed of all vehicles on the Perimeter Road is limited to 25 miles per hour.

(2) On that part of Oklahoma State Highway No. 18 within the Park the

maximum speed shall be limited to 35 miles per hour.

(3) On all dangerous curves, posted as such, on all roads within the Park the maximum speed is limited to 25 miles per hour.

§ 7.18 Hot Springs National Park.

(a) *Speed.* Speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, is limited to 15 miles per hour on all roads in the campground area.

(b) *Use of water.* The taking or carrying away of water, hot or cold, from any of the springs, fountains, or other sources of supply in Hot Springs National Park for the purpose of sale, or for any use other than personal drinking, is prohibited.

§ 7.19 Morristown National Historical Park.

(a) *Speed.* Speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, is limited to 30 miles per hour on straight stretches, and to 15 miles per hour on curves.

§ 7.20 Moores Creek National Military Park.

(a) *Visiting hours.* The park shall remain open to visitors from 7:00 a. m. to 6:00 p. m. between May 1 and September 30, and from 7:00 a. m. to 5:00 p. m. between October 1 and April 30: *Provided*, That the superintendent may open the park at such other times as may be deemed expedient for the convenience of the public: *Provided further*, That the superintendent may close the park to all visitors when, in his judgment, such action is necessary for the protection of the park or the public.

§ 7.21 Guilford Courthouse National Military Park.

(a) *Travel on roads.* Travel on roads within the park is limited to passenger carrying vehicles, except:

(1) Vehicles belonging to the United States Government, the State of North Carolina, the County of Guilford, North Carolina, or the City of Greensboro, North Carolina.

(2) Privately owned vehicles temporarily engaged under contract with an agency enumerated in subparagraph (1) of this paragraph.

State or private lands within the exterior boundary of the park or to National Forest, State or private lands adjacent to the park, The Superintendent will grant, upon request, a temporary non-fee annual permit to herd stock across the park on a designated driveway, provided such herding does not require more than two trips across the park during the grazing season or consume more than five days per trip in either direction. Permittees or non-permittees who allow stock to remain on Federal lands within the park in excess of the time granted in the temporary permit, or at any time or place, when or where herding or grazing is unauthorized may be assessed fifty cents per day per animal.

(3) Grazing preferences are based on actual use during the period March 15, 1938 through September 14, 1950 and henceforth no increase in the number of animals or animal unit months will be allowed on Federal lands in the park.

(4) (i) Any permittee whose grazing privilege is appurtenant to privately owned lands within the park will be granted non-use or reduced benefits for one or more years without nullifying his privilege in subsequent years.

(ii) A permittee whose privilege is appurtenant to lands outside the park may be granted non-use on a year to year basis not to exceed three consecutive years unless such a request is clearly beyond his control for such reasons as National emergencies due to protracted labor shortages, economic depressions, etc. Whenever non-use or reduced benefits are desired a written request must be made to the Superintendent at least 60 days before the grazing season starts.

(5) Grazing fees in the park shall be the same as those charged on the adjoining Teton National Forest and may be adjusted annually.

(d) *Camping.* No person, party or organization shall be permitted to camp more than 30 days in any one calendar year in each of the following campgrounds: Colter Bay, Jackson Lake, Pelican Bay and Lizard Point campgrounds. Camping in the Jenny Lake campground shall not exceed 10 days in any calendar year.

(e) *House trailers.* The Jenny Lake and Colter Bay campgrounds are closed to house trailers.

(7) During any period of emergency, or to prevent overuse by fishermen, the Superintendent may close to fishing all or any part of such open waters for such periods of time as may seem necessary; provided that notice thereof shall be given by the posting of appropriate signs or markers.

(c) *Stock grazing.* (1) Permits for the grazing of domestic livestock based on authorized use of certain areas at the time of approval of Public Law 787, September 14, 1950, shall continue in effect or shall be renewed from time to time, except for failure to comply with the conditions and terms applicable thereto after reasonable notice of default and subject to the following provisions of tenure:

(i) Grazing privileges appurtenant to privately owned lands located within the park shall not be withdrawn until title to lands to which such privileges are appurtenant shall have vested in the United States.

(ii) Grazing privileges appurtenant to privately owned lands located outside the park shall not be withdrawn for a period of twenty-five years, after September 14, 1950, and thereafter during the lifetime of the original permittee and his heirs if they were members of his immediate family as described below:

(a) Members of the immediate family are those persons who are related to and were living with and directly dependent upon a person, or persons, living on or conducting grazing operations from lands, as of September 14, 1950, which the Service recognized as base lands appurtenant to grazing privileges in the park. Such interpretation excludes mature children who, as of that date, were established in their own households and were not directly dependent upon the base lands and appurtenant grazing recognized by the National Park Service.

(iii) If title to base lands lying outside the park is conveyed, or such base lands are leased to someone other than a member of the immediate family of the original permittee, the grazing preference shall be recognized only for a period of twenty-five years from September 14, 1950.

(2) Where no reasonable access or egress is available to permittee or non-permittee stockmen who must cross park lands to reach grazing allotments and

(1) Jenny Lake Road, 35 miles per hour.
(2) Wilson Road, 25 miles per hour.
(3) Signal Mountain Road, 20 miles per hour.
(4) Jackson Hole Highway between the south and east park boundary, 60 miles per hour.

(b) *Fishing.* (1) (i) The open season for fishing in Grand Teton National Park shall be from June 1 through October 31, except where otherwise specifically stated.

(ii) Jackson Lake shall be open during the calendar year except from September 20 through November 14.

(iii) The Snake River proper shall be open from May 1 through October 31.

(iv) There shall be an open season for whitefish fishing only on the Snake River from January 1 through March 15 and from December 1 through December 31.

(2) The following waters shall be closed to fishing at all times: The Snake River for a distance of 150 feet below the lower face of Moran Dam; and Cottonwood Creek from the outlet of Jenny Lake to the Horse Concession bridge.

(3) There shall be a creel limit of 12 game fish, or ten pounds and one fish (whichever is reached first) per day or in possession, except that the creel limit for Jackson Lake shall be 6 game fish or ten pounds and one fish (whichever is reached first) per day in possession. The limit of whitefish shall be 25 per day with a possession limit of three days' catch.

(4) The use or possession of fish eggs or fish for bait is prohibited in all Park waters, except that it shall be permissible to use and have in possession dead fish for use as bait on or along the shores of Jackson Lake. Authorized dealers in bait fish may retain such fish in live condition in containers removed from any fishing waters, but such fish must be dead when sold.

(5) Fishing from any bridge or boat dock in the Park is prohibited.

(6) The use of rafts or boats propelled by any type of motor is prohibited on Leigh Lake, Taggart Lake, Bradley Lake, Two Ocean and Emma Matilda Lakes and the Snake River, except for official management purposes. The use of rafts or boats of any type is prohibited within 1000 feet of the lower face of the Moran Dam.

(3) Privately owned vehicles engaged wholly in hauling or trucking to or from property in the vicinity of the park, where the use of the park roads is necessary as a means of ingress to or egress from a public road.

(b) *Prohibited devices.* The operation or movement upon any road of any vehicle fitted with flanges, ribs, clamps, cleats, lugs, spikes, or any device which may tend to damage the roadway, is prohibited.

(c) *Load and vehicle weight limitations.* No vehicle equipped with pneumatic tires shall be operated or moved upon any road which has:

(1) A total weight, including vehicle and load, in excess of twelve thousand (12,000) pounds.
(2) A total weight, including vehicle and load, in excess of six thousand (6,000) pounds on any one axle, or in excess of three thousand (3,000) pounds on any one wheel.

(3) For vehicles equipped with solid rubber tires, the maximum weight, including vehicle and load, shall not exceed seventy-five (75%) percent of the maximum weights prescribed in subparagraphs (1) and (2) of this paragraph.

(4) For vehicles equipped with tires made in whole or in part of metal, the total weight, including vehicle and load, shall not exceed four hundred (400) pounds per inch of tire width.

(5) The provisions of this paragraph shall not apply to traction engines or tractors the propulsive power of which is exerted by means of a flexible band or chain known as a movable track, when the portions of the movable track in contact with the surface of the roadway present plain surfaces.

(d) *Speed.* The speed of automobiles and other vehicles, except Government cars and ambulances on emergency trips, is limited to 30 miles per hour on all roads.

(e) *Exception.* The regulations in this section shall not apply to traffic on U. S. Highway No. 220.

§ 7.22 Grand Teton National Park.

(a) *Speed.* Speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, shall not exceed the speed limits listed below for the following designated roads:

§ 7.23 George Washington Birthplace National Monument.

(a) *Travel on roads.* The following roads are open to travel during daylight hours only:

- (1) The road from the Monument Circle to and including the Mansion Grounds and utility area;
- (2) The Duck Hall Loop Road, except to patrons of the Log House Tea Room and the Picnic Grounds;
- (3) The parking loops at the Burial Grounds and River Shore.

(4) The speed of automobiles and other vehicles, except government vehicles on emergency trips, is limited to 35 miles per hour.

§ 7.24 Catoctin Mountain Park.

(a) *Fishing.* (1) Persons desiring to fish in the waters lying within the boundaries of the Catoctin Mountain Park in Frederick County, Maryland, must first procure an anglers license as required by the laws of the State of Maryland.

(2) The open season for fishing shall be from April 15 to September 15, inclusive. Fishing is permitted only between the hours of 5:30 a.m. and 8:00 p.m.

(3) Fishing with other than artificial flies is prohibited in or on all waters except Owens Creek.

(4) The catch or creel limit of trout shall be five fish per person per day, all of which must be legal length in conformance with the laws of the State of Maryland.

§ 7.25 Hawaii National Park.

(a) *Speed.* The speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, shall not exceed the following prescribed limits:

- (1) On the Mamalahoa Highway 45 miles per hour except where signs are posted giving notice of a lower limit.
- (2) Through the headquarters area, Kilauea section, 25 miles per hour.
- (3) Through the Kilauea Military Camp area, 25 miles per hour.
- (4) On the Crater Rim Road and the Chain of Craters Road, 35 miles per hour.
- (5) On the Hilinea Pali Road, 20 miles per hour.
- (6) On roads in the Residential Area and Utility Area, Kilauea section, 15 miles per hour.

(7) On the Haleakala Road, 30 miles per hour, except that speed is limited to 15 miles per hour on all curves.

(8) On the Mamalahoa Highway, trucks of one and one-half ton capacity or over, and all vehicles towing trailers, 30 miles per hour, except where a lower limit is prescribed.

(b) [Reserved]

(c) *Camping.* Camping is prohibited in the Haleakala section unless a permit is first secured from the official in charge of this section of the park.

(d) *Fishing.* (1) All fishing or the gathering of sea food accomplished from the lands of the park comprising the seacoast boundary will be in conformance with existing State laws. Native Hawaiian residents of the Kalapana extension area added to the park pursuant to the act of June 20, 1938 (52 Stat. 781; 16 U.S.C. 396a), or of adjacent villages and visitors under their guidance are granted the exclusive privilege of fishing or gathering sea food along the shore line of such area. These persons may engage in commercial fishing, under proper State permit, and do not require a special fishing permit from the Superintendent for fishing, or the gathering of sea food in such area.

Other than as noted above, commercial fishing is prohibited along the seacoast of Hawaii National Park and all fishing, or the gathering of sea food is prohibited unless a permit has first been secured from the Superintendent.

(2) The use of throw nets in fishing along the shore line is permitted.

(e) *Bicycles.* (1) Bicycle riders shall keep well to the right on all roads.

(2) Bicycles shall not be ridden abreast of one another, except on straight stretches of road where there is clear visibility ahead and to the rear for at least 300 feet.

(3) The riding of bicycles on trails is prohibited.

(4) Bicycle riders shall operate their vehicles so as to have complete control over the vehicle at all times.

(f) *Picnicking.* Picnicking or the eating of meals of any kind is prohibited in Kipuka Puauu and the area adjacent to Thurston Lava Tube. Persons desiring to picnic or eat meals of any kind at places other than the designated picnic or camp grounds must first secure a permit from the Superintendent.

§ 7.26 Death Valley National Monument.

(a) *Mining.* Mining in Death Valley National Monument is subject to the following regulations, which are prescribed to govern the surface use of claims therein:

(1) The claim shall be occupied and used exclusively for mineral exploration and development and for no other purpose except that upon written permission of an authorized officer or employee of the National Park Service the surface of the claim may be used for other specified purposes, the use to be on such conditions and for such period as may be prescribed when permission is granted.

(2) The owner of the claim and all persons holding under him shall conform to all rules and regulations governing occupancy of the lands within the National Monument.

(3) The use and occupancy of the surface of mining claims as prescribed in subparagraphs (1) and (2) of this paragraph shall apply to all such claims located after the date of the act of June 13, 1933 (48 Stat. 139; 16 U.S.C. 447), within the limits of the National Monument as fixed by Proclamation No. 2028 of February 11, 1933, and enlarged by Proclamation No. 2228 of March 26, 1937, and to all mining claims on lands hereafter included in the National Monument, located after such inclusion, so long as such claims are within the boundaries of said Monument.

(4) Prospectors or miners shall not open or construct roads or vehicle trails without first obtaining written permission from an authorized officer or employee of the National Park Service. Applications for permits shall be accompanied by a map or sketch showing the location of the mining property to be served and the location of the proposed road or vehicle trail. The permit may be conditioned upon the permittee's maintaining the road or trail in a passable condition as long as it is used by the permittee or his successors.

(5) From and after the date of publication of this section, no construction, development, or dumping upon any location or entry, lying wholly or partly within the areas set forth in subdivisions (i) to (iii) of this subparagraph, shall be undertaken until the plans for such construction, development, and dumping, insofar as the surface is affected

thereby, shall have been first submitted to and approved in writing by an authorized officer or employee of the National Park Service:

(1) All land within 200 feet of the center line of any public road.

(ii) All land within the smallest legal subdivision of the public land surveys containing a spring or water hole, or within one quarter of a mile thereof on unsurveyed public land.

(iii) All land within any site developed or approved for development by the National Park Service as a residential, administrative, or public campground site. Such sites shall include all land within the exterior boundaries thereof as conspicuously posted by the placing of an appropriate sign disclosing that the boundaries of the developed site are designated on a map of the site which will be available for inspection in the office of the Superintendent. If not so posted, such sites shall include all land within 1,000 feet of any Federally owned buildings, water and sewer systems, road loops, and camp tables and fireplaces set at designated camp sites.

(b) *Use of water.* No works or water system of any kind for the diversion, impoundment, appropriation, transmission, or other use of water shall be constructed on or across Monument lands, including mining claims, without a permit approved by an authorized officer or employee of the National Park Service. Application for such permit shall be accompanied by plans of the proposed construction. The permit shall contain the following conditions: (1) No diversion and use of the water shall conflict with the paramount general public need for such water; (2) such water systems shall include taps or spigots at points to be prescribed by the Superintendent, for the convenience of the public; and (3) all appropriations of water, in compliance with the State water laws, shall be made for public use in the name of the United States and in accordance with instructions to be supplied by an authorized officer or employee of the National Park Service.

(c) *Permits.* Application for any permit required by this section shall be made through the Superintendent of the Monument.

(d) *Filing of copies of mining locations.* From and after the publication of this paragraph, in order to facilitate the administration of the regulations in

(8) Fishing from vessels that engage in any commercial fishing or shrimping activity, and the taking of fish for the purpose of sale by any other boats or vessels not so engaged, is prohibited in the area of the national monument described as follows:

Beginning at Pulaski Shoal Light, at latitude 24°41'36" North, longitude 82°46'23" West, thence on a straight line to a point at latitude 24°38'00" North, longitude 82°48'00" West; thence on a straight line to a buoy "N2" at latitude 24°37'23" North, longitude 82°49'48" West; thence in a straight line to a buoy "C1" at latitude 24°35'35" North, longitude 82°52'19" West; thence in a straight line to a buoy "N3" at latitude 24°35'07" North, longitude 82°54'07" West; thence in a straight line to a buoy "C-1" at latitude 24°36'27" North, longitude 82°55'40" West; thence in a straight line to a buoy "N-10" at latitude 24°36'39" North, longitude 82°57'27" West; thence in a straight line to a point at latitude 24°40'57" North, longitude 82°54'16" West; thence in a straight line to a point at latitude 24°41'50" North, longitude 82°53'10" West; thence in a straight line to a point at latitude 24°42'22" North, longitude 82°51'50" West; thence in a straight line to a point at latitude 24°42'53" North, longitude 82°49'34" West; and thence in a straight line to a point at latitude 24°42'44" North, longitude 82°48'20" West; and thence in a straight line to the point of beginning at Pulaski Shoal Light.

(9) (i) The taking of live bait in the area described in subparagraph (8) of this paragraph is prohibited, except minnows or "placers" may be taken anywhere in the area by cast net of twelve foot diameter or under, or by hook and line.

(ii) Possession at any time of more than one day's supply of bait so taken is prohibited. No bait shall be taken for the purpose of sale.

(10) No underwater marine life shall be disturbed or taken from the moat or from the shoal waters surrounding Garden Key or Bush Key, or from the shoal waters of Long Key north of the 5-foot channel, where depths of water at mean low tide are less than 15 feet. The possession of fishing tackle, nets, spears, or gigs within such areas shall be prima facie evidence that the person or persons possessing the same are guilty of unlawful fishing in such waters: *Provided*, That the provisions of this paragraph shall not be construed to prohibit sport fishing in the deep water channels or from any pier within the area or to the taking of minnows by cast net as de-

scribed in subparagraph (9) of this paragraph.

(b) *Prohibited anchorage.* All vessels are prohibited from anchoring in the channels immediately surrounding Garden Key, at any point southerly from and between marker No. 1 of the East channel and marker No. 1 of the West channel: *Provided*, That passenger carrying vessels and yachts carrying visitors to historic Fort Jefferson will be permitted to anchor temporarily within the above-described channel in such a manner as not to obstruct the passage of other vessels or craft. No vessels shall be moored at any of the piers of Fort Jefferson except with the permission of the Superintendent.

(c) *Dumping of refuse prohibited.* Dumping of trash, oily liquids or wastes, or refuse of any kind in the waters or on the beaches or lands of the national monument is prohibited.

(d) *Protection of wildlife.* Landing in any area which is used as a nesting or roosting place by summer nesting birds, or the molesting of any terrestrial wildlife, is prohibited. The Superintendent may, upon application of qualified persons, issue permits to study or photograph the birds at roosting or nesting sites.

§ 7.28 Olympic National Park.

(a) *Fishing.*—(1) *Open season.* The opening date of the season for fishing in Park streams, Lake Mills, Lake Crescent and Irelly Lake shall conform to that of the State of Washington for streams and lowland lakes for the adjoining counties of Clallam, Jefferson, Mason and Grays Harbor. The opening date for all other Park Lakes shall be July 4. The closing date for all fishing except for the special steelhead trout fishing season shall be October 31, subject to the following exceptions and restrictions:

(i) The following streams or portions thereof are open to fishing of steelhead trout only, from the opening date of the season for steelhead trout fishing established by the State of Washington for adjoining counties, to February 28, inclusive; all tributaries thereof are closed except otherwise indicated:

Bogachiel River.
Dosewallips River below falls.
Queets River below Tahleah Creek.
Hon River, including South Fork.

Quinault River, including North Fork below Wolf Bar Shelter and the East Fork below Graves Creek.
Soladuck River below the North Fork Sole-duck.

(ii) Fishing is prohibited from one hour after sunset until sunrise.

(iii) In that part of Olympic National Park known as the Queets Corridor and the Olympic Ocean Strip, and other areas which were added to the Park by proclamation of the President, dated January 6, 1953 (Proclamation 3003, 18 F.R. 169, 3 CFR, 1949-1953 Comp., p. 178), fishing shall be done in conformity with the laws and regulations promulgated by the State of Washington for these areas.

(2) *Closed waters.* The following waters and their tributaries are closed to fishing:

Cat Creek.
Entire Morse Creek watershed except Lake Angeles and P.J. Lake.

(3) *Size limit.* Steelhead trout of less than 12 inches in length and fish of any other species less than 6 inches in length, when caught, shall be released by carefully handling with moist hands and returned at once to the water.

(4) *Limit of catch and in possession.* The limit of catch per person per day shall not exceed 10 fish or 10 pounds of fish and one fish, except as otherwise provided.

(i) Between the opening day of the season and February 28 inclusive, the limit of catch of steelhead trout shall not exceed 3 fish per person per day or 6 fish per week, or 24 fish per winter season, less the number of steelhead trout caught by each person in the State of Washington outside Olympic National Park. Each person possessing a State of Washington fishing license shall account for his catch of steelhead trout in the Park in the same manner as required by the State of Washington for fish caught outside the Park.

(ii) The limit of catch per person per day in Lake Crescent shall not exceed 10 fish or 10 pounds and one fish, of which no more than one fish may exceed 18 inches in length.

(iii) Possession of more than one day's catch limit by any one person at any one time is prohibited.

(5) *Bait.* (i) Fishing with any line, gear, or tackle having more than two spinners, spoons, blades, flashers, or like

attractions, and with more than one transparent or black rudder, and more than three (3) hooks attached to such line, gear, or tackle, is prohibited.

(ii) The placing or depositing of fish eggs, fish roe, food, or other substances in any Park waters for the purpose of attracting, collecting, or feeding fish, is prohibited.

(6) *Pollution of waters.* The cleaning of fish in Park lakes or streams, or depositing of fish entrails, heads, gills, or other refuse in any Park lake or stream is prohibited.

(7) *License.* A license to fish in Park waters is not required except that a Washington State or County fishing license is required for fishing in Lake Anacostia, located in section 15, T. 29 N., R. 6 W., W.M.; and within those portions of the Olympic National Park known as the Queets Corridor and Olympic Ocean Strip, and in sections 1 to 6 inclusive, T. 27 N., R. 11 W., W.M., and in sections 1 to 3 inclusive, T. 27 N., R. 12 W., W.M., which were added to the Park by proclamation of the President dated January 6, 1953 (Proclamation 3003, 18 F.R. 169, 3 CFR, 1949-1953 Comp., p. 178).

(b) *Speed.* Speed limits in the Park, except in emergencies as provided in § 1.42 (b) of this chapter are as follows:

(i) Basic Speed Rules:

(1) Every person operating or driving a vehicle of any character upon the roads in Olympic National Park shall operate the same in a careful and prudent manner and at a rate of speed no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account the amount and character of the traffic, weight of vehicle, grade and width of highway, condition of surface and freedom of obstruction to view ahead and consistent with any and all conditions existing at the point of operation so as not to unduly or unreasonably endanger the life, limb, property or other rights of any person entitled to the use of such roads.

(ii) The operator of any motorized vehicle, when entering a curve on any narrow road, must exercise due care to the extent that he or she is at all times able to bring the vehicle to a full stop within one-half of the unobstructed sight distance ahead.

(iii) No vehicle shall pass a school bus loading or unloading passengers.

(2) Maximum speed 25 miles per hour.

(1) When upon that portion of any highway which passes through or borders upon a public campground, parking area, or other place of public assemblage and when upon the following public roads:

Deer Park road.
Dosewallips road.
Hurricane Ridge road above Elwha Ranger Station area.
North Fork Quinalt road east of Finley Creek.
Staircase road.

(ii) When approaching or traversing a section of highway posted as "Construction" or "Men Working" or similarly, unless a lesser speed limit is posted.

(3) Maximum speed 35 miles per hour:

(1) When upon the following roads:
East Beach Road—Lake Crescent.
East Fork Quinalt Road.
Elwha to Olympic Hot Springs Road.
Hoh Road.
North Fork Quinalt Road west of Finley Creek.
North Shore Road—Lake Crescent.
Queets Road.
Rialto Beach Road.
Slednick Road.
Heart O' the Hills Road to Hurricane Ridge.

(ii) Maximum speed of trucks, or combinations of trucks and trailers, having a gross weight of 10,000 pounds is limited to 35 miles per hour on U. S. Highway 101 and to 25 miles per hour on all other park roads.

(4) Special speed limits:

(i) Whenever the Superintendent, Olympic National Park, determines that a temporary condition or situation exists upon or adjacent to a road, which requires a reduced speed limit, the Superintendent may designate a lesser speed limit, which shall be effective when appropriate signs giving notice thereof are erected upon such road.

(5) Due care required: Compliance with speed requirements as set forth in this paragraph shall not relieve the operator of any vehicle from the further exercise of due care and caution as further circumstances shall require.

(c) *Accommodations for hunters.* In that part of Olympic National Park known as Queets Corridor and Ocean Strip, which was added to the Park by Proclamation of the President of January 6, 1953 (Proclamation 3003, 18 F.R. 169, 3 CFR, 1949-1953 Comp., p. 178).

hunters may, during State authorized open hunting seasons for deer and elk, establish camps at locations designated by the Superintendent or obtain accommodations at lodging concessions for the purpose of hunting outside the Park.

(d) *Dogs and cats.* Dogs and cats, under physical restrictive control, are permitted on public highways only while in transit status, and are permitted only in such developed areas as are accessible by road. Such animals are prohibited in public eating establishments, community kitchens, and swimming pools located on Government lands.

(e) *Privately owned lands.*—(1) *State health and safety laws.* Owners of privately owned lands and occupants of private lands (including business establishments) in that portion of Olympic National Park over which jurisdiction has been ceded by the State of Washington to the United States of America shall comply with the standards concerning safety and health established from time to time by or pursuant to the laws of the State of Washington which would apply to such lands, owners, and occupants if such lands were not located in Olympic National Park and personnel of the Park will consult and cooperate with State officials in the administration of this regulation. Although safety and health standards established from time to time by or pursuant to the laws of the State of Washington shall apply, such State of Washington shall apply, such owners, and occupants of privately owned lands (including business establishments), shall not be required to obtain permits or licenses from the State of Washington or its political subdivisions, but shall submit plans for public use structures to the Superintendent, Olympic National Park, for approval.

(2) *State forest practice laws.* Any person, firm, or corporation harvesting or cutting timber on privately owned lands within that portion of Olympic National Park over which jurisdiction has been ceded by the State of Washington to the United States of America shall comply with the standards concerning forest practices established from time to time by or pursuant to the laws of the State of Washington which would apply to such operations if they were not being conducted in Olympic National Park and personnel of the Park will consult and cooperate with State officials in the administration of this regulation. Although

forest practice standards established from time to time by or pursuant to the laws of the State of Washington shall apply, no person, firm, or corporation harvesting timber, on such privately owned lands shall be required to obtain permits or licenses from, or pay fees to, the State of Washington or its political subdivisions in connection with the harvesting or cutting of timber on such lands. Prior to the initiation of harvesting or cutting of timber on privately owned lands over which jurisdiction has been ceded to the United States, such operations shall be registered with the Superintendent of Olympic National Park.

(3) *Conflict with Federal laws.* If the standards established from time to time by or pursuant to the laws of the State of Washington, specified in subparagraphs (1) and (2) of this paragraph, are lower than or conflict with any established by Federal laws or regulations applicable to privately owned lands within Olympic National Park, the latter shall prevail.

(f) *Fishing, pollution of waters.* The cleaning of fish in lakes or streams, or the depositing of fish entrails, heads, gills, or other refuse in any lake or stream, is prohibited.

(g) *Fishing; license.* A State or County fishing license is required for fishing in Lake Angeles located in Section 15, T. 29 N., R. 6 W., W. M.; and within those portions of Olympic National Park known as the Queets Corridor and Olympic Ocean Strip, and in Sections 1 to 6 inclusive, T. 27 N., R. 11 W., W. M., and in Sections 1 to 3, inclusive, T. 27 N., R. 12 W., W. M., which were added to the park by proclamation of the President, dated January 6, 1953 (Proclamation 3003, 18 F.R. 169, 3 CFR, 1949-1953 Comp., p. 178).

§ 7.29 Banderier National Monument.

(a) *Speed.* Speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, is limited to 15 miles per hour in campgrounds and Headquarters area.

§ 7.30 Bryce Canyon National Park.

Speed in the Park, except in emergencies as provided in § 1.42(a) of this chapter, is limited to 35 miles per hour except where lower limits are prescribed and posted.

§ 7.31 Vanderbilt Mansion National Historic Site.

- (a) *Speed.* Speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, is limited to 15 miles per hour on all roads.
- (b) *Admission to mansion.* No person or persons will be permitted to enter the mansion unless accompanied by National Park Service employees.
- (c) *Fishing.* Fishing is prohibited.
- (d) *Picnicking.* Picnicking is prohibited.

§ 7.32 Ocmulgee National Monument.

- (a) *Speed.* Speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, is limited to 25 miles per hour.

§ 7.33 Statue of Liberty National Monument.

- (a) *Checking parcels and baggage.* All parcels and bags, other than purses, brought within the Statue of Liberty National Monument shall be checked before the person or persons carrying such articles will be permitted to enter the statue: *Provided*, That this requirement may be waived by the monument superintendent or his representative in the case of bags or parcels which are voluntarily submitted for inspection of their contents.

§ 7.34 Blue Ridge Parkway.

- (a) *Speed.* Except where lower speeds are indicated by signs or markers, speed of automobiles and other vehicles, except ambulances and cars on official emergency trips, shall not exceed 45 miles per hour.
- (b) *Fishing; open season.* (1) The open season for fishing in the waters within the boundaries of the Parkway shall be the same as that prescribed for the State within which the waters lie. Fishing is prohibited from sunset to sunrise.
- (2) The catch or creel limit, as well as the legal length of fish, shall be in conformance with the laws of the State within which the fish are caught.
- (c) *Fishing license.* The Parkway does not charge a fee or require a permit for fishing, but persons desiring to fish in the waters within the boundaries of the Parkway must first obtain a proper license therefor as required by the laws

of the State wherein the waters in which they desire to fish are located.

- (d) *Parking and crossing permits for hunters.* During the hunting seasons prescribed by the States of North Carolina and Virginia between the dates of October 16 and January 31 hunters may, under permits issued by the Superintendent, park vehicles in designated parking areas and cross Parkway lands from and to their vehicles with dogs on leash, firearms with breach or chamber open, and wildlife lawfully killed on lands adjacent to the Parkway. The loading or unloading of any hunter, dog, or game from any point within the Parkway boundaries other than at previously designated parking areas is prohibited.
- (e) *Reporting of accidents by wrecker operators and others.* Before any person shall attempt to remove any vehicle involved in an accident within the Parkway, he shall take reasonable steps to ascertain whether any of the persons involved in the accident have reported it to the appropriate Parkway authority and if he does not ascertain that a report of the accident has been made, he shall report the accident to the nearest Parkway authority.

- (f) *Commercial hauling by trucks, station wagons, pickups, passenger cars, or other vehicles.* Commercial hauling on the Blue Ridge Parkway, for any purpose, by trucks, station wagons, pickups, passenger cars, or other vehicles, when such hauling is in no way connected with the operation of the Parkway, is prohibited, except that, in emergencies, special hauling permits may be issued by the Superintendent subject to the following restrictions and conditions:

- (i) Hauling will not be permitted on Sundays or holidays.
- (ii) If more than one truck is used for hauling they shall travel no closer than one-fourth mile apart to permit safe passing by Parkway motorists.
- (iii) Hauling will not be permitted on the Parkway motor road between November 1, and April 1, except when in the judgment of the Superintendent or his representative the ground is sufficiently frozen to insure no damage to the road.
- (iv) Safety warning devices as prescribed by the Superintendent or his representative are required when loads or vehicles are of such weight or dimensions

sions as to be a traffic hazard to normal Parkway travel.

- (2) Gross loads shall not exceed the following:

- (i) Two axle vehicles, single tires, 11,000 lbs.
- (ii) Two axle vehicles, dual rear wheels, 20,000 lbs.
- (iii) Three axle vehicles or combination of vehicles 35,000 lbs. provided the rear wheels are equipped with dual tires; that the maximum gross weight on any one axle shall not exceed 16,000 lbs.; and that no two axles shall be spaced less than 40 inches center to center. No wheels or axles shall be counted for the purpose of load determination unless they are equipped with brakes. Hauling of any loads which gross more than 35,000 lbs. will be in accordance with conditions and restrictions set forth by the Superintendent upon submission of conclusive evidence that the Parkway provides the only route to the delivery point, and that the proposed load cannot be broken down into loads which will conform to the foregoing weight limitations.
- (3) When the ground is saturated with water or when other unusual conditions exist, the load limitations will be reduced or hauling suspended as ordered by the engineer in charge.

- (g) *Commercial automobiles and buses.* (1) The commercial use of the Blue Ridge Parkway by all operators of public transportation facilities is prohibited: except that vehicles of the following classifications and under the conditions specified herein will be admitted to the Parkway by special written permit from the Superintendent or his representative.

- (2) Motor vehicles operated commercially for sightseeing or recreational purposes, of a designed seating capacity of no more than 18 persons.

- (3) Motor vehicles carrying only members of educational, welfare or scientific organizations, provided: that the tour or trip is initiated, organized and directed by the group or organization concerned, and that the tour is not advertised or sold to passengers by any group, organization, individual or transportation operator for profit.

- (4) Motor vehicles rented or chartered by an organization or a group of individuals associating themselves for a tour of the Parkway, or for a tour on which

the visit to the Parkway is an incident to such tour, subject to the same provisions as (3) above.

- (5) Commercial motor vehicles of a seating capacity of no more than 25 persons will be permitted to use the Parkway between U.S. Route 70 at Oteen and N.C. State Route 80 at Buck Creek Gap, only for the purpose of traveling to and from Mount Mitchell State Park.

- (6) The following types of vehicles are not deemed "commercial" within the meaning of this section, and may be admitted to the Parkway without permit when used under the following conditions:

- (i) Pickups, when used noncommercially and only as passenger carrying vehicles and/or carrying personally owned baggage, camping equipment and related items used for vacation or recreational purposes.

- (ii) Light trucks, up to and including a rated capacity of 1½ tons when used noncommercially and only to carry passengers for recreational or sightseeing purposes and/or personally owned baggage, camping equipment and related items used for vacation or recreational purposes, and when the number of people to be transported is large enough to require a vehicle of this size.

- (iii) Vehicles built as or converted to a combination car and house trailer, when used exclusively for noncommercial recreational purposes.

- (iv) Trailers, other than house trailers when used noncommercially to transport personally owned baggage, camping equipment, small boats and other similar items used for vacation or recreational purposes.

- (h) *Boating.* (1) The use of boats of any kind on waters inside the boundaries of the Parkway is prohibited except as may be designated by the Superintendent.

- (2) Boats using waters so designated by the Superintendent shall be restricted to vessels propelled by oars or paddles. The presence on these waters of boats equipped with any type sail or mechanical propulsion shall be deemed a violation of this paragraph.

§ 7.35 Gettysburg National Military Park.

- (a) *Speed.* Speed of vehicles is limited to 25 miles per hour.

§ 7.36 Mammoth Cave National Park.

(a) *Fishing.* (1) Fishing with pole and line, rod and reel, and trot and throw lines is permitted all year.

(2) *Size limit:* There shall be no size limit. All fish caught shall be retained.

(3) *Creel limit:* The following creel limits shall apply:

Black bass.....	10
Rock bass or goggle-eye.....	15
Crappie.....	30
Jack salmon or walleye pike.....	10
Sauger or sand pike.....	10
Striped bass.....	15
Muskellunge.....	5
Northern pike.....	5

(4) Use of seines: Seines which do not exceed 6 feet in length and 4 feet in width or height, with mesh not larger than $\frac{1}{4}$ inch may be used only in the following runs and creeks for procuring minnows and crawfish for bait, except that minnows and crawfish shall not be taken or caught for commercial purposes: Bylew, First, Second, Pine, Bufalo, Big Hollow, Ugly, Cub, Blowing Spring, Floating Mill Branch, Dry Branch and Mill Branch. As used in this subparagraph, the term "minnows" means any fish less than 6 inches in length, except those species mentioned in this subparagraph.

(5) *Live bait.* Live bait, other than worms, shall not be used in Sloans Crossing, Green or Doyel Ponds.

(6) *Worms:* Worms or grubs may not be dug in the park.

(7) *Bows and arrows:* Use of bows and arrows for the purpose of catching fish is prohibited.

(b) *Speed.* (1) Except where otherwise indicated, speed of automobiles and other vehicles, except Government vehicles on official emergency trips, shall not exceed 35 miles per hour on gravel or dirt roads within the park.

(2) At all times vehicles shall be driven at appropriate reduced speeds when approaching and crossing intersections not protected by stop signs, when approaching and rounding curves, when approaching hill crests, when traveling on narrow and winding roads, and where special hazards exist with respect to pedestrians or other traffic, or by reason of weather, roadway or other conditions.

(c) *Caves.* (1) No person or persons shall enter any cave within the boundaries of Mammoth Cave National Park

with the exception of bona fide visitors to caves open to the general public without prior approval of the Superintendent.

(2) The unauthorized possession of any cave formation and/or other cave materials shall be prima facie evidence that the person or persons having the same are guilty of violating § 1.2 (a) of this chapter.

§ 7.37 Timpanogos Cave National Monument.

(a) *Speed.* Speed of vehicles is limited to 25 miles per hour.

§ 7.38 Isle Royale National Park.

(a) *Sport fishing, inland lakes and streams.* (1) The open season for fishing shall be as follows:

Brook trout, rainbow trout, brown trout, steelheads, and lake trout (Mackinaw trout), last Saturday in April to Labor Day, inclusive.

Muskellunge, northern pike, walleyed pike, and yellow perch, 1st of May to November 1st, inclusive.

(2) *Catch limits.* The maximum catch per person per day shall be as follows:

Brook trout, rainbow trout, brown trout, and steelheads, a combined total of 10 fish, but not more than 10 pounds of fish and 1 fish.

Lake trout (Mackinaw trout), 5 fish, but not more than 25 pounds of fish and 1 fish. Northern pike, walleyed pike, and muskellunge, 5 fish of either species.

(3) *Minimum size limits.* Fish of the following sizes shall not be retained but shall be carefully handled with moist hands and returned at once to the water:

Brook trout, rainbow trout, brown trout, and steelheads, under 7 inches in length. Northern pike and walleyed pike, under 14 inches in length.

Lake trout (Mackinaw trout), under 15 inches in length.

Yellow perch, under 6 inches in length. Muskellunge, under 30 inches in length.

(4) *Number of fish in possession.* The number of fish in possession shall not exceed the maximum catch per person per day, as indicated herein.

(i) Live traps or holding nets are prohibited from use in the park waters. The only net permitted is the usual landing net following the capture of fish by the authorized rod, hook and line.

(ii) The number of rods and lines permitted for each person while engaging

in fishing in inland lakes in Isle Royale National Park shall be one, and the number of hooks permitted per line shall be no more than two each, either single, double, or treble.

(b) *Docking of commercial boats and watercraft.* No privately owned boat or other watercraft which is being used for commercial purposes shall dock or land at any Government-owned dock or pier of Isle Royale National Park, except in case of emergency, without a permit from the Superintendent who shall have authority to revoke the permit and require the immediate removal of such craft upon the failure of permittee to comply with terms and conditions of the permit.

(c) *Docking of commercial planes and aircraft.* No privately owned plane or other aircraft which is being used for commercial purposes shall dock or land at any Government-owned dock or pier of Isle Royale National Park, except in case of emergency, without a permit from the Superintendent who shall have authority to revoke the permit and require the immediate removal of such craft upon the failure of permittee to comply with terms and conditions of the permit.

(d) *Transportation of persons and things to the park.* (1) The Superintendent of Isle Royale National Park shall have the authority to refuse passage to any and all persons or things for just cause.

(2) Dogs, cats, or other domestic pets will not be transported to Isle Royale National Park by National Park Service boats, common carriers, or charter boats holding National Park Service docking permits.

(3) Persons using National Park Service boat transportation who render themselves obnoxious by disorderly conduct or misbehavior may be summarily removed from such vessels and put ashore at the closest port by the authorized officers of such vessels.

(e) *Boating.* (1) The speed of waterborne vessels shall be restricted to speeds reasonable for the time, place, and surrounding conditions; no such vessel shall be operated in a reckless or negligent manner so as to endanger the life, limb, or property of the Federal Government, or any person.

(2) The use of a motor on water-borne vessels on inland lakes is prohibited.

Such vessels will be propelled by paddles, oars, or other means of hand propulsion only.

(3) No garbage or litter of any kind shall be thrown or dumped in the waters of inland lakes or in the coastal waters of Lake Superior within the established park boundaries, in picnicking or camping sites, on beaches or on any other lands of the area, but shall be burned or buried, or deposited at points or places designated for the disposal thereof.

(4) Toilets on water-borne vessels shall not be emptied into the waters of Isle Royale National Park when such vessels are at dock or within one mile of public docks or campgrounds.

§ 7.39 Mesa Verde National Park.

(a) *Hospital charges.* (1) Services rendered at the Alleen Nusbaum Hospital shall be charged for at the rates shown in Part 6 of this chapter.

(2) Patients requiring greater care or service than normally furnished at the hospital must employ a special nurse or attendant.

(3) Since the facilities at the hospital are inadequate for general hospitalization, patients requiring such hospitalization should be under a physician's care and must arrange for transfer to another hospital. The superintendent may waive this requirement in his discretion, or when the physical condition of the patient renders it necessary.

(4) Residence calls will be made by the nurse only when the condition of hospitalized patients permits her absence from the hospital.

(b) *Speed.* (1) The maximum speed of all vehicles on the Entrance Road and on the Ruins Roads up to the beginning of the loop sections is limited to 35 miles per hour.

(2) On the loop sections of the Ruins Roads, and those parts of the Headquarters Area Loop Road for which maximum limits are not prescribed by § 1.42 of this chapter 25 miles per hour, as posted.

(c) *Commercial automobiles and buses.* The prohibition against the admission of commercial automobiles and buses to Mesa Verde National Park, contained in § 1.36 of this chapter, shall be subject to the following exceptions: Motor vehicles operated on a general, infrequent, and nonscheduled tour on which the visit to the park is an incident to such tour, carrying only round-

6. Equipment to be used. -----
7. Date prospecting or mining will com-
cense ----- and expected
cessation of operations and departure from
the Park. -----
The foregoing registration is made this
----- day of -----, 19-----, with
the understanding that it is good for one
year only from the date hereof and must
be renewed if activities are to be carried on
within the Park after the said expiration date.
A copy of this registration, duly accepted
and recorded, shall be retained by the regis-
trant at all times as evidence of his com-
pliance with the said regulations of the
Secretary of the Interior.

Accepted and recorded: -----
(Signature of registrant)

Superintendent,
Mount McKinley National Park

(b) *Surface use of mineral land loca-
tions.* (1) The surface use of mining
claims shall be restricted to purposes of
mineral exploration and development un-
less other uses of the surface are author-
ized, in writing, by the Regional Director.
(2) Prospectors and miners may open
or construct roads or vehicle trails after
first obtaining a permit therefor from the
Regional Director. Applications for such
permits may be made to the Superin-
tendent. Each such application shall be
accompanied by a map or sketch showing
the location of the mining property to be
served and the location of the proposed
road or vehicle trail.

(3) Timber may be cut and removed
from a mining claim or access road with
the prior permission of the Superintendent,
who shall designate the timber which
may be cut and removed. All slash,
brush, or debris resulting from the cut-
ting of timber shall be disposed of by the
prospector or miner in such manner and
at such times as may be designated by
the Superintendent.

(c) *Fishing, limit of catch and in pos-
session.* The limit of catch per person
per day shall be 10 fish but not to exceed
10 pounds and one fish, except that the
limit of catch of lake trout (mackinaw)
per person per day shall be two fish,
including those hooked and released.
Possession of more than one day's limit
of catch by any one person at any one
time is prohibited.

(d) *Special wildlife protection area.*
The area within one mile of the Park
road (Denali Highway) between mile-
post 37 and milepost 42 (Sable Pass area)
is closed to photographers, hikers, and

§ 7.44 Mount McKinley National Park,
Alaska.

(a) *Registration of prospectors and
miners.* Before entering the Park for
the purpose of prospecting or locating
any mining claim under the public land
mining laws on lands therein, or prior
to engaging in exploration or mining on
any mining claim theretofore located,
all prospectors and miners shall register
with the Superintendent, furnishing the
information required on the registration
form hereinafter set forth.

(1) *Registration form.* The aforesaid
registration form shall be substantially
as follows:

Form No. -----
(-----, 1949)

REGISTRATION OF PROSPECTORS AND MINERS

UNITED STATES

DEPARTMENT OF THE INTERIOR

National Park Service

Mount McKinley National Park

Pursuant to the regulations of the Secre-
tary of the Interior (36 CFR 7.44) govern-
ing the surface use of mineral claims located
within the boundaries of the Mount McKin-
ley National Park, Alaska, and to provide for
the proper registration of prospectors and
miners on lands within said Park, the follow-
ing information is furnished:

1. Name and address of registrant: -----

NOTE: If registrant is an agent, this fact
should be indicated and the name and ad-
dress of his principal should be furnished
in addition to registrant's name and address.
If registrant is in charge of a party, then
only the chief of the party need register;
however, the names and addresses of all
members of the party must be listed herein,
or on a separate sheet of paper attached
hereto.

2. Is registrant a citizen of the United
States? ----- If registering for a party
in which he is in direct charge, is each mem-
ber of the party a citizen of the United
States? ----- If registrant is an agent,
is the principal a citizen of the United States?

3. If this registration is for the purpose
of prospecting for minerals prior to the lo-
cation of a mining claim, state the general
area to be covered. -----

4. If this registration is for the purpose
of further prospecting, development, or min-
ing on a mining claim heretofore located,
describe the exact location of such claim
or claims, furnishing evidence of filing. -----

5. Type of mineral to be prospected for or
mined. -----

issued without charge and shall be valid
only during the calendar year in which
they are issued. Applications for such
permits may be addressed to the Director
through the superintendent. The Direc-
tor may limit the number of permits in
operation at any one time consistent with
the area available for camp sites and in
the interest of conserving the pipstone.

(b) All red pipstone quarried shall
be used by the Indians for the purpose of
making pipes or other articles or trinkets
associated with Indian folklore and
legend. No unworked stone shall be
sold.

(c) Pipstone, which is uncovered and
exposed to the air, shall be removed and
worked, or covered in such a manner as
to prevent hardening or deterioration.

(d) Quarrying shall be done by hand
methods, preferably with tools charac-
teristic of those used by the "Early
American Indian."

(e) The abodes of Indians living on
the Monument during quarrying or
working operations shall be located on
sites selected by the superintendent and
such abodes shall be kept clean and sani-
tary.

(f) *Speed.* Speed of automobiles and
other vehicles, except ambulances and
Government cars on emergency trips, is
limited to 20 miles per hour on all roads.

§ 7.43 Natchez Trace Parkway.

(a) *Animal-drawn vehicles.* No ani-
mal-drawn vehicles, sleds, drags, or im-
plements which are not connected with
the construction or maintenance of the
Parkway shall be permitted on the main
Parkway roads.

(b) *Animals.* No animal or animals
which are not connected with the con-
struction, operation, or maintenance of
the Parkway shall be ridden, led, or
driven upon or along the main Parkway
roads.

(c) *Except ambulances and Govern-
ment cars on emergency trips:*

(1) The speed of automobiles and
other vehicles, on parkway motor roads,
is limited to 50 miles per hour, except on
those sections of the parkway motor
roads where a lesser speed is indicated
by posted signs or markers.

(2) The speed of automobiles and
other vehicles on roads in the utility and
residential areas shall not exceed 20
miles per hour.

trip passengers traveling from the point
of origin of the tour, will be accorded
admission to the park upon establishing
to the satisfaction of the superintendent
that the tour originated from such place
and in such manner as not to provide, in
effect, a regular and duplicating service
conflicting with, or in competition with,
the services provided for the public at or
outside of the park pursuant to contract
authorization with the Secretary. Ad-
mission to the park will be accorded such
motor vehicles upon payment of a special
tour permit fee. This fee is set forth in
Part 6 of this chapter.

§ 7.40 Hopewell Village National His-
toric Site.

(a) *Fishing.* (1) Fishing between
sunset and sunrise is prohibited.

(2) Fishing from boats is prohibited.

§ 7.41 Big Bend National Park.

(a) *Fishing; closed waters.* Fishing is
permitted from the United States side of
the Rio Grande River, except within
Santa Elena, Mariscal, and Bequillas
Canyons. All springs and ponds are
closed to fishing.

(b) *Fishing; method.* (1) Fishing
with rod and line, set lines and trot lines
is permitted.

(2) Fishing from boats is prohibited.
(c) *Fishing; limit of catch.* The limit
of catch per person per day shall be 20
pounds of fish and 1 fish.

(d) *Speed.* The maximum speed of
automobiles and other vehicles, except
ambulances and Government cars on
emergency trips, shall not exceed the
following prescribed limits:

(1) In residential areas, as posted.
(2) On the Basin road from Basin
Junction to the Basin, as posted.
(3) On all curves and grades where so
posted, 15 miles per hour.

(4) Trucks of two and one-half tons
capacity or over, 35 miles per hour.

(5) Cars towing trailers or other cars
or vehicles of any kind, 35 miles per hour.
(6) Passenger cars and trucks of less
than two and one-half tons capacity, 45
miles per hour on straight and open
stretches.

§ 7.42 Pipestone National Monument.

(a) Indians desiring to quarry or
work red pipestone shall first secure per-
mits from the Director, which shall be

other Park visitors except as may be specifically authorized by the Superintendent. Observations and photography of wildlife and other features are permitted from the road shoulders and designated turnouts.

(e) *Speed.* Speed limits in the Park are as provided in § 1.42 of this chapter, except that the maximum speed limit for vehicles having a gross weight in excess of 10,000 pounds is 25 miles per hour, and for all other vehicles is 35 miles per hour. (Interprets or applies sec. 2, 46 Stat. 1043; 16 U.S.C. 350a.)

§ 7.45 Everglades National Park.

(a) *Commercial fishing.* (1) The regulations in this paragraph apply only to the area of Everglades National Park known as Florida Bay and described as follows: All of the park waters and keys lying easterly and northerly of a line drawn south true from East Cape Sable to the park boundary, thence following the park boundary southeasterly to the Intracoastal Waterway at a point near Jewish Key, thence northeasterly following said Intracoastal Waterway to Jewish Creek. Nets and traps may be used in accordance with the provisions of subparagraphs (2) to (10) of this paragraph.

(2) Gill nets shall not exceed 400 yards in length and shall have a stretched mesh of not less than 3 inches measured from knot to knot after being shrunk. Twine used in gill nets shall not be heavier than 9/20 cotton or 16/3 linen or No. 139 nylon. Only one lead line is permitted and neither lead lines nor cork lines shall be more than one-fourth inch in diameter. No purses, pockets, trammels, or other special devices for entrapping or catching fish shall be used on gill nets. No gill net may be tarred, or contain hoops. Gill nets may be tied together and used in groups of not more than three, provided that the nearest net of any group shall be at least 1,000 yards from any other gill net.

(3) Cast nets shall be of the type thrown and hauled by hand by one person, and shall not exceed 18 feet in diameter of spread.

(4) Bully nets may have a spread of not more than 3 feet and a pocket of not more than 3 feet measured from rim to tip.

(5) Bait nets shall not be more than 100 feet in length and not more than 4 feet in depth.

(6) Bait traps shall not be more than 2 feet by 2 feet by 1 foot in size, built of ¼ inch to ½ inch wire mesh containing not more than 2 openings 2½ inches by 4 inches or smaller. Bait traps must be buoyed.

(7) Crab traps shall have rectangular openings not to exceed sixteen square inches in area and the longer dimension shall not exceed five inches. Crab traps shall be buoyed.

(8) No other net, seine, trap, spear, explosive, or other device for entrapping, catching, killing, or taking fish, bait, or other similar edible products of the waters may be used or be in the possession of any person within the Florida Bay section of the Everglades National Park, except hook and line, the pole or line being held in hand, and further excepting the shrimp and silver mullet nets permitted under subparagraph (9) of this paragraph.

(9) The taking of shrimp, prawn, silver mullet, or other products of the waters of the park for sale as bait is prohibited. *Provided,* That fishermen may obtain bait for their own use without permit: *Provided further,* That persons holding permits may be authorized to take shrimp, prawn, silver mullet, or other products of the waters of the park for sale as bait. Bait nets, shrimp nets, or silver mullet nets may be used by holders of permits and by fishermen obtaining bait for their own use.

(10) With the exception of the gill nets mentioned in subparagraph (2) of this paragraph, no nets may be tied together, and no net shall be used within 100 yards of another net (excepting shrimp nets or silver mullet nets).

(b) *Closed waters.* (1) The following-described areas are closed to fishing with nets or seines, except cast nets, bully nets, or shrimp nets.

(i) All inland lakes, bays, canals, rivers and other bodies of water being ½ of a mile inland from the nearest recognizable mainland shoreline from the intersection of the northern park boundary with the Gulf of Mexico shore line southward to East Cape Sable excluding First Bay and including the area of Ponce de Leon Bay lying east of 81 degrees 08 minutes west longitude.

(ii) All inland lakes, bays, canals, rivers, and other bodies lying inland

from the north shore of Florida Bay and Joe Bay and, in addition, the area north of a line drawn from Christian Point north of Joe Kemp Key to Shark Point and thence to Mosquito Point, including Otter Key. Entrances to such of the areas mentioned in this subparagraph as open on Florida Bay or the Gulf of Mexico will be posted with warning signs. (2) The following-described area in the vicinity of Royal Palm Ranger Station is closed to all fishing: Township 58 south, range 37 east, sections 10 to 15, inclusive.

(3) The following described area bordering the Seven Mile Road (also known as the Humble Oil Well Road) from Tamiami Trail South, is closed to fishing: Township 54 South, range 36 east, sections 19, 30 and 31; township 55 south, range 36 east, sections 6, 7, 18, 19 and 30.

(c) *Protection of turtles.* The killing, wounding, capturing, molesting, or attempting to kill, wound, or capture any sea turtle or terrapin, or the disturbance of the nests or eggs thereof at any time is prohibited. The unauthorized possession within the park of the dead body or any part thereof, or of the eggs of any sea turtle or terrapin shall be prima facie evidence that the person or persons having such possession are guilty of violating this regulation.

(d) *Use of park roads.* The use of federally owned roads within Everglades National Park by trucks or other conveyances for hauling out of the park for commercial purposes, fish, shrimp, prawn, silver mullet, or other bait or edible products of the park waters, is prohibited except when such hauling is done by persons who own land within the park, or by their employees.

(e) *Prohibited conveyances.* No vehicle or conveyance, including conveyances commonly referred to as "glade buggies" or "airboats," designed to operate in, on, or over waters, swamps, or land areas, may be operated upon or across federally owned lands, including swamps and watered areas, unless prior authorization has been obtained from the Superintendent. This restriction shall not apply, however, to boats operated by oars, sails, or underwater propellers.

(f) *Applicability of State law.* Except as otherwise provided in this section and by § 1.4 of this chapter, all fishing in the waters of Everglades National Park shall be done in accordance with

the laws of Florida and the regulations made pursuant thereto by the Game and Fresh Water Fish Commission and the State Board of Conservation.

(g) *Fishing; bait.* The placing or depositing of fish eggs, fish roe, food, or other substance in any inland lake, bay, canal, river or other body of water being ½ of a mile inland from the nearest recognizable shoreline, for the purpose of attracting, collecting, or feeding fish, is prohibited.

(h) *Feeding of animals.* The feeding, touching, teasing or molesting of any crocodile or alligator is prohibited.

(i) *Speed.* Except where different speed limits are indicated by posted signs or markers, speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, shall not exceed 45 miles per hour on park roadways.

(j) *Mining—(1) Scope.* The regulations in this paragraph are made, prescribed, and published to govern the exploration, development, extraction, and removal of oil, gas, or other minerals on lands acquired for Everglades National Park subject to the reservation of the oil, gas, or mineral rights therein as authorized pursuant to the act of October 10, 1949 (63 Stat. 733).

(2) *Coordination of activities.* The paramount purpose of the Government in creating national parks and acquiring lands therefor is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations. The act of October 10, 1949 (63 Stat. 733), provides in part that the mineral rights reserved pursuant to that act in lands acquired for Everglades National Park shall be exercised by the owners subject to reasonable rules and regulations which the Secretary of the Interior may prescribe for the protection of the Park; and further provides that all operations in the exercise of such regulations shall be carried on under such regulations as the Secretary may prescribe to protect the lands and areas for park purposes. Accordingly, all parties in interest under mineral reservations are required to conform to, and be governed by, the regulations in this paragraph pertaining to mineral operations and to all other regulations applicable to Ever-

glades National Park: *Provided*, That such regulations shall not prevent the parties in interest from exercising their right to explore for, develop, extract, and remove the oil, gas, and other minerals from the Park area in accordance with sound conservation practices.

(3) *Operator*. As used in this paragraph, an operator shall mean anyone having the right (whether as owner of a reserved mineral interest, lessee, holder of operating rights, or otherwise) to prospect or explore for, develop, produce, or remove oil, gas, or other minerals under a mineral reservation pursuant to the act of October 10, 1949 (63 Stat. 733).

(4) *Registration*. Before entering the Park for the purpose of conducting any operations under a reserved mineral interest, the operator shall register with the Superintendent. Such registration shall show the operator's name and address, the name and address of operator's local agent in charge of operations, the approximate location where operations are to be conducted, a brief description of the proposed operations and of the type of equipment to be used, and reference or citation to the lease, operating agreement or other instrument upon which the operator's right to conduct operations is based.

(5) *Surface use restrictions*. The surface use of land within the Park shall be restricted to purposes of mineral exploration, development, and production. The operator shall take such reasonable steps as may be needed to prevent operations from unnecessarily causing or contributing to damage to any forage or timber growth or pollution of the waters of the Park; and, to the extent not inconsistent with the terms of the reserved mineral interest, shall conduct operations in such manner as to safeguard and protect the wildlife, scenic features, and recreational values and improvements. The operator shall secure approval of the Superintendent as to the location and purpose of any surface structures or buildings to be erected. The operator shall take such reasonable steps as may be needed to prevent and suppress forest, brush, or grass fires. Upon termination of operations, or at any time prior thereto as required by the Superintendent as to unneeded facilities, the operator shall fill any sump holes, ditches, and other excavations, remove structures and debris or cover same so as to restore the surface

session of more than one day's limit of fish by any one person at any one time is prohibited.

(2) *Restrictions on use of bait and lures*. Fishing is permitted only with artificial lures. Each such artificial lure may consist of not more than two flies or not more than one plug, spoon, or spinner, to which may be attached not more than one treble hook; except that in Brooks River, other than in the area from the mouth of the river to a point approximately 880 feet upstream (as designated by National Park Service posted signs), the lures shall be restricted to not more than two flies. In said posted area, from the mouth of the river to a point approximately 880 feet upstream, plugs, spoons, and spinners with not more than one barbless treble hook and not more than one attractor blade may be used.

(3) *Closed waters*. Fishing is prohibited within 100 yards above and within 100 yards below the weir in Brooks River. Fishing from the fish ladder over Brooks Falls is also prohibited.

(4) *Natives*. Notwithstanding the above restrictions, native Aleuts and Eskimos residing in the region may take fish for personal use as food from August 20 to the end of each year.

§ 7.47 Carlsbad Caverns National Park.

(a) *Cave entry*. No person or persons may enter any undeveloped cave or cavern within Carlsbad Caverns National Park without prior approval in writing by the Superintendent.

(b) *Speed*. Speed limits in the Park, except in emergencies as provided in § 1.42 are as follows:

- (1) The maximum speed of all vehicles on Walnut Canyon Entrance Road, also designated as New Mexico Highway No. 7, from the boundary line to the bottom of the Big Hill, four and one-half miles (4.5), is limited to 35 miles per hour as posted.
- (2) From the point four and one-half miles (4.5) from the boundary line of the above road (1) to the parking areas, 30 miles per hour, as posted.

§ 7.48 Lake Mead National Recreation Area.

(a) *Speed*. The maximum speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, shall not exceed the following prescribed limits:

(1) In the immediate vicinity of camp grounds, picnic areas, swimming beaches, boat landings, and congested areas, where the roads are so posted, 20 miles per hour.

(2) On all other roads maintained for recreational area purposes, 50 miles per hour, except as dangerous sections may be posted to provide a lower limit.

(3) The regulations in this section shall not apply to highways designated as U. S. 93-466, east of Hoover Dam and that portion of the same route west of Boulder City, nor to Arizona State Highway 68 east of Davis Dam in Arizona, nor to Nevada State Highway 77 west of Davis Dam in Nevada.

(b) *Fishing*. Fishing from or within 200 feet of any public boat dock or any public raft or float designated for water sports is prohibited.

§ 7.49 Oregon Caves National Monument.

(a) *Admission to caves*. No person or persons shall be permitted to enter Oregon Caves unless accompanied by a guide. Children under the age of six will not be permitted to enter the caves. Competent guide service and a nursery for children too young to make the trip are provided by the Park Concessioner for which fees are charged in accordance with the schedule of rates approved by the Secretary of the Interior.

§ 7.50 Theodore Roosevelt National Memorial Park.

(a) *Speed*. Speed limits in the Park, except in emergencies as provided in § 1.42(b) of this chapter are as follows:

- (1) 15 miles per hour:
- (i) In public campgrounds including approach and exit roads to campgrounds so posted.
- (ii) Headquarters areas including approach and exit roads so posted.

(2) 25 miles per hour:

- (i) On the Burning Coal Vein Road.
- (3) 35 miles per hour:
- (i) On all other public roads in the Park, except that vehicles shall be operated at safe driving speeds as provided in § 1.42(a) of this chapter.

§ 7.51 Vicksburg National Military Park.

(a) *Speed*. Except where different speed limits are indicated by posted signs or markers, speed of automobiles and other vehicles except ambulances and Government cars on emergency trips,

shall not exceed 30 miles per hour on park roadways.

§ 7.52 Devils Tower National Monument.

(a) *Speed.* The maximum speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, is limited to 35 miles per hour, except where different speed limits are indicated.

§ 7.53 Scotts Bluff National Monument.

(a) *Speed.* Speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, shall not exceed 25 miles per hour on any of the Monument roads unless different speed limits are indicated by posted signs or markers.

§ 7.54 Colorado National Monument.

(a) *Speed.* Speed of automobiles and other vehicles in the Monument, except in emergencies as provided in § 1.42(b) of this chapter, is limited to 35 miles per hour.

§ 7.55 Acadia National Park.

(a) *Limitations on speed.* The speed of automobiles and other vehicles, except ambulances and government vehicles on emergency trips, is limited to 35 miles per hour.

(b) *Boats.* Boats shall not be launched or beached in designated swimming areas except to effect rescue. The provisions of this section shall not apply to boats operated for official use by any Federal or State agency.

§ 7.56 Petersburg National Military Park.

(a) *Speed.* Speed limits in the Park, except in emergencies as provided in § 1.42(b) of this chapter, are as follows:

(1) 35 miles per hour;

(i) On the Flank, Defense, and Siege Roads, except that vehicles shall be operated at safe driving speeds as provided in § 1.42 (a) of this chapter.

(2) 25 miles per hour:

(i) On the Prince George Courthouse Road and Attack Road.

(ii) On the Loop Road in the Battery area.

(iii) Except that vehicles shall be operated at safe driving speeds as provided in § 1.42(a) of this chapter.

§ 7.58 Cape Hatteras National Seashore

Recreational Area; hunting.

(a) *Hunting.* (1) Lands within the Seashore on which hunting is legally permitted are designated as follows:

(i) Ocracoke Island, except Ocracoke village.

(ii) Hatteras Island, 500 acres, in three disconnected strips 250 feet wide measuring eastward from mean high water mark on Pamlico Sound between villages of Salvo and Avon and Buxton, and between Frisco and Hatteras.

(iii) Bodie Island, 1,500 acres, between high water mark of Roanoke Sound and a line 2,000 feet west of and parallel to U. S. Highway 158, and from the north dike of the Goosewing Club property on the north to the north boundary of the Dare County tract on the south.

(2) Seashore lands on which hunting is not permitted will be posted accordingly.

(3) This hunting plan will be administered and enforced by the National Park Service, through the Service's authorized local representative, the Superintendent of the Seashore, hereinafter referred to as the Superintendent.

(4) The State of North Carolina will assist in the enforcement of applicable State and Federal hunting laws and otherwise in carrying out this plan.

(5) Hunting will be restricted to waterfowl, and more specifically to Canada geese, ducks and coot.

(6) Hunting privileges will be free for all hunters possessing a North Carolina State hunting license and Federal migratory bird hunting stamp.

(7) Permanent blinds will be constructed exclusively by the Seashore and these will be built only on Bodie Island. Setting up and use of temporary or portable blinds by hunters will be permitted on Hatteras and Ocracoke Islands.

(8) Minimum distance between blinds on Seashore land and ponds within the designated hunting areas will be 300 yards unless other conditions, such as natural screening, justify a shorter distance.

(9) Hunting on Ocracoke Island will be permitted and managed in the same manner as Hatteras Island.

(10) "Jump shooting" of waterfowl will be permitted only on Hatteras and Ocracoke Islands and is prohibited within 300 yards of any blind.

(11) Properly licensed and authorized guides may provide hunting guide service within the designated hunting areas in the Seashore. They will not be permitted to solicit business within the boundaries of the Seashore and all arrangements with hunters must be made outside of those boundaries. Guides will be required to possess a North Carolina State guide license and to fulfill all requirements and conditions imposed by that license. Fees charged by guides must be approved in advance by the Superintendent. Each guide must also possess a permit issued by the Superintendent which authorizes him to guide hunters within the Seashore and the amount of the fees which he may charge.

(12) Guides shall have no permanent or seasonal blind rights within the Seashore and no special privileges other than those specified in this section.

(13) At 5:00 a.m. each morning the day of hunting a drawing for blind assignments will be conducted at the check-out station. Advance reservations for permission to draw will be accepted through the United States mail only. Reservations postmarked prior to 12:01 a.m. of September 25 will not be accepted. The postmark date and hour will establish and govern the priority of drawing. Maximum reservation by any person shall be three (3) consecutive days in any week, Monday through Saturday, and limited to a total of six (6) days during the season. Reservations shall have priority over nonreservations at drawing time. In the event a reservation is to be canceled, the Superintendent shall be informed by the party prior to drawing time for the date or dates of the reservation.

(14) The first departure from a blind by a person terminates his hunting privilege within Bodie Island for that day and the blinds may be reassigned by the Superintendent, Cape Hatteras National Seashore Recreational Area, or his duly authorized representative, for use by others later the same day. Vacating parties must check out and furnish information regarding their take at the check-out station on Bodie Island located near the north boundary of the hunting area.

(15) Hunters and guides shall provide their own decoys and are required to leave the blind which they used in a clean, sanitary and undamaged condition.

(16) All hunters taking banded fowl shall turn in the bands at the check-out station.

(17) Details of this plan, interpretations and further information regarding it will be published in local newspapers and issued in circular form free to all interested persons.

(18) Access to blinds will be by designated foot trails. Vehicles will not be permitted to drive to the blind sites.

(19) Trained dogs will be permitted for retrieving providing they are kept under restraint by the hunter.

(20) Blinds will be limited to two persons without a guide and three including the guide. Only two guns will be permitted in each blind.

(21) All other regulations will be in accordance with the North Carolina State and Federal migratory bird hunting laws.

(b) *Speed.* Speed limits in Cape Hatteras National Seashore Recreational Area, except in emergencies as provided in § 1.42 (b) of this chapter, are as follows:

(1) 55 miles per hour:

(i) On the entrance road from U.S. Routes 64 and 264, at Whalebone Junction, south for a distance of 5.5 miles to North Carolina State Highway (un-numbered).

(2) 35 miles per hour:

(i) Bodie Island Lighthouse Road.
(ii) Cape Hatteras Lighthouse Road including Loop Road.

(3) 20 miles per hour:

(i) Coquina Beach Road.

§ 7.59 Wind Cave National Park.

(a) *Speed.* Speed of automobiles and other vehicles, except in emergencies as provided in § 1.42(b) of this chapter, is limited to 25 miles per hour on Highways U.S. 385 and S.D. 87 from a point 0.4 of a mile north of the Visitor Center to a point 0.4 of a mile south of the Visitor Center.

PART 8—LABOR STANDARDS APPLICABLE TO EMPLOYEES OF NATIONAL PARK SERVICE CONCESSIONERS

- Sec. 8.1 Definitions.
- 8.2 Basis and purpose.
- 8.3 Applicability.
- 8.4 Child labor.
- 8.5 Federal and State labor laws.
- 8.6 Access or investigators.
- 8.7 Complaints.
- 8.8 Record keeping.
- 8.9 Filing of labor agreements.
- 8.10 Posting of regulations.

AUTHORITY: §§ 8.1 to 8.10 issued under sec. 3, 26 Stat. 843, as amended, secs. 1-3, 39 Stat. 535, as amended, sec. 1, 2, 67 Stat. 495, 496; 16 U.S.C. 1, 1b, 1c, 2, 3, 363.

§ 8.1 Definitions.

As used in this part:

- (a) "Secretary" means the Secretary of the Interior, the Under Secretary, an Assistant Secretary, or such other officer or employee of the Department of the Interior as the Secretary may designate.
- (b) "Director" means the Director of the National Park Service.
- (c) "Superintendent" includes a custodian, caretaker, manager, or other person in charge of a national park.
- (d) "National park" includes a national monument or other area under the administrative jurisdiction of the National Park Service of the Department of the Interior.
- (e) "Concessioner" includes any individual, partnership, corporation, or other business entity engaged in operating facilities within or without a national park for the accommodation of visitors to the park under a contract with or permit from the Secretary or the Director.
- (f) "Employee" includes any individual employed by a concessioner in connection with operations covered by a contract with or permit from the Secretary or the Director.
- (g) "Executive or department head" includes any employee whose primary duty is the management of the business of the concessioner, or a customarily recognized department thereof, and who customarily and regularly directs the work of other employees with authority to employ and discharge other employees, or whose suggestions and recommendations as to the employment, discharge, advancement, or promotion of

such employees will be given particular weight by the concessioner, and who customarily and regularly exercises discretionary powers.

(h) "State" means any State, Territory, possession, or the District of Columbia.

§ 8.2 Basis and purpose.

The public using the national parks is better served when the employees of the concessioners enjoy the benefits of fair labor standards and when, in this respect, they are treated at least as well as those employed in similar occupations outside such areas, but within the same State. This principle is the basis of the regulations in this part and their purpose is its implementation.

§ 8.3 Applicability.

This part shall not apply to:

- (a) Concessioners providing and operating medical services.
- (b) Personal services.
- (c) Employees engaged in agricultural activities, including the care, handling, and feeding of livestock.
- (d) Detectives, watchmen, guards, and caretakers.
- (e) Bona fide executives or department heads.
- (f) Solicitors or outside salesmen whose compensation is chiefly on a commission basis.
- (g) Professional sports instructors and entertainers.

(h) The following employees, when approved by the Director: Employees for whom relief is clearly impracticable because of peculiar conditions arising from the fact that operations are carried on in areas having no resident population or are located at long distances from a supply of available labor; employees whose employment requires special or technical training or skill, where no person capable of providing relief is available within a reasonable distance; employees in small units accessible only by trail or remote from centers of activity, or operating on a small volume of business primarily for the convenience of the public.

§ 8.4 Child labor.

No person under 16 years of age may be employed by a concessioner in any occupation. No person under 18 years of age may be employed for more than 8 hours a day, 6 days a week or between

the hours of 10 p. m. and 6 a. m. No person under 18 years of age may be employed in any occupation in which the employment of such a minor is prohibited by the laws of the United States or of the State in which he is employed, even though, but for the provisions of this section, compliance with such laws would not be compulsory. For the purpose of proving age under this regulation a State employment or age certificate or the corresponding Federal certificate of age shall be accepted as conclusive proof of the minor's age.

§ 8.5 Federal and State labor laws.

Concessioners shall comply with the standards established from time to time, by or pursuant to Federal or State labor laws otherwise applicable in the State of employment, such as those concerning minimum wages, child labor, hours of work, and safety, which would apply to the employees of the concessioner if his establishment were not located in a national park.

§ 8.6 Access for investigators.

Concessioners shall permit representatives of this Department and, when appropriate and authorized representatives of other Federal or State agencies, access to any of their places of employment for the purpose of examining pay rolls and other records and otherwise to ascertain the facts with respect to compliance with the regulations in this part and State labor laws. The report of any investigation concerning a violation of the regulations in this part shall be submitted to the superintendent of the national park involved.

§ 8.7 Complaints.

Any question pertaining to the interpretation or application of or compliance

ance with this part which cannot be satisfactorily settled between a concessioner and his employee, employees, or employee representative may be referred to the Director for review by either one or both of the parties concerned. Any party adversely affected by the decision of the Director may request the Secretary to consider the issues involved. The Secretary shall thereupon take such action as he deems appropriate.

§ 8.8 Record keeping.

Concessioners shall for a period of 3 years keep records of the name, age, address, and occupation of each of their employees, the rate of pay and the amount paid to each employee each pay day, the hours worked each day and each work week by each employee and such other information concerning employees as the Director may require.

§ 8.9 Filing of labor agreements.

Within 60 days after the effective date of the regulations in this part (January 1, 1949), concessioners shall file with the Director of the National Park Service a copy of each labor agreement in effect in this part, covering rates of pay, hours of work, and conditions of employment duly negotiated with their employees as a whole or by class, craft, or other appropriate unit. Thereafter, on July 1 of each year concessioners shall file copies of all such agreements then in effect with the Director of the National Park Service.

§ 8.10 Posting of regulations.

Concessioners shall post in a conspicuous place easily accessible to all employees copies of the regulations in this part in such form as the Director may approve.

PART 9—PROCEDURE AND BUSINESS OF THE NATIONAL PARK TRUST FUND BOARD

Sec.
9.1 Definition.

9.2 Officers.

9.3 Meetings; duties of officers.

9.4 Donations.

9.5 Acceptance of donations.

AUTHORITY: §§ 9.1 to 9.5 issued under secs. 1, 2, 49 Stat. 477, as amended; 16 U.S.C. 19, 19a.

§ 9.1 Definition.

As used in the regulations in this part, the term "Board" means the National Park Trust Fund Board.

§ 9.2 Officers.

The Secretary of the Interior shall be the Chairman of the Board, and the Director of the National Park Service shall be the Secretary.

§ 9.3 Meetings; duties of officers.

(a) The Chairman may call meetings of the Board at such times and places as he may determine upon due notice to all members. The Chairman shall preside at the meetings, and in the temporary absence or disability of the Chairman the members present shall select a temporary Chairman to act in his stead.

(b) The Secretary shall keep a complete and accurate record of all meetings of the Board, and shall be the custodian of the records of the Board and of its seal. It shall be the duty of the Secretary to attest under the seal of the Board all certified copies of the official records of the Board that may be required. The

Secretary shall prepare and submit to the Congress on behalf of the Board an annual report of the moneys or securities received and held by the Board and of its activities.

§ 9.4 Donations.

Trust funds in the form of money, securities, or other personal property may be given or bequeathed to the Board in form substantially as follows: "To the National Park Trust Fund Board, to be expendable, principal and interest, for the benefit of, or in connection with, the National Park Service, its activities, or its services, as may be approved by the Board." The donor may specify a particular purpose or purposes for which the gift or bequest is made: *Provided, however*, That the Board may reject any gift or bequest which entails any terms or conditions unacceptable to the Board.

§ 9.5 Acceptance of donations.

(a) Gifts or bequests may be accepted on behalf of the Board upon the written approval of three of its members.

(b) The Director of the National Park Service may, as a member and Secretary of the Board, accept on behalf of the Board any gift or bequest which does not specify any particular purpose or purposes and shall notify the Board of his action.

(c) Upon the acceptance of any gift or bequest, it shall be the duty of the Secretary to record the same in the records of the Board, showing the nature and amount thereof, and the name of the donor. The Secretary shall advise the donor or his representative of the Board's acceptance of the gift or bequest.

PART 10—DISPOSAL OF CERTAIN WILD ANIMALS

Sec.

10.1 Animals available.

10.2 Charges.

10.3 Application; requirements.

10.4 Shipment.

AUTHORITY: §§ 10.1 to 10.4 issued under secs. 1-3, 39 Stat. 535, as amended; 42 Stat. 1214, 45 Stat. 1644, secs. 1, 2, 52 Stat. 708, secs. 1, 2, 67 Stat. 495, 496; 16 U.S.C. 1, 1b, 1c, 2, 3, 36 36a, 141c.

§ 10.1 Animals available.

From time to time there are surplus live elk, buffaloes and bears in Yellowstone National Park, and live buffaloes in Wind Cave National Park which the Secretary may, in his discretion, dispose of to Federal, State, county and municipal authorities for preserves, zoos, zoological gardens, and parks. When surplus live elk and buffaloes are available from these national parks, the Secretary may, in his discretion, dispose of these to individuals and private institutions.

§ 10.2 Charges.

No charge will be made for the animals, but the receiver will be required to make a deposit with the appropriate superintendent to defray the expense of capturing, crating, and transporting them to the point of shipment. The receiver may also be required to pay for the services of a veterinarian for testing, vaccinating, and treating the animals at the park for communicable diseases and parasites. Estimates of such expenses will be furnished by the appropriate superintendent upon request.

§ 10.3 Application; requirements.

(a) Applications for animals should be directed to the appropriate superin-

tendent, stating the kind, number, age, and sex of animals desired. The post office address for Yellowstone National Park is Yellowstone Park, Wyoming, and for Wind Cave National Park is Hot Springs, South Dakota.

(b) Applicants desiring animals which are to be held in enclosures must show that they have suitable facilities for the care of the animals. Operators of game farms or private preserves must submit evidence of their authority to engage in such operations.

(c) When any animals are desired for liberation on private lands, the application must be accompanied by the written concurrence of the State agency having jurisdiction over wildlife. When any animals are desired for liberation on lands in the vicinity of lands owned or controlled by the Federal Government, the application must be accompanied by the written concurrence of the agency or agencies having jurisdiction over the Federally owned or controlled lands.

(d) Applications will not be granted when the animals are to be slaughtered, or are to be released without adequate protection from premature hunting.

§ 10.4 Shipment.

(a) Elk, buffaloes, and bears may be obtained at the Park and be removed by truck. Elk and buffaloes, when not transported by truck, must be crated individually for rail shipment in less than carload lots. Bears must be crated individually regardless of the number furnished or the character of the conveyance.

(b) The receiver must furnish shipping crates constructed in accordance with National Park Service specifications.

PART 20—ISLE ROYALE NATIONAL PARK; COMMERCIAL FISHING

Sec. 20.1 Definitions.
20.2 Permits; conditions.
20.3 Maximum number of permittees.
20.4 Revocation of permits; appeal.

AUTHORITY: §§ 20.1 to 20.4 issued under secs. 1-3, 39 Stat. 535, as amended, sec. 3, 56 Stat. 133, secs. 1, 2, 67 Stat. 495, 496; 16 U.S.C. 1, 1b, 1c, 2, 3, 408k.

§ 20.1 Definitions.

As used in this part:

- (a) "Secretary" means the Secretary of the Interior.
- (b) "Director" means the Director of the National Park Service.
- (c) "Regional Director" means the Regional Director, Region Two, of the National Park Service.
- (d) "Park" means Isle Royale National Park.

(e) "Permittee" includes all persons engaged in commercial fishing from bases in the Park, except those life lessees who were engaged in such occupation at the date of the issuance of their leases.

§ 20.2 Permits; conditions.

Annual, revocable special use permits authorizing the use of Government-owned structures and facilities in the Park as bases for commercial fishing in the waters contiguous to the Park may be granted by the Director of the National Park Service, or the Regional Director if authorized by the Director, to bona fide commercial fishermen, where such structures and facilities were used for this purpose during the period from April 1, 1937, to December 31, 1939, inclusive, subject to the following conditions.

- (a) Permittees will be required to pay an annual fee as set forth in Part 6 of this chapter.
- (b) Permittees shall personally reside at their Park bases during the fishing season.
- (c) Permittees shall secure and possess at all times such commercial fishing license as may be required by the State of Michigan.

(d) Permittees shall comply with all Michigan laws, and related regulations prescribed by the Michigan Department of Conservation, governing commercial fishing in the waters contiguous to the Park.

(e) Permittees shall use the bases covered by the permit for commercial fishing only. No permittee shall furnish boat or guide service to the public unless expressly authorized to do so by the Secretary or the Director.

(f) Permittees shall maintain at their own expense, in accordance with reasonable standards of repair, safety, and sanitation, all Government-owned structures and facilities embraced in the permits.

(g) The size, type and location of nets and gear and the number of men engaged in the operation of the fishing base of the permittee shall be prescribed in the permit. Only nets and gear approved by the Michigan Department of Conservation shall be used.

§ 20.3 Maximum number of permittees.

Commercial fishermen to whom the annual revocable permits may be granted shall not exceed the maximum number of persons conducting commercial fishing operations from bases in the area comprising the Park at any one time during the period from April 1, 1937 to December 31, 1939, inclusive.

§ 20.4 Revocation of permits; appeal.

The Director may, by notification in writing, revoke the permit of any permittee found by him to have violated any Federal statute, or the provisions of these or any other regulations of the Secretary, relating to the Park. A permittee, however, shall have the right to appeal to the Secretary from a decision of the Director revoking his permit, but such appeal shall not be entitled to review unless it is received by the Secretary within the period of 20 days following the date the Director's notification, together with a copy of the regulations in this part, is served upon the permittee by the Superintendent of the Park, or his duly authorized agent.

PART 21—HOT SPRINGS NATIONAL PARK; BATHHOUSE REGULATIONS

Sec. 21.1 Use and waste of water.
21.2 Transfers of stock or interest in bathhouses.
21.3 Federal Registration Board, officers.

21.4 Quorum.
21.5 Meetings.
21.6 Minutes.
21.7 Examinations.
21.8 Fees.
21.9 Registration of physicians.

21.10 Removal from register.
21.11 Removal from register; appeal.
21.12 Applicants.
21.13 Conduct of registered physicians.
21.14 Examining Board for Technicians.
21.15 Suspension of certificate.
21.16 Hours of operation.
21.17 Requirements for bathing.
21.18 Changes in bathing directions; standards and bath directions.

21.19 Supervision of treatments.
21.20 Use of pools.
21.21 Persons excluded from the pools.
21.22 Transfer and redemption of tickets.
21.23 Lost tickets.
21.24 Physical examinations.

21.25 Solicitations by employees.
21.26 Prescriptions and use of medical instruments.
21.27 Fees.
21.28 Badges for bath attendants.
21.29 Accidents.
21.30 Losses.

AUTHORITY: §§ 21.1 to 21.31 issued under sec. 3, 20 Stat. 258, as amended, sec. 3, 26 Stat. 843, as amended, secs. 1-3, 39 Stat. 535, as amended, sec. 1, 41 Stat. 918, as amended, secs. 1, 2, 67 Stat. 495, 496; 16 U.S.C. 1, 1b, 1c, 2, 3, 361, 363, 369.

§ 21.1 Definitions.

When used in the regulations in this part:

(a) The term "Secretary" means the Secretary of the Interior or his duly authorized representative.

(b) The term "Director" means the Director of the National Park Service and the Regional Director, Region Three.

(c) The term "Superintendent" means the Superintendent of Hot Springs National Park, Arkansas.

(d) The term "concessioner" means any individual, trustee, partnership, corporation, or other business entity operating a bathhouse receiving water from Hot Springs National Park under lease or contract authorization by the Secretary.

(e) The term "physician" means a physician or surgeon, or any person publicly professing to cure or heal.

(f) The term "registered physician" means a physician registered at the office of the Superintendent as authorized to prescribe the waters of Hot Springs National Park.

(g) The term "technician" means any person certified and licensed by the Superintendent to perform special duties pertaining to services rendered in the bathhouses.

(h) The term "employee" means any employee of a bathhouse concessioner whose duties include any part of the operation of a bathhouse or rendering bathing or special services to the public, and includes technicians.

§ 21.2 Use and waste of water.

(a) The use of hot mineral waters of Hot Springs National Park for other than bathing or other therapeutic purposes is prohibited.

(b) The wasting of the hot mineral waters of Hot Springs National Park is prohibited.

(c) The heating, reheating, or otherwise increasing the temperature of the hot mineral waters of Hot Springs National Park is prohibited.

(d) The introduction of any substance, chemical, or other material or solution into the hot mineral waters of Hot Springs National Park, except as may be directed by a registered physician, is prohibited.

§ 21.3 Transfers of stock or interest in bathhouses.

All proposed transfers of stock in bathhouses receiving hot water from Hot Springs National Park must receive approval, in writing of the Director, before the transfer is consummated. Transfers of stock or interest in bathhouses will not be valid unless approved in this manner.

§ 21.4 Federal Registration Board, officers.

(a) An advisory and examining board, designated as "The Hot Springs National Park Federal Registration Board," shall be appointed by the Secretary. The board shall consist of six members, five of whom shall be members of the Garland County Hot Springs Medical Society, and one the Superintendent of Hot Springs National Park. The Superintendent shall act as secretary of the board. The functions of the board shall

be to advise the Superintendent concerning the use of the waters of Hot Springs National Park and to examine and approve, in proper cases, applicants for registration.

(b) There shall be a president elected by the board, who shall serve one year and until his successor is elected and qualified. Such election shall be at the annual meeting, which shall be the first meeting of the board after the personnel thereof for the ensuing year has been determined by the Secretary of the Interior. Should a vacancy occur in the office of the president by death, resignation, or otherwise, such vacancy shall be filled by the board at its first regular meeting next succeeding the date the vacancy occurs, or at a special meeting of the board called for that purpose.

§ 21.5 Quorum.

Three members of the board shall constitute a quorum, with full authority to transact any and all business that may come before the board.

§ 21.6 Meetings.

(a) Regular bimonthly meetings shall be established by the board and special meetings may be held as the president of the board deems necessary, prior notice thereof having been duly announced: *Provided, however*, That the president may waive regular meetings when no appropriate business exists for consideration by the board.

(b) All routine business shall be filed with the secretary of the board at least 24 hours before the designated meeting time. Matters for consideration not filed as indicated above for the meeting will be held for consideration at the next regular or special meeting.

(c) The order for the transaction of business before the board shall be as follows:

- (1) Reading and approval of the minutes of the preceding meeting.
- (2) Consideration of unfinished business.
- (3) Consideration of new business.
- (4) Consideration of applicants for registration.
- (5) Miscellaneous business.

§ 21.7 Minutes.

Minutes of all business transacted by the board shall be reduced to writing and be copied in a record provided for the purpose, and at the next regular or spe-

cial meeting, the minutes of the previous meeting shall be read and approved, with such corrections, if any, as the board may consider proper to make.

§ 21.8 Examinations.

Examinations of applicants for registration shall be held quarterly on a date to be fixed by the board. Any registered physician hereafter dropped from the list of registered physicians will not be re-examined until after he successfully passes the regular examination prescribed by the board for original registration, nor shall any such physician be eligible for examination for a period of five years from the date on which his name was dropped from the registered list: *Provided*, That the Secretary of the Interior may, in his discretion, authorize the examination of such physician at any time after one year from said date.

§ 21.9 Fees.

Applicants for examination, preliminary to registration, will be required to pay the sum of \$10 to the Superintendent as an examination fee prior to admittance to examination. Persons having complied with the requirements for registration will be required to pay the sum of \$15 to the Superintendent as a registration fee prior to their names being placed on the list of registered physicians. The fees prescribed by this section are payable in advance in the form of postal money order or certified or cashier's check in net amount of the fee, drawn to the order of the Treasurer of the United States, or in legal tender, and are not subject to refund, either in whole or in part.

§ 21.10 Registration of physicians.

Physicians desiring to prescribe the waters of the hot springs, either internally or through the medium of baths, must first be registered at the office of the Superintendent, and shall use only such uniform form of bathing directions as meets with the approval of the Superintendent. Registration will be accorded only to such physicians as are found to have proper professional qualifications and character. No physician who shall be convicted of any offense involving moral turpitude against the laws of the United States or any State, or who shall violate any regulation of the Arkansas State Board of Health, or who shall engage in unprofessional, disreputable, or dishonest conduct, or who is addicted to

the drug or other habit which disqualifies him for the performance of his professional duties, shall be or remain registered.

§ 21.11 Removal from register.

If a charge is made to the Superintendent in writing, under oath, supported by the affidavits of two or more reputable witnesses, that a registered physician has violated any of the laws or regulations pertaining to the government of the bathhouses receiving hot water from said Park, such registered physician shall be immediately notified by the Superintendent of the fact that affidavits have been made against him and, in the presence of the Superintendent, be accorded an opportunity to cross-examine the witnesses on the subject thereof; and if in the judgment of the Superintendent the facts warrant such action, he will cite such registered physician to appear before him on a day to be named within not exceeding 5 days from the date of notice to show cause why his name should not be stricken from the register of physicians authorized to prescribe the waters of said springs; and pending the investigation and final action upon the charges, the right of such registered physician to prescribe the hot waters may be suspended by the Secretary of the Interior. The registered physician, against whom such complaint is made, shall have the right to cross-examine said affiants and any witnesses who may appear before the Superintendent, or to file written interrogatories pertinent to the issue, addressed to such complainants or witnesses, to be answered by them under oath, and may submit within 5 days thereafter counter-affidavits in answer to the charges made in the affidavits of the witnesses. The complainants or witnesses may file rebuttal affidavits within 5 days after service upon them of said counter-affidavits. The hearing of said charges shall be had on the record as so made, and the recommendation of the Superintendent in the premises forwarded to the Secretary of the Interior through the Federal Registration Board, which board, after reviewing the record and the recommendation of the Superintendent, shall thereafter promptly submit its findings as a board of review, together with such supplemental recommendations as it may appear proper, to the Secretary of the Interior.

§ 21.12 Removal from register; appeal. An appeal from the recommendation of the Superintendent upon said record may be taken to the Secretary of the Interior within 5 days from the date of service by the Superintendent of a copy of his recommendation on the accused. If upon consideration of the complaint the charge is not sustained by the Secretary, the accused will be advised at once and the charges dismissed. If, however, such charge is sustained, the name of the registered physician shall be stricken from the registered list.

§ 21.13 Applicants.

The following rules shall govern applicants for registration:

(a) To be entitled to registration, applicants must be citizens of the United States of America and be graduates of a reputable medical school or of a reputable school of osteopathy, and must have complied with the laws of the State of Arkansas relating to the admission of physicians to the practice of medicine and surgery, or either, within said State.

(b) Applicants will be required to furnish, in writing, such evidence as the board may desire, touching their personal history and moral character and standing during the 5 years next preceding the date of their applications, such evidence to be placed in the hands of the secretary of the board not later than 10 days prior to the regular date for examination of applicants. Applicants will also be required to submit to such examination as the board may consider proper, concerning their knowledge of medicine and surgery and their qualifications to prescribe the hot waters.

(c) Physicians who have successfully passed the examination of the National Board of Medical Examiners shall not be required to submit to an examination by the Federal Registration Board: *Provided*, That the board shall be assured through examination of the candidate or through evidence acceptable to the board that the candidate has a suitable knowledge and ability in the use of hydrotherapy: *And further provided*, That his moral and ethical qualifications are satisfactory upon investigation by the board.

(d) An applicant who twice fails in his examination before the Federal Registration Board shall not be permitted to again take the examination prescribed

by the board until after the lapse of one year from the date of his last failure.

§ 21.14 Conduct of registered physicians.

(a) No registered physician shall be permitted to associate himself in practice looking to the prescribing of the waters of the Hot Springs with a non-registered physician, under penalty of having his name removed from the registered list. Before any assistant is employed by a registered physician, his name must be submitted to the Superintendent, together with such other information as may be called for by the Superintendent. Registered physicians must also notify the Superintendent of any contemplated absence from Hot Springs and give the name of the person in charge of his office during such absence. Registered physicians will be held strictly accountable for the actions of their assistants, and any violation of the regulations in this part by the registered physician or his assistant or assistants will be deemed sufficient cause for the removal of the name of such registered physician from the registered list. The name of any registered physician who shall give bath directions for the patient of a non-registered physician shall be removed from the registered list, but this shall not apply to the prescribing of the waters of the Hot Springs for the patient of another practitioner who, while legally licensed by the State of Arkansas to treat ailments of the human system, is not eligible for registration under § 21.12: *Provided*, That in all such cases the registered physician so prescribing shall deal directly with the patient and shall receive no fee, commission, or other compensation, either directly or indirectly, from such other practitioner under penalty of having his name removed from the registered list: *And provided further*, That the name of such other practitioner treating such patient shall be given on the bath directions.

(b) No registered physician, upon removal of his offices from one location to another, may publish in any newspaper, or other periodical, notice to that effect for a longer period than 3 days. Notices of return from an absence may not be published for a longer period than 3 days or for an absence of less than 10 consecutive days. Such notices shall be simple in form and free of advertising

elements, such as office hours, telephone numbers, specialties, and prices for consultation.

(c) Registered physicians, occupying offices formerly occupied by physicians who have died, retired, or have been placed on the nonactive list of registered physicians, are required to have the names of such nonactive physicians removed without delay from signs, windows, and directories in the building in which such physicians formerly practiced, and upon noncompliance with this provision within 10 days may be suspended by the Secretary of the Interior until the delinquencies have been remedied.

(d) The provisions of this section shall not apply to physicians stationed at the Army and Navy General Hospital not doing outside practice.

(e) Any registered physician desiring to change his residence from Hot Springs or to retire from active practice longer than one year, and during such absence retain his registration, shall file application, in writing, with the Superintendent to be placed upon the nonresident list. If such registered physician whose name has been placed upon the nonresident list should desire to return to active practice at Hot Springs and have his name again placed upon the list of registered physicians, he may so apply in writing, stating his residence and occupation during the time he has been on the nonresident list, and shall give three references who can vouch for his conduct. The Federal Registration Board shall require an endorsement by the Garland County Hot Springs Medical Society of any registered physician whose name has been placed upon the nonresident list requesting his name to be restored to the active list of registered physicians and upon restoration such registered physician shall be governed by all the rules applying to registered physicians.

(f) The board, by action at a regular meeting, shall have the power to remove the names of registered physicians from the registered list who have ceased to practice medicine in Hot Springs National Park, Arkansas, and have departed without informing the board or the Superintendent of their intentions to be placed upon the inactive list or to have their names removed from the registered list.

(g) The provisions of this section are subject to amendment at any regular meeting of the board on the giving of 30 days' notice in writing of the proposed amendment, subject, however, to the approval of the Secretary of the Interior.

§ 21.15 Examining Board for Technicians.

(a) An Examining Board for Technicians shall be appointed by the Superintendent, subject to the approval of the Director, to consist of the following members:

(1) One registered physician, to be nominated by the Federal Registration Board.

(2) One registered physiotherapist-hydrotherapist.

(3) One registered masseur.

(4) One registered bath attendant, preferably a head attendant.

(5) One member of the Superintendent's staff, who shall also be the executive secretary of the board.

(b) The board at its first meeting shall elect a president from among its members, excluding the representative of the Superintendent's staff who shall always be ineligible for any other position than executive secretary.

(c) Three members present shall constitute a quorum. Any member undergoing disciplinary action or in suspension from duty shall not remain a member of the board.

(d) The board shall meet on the third Friday in January of each year and from time to time throughout the year, subject to the call of the president, to transact such business as shall be properly presented by the executive secretary.

(e) The board will recommend to the Superintendent any necessary replacements of personnel of the board to fill vacancies.

(f) The board shall prescribe the requirements and will conduct the written examinations for all applicants seeking to be registered physiotherapists, hydrotherapists, masseurs, and bath attendants in the bathhouses.

(g) The board shall have the power to determine the qualifications of individuals seeking to be registered as qualified beauticians and chiropodists in the bathhouses.

(h) The board shall recommend to the Superintendent the granting of certificates to applicants who shall successfully

pass the written or practical examinations required of all candidates coming before it.

§ 21.16 Suspension of certificate.

The certificate of qualification of a technician discharged for cause shall be suspended by the Superintendent, and the said person shall not be employed in any capacity in any bathhouse without recertification, which may be made only after a period of six months.

§ 21.17 Hours of operation.

The hours for operation of all departments of bathhouses receiving hot water from Hot Springs National Park shall be those expressly designated by the Superintendent.

§ 21.18 Requirements for bathing.

(a) No bathhouse concessioner shall bathe (1) any applicant for baths who is under medical treatment unless said applicant presents satisfactory evidence that he or she is the patient of a registered physician, or (2) any applicant for baths not under the care of a physician unless said applicant shall make a certificate to be filed with the bathhouse concessioner that he or she is not under the care of any physician. The violation of this paragraph by the concessioner, manager, or any employee of a bathhouse, will result in the cutting off of the water from the bathhouse or the cancelling of the contract, as the Secretary of the Interior may determine.

(b) Should any person not under the care of a physician at the commencement of baths, as permitted under paragraph (a) (2) of this section, subsequently employ, consult, or take treatment from any physician, then in such case, he or she shall immediately file with the bathhouse concessioner evidence thereof as required under paragraph (a) of this section.

§ 21.19 Changes in bathing directions; standard bath directions.

Baths shall be administered to patrons who do not have registered physicians' bathing directions in accordance with the standard bath directions prescribed by the Superintendent. Baths shall be administered to persons having registered physicians' bathing directions only in accordance with the instructions given therein.

§ 21.20 Supervision of treatments.

Treatments, manipulations, or exercises shall be given only by or under the direct supervision of a technician.

§ 21.21 Use of pools.

No person shall use the pools except on presenting a prescription describing the treatment from a registered physician. A period of two weeks must have elapsed since the subsidence of abnormal temperature in persons who have had any acute infectious disease or acute respiratory disease before they may be permitted to enter the pools. A period of one month must have elapsed since the subsidence of acute features in acute anterior poliomyelitis before the patient may be permitted to enter the pools.

§ 21.22 Persons excluded from the pools.

The following persons are excluded from and will not be given treatments in the pools:

- (a) Persons with acute or infectious lesions on any part of the body, particularly of the skin, throat, or genitalia.
- (b) Persons with a discharge from the eyes, nose, mouth, ears, or genitalia.
- (c) Persons showing abnormal temperature or marked cough.
- (d) Persons without complete control of the bladder or rectum.

§ 21.23 Transfer and redemption of tickets.

Tickets for baths and other services are not transferable by the purchaser thereof. Unused tickets may be redeemed by the purchaser within three years from the date of purchase, according to the redemption scale approved by the Secretary of the Interior.

§ 21.24 Lost tickets.

A patron who loses his ticket may continue to receive service, without additional charge, for the number of units remaining in the ticket. Records of lost tickets, and of service given thereunder, shall be maintained as required by the Superintendent. Lost tickets shall have no redemption value.

§ 21.25 Physical examinations.

No technician or other employee who comes in direct personal contact with bathers will be permitted to enter on duty without first undergoing physical

examinations, or remain in such employment without undergoing periodic physical examinations, as required by the Superintendent, and being found free from any infectious or communicable diseases.

CROSS REFERENCE: For list of communicable diseases included in the regulations of the United States Public Health Service, see 42 CFR 72.2.

§ 21.26 Solicitation by employees.

Soliciting by employees for any purpose, including soliciting for gratuities, commonly called "tips," is prohibited in all bathhouses.

§ 21.27 Prescriptions and use of medical instruments.

No technician may prescribe diets or waters, make diagnoses of ailments, or use in his work a clinical thermometer, stethoscope, or any other medical instrument employed by a physician.

§ 21.28 Fees.

Technicians shall charge for their services the rates provided and approved for them by the Secretary, which fees shall be collected and accounted for to them by the bathhouse management.

§ 21.29 Badges for bath attendants.

Bath attendants, when granted certificates of qualification, shall obtain a numbered badge, to be furnished at cost by the Superintendent, which shall be worn at all times when such attendants are on duty.

§ 21.30 Accidents.

A bathhouse manager shall report, in writing, all accidents which occur in bathhouses to the office of the Superintendent. In case circumstances preclude a written report being submitted immediately, an oral report must be made immediately which must be substantiated by a written report at the earliest possible time.

§ 21.31 Losses.

A bathhouse concessioner receiving deposits of jewelry, money, or other valuables from bathers shall provide means for the safekeeping thereof, satisfactory to the Superintendent. It is understood, however, that the Government assumes no responsibility in the premises. All losses must be reported, in writing, to the

Superintendent promptly by the bathhouse manager. Any losses or thefts, no matter how small, should be reported immediately in order that proper action can be taken for the benefit of the bathhouse and the public.

PART 22—GLACIER NATIONAL PARK; TIMBER DISPOSAL REGULATIONS

- Sec. 22.1 Disposal of fuel wood, forest products; cutting of timber.
22.2 Deadwood operations.
22.3 Brush disposal.
22.4 Minimum price list for poles, posts, lumber, etc., cut from dead or down timber in Glacier National Park.
22.5 Concessioners.

AUTHORITY: §§ 22.1 to 22.5 issued under sec. 2, 36 Stat. 354, secs. 1-3, 39 Stat. 535, as amended 1122, secs. 1, 2, 67 Stat. 495, 496; 16 U.S.C. 1, 1b, 1c, 2, 3, 162, 167.

§ 22.1 Disposal of fuel wood, forest products; cutting of timber.

The disposal of fuel wood, poles, and other forest products in Glacier National Park by sale to individuals is permitted only where such disposal will be of benefit to the stand of timber through the reduction of existing fire hazards. In no instance will the cutting of green timber be permitted for use by the public excepting on road right-of-way clearing projects where such timber may be made available.

§ 22.2 Deadwood operations.

(a) All deadwood permits shall be issued and approved in writing through the superintendent's office prior to the initiation of any cutting activities. Application for such permits should be made to the district rangers.

(b) All wood cut shall be utilized to a 4-inch diameter unless rotten. All butt logs shall be utilized by the permittee regardless of size.

(c) Stump heights shall not exceed 12 inches on any side for trees 12 inches and over in diameter. The stump height shall not exceed the diameter of the tree for trees under 12 inches in diameter. This section applies in all instances with the exception of operations being conducted within sight of roadways, trails used by the public or fishing streams, where all stumps shall be cut even with the ground.

(d) No cutting of dead topped or other partially green trees will be permitted unless marked by the district ranger.

(e) Damage resulting to forest reproduction from deadwood operations shall be kept at a minimum. Any unnecessary damage to forest reproduction or green trees or any violation of the regulations

in this part will, at the discretion of the superintendent, result in the cancellation of the permit and the forfeiture of all bonds given to guarantee the fulfillment of the contract, and all moneys theretofore paid by the permittee, as part of the purchase price or otherwise, shall be retained as liquidated damages.

(f) When products are susceptible of being classed at different prices they shall be paid for at the highest price.

(g) In every instance where trees are cut into more than one pole the butt pole shall be of the longest commercial length.

(h) When cedar trees cut for poles have butts which are not suitable for inclusion in the poles but are suitable for posts, such butt materials shall be worked into posts.

(i) All cedar timber cut for shakes shall be measured in board feet, using the Scribner "Decimal C" log rule.

(j) All sawlogs will be measured in board feet, using the Scribner "Decimal C" log rule.

(k) All fuel wood will be measured in cords.

(l) Brush disposal will be made in accordance with the provisions of § 22.3.

(m) Forest material obtained on a free permit must not be sold. The permittee must sign a statement to the effect that such forest material will not be sold to anyone and that it will not be used for the construction of buildings or other improvements on privately owned lands in Glacier National Park.

(n) Free permits will be issued for deadwood included in designated clean-up and fire hazard reduction areas where such operations will not interfere with National Park Service activities and will not adversely affect the vegetation or protection of the area.

(o) Permittees are subject to charge, in accordance with the approved price lists at the time of issuance of permits, for all wood obtained outside designated clean-up and fire hazard reduction areas.

(p) All wood cutting permits may be suspended when weather conditions, such as heavy snows or the sudden occurrence of periods of fire danger, or other conditions or considerations, make wood cutting operations undesirable for the best interests of the Government.

(q) All permittees are subject to the rules and regulations governing the use of Glacier National Park.

§ 22.3 Brush disposal.

(a) In no case will anyone attempt to burn brush without first securing a permit in writing from the district ranger in whose district the burning is to be done.

(b) All brush resulting from cutting of dead timber in green stands will be lopped and scattered so as to lie flat on the ground unless such disposal shall, in the judgment of the park officer in charge, increase the fire hazard, in which case such brush shall be piled and burned.

(c) All brush resulting from dead timber operations in old burns shall be piled and burned with care taken to avoid injury to reproduction. In some instances, upon the approval of the Chief Ranger or his representative, the disposal of such brush may be made by lopping and scattering.

(d) The piling of brush in large piles will be avoided, where possible, unless such piles are made in large openings in the forest cover.

(e) Piles to be burned in place, unless located in large openings in the forest cover, should not exceed 6 feet in diameter nor 5 feet in height. Windrow piling and burning shall be avoided and in no instance permitted without the approval of the Park Forester.

(f) Piles which are not to be burned in place shall be placed where they are readily accessible for moving.

(g) No piling shall be done on shoulders of roads or in ditches or along banks immediately adjacent to roads.

(h) All permittees will be required to furnish men to burn the brush and clean up the area at such a time as will be designated by the National Park Service.

(i) All permittees will be held accountable for their acts or the acts of their agents where regulations are disregarded.

(j) Permits issued for either green timber or deadwood products on road right-of-way clearing shall not be subject to brush-disposal regulations.

§ 22.4 Minimum price list for poles, posts, lumber, etc., cut from dead or down timber in Glacier National Park.

(a) Cedar products:

Cedar poles, 25 feet or less--- ½¢ per lineal ft.
Cedar poles, 30 feet or over--- 1¢ per lineal ft.
Cedar posts----- \$0.004 each.
Cedar stubs----- 1¢ per lineal ft.
Cedar shakes----- \$2 per M. B. M.
Cedar saw timber----- \$1 per M. B. M.

(b) Other products:

Cord wood----- 0.50¢ per cord.
Split posts (other species), \$0.002 each.
7-foot.
Poles (other than cedar)--- ¼¢ per lineal ft.
Saw timber, western white \$2 per M. B. M.
pine.
Saw timber, other species--- \$1 per M. B. M.

§ 22.5 Concessioners.

All concessioners operating under existing agreements with the Secretary of the Interior will be subjected to the clauses covering the use of timber as provided in their respective agreements.

PART 25—NATIONAL MILITARY PARKS; LICENSED GUIDE SERVICE REGULATIONS

- Sec. 25.1 Scope.
25.2 License.
25.3 Supervision; suspensions.
25.4 Schedule of rates.
25.5 Badges and uniforms.

AUTHORITY: §§ 25.1 to 25.5 Issued under secs. 1-3, 39 Stat. 535, as amended, sec. 1, 47 Stat. 1420, secs. 1, 2, 67 Stat. 495, 496; 16 U.S.C. 1, 1b, 1c, 2, 3, 9a. E.O. 6166, June 10, 1933, 5 U.S.C. 132 note.

§ 25.1 Scope.

The regulations in this part are made, prescribed and published for the regulation and maintenance of licensed guide service at all national military parks where such service has been established, or hereafter may be authorized in the discretion of the Secretary of the Interior upon the recommendation of the Director of the National Park Service.

§ 25.2 License.

(a) No person shall be permitted to offer his services or to act as a guide unless licensed for that purpose by the superintendent. Any person desiring to become a licensed guide shall make application to the superintendent in writing for authority to take the examination for a license as guide.

(b) Guides shall be of good character, in good physical condition, honest, intelligent, tactful, and of good repute. They must be thoroughly familiar with the history of the events which the park commemorates and with the location of all memorials. It is their duty to escort visitors to the various parts of the park and point out different historical features. The story of the guides shall be limited to the historical outlines approved by the superintendent and shall be free from praise or censure.

(c) Examinations will be held at parks where a licensed guide service is authorized, at times to be designated by the Director of the National Park Service, for the purpose of securing a list of eligibles for such service. The examination will consist of an investigation of the character, reputation, intelligence, and ability of the applicants, and of questions designed to test their knowledge of the history of the battle, or features of historical interest, the markings of the park,

the rules and regulations promulgated for the government of the park, and the regulations governing the guide service. Examination questions will be prepared under the direction of the Director of the National Park Service, who will likewise supervise the marking of examination papers and the rating of applicants.

(d) The names of applicants who successfully pass the examination will be placed on a list of eligibles and selected in accordance with their relative standing.

(e) Each person licensed to act as guide will be issued a license in the following form:

(Place)

(Date)

-----, having successfully passed the examination prescribed for license, is hereby licensed to offer his service as a guide to visitors. This license is issued subject to the condition that the licensee shall comply with all the rules and regulations prescribed for guide service by the Secretary of the Interior and with the prescribed schedule of rates, copies of all of which have been furnished to him.

This license will be renewed at the expiration of one year from the date of issue, provided the rules above-mentioned have been fully complied with and services rendered satisfactorily.

Failure to act as a guide for any period exceeding 30 days between June 1 and August 31 automatically suspends this license. Renewal under these conditions will only be made following proper application to and approval by the park superintendent. During other times of heavy visitation, and especially on week ends and holidays, any and all guides are subject to call for duty unless excused by the park superintendent or his representative.

Superintendent

National Military Park.

(f) Before being issued a license to act as a guide, each applicant will be required to subscribe to the following agreement:

(Place)

(Date)

To Superintendent, -----
National Military Park.

For and in consideration of the issuance to me a license to act as guide, I hereby accept and agree to observe fully the following conditions:

1. To abide by and observe the laws and all rules and regulations promulgated for

the government of the park and for the regulation of guide service.

2. In case of difference of opinion as to the interpretation of any law, rule, or regulation, to accept the decision of the superintendent.

3. To accord proper respect to the park rangers in their enforcement of the rules and regulations.

4. To require drivers of all vehicles, while under my conduct, to observe the park rules and regulations.

5. To be watchful to prevent damage to, or destruction of, park property or acts of vandalism affecting monuments, buildings, fences, or natural features of the park; to report any such damage, destruction, or vandalism which I may observe to the nearest available ranger without delay, and to furnish him with all information in my possession tending to identify the offenders and assist in their apprehension and punishment.

6. To demand of visitors not more than the authorized fees for guide service and, when employed, to render service to the best of my ability.

7. To advise visitors who employ me, in advance, the length of time needed for a trip and its cost and, if visitors desire a shortened tour, to arrange for such service as may suit their convenience.

8. (a) Not to operate for hire any passenger vehicle or other vehicle of any kind, while pursuing the vocation of guide or wearing a guide's badge or uniform.

(b) Not to operate a visitor's motor vehicle unless I hold a valid motor vehicle operator's license issued by the State in which the national military park is located.

(c) Not to charge an extra fee for operating a visitor's motor vehicle.

9. In the event my license should be suspended or revoked by the superintendent, to refrain from offering my services or pursuing the vocation of guide, pending appeal to and decision of the Director of the National Park Service.

10. To return the license and official badge without delay to the superintendent should my license be revoked or suspended for more than 5 days or upon abandoning the occupation of guide.

11. While wearing the badge of a guide or any uniform or part of a uniform indicating me to be a guide, I will not act as agent, solicitor, representative, or runner for any business or enterprise whatever (except in offering my services as a guide to visitors), nor solicit nor accept from any person, firm,

association, or corporation any fee, commission, or gratuity for recommending their goods, wares, or services.

(Signed) -----

§ 25.3 Supervision; suspensions.

(a) The guide service will operate under the direction of the superintendent or his designated representative. Records will be kept of the efficiency of the guides and of all matters pertaining to the service.

(b) Superintendents are authorized to suspend any guide for violation of the regulations or for conduct prejudicial to the interests of the Government. A full report of the facts attending each suspension will be made to the Director of the National Park Service. The license of a guide who has been suspended indefinitely will not be renewed without the approval of the Director of the National Park Service.

§ 25.4 Schedule of rates.

As the conditions of each park differ with respect to the proper charge for the service rendered to the public, the schedule of rates for observance by the licensed guides at each separate park will be submitted to the Director of the National Park Service for approval. The superintendent will prepare itineraries arranged so as best to observe the different features of the battlefield and submit them with recommendations as to schedule of rates to the Director of the National Park Service for approval.

§ 25.5 Badges and uniforms.

Licensed guides will be furnished with official badges as evidence of their authority, which shall remain the property of the Government and be returned to the superintendent upon relinquishment or revocation of the license as a guide. Where conditions warrant it and its purchase would not prove a hardship on the guides, they may be required to adopt a standard uniform, to be procured at their own expense.

PART 26—OLYMPIC AND MOUNT RAINIER NATIONAL PARKS; TIM- BER DISPOSAL REGULATIONS

Sec.

- 26.1 Disposal of logs, fuel wood, etc.; cutting of green timber.
- 26.2 Permits.
- 26.3 Timber disposal operations.
- 26.4 Prevention and suppression of forest fires.
- 26.5 Brush and debris disposal.
- 26.6 Minimum prices for logs, poles, etc.
- 26.7 Concessioners.

AUTHORITY: §§ 26.1 to 26.7 issued under secs. 1-3, 39 Stat. 535, as amended, secs. 1, 2, 67 Stat. 495, 496; 16 U.S.C. 1, 1b, 1c, 2, 3.

§ 26.1 Disposal of logs, fuel wood, etc.; cutting of green timber.

The disposal of logs, fuel wood, poles, and other forest products in Olympic and Mount Rainier National Parks by timber disposal permits is permitted only where such disposal will be of benefit to the forest stand through the reduction of existing fire hazards, such as are caused by dead, down, or blowdown timber. In no instance will the cutting of green timber be permitted for private use except on road right-of-way clearing projects or in blowdown clearing projects where such timber may be made available.

§ 26.2 Permits.

(a) All timber disposal permits shall be issued and approved in writing by the superintendent's office prior to the initiation of any cutting activities. Such permits shall include a map designating the area to be cut. Application for such permits should be made to the superintendent.

(b) All timber disposal permits may be suspended when weather conditions or other considerations make timber disposal operations undesirable for the best interests of the Government.

(c) Permittees and their employees and agents shall at all times conform to all laws and regulations applicable to Olympic and Mount Rainier National Parks.

§ 26.3 Timber disposal operations.

(a) All Douglas fir, Sitka spruce, and western white pine logs are considered merchantable when logs are not less than 20 feet long, at least 12 inches in diameter inside bark at small end, and after deductions for visible indications of defect scale 33 1/3 percent of their gross scale.

(b) All western red cedar logs, chunks, and slabs are considered merchantable which are not less than 20 feet long; such logs to be at least 12 inches in diameter inside bark at small end and chunks and slabs to be at least 12 inches minimum end measurement, which logs, chunks, and slabs, after deductions for visible indications of defects, scale 33 1/3 percent of their gross scale in material which will make shingles of any merchantable grade.

(c) Logs of other species are considered merchantable which are not less than 20 feet long, 12 inches in diameter inside bark at small end, and scale 50 percent or more of their gross scale.

(d) All cordwood shall be utilized to a minimum diameter of 6 inches unless rotten.

(e) Stump heights under ordinary circumstances shall not exceed 24 inches on the side adjacent to the highest ground.

(f) No cutting of dead-topped or other partially green trees, except in windfalls, shall be permitted unless marked for cutting by the superintendent or his representative.

(g) Poles and piling shall be measured in lineal feet to the nearest 2-foot length.

(h) All cedar timber cut for shakes may be measured in board feet, using the Scribner "Decimal C" log rule, or may be measured by the number of shakes cut.

(i) All saw logs shall be scaled by the Scribner "Decimal C" log rule. The maximum scaling length for saw logs shall be 40 feet. Greater lengths shall be scaled as two or more logs. Eight inches shall be allowed for trimming, and on logs over 40 feet in length an additional 2 inches shall be allowed for each 10 feet in length or fraction thereof in excess of 40 feet.

(j) Fuel wood and split pulpwood shall be measured in cords.

(k) Damage resulting to forest reproduction or remaining trees shall be kept to a minimum in all timber disposal operations. Any unnecessary damage to forest reproduction, remaining timber, or other ground cover, or the violation of any provision of the regulations in this part will, at the discretion of the superintendent, result in the cancellation of the permit. In the event of cancellation of the permit, all bonds given to guarantee the fulfillment of the terms of the permit shall be forfeited, and all moneys theretofore paid by the permit-

tee as a part of the purchase price or otherwise may be retained as liquidated damages.

§ 26.4 Prevention and suppression of forest fires.

(a) Permittee shall independently do all in his power to prevent and suppress forest fires on the timber disposal area and its vicinity, and shall also require his employees and agents to do likewise. The permittee and his employees and agents shall, so long as the timber disposal permit remains effective, fight forest fires which may occur within the timber disposal permit area, or occur elsewhere as a result of the permittee's operations, independently or under the direction of a park officer, without recourse from the Government.

(b) During periods of fire danger, as designated by the superintendent, the permittee shall prohibit smoking and the building of fires by his employees and agents.

(c) Fire fighting tools and equipment as specified by the superintendent at the time of the issuance of the permit shall be kept in suitable caches by the permittee at points designated by the superintendent, and shall be used only for the suppression of forest fires within or threatening the timber disposal area.

§ 26.5 Brush and debris disposal.

(a) In no case will anyone attempt to burn brush or other debris without first obtaining a permit in writing from the superintendent.

(b) All debris resulting from cutting dead timber in green stands will be lopped or scattered so as to lie flat on the ground unless such disposal will, in the judgment of the superintendent, constitute a serious fire hazard, in which case such debris shall be piled and burned.

(c) All debris resulting from timber operations in old burns shall be piled and burned, with care taken to avoid injury to reproduction. In some instances, upon approval of the superintendent or his representative, the disposal of such debris may be made by lopping and scattering.

(d) The piling of debris in large piles shall be avoided, where possible, unless such piles are made in large openings in the forest cover.

(e) Piles of debris to be burned in place, unless located in large openings

in the forest cover, shall not exceed 6 feet in diameter and 5 feet in height.

(f) Burning other than in piles may be permitted by the superintendent where, in his judgment, other methods are the most practicable.

(g) Piles which are not to be burned in place shall be placed where they are readily accessible for moving.

(h) No piling shall be done on shoulders of roads or in ditches or along banks immediately adjacent to roads.

(i) All permittees will be required to furnish men to burn brush or logging slash and clean up the area to the satisfaction of and at a time designated by the superintendent.

(j) Permits issued either for green timber or deadwood products on road rights-of-way clearing projects may, in the discretion of the superintendent, be exempted from the provisions of this section.

§ 26.6 Minimum prices for logs, poles, etc.

(a) Saw timber:

	Per M. B. F.
Douglas fir	\$.50
Sitka spruce	\$.50
Western red cedar	\$.50
Western white pine	\$.50
Western hemlock	\$.25
Silver fir	\$.25
Other species	\$.25

(b) Other products:

Douglas fir piling	\$0.0025 per lineal foot.
Western red cedar poles	\$0.0025 per lineal foot.
Western red cedar shakes	\$0.50 per M shake.
Fuel wood	\$0.25 per cord.
Split pulpwood, hemlock	\$0.25 per cord.
Split pulpwood, spruce	\$0.25 per cord.

Provided, That free permits may be issued for timber included in designated cleanup and fire hazard reduction areas where such operations will not interfere with National Park Service activities and will not adversely affect the vegetation or protection of the area. Such permittees are, however, subject to charge at double the minimum rates in effect at the time of issuance of the permits for all wood obtained outside designated cleanup and fire hazard reduction areas. Such charge will be considered as the price of the wood and also as liquidated damages.

(c) All forest products sold by the Government will be measured or scaled by a park officer or individual designated by the superintendent, either on the site of the cutting operations or at some other point designated by the superintendent.

(d) Forest products obtained on a free permit shall not be sold. The permittee must sign a statement to the effect that such products will not be sold to anyone and will not be used for the construction of buildings or other im-

provements on privately owned lands in Olympic and Mount Rainier National Parks.

§ 26.7 Concessioners.

All concessioners operating under agreements with the Secretary of the Interior will be governed by the clauses covering the use of timber as provided in their respective agreements.

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