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Rules and Regulations

Title 41—PUBLIC CONTRACTS

Chapter 1—Federal Procurement Regulations

PART 1-1—GENERAL

Subpart 1-1.7—Small Business Concerns

PREFERENCE FOR SMALL BUSINESS CONCERNS

Part 1-1 is amended as set forth below:

1. The table of contents is revised as follows:

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1-1.700	General.
1-1.701	Definitions.
1-1.701-1	Small business concern (for Government procurement).
1-1.701-2	Affiliates.
1-1.701-3	Dominance in field of operation.
1-1.701-4	Non-manufacturer.
1-1.701-5	Number of employees.
1-1.701-6	Small business certificate.
1-1.701-7	Certificate of competency.
1-1.701-8	Set-aside for small business.
1-1.701-9	Small business restricted advertising.
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1-1.706	Procurement set-asides for small business.
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1-1.710-1	General.
1-1.710-2	Small business and labor surplus area subcontracting program.
1-1.710-3	Required clauses.
1-1.710-4	Responsibility for reviewing subcontracting program.

AUTHORITY: §§ 1-1.700 through 1-1.709 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

2. Sections 1-1.700 through 1-1.709 are revised to read as follows:

§ 1-1.700 General.

(a) This subpart, which implements programs developed cooperatively with the Small Business Administration and the Government agencies having procurement responsibility, sets forth (1) procurement policy with reference to small business concerns; (2) policy governing relationship of procurement agencies with SBA; (3) SBA certificate of competency program; (4) small business set-aside procedures; (5) small business subcontracting policies; and (6) information concerning SBA's size standards.

(b) This subpart applies only in the United States, its possessions, and Puerto Rico.

§ 1-1.701 Definitions.

The definitions in this section apply throughout this Subpart 1-1.7. Those definitions relating to SBA size standards for procurement purposes are based on the governing regulations of SBA on the subject (13 CFR Part 121).

§ 1-1.701-1 Small business concern (for Government procurement).

(a) (1) *General definition.* Except as provided in (2) and (3) of this § 1-1.701-1(a), a small business concern for the purpose of Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and (i) its number of employees does not exceed 500 persons, or (ii) it is certified as a small-business concern by SBA. ("Concern" means any business entity organized for profit with a place of business located in the United States, its possessions, and Puerto Rico, including but not limited to, an individual, partnership, corporation, joint venture, association, or cooperative.)

(2) *Specific industry definitions.* Unless certified as a small business concern by SBA, in addition to being independently owned and operated, and not dominant in its field of operation, a small business concern in order to qualify as such must meet special criteria in the following industries:

(i) *Construction industry.* For the purpose of bidding on construction contracts, any concern is small if its average annual receipts for the preceding three fiscal years do not exceed \$5,000,000; except that if the concern is located in Alaska, such receipts do not exceed \$6,250,000. ("Annual receipts" means the annual receipts, less returns and allowances, of a concern and its affiliates.)

(ii) *Food canning and preserving industry.* For the purpose of bidding on contracts for food canning and preserving, any concern is small if its number of employees does not exceed 500

persons exclusive of agricultural labor as defined in the Federal Unemployment Tax Act, 26 U.S.C. 3306(k).

(iii) *Petroleum refining industry.* For the purpose of bidding on contracts for petroleum, other than lubricants and miscellaneous petroleum products, any concern is small if its number of employees does not exceed 1,000 persons and it does not have more than 30,000 barrels-per-day crude-oil capacity from owned and leased facilities. ("Crude-oil capacity" means the maximum daily average crude throughput of a refinery in complete operation, with allowance for necessary shutdown time for routine maintenance, repairs, etc. It approximates the maximum daily average crude runs to stills that can be maintained for an extended period.)

(iv) *Aircraft equipment industry.* For the purpose of bidding on the aircraft equipment set forth below, any concern is small if its number of employees does not exceed 1,000 persons:

- (A) Airframes and structural components.
- (B) Aircraft propellers and hubs.
- (C) Wheel and brake systems.
- (D) Jet engines.
- (E) Fuel tanks.
- (F) Aircraft hydraulic systems.
- (G) Aircraft vacuum systems.
- (H) Aircraft air-conditioning.
- (I) Heating and pressurizing equipment.
- (J) Fire control systems.
- (K) Flight instruments.
- (L) Flight simulators (except small cockpit trainers).
- (M) Aircraft de-icing systems.

(v) *Air transportation industry.* For the purpose of bidding on air transportation contracts, any concern is small if its number of employees does not exceed 1,000 persons.

(vi) *Trucking and warehousing industry.* For the purpose of bidding on contracts for trucking, warehousing, packing and crating, any concern is small if its annual receipts are \$3,000,000 or less, except that if the concern is located in Alaska, such receipts are \$3,750,000 or less. No such concern, however, will be denied small business status for the purpose of Government procurement solely because of its relationship with an interstate van line, provided that its annual receipts have not exceeded \$3,000,000 during the concern's most recently completed fiscal year, and provided further no more than 50 percent of such annual receipts are directly attributable to the concern's relationship with an interstate van line.

(3) *Labor surplus area small business concerns.* If a concern qualifies as a labor surplus area concern (see § 1-1.801), the pertinent size standard (i.e., number of employees or annual receipts) is increased by 25 percent.

(b) *Small business non-manufacturer.* Any concern which submits a bid or offer in its own name, other than for a con-

struction or service contract, but which proposes to furnish a product not manufactured by itself, is deemed to be a small business concern when:

(1) It is a small business concern within the meaning of § 1-1.701-1(a), and

(2) In the case of Government procurement reserved for or involving the preferential treatment of small business concerns (including equal low bids), such non-manufacturer shall furnish in the performance of the contract products (i) of a small business manufacturer or producer, and (ii) which are manufactured or produced in the United States, its possessions, or Puerto Rico. However, if the goods to be furnished are wool, worsted, knitwear, duck, webbing and thread (spinning and finishing), non-manufacturers (dealers and converters) shall furnish such products which have been manufactured or produced by a small weaver (small knitter for knitwear) and, if finishing is required, by a small finisher.

§ 1-1.701-2 Affiliates.

Business concerns are affiliates of each other when either directly or indirectly (a) one concern controls or has the power to control the other, or (b) a third party controls or has the power to control both. In determining whether concerns are independently owned and operated and whether or not affiliation exists, consideration shall be given to all appropriate factors including common ownership, common management, and contractual relationships.

§ 1-1.701-3 Dominance in field of operation.

A concern is "not dominant in its field of operation" when it does not exercise a controlling or major influence in a kind of business activity in which a number of business concerns are primarily engaged. In determining whether dominance exists, consideration shall be given to all appropriate factors, including volume of business, number of employees, financial resources, competitive status or position, ownership or control of materials, processes, patents and license agreements, facilities, sales territory, and nature of business activity.

§ 1-1.701-4 Non-manufacturer.

"Non-manufacturer" means any concern which in connection with a specific Government procurement contract, other than a construction or service contract, does not manufacture, produce, or furnish the products or services required to be furnished by such procurement. Non-manufacturer includes a concern which can furnish the products or services referred to in the specific procurement but does not manufacture, produce, or furnish such products or services in connection with that procurement.

§ 1-1.701-5 Number of employees.

In connection with the determination of small business status, "number of employees" means the average employment of any concern, including the employees of its domestic and foreign affiliates, based on the number of per-

sons employed on a full time, part time, temporary, or other basis during the pay period ending nearest the 15th day of the third month in each calendar quarter for the preceding four quarters. If a concern has not been in existence for four full calendar quarters, "number of employees" means the average employment of such concern and its affiliates during the period such concern has been in existence based on the number of persons employed during the pay period ending nearest the 15th day of each month.

§ 1-1.701-6 Small business certificate.

A "small business certificate" means a certificate issued by SBA pursuant to the authority contained in sections 3 and 8(b)(6) of the Small Business Act (15 U.S.C. 632, 637) certifying that the holder of the certificate is a small business concern for the purpose of Government procurement in accordance with the terms of the certificate.

§ 1-1.701-7 Certificate of competency.

A "certificate of competency" means a certificate issued by SBA pursuant to the authority contained in the Small Business Act (15 U.S.C. 637(b)(7)) stating that the holder of the certificate is competent as to capacity and credit to perform a specific Government procurement contract. (Also see § 1-1.708.)

§ 1-1.701-8 Set-aside for small business.

A set-aside for small business is the act of reserving the entire amount (total set-aside) or a portion (partial set-aside) of a procurement for the exclusive participation of small business concerns. Set-asides may be made for individual items or for classes of items (class set-asides).

§ 1-1.701-9 Small business restricted advertising.

Small business restricted advertising is a special method of negotiated procurement conducted in the same manner as for formal advertising, except that competition and awards are restricted to small business concerns.

§ 1-1.702 Small business policies.

(a) *General policy.* It is the policy of the Government to aid, counsel, assist, and protect, insofar as possible, the interests of small business concerns in order to preserve free competitive enterprise; and to place with small business concerns a fair proportion of the total Government purchases and contracts for property and services (including contracts for maintenance, repair, construction, and research and development).

(b) *Specific policies.* The following specific small business policies shall be followed by procurement agencies in order to further the general policy stated in (a) of this § 1-1.702:

(1) Small business concerns shall be afforded an equitable opportunity to compete for prime contracts and subcontracts.

(2) Bidders mailing lists (see § 1-2.205) shall include all established and potential small business suppliers who have made acceptable application for inclusion or who appear from other in-

formation (including recommendations by the SBA representative) to be qualified for inclusion therein.

(3) Where invitations for bids or requests for proposals are sent to less than the complete mailing list pursuant to § 1-2.205-4, all small business concerns shall be solicited, except that only a pro rata number of small business concerns need be solicited when the bidders list is composed predominantly of small business concerns and the estimated award is not expected to be more than \$25,000.

(4) Proposed procurements and contract awards shall be publicized in the Department of Commerce "Synopsis of U.S. Government Procurement, Sales, and Contract Awards" in accordance with Subpart 1-1.10.

(5) Procurement of property and services shall be divided into reasonably small lots (not less than economic production runs) in order to permit bidding on quantities less than the total requirements.

(6) The maximum amount of time practicable (see § 1-2.202-1) shall be allowed for preparation and submission of bids and proposals.

(7) Delivery schedules shall be established on a realistic basis which will encourage small business participation to the extent consistent with the actual requirements of the Government.

(8) Applicable specifications, plans, and drawings either shall be furnished with invitations for bids and requests for proposals or, when not so furnished, information as to locations where they may be obtained or examined shall be furnished.

(9) Procurements shall be set aside for exclusive participation by small business concerns in accordance with § 1-1.706.

(10) In the event of equal low bids, preference shall be given to small business concerns in accordance with § 1-2.407-6.

(11) Subcontracting to small business concerns shall be encouraged in accordance with § 1-1.710.

(12) Procurement agencies and SBA are responsible for consulting and co-operating in carrying out the purposes of the Small Business Act, as amended (15 U.S.C. 631-647), in accordance with § 1-1.705.

(13) Placement of small purchases with small business concerns shall be encouraged (see § 1-3.602).

§ 1-1.703 Determination of status as a small business concern.

§ 1-1.703-1 Representation by bidder or offeror.

In the absence of a written protest or question, the contracting officer shall accept as conclusive for the purpose of a specific procurement either (a) a small business certificate issued by SBA (see § 1-1.701-6), or (b) a representation by the bidder or offeror that it is a small business concern as defined by SBA.

§ 1-1.703-2 Protest regarding small business status.

(a) Any bidder, offeror, or other interested party may, before award, question the small business status of any bidder or offeror by sending a written protest, as

defined in (b) of this § 1-1.703-2, to the contracting officer responsible for the particular procurement. Any contracting officer who receives such protest, or who wishes to question the small business status of a bidder or offeror, shall forward such protest record (or submit his protest) to the SBA regional office serving the area in which the protested concern is located.

(b) As used in this section, "protest" means a statement in writing from a party having a valid interest in whether or not a bidder or offeror qualifies as a small business concern, which contains the basis for the protest together with specific detailed evidence supporting the protestant's claim that such bidder is not a small business concern.

(c) Upon receipt of a protest, the SBA Regional Director will promptly notify the contracting officer of the date it was received, and will inform the affected bidder or offeror that its size status is under review.

(d) SBA will, within 10 working days, if possible, after receipt of a protest, investigate and determine the small business status of the protested bidder or offeror and notify the contracting officer, the protestant, and the protested bidder or offeror of its decision.

(e) Procurement action shall be suspended pending SBA's determination or expiration of the 10-day period, whichever is earlier, unless unusual conditions make it necessary that an award be made. If SBA's determination is not received by the contracting officer within 10 working days after SBA's receipt of the protest, the contracting officer shall ascertain when such determination can be expected. In cases where further delay in awarding the contract would be disadvantageous to the Government, it shall be presumed that the questioned bidder or offeror is a small business concern.

§ 1-1.704 [Reserved]

§ 1-1.705 Cooperation with the Small Business Administration.

§ 1-1.705-1 General.

It is a requirement of the Small Business Act that SBA and procurement agencies consult and cooperate in carrying out the policies of that Act. Such consultation and cooperation is particularly significant in the areas and programs described in §§ 1-1.705-2 through 1-1.705-7.

§ 1-1.705-2 SBA representatives.

SBA may assign one or more representatives (hereinafter referred to as "SBA representatives") on a full- or part-time basis to any procuring activity for the purpose of carrying out SBA responsibilities under the Small Business Act. SBA representatives will comply with agency directives concerning the conduct of procurement personnel and instructions concerning release of procurement information.

§ 1-1.705-3 Screening of procurements.

(a) *Individual set-asides.* SBA representatives (cleared for security where classified procurements are to be screened) shall, upon request, promptly

be afforded an opportunity at the procuring activity to review all proposed procurements for the purpose of recommending set-asides if it is anticipated that the resulting contract or contracts will exceed \$2,500 unless in the case of procurements which are not expected to exceed \$10,000, the head of the procuring activity determines that such review would unduly delay the procurement process. A copy of the determination and the justification therefor shall be furnished to the SBA representative. Where it is anticipated that the resulting contract or contracts will exceed \$2,500, such SBA representatives shall, upon request, promptly be afforded an opportunity to make recommendations concerning proposed procurements, including that they be exclusively or partially set aside for small business concerns.

The contracting officer shall afford the SBA representative an opportunity to recommend appropriate names of small business concerns for inclusion in lists of bidders for firms to be solicited in connection with current and future procurements.

(b) *Class set-asides.* SBA representatives shall be afforded an opportunity to make recommendations that current and future procurements, or portions thereof, of selected items or services, or groups of like items or services, shall be set aside as provided in § 1-1.706, for exclusive small business participation. Such set-asides, when approved by the contracting officer, shall be known as class set-asides. Concurrence in a class set-aside shall not be dependent upon the existence of a current procurement if future procurements can be clearly foreseen.

§ 1-1.705-4 Access to information.

Upon request, and subject to applicable security regulations, SBA representatives shall be given access to available or reasonably obtainable information, including technical data (including drawings and specifications), procurement history, bidders lists, and planned requirements immediately upon receipt by the procuring activity. The SBA representative will be furnished such other available or reasonably obtainable information as may be required for the SBA referral program.

§ 1-1.705-5 Joint small business set-asides.

The policies and procedures for joint small business set-asides, set forth in § 1-1.706, were developed cooperatively with the SBA and Government procurement agencies.

§ 1-1.705-6 Certificates of competency.

Section 1-1.708 prescribes policies and procedures governing cooperative action with SBA concerning certificates of competency.

§ 1-1.705-7 Performance of contract by SBA.

In accordance with the Small Business Act (15 U.S.C. 637(a)), in any case in which the Administrator of SBA certifies to the head of the procuring agency concerned that SBA is competent to per-

form any specific contract, the contracting officer is authorized, in his discretion, to award the contract to SBA upon such terms and conditions, consistent with applicable procurement regulations, as may be agreed upon between SBA and the contracting officer.

§ 1-1.706 Procurement set-asides for small business.

§ 1-1.706-1 General.

(a) *Purpose.* The purpose of small business set-asides is to increase small business participation in Government procurement.

(b) *Applicability.* This section is applicable to small business set-aside programs of executive agencies in connection with all procurement of property and services, maintenance, repair, and construction, and research and development.

(c) *Implementation.* Subject to any applicable preference for labor surplus area set-asides as provided in § 1-1.802, any individual procurement or class of procurements, or an appropriate part thereof, shall be set aside for the exclusive participation of small business concerns when such action (1) is jointly determined by an SBA representative and the contracting officer upon the initiation of either agency, or (2) if no SBA representative is available, is unilaterally determined by the contracting officer to be in the interest of maintaining or mobilizing the Nation's full productive capacity, or to be in the interest of war or national defense programs, or to be in the interest of assuring that a fair proportion of Government procurement is placed with small business concerns.

(d) *Initiation of set-asides.* Insofar as practicable, joint determinations initiated by SBA representatives shall be used as the basis for small business set-asides rather than unilateral determinations. This, however, does not preclude an agency from initiating with SBA a proposal for a joint determination. The impracticability of arranging a joint determination should not be treated as an obstacle to making a set-aside based on a unilateral determination initiated by the contracting officer in an otherwise appropriate case.

§ 1-1.706-2 Review of SBA set-aside proposals.

(a) (1) When an SBA representative has recommended that all, or a portion, of an individual procurement or class of procurements be set aside for small business, the contracting officer (or other designated representative) of the procurement agency shall promptly either (i) concur in the recommendation, or (ii) disapprove the recommendation, stating in writing his reasons for disapproval. The SBA representative shall be allowed two working days to appeal any such disapproval to the head of the procuring activity or his designee for decision. During consideration of such appeal there shall be full and free interchange of all pertinent facts between the SBA representative and the procuring activity concerned. Within one working day after receipt of a decision from the

head of the procuring activity or his designee disapproving a recommended set-aside, the SBA representative may request the contracting officer to suspend procurement actions affected by the recommended set-aside pending a further appeal by the Administrator of SBA to the head of the agency concerned for determination. SBA shall be allowed seven working days after making any such request within which (i) the Administrator of SBA may appeal the decision of the head of the procuring activity (or his designee) to the head of the agency concerned, and (ii) to notify the contracting officer whether such an appeal has in fact been taken. If such notification is not received by the contracting officer within the seven-day period, it shall be deemed that the SBA request to suspend procurement action has been withdrawn and that no appeal to the head of the agency was taken. Where an appeal to the head of the agency concerned has been taken and the contracting officer has been notified of that fact within the seven-day period, the head of the procuring activity will, in accordance with agency procedures, forward through appropriate channels to the head of the agency a full justification of his decision.

(2) Any procurement action affected by a set-aside recommendation which has been disapproved by the contracting officer and appealed by the SBA representative shall be suspended pending the decision of the head of the procuring activity or his designee. If the decision sustains the disapproval and if the SBA representative requests further suspension in accordance with (1) of this § 1-1.706-2(a), the suspension shall continue until (i) the SBA appeal is deemed to have been withdrawn (as provided in (1) of this § 1-1.706-2(a)), or (ii) the matter is determined by the head of the agency concerned. Such suspension shall not apply, however, to any particular procurement action which, as determined by the contracting officer, must, in order to protect the public interest, be initiated without delay and as to which he inserts in the contract file a statement signed by him setting forth the facts and circumstances justifying the determination. The contracting officer shall promptly notify the SBA representative of any procurement action initiated pursuant to the preceding sentence by supplying him with a copy of the justification.

(b) None of the following is, in itself, sufficient cause for not making a set-aside:

(1) A large percentage of previous procurements of the item in question has been placed with small business concerns.

(2) The item to be purchased is on an established planning list under the Industrial Readiness Planning Program, except that a total set-aside shall not be authorized when one or more large business Planned Emergency Producers of the item desire to participate in the procurement.

(3) The item to be purchased is on a Qualified Products List, except that a total set-aside shall not be authorized when the products of one or more large

businesses are on the Qualified Products List unless it has been confirmed that none of such large businesses desires to participate in the procurement.

(4) A period of less than 30 days from date of issuance of invitations for bids or requests for proposals is prescribed for the submission of the bids or proposals.

(5) The procurement is classified.

(6) Small business concerns are receiving a fair proportion of the total contracts for property or services.

(7) A class set-aside of the item or service concerned has been made at some other procuring activity.

(8) The item will be described by "brand name or equal."

(c) In approving a proposed class set-aside, the contracting officer shall make sure that the set-aside determination (1) specifically identifies the items or services subject thereto; (2) provides that it will, at least once each year, be reviewed jointly by an SBA representative and the procuring activity to determine whether it should be withdrawn (see § 1-1.706-3 for withdrawal procedures); (3) provides that it does not apply to any individual procurement for which small purchase procedures are to be used; and (4) provides that such class set-aside applies only to the procuring activity making or participating in the set-aside determination. Any class of procurements proposed to be totally set aside shall satisfy the requirements of § 1-1.706-5(a). With respect to any class of procurements proposed to be partially set aside, the set-aside determination shall specify that it is not applicable to any individual procurement which is not severable into two or more economic production runs or reasonable lots.

§ 1-1.706-3 Withdrawal or modification of set-asides.

(a) Each individual procurement governed by a class set-aside shall be carefully reviewed to insure that any changes in the magnitude of anticipated requirements, specifications for the items or services, delivery requirements, or competitive market conditions, since the initial approval of the class set-aside, are not of such material nature as to result in the probable payment of an unreasonable price by the Government or in a change in small business capability.

(b) If, prior to the award of a contract involving an individual or class set-aside for small business, the contracting officer considers that procurement of the set-aside portion from a small business concern would be detrimental to the public interest (e.g., because of unreasonable price), the contracting officer shall withdraw a unilateral set-aside determination. In the case of a joint set-aside determination, the contracting officer may initiate the withdrawal thereof by giving notice, containing the reason therefor, to the SBA representative. Similarly, a class set-aside may be modified so as to withdraw one or more individual procurements therefrom. In the case of a joint set-aside determination, if the SBA representative does not agree to a withdrawal or modification, the action may be appealed

in accordance with the procedures set forth in § 1-1.706-2(a).

(c) A statement supporting any withdrawal or modification of a set-aside shall be made by the procuring activity and retained in the contract file.

§ 1-1.706-4 Reporting for Department of Commerce Procurement Synopsis.

Section 1-1.1003-7 contains special instructions concerning reporting of procurements involving small business set-asides to the Department of Commerce for publication in the "Synopsis of U.S. Government Proposed Procurement, Sales, and Contract Awards."

§ 1-1.706-5 Total set-asides.

(a) Subject to the conditions set forth in §§ 1-1.706-1 and 1-1.706-2, the entire amount of an individual procurement or class of procurements shall be set aside for exclusive small business participation where there is a reasonable expectation that bids or proposals will be obtained from a sufficient number of responsible small business concerns so that awards will be made at reasonable prices. Total set-asides shall not be made unless such a reasonable expectation exists; however, in the absence of such expectation, a partial set-aside shall be considered pursuant to § 1-1.706-6. Although past procurement history of the item or similar items is always important, it is not the only controlling factor which should be considered in determining whether a reasonable expectation exists.

(b) Contracts involving total small business set-asides shall be entered into by conventional negotiation or by a special method of procurement known as "Small Business Restricted Advertising." Whenever possible, the small business restricted advertising method, as defined in § 1-1.701-9, shall be used. Invitations for bids and requests for proposals involving total small business set-asides shall be restricted to small business concerns. Bids received from firms which do not qualify as small business concerns shall be considered nonresponsive and shall be rejected.

(c) In procurements involving total set-asides for small business, each invitation for bids or request for proposals shall contain the following notice, except that such notice in invitations for bids or requests for proposals involving the industries specifically defined in § 1-1.701-1(a) (2) shall be appropriately modified to include the applicable small business definition:

NOTICE OF TOTAL SMALL BUSINESS SET-ASIDE

(a) *Restriction.* Bids or proposals under this procurement are solicited from small business concerns only and this procurement is to be awarded only to one or more small business concerns. This action is based on a determination by the Contracting Officer, alone or in conjunction with a representative of the Small Business Administration, that it is in the interest of maintaining or mobilizing the Nation's full productive capacity, in the interest of war or national defense programs, or in the interest of assuring that a fair proportion of Government procurement is placed with small business concerns. Bids or proposals received from firms which are not small business concerns shall be considered nonresponsive.

(b) *Definitions.*

(1) A "small business concern" is a concern that (i) is certified as a small business concern by the Small Business Administration, or (ii) is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and, with its affiliates, employs either not more than 500 employees or, if the concern qualifies as a labor surplus area concern, not more than 625 employees. In addition to meeting these criteria, a manufacturer or a regular dealer submitting bids or proposals in his own name must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns; *Provided*, That this additional requirement does not apply in connection with construction or service contracts.

(2) The term "labor surplus area" means a geographical area which is a persistent labor surplus area or a substantial labor surplus area, or both, as defined below:

(i) "Persistent labor surplus area" means an area which (A) is classified by the Department of Labor as an "Area of Substantial and Persistent Labor Surplus" (also called "Area of Substantial and Persistent Unemployment") and is listed as such by that Department in conjunction with its publication "Area Labor Market Trends," or (B) is certified as an area of substantial and persistent labor surplus by the Department of Labor pursuant to a request by a prospective contractor.

(ii) "Substantial labor surplus area" means an area which (A) is classified by the Department of Labor as an "Area of Substantial Labor Surplus" (also called "Area of Substantial Unemployment") and which is listed as such by that Department in conjunction with its publication "Area Labor Market Trends," or (B) is certified as an area of substantial labor surplus by the Department of Labor pursuant to a request by a prospective contractor.

(3) The term "labor surplus area concern" includes persistent labor surplus area concerns and substantial labor surplus area concerns as defined below:

(i) "Persistent labor surplus area concern" means a concern that agrees to perform, or cause to be performed, a substantial proportion of a contract in persistent labor surplus areas. A concern shall be deemed to perform a substantial proportion of a contract in persistent labor surplus areas if the costs that the concern will incur on account of manufacturing or production performed in such areas (by itself or its first-tier subcontractors) amount to more than 50 percent of the contract price.

(ii) "Substantial labor surplus area concern" means a concern that agrees to perform, or cause to be performed, a substantial proportion of a contract in substantial labor surplus areas. A concern shall be deemed to perform a substantial proportion of a contract in substantial labor surplus areas if the costs that the concern will incur on account of manufacturing or production performed in substantial labor surplus areas or in substantial and persistent labor surplus areas (by itself or its first-tier subcontractors) amount to more than 50 percent of the contract price.

(c) *Identification of Areas of Performance.* Each bidder that qualifies as a small business concern only because he is a labor surplus area concern shall identify in his bid the geographical areas in which he proposes to perform, or cause to be performed, a substantial proportion of the production of the contract. If the Department of Labor classification of any such area changes after the bidder has submitted his bid, the bidder may change the areas in which he proposes to perform, *Provided*, That he so notifies the Contracting Officer before award of the contract.

(d) *Agreement.* The bidder agrees that, if awarded a contract as a small business concern for which he would not have qualified had he not also been a labor surplus area concern, he will perform, or cause to be performed, a substantial proportion of the production in areas classified at the time of award, or at the time of performance of the contract, as persistent or substantial labor surplus areas as defined in (b) above.

§ 1-1.706-6 Partial set-asides.

(a) *General.* Subject to the conditions set forth in § 1-1.706-1, a portion of a procurement shall be set aside for exclusive small business participation where—

(1) The procurement is not appropriate for total set-aside pursuant to § 1-1.706-5;

(2) The procurement is severable into two or more economic production runs or reasonable lots; and

(3) One or more small business concerns are expected to have the technical competence and productive capacity to furnish a severable portion of the procurement at a reasonable price.

Similarly, a class of procurements (including but not limited to contracts for maintenance, repair, and construction) may be partially set aside in accordance with § 1-1.706-2(c).

(b) *Dividing the procurement.* Where a portion of a procurement is to be set aside for small business pursuant to (a) of this § 1-1.706-6, the procurement shall be divided into a set-aside portion and a non-set-aside portion, each of which shall be not less than an economic production run or reasonable lot. Insofar as practicable, the set-aside portion will be such as to make maximum use of small business capacity. Delivery and other terms applicable to the set-aside portion of an item and those applicable to the non-set-aside portion of that item shall be comparable.

(c) *Short-form notice.* Invitations for bids or requests for proposals, involving partial set-asides pursuant to this subpart, shall contain a notice substantially as set forth in this paragraph or in (d) of this § 1-1.706-6. In invitations for bids or requests for proposals involving the industries specifically defined in § 1-1.701-1(a)(2), the notice used shall be appropriately modified to reflect such definition.

NOTICE OF PARTIAL SMALL BUSINESS SET-ASIDE

(a) *General.* A portion of this procurement, as identified elsewhere in the Schedule, has been set aside for award only to one or more small business concerns. Negotiations for award of this set-aside portion will be conducted only with responsible small business concerns who have submitted responsive bids on the non-set-aside portion at a unit price within 120 percent of the highest award made on the non-set-aside portion. Negotiations shall be conducted with such small business concerns in the following order of priority:

Group 1. Small business concerns which are also persistent labor surplus area concerns.

Group 2. Small business concerns which are also substantial labor surplus area concerns.

Group 3. Small business concerns which are not labor surplus area concerns.

Within each of the above groups, negotiations with such concerns will be in the order of their bids on the non-set-aside portion,

beginning with the lowest responsive bid. The set-aside shall be awarded at the highest unit price awarded on the non-set-aside portion, adjusted to reflect transportation and other cost factors which were considered in evaluating bids on the non-set-aside portion. However, the Government reserves the right not to consider token bids or other devices designed to secure an unfair advantage over other bidders eligible for the set-aside portion. The partial set-aside of this procurement for small business concerns is based on a determination by the Contracting Officer, alone or in conjunction with a representative of the Small Business Administration, that it is in the interest of maintaining or mobilizing the Nation's full productive capacity, or in the interest of war or national defense programs, or in the interest of assuring that a fair portion of Government procurement is placed with small business concerns.

(b) Definitions.

(1) A "small business concern" is a concern that (i) is certified as a small business concern by the Small Business Administration, or (ii) is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and, with its affiliates, employs either not more than 500 employees or, if the concern qualifies as a labor surplus area concern, not more than 625 employees. In addition to meeting these criteria, a manufacturer or a regular dealer submitting bids or proposals in his own name must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns; *provided* that this additional requirement does not apply in connection with construction or service contracts.

(2) The term "labor surplus area" means a geographical area which is a persistent labor surplus area or a substantial labor surplus area, or both, as defined below:

(i) "Persistent labor surplus area" means an area which (A) is classified by the Department of Labor as an "Area of Substantial and Persistent Labor Surplus" (also called "Area of Substantial and Persistent Unemployment") and is listed as such by that Department in conjunction with its publication "Area Labor Market Trends," or (B) is certified as an area of substantial and persistent labor surplus by the Department of Labor pursuant to a request by a prospective contractor.

(ii) "Substantial labor surplus area" means an area which (A) is classified by the Department of Labor as an "Area of Substantial Labor Surplus" (also called "Area of Substantial Unemployment") and which is listed as such by that Department in conjunction with its publication "Area Labor Market Trends," or (B) is certified as an area of substantial labor surplus by the Department of Labor pursuant to a request by a prospective contractor.

(3) The term "labor surplus area concern" includes persistent labor surplus area concerns and substantial labor surplus area concerns as defined below:

(i) "Persistent labor surplus area concern" means a concern that agrees to perform, or cause to be performed, a substantial proportion of a contract in persistent labor surplus areas. A concern shall be deemed to perform a substantial proportion of a contract in persistent labor surplus areas if the costs that the concern will incur on account of manufacturing or production performed in such areas (by itself or its first-tier subcontractors) amount to more than 50 percent of the contract price.

(ii) "Substantial labor surplus area concern" means a concern that agrees to perform, or cause to be performed, a substantial proportion of a contract in substantial labor surplus areas. A concern shall be deemed to perform a substantial proportion of a contract in substantial labor

surplus areas if the costs that the concern will incur on account of manufacturing or production performed in substantial labor surplus areas or in substantial and persistent labor surplus areas (by itself or its first-tier subcontractors) amount to more than 50 percent of the contract price.

(c) *Identification of Areas of Performance.* Each bidder desiring to be considered for award as a small business labor surplus area concern on the set-aside portion of this procurement shall identify in his bid the geographical areas in which he proposes to perform, or cause to be performed, a substantial proportion of the production of the contract. If the Department of Labor classification of any such area changes after the bidder has submitted his bid, the bidder may change the areas in which he proposes to perform: *Provided*, That he so notifies the Contracting Officer before award of the set-aside portion. Priority for negotiation will be based upon the labor surplus classification of the designated production areas as of the time of the proposed award.

(d) *Agreement.* The bidder agrees that, if awarded a contract as a small business persistent labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial proportion of the production in areas classified at the time of award, or at the time of performance of the contract, as persistent labor surplus areas; and that if awarded a contract as a small business substantial labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial proportion of the production in areas classified at the time of award, or at the time of performance of the contract, as substantial or persistent labor surplus areas.

(d) *Long-form notice.* Where it is anticipated that bids may be received which appear designed to take unfair advantage of other bidders, by devices such as unrealistically low bids on mere token quantities, the notice set forth below may be used instead of the short-form notice in (c) of this § 1-1.706-6:

NOTICE OF PARTIAL SMALL BUSINESS SET-ASIDE

(a) *General.* This procurement has been divided into two parts. All concerns, whether small business or not, may participate in accordance with customary procedures in that portion of this procurement herein called the "non-set-aside portion". The quantities of the non-set-aside portion are set forth elsewhere in this Schedule. The other portion of the items to be procured has been set aside for participation by small business concerns. This is called the "set-aside portion" and awards therefor are made in accordance with special procedures set forth in paragraph (c) of this Notice. This apportionment is based on a determination by the Contracting Officer, alone or in conjunction with a representative of the Small Business Administration, that it is in the interest of maintaining or mobilizing the Nation's full productive capacity, or in the interest of war or national defense programs, or in the interest of assuring that a fair proportion of Government procurement is placed with small business concerns. "Small business concern" is defined in paragraph (d) of this Notice.

(b) *Non-Set-Aside Portion and Award Procedure.*

(1) A bidder which is not a small business concern shall submit a bid only for the non-set-aside portion of the procurement. Award thereof will be made in accordance with customary procedures.

(2) A bidder which is a small business concern and is interested in receiving an award for a quantity of an Item not exceeding the quantity set forth in the non-set-aside portion of the procurement, should submit

a bid in the same manner as other concerns bidding only on the non-set-aside portion. If such a bidder is interested in receiving an award for a quantity of an Item in addition to the quantity set forth in the non-set-aside portion, he must bid the entire quantity of the non-set-aside portion of the Item, and indicate such additional quantity of the Item as he desires by so specifying on the Bidder's Statement of Set-Aside Quantity Desired. Thus, the Bidder's Statement of Set-Aside Quantity Desired is not to be used unless the bidder has bid the entire quantity of an Item under the non-set-aside portion.

However, a small business concern which receives no award, or receives an award for less than the total quantity of an Item for which it submitted a bid under the non-set-aside portion, may be eligible for an award of the quantity it bid, or the unawarded quantity thereof, under the following procedure governing the set-aside portion.

(c) *Set-Aside Portion and Award Procedure.* Award of the set-aside portion of this procurement will be made after award has been completed on the non-set-aside portion. It will be made only to small business concerns which are found to be eligible in accordance with (1) below; on the basis of priorities for award set forth in (2) below; for quantities as provided in (3) below; and at prices determined in accordance with (4) below:

(1) *Eligibility.* To be eligible for consideration for the set-aside portion of an Item, the small business concern must have submitted a responsive bid on such Item in accordance with the requirements of (b) (2) above, at a unit price no greater than 120 percent of the highest unit price for such Item awarded under the non-set-aside portion. However, see (5) below when separate quantities are offered at different prices and see (6) below when separate quantities are offered at tie-in prices.

(2) *Priorities.* Negotiations for the set-aside portion will be conducted with eligible concerns in the following order of priority: Group 1. Small business concerns which are also persistent labor surplus area concerns.

Group 2. Small business concerns which are also substantial labor surplus area concerns.

Group 3. Small business concerns which are not labor surplus area concerns.

Within each of the above groups, negotiation for each Item will be conducted with eligible concerns in the order of their bids on the non-set-aside portion, beginning with the lowest responsive bid. However, see (5) below for the method of determining the bid when separate quantities are offered at different prices and see (6) below when separate quantities are offered at tie-in prices.

(3) *Quantity.* The quantity of the set-aside portion of an Item which may be awarded to an eligible concern shall be as follows:

(i) Where a concern has not specified a quantity on the Bidder's Statement of Set-Aside Quantity Desired, the quantity shall be no greater than the quantity of such concern's bid on the non-set-aside portion of that Item, less the quantity, if any, of that Item awarded to that concern under the non-set-aside portion.

(ii) Where a concern has specified a quantity on the Bidder's Statement of Set-Aside Quantity Desired, the quantity shall be no greater than the total of the entire non-set-aside portion of the Item and the quantity thereof specified on the Bidder's Statement of Set-Aside Quantity Desired, less the quantity, if any, of that Item awarded to that concern under the non-set-aside portion.

(4) *Price.* The set-aside portion will be awarded at the highest unit price awarded on the non-set-aside portion, adjusted to reflect transportation and other cost factors which were considered in evaluating bids on the non-set-aside portion. However, see (6)

and (7) below for the highest unit price when the highest award is made as a result of tie-in bids or all-or-none type of qualifications.

(5) *Separate Quantities at Different Prices.* Where a concern has submitted a bid for separate quantities of the non-set-aside portion of an Item at different prices, without conditioning the Government's right to accept one or more such quantities upon its concurrent acceptance of another quantity of the Item, each separate quantity shall be considered as a separate bid for the purpose of determining the eligibility of the concern with respect to the 120 percent limit prescribed in (c) (1) above, and for the purpose of determining under (c) (2) above, the standing of that bid in the order of negotiations for the set-aside portion of that Item.

(6) *Separate Quantities at Tie-in Prices.* Where a concern has submitted a bid for separate quantities of the non-set-aside portion of an Item at different prices, and has conditioned the Government's right to accept any one or more of such quantities upon its concurrent acceptance of another quantity of the Item, the weighted average of the prices for such conditioned quantities shall be considered the unit price for the purpose of determining, with respect to such conditioned quantities, (i) the eligibility of the firm with respect to the 120 percent limit of (c) (1) above, (ii) the priority status of the firm under (c) (2) above, and (iii) the highest unit price for awards under (c) (4) above if the highest award on the non-set-aside portion was made on such conditioned bid.

(7) *All or None Bids.* Where a concern has submitted an "all or none" bid for more than one Item and thereby has conditioned the Government's right to award any Item upon its concurrent award of another Item, the unit prices bid for each Item on an "all or none" basis shall be considered independent unit prices for the purpose of determining the eligibility and priority status of the concern for the set-aside portion of each Item. In no event will a set-aside award be made for an Item to such bidder at a higher unit price than his "all or none" unit price bid for the Item on the non-set-aside portion.

(d) *Definitions.*

(1) A "small business concern" is a concern that (i) is certified as a small business concern by the Small Business Administration, or (ii) is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and, with its affiliates, employs either not more than 500 employees or, if the concern qualifies as a labor surplus area concern, not more than 625 employees. In addition to meeting these criteria, a manufacturer or a regular dealer submitting bids or proposals in his own name must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns; *provided* that this additional requirement does not apply in connection with construction or service contracts.

(2) The term "labor surplus area" means a geographical area which is a persistent labor surplus area or a substantial labor surplus area, or both, as defined below:

(i) "Persistent labor surplus area" means an area which (A) is classified by the Department of Labor as an "Area of Substantial and Persistent Labor Surplus" (also called "Area of Substantial and Persistent Unemployment") and is listed as such by that Department in conjunction with its publication "Area Labor Market Trends," or (B) is certified as an area of substantial and persistent labor surplus by the Department of Labor pursuant to a request by a prospective contractor.

(ii) "Substantial labor surplus area" means an area which (A) is classified by the Department of Labor as an "Area of Substantial Labor Surplus" (also called "Area of Substantial Unemployment") and which is listed as such by that Department in conjunction with its publication "Area Labor Market Trends," or (B) is certified as an area of substantial labor surplus by the Department of Labor pursuant to a request by a prospective contractor.

(3) The term "labor surplus area concern" includes persistent labor surplus area concerns and substantial labor surplus area concerns as defined below:

(i) "Persistent labor surplus area concern" means a concern that agrees to perform, or cause to be performed, a substantial proportion of a contract in persistent labor surplus areas. A concern shall be deemed to perform a substantial proportion of a contract in persistent labor surplus areas if the costs that the concern will incur on account of manufacturing or production performed in such areas (by itself or its first-tier subcontractors) amount to more than 50 percent of the contract price.

(ii) "Substantial labor surplus area concern" means a concern that agrees to perform, or cause to be performed, a substantial proportion of a contract in substantial labor surplus areas. A concern shall be deemed to perform a substantial proportion of a contract in substantial labor surplus areas if the costs that the concern will incur on account of manufacturing or production performed in substantial labor surplus areas or in substantial and persistent labor surplus areas (by itself or its first-tier subcontractors) amount to more than 50 percent of the contract price.

(e) *Identification of Areas of Performance.* Each bidder desiring to be considered for award as a small business labor surplus area concern on the set-aside portion of this procurement shall identify in his bid the geographical areas in which he proposes to perform, or cause to be performed, a substantial proportion of the production of the contract. If the Department of Labor classification of any such area changes after the bidder has submitted his bid, the bidder may change the areas in which he proposes to perform; *Provided*, That he so notifies the Contracting Officer before award of the set-aside portion. Priority for negotiation will be based upon the labor surplus classification of the designated production areas as of the time of the proposed award.

(f) *Agreement.* The bidder agrees that, if awarded a contract as a small business persistent labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial proportion of the production in areas classified at the time of award, or at the time of performance of the contract, as persistent labor surplus areas; and, that if awarded a contract as a small business substantial labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial proportion of the production in areas classified at the time of award, or at the time of performance of the contract, as substantial or persistent labor surplus areas.

(g) *Token Bids.* Notwithstanding the provisions of this Notice, the Government reserves the right, in determining eligibility of priority for set-aside negotiations, not to consider token bids or other devices designed to secure an unfair advantage over other bidders eligible for the set-aside portion.

(h) *Instruction for Indicating Portion of Set-Aside Quantity Desired.* The quantity of each Item which has been set aside is set forth on the attached Bidder's Statement of

Set-Aside Quantity Desired, which is to be filled in only by small business concerns, as provided in (b) (2) above. Furthermore, it is to be used by such a bidder only when (1) he has submitted a bid for the entire non-set-aside quantity of an Item, and (2) he desires a total quantity in excess of the non-set-aside quantity thereof. Whether or not a small business concern may participate in the set-aside portion is dependent on its eligibility in accordance with (c) above. It should be noted, however, that to be eligible for the set-aside portion the bidder need not have filled in the Bidder's Statement of Set-Aside Quantity Desired. The latter should only be filled in where the bidder desires a quantity in excess of the non-set-aside quantity.

BIDDER'S STATEMENT OF SET-ASIDE QUANTITY DESIRED

1	2	3
Item No.	Quantity Set-Aside	Portion of Set-Aside Quantity Desired

[Columns numbered 1 and 2 will be filled in by the issuing office. Column No. 3 will be left blank for the bidder or offeror to fill in.]

(e) *Award procedures.*

(1) *Awarding the non-set-aside portion.* Awards of the non-set-aside portion shall be made in accordance with normal procurement procedures.

(2) *Awarding the set-aside portion.* After all awards have been made on the non-set-aside portion, award of the set-aside portion shall be effected by negotiation with eligible concerns as provided in the applicable Notice used. If equal low bids were received on the non-set-aside portion from concerns which are eligible for the set-aside portion, the concern which is awarded the non-set-aside portion (under the equal low bid procedures of § 1-2.407-6) shall have first priority with respect to negotiations for the set-aside portion.

§ 1-1.706-7 Automatic dissolution of set-asides.

If the entire set-aside portion is not procured by the method set forth in § 1-1.706-5, as to total set-asides, or § 1-1.706-6, as to partial set-asides, the determination referred to in § 1-1.706-1 is automatically dissolved as to the unawarded portion of the set-aside and such unawarded portion may be procured by advertising or negotiation, as appropriate, in accordance with applicable regulations.

§ 1-1.706-8 Contract authority.

(a) *Joint small business set-asides.* Contracts resulting from either total or partial joint small business set-asides (see § 1-3.215), whether entered into by conventional negotiation or by Small Business Restricted Advertising, shall cite as legal authority for negotiation section 302(c) (15) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252(c) (15)), the revised Armed Services Procurement Act of 1947 (10 U.S.C. 2304(a) (17)), or other applicable proper authority, together with section 15 of the Small Business Act.

(b) *Unilateral small business set-asides.* Contracts resulting from unilateral small business set-asides shall cite the applicable legal authority for negotiation (see § 1-3.201).

§ 1-1.707 [Reserved]

§ 1-1.708 Certificate of competency program.

§ 1-1.708-1 General.

Pursuant to authority of the Small Business Act (15 U.S.C. 637(b) (7)), SBA is empowered to certify to Government procurement officers the competency as to capacity and credit of any small business concern or group of such concerns to perform a specific Government contract. As used in this section, "capacity" means the overall ability of a prospective small business contractor to meet quality, quantity, and time requirements of a proposed contract and includes ability to perform, organization, experience, technical knowledge, skills, "know-how," technical equipment, and facilities.

§ 1-1.708-2 Applicability and procedure.

(a) If a small business concern has submitted an otherwise acceptable bid or proposal but has been found by the contracting officer not to be responsible as to capacity or credit, and if the bid or proposal is to be rejected for this reason alone, SBA shall be notified of the circumstances so as to permit it to issue a certificate of competency, and award shall be withheld pending either SBA issuance of a certificate of competency or the expiration of fifteen working days after SBA is so notified, whichever is earlier, subject to the following:

(1) This procedure is not mandatory where award must be made without delay and the contracting officer includes in the contract file a statement signed by him which justifies immediate action. A copy of the statement shall be furnished the SBA representative.

(2) This procedure does not apply to proposed awards of less than \$2,500.

(3) This procedure is optional, within the discretion of the contracting officer, as to proposed awards of more than \$2,500, but less than \$10,000.

(4) This procedure does not apply where the contracting officer has found a small business concern not to be responsible for a reason other than lack of capacity or credit.

(b) To assist SBA in determining the capacity and credit of small business concerns involved in a particular procurement, the procurement agency shall at the time of notification make available to SBA all pertinent technical and financial information with respect to the small business concern involved, including but not limited to copies of the invitation for bids or request for proposals, drawings, specifications, preaward surveys, and abstracts of bids.

(c) Nothing in this section shall be construed to prevent a contracting officer from selecting, in the first instance, that source of supply offering the highest competence obtainable or the best scientific approach as may be needed, in certain negotiated procurements of research and development, highly complex equipment, or personal or professional services. However, if a small business concern has been selected on the basis

of the highest competence obtainable or best scientific approach and, prior to award, the contracting officer determines that the concern is not responsible because of lack of capacity or credit, the certificate of competency procedure in (a) of this § 1-1.708-2 is applicable.

§ 1-1.708-3 Conclusiveness of certificate of competency.

Procurement agencies shall accept SBA certificates of competency as conclusive of a prospective contractor's responsibility as to capacity and credit. However, if the contracting officer has substantial doubt as to the firm's ability to perform, he shall, before award, promptly refer the matter to higher authority within the agency in accordance with procedures of the agency concerned. In cases referred to higher authority, SBA may be requested to consider withdrawal of the certificate and, in any event, the contracting officer will be informed of the final decision in the matter.

§ 1-1.709 Records and reports.

Executive agencies shall maintain records of the value of procurement contracts placed with small business concerns. Accordingly, each procuring activity shall, in soliciting bids or proposals, requests from any bidder or offeror any information needed to determine whether the bidder or offeror is a small business concern (when Standard Forms 18, 19, 21, 30, and 33 are used, this information is available from the small business representation included on these forms). Agencies shall summarize and report such procurement on Standard Form 37 (Report on Procurement by Civilian Executive Agencies) in accordance with § 1-16.804.

Effective date. These regulations are effective December 31, 1961, but may be observed earlier.

Dated: September 26, 1961.

JOHN L. MOORE,
Administrator of General Services.

[F.R. Doc. 61-9403; Filed, Sept. 29, 1961;
8:49 a.m.]

Chapter 50—Division of Public Contracts, Department of Labor

PART 50-201—GENERAL REGULATIONS

Exemption of Contracts of Export Merchants From "Regular Dealer" Requirement of Walsh-Healey Public Contracts Act

Upon the basis of a finding by the Administration that the inclusion in Government contracts for materials intended for export of the requirement of section 1(a) of the Walsh-Healey Public Contracts Act that the contractor be a manufacturer or regular dealer in the materials, supplies, articles, or equipment to be manufactured or used in the performance of the contract will seriously impair the conduct of Government business by

excluding from participation in such procurement export merchants which do not meet the definitions of the term "regular dealer" found in 41 CFR 50-202.101, I hereby determine pursuant to section 6 of the Walsh-Healey Public Contracts Act (49 Stat. 2038, 41 U.S.C. 40) that both justice and the public interest will be served by excepting and exempting such merchants from the "regular dealer" requirement of section 1(a) of the Act.

Accordingly, pursuant to section 6 of the Walsh-Healey Public Contracts Act (49 Stat. 2038, 41 U.S.C. 40), 41 CFR 50-201.604 is hereinafter amended by adding an additional paragraph (c) in order to accomplish this purpose. The amendment shall become effective upon filing with the FEDERAL REGISTER since the rule-making involved is within the public contracts exception to section 4 of the Administrative Procedure Act.

The new paragraph (c) of 41 CFR 50-201.604 reads as follows:

§ 50-201.604 Partial administrative exemptions.

(c) A contractor who operates and maintains a place of business where he regularly engages in the business of an export merchant, and regularly buys from manufacturers and resells exclusively for export materials, supplies, articles, or equipment of the general character described by the specifications and required under a contract shall be exempt from the requirement of section 1(a) of the act and of paragraph (a) of § 50-201.1 of this part that the contractor be a regular dealer in the materials, supplies, or equipment to be manufactured or used in the performance of the contract: *Provided, however,* The following conditions are met:

(1) That the contract is for the purchase of materials, supplies, articles, or equipment for export;

(2) That such purchases are to be paid for out of grants or loans to the countries to which the commodities purchased are to be exported or out of funds of such countries derived from other sources;

(3) That the export merchant will notify the persons engaged in the manufacture of the materials, supplies, articles, or equipment that the purchaser thereof is the United States and that the provisions of the Walsh-Healey Public Contracts Act are applicable; and

(4) That such export merchant, apart from the liability of the manufacturer, shall be liable for the observance of all the labor standards provided in section 1 of the act; and

(5) That the export merchant shall notify the contracting agency that he will accept the contract upon the terms and conditions set forth above.

Signed at Washington, D.C., this 29th day of September 1961.

W. WILLARD WIRTZ,
Acting Secretary of Labor.

[F.R. Doc. 61-9485; Filed, Sept. 29, 1961;
11:53 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Federal Mediation and Conciliation Service

Effective upon publication in the FEDERAL REGISTER, paragraph (e) of § 6.346 is revoked.

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

UNITED STATES CIVIL SERVICE COMMISSION,

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

[F.R. Doc. 61-9410; Filed, Sept. 29, 1961;
8:50 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 626 Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Mexican Fruit Fly

ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREA

Pursuant to § 301.64-2 of the regulations supplemental to the Mexican fruit fly quarantine (7 CFR 301.64-2), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), administrative instructions appearing as 7 CFR 301.64-2a are hereby revised to read as follows:

§ 301.64-2a Administrative instructions designating regulated area under the Mexican fruit fly quarantine.

Infestations of the Mexican fruit fly have been determined to exist, in the quarantined State, in the civil divisions or parts thereof listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, the localities listed are hereby designated as the Mexican fruit fly regulated area within the meaning of the provisions in this subpart:

Texas. Counties of Brooks, Cameron, Dimmit, Hidalgo, La Salle, Starr, Webb, and Willacy, and that portion of Jim Wells county lying south of Highway 141 and a line projected due west to the Jim Wells-Duval county line from the point where Highways 141 and 66 intersect.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161)

These administrative instructions shall become effective September 30, 1961,

when they shall supersede P.P.C. 625, effective October 25, 1957 (22 F.R. 8415).

The purpose of this revision is to add Starr County, Texas, to the Mexican fruit fly regulated area. It must be made effective promptly in order to prevent the interstate spread of the Mexican fruit fly from the county being added. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of September 1961.

[SEAL] D. R. SHEPHERD,
Acting Director,
Plant Pest Control Division.

[F.R. Doc. 61-9423; Filed, Sept. 29, 1961;
8:51 a.m.]

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

[Valencia Orange Reg. 247]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.547 Valencia Orange Regulation 247.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia 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 recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia 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 section 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 section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as

hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 28, 1961.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m. P.s.t., October 1, 1961, and ending at 12:01 a.m. P.s.t., October 8, 1961, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: 650,000 cartons;
- (iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

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

Dated: September 29, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-9484; Filed, Sept. 29, 1961;
11:35 a.m.]

[Lemon Reg. 918, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, 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 Lemon 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 lemons 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 regulation 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 restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.1025 (Lemon Regulation 918, 26 F.R. 8968) are hereby amended to read as follows:

- (ii) District 2: 218,550 cartons.

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

Dated: September 27, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-9422; Filed, Sept. 29, 1961;
8:51 a.m.]

[Lemon Reg. 919]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.1026 Lemon Regulation 919.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, 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 Lemon 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 lemons 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 section 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 section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and

good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 26, 1961.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., October 1, 1961, and ending at 12:01 a.m., P.s.t., October 8, 1961, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: 162,750 cartons;
- (iii) District 3: 79,050 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: September 27, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and
Vegetable Division, Agricultural
Marketing Service.

[F.R. Doc. 61-9419; Filed, Sept. 29, 1961;
8:51 a.m.]

[Grapefruit Reg. 138]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF., AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Limitation of Shipments

§ 955.399 Grapefruit Regulation 138.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, 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 recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, 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 section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an open meeting on September 14, 1961, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such open meeting; necessary supplemental economic and statistical information upon which this recommended regulation is based were received by the Fruit Branch on September 25, 1961; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the regulation of the handling of grapefruit at the start of this marketing season; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., October 8, 1961, and ending at 12:01 a.m., P.s.t., November 26, 1961, no handler shall handle:

(i) From the State of California or the State of Arizona to any point outside thereof any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of White Water, California, unless such grapefruit are well colored, and otherwise grade at least U.S. Combination with not less than 60 percent, by count, of the grapefruit in each container thereof grading at least U.S. No. 1 grade; or

(ii) From the State of California or the State of Arizona to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which measure less than $3\frac{1}{16}$ inches in diameter, except that a tolerance of 5 percent, by count, of

grapefruit smaller than the foregoing minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerance, specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925 to 51.955 of this title: *Provided*, That, in determining the percentage of grapefruit in any lot which are smaller than $3\frac{1}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4\frac{1}{16}$ inches in diameter and smaller.

(2) As used herein, "handler," "variety," "grapefruit," and "handle" shall have the same meaning as when used in said amended marketing agreement and order; the terms "U.S. Combination" and "well colored" shall each have the same meaning as when used in the aforesaid revised United States Standards for Grapefruit; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit.

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

Dated: September 27, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Veg-
etable Division, Agricultural
Marketing Service.

[F.R. Doc. 61-9421; Filed, Sept. 29, 1961;
8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-337]

PART 234—FLIGHT SCHEDULES OF CERTIFICATED AIR CARRIERS; REALISTIC SCHEDULING REQUIRED

Applicability; and Reporting of Schedule Arrival Performance

SEPTEMBER 20, 1961.

A notice of proposed rule making, published in the FEDERAL REGISTER on April 14, 1961 (26 F.R. 3204) and circulated to the industry, Docket 12305, proposed the amendment of § 234.8 to limit the on-time reporting requirement therein imposed, to apply to flights between certain city pairs. It also proposed to amend § 234.2 to make it clear that Part 234 does not apply to supplemental air carriers or to intra-Hawaiian or intra-Alaskan operations.

The Board finds that the on-time reporting requirement of § 234.8 has not only furnished information useful for enforcement of the block-to-block realistic scheduling regulation, but has, in accordance with the Board's original objective, also promoted healthy competition with respect to on-time performance. It has enabled air carriers

to advertise their on-time performance "according to records on file with the C.A.B.," and has made it possible for users of air services to compare performance of competing air carriers. The reporting requirement thus exerts a wholesome influence in the direction of on-time performance of the scheduled air services and is in the interest of the public. The Board has therefore decided to continue this reporting requirement in revised form.

One carrier recommends that this reporting requirement be applied to the 100 top pairs of points as ranked in the revenue-passenger listing found in the Origination-Destination Survey. Modified by the exclusion of pairs of points which are each less than 200 miles apart and represent less important markets, this plan would ordinarily relate to about 85 pairs of points accounting for approximately 34 percent of the total passengers in domestic services, and comprising the major domestic markets. Only two local service carriers would currently be required to make any performance reports on this basis. Another variance from the current requirement would be that only nonstop flights would be reportable. Flight stages of one-stop and multi-stop flights would, of course, be reportable if they are among the aforesaid 85 pairs.

The Board has decided to embody this plan in the following revision of § 234.8. Initially, the required reports will relate to schedule performance between each of the 100 top-ranking station pairs (omitting those less than 200 miles apart) shown in the current Domestic Section of the Survey. Henceforth these Survey Reports are to be issued quarterly, followed by an annual summary. As each new annual summary report is issued, it shall be used, beginning with the second month after issuance, to determine reportable pairs. This lag is deemed necessary to permit the carriers to adjust to any changes in rankings which might be disclosed from year to year.¹ The proposed regulation adds column (8) to CAB Form 438, the reporting form, showing the number of times each scheduled flight was canceled. The objection was expressed in some of the comments that certain irregular operations such as alternate point originations or terminations, unscheduled stops, emergency diversions and the like might be unjustly charged as cancellations unless opportunity is given to explain them. This comment has merit and the form has been revised to permit such irregular operations to be reported under column (8), the "cancellations" column, with a supplementary explanation. The regulation itself has been amended to exclude, altogether, reports with respect to suspended flights.

Illustration: Assume that an annual Origination-Destination Survey is issued on March 21. It shall be used in determining reportable pairs for operations during May and thereafter. Performance reports for March and April shall continue to be based upon the ranking shown in the preceding annual report.

Exempted from all of the requirements of Part 234 are the following: (a) helicopter carriers, (b) all-cargo operations, (c) supplemental air carriers, and (d) intra-Hawaiian and intra-Alaskan operations.

The notice of rule making proposed to make air carriers engaged in passenger transportation between Hawaii or Alaska and mainland points subject to all of the provisions of Part 234. One of the carriers which would be affected protested its inclusion in the coverage of Part 234, asserting that when the part was adopted, the Board deliberately exempted such flights from any performance requirements because of the peculiar operational conditions encountered in the overseas service. The Board has considered the contentions opposing inclusion of such flights within the governance of Part 234, and has concluded that so far as they are directed to the performance requirements of the Part, they are meritorious. On the other hand, the Board believes there is need of appropriate performance data with respect to these flights. The proposed regulation has therefore been revised to require the reporting of U.S.-Alaskan and U.S.-Hawaiian services pursuant to § 234.8, but not to impose the block-to-block performance requirements of the regulation on such services.

Certain minor changes have been made in CAB Form 438, and certain editorial changes have been made in the proposed regulation itself, but except as above noted, the regulation, as adopted, is substantially the same as set out in the notice of proposed rule making.

Whenever the rankings of top pairs of points change as the result of the publication of a new Origin-Destination Survey Report, the Board plans to circularize the changes and to indicate when the new list is to be effective for the purposes of § 234.8. This will be merely a service to the industry, and failure of the Board to issue such information, or of affected persons to receive it, will not relieve any carrier from the provisions of that section.

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

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 234 of its regulations (14 CFR Part 234), by revising §§ 234.2 and 234.8, respectively, effective December 1, 1961, to read as follows:

§ 234.2 Applicability.

This part applies to any route air carrier certificated pursuant to section 401(d) (1) or (2) of the Federal Aviation Act insofar as it is engaged in air transportation, other than helicopter service or community center or inter-airport service, within or among any of the 48 mainland States of the United States and the District of Columbia with respect to all flights, other than all-cargo flights, scheduled and performed in such transportation: *Provided*, That the provisions of § 234.8 shall apply also to such air transportation by route air carriers

between any point in Hawaii or Alaska and any point in any of the 48 mainland States or the District of Columbia. This part does not apply to supplemental air carriers or to intra-Hawaiian or intra-Alaskan air transportation.

§ 234.8 Reporting of schedule arrival performance.

(a) Each certificated route air carrier scheduling nonstop passenger flights between any of the 100 top-ranking pairs of points in the revenue-passenger listing of the Domestic Operations Section of the Origination-Destination Survey Report, or between Hawaiian or Alaskan points on the one hand and points on the Mainland on the other hand with a passenger volume greater than the 100th ranked pair² in such listing, shall, with respect to any such flights, for each month, file in duplicate CAB Form 438 (Rev. 9-61), entitled "Monthly Statement of Schedule Arrival Performance on Designated Passenger Flights," or in lieu thereof any comparable IBM-type report approved by the Board, in accordance with the instructions accompanying such form and the requirements of this section:³ *Provided*, That such report shall not be required with respect to flights between any pair of points which are less than 200 miles apart. When a carrier's right to use a scheduled point has been suspended, flights to or from such point shall not be reportable during the period of suspension. The report shall be filed within 45 days after the termination of each prescribed reporting period and shall be certified to be correct by a responsible officer of the reporting air carrier.

(b) The city pairs to which such reports shall relate shall be determined by reference to the annual Origination-Destination Summary Report which is current at the time of reporting. For the purposes of this section, an Origination-Destination Report shall remain "current" until the first day of the second month following the issuance of the next annual Summary Report.

(c) The reports shall furnish the following information:

(1) The station-to-station codes and the flight identification number of each such flight;

(2) The number of flight arrivals scheduled under each such flight identification number;

(3) The number of times each such flight was performed on time or within five minutes thereof, was more than five

² To be determined from Part 1 of the International Origination-Destination Survey Report, based on the sum of such figures, from the two most recent surveys available, annualized by multiplying by six and comparing with the annualized traffic volumes appearing in the Domestic Operations Section, *ibid*.

³ CAB Form 438 (Rev. 9-61) is obtainable from the Publications Section, Civil Aeronautics Board, Washington 25, D.C., and should be filed with the Board's Office of Carrier Accounts and Statistics. Any IBM-type form submitted in lieu thereof shall be filed in duplicate and shall contain the same columnar headings arranged in the same order of sequence as those in CAB Form 438 (Rev. 9-61).

minutes but not more than 15 minutes late, was over 15 minutes but not more than 30 minutes late, was more than 30 minutes late; and

(4) The number of times each such flight was canceled or not operated per schedule.

(d) Each certificated air carrier scheduling passenger flights which are within the purview of this section shall establish all records needed in order to accomplish full compliance with the reporting requirements hereof and shall preserve such records in accordance with the provisions of § 249.13(f), and Schedule of Records, Item 301 of Part 249 of this subchapter.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 404(a), 405(e), 407 and 411, 72 Stat. 760, 766, 769; 49 U.S.C. 1374, 1375, 1377, 1381)

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

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61-9431; Filed, Sept. 29, 1961;
8:53 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-HO-4]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CON- TROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CON- TROL AREAS

Federal Airways, Control Areas, and Reporting Points; Change of Effective Date of Modifications, Designa- tions, and Revocations

On March 25, 1961, there were published in the FEDERAL REGISTER (26 F.R. 2549), amendments to Parts 600 and 601 of the regulations of the Administrator which modified, designated and revoked various airways, control areas and reporting points in the Hawaiian Islands. Some of these amendments became effective June 1, 1961. An effective date of November 16, 1961, was set for most of the amendments, however, since they involved airspace actions dependent upon the subsequent relocation of the Upolu Point VOR and the commissioning of a new VOR near South Kauai.

The commissioning date of the South Kauai VOR and the relocation of the Upolu Point VOR have been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendments set for November 16, 1961, until February 8, 1962.

Since thirty days will elapse from the time of publication of the rule as initially adopted to this new effective date, this change is made in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately the portion of Airspace Docket No. 60-HO-4 currently scheduled to become effective November 16, 1961, is hereby modified as follows: "effective 0001, e.s.t., November 16, 1961", is deleted and "effective 0001, e.s.t., February 8, 1962", is substituted therefor.

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

Issued in Washington, D.C., on September 25, 1961.

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

[F.R. Doc. 61-9384; Filed, Sept. 29, 1961;
8:46 a.m.]

[Airspace Docket No. 61-NY-95]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 608—SPECIAL USE AIRSPACE Alteration of Restricted Area and Federal Airways

The purpose of these amendments to §§ 600.6001, 600.6044, and 608.50 of the regulations of the Administrator is to alter the Warren Grove, N.J., Restricted Area R-5002 and the description of low altitude VOR Federal airways Nos. 1 and 44.

The Department of the Air Force has stated an urgent and immediate need to raise the ceiling of R-5002 from 4,000 feet to 9,000 feet MSL. Due to the requirement for intensified training to bring designated Air National Guard Units to peak combat readiness at the earliest practicable date, the actions taken herein are justified as a matter of military urgency and necessity, and in the interest of national defense.

Low altitude VOR Federal airways Nos. 1 and 44 are described in part with reference to R-5002. In order to preclude the necessity of prior coordination for the use of the portions of these airways which coincide with R-5002 and to afford maximum flexibility of operations, the descriptions of Victors 1 and 44 are altered herein to exclude the portions which coincide with R-5002. Therefore, the southeastern portion of R-5002 is being reduced in size by approximately one square mile to provide the required lateral clearance of 3 miles between the restricted area boundary and the centerline of Victors 1 and 44. The Air Force concurs in this alteration of the restricted area.

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

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

1. In § 608.50 *New Jersey* (26 F.R. 7198, 7962), the Warren Grove, N.J., Restricted Area R-5002 is amended to read:

R-5002 Warren Grove, N.J.

Boundaries. Beginning at latitude 39°46'10" N., longitude 74°20'14" W.; to latitude 39°43'25" N., longitude 74°17'37" W.; to latitude 39°38'45" N., longitude 74°23'40" W.; to latitude 39°39'50" N., longitude 74°25'52" W.; to latitude 39°43'58" N., longitude 74°24'13" W.; to the point of beginning.

Designated altitudes. Surface to 9,000 feet MSL.

Time of designation. Sunrise to sunset.

Controlling agency. Federal Aviation Agency, New York ARTC Center.

Using agency. Commander, 108th Tactical Fighter Wing, New Jersey Air National Guard, McGuire AFB, N.J.

2. In the text of § 600.6001 (26 F.R. 3522) "The portions of this airway that coincide with the Patuxent, Md., Restricted Area R-4006 are excluded. The portion of this airway that coincides with the Warren Grove, N.J., Restricted Area R-5002 shall be used only after obtaining prior approval from appropriate authority." is deleted and "The portions of this airway that coincide with the Patuxent, Md., Restricted Area R-4006 and the Warren Grove, N.J., Restricted Area R-5002 are excluded." is substituted therefor.

3. In the text of § 600.6044 (26 F.R. 3521) "The portion of this airway that coincides with the Warren Grove, N.J., Restricted Area R-5002 shall be used only after obtaining prior approval from appropriate authority." is deleted and "The portion of this airway that coincides with the Warren Grove, N.J., Restricted Area R-5002 is excluded." is substituted therefor.

These amendments shall become effective 0001, e.s.t., October 2, 1961.

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

Issued in Washington, D.C., on September 29, 1961.

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

[F.R. Doc. 61-9483; Filed, Sept. 29, 1961;
11:19 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55477]

PART 16—LIQUIDATION OF DUTIES

Conversion of Currency

No significant variances in the rate of exchange daily certified to the Secretary of the Treasury by the Federal Reserve Bank of New York pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), have occurred during extensive periods for the Argentine peso, the French (Metropolitan) new franc, the Republic of South Africa rand, and the Spanish peseta.

Therefore, pursuant to section 522(c) (1) (B), Argentina, France, Republic of South Africa, and Spain hereby are designated as countries whose currencies shall be subject to conversion for cus-

toms purposes at the rate of exchange first certified by the Federal Reserve Bank of New York for a day within the quarter beginning October 1, 1961, and each calendar quarter thereafter.

The list of countries alphabetically set forth at the end of paragraph (d) of § 16.4 of the Customs Regulations is amended to include "Argentina," "France (Metropolitan)," "Republic of South Africa," and "Spain" effective with the quarter commencing October 1, 1961.

(R.S. 251, secs. 522, 624, 46 Stat. 739, as amended, 759; 19 U.S.C. 66, 1624, 31 U.S.C. 372)

Notice was published in the **FEDERAL REGISTER** on July 1, 1961 (26 F.R. 5958), as to France (Metropolitan), Union of South Africa, and Spain. As to Argentina, such notice was published in the **FEDERAL REGISTER** on August 25, 1961 (26 F.R. 7966). No objections were received, but in order to reflect the country's correct political status, the designation "Republic of South Africa," instead of "Union of South Africa," has been employed.

A delay specified under the effective date requirements of section 4(c) of the Administrative Procedure Act (5 U.S.C. 1003) would prevent the application of the quarterly rate procedure for the currencies in question effective with the calendar quarter commencing October 1, 1961. The instructions, primarily relating to action to be taken by customs officers, also produce generally beneficial results from the standpoint of the rights of interested persons. These circumstances are found to be good cause for not deferring the effective date pursuant to section 4(c) of the Act.

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

Approved: September 26, 1961.

A. GILMORE FLUES,
Assistant Secretary
of the Treasury.

[F.R. Doc. 61-9408; Filed, Sept. 29, 1961;
8:50 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact with Containers or Equipment and Food Additives Otherwise Affecting Food

POLYURETHANE RESINS

In the matter of establishing regulations for the safe use of polyurethane resins as a food-contact surface for dry bulk foods:

A petition in the above matter has been filed by E. I. du Pont de Nemours and Company, Wilmington, Delaware. The Commissioner of Food and Drugs has evaluated the data submitted in this petition and other relevant material, and

has concluded that the following regulation should issue with respect to the container components listed in this order. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart F the following new section:

§ 121.2522 Polyurethane resins.

The polyurethane resins as defined in this section may be safely used as the food-contact surface of articles intended for packaging, transporting, or holding food subject to the following provisions:

(a) Polyurethane resin is prepared from resin-forming materials described in subparagraph (4) of this paragraph, and from optional substances which may include:

(1) Substances generally recognized as safe in food.

(2) Substances permitted for use in these resins by prior sanction or approval and employed under the specific conditions of such sanction or approval.

(3) Substances that by any regulation promulgated pursuant to section 409 of the act may be safely used as components of resinous and polymeric coatings used as food-contact surfaces.

(4) Substances named in this section and further identified as required.

List of substances	Limitations
Polyurethane, derived from the reaction of: Toluene diisocyanate. Polypropylene glycol. Trimethylol propane. Catalyst: N,N-dimethyl-dodecylamine.	
Polyvinyl isobutyl ether..... Polyvinyl methyl ether..... Soya alkyd resin.....	Conforming in composition with § 121.2514 and containing litharge not to exceed that residual from its use as the reaction catalyst and creosole not to exceed that required as an antioxidant.
Copper phthalocyanine..... Ultramarine blue.....	As a pigment. As a pigment.

(b) The resin is used as the food-contact surface for dry bulk foods.

(c) An appropriate sample of the finished resin in the form in which it contacts food, when subjected to Method 6191 in Federal Test Method Standard No. 141, using No. 50 Emery abrasive in lieu of Ottawa sand, shall exhibit an abrasion coefficient of not less than 20 liters per mil of film thickness.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the **FEDERAL REGISTER** file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and

specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the **FEDERAL REGISTER**.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: September 25, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-9407; Filed, Sept. 29, 1961;
8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER G—PROCUREMENT

PART 590—GENERAL PROVISIONS

PART 591—PROCUREMENT BY FORMAL ADVERTISING

PART 592—PROCUREMENT BY NEGOTIATION

PART 593—SPECIAL TYPES AND METHODS OF PROCUREMENT

PART 594—INTERDEPARTMENTAL AND COORDINATED PROCUREMENT

PART 596—CONTRACT CLAUSES

PART 597—TERMINATION OF CONTRACTS

PART 598—PATENTS, COPYRIGHTS AND TECHNICAL DATA

PART 599—BONDS AND INSURANCE

PART 600—FEDERAL, STATE AND LOCAL TAXES

PART 601—LABOR

PART 603—INSPECTION AND ACCEPTANCE

PART 606—SUPPLEMENTAL PROVISIONS

Miscellaneous Amendments

1. Revise § 590.201-15 and in § 590.201-52, revise list under heading "Army Medical Service," as follows:

§ 590.201-15 Secretary.

The term "Secretary" means the Secretary of the Army or Under Secretary of the Army or Assistant Secretary of the Army (Installations and Logistics).

§ 590.201-52 Principal Purchasing Offices.

ARMY MEDICAL SERVICE

"Purchasing Office, United States Army Medical Research and Development Com-

mand, Main Navy Building, Washington 25, D.C.

Contract Branch, Operations and Management Division, Office for Dependents' Medical Care, Main Navy Building, Washington 25, D.C.

2. In § 590.452, revise paragraphs (c), (d), and (e), as follows:

§ 590.452 Selection and appointment of ordering officers.

(c) *Limitations of authority.* (1) Ordering officers shall be limited to making purchases of \$250 or less and to the use of the following small purchase procedures (§ 590.601): (i) Imprest Fund, Standard Form 1165 (Receipt of Cash—Subvoucher) if \$100 or less, (ii) Standard Form 44 (Purchase Order—Invoice—Voucher), (iii) Charge Accounts established by contracting officers, (iv) DD Form 1155 (Order for Supplies or Services), and (v) DD Form 1164 (Service Order for Household Goods) by ordering officers as set forth in (c) of this subdivision, except that purchases in excess of \$250 may be made by ordering officers in the following circumstances:

(a) Commissary ordering officers may make purchases in unlimited dollar amounts against Purchase Notice Agreements published in the SB 10-500 series by signing and using DD Form 1155. Also they may place oral calls or informal requests against charge accounts established by contracting officers, in amounts of not more than \$2,500 for each call or request for brand name resale items, and without dollar limitation for perishable subsistence items.

(b) Accountable property officers appointed as ordering officers may, with the approval of the installation contracting officer, sign and place delivery orders (DD Form 1155) in unlimited dollar amounts against General Services Administration (GSA) stores depots and Federal Supply Schedules, and against indefinite delivery type contracts published in DA Cir 718-series.

(c) Transportation officers or Transportation and Traffic Management officers may be appointed as ordering officers at installations or activities having (1) assigned area responsibilities under paragraph 1b and appendix I, AR 55-42, or (2) local agreements within the scope of the authority established by paragraph 2c, AR 55-42 to issue service orders (DD Form 1164) estimated to cost \$2,500 or less, subject to the policy criteria and procedure set forth in AR 55-42 and AR 743-455.

(d) Department of the Army pilots may make purchases in accordance with AR 715-232.

(e) Ordering officers of a military department or other Government agency satellited on a Department of the Army purchasing office may, with the approval of the contracting officer, procure such items as are required to accomplish an assigned mission and may sign and place delivery orders against GSA stores depots and Federal Supply Schedules, and against indefinite delivery type contracts.

(2) Except as provided in subparagraph (1) (v) (a) and (b) of this paragraph, on-post technical service personnel or accountable property officers, who are appointed ordering officers, are limited to making purchase of supplies and services for emergency repairs, repair of deadlined equipment and nonstocked "fringe items" (AR 711-16) authorized for purchase by AR 715-30.

(3) An individual may be appointed as both the ordering officer and the imprest fund cashier only at an isolated or off-post location.

(d) *Supplemental Procurement Information.* Appointing authorities will insure that ordering officers are properly instructed in the preparation and submission of information concerning individual purchase transactions which each ordering officer has completed during the calendar month. The ordering officer shall submit such information to the purchasing office for consolidation in DD Form 1057 (Monthly Procurement Summary by Purchasing Office). This information will be submitted in such a manner that it may be included readily on DD Form 1057.

(e) *Surveillance.* Installation tenant and on-post ordering officers shall be under the control and technical supervision of the installation purchasing office and will be inspected or reviewed by the contracting officer or his designee at least twice a year. Isolated or off-post ordering officers shall be under the control and technical supervision of the parent installation purchasing office and will be inspected or reviewed at least annually by personnel designated by the parent installation commander. Copies of the inspection findings will be retained for one year in the file of the ordering office and the supervising purchasing office. Such inspections should include whether ordering officers are:

- (1) Purchasing only items authorized to be purchased locally;
- (2) Determining reasonableness of prices received;
- (3) Rotating purchases amounting to \$250 or less among sources of supply;
- (4) Maintaining the standards of conduct as prescribed in AR 600-205, in their dealings with vendors;
- (5) Purchasing items on the open market which are required to be purchased from prescribed sources;
- (6) Splitting purchase transactions to avoid dollar limitations;
- (7) Delegating their responsibility to others; and
- (8) Complying with all applicable procurement policies and procedures.

3. Revise § 590.706-4(a) (1) and § 590.707-3(e), as follows:

§ 590.706-4 Reporting for Department of Commerce procurement synopsis.

(a) * * *

(1) In order to assure that proposed procurements, reserved for small business participation resulting from either joint consideration between contracting officers and SBA representatives or by unilateral determinations, receive widespread publicity, such proposed procure-

ments shall be synopsisized in accordance with § 1.1003 of this title in the Department of Commerce publication, "Synopsis of U.S. Government Proposed Procurement, Sales and Contract Awards."

§ 590.707-3 Defense subcontracting in small business programs.

(e) Copies of DD Form 1140, "Semi-annual Report of Participating Companies" will be supplied directly to participating contractors by the contracting officer.

4. Revise §§ 591.406-52(a) (1) and (2) and 591.407-5; add new § 591.407-8 and 591.407-9; revise § 591.451; and revoke § 591.452, as follows:

§ 591.406-52 Distribution of administrative determinations and comptroller general decisions.

(a) *To Headquarters, Department of the Army.* * * *

(1) The data listed in § 2.406-3(e) (3) (i) through (v) of this title together with a copy of the administrative determination referred to in § 2.406-3(a) of this title, where the action was taken under the authority stated in § 2.406-3(b) of this title and § 591.406-3(a); and

(2) The data listed in § 591.406-4(a) (1) through (4) together with a copy of the administrative determination referred to in § 591.406-4(c), where the action was taken under the authority stated in § 591.406-4(c).

§ 591.407-5 Other factors to be considered.

(a) *Reasonableness of bid prices.* In the evaluation of bids, and prior to making an award, contracting officers will insure that the prices to be accepted are fair and reasonable on the basis of valid criteria, such as, but not limited to: Prices paid on past procurements; price trend information from the daily press, trade, or Government publications; current market prices for comparable quantities; extent of competitive pricing; cost analysis of similar procurements; and current prices being paid by other purchasing offices for the same or similar items. The contract file will be documented in accordance with the provisions of § 590.308 of this chapter to reflect the actions taken to determine the reasonableness of the bid prices.

(b) *Evaluation of bids.* When the contracting officer determines that it is necessary to consider the advantages or disadvantages to the Government that might result from making multiple awards the following provision will be included in the Schedule or other appropriate place in the invitation for bids.

EVALUATION OF BIDS (June 1961)

In addition to other factors, bids will be evaluated on the basis of advantages or disadvantages to the Government that might result from making multiple awards. For the purpose of making this evaluation, it will be assumed that the sum of \$50 would be the administrative cost to the Government for issuing and administering each contract awarded under this invitation, and individual awards will be for the items and combination of items which result in the lowest aggregate price to the Government, including such administrative costs.

§ 591.407-8 Purchase of patented items when a patent indemnity clause is to be included in the contract.

The principle stated in § 2.307-8 of this title applies also where in accordance with § 9.103 of this title the Patent Indemnity clause is not to be included in the contract. (See Decision B-139585, 2 July 1959, of the Comptroller General.)

§ 591.407-9 Protests against award.

(a) Where a protest affects another bidder, contractor, or any other party having a legitimate interest, the contracting officer normally shall give prompt notice of the protest to such parties in order that they may take appropriate action on their own behalf. The extent of the information to be furnished to the affected parties will require the exercise of judgment on a case-by-case basis with due weight given the salient aspects of the particular case. These aspects may include, but are not limited to, legal considerations; interests of the Government; equitable consideration of the interests of the affected parties, and mitigation of losses or other injuries to any and all parties concerned. It must be emphasized to the recipients of such notice of protest that the notice in no way relieves them of any obligations, under a contract or otherwise, but is primarily intended to afford them a fair opportunity to be heard by and to present evidence for the consideration of the agency which will render a decision in the case.

(b) Every effort shall be made to resolve protests at the lowest possible echelon. However, if in the opinion of the contracting officer, or higher echelons, it is considered desirable and in the best interest of the Government, the protest may be submitted to higher authority for resolution, or where the person making the protest has indicated he intends to carry the protest to a certain higher level of authority, the contracting officer shall submit the protest, through channels, to the indicated higher level of authority for final resolution.

(c) Protests submitted for final resolution to levels of authority higher than the Head of a Procuring Activity shall be forwarded to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C., Attn: Chief, Contracts Division. Protests submitted to higher authority will be documented completely, including:

(1) A signed statement from the person making the protest setting forth the complete facts on which the protest is based together with any additional supporting evidence;

(2) A signed statement, when relevant, from other persons or bidders affected by or involved in the protest, setting forth the complete facts with respect to their position in the matter, together with any additional supporting evidence;

(3) A copy of the bid submitted by the protesting bidder and a copy of the bid of the bidder to whom the award has been made or who is being considered for the award, if relevant to the protest;

(4) A copy of the invitation for bids including, where practicable, pertinent specifications, if relevant to the protest;

(5) A copy of the abstract of bids;

(6) Any other documents which are relevant to the protest, and

(7) A statement signed by the contracting officer setting forth his findings, actions, and recommendations in the matter, together with any additional information and evidence deemed to be necessary in determining the validity of the protest. If the award of a contract was made pending resolution of the protest, the contracting officer's statement will include the determination prescribed in § 2.407-9(b)(3) of this title.

(d) Protest cases submitted by contracting officers to higher levels of authority for forwarding to the Chief, Contracts Division, Office of the Deputy Chief of Staff for Logistics, Headquarters, Department of the Army, shall contain the recommendation of each intervening level of authority through which the protest is transmitted.

(e) Protests filed with echelons of a procuring activity other than the contracting officer shall be promptly forwarded to the contracting officer for processing in accordance with this subchapter.

(f) Where a protest is received prior to award of the contract, the contracting officer will withhold such award pending instructions from the Head of the Procuring Activity concerned. Where considered appropriate by the Head of the Procuring Activity, the award will be withheld and the protest submitted in accordance with paragraphs (c) and (d) of this section.

(g) Where a protest is received after the award of the contract, the following action will be taken:

(1) Where it reasonably appears that the award of the contract may be held to be invalid, and a delay in receiving the supplies and services is not prejudicial to the Government's interest, the contracting officer should, subject to such instructions as the Head of the Procuring Activity deems appropriate, seek a mutual agreement with the successful bidder to "stop work" on a no cost basis.

(2) If, in connection with subparagraph (1) of this paragraph, the contractor refuses to enter into such a mutual agreement, the Head of the Procuring Activity may direct the contracting officer, in writing, to issue a "stop work" order, unless the Head of the Procuring Activity determines that receipt of the supplies and services is so urgent that a "stop work" order would be prejudicial to the interest of the Government.

(3) Where the Head of the Procuring Activity considers that guidance from higher authority is necessary, the matter of withholding contractor performance will be submitted, by the most expeditious means, to the Deputy Chief of Staff for Logistics, Headquarters, Department of the Army, Attn: Chief, Contracts Division.

§ 591.451 Requests for decision by the Comptroller General.

Where a decision by the Comptroller General is desired or where the Comptroller General has indicated that he will

render a decision on procurement matters involving mistakes in bids or proposals, rescission or reformation of contracts, remission of liquidated damages or similar contract issues, procuring activities will forward a proposed request in accordance with the procedures set forth in this section.

(a) *Administrative report.* Each case submitted for a Comptroller General decision will be accompanied by an administrative report which shall include a summary of (1) the matter at issue, (2) the position of the contracting officer, and (3) the position and recommendation of the Head of the Procuring Activity. Attached, as a separate part of the report, will be a signed statement of the contracting officer setting forth his findings, actions taken, recommendation, and any additional information or evidence deemed necessary. In addition to the above, the report will include all documents and items of information which are specifically requested by the Comptroller General, required by Subchapter A, Chapter I of this title and this subchapter (e.g., § 2.406-3 of this title, and § 591.407-9 of this subchapter), and which are deemed pertinent to the issue. The administrative report will be signed by the Head, Deputy Head, Assistant Head, the Chief of Staff, or the Assistant Chief of Staff, G-4 of the Procuring Activity.

(b) *Submission of requests—(1) Technical services.* In submitting procurement matters to the Comptroller General for decision, the technical services will follow the special procedures which have been prescribed for their use.

(2) *Other procuring activities.* Procurement matters submitted to the Comptroller General for decisions by procuring activities other than technical services and by purchasing offices not under the jurisdiction of a procuring activity will be forwarded, by a covering letter inclosing the administrative report, to the Deputy Chief of Staff for Logistics, Attn: Chief, Contracts Division, Department of the Army, Washington 25, D.C.

(3) *Property disposal.* When the matter submitted for decision by the Comptroller General relates to property disposal matters, the administrative report will be forwarded to The Quartermaster General, Department of the Army, Washington 25, D.C., Attn: Chief, Army Property Disposal Division, for transmittal to the Assistant Secretary of the Army (Installations and Logistics).

§ 591.452 Requests for decision by the Comptroller General. [Revoked]

5. Revise §§ 592.101 (a) and (c) (4), 592.202-3, 592.203-2, 592.208-2(a), and 592.209, and revoke § 592.209-2, as follows:

§ 592.101 Negotiation as distinguished from formal advertising.

(a) *Competition.* The fact that a procurement is to be negotiated does not relax the requirements for competition. When supplies or services are to be procured by negotiation and when consistent with the accomplishment of procurement objectives, quotations or proposals shall be solicited from the maximum number

of qualified sources of (as defined in § 1.201-18 of this title, and § 590.201-18 of this subchapter) supplies or services as are deemed necessary to insure effective competition and to insure that the procurement is made to the best advantage of the Government, price and other factors considered, in accordance with the general policies set forth in Subpart C, Part 1 of this title and Subpart C, Part 590 of this subchapter. Competition is not necessary in contracting for personal or professional services.

(c) *Requests for proposals.* * * *

(4) Each written request for proposals should list for each item included therein the applicable specifications or description as provided in Subpart L, Part 1 of this title and Subpart L, Part 590 of this subchapter. Such reference to specifications will include the title and symbols, with revision letters if any, and dates, including amendments if any, identified by numbers and dates.

§ 592.202-3 *Limitation.*

A copy of the contracting officer's determination and findings justifying the use of this authority required by § 3.202-3 of this title will be attached to the request for approval of award, if such approval is required by § 606.204 of this subchapter.

§ 592.203-2 *Application.*

Negotiated purchases or contracts aggregating \$2,500 or less shall be made in accordance with Subpart F, Part 3 of this title and Subpart F of this Part, except that appropriate forms of negotiated purchase orders and contracts shall be used as applicable. 10 U.S.C. 2304(a) (3) shall be cited as the authority for negotiation of any contract for property or services involving amounts of \$2,500 or less, to the exclusion of any other authority which might apply to the procurement, except that purchases or contracts for property or services procured and used outside the United States, its possessions and Puerto Rico shall be negotiated pursuant to 10 U.S.C. 2304(a) (6).

§ 592.208-2 *Application.*

(a) *Competition.* In negotiating under this authority, the contracting officer shall insure that competition is effected to the extent practicable consistent with available sources and the type of supplies being procured.

§ 592.209 *Perishable or nonperishable subsistence supplies.*

See § 3.209 of this title.

§ 592.209-2 *Application.* [Revoked]

6. Revise §§ 592.210-2(b), 592.211-3 (c) (6), 592.212-2(b), and 592.213-2 (b) and (e), to read as follows:

§ 592.210-2 *Application.*

(b) A copy of the determination and findings required by § 3.210-3 of this title will be attached to the request for approval of awards, if such approval is required by § 606.204 of this subchapter.

§ 592.211-3 *Limitation.*

(c) * * *

(6) a statement that the proposed contract will not call for quantity production within the meaning of § 3.211-3 of this title. Such statement will also be included in the determination and findings (§ 592.305(a) as paragraph 1e.

§ 592.212-2 *Application.*

(b) In addition to the requirements of § 7.104-12 of this title, DD Form 254 (Security Requirements Check List) will be used in precontract negotiations when it is necessary for proposed contractors and subcontractors to have access to classified matter. Except that, if the procurement is for a research contract, consultant service, or graphic arts services, in which there is no requirement for a breakdown by classification of the various elements of the pre-contract negotiations, a letter or other written notice of classification for the entire pre-contract negotiations may be used in lieu of the Security Requirements Check List.

§ 592.213-2 *Application.*

(b) Negotiation under this authority shall be limited to purchases of items of technical equipment which are for tactical use or for use either in Alaska, Hawaii, or outside the remainder of the United States. The authority shall not be used to procure items of equipment used exclusively in installations in the United States.

(e) The stocks on hand and due in from procurement of any make and model of equipment proposed for standardization must constitute a significant portion of the total number of items in the Army supply system. Normally, the minimum quantity should be in the range of approximately 15 percent of the total. On items for which the Department of the Army provides maintenance and repair parts support for Air Force equipment, the combined assets of the two departments may be considered in computing total stocks.

7. Revise § 592.213-3 (b) (4) and (c); revise § 592.214-3 (b) and (d); revise section heading and paragraph (c) in § 592.303; and in § 592.305, revise paragraphs (a) and (c), as follows:

§ 592.213-3 *Limitation.*

(b) * * *

(4) statement showing the distribution of total assets of the equipment on hand, either numerically or percentage-wise, in the United States and in overseas areas. Distribution of assets, if classified, will be submitted by separate correspondence;

(c) Approval by the Assistant Secretary of the Army (Installation and Logistics) of standardization of an item of equipment shall not be taken as authority to negotiate a contract for the pro-

curement of the equipment or its parts. When the requirement has been programmed and the procurement becomes imminent for the particular item, an individual determination and findings authorizing procurement by negotiation shall be prepared in accordance with the provisions of § 592.306 and forwarded to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C., Attn: Chief, Standards Division.

§ 592.214-3 *Limitation.*

(b) The requirement "would be likely to result in additional cost to the Government by reason of duplication of investment" should be invoked only when the preceding requirement of "substantial investment" has been substantiated.

(d) The requirement "would unduly delay procurement" should be substantiated by statements that the supplier being considered can deliver by a certain date, other suppliers cannot deliver before a specified later date, delivery by the designated earlier date is necessary for military or logistical reasons, and therefore, the proposed supplier is the only supplier who can meet the required delivery terms of the proposed contract.

§ 592.303 *Determinations and findings by the head of a procuring activity.*

(c) Determinations and findings which may be made by the Head of a Procuring Activity in connection with procurement actions effected under the authority of the Act of 28 August 1958 authorizing extraordinary contractual actions to facilitate the national defense (P. L. 85-804); 72 Stat. 972; 50 U.S.C. 1431-1435, and Executive Order 10789 are set forth in Part 17 of this title. Such authority may not be redelegated below the level of the Head of a Procuring Activity unless specifically authorized by the Assistant Secretary of the Army (Installations and Logistics).

§ 592.305 *Forms of determinations and findings:*

(a) *Authority to negotiate an individual contract—*(1) *Form.* Individual determinations and findings with respect to the negotiation of contracts under the authority of §§ 3.202, 3.210, 3.211 to 3.216 of this title and as otherwise required by this subchapter shall be prepared substantially in the form set forth below and in the manner prescribed in § 592.306 (the signed statement is required only on the original copy when approval of the Secretary is required).

DEPARTMENT OF THE ARMY

DETERMINATION AND FINDINGS

Authority To Negotiate an Individual Contract

1. I hereby find that:
 - a. The (insert name of Procuring Activity) proposes to procure by negotiation (describe briefly the scope of the work, or the nature of the property or services called for).
 - b. The estimated cost of the proposed procurement is \$_____.
 - c. The procurement by negotiation of the above described property (or service) is

justified because (see pertinent paragraph of ASPR relating to "Application").

d. The use of formal advertising for procurement of the above described property (or service) is impracticable (state reasons therefor).

2. Upon the basis of the findings set forth above, I hereby determine that (insert statement of required determination under applicable paragraph of Part 2, Section III, ASPR or APP).

3. Subject to the availability of funds and providing that the above property (or services) has otherwise been authorized for procurement, it may, therefore, be procured by negotiation pursuant to 10 U.S.C. 2304(a) (insert applicable subsection), and paragraph (insert applicable ASPR authority) of the Armed Services Procurement Regulation.

The statements made herein (and in the attachments hereto) are correct to the best of my knowledge and belief. Signature is recommended.

(Signature)

(Title: Head of Procuring Activity, his Deputy or Chief of Staff)

(2) *Scope of determinations and findings.* In general, each determination and findings will be confined to a single page, setting forth the necessary findings as briefly as possible. Facts shall be limited to those which are necessary and relevant to support the determination to be made. Each determination and findings shall set out enough facts and circumstances to justify clearly the specific determination made. Each determination and findings for authority to negotiate either an individual contract or a class of contracts shall indicate clearly that the use of formal advertising would be impracticable and the reason therefor. With respect to the determination, it is important to set forth only that one which is most responsive to the various findings, and necessarily to confine it to the requirements and the particular language set forth under the applicable exception in provision of 10 U.S.C. 2301 et seq.; further in this connection, it is important to guard against a determination in the alternative (except possibly for the one relating to "experimental, developmental, or research work"). If certain requirements are optional, however, it is desired that the determination and findings list only those requirements of the exception which are essential and can be strongly supported. All other pertinent information should be included in the request for approval and signature of the determination and findings by the Secretary.

(c) *Advance payments.* Policies and procedures for preparation of determinations and findings with respect to advance payments are set forth in § 163.60 of this title.

8. Revise introductory portion of paragraph (b)(1) in § 592.306; in § 592.405-3, revise paragraphs (b)(1)(ii) and (c)(11), (15), (16) and (17); revise § 592.605-51(m); and revise §§ 592.809 and 592.811, as follows:

§ 592.306 Procedure with respect to determinations and findings.

(b) Requests for approval of determinations and findings of authority to negotiate submitted for the signature of the Assistant Secretary of the Army (Installations and Logistics) will be signed by or for the Head of the Procuring Activity and shall include the following information in support of the requested determination:

(1) Complete statement of facts on the proposed procurement. The statement should contain sufficient descriptive information to enable the Assistant Secretary of the Army (Installations and Logistics) to make the determination required by 10 U.S.C. 2304(a). The following minimum data should be contained in this statement, except that additional data required by § 592.311-3(c)(1) through (7) shall be included when the determination is to be made under § 3.211 of this title and § 592.211.

§ 592.405-3 Letter contract.

(b) *Conditions for use.* * * *

(1) * * *

(ii) An appraisal will be made of all information available to the contracting officer for the purpose of establishing the reasonableness of the total estimated definitive contract price; to the extent practicable, this appraisal should be supported by (a) an independent Government estimate, prepared prior to receiving estimates from the proposed contractor, or (b) a cost and price analysis (§§ 3.806 and 3.807 of this title) and technical evaluation of the contractor's estimate.

(c) *Information to be furnished when requesting approval of letter contracts.* * * *

(11) List of all standard optional clauses which will be made a part of the definitive contract, including (i) Patent clauses, (ii) Copyright clause, (iii) Special Tooling clause, (iv) Government Property clause, (v) Facility agreement, and (vi) Price Redetermination clause (including type of clause and percentage of upward revision, if available).

(15) Statement that the Chief, Contracts Division, Office of the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C., will be notified through the head of the procuring activity, without delay, as to the date of execution of the letter contract.

(16) Statement as to whether (i) any required review of the contractor's "make-or-buy" program (§ 3.902 of this title) has been accomplished or initiated, and (ii) any required survey of purchasing procedures and subcontracting practices (§ 3.903 of this title) has been made or is scheduled.

(17) Statement of the basis for the contracting officer's appraisal of the reasonableness of the estimated definitive contract price, supported by copies of the independent Government estimate, technical evaluation, and cost and price analysis reports, if such studies were made.

§ 592.605-51 Preparation.

(m) After the supplies or services have been received, the receiving section executed, and all other entries made, the authorized certifying officer will sign the appropriate block on the face of Copy No. 1.

§ 592.809 Audit as a pricing aid.

Contracting officers, as official and authorized representatives of the Government, have final responsibility for all determinations affecting contract negotiations and settlements, including costs. The role of the auditor is advisory. The auditor serves as a member of the contracting officer's team in the same manner as the contracting officer's other advisors, e.g., legal, engineering, price analysts, inspection, etc. The accounting and technical aspects of pricing proposals are closely related. A close working relationship between auditors and technical representatives of the contracting officer is therefore necessary for an adequate and comprehensive evaluation of contractors' pricing proposals and cost representations. To this end, appropriate liaison should be established between auditors and the contracting officer's technical representatives to permit the timely exchange of information and a coordinated position in the advisory audit report to the contracting officer on such matters as the necessity for the kinds, quantities and quality of material, services and special tooling used or to be used, the reasonableness of cost from the standpoint of whether the contractor is pursuing prudent practices under the circumstances in the operation of the plant, the reasonableness of scrap and spoilage, the application of learning and efficiency curves, the effect on contract costs of design or specification changes and the soundness of the contractor's procurement practices.

(a) *General.* (1) Audits of all costs claimed under cost (or cost sharing), cost-plus-a-fixed-fee, cost plus-incentive fee, time and materials, and fixed price contracts containing cost reimbursement provisions for portions of the contract performance are mandatory.

(2) Contracting officers will use advisory audit services for contractor's proposal being considered in negotiating a contract or any contract modification when the purchase action is without competition and exceeds \$200,000. The contracting officer may determine and make a part of the contract file a written decision not to utilize the audit services. Such a determination should be based on considerations such as the availability of prior or current data which a valid basis for price comparison can be established, or the exigency of the procurement may preclude the time required in order to utilize the available audit services. Contracting officers should also use advisory services for negotiated procurements regardless of total dollar amount where, in the opinion of the contracting officer, this would be desirable for such reasons as procurement of a new item, complexity of the item, lack of cost experience data, or the sensitive nature of the procurement.

(3) The determination as to the necessity of an audit for pricing purposes of fixed-price type contracts providing for price redetermination or price escalation is the responsibility of the contracting officer; however, in fulfilling this responsibility contracting officers are expected to work closely with auditors so that determinations as to whether or not an audit is to be performed will reflect agreement between the contracting officer and the auditor (paragraph (j) of this section).

(4) Audit prime contract settlement proposals and of subcontract settlements shall be in accordance with the requirements of § 8.207 of this title. Determinations of the need for audits of contracts other than the above shall be made on an individual basis by the contracting officer.

(b) *Scope of audits.* In requesting audits, contracting officers shall define any specific areas of audit examination which they desire to be given special attention. However, once a decision has been made to perform an audit, contracting officers shall not attempt to restrict the scope of audit services nor impose unreasonable time limitations for completion of the audit, except as set forth in paragraphs (k) and (o) of this section. The scope of audits shall be the minimum under the circumstances in each case, which, in the opinion of the auditor, will provide sufficient evidence upon which to base an opinion regarding the reliability, reasonableness and fairness of the contractor's claims regarding costs actually incurred or projected to be incurred, either as a basis for actual contract settlement or for the price negotiation. The scope of the audit will depend upon the auditor's professional judgment regarding the contractor's financial and accounting policies and procedures, including the reliability of his cost system and internal controls. The contracting officer will be kept informed by the auditor as to the progress being made and any unusual problems encountered during the audit.

(c) *Discussions with contractors.* (1) Discussions between contractors and auditors are not intended to resolve the extent to which costs have been either accepted or questioned since this is the responsibility of the contracting officer. Discussions between contractors and auditors may be necessary, however, to assure that the auditor's conclusions regarding accepted and questioned contractor's cost representations are based upon all available pertinent and factual information. To this end, the discussions should be directed towards obtaining information concerning all aspects of the contractor's cost representations, such as accounting methods, bases for allocation of indirect expense, mathematical computations and allocability of costs. In addition, in order to aid negotiations, the auditor should obtain the contractor's reactions to the individual contractor procedures, computations, etc., which the auditor considers questionable.

(2) Audit reports and supporting exhibits and schedules are provided to the contracting officer as a basis for contract negotiation or settlement. Audit re-

ports should not be made available by the auditor to the contractor. However, when, in the opinion of the contracting officer, it is in the Government's interest to do so, exhibits and schedules to the report may be given to the contractor.

(d) *Action of contracting officer upon receipt of audit report.* Contracting officers have full responsibility for all payments allowed and made under cost-reimbursement contracts and for the prices negotiated prior to contract award and in the administration of contracts containing price redetermination clauses. Contracting officers are not bound to adhere to the audit recommendations. Audit reports are important in that they furnish contracting officers information and technical advice necessary to negotiations with the contractor's representatives. Audit reports shall be considered fully and used to the best advantage. The contracting officer shall not process the contractor's completion or final payment voucher for payment under cost-reimbursement type contracts prior to receipt and review of the contract audit closing statement. Whenever an audit has been determined to be necessary under a fixed-price redeterminable contract, redetermination of prices shall not be negotiated until the results of audit are available to the contracting officer except under conditions as authorized in paragraph (l) of this section. Audit reports are advisory only, however, when the audit report indicates that the costs are unusually excessive or when the costs questioned are substantial, the contracting officer should discuss the report with the auditor prior to conducting negotiations with the contractor. The contracting officer should invite the auditor to act as his advisor during price negotiation or resolution of cost reimbursement (paragraph (m) of this section).

(e) *Submission of vouchers.* All reimbursement vouchers (Standard Form 1034) under cost-type contracts (including time and materials contracts) will be submitted by the contractor directly to the contracting officer for processing to the disbursing officer for payment. The contracting officer or his duly designated representative will generally process all vouchers, except the completion voucher, for provisional payment subject to later audit and execute the certificate on the face of the public voucher in the space provided for "Authorized Certifying Officer". Each copy of such voucher will be stamped or otherwise noted by the contracting officer as "approved for provisional payment subject to audit". One copy of the voucher will be clearly marked "Auditor's Copy" and will have placed thereon before forwarding to the disbursing officer, the address of the appropriate office of the cognizant military audit service. Upon payment, the disbursing officer will insert in the "Brief Block", the check number, date of the check, and the amount paid in the spaces provided on the voucher, and will forward the "Auditor's Copy" to the cognizant audit service indicated thereon. The contractor's completion voucher will be forwarded by the contracting officer to the cognizant military audit office and shall not be proc-

essed for payment prior to receipt and review of the contract audit closing statement prepared by the auditor. (Paragraph (g) of this section.)

(f) *Review of vouchers prior to payment.* The processing of vouchers prior to provisional payment shall include a review of the voucher by the contracting officer or his designated representative to determine that the nature of items and amounts claimed are in consonance with the contract terms and are within any stipulated contractual limitations. Vouchers processed in this manner constitute provisional reimbursement as payment for work or services rendered. The contracting officer must assure that these provisional payments are commensurate with physical and technical progress under the contract. Amounts which are determined by such review to be questionable will be deducted from the voucher. If the contractor has not deducted from his claim amounts required to be withheld, the contracting officer will make the required deduction. When any item of cost claimed by the contractor is disapproved by the contracting officer, and when any item of cost requires or is given specific approval as to nature or amount, a written notice setting forth the contracting officer's action and basis therefor will be affixed to the auditor's copy of the voucher.

(g) *Audit.* Protection of the Government against significant overpayments is accomplished by performing audits at such frequency and in such manner as is warranted by the financial standing, integrity, and reliability of the contractor, prior audit experience and the amount of unaudited claims. Advisory audit reports pertaining to each cost-type contract (including time and materials contracts) will be prepared by the auditor and submitted to the contracting officer at a time or times when, in the opinion of the auditor or the contracting officer, such advisory report is needed or desirable. Advisory audit reports must be submitted timely and in accordance with contract terms, and shall be rendered no less frequently than once yearly. A contract audit closing statement will be prepared by the auditor upon receipt of the contractor's completion voucher and the contractor's cumulative claim and reconciliation. If any audit discloses costs claimed by the contractor which, in the opinion of the auditor, do not appear to be reimbursable under the terms of the contract, or which appear to be excessive, unreasonable or not allocable, and have not previously been deducted by the contracting officer through actions described under the preceding paragraph (f) of this section, the auditor will note and explain such costs in the advisory audit report in sufficient detail to enable the contracting officer to understand the issues involved. In those cases where he deems it appropriate the auditor should call on the contracting officer to discuss the treatment of these costs.

(h) *Suspensions and disapprovals of amounts claimed.* Contractors shall be notified in writing by the contracting officer when amounts claimed for reimbursement are (1) suspended tentatively

(2) disapproved as not being allowable according to contract terms or (3) not reasonably incident to allocable to performance of the contract. For such purposes, the DD Form 396, "Notice of Cost Suspended and/or Disapproved", will be used to advise the contractors of amounts deducted from their claims and shall be signed by the contracting officer. A copy of the DD Form 396 will be attached to each copy of the voucher from which the deduction has been made. Administrative control over the issuance of such notice (DD Form 396) will be maintained by the contracting officer. Instructions as to the preparation of DD Form 396 are contained in paragraph 4-3.604, SR 36-70-1 (Administrative regulations of the Department of the Army).

(i) *Action upon receipt of advisory audit report.* (1) Upon receipt of the advisory audit report the contracting officer shall, pursuant to contract terms, determine the allowability of all costs covered by the audit giving full consideration to the auditor's recommendations. Amounts determined by the contracting officer to be unallowable shall be deducted from the next succeeding voucher, and a copy of DD Form 396 setting forth his determination shall be attached thereto. When the current claim is insufficient to satisfy the credit due the Government, the procedures set forth in paragraph 4-3.903, SR 36-70-1 (Administrative regulations of the Department of the Army) will be followed by the contracting officer.

(2) Where the contracting officer is in doubt or questions the recommendations of the auditor, deductions from reimbursement vouchers need not be made until further review has been accomplished. On such items of cost the contracting officer should confer with the auditor and if the auditor's position is still questioned, the contracting officer will adequately document the contract file to support and justify his decision.

(j) *Determination of need for advisory audit service.* (1) It is not considered sound policy to arbitrarily exempt from audit any contract or group of contracts in which pricing or payment is based on cost information furnished by the contractor. However, where there is adequate knowledge of the contractor's accounting policies and cost systems, and previous favorable experience, both the contracting officer and the District Manager, U.S. Army Audit Agency, should consider the propriety of conducting repricing negotiations on the basis of the contractor's cost submission, without recourse to audit, after a satisfactory review and analysis by qualified personnel in either or both offices. This procedure is particularly adaptable to contracts of limited amounts. On the other hand, previous unfavorable experience, or lack of any previous experience, may indicate the advisability of initiating an audit immediately after receipt by the U.S. Army Audit Agency of a contract containing progress payments or price redetermination clauses. Such an audit ordinarily will be performed concurrently as the work under the contract progresses. The U.S. Army Audit Agency shall notify the contract-

ing officer within 5 days after a decision to make a concurrent audit has been reached and prior to beginning of the audit.

(2) Should situations arise where contracting officers and auditors, after consideration of all factors, cannot agree upon the necessity for an audit of a contractor's records, each will (i) promptly prepare a statement of the reason why the audit should or should not be performed, (ii) exchange copies of their statements, and (iii) independently submit a copy of both statements on a priority basis, in the manner prescribed in paragraph (1) (2) and (3) of this section, with a request that the matter be resolved.

(k) *Reporting and scheduling redeterminable price contracts for audit.* The scheduling of the performance of audits of contracts containing price redetermination clauses shall be accomplished in accordance with the procedures prescribed below. These procedures are designed to insure the performance of audits in the order of priority necessary to meet the needs of the procuring activities.

(1) Such scheduling shall be accomplished through the medium of a monthly report entitled "Redeterminable Price Contract Audit Schedule (Reports Control Symbol CSGLD-556)." The report shall be prepared in letter form, with the report title and the reports control symbol as the subject. Negative reports are not required. The report shall be prepared by each purchasing office which administers contracts having price redetermination clauses. Each U.S. Army Audit Agency District Office which has audit responsibility for such contracts shall take action as indicated in subparagraph (4) of this paragraph. The report shall be transmitted by the purchasing office by the 20th of each month and shall cover all fixed-price prime contracts having redetermination cutoff points falling within the 2 calendar months following the month in which the report is submitted. (Cutoff point is the last date of the period for which costs are to be considered for audit and will be determined under the price redetermination clause in each contract.)

(2) The purchasing office shall submit the report to the appropriate District Office, U.S. Army Audit Agency, in triplicate with a separate sheet for each contract, showing:

- (i) Reporting office;
- (ii) Contract number;
- (iii) Contractor and location;
- (iv) Dollar value of the contract;
- (v) Form of price redetermination clause;
- (vi) Effective date of the last price redetermination (if applicable);
- (vii) Anticipated date of price redetermination cutoff point;
- (viii) Anticipated date of receipt of the contractor's cost statement (or date of cost statement if previously received);
- (ix) Recommendation with respect to necessity for audit, with brief and concise reasons therefor, indicating audit essential, or audit desirable, or audit not deemed necessary;

(x) Priority number assigned to each contract reported to reflect the order of

importance for audit agency action. For example, the most urgent, irrespective of the cutoff date, would be No. 1, etc., and

(xi) The target date imposed upon the contracting officer for completion of the price negotiations.

(3) Contracts previously reported shall be included in subsequent reports until one report has been issued after the contractor's cost data have been delivered by the contracting officer to the audit agency. Upon receipt of contractor's cost data, the purchasing office may revise previous recommendations and the audit agency office may revise previously indicated action. The latest available information and expression of the views of the purchasing office as to desirability and priority of audit shall be stated.

(4) If audit action has not been started, the audit agency office, upon receipt of the report, shall return one copy of the report to the reporting activity with notations to show audit action taken or planned. If indicated action varies from reporting activity recommendations, reasons therefor will be stated.

(i) *Auditing price redeterminable contracts.* (1) Promptly upon receipt of the contractor's cost data but in any case not later than 5 working days thereafter, the audit agency office shall advise the contracting officer of the estimated date of submission of the audit report. If later information indicates that the audit cannot be completed within the period originally estimated, the audit agency office promptly will advise the contracting officer of the cause of the delay and of the estimated date of completion. If the delay is caused by failure of the contractor to maintain dependable and adequate accounting records of contract costs or to furnish requisite records or information to the auditor, the contracting officer will take action to require the contractor to correct the accounting deficiencies and furnish all required data in accordance with the contract terms. However, should the auditor's original or revised estimated date of completion of audit extend beyond 21 calendar days from the date the cost statement was received by the appropriate office of the audit agency, and if the estimated date is not agreeable to the contracting officer, the audit agency office and the contracting officer will review immediately the circumstances and attempt to reach a mutually agreeable date for submission of the audit report to the contracting officer.

(2) Except in oversea commands, where mutual agreement regarding the submission date of the audit report cannot be reached by the method indicated in subparagraph (1) of this paragraph, the audit agency office will report through channels to Headquarters, U.S. Army Audit Agency, the reasons why the audit will take an extended period of time and why it believes the audit is essential for use on price redetermination of that particular contract. Similarly, the contracting officer will report, through channels, to the Head of the Procuring Activity his position in

the matter and will give substantial reasons why the Government's interest would be jeopardized if negotiations were not concluded prior to receipt of the audit report. Joint consideration shall be given to the problem immediately by each echelon until the matter is resolved or until it reaches the Head of the Procuring Activity concerned and the Chief U.S. Army Audit Agency, whose offices shall attempt to resolve any problem submitted to them in this area. If agreement cannot be reached at that level, the case will be forwarded to the Deputy Chief of Staff for Logistics, Headquarters, Department of the Army, Washington 25, D.C., Attn: Chief, Contracts Division, and to the Comptroller of the Army for final disposition.

(3) In oversea commands, the commanding general of the command involved will establish procedures for final determination when the U.S. Army Audit Agency and the procuring activity of the command cannot agree.

(4) Where a final decision to redetermine a contract without a completed audit has not been reached, the auditor will continue the audit until completed or until a decision is reached. If a mutual decision to redetermine prices without a completed audit is made at any level as authorized in subparagraph (2) of this paragraph, that decision will be made in writing and will be signed by representatives of the appropriate audit and procurement offices. A signed copy of this decision shall be forwarded, through channels, to the contracting officer and to the auditor. The auditor immediately shall submit a report of his findings to the contracting officer for consideration in negotiations. Costs which have not been reviewed and analyzed because of the decision shall be so identified in the audit report. With respect to further audit, the auditor shall be governed by direction of his superiors.

(m) *Accounting counsel.* Contracting officer should request accounting counsel from the cognizant auditor, during the initial pricing stage or during repricing or contract termination negotiations, whenever questions concerning contractors' cost representations, accounting determinations or considerations enter into the negotiations. Precontract considerations may involve audit appraisal or the financial capabilities of the proposed contractor, an evaluation of internal controls and accounting systems in consideration of contemplated contract provisions managerial controls, including such matters as purchasing and subcontracting procedures, as well as opinions on the propriety of cost estimates. Whenever the accuracy or propriety of cost accounting determinations made by the auditor during the performance of his advisory service are challenged, by the contractor, the auditor should be requested to participate in the discussions. The cognizant audit service should furnish accounting counsel on a timely basis whenever requested by the contracting officer.

(n) *Reports of irregularities.* Any information as to irregularities or unusual matters which come to the attention of the contracting officer and which

might affect the audit shall be reported promptly to the auditor, and any such information discovered by the auditor shall be reported promptly to the contracting officer, for appropriate consideration. Reports by the auditor indicating suspicion of fraud or criminal conduct shall be furnished to the contracting officer who will be governed by Subpart F, Part 1 of this title and Subpart F, Part 590 of this subchapter.

(o) *Audit of subcontracts.* (1) Whenever cost-type or price redeterminable subcontracts extend below a cost-type or price redeterminable contract in a chain unbroken by a firm fixed-price contract, the Government generally has the same interests in the costs or prices of such subcontracts as if they were prime contracts. Accordingly, all such subcontracts are subject to audit by the Government and contracting officers shall insure that:

(i) The right of audit is reserved to the Government in the drafting of all such subcontracts;

(ii) Copies of all such subcontracts and, as appropriate, cost statements and repricing supplements are furnished promptly to the U.S. Army Audit Agency, and

(iii) Advance arrangements are made for the performance of audit, unless after consideration of the size of the subcontract, prior experience with the subcontractor, and other pertinent factors, the contracting officer or the U.S. Army Audit Agency recommends that audit should be waived.

(2) Ordinarily, in subcontracts of substantial size, or where auditors of the Army, Navy, or Air Force are already performing audits at a subcontractor's plant, or where negotiations between the prime contractor and the subcontractor are not on an arm's length basis, or where the subcontractor objects to an audit by the prime contractor, arrangements should be made between the appropriate U.S. Army Audit Agency District Manager, the contracting officer, and the prime contractor for audit to be performed by military department auditors. Where such arrangements are made, the results of audit will be furnished to the next higher tier contractor, the contracting officer for the prime contract, and the auditor of the prime contract.

(3) For subcontracts where conditions outlined in subparagraph (2) of this paragraph do not pertain, arrangements may be made for the prime contractor or his next higher tier subcontractor, as the case may be, to perform the audits of its subcontracts, provided that:

(i) The working papers of the audit shall be made available to the audit agency and the right is reserved to the Government to require or perform further audit if the audit performed by the higher tier contractors is not considered adequate, and that

(ii) The results of audit shall be furnished to the contracting officer and to the auditor of the prime contract.

(4) In the case where the audit of cost-type subcontracts will be performed by military department auditors, the contracting officer should advise the con-

tractor to request the subcontractors to prepare their claims or commercial invoices and submit them directly to the prime contractor, or to the higher tier subcontractor which placed the subcontract, and to furnish copies to the contracting officer and to the Government auditor of the subcontractor. Charges should be itemized in the same detail and manner as required of the prime contractor. A separate series of claims, preferably consecutively numbered, should be prepared for each subcontract identifying the prime contract or higher tier subcontract to which it relates.

§ 592.811 Record of price negotiation.

The memorandum record of price negotiations shall be maintained in accordance with the procedures set forth in § 1.308 of this title.

9. Part 593 is revoked and a new Part 593, containing a cross-reference to Part 4 of this title, is prescribed, as follows:

PART 593—SPECIAL TYPES AND METHODS OF PROCUREMENT

CROSS REFERENCE: See Part 4 of this title.

10. Revise §§ 594.101 and 594.103-2 to read as follows:

§ 594.101 Federal supply schedule contracts.

(a) Delivery orders for supplies in the Federal Supply Schedule will be addressed and forwarded direct to the contractor indicated and shall contain sufficient data to enable prompt identification (by disbursing and auditing agencies) of the correct listing in the proper Federal Supply Schedule. These data will include contract number, item number, and, where applicable, supplement, region, or zone number.

(b) Each such delivery order will indicate the name of the finance officer who will make the payment.

(c) Each such delivery order will indicate on its face that prices, if shown, will be subject to the basic contract of the Federal Supply Service, General Services Administration.

(d) In the case of service station deliveries of gasoline and lubricating oil under Federal Supply Schedule (classes 7 and 14) by means of an identification card, the delivery ticket prepared by the service station and signed by identification card holder at the time of delivery constitutes a "delivery order." When such a delivery ticket is used as a "delivery order," the provisions of paragraphs (b) and (c) of this section do not apply.

§ 594.103-2 Exceptions to mandatory use.

When an emergency purchase is made on the open market of supplies or services, listed in Federal Supply Schedules as mandatory on the Department of Defense, the payment voucher submitted to the disbursing office shall be accompanied by a copy of the finding made by the contracting officer that "the purchase was justified because such supplies or services could not be furnished under Federal Supply Schedule contracts at the time they were required." The determination that the supplier could not

furnish such supplies or services by the time required can be made only if the suppliers in the applicable schedules have been given the opportunity to so state. In each instance, the finding will set forth the specific reasons why the time element made the emergency purchase necessary. Such finding shall be final and conclusive.

11. Subparts K, and Z, Part 594, are hereby prescribed, to read as follows:

Subpart K—Coordinated Procurement

§ 594.1100 Definitions.

See § 5.1100 of this title.

§ 594.1101 Application of procurement assignment.

It is the policy of the Department of the Army to implement and conduct Department of Defense single procurement assignments in accordance with the Department of the Army logistical assignments program. Technical services assigned "purchase and inspection" responsibilities are responsible for the execution and conduct of functions required by the Department of the Army as a result of Department of Defense single procurement assignments.

§ 594.1102 Responsibilities under single procurement.

(a) The Assistant Secretary of Defense (Installations and Logistics) is responsible for overall supervision and coordination of Department of Defense single procurement assignments.

(b) The Assistant Secretary of the Army (Installations and Logistics) is responsible for overall monitorship of single procurement assignments within the Department of the Army. Specific monitorship is exercised by the Deputy Chief of Staff for Logistics, Headquarters, Department of the Army, Washington, 25, D.C.

(c) Chiefs of the technical services are responsible for implementing, supervising, and coordinating the operational aspects of Department of Defense single procurement assignments. The technical service having responsibility for a particular item may be determined from the AR 701-series, or paragraph 5c, AR 701-5 (Administrative regulations of the Department of the Army).

§ 594.1102-1 Single department procurement.

In addition to the responsibilities of the procuring departments contained in § 5.1102-1 of this title, the requiring departments are responsible for (a) functioning through the assigned procuring department in obtaining requirements of assigned items, (b) providing procurement assignment coordination for items assigned to other military departments or Government agencies, and (c) for complying with implementing procedures contained in this part.

§ 594.1102-2 Joint procurement.

See § 5.1102-2 of this title.

§ 594.1102-3 Plant cognizant procurement.

See Subpart Z of this part.

§ 594.1102-50 Interagency procurement.

(a) *General Services Administration.* The Assistant Secretary of Defense (Installations and Logistics) assigned to the General Services Administration (GSA) the responsibility for procurement of office furniture, machines, and supplies for the Department of Defense.

(b) *Obtaining office furniture, machines and supplies.* Requiring departments are responsible for obtaining their requirements of office furniture, machines, and supplies through the General Services Administration in accordance with the General Services Administration procedures. Procurement through General Services Administration shall be made from a Federal Supply Schedule, the General Services Administration Stores Depots, or through the General Services Administration's consolidated purchasing program. Shipment may be made directly to military depots or to military use points.

(c) *Procurement coordination.* The technical services which are assigned "purchase and inspection responsibilities" are responsible for performing procurement coordination services required of the Department of the Army as a result of interagency purchase assignments to the General Services Administration.

(d) *General Services Administration implementing procedures.* Implementing procedures governing interagency procurement of office furniture, machines, and supplies are contained in Exhibits 13, 19 and 22 respectively, of Appendix C, GSA Regulation 1-11-301.01 of the Regulations of the General Services Administration, Title I, Personal Property Management.

§ 594.1103 General principles governing implementation of Procurement assignments.

§ 594.1103-1 Standard format; development and promulgation of implementing procedures.

(a) *Implementation.* Chiefs of technical services assigned single procurement responsibilities shall develop, publish, and maintain procedures implementing such assignments. The procedures shall follow the Department of Defense Directive 4115.1 format set forth in paragraph (b) of this section, and shall be published in the AR 715-series. Prior to publication, the implementing procedures or substantive changes to the procedures shall be forwarded to the Deputy Chief of Staff for Logistics, Department of the Army, ATTN: Chief, Contracts Division, for review and approval by the Office of the Assistant Secretary of Defense (Installations and Logistics).

(b) *Format and content of implementing procedures.* Procedures issued by chiefs of technical services implementing single procurement responsibilities shall conform to the format set forth in this paragraph and shall contain the information required therein. Instructions for implementing particular paragraphs are shown within parentheses. Where the parentheses have been omitted the exact language shown

shall constitute the implementation for that particular paragraph.

1. *Authority.* a. (State the authority designating responsibility for single procurement assignment, including a citation to ASPR 5-1100.2).

b. (Indicate the Federal Supply Classification (FSC) code, description and list of items included in the assignment. Where partial assignments of Federal Supply Classes have been made, either the items included or the items excluded should be indicated.)

2. *Contracts and liaison.* (Indicate procurement functions, points of contact and liaison offices. Designate office and telephone number to be contacted with regard to any questions arising in particular functional areas. This applies to both requiring and purchasing departments.)

3. *Notification of requirements for procurement planning purposes.* (State the procedures to be followed by the requiring departments in furnishing budget requirements and proposed phased procurement programs required for procurement planning purposes.)

4. *Purchasing.* a. *Operational phases of procurement planning.* (The implementing technical service shall state that it is responsible for operational phases of procurement planning contained in ASPR 5-1102.1.

b. *Preparation and forwarding of Military Interdepartmental Purchases Requests (MIPR) (DD Form 448).*

(1) *Submission.* Prescribe the channels for forwarding MIPR's and the number of copies required.)

(2) *Identification data.* (Whenever available, Federal item identification data shall be used by the requiring department as the prime identification data in MIPR's or in other requisitioning documents. Prior to conversion of military supply systems to the exclusive use of Federal item identification data, the Federal item names, descriptive data, and stock numbers will be used to the degree feasible in these documents. Upon conversion and thereafter, the Federal item names and Federal stock numbers will be used to the exclusion of other names and stock numbers in these documents. The Federal descriptive data will be used to the extent considered necessary.)

(3) *Desired delivery schedule.* (Desired delivery schedules shall be required to be indicated on each MIPR.)

(4) *Shipping, preservation, packaging, and marking instructions.* (a) Shipping instructions shall indicate the complete freight consignment address and delivery requirements of each consignee. Shipping instructions for export shipments shall indicate the complete freight consignment address and delivery requirements of the continental transshipment point, coded overseas shipping addresses, and any special markings required. Other instructions such as hours that deliveries are accepted, special requirements for port release numbers, domestic route orders, and complete details as to method of obtaining the domestic route orders also will be indicated. For long lead time items, the statement "shipping instructions later" shall be stated in the MIPR.

(b) Preservation, packaging, packing, and marking instructions shall include a citation of the specifications applicable to each item or group of items. Special preservation, packaging, packing, or marking instructions not covered in detail by the cited specifications will be furnished by the requiring department. The procuring department shall include in the contract provision for marking shipments and furnish accompanying documents in accordance with the instructions contained in the MIPR or other authorized purchase request.

(5) *Appropriation and allotment data.* (Prescribe instructions for including a complete citation of applicable appropriations and allotments in each MIPR.)

(6) *Payment instructions.* (Prescribe the instructions for appropriate invoicing and payment instructions in each MIPR.)

(7) *Distribution instructions.* (Distribution desired and number of copies required of invitations for bids or requests for proposals, contracts, contract changes, bills of lading, and other documents will be indicated on each MIPR.)

(8) *Marking MIPR's when short delivery schedule is required.* (In those cases where a shorter delivery schedule is mandatory, the MIPR will be marked "URGENT" in bold letters and the required delivery schedule indicated on the MIPR. The reason for the urgency will be indicated on the MIPR or on an attachment thereto, so that the procuring department may determine what expediting techniques are necessary to meet the delivery schedule.)

(9) *Certification of determinations and findings.* (The certification of determinations and findings shall be prepared in accordance with ASPR 5-1106.2 and Part 3, Section III, ASPR and APP.)

(10) *Operational test requirements.* (Operational tests requirements, if applicable shall be indicated on the MIPR or in the specifications cited.)

(11) *Follow-on procurement.* (Desired continuity of production at a particular source (follow-on procurement shall be indicated and substantiated on the MIPR).)

(12) *Pre-award or preproduction samples.* (Where pre-award or pre-production samples are required, the MIPR will contain information regarding the testing location, the time required to conduct tests, identifying markings if required on samples, and minimum quantities required for test purposes. Upon completion of tests, the testing activity will submit a report to the procuring department indicating which samples meet the requirements and which do not meet requirements with the reasons therefor.)

(13) *Variations in quantity.* Where contingencies of price revisions and variations in quantities are anticipated by the procuring department under consolidated-reimbursable procurement, a notation to that effect shall be made on the MIPR by the procuring department accepting the MIPR, as a part of the acceptance statement.

(14) *Qualified products lists.* When applicable specifications require that only products which have been accepted for inclusion in a Qualified Products List may be considered in awarding contracts for required supplies, the policies and procedures prescribed in Part 5, Section II, ASPR and APP, and in the Manual of Policies and Procedures for Military Qualified Products Lists, issued by the Assistant Secretary of Defense (Installations and Logistics), shall be followed by both the requiring and the procuring departments.

(15) *Combination of items on MIPR's.* (Instructions should specify that items on MIPR's should be combined when feasible to secure the advantages of consolidation.)

c. *Lead time.* (The procedures shall provide necessary details for insuring prompt procurement action and diminution of lead-time. Lead-time shall reflect the estimated time between receipt of a MIPR by the procuring department and delivery of items to the carrier for shipment to the first destination. All available lead-time factors such as the time required for administrative operations, furnishing of Government property or material, production, shipping, and recording, shall be considered in estimating the total normal lead-time.)

d. *Submission of specifications.* (1) Indicate the number of copies of the specifications (other than Federal, coordinated military, Army-Navy, or Army) which will be furnished to the procuring department with the MIPR. Provision should be included for the requiring department to forward such

additional copies of specifications as may be requested by the procuring department.)

(2) In the event there has been a revision of the referenced specification, the procuring department will advise the requiring department of the revision and give the requiring department an opportunity to revise the specification or confirm its request to procure according to the prior specification.

(3) When specifications under technical cognizance of the procuring department are used and changes are desired by the requiring department, such changes, when time does not allow processing by normal procedures, will be made by means of an exhibit, exception, or attachment rather than an amendment of the specification.

e. *Delegation of purchase authority.* (1) (Instructions shall provide for the general exclusions as contained in ASPR 5-1201. However, production items used in research and development projects shall be subject to the provisions of Section V, ASPR and APP.)

(2) (Instructions shall provide that requiring departments, subject to the limitations of the requiring department, are authorized to purchase their requirements under any of the following conditions):

(a) *Small dollar value purchases.* (For purchases not in excess of the stipulated dollar value or unit limitation, refer to ASPR 5-1103.3.)

(b) *Emergency purchases.* (For procedures to be followed in order to fulfill an emergency requirement, refer to ASPR 5-1103.4 and ASPR and APP 3-202.)

(c) *Requirements for Department of Defense manufacturing establishments.* (For procedures to be followed when manufacturing establishments of the military departments require items, refer to ASPR 5-1103.5.)

(d) *Local purchase as a normal means of supply.* (For procedures to be followed by a requiring department in obtaining items by local purchase as a normal means of supply, refer to ASPR 5-1103.6.)

f. *Administration of MIPR's—(1) Notification of action.* (i) Within 30 days after receiving a MIPR, the procuring department shall acknowledge receipt by returning a stamped copy of the MIPR to the requiring department annotated to show the date of receipt, the method of supply and information as to meeting the delivery date.

(ii) A copy of the MIPR, accepted and signed by a representative of the procuring department, shall serve (for consolidated-reimbursable procurement) as authority for obligation or as an indication of decision of the procuring department to procure all or part of the requested purchase by "direct citation". The amount purchased through direct citation procurement cannot be recorded as an obligation, since a confirmed copy of the contract must be used for this purpose. Consolidated-reimbursable procurement is defined as procurement for the account of the procuring department, by contract or project order, without separate identification of items being procured for the requiring department, with subsequent delivery to and reimbursement by the requiring department. Direct citation procurement is defined as the method of contracting which results in separately identifying the items being procured with the funds specifically cited by the requiring department. Direct citation procurement may be accomplished by combining the requirements of two or more departments under one contract, with separate schedules showing the quantities, prices, dollar amounts, and fund citations associated with the requirements of each ordering department, or by placing separate contracts for each department. The method of funding to be used shall be determined in accordance with the provisions of ASPR 5-1107.

(iii) When MIPR's received are found to be inaccurate or incomplete, or lacking clarity to such a degree as to preclude procurement, the originator shall be advised as soon as possible and procurement processing will be suspended pending clarification by the requiring department. If correction has not been accomplished by the end of 30 days following such notice, MIPR's normally will be returned to the requiring department.

(2) *Sufficiency of funds.* (i) During the procurement process the sufficiency of funds cited on the MIPR shall be reevaluated in accordance with current conditions at the time of such action and any excess funds shall be reported for revocation. The procuring department shall not obligate funds in excess of the amount certified in the MIPR or an amendment. In cases where the pending obligation actions indicate the need for additional citation of funds, the procuring department will promptly notify the requiring department and request appropriate action. Requiring departments shall provide the additional funds or take measures to amend their MIPR's by reducing the quantity ordered or by making other adjustments best suited to the purpose of the requiring department.

(ii) Upon receipt of a MIPR amendment, issued by the requiring department, the procuring department shall revise the appropriation or limitation subhead by contract modification in accordance with existing procedures.

(iii) To revise accounting data below the appropriation or limitation subhead level, the requiring department shall (A) issue a MIPR amendment, either by DD Form 448, or a letter, (B) forward a copy of such amendment, which shall serve as authority to revise the accounting data cited in the contract, to the finance or disbursing office responsible for payments under the contract, and (C) forward a copy of the amendment to the purchasing department for the contract file. A contract modification is not required to be issued by the purchasing department.

(3) *Notification of inability to obligate.* Sixty days prior to the end of the fiscal year, the procuring department shall advise the requiring department of those requirements which it believes cannot be obligated against MIPR's before the end of the fiscal year and will make arrangements for appropriate disposition of such MIPR's, including authority for purchase by the requiring department as necessary. Where deliveries are required subsequent to the end of the fiscal year for which cited transportation funds are available, funds current at the time of shipment shall be requested from the requiring department initiating the MIPR.

(4) *Processing.* MIPR's shall be processed for procurement in accordance with the terms and conditions set forth in the MIPR, and Section IV, ASPR and APP.

(5) *Interim requirements.* MIPR's submitted on other than scheduled dates shall not be held for consolidation in scheduled procurements if items can be procured as requested. If procurement cannot be accomplished prior to the next scheduled procurement, the requiring department shall be notified immediately.

(6) *Referrals of disagreements.* When a MIPR contains unusual restrictions involving matters which are clearly the prerogative of the procuring department under Department of Defense policy, and the restrictions in the MIPR are not acceptable to the procuring department, the requiring department shall be notified promptly of the desired adjustment. Where the problem cannot be resolved between the departments concerned, the matter shall be referred, through channels, to the Assistant Secretary of Defense (Installations and Logistics).

(7) *Processing amendments to MIPR's.* Changes in drawings, specifications, quantities, method of shipment, packing, and

place of delivery desired by the requiring department may be made subsequent to the submission of a MIPR by written notice to the procuring department. Amendments to MIPRs must state specifically the changes required, including items and quantities affected, and must state specifically that funds have been committed, if necessary, to cover the anticipated adjustment in the contract price. Amendments to MIPRs will be accomplished by the most expeditious written communication warranted by the circumstances. DD Form 448 will be used where practicable; where time is of the essence, other forms such as an electrically transmitted message (confirmed in writing) may be used in lieu of DD Form 448. In all cases, the original MIPR shall be referenced. These documents shall be processed in the same manner as a MIPR. Where conditions warrant, amendments to MIPRs cancelling the entire quantity or a partial quantity may be made by the requiring department.

5. *Contract Administration.*—a. *Responsibility.* Department of the Army purchasing activities listed in paragraph 2 above are responsible for the administration of contracts.

b. *Distribution of contracts.* Upon award of contracts, copies of contracts (and subsequent contractual documents) shall be distributed within 15 days after execution of the documents as designated in the MIPR. The purchasing department shall distribute copies to the consignee. Additional copies of the MIPR shall be furnished by the procuring department to the requiring department in the quantity required for its internal distribution. Each department shall make its own internal distribution.

c. *Contract changes.* Contract changes desired by the requiring department subsequent to execution of a contract shall be processed according to the procedure set forth in paragraph 4f(7) above. The purchasing department will make no contract changes or deviations from the specifications or provisions cited in the MIPR without a written authorization of the requiring department.

d. *Technical liaison.* Upon proper coordination with the procuring department, technical personnel of the requiring department may contact the contractor for the purpose of resolving technical or engineering problems. Commitments to contractors to effect engineering changes, incur additional expense, deviate from specifications or other provisions of the contract shall be made only by the contracting officer or his authorized representative.

e. *Contract terminations.* Contract terminations will be conducted in accordance with Section VIII, ASPR. In cases involving termination for convenience of the Government, the requiring department shall submit a complete statement of facts regarding the need for termination, and state whether termination is desired only without cost to the Government, or whether costs may be incurred within a specified dollar limitation. The requiring department shall furnish the procuring department instructions for disposition of articles or materials acquired as a result of a contract termination with costs to the Government. Termination for default shall be the responsibility of the procuring department.

f. *Auditing.* Audits will be performed by the U.S. Army Audit Agency, when required.

6. *Contract follow-up.*

a. *Responsibility.* The procuring department is responsible for contract follow-up and expediting production to assure that delivery is made on schedule.

b. *Reports.* The procuring department will inform the requiring department of the circumstances when deliveries are behind schedule. Such report shall include the

MIPR, contract, and item numbers and the quantities affected.

c. *Delivery status and expediting.* Inquiries concerning delivery status and expediting shall be forwarded directly to the procuring department.

7. *Arrangements for inspection.* Inspection will be made in accordance with the policies and procedures of Section XIV, ASPR and other applicable regulations.

8. *Traffic management.* The decision to purchase on the basis of f.o.b. origin or f.o.b. destination shall be made by the contracting officer in accordance with Part 13, Section I, ASPR. To effect payment of transportation charges incurred in delivery at Government expense MIPRs will show appropriation or fund and accounting classification chargeable for transportation costs, in accordance with ASPR 5-1117.

a. *Freight classification.* Description of articles on Government bills of lading will conform to the classification, exception, commodity tariff, or Section 22 Quotations applicable under the mode of transportation to be utilized. Interstate Commerce Commission and other regulations governing the transportation of explosives or other dangerous articles shall be observed.

b. *Routing and consignment.* Government bills of lading or commercial bills of lading will be converted to Government bills of lading will include routing and consignment instructions obtained from and provided by the requiring department in conformity with the regulations of such department.

c. *Preparation of bills of lading.* Government bills of lading will be prepared in accordance with the regulations of the procuring department responsible for issuing the Government bills of lading. The procuring department will add "Army", "Navy", "AF" for Air Force, or "M" for Marine Corps, as appropriate before the symbol and number of the Government bill of lading to indicate the requiring department.

d. *Claims and disputes involving carriers.* The requiring department will be responsible for processing all claims and disputes arising in connection with the carriage of property under Government bills of lading or commercial bills of lading to be converted to Government bills of lading. Disputes and claims to which the contractor is a party will be handled by the purchasing department.

e. *Rate negotiations.* Negotiations for rates, rules, regulations, classification, or service will be handled by and in accordance with the regulations, of the requiring department in consonance with the policy of the Department of Defense.

f. *Transportation-procurement evaluation.* The department to which procurement assignment responsibility is made will be responsible for obtaining freight rates needed for evaluation of bids. If requested, the appropriate traffic management office of the requiring department shall furnish such rates.

9. *Funds and payments.* Funding and payments shall be made in accordance with the provisions of ASPR 5-1107.

10. *Industrial property accounting arrangements.* Government property which may be furnished the contractor for use in the manufacture of the requested items shall be accounted for in accordance with the provisions of Appendix B, ASPR.

11. *Coordinated specifications and standardization.* Coordination of specifications and standardization shall be conducted in accordance with the provisions of AR 715-50.

§ 594.1103-4 Emergency.

Waivers of single procurement assignment procedures under emergency provisions of § 5.1103-4 of this title will be limited to circumstances and conditions

comparable to those described in § 3.202 of this title and § 592.202 of this chapter,

§ 594.1103-5 Department of Defense manufacturing establishments.

See § 5.1103-5 of this title.

§ 594.1103-6 Local purchase as a normal means of supply.

The provisions of § 5.1103-6 of this title shall not be invoked to permit local purchase of assigned items until the procuring department has been properly advised of the decision to use "local purchase" as the normal means for obtaining Department of the Army supply requirements.

§ 594.1104 Items in short supply.

Supplies and services shortages requiring coordination with other Departments will be reported, with complete information thereon, to the Deputy Chief of Staff for Logistics, Headquarters, Department of the Army, Attn: Chief, Contracts Division.

§ 594.1105 Transfer of uncompleted contracts.

See § 5.1105 of this title.

§ 594.1106 Purchase authorization.

See § 5.1106 of this title.

§ 594.1107 Funds and payments.

See § 5.1107 of this title.

§ 594.1108 Preparation and use of DD Form 448/448c (MIPR).

(a) *Responsibility for preparation.* DD Form 448 (Military Interdepartmental Purchase Request) shall be initiated by the technical service having procurement assignment coordination responsibility for the supplies or services concerned. DD Form 448 shall be initiated only as a request for supplies or services to be purchased or manufactured by the purchasing department. The form shall not be used as a supply requisition. The chief of the technical service having procurement assignment coordination responsibility for supplies or services to be purchased or manufactured may designate offices or installations to prepare and submit purchase requests to the procuring departments (Department of the Navy or Department of the Air Force).

(b) *Requisition of Forms.* DD Forms 448 and 448c may be requisitioned through normal Adjutant General publication supply channels as hectograph masters.

(c) *Instructions for preparation.* (1) Detailed instructions for preparation of DD Form 448 are explained under the numbers below, which correspond to the numbers of item headings on the face of the Form. Additional information and instructions are set forth in AR's in the 715-series.

Item 1. *REQUEST No.*—The requiring technical service will assign a number to each request for identification and control purposes. The request number will consist of the following parts in sequence: The letter "R" indicating purchase request, the last two digits of the fiscal year, the serial number, the requesting technical service symbol as set forth in § 606.203-4 of this chapter.

Example: R-61-1-ORD. When necessary, each technical service may prescribe an additional letter, which will be separated from the technical service symbol by a dash to identify separate offices initiating this form within the technical service. For example, the Chief of Ordnance may assign the letter "N" to the New York Ordnance District, in which case the request number on the forms initiated by this Agency would be written as follows: R-61-1-ORD-N. Amendments to basic MIPR's will be numbered in sequence starting with the number 1.

PAGE NO.—The number of the particular page.

NUMBER OF PAGES—The total number of pages in each request.

When more than one page to any request is necessary, each page will be numbered consecutively in the following sequence:

MIPR DD Form 448 (First Sheet), MIPR—Continuation Sheet, DD Form 448c (for data on Items 11a through 11f), and any attached sheets giving supplementary information.

Item 2. PROPERTY CLASS AND CONTROL SYMBOL NO.—For optional use by requiring department.

Item 3. DATE—Date of request.

Item 4. ISSUED BY—Name and address of office issuing the request. When possible, list the name and telephone number of person who may be contacted in the event that the purchasing department has questions about this request.

Item 5. SHIP TO—Name and address of consignee to which supplies or equipment are to be shipped.

Item 6. TO—Name and address of bureau, command, or office of the purchasing department to which the request is being submitted.

Item 7. DISTRIBUTION OF CONTRACTS AND RELATED DOCUMENTS—Name and address of office(s) to which copies of contracts and related documents are to be mailed. Also list number of copies desired.

Item 8. DELIVERY SCHEDULE—Date by which delivery of items is desired.

Item 9. PAYMENT WILL BE MADE BY—Name and address of disbursing office which will pay invoices.

Item 10. INVOICES WILL BE MAILED TO—Name and address of office(s) to which invoices will be mailed.

Item 11. REQUEST FOR SUPPLIES—Do not use either of the boxes contained in this Item 11.

Item 11a. ITEM NO.—The number of the item in sequence as listed thereon.

Item 11b. DESCRIPTION—In addition to the descriptive information indicated for this column, the package size should be stated when there are options for items involved.

Item 11c. QUANTITY—The quantity of each item requested.

Item 11d. UNIT—The unit measure, such as, each lb., gallon, etc., for each item.

Item 11e. ESTIMATED UNIT COST—The latest cost that is available from catalogs, bulletins, reports, copies of contracts, etc., will be used as the estimated cost.

Item 11f. ESTIMATED TOTAL COST—The result of the quantity of the item requested (Column 11c) multiplied by the estimated cost (Column 11e). The sum of this column will be placed in the space for "Total" at bottom of column.

Item 12. PREPARE FOR DELIVERY IN ACCORDANCE WITH—The specifications, if any, such as JAN-P-658(3), under which the items are to be preserved, packaged, and packed. If no printed specifications are applicable or if supplementary instructions are to be given, a phrase such as "See attached instructions" should be inserted in the blank space.

Item 13. FUNDS CHARGEABLE FOR PROCUREMENT—Appropriation, allotment, project,

and object numbers to be charged for procurement of supplies or services.

Item 14. TRANSPORTATION ALLOTMENT—Appropriations, allotment, project, and object numbers to be charged for transportation of supplies. This allotment will be used when the procurement allotment does not include transportation charges as in the case of a purchase of items f.o.b. origin.

Item 15. TYPED NAME AND GRADE OF AUTHORIZING OFFICER—The officer who authorizes the procurement of items listed hereon and certifies that the funds have been committed.

Item 16. SIGNATURE—Signature of authorizing officer. (If the authorizing officer is other than one having fiscal responsibility, the ordering department must have on file, as support to the certificate, a written statement by such an officer substantiating the fiscal portion of the certificate.)

(2) If any designated space on this form other than that provided for on the Continuation Sheet is insufficient for the purpose of listing all necessary information, the information may be typed on a blank sheet of paper under the appropriate item heading

and attached to the form for submission to the purchasing department. When this action is taken, a phrase will be inserted in the designated space on the form, such as "See attached instructions" or "See attached sheet," to indicate that additional information is contained in supplementary sheets. Also, if it is necessary to give instructions or other information, for which there is no designated space on the form, such information may be typed on a blank sheet and attached to the form.

Subpart Z—Plant Assignments

§ 594.5000 Scope of subpart.

This subpart sets forth the current list of aviation plants assigned by the Secretary of Defense to the Department of the Navy and the Department of the Air Force for procurement and mobilization planning for airframes, aircraft engines and propellers.

§ 594.5001 Aviation plants assigned for procurement and mobilization planning.

Plant index No.	Aviation plants		Current procurement and mobilization planning assigned to—
	Manufacturer	Location	
AIRCRAFT PLANTS			
103964.....	Beech Aircraft Corp., 9709 East Central Ave.....	Wichita, Kans.....	Air Force.
105440.....	Bell Aerosystems Co., Division of Bell Aerospace Corp., Wheatfield Township.....	Niagara Falls, N.Y.....	Do.
105450.....	Bell Helicopter Co., Division of Bell Aerospace Corp.....	Hurst, Tex.....	Navy.
995256.....	Bell Aerosystems Co., Division of Bell Aerospace Corp., Air Force Plant No. 18 (DOD 256), 2221 Kenmore Ave.....	Tonawanda, N.Y.....	Air Force.
995416.....	Boeing Airplane Co., Air Force Plant No. 20 (DOD 416).....	Renton, Wash.....	Do.
127376.....	Boeing Airplane Co., 7755 East Marginal Way.....	Seattle, Wash.....	Do.
995130.....	Boeing Airplane Co., Air Force Plant No. 13 (DOD 130), 3600 South Oliver.....	Wichita, Kans.....	Do.
186008.....	Cessna Aircraft Co., 5800 East Pawnee Road.....	do.....	Do.
995387.....	Chance Vought Aircraft, Inc., Plant B, Naval Weapons Industrial Reserve Plant (DOD 387).....	Dallas, Tex.....	Navy.
284656.....	Douglas Aircraft Co., Inc., Naval Weapons Industrial Reserve Plant (DOD 26).....	El Segundo, Calif.....	Do.
284668.....	Douglas Aircraft Co., Inc., 3000 Ocean Park Blvd.....	Santa Monica, Calif.....	Air Force.
995326.....	Douglas Aircraft Co., Inc., Air Force Plant No. 3 (DOD 326), 2000 Memorial Drive.....	Tulsa, Okla.....	Do.
284685.....	Douglas Aircraft Co., Inc., 3855 Lakewood Blvd.....	Long Beach, Calif.....	Do.
305224.....	Edo Corp.....	College Point, N.Y.....	Navy.
335212.....	Fairchild Engine and Airplane Corp., Fairchild Aviation and Missile Division.....	Hagerstown, Md.....	Air Force.
231302.....	General Dynamics Corp., Convair Division, Plant No. 1.....	San Diego, Calif.....	Navy.
231303.....	General Dynamics Corp., Convair (San Diego) Division, Plant No. 2, Air Force Plant No. 19, 4297 Pacific Highway, P.O. Box 1950.....	do.....	Air Force.
995390.....	General Dynamics Corp., Convair (Fort Worth) Division, Air Force Plant No. 4 (DOD 390), Grants Lane, P.O. Box 371.....	Fort Worth, Tex.....	Do.
412765.....	Goodyear Tire and Rubber Co., Goodyear Aircraft Corp., Naval Weapons Industrial Reserve Plant (DOD 524).....	Akron, Ohio.....	Navy.
995464.....	Grumman Aircraft Engineering Corp., Naval Weapons Industrial Reserve Plant (DOD 464).....	Bethpage, L.I., N.Y.....	Do.
995001.....	Hayes Aircraft Corp., Air Force Modification Center (DOD 1), Hayes P.O. Box.....	Birmingham, Ala.....	Air Force.
938644.....	Hiller Aircraft Corp.....	Palo Alto, Calif.....	Navy.
490213.....	Hughes Tool Co., Aircraft Division, Florence Ave. and Teale Street.....	Culver City, Calif.....	Air Force.
995463.....	Kaman Aircraft Corp., Naval Weapons Industrial Reserve Plant (DOD 463).....	Bloomfield, Conn.....	Navy.
604812.....	Lockheed Aircraft Corp., Plant A.....	Burbank, Calif.....	Do.
604814.....	Lockheed Aircraft Corp., Plant B, Air Force Plant No. 14, P.O. Box 551.....	do.....	Air Force.
995070.....	Lockheed Aircraft Corp., Air Force Plant No. 6 (DOD 70).....	Marietta, Ga.....	Do.
604825.....	Lockheed Aircraft Corp., 7701 Woodley Ave.....	Van Nuys, Calif.....	Do.
995148.....	The Martin Co., Naval Weapons Industrial Reserve Plant (DOD 148).....	Middle River, Md.....	Navy.
649916.....	McDonnell Aircraft Corp., Naval Weapons Industrial Reserve Plant (DOD 205).....	St. Louis, Mo.....	Do.
995303.....	North American Aviation, Inc., Naval Weapons Industrial Reserve Plant (DOD 303).....	Columbus, Ohio.....	Do.
746110.....	North American Aviation, Inc., 12214 Lakewood Blvd., Air Force Plant No. 16.....	Downey, Calif.....	Air Force.
746134.....	North American Aviation, Inc., Los Angeles International Airport.....	Los Angeles, Calif.....	Do.
750392.....	Northrop Corp., 1001 East Broadway.....	Hawthorne, Calif.....	Do.
815684.....	Northrop Corp., Radioplane Co., 8000 Woodley Avenue.....	Van Nuys, Calif.....	Do.
771512.....	Palmdale Production and Testing Center, Route 3, Box 57, Air Force Plant No. 42.....	Palmdale, Calif.....	Do.
826306.....	Republic Aviation Corp.....	Farmingdale, N.Y.....	Do.
849076.....	Ryan Aeronautical Corp.....	San Diego, Calif.....	Navy.
919174.....	TEMCO Electronics and Missile Corp., Plant A (NWIRP).....	Dallas, Tex.....	Do.
937071.....	United Aircraft Corp., Sikorsky Aircraft Division.....	Stratford, Conn.....	Air Force.
791703.....	Vertol Aircraft Corp.....	Morton, Pa.....	Navy.

tuitious and voluntary grant of patent license rights.

§ 598.202-2 Use of data.

Policies and procedures for the use of "data" obtained under a supply contract or a contract for experimental, developmental or research work are set forth in § 598.202-1 of this part and § 9.202-2 of this title.

14. Revoke § 599.000; revise § 599.108; revise § 599.201(b) (1); and add new §§ 599.202, 599.202-1, 599.202-2, 600.404, and 600.404-50, as follows:

§ 599.000 Scope of part. [Revoked]
§ 599.108 Execution and administration of bonds.

(a) *Execution examination and distribution of bonds and consent of surety.*

(1) All bonds shall be executed in duplicate. The original of all surety bonds required by procuring activities (except as hereinafter provided in subparagraph (3) of this paragraph) shall be forwarded to The Judge Advocate General, Department of the Army, Washington 25, D.C. If such bond was required in support of a contract or modification thereof, the original signed bond should be attached to the original signed contract or modification thereof, as the case may be, and forwarded to The Judge Advocate General. In the event it is not practicable to forward the original contract or modification, a signed duplicate or an authenticated copy thereof should be attached to the original bond and forwarded to The Judge Advocate General. The Judge Advocate General will examine bonds as to the legal sufficiency and as to form and execution. In the case of corporate sureties he will ascertain whether the corporate officials who executed the bonds on behalf of the corporate sureties had authority to do so; and in the case of individual sureties he will ascertain whether the affidavits of justification and the certificates of sufficiency of the sureties are in accordance with § 599.201(b). The Judge Advocate General then shall forward the bond, together with any contract or modification thereof which it supports, to the proper office for filing. The duplicate bond shall be retained and filed in the office to which it pertains or which authorized its acceptance.

(2) Consents of surety shall be handled in the same manner as bonds.

contract form, and revise §§ 598.107-1 and 598.202-2, as follows:

§ 598.105-64 Contract clauses and forms.

(e) *Suggested contract form.*

* * * * *

ARTICLE 12. Approval of Contract.⁴

This contract shall be subject to the written approval of the Assistant Judge Advocate General for Civil Law, and shall not be binding until so approved.

IN WITNESS WHEREOF, the parties hereto have executed this contract as the day and year first above written.

THE UNITED STATES OF AMERICA

By _____
(Signature and title of designee)

By _____
(Signature and title of contractor)

[CORPORATE SEAL]

Two witnesses

_____ (Address)

_____ (Address)

_____ (Address)

The foregoing contract is hereby approved.⁴

Assistant Judge Advocate General for Civil Law

Dated: _____

§ 598.107-1 General.

(a) *Appropriate contracts.* The policies stated in § 9.107-1 (a), (b), and (c) of this title shall apply to any contract or modification thereof having experimental, developmental or research work as one of its purposes, irrespective of the contract designation or the source of funds involved. If a Government agency other than a Department of Defense agency provides all of the funds for such work and requests a special Patent Rights clause, the special clause shall be used.

(b) *Patent Rights not to be obtained.* Procuring activities are not prohibited by § 9.107-2 of this title from accepting, on behalf of the Government, any grant

⁴To be used only where the approval of the Assistant Judge Advocate General for Civil Law is required by § 598.106-61.

Plant Index No.	Manufacturer	Location	Current procurement and mobilization planning assigned to—
ENGINE PLANTS			
80678	AVCO Corp., Lycoming Division, 652 Oliver St., Plant No. 43 (DOD 62), Main St.	Williamsport, Pa.	Air Force.
995062	AVCO Corp., Bridgeport Locomotive Division, 1000 Main St.	Stratford, Conn.	Do.
22852	Continental Motors Corp., Continental Aviation and Engineering Corp., 12700 Kercheval Ave.	Detroit, Mich.	Do.
253236	Curtiss-Wright Corp., Wright Aeronautical Division, 304 Valley Blvd.	Woodbridge, N.J.	Do.
354432	General Electric Co., Flight Propulsion Division, AF Plant No. 36, Lockland Road.	Evendale, Ohio.	Do.
354464	General Electric Co., Aircraft Division, General Aircraft Engine Dept.	West Lynn, Mass.	Do.
357933	General Motors Corp., Allison Division	Indianapolis, Ind.	Do.
391537	General Motors Corp., Aerojet General Corp., P.O. Box 2048, Air Force Plant No. 70.	Sacramento, Calif.	Do.
391538	General Tire and Rubber Co., Aerojet General Corp.	Azusa, Calif.	Navy.
995467	General Tire and Rubber Co., Aerojet General Corp., Naval Weapons Industrial Reserve Plant (DOD 467).	Sacramento, Calif.	Do.
995478	Thiokol Chemical Corp., Reaction Motors Division, Naval Weapons Industrial Reserve Plant (DOD 478).	Denville, N.J.	Navy.
937059	United Aircraft Corp., Pratt and Whitney Aircraft Division, Departmental Reserve Plant (DOD 57).	East Hartford, Conn.	Do.
937062	United Aircraft Corp., Pratt and Whitney Aircraft Division.	North Haven, Conn.	Do.
995061	United Aircraft Corp., Pratt and Whitney Aircraft Division, Naval Weapons Industrial Reserve Plant (DOD 61).	Southampton, Conn.	Do.
PROPELLER PLANTS			
235229	Curtis-Wright Corp., Propeller Division.	Caldwell, N.J.	Air Force.
357930	General Motors Corp., Allison Division, Aero Products Operations.	Vandalia, Ohio.	Do.
937069	United Aircraft Corp., Hamilton Standard Division.	Windsor Locks, Conn.	Navy.
OTHER PLANTS			
878126	Continental Motors Corp., Continental Aviation and Engineering Corp., 1331 Laskey Road.	Toledo, Ohio.	Air Force.

Rule 31 of the rules of the Board an Optional Accelerated Procedure for disposition of the appeal by decision of a single member of the Board, either on the record or after an informal hearing. In order to invoke such accelerated procedure an appellant must specifically request in his complaint that the appeal be decided pursuant to the Optional Accelerated Procedure, and the Head of the Procuring Activity concerned must concur. Where the parties agree to proceed under the Optional Accelerated Procedure and neither requests an informal hearing, decision will be made on the record.

§ 597.207 Audit of prime contract settlement proposals and of subcontract settlements.

See § 8.207 of this title.

§ 597.213 Cost principles applicable to the settlement of research and development contracts with educational institutions.

See § 8.213 of this title.

13. In § 598.105-64(e), add article 12 and revise the ending portion of the

12. In § 596.103-12, revise paragraph (b) (2) (ii), and revise §§ 597.207 and 597.213, as follows:

§ 596.103-12 Disputes.

(b) *Procedure for handling disputes.*

(2) *Findings and decision.*

(ii) Whenever it becomes necessary to render a decision on a dispute, the contracting officer shall prepare and sign findings, a true copy of which with his written decision shall be promptly furnished the contractor. In the event the situations described in § 1.314 of this title are involved the procedure described therein will be followed. In the event the dispute involves an amount not in excess of \$5,000, the contracting officer shall add a paragraph substantially as follows:

If any dispute resulting from the decision hereinabove set forth involves an amount not in excess of \$5,000, there is available in

except that for more expeditious handling, they may be forwarded in blank to The Judge Advocate General who will have them executed under the Expediter Plan and then approve them.

(3) The following bonds shall not be forwarded to The Judge Advocate General:

(i) Bid bonds (except annual bid bonds). The original and duplicate numbers will be retained in the office to which they pertain or which authorize their acceptance.

(ii) Blanket fidelity and forgery bonds.

(b) *Authority of The Judge Advocate General as to substitute surety bonds.* The Judge Advocate General is authorized to act for the Secretary in accepting a new surety bond in substitution for a bond previously approved covering part or all of the same obligation, and in authorizing the notification of the principal and surety on the bond originally furnished that it will not be considered as security for any default occurring subsequent to the date of approval of the new bond. The Judge Advocate General is authorized to delegate such function to personnel within his office.

(c) *Bond forms.* Standard bond forms are set forth in § 16.805 of this title and shall be used in accordance with the instructions accompanying each form. In the case of United States bonds or notes deposited by contractors with a contracting officer in lieu of furnishing corporate or individual sureties (§ 599.202-1), the contracting officer shall forward to The Judge Advocate General, Headquarters, Department of the Army, Washington 25, D.C., the surety bond with certified copies of the required power of attorney and agreement, and the receipt received by the contracting officer for the deposited United States bonds or notes.

§ 599.201 General requirements of sureties.

(b) *Individual sureties—(1) Acceptability.* Individual sureties are acceptable for all types of bonds other than fidelity and forgery bonds; *Provided,* That individual sureties shall be citizens of the United States, except that sureties on bonds executed in foreign countries, or possessions of the United States, or Puerto Rico, to secure the performance of contracts entered into in those places need not be citizens of the United States but if not citizens of the United States shall be domiciled in the place where the contract is to be performed.

§ 599.202 Options in lieu of sureties.

See § 10.202 of this title.

§ 599.202-1 United States bonds or notes.

United States bonds (other than United States savings bonds) or notes deposited by contractors with the contracting officer in lieu of furnishing corporate or individual sureties, and appropriate power of attorney and agreement (Treasury Department Circular 154, dated 6 February 1935), which authorizes collection and sale in the event of default

on a penal bond, shall be turned over to the local disbursing officer for safekeeping; except that all such bonds, notes and appropriate powers of attorney and agreements received by a contracting officer in the District of Columbia shall be forwarded to the Treasurer of the United States, Securities Division, Washington 25, D.C., for safekeeping. (See § 599.108(c).)

§ 599.202-2 Certified or Cashier's Checks, Bank Drafts, Money Orders, or Currency.

See § 10.202-2 of this title.

§ 600.404 Clause for use where foreign agreements do not apply.

See § 11.404 of this title.

§ 600.404-50 Tax relief where foreign agreements do not apply.

The contracting officer, at the time of the negotiation of a contract which is to be performed in a foreign country where tax relief is not available to the United States under a tax agreement, will obtain and make a part of the contract file, detailed information concerning the specific taxes and amounts, normally applicable to the transactions, from which contractors may nevertheless be exempt.

15. Revoke §§ 600.450, 600.451, 600.451-1, 600.451-2, and 600.452, as follows:

§ 600.450 Tax agreements between United States and foreign Governments. [Revoked]

§ 600.451 Clauses for use where tax agreements are in existence. [Revoked]

§ 600.451-1 Clause for fixed-price contracts. [Revoked]

§ 600.451-2 Clause for cost-type contracts. [Revoked]

§ 600.452 Clause for use in fixed-price contracts where tax agreements are not in existence. [Revoked]

16. In § 601.404-3, revise paragraphs (a) through (j) and add new paragraph (k), as follows:

§ 601.404-3 Additional classifications.

(a) Date on which bids were opened.

(b) Contract number, description, dollar amount, and date of prime contract involved.

(c) Copy of portion of the contract setting forth classifications and wage rates.

(d) Identification of Secretary of Labor's wage determination decision used with this contract.

(e) Description of job to be classified.

(f) A discussion, citing examples, of the area practice concerning the job to be classified. The Wage minimum for such classification should be based on information showing the rate prevailing for this classification five days prior to the opening of bids for the contract in question.

(g) When, prior to the establishment of a new classification as herein outlined, any employee has been used on the contract in a classification not established by the Secretary of Labor's decision, a

copy of the payroll records of said employee showing the classification and wage rate used for said employee, and the hours worked (distinguishing regular time from overtime) in said classification and at said wage rate.

(h) Written and signed statements containing opinions of management and labor as to proper classification and wage rate. When the interested parties have agreed to a new classification, these opinions will be put in the form of an agreement by the interested parties to an additional classification. Such statements or agreement may be signed for the employees by an official of a union representing them, in which case the union and the official's connection with it should be identified; otherwise signatures of all the affected employees should be obtained.

(i) If an apprentice classification is proposed, a determination that the employees involved are employed in a bona fide apprenticeship program registered with a State Apprenticeship Council which is recognized by the Federal Committee on Apprenticeship, or if no such recognized Council exists in a state, in a program registered with the Bureau of Apprenticeship, including identification of the program.

(j) A statement of the area practice in the use of "helpers," including statements from union, nonunion and management, where it is proposed to establish a "helpers" classification.

(k) Where agreement cannot be reached, a request will be made for final determination by the Secretary of Labor. (In cases where agreement is reached, such request is not necessary.)

17. Revise Part 603 to read as follows:

PART 603—INSPECTION AND ACCEPTANCE

Sec.	
603.000	Scope of part.
	Subpart A—Inspection
603.100	Definitions.
603.101	General.
603.102	Activities responsible for inspection.
603.103	Inspection interchange agreements.
603.104	Contractor responsibility.
603.105	Places of inspection.
603.105-3	Inspection at destination.
603.107	Rejection of nonconforming supplies or services.
603.150	Inspection requirements.
603.151	Contract clauses.
603.152	Marking and shipping.
603.153	Joint procedures.
	Subpart B—Acceptance
603.201	General.
603.205	Acceptance of supplies or services not conforming with contract requirements.

AUTHORITY: §§ 603.000 to 603.205 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314.

SOURCE: C 32, APP, 23 June 1961.

§ 603.000 Scope of part.

This part deals with requirements for the inspection and acceptance of supplies and services procured by the Department of the Army.

Subpart A—Inspection**§ 603.100 Definitions.**

See § 14.100 of this title.

§ 603.101 General.

See § 14.101 of this title.

§ 603.102 Activities responsible for inspection.

(a) *Compliance with requirements of specifications.* Government inspectors determine the degree of compliance with the requirements of specifications and other contract requirements in accordance with procedures primarily established in specifications and contracts. Inspectors are assigned by the inspecting activity to perform inspection services under a given contract. The inspector shall be guided by provisions of the contract, instructions issued by the procuring activity, and the following:

(1) The Government inspector shall make optimum use of the records of inspections and tests performed by or for the contractor in accordance with the quality assurance provisions of commodity specifications and other pertinent inspection records, in determining acceptability of supplies.

(2) Procurement inspection performed by the Government shall be planned in a manner which will provide adequate assurance of quality and efficient use of the inspection resources of the military departments.

(3) Where the specification or contract requires the contractor to conduct particularly expensive tests involving destruction of supplies, extended periods of time for conducting the tests, or other factors contributing to high testing costs, these tests shall be coordinated for simultaneous contractor and Government accomplishment to the maximum extent practicable to preclude the needs for subsequent independent Government verification testing.

(b) *Inspector functions in Government-owned or operated facilities.* Inspectors in Government-owned or operated manufacturing installations shall not be assigned the dual functions of process inspection for the purpose of controlling production and final inspection for the purposes of accepting the product for military use.

§ 603.103 Inspection interchange agreements.

See § 14.103 of this title.

§ 603.104 Contractor responsibility.

(a) *Specifications; examinations and tests.* Where existing specifications do not contain complete and definitive quality assurance provisions, the contracting officer will determine such examinations and tests as are necessary and include this information in invitations for bid or requests for proposals and subsequent contracts.

(b) *Specification; Section IV requirements.* The contracting officer will include, in Section IV of all new specifications and revisions or amendments to existing specifications, a statement which clearly sets forth which examinations and tests are to be performed by the supplier and those tests and inspections

which may be accomplished by the Government.

§ 603.105 Places of inspection.

See § 14.105 of this title.

§ 603.105-3 Inspection and destination.

In instances where inspection is to be performed at destination, arrangements normally will be made to have the receiving activity perform the necessary inspection.

§ 603.107 Rejection of nonconforming supplies and services.

(a) Suitable methods to identify properly the rejected material shall be employed by inspectors in order to eliminate any possibility of the contractor's resubmitting rejected supplies on which the deficiencies have not been corrected. Such methods also shall include provisions of tagging, marking, or isolating provisionally rejected supplies until accepted or finally rejected.

(b) Each procuring activity shall clearly define the organizational level and the extent to which this level is authorized to order contractors to suspend work on contracts involving the use of Government-furnished property when it is evident that considerable spoilage will result. In each case, the contractor shall be notified in writing to stop the faulty operations responsible for the defect until it has been corrected.

§ 603.150 Inspection requirements.

Inspection shall be conducted in accordance with provisions of the contract, Subchapter A, Chapter I of this title, this subchapter, AR 715-20, and instructions issued by the procuring activity. The requirements for inspection (including testing) contained in these documents are not waived because the item is included on a Qualified Products List.

(a) The amount of inspection will depend upon the importance of items, the importance of individual characteristics, and the past quality performance of contractors.

(b) Sampling procedures shall be used to the maximum extent consistent with required protection of the interest of the Government.

(c) Specific situations in which it is advisable that inspections and tests be performed by the Government are (1) test requirements which necessitate the use of specialized test equipment or facilities not ordinarily available in contractor's plants or commercial laboratories, e.g., ballistic testing of ammunition, environmental tests, simulated service tests; and (2) preproduction, pilot-lot or pilot model examination and testing, either at a Government installation or at the contractor's plant.

§ 603.151 Contract clauses.

Contract clauses covering inspection are set forth in Part 7 of this title and Part 596 of this subchapter.

§ 603.152 Marking and shipping.

Each procuring activity shall prepare and distribute to their inspection organizations detailed instructions covering (a) proper handling of shipments at Government expense, i.e., Government

bill of lading, prepaid commercial bill of lading, shipments through the mail, Government-owned transportation, and emergency shipments, (b) guarding of shipments containing classified supplies and services (Part 505 of this chapter), (c) shipments at contractor's expense, and (d) all other necessary instructions (SR 715-55-5). Marking to indicate inspection status shall be accomplished with Department of Defense inspection stamps in accordance with procedures established in AR 715-20.

§ 603.153 Joint procedures.

All inspection of supplies and services by Department of the Army procuring activities shall be consistent with Federal and Military Standards.

Subpart B—Acceptance**§ 603.201 General.**

Acceptance will be made as promptly as practicable. All supplies and services procured by the Department of the Army (including those manufactured in the Government-owned and operated plants) shall be accepted in accordance with the procedures set forth in Subpart B, Part 14 of this title and this subpart.

§ 603.205 Acceptance of supplies and services not conforming with contract requirements.

Each procuring activity shall clearly define the organizational level and the extent to which this level may approve deviations from contract requirements. Such approvals should be authorized at levels which will result in the least delay consistent with the best interest of the Government. Where desirable, for reasons of urgency, practicality, or economy, supplies or services which fail to meet all contract requirements may be accepted under special circumstances, subject to equitable adjustments of price or otherwise provided for by the contract and which are in the best interest of the Government.

18. Revise §§ 606.201(a), 606.202(b), 606.203 and 606.205(b) (4), as follows:

§ 606.201 Documentary evidence of purchases.

(a) *Requirement.* All purchase transactions made by a contracting officer shall be evidenced by written contracts (§ 1.201-4 of this title) on approved contract forms, as prescribed in Part 16 of this title and Part 605 of this chapter, and in applicable procuring activity instructions, except those in which payments are made simultaneously with receipt of the supplies or services.

§ 606.202 Execution of contracts—requirements.

(b) *Contracting officer's signature.* In the case of formal advertising, the personal signature of the contracting officer on the award and communication of a notice of award to the successful bidder creates a binding agreement. In the case of negotiated contracts, the contracting officer shall personally sign on behalf of the United States after the contractor has signed, except where otherwise required by the particular con-

tract form. In addition, the contracting officer's rank or title shall be indicated. Proxy and facsimile signatures shall not be used, except that when DD Form 1155 is used as a purchase order not to exceed \$2,500 and reproducible masters are authorized, the contracting officer may sign the reproducible master prior to reproduction. Since each copy reproduced from the master may be regarded as a duplicate original having the same force and effect as any other copy, each copy intended to serve as an original should be marked "Duplicate Original." When reproduced on the required number of copies, the signature carries the same force and effect as a pen and ink signature.

§ 606.203 Numbering of contracts.

§ 606.205 Information to be furnished when requesting approval of contracts or awards of contracts.

(b) *Request for approval or award of contract entered into by advertising.* * * *

(4) *Award.* (i) Where it is proposed to make award to other than low bidder or bidders, give reasons therefor.

(ii) Give basis for contracting officer's determination of reasonableness of price.

19. Revoke §§ 606.207, 606.207-1, 606.207-2, 606.207-3, and 606.208, as follows:

§ 606.207 Audits of procurement contracts by audit agencies; general. [Revoked]

§ 606.207-1 Cost-type and time and materials contracts. [Revoked]

§ 606.207-2 Fixed price contracts. [Revoked]

§ 606.207-3 General. [Revoked]

§ 606.208 Contracts pertaining to the Army Industrial Fund. [Revoked]

20. Revise Subpart L, Part 606, to read as follows:

Subpart L—Contract Financing Policies and Procedures

§ 606.1200 Scope.

This part implements Defense Contract Financing Regulations, Part 163 of this title.

§ 606.1201 Selection of contracts.

As indicated in §§ 1.903-1 and 163.24 of this title, contracting officers must give due regard to the financial capabilities of the supplier as well as the productive resources necessary to perform the contract concerned. The necessity for supplementing a contractor's working capital by contract financing should not deter contracting officers from considering proposed contractors where benefits from dealing with such contractors would accrue to the Government. In such cases, before awarding any contract or making any recommendations in connection with contract financing, contracting officers will make, or cause to be made, an adequate inves-

tigation into the financial condition of the proposed contractor. For this purpose, the services of the cognizant audit agency should be used to the fullest extent available.

§ 606.1202 Surveillance of contract financing and reports of adverse developments.

(a) Surveillance shall be maintained over all contractors who have been authorized guaranteed loans, progress payments, or advance payments. The degree of surveillance required depends upon the nature of the procurement, the type and amount of Government financing involved, and the character and financial ability of the contractor. The surveillance of contractors, to the extent considered appropriate by the contracting officer or the Head of the Procuring Activity, should include, but not be limited to:

(1) Frequent or periodic visits to the contractor's plant;

(2) Securing advice of the contractor's backlog of all undelivered contractual commitments;

(3) Securing financial statements from the contractor as often as deemed necessary; and

(4) Having the resident representative, resident or traveling inspector submit to the contracting officer not less frequently than monthly or more often if deemed necessary, his appraisal of the operations of the contractor to reflect such information as the quality of production or performance, rejection rate, contractor's ability to meet delivery schedules, and other pertinent information regarding the contractor's operations.

(b) Wherever a contractor appears to be in financial or production difficulties which might impair the security or liquidation of Government-furnished financial assistance, the services of the U.S. Army Audit Agency may be utilized to conduct an analysis of the contractor's accounts and financial operations.

(c) If at any time the contracting officer or the Head of the Procuring Activity determines or has reason to believe that a contractor who has been authorized a guaranteed loan, progress payment or advance payment is (1) experiencing financial problems which are becoming sufficiently serious to prevent the purchase of materials necessary for production under Government contracts, thereby causing delay, possible default in deliveries, or stoppage in production; (2) approaching insolvency or possible bankruptcy; or (3) experiencing production problems or other adverse conditions which may seriously delay performance or cause the contractor to default on Government contracts, a complete report of such situation will be prepared and forwarded on a priority basis, through channels, to the Chief Contracts Division, Office of the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C. In forwarding the report, the Head of the Procuring Activity shall include his

recommendations as to the action which he considers should be taken. A separate copy of this report will be forwarded by the preparing office direct to the Comptroller of the Army, Department of the Army, Washington 25, D.C., Attn: Director of Contract Financing. It is essential that cases described in this section be reported immediately after the situation becomes known. This report, "Contractors in Difficulty Authorized Guaranteed Loans, Progress Payments or Advance Payments" is assigned Reports Control Symbol CSGLD 585.

§ 606.1203 Advance approval.

(a) *Combination of advance payments and guaranteed loans.* In addition to the requirements in § 606.204, all proposed contracts or letter contracts which will be financed by a combination of advance payments and guaranteed loans shall be submitted to the Chief, Contracts Division, Office of the Deputy Chief of Staff for Logistics for approval, prior to award of the contract or letter contract.

(b) *Progress payments.* As indicated in § 163.86 of this title, requests involving unusual progress payments, if regarded favorably by the Head of the Procuring Activity, or by a general officer, designated by him, shall be forwarded with supporting information through the Chief, Contracts Division, Office of the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C., to the Director of Contract Financing, Office of the Comptroller of the Army.

(c) *Advance payments.* As indicated in §§ 163.60 and 163.62(f) of this title, the "Findings, Determinations and Authorization for Advance Payments" except for signature blocks, will be submitted and countersigned by the Head of a Procuring Activity, or by a general officer, designated by him, and forwarded through the Chief, Contracts Division, Office of the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C., to the Director of Contract Financing, Office of the Comptroller of the Army. The information submitted by the contracting officer in accordance with § 163.62 of this title, will be in quadruplicate.

(d) *Advance payment pool agreements (§ 163.68 of this title).* Requests for pooled advance payments may be initiated by the contracting officer (§ 163.62(f) of this title), the Head of a Procuring Activity, or at Department of the Army Level. However, the Class Finding and Determination will be provided by the Director of Contract Financing, Office of the Comptroller of the Army.

[C 32, APP, 23 June 1961] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 61-9330; Filed, Sept. 29, 1961; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 21—HOT SPRINGS NATIONAL PARK; BATHHOUSE REGULATIONS

Examining Board for Technicians

On page 3467 of the FEDERAL REGISTER of April 22, 1961, there was published a notice and text of a proposed amendment to § 21.15 of Title 36, Code of Federal Regulations. The purpose of the amendment is to enlarge the membership of the Examining Board for Technicians.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

(60 Stat. 238; 5 U.S.C. 1003; 39 Stat. 535; 16 U.S.C. 3)

Subparagraphs (1), (2), (3), and (4), of paragraph (a), and paragraph (c) of § 21.15 are amended by changing the present text to read as follows:

§ 21.15 Examining Board for Technicians.

(a) * * *

(1) Two registered physicians, to be nominated by the Federal Registration Board.

(2) Two registered physical therapists-hydrotherapists.

(3) Two registered masseurs.

(4) Two registered bath attendants, preferably head attendants.

* * * * *

(c) Five members present shall constitute a quorum. Any member undergoing disciplinary action or in suspension from duty shall not remain a member of the board.

STEWART L. UDALL,
Secretary of the Interior.

SEPTEMBER 25, 1961.

[F.R. Doc. 61-9400; Filed, Sept. 29, 1961;
8:48 a.m.]

Chapter II—Forest Service, Department of Agriculture

[Reg. U-13]

PART 251—LAND USES

Disposal of Materials

Section 251.4 is hereby temporarily modified in the following respect:

The requirements of paragraph b (2) and (3) as to the disposal of common varieties of mineral materials pursuant to the act of June 11, 1960, are hereby suspended to and including December 31, 1962, to permit study and investigation of disposal methods on the lands subject thereto. In the interim, the Chief,

Forest Service, may in his discretion and where he determines such action equitable, in the public interest, and necessary to determine the existence of, or workability of, the mineral deposits therein, issue prospecting permits which upon discovery of a valuable deposit shall entitle the holder thereof to a preference right lease for the mineral material covered thereby for not less than 5 years nor more than 10, the terms and conditions of the lease, including the royalty rates, to be established on an individual case basis. Except for preference right leases as set out in the preceding sentence, mineral materials shall be disposed of pursuant to the act of June 11, 1960, as follows:

(i) For public works projects, such as roads and dams, and for semi-public purposes, such as railroads, or single project purpose in areas where the deposit normally has a value for a single, nonrecurrent purpose to a single contractor because of its proximity to the particular project and has no intrinsic competitive value, the material may be disposed of at not less than the appraised value thereof without advertisement.

(ii) All other deposits shall be disposed of pursuant to paragraph b (2) and (3) except that the limitation thereof is hereby increased \$3,000.

In all other respects § 251.4 as amended September 22, 1960 (25 F.R. 9245), shall continue in effect.

This modification shall become effective 30 days after publication in the FEDERAL REGISTER.

(Interprets or applies 74 Stat. 205)

Done at Washington, D.C., this 26th day of September 1961.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 61-9402; Filed, Sept. 29, 1961;
8:48 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Greece and Surinam; Mail Regulations

The regulations of the Post Office Department in § 168.5 *Individual country regulations*, as published in the FEDERAL REGISTER of September 19, 1961, at pages 8725-8805, are amended as follows to reflect new mail regulations adopted by Greece and Surinam.

I. In the country "Greece," under Parcel Post, the first paragraph of the item *Prohibitions* is amended to delete the regulations for the importation of proprietary medicines. As so amended, the first paragraph reads as follows:

Prohibitions. For sanitary reasons: Medicines except in the manufacturer's container bearing his distinctive marks. Drugstore prescriptions. Since admissible medicines must be licensed or specially authorized by the Greek authorities for importation, mailers should ascertain in advance whether the addressees will be able to take delivery.

II. In country "Surinam," under Parcel Post, amend the tabular information immediately following the item *Air parcel rates* by striking out "2 forms 2966" where it appears under "Postal forms required" and inserting in lieu thereof "3 forms 2966." Parcel post packages for Surinam must now be accompanied by three customs declarations (Form 2966).

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

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 61-9401; Filed, Sept. 29, 1961;
8:48 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER A—TEST FEE SCHEDULES

PART 202—METROLOGY

PART 204—RADIATION PHYSICS

Miscellaneous Amendments

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. These amendments are effective from the date of publication in the FEDERAL REGISTER.

1. Part 202 is amended to revise the description of item 202.174a under § 202.174, and to revise the schedule under § 202.505 *Interferometry*, to read as follows:

§ 202.174 Radiometry.

Item	Description	Fee
202.174a...	Eye protective glasses—calibration for transmittance of ultraviolet, visible, and total radiation.	\$35.00

* * * * *

§ 202.505 Interferometry.

Item	Description	Fee
202.505a...	Optical true planes—tested by interference methods using standard optical true planes, accuracy 0.000001 inch:	
202.505a...	Optical true plane not exceeding 4 inches in diameter.....	\$40.00
202.505b...	Optical true plane over 4 inches but not exceeding 6 inches in diameter.....	55.00
202.505c...	Optical true plane over 6 inches but not exceeding 8 inches in diameter.....	75.00
202.505d...	Optical true plane over 8 inches but not exceeding 10 inches in diameter.....	100.00
202.505e...	Optical true planes such as Fabry & Perot plates for which a larger number of observations to an accuracy of 0.02 fringe is required:	
202.505e...	Optical true plane not exceeding 2 1/2 inches in diameter.....	60.00
202.505f...	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

2. Part 204 is amended by the revision of §§ 204.201 and 204.202, and the addition of § 204.203, to read as follows:

§ 204.201 Calibration of gamma-emitting radioactive samples that conform to the physical, chemical, and activity level specifications for measurement in the National Bureau of Standards gamma ionization chamber.

Item	Description	Fee
204.201a...	(1) 100-300 micrograms of sodium, calibrated in terms of micrograms of sodium-content measured relative to the National Bureau of Standards. (See sec. 204.504 for pertinent information.) (2) Chemically stable solutions of the following radionuclides in the specified activity ranges can be measured: i. 50-100 microcuries of sodium-22, sodium-24, scandium-46, cobalt-60. ii. 150-300 microcuries of iron-59, strontium-85, niobium-95, iodine-131, cesium-barium-137, tantalum-182, gold-198, mercury-203. iii. 300-600 microcuries of potassium-42. Solution should be 5 ml in glass vial or ampoule of O.D. 16.0±0.5 mm, wall thickness approximately 0.5 mm. Requests for these tests should be submitted with full details for consideration. Chemically stable solutions of the following radionuclides in the specified activity ranges can be measured: i. 10-20 microcuries of sodium-22, sodium-24, scandium-46, cobalt-60. ii. 30-60 microcuries of iron-59, strontium-85, niobium-95, iodine-131, cesium-barium-137, tantalum-182, gold-198, mercury-203. iii. 60-100 microcuries of potassium-42. Solution should be 5 ml in vial or ampoule of O.D. 16.0±0.5 mm, wall thickness approximately 0.5 mm. Requests for these tests should be submitted with full details for consideration. For special tests not covered by the above schedule advance arrangements must be made. Fees will be charged dependent on the time involved in making the tests.	\$47.00
204.201b...		47.00
204.201c...		62.00

§ 204.202 Calibration of alpha emission rate of sources.

Item	Description	Fee
204.202a...	Calibration of alpha emission rate of sources submitted for test.	\$37.00

§ 204.203 Calibration of beta-emitting radioactive samples that conform to the physical, chemical, and activity level specifications for measurement in the National Bureau of Standards 2πB-windowless proportional flow counter.

Item	Description	Fee
204.203a...	Chemically stable solutions of the following radionuclides in the specified activity ranges can be measured: i. 0.5-2 microcuries/milliliter strontium-yttrium-90. ii. 1-5 microcuries/milliliter thallium-204. iii. 3-10 microcuries/milliliter sulfur-35, promethium-147. Solutions should be approximately 5 ml in volume and flame-sealed in a glass vial or ampoule. Requests for these tests should be submitted with full details for consideration. For special tests not covered by the above schedule advance arrangements must be made. Fees will be charged dependent on the time involved in making the tests.	\$136.00
204.203b...		
204.203c...		

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

A. T. McPHERSON,
Acting Director.

[F.R. Doc. 61-9381; Filed, Sept. 29, 1961; 8:46 a.m.]

PART 205—ANALYTICAL AND INORGANIC CHEMISTRY

Internal Combustion Engine Fuels; Deletion of Rule

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found

that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. This amendment is effective from the date of publication in the FEDERAL REGISTER.

1. Part 205 is amended to delete § 205.102 *Internal combustion engine fuels*.

2. Part 205 should now read as follows:

PURE SUBSTANCES

§ 205.101 Benzoic acid thermometric standards,

Item	Description	Fee
205.101a...	A certified cell, a companion un-certified cell, and a case to hold the pair of cells.	\$220.00
205.101b...	1. Certified cell. 2. Companion cell.	155.00 40.00

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

A. T. McPHERSON,
Acting Director.

[F.R. Doc. 61-9880; Filed, Sept. 29, 1961; 8:45 a.m.]

SUBCHAPTER B—STANDARD SAMPLES

PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY THE NATIONAL BUREAU OF STANDARDS ARDS

Subpart B—Standard Samples and Reference Standards with Schedule of Weights and Fees

DESCRIPTIVE LIST

In accordance with the provisions of section 4 (a) and (c) of the Administrative

Sample No.	Radiation	Nuclide	Volume	Price per sample
4929	K-X-ray	Iron-55	10 ⁵ dps/ml (e)	\$36.00

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

[SEAL]

A. T. McPHERSON,
Acting Director.

[F.R. Doc. 61-9379; Filed, Sept. 29, 1961; 8:45 a.m.]

tive Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. These amendments are effective from the date of publication in the FEDERAL REGISTER.

In § 230.11 *Descriptive list*:

1. Paragraph (a) *Steels* is amended to revise sample number 108a to read as follows:

Sample No.	Name	Approximate weight of sample in grams	Price per sample
108b	Cr-Mn-Al (Nitralloy G)	150	\$5.00

2. Paragraph (b) *Irons* is amended to add sample number 342 (Nodular Iron) to read as follows:

Sample No.	Name	Approximate weight of sample in grams	Price per sample
342	Nodular Iron	150	\$6.00

3. Paragraph (h) *Chemicals* is amended to revise sample number 136a to read as follows:

Sample No.	Name	Approximate weight of sample in grams	Price per sample
136b	Potassium dichromate	75	\$4.00

4. Paragraph (r) *Radioactivity standards* is amended to add sample number 4929 (Iron-55) to read as follows:

Title 45—PUBLIC WELFARE

Chapter V—Foreign Claims Settlement Commission of the United States

SUBCHAPTER C—RECEIPT, ADMINISTRATION AND PAYMENT OF CLAIMS UNDER THE INTERNATIONAL CLAIMS SETTLEMENT ACT OF 1949, AS AMENDED

PART 531—FILING OF CLAIMS AND PROCEDURES THEREFOR

Time for Filing

Paragraph (c) of § 531.1 is amended to read as follows:

(c) Claims under Title I of the Act (Polish claims) shall be filed with the Commission on or before March 31, 1962.

(Sec. 4, Stat. 13, as amended; 22 U.S.C. 1623)

This amendment shall become effective as of the date of filing with the Federal Register Division.

Dated: September 26, 1961.

EDWARD D. RE,
Chairman, Foreign Claims Settlement Commission of the United States.

[F.R. Doc. 61-9349; Filed, Sept. 29, 1961; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2502]

[1710772]

UTAH

Partly Revoking Air Navigation Site Withdrawal No. 121 of June 11, 1938

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 728; 49 U.S.C. 214), it is ordered as follows:

1. The departmental order of June 11, 1938, creating Air Navigation Site Withdrawal No. 121, is hereby revoked so far as it affects the following-described lands:

SALT LAKE MERIDIAN

T. 34 S., R. 14 W.,
Sec. 5, lots 1, 2, 5, and SW $\frac{1}{4}$ NE $\frac{1}{4}$.

Containing 164.53 acres.

2. The lands are located on and adjacent to the top of a large lava butte known as Table Butte, near the center of the Escalante Desert, about 24 miles west and 16 miles north of Cedar City. Portions of the lands contain improvements constructed by the United States, including a generator building, beacon site, access roads and power lines. Any disposals of the lands shall be subject to the right of the United States, its officers, agents or employees to maintain, operate, improve, repair or remove such improvements and to enter upon the

lands at any time or times for such purposes, and the United States shall retain all right, title and interest in and to such improvements until they have been removed or abandoned in place.

3. Until 10:00 a.m. on March 27, 1962, the State of Utah shall have a preferred right of application to select the lands, in accordance with the provisions of subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the limitations prescribed in paragraph 2 of this order.

Beginning at 10:00 a.m. on March 27, 1962, the lands shall be subject to operation of the public land laws generally, including the mining laws, subject to existing valid rights and the requirements of applicable law, rules and regulations.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

SEPTEMBER 25, 1961.

[F.R. Doc. 61-9389; Filed, Sept. 29, 1961; 8:47 a.m.]

[Public Land Order 2503]

[New Mexico 059994]

NEW MEXICO

Order Providing for Opening of Public Lands

By virtue of the authority vested in the Secretary of the Interior by section 4 of the act of May 24, 1928 (45 Stat. 728; 49 U.S.C. 214), it is ordered as follows:

1. The following departmental orders, so far as they withdrew the lands described for use of the Civil Aeronautics Administration (now Federal Aviation Agency) in the maintenance of air navigation sites and an emergency landing strip are hereby revoked: Air Navigation Sites No. 29 of May 1, 1929; No. 44 of November 17, 1930 and enlargement thereto of August 20, 1945; No. 51 of February 3, 1931 and enlargements thereto of February 9, 1931 and April 8, 1931; and Air Navigation Site No. 125 of June 10, 1939:

NEW MEXICO PRINCIPAL MERIDIAN

T. 9 N., R. 1 W.,
Sec. 6, lot 10 (SE $\frac{1}{4}$ SE $\frac{1}{4}$).
T. 13 S., R. 1 W.,
Sec. 18, SE $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 29 S., R. 5 W.,
Sec. 3, E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$.
T. 28 S., R. 11 W.,
Sec. 20, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 29, NW $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 27 S., R. 21 W.,
Sec. 25, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 26, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 28, NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$.

The areas described aggregate 609.28 acres.

2. The lands in T. 9 N., R. 1 W., are located approximately 15 miles west of the City of Albuquerque, New Mexico. The topography is rolling. Soils consist of clay subsoil and coarse sands to gravelly topsoil. Vegetation is of the shrub-grass type. The remaining lands are located in the southwestern part of

the State. The lands are characterized by smooth, to rolling and rough topography. The soils are described as from shallow silt loam to extremely rocky. Vegetation consists of tobosa grass, yucca, creosote bush and mesquite.

3. The public lands released from withdrawal by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, to equitable claims of confirmed and allowed, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals, provided that until 10:00 a.m., March 27, 1962, the State of New Mexico shall have a preferred right to apply to select the lands in accordance with subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851-852).

4. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a.m. on March 27, 1962.

Inquiries concerning the lands should be addressed to the Manager, Land Office, P.O. Box 1251, Santa Fe, New Mexico.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

SEPTEMBER 25, 1961.

[F.R. Doc. 61-9390; Filed, Sept. 29, 1961; 8:47 a.m.]

[Public Land Order 2504]

[Arizona 030713]

ARIZONA

Revoking Executive Order No. 2131 of January 30, 1915

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

1. Executive Order No. 2131 of January 30, 1915, which was revoked in part by Public Land Order No. 976 of June 18, 1954, and which reserved certain public lands for use of the National Guard of Arizona as a rifle range, is hereby revoked. The following-described lands are released from withdrawal by this order:

GILA AND SALT RIVER MERIDIAN

T. 15 S., R. 14 E.,
Sec. 12, S $\frac{1}{2}$.

Containing 320 acres.

2. The lands are situated approximately seven miles southwesterly of Tucson, Arizona, on Tucson-Benson Highway 84. Topography is slightly rolling, with soils ranging from sandy loam to coarse gravel with some rocky outcrops. Vegetation is typical of the Southern Arizona desert.

3. The lands are hereby restored to the operation of the public land laws, subject to valid existing rights and equitable claims, the provisions of any existing withdrawals, and the requirements of applicable law, rules, and regulations provided, that, until 10:00 a.m. on March 27, 1962, the State of Arizona shall have a preferred right of application to select

the lands in accordance with subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws beginning 10:00 a.m. on March 27, 1962.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix, Arizona.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

SEPTEMBER 25, 1961.

[F.R. Doc. 61-9391; Filed, Sept. 29, 1961; 8:47 a.m.]

[Public Land Order 2505]

COLORADO

Power Site Restoration No. 570; Partly Revoking Power Site Reserve No. 50; Opening Lands Under Section 24 of the Federal Power Act (Power Site Reserve No. 81)

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in section 24 of the Federal Power Act of 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determination of the Federal Power Commission in DA-427-Colorado, it is ordered as follows:

1. The Departmental order of November 5, 1909, establishing temporary Power Site Withdrawal No. 50, and the Executive Order of July 2, 1910, confirmatory thereof are hereby revoked so far as they affect the following-described lands:

[Colorado 053777]

SIXTH PRINCIPAL MERIDIAN

T. 14 S., R. 85 W.,
Sec. 8, E $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 17, SW $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 34, SW $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 15 S., R. 85 W.,
Sec. 3, lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$).

The areas described aggregate approximately 200 acres, of which 80 acres, comprising the SW $\frac{1}{4}$ NE $\frac{1}{4}$, section 17, and lot 1 section 3, are public lands.

2. In DA-423; 425; and 433, Colorado, the Federal Power Commission determined that the value of the following-described lands, withdrawn in Power Site Reserve No. 81, would not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act, as amended, and subject to the condition that in the event the lands are required for power purposes, any improvements or structures placed thereon which shall be found to interfere with such development, shall be removed or relocated as may be necessary to eliminate interference with power development at no cost to the United States, its permittees or licensees:

[Colorado 028377]
[SIXTH PRINCIPAL MERIDIAN]

DA-423

T. 3 S., R. 74 W.,
Sec. 26, lot 20.

Containing 21.71 acres.

[Colorado 034873]

DA-425

T. 4 S., R. 74 W.,
Sec. 4, lot 4, and SW $\frac{1}{4}$ NW $\frac{1}{4}$.

Containing 74.53 acres.

DA-433

T. 3 S., R. 73 W.,
Sec. 30, S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, Unsurveyed (that portion bounded on the south by Independence Lode Claim M.S. 14761, on the north by the Union Mill Site M.S. 14577, and on the west by the Dumont Town Site).

Containing 1.25 acres.

The areas described aggregate 97.49 acres. Lot 4 and the SW $\frac{1}{4}$ NW $\frac{1}{4}$, section 4, are withdrawn for reclamation purposes in connection with the Blue River-South Platte Project.

3. The public lands described in this order are hereby restored to the operation of the public land laws, subject to any valid existing rights and equitable claims, the requirements of applicable law, rules, and regulations, and the provisions of any existing withdrawals; any disposals of the lands described in paragraph 2 hereof, being further subject to the provisions of section 24 of the Federal Power Act, supra, and to the condition recited in paragraph 2, provided, that, until 10:00 a.m. on March 27, 1962, the State of Colorado shall have a preferred right of application to select the lands described in this order in accordance with the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). During this period the State may also apply for the reservation to it or to any of its political subdivisions, under any law or statute applicable thereto, of any of the lands required as a right-of-way for a public highway, or as a source of materials for construction and maintenance of such highways, in accordance with section 24 of the Federal Power Act, as amended.

4. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws subject to the provisions of the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colorado.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

SEPTEMBER 25, 1961.

[F.R. Doc. 61-9392; Filed, Sept. 29, 1961; 8:47 a.m.]

[Public Land Order 2506]

[Montana 043515 (SD)]

MONTANA

Amending Public Land Order No. 2471

1. Public Land Order No. 2471 of August 28, 1961 (26 F.R. 8316) which re-

voked Public Land Order No. 85 of January 29, 1943, is corrected by substituting the word "South Dakota" for "Montana" where the latter appears in the caption and in paragraph 3 of the order.

2. The preference right to apply to select, reserved to the State by paragraph 3 of the order, is extended to 10:00 a.m. on March 27, 1962.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

SEPTEMBER 25, 1961.

[F.R. Doc. 61-9393; Filed, Sept. 29, 1961; 8:47 a.m.]

[Public Land Order 2507]

[85686]

MICHIGAN

Partly Revoking Executive Order of March 16, 1875

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

1. The Executive Order of March 16, 1875, so far as it reserved the following-described lands for life-saving purposes, is hereby revoked:

MICHIGAN MERIDIAN

T. 50 N., R. 8 W.,
Sec. 17, lot 1.

Containing 44.90 acres.

2. The lands are hereby restored to the operation of the public land laws, subject to any valid existing rights, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals, provided, that until 10:00 a.m. on March 27, 1962, the State of Michigan shall have a preferred right of application to select the lands in accordance with subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

Inquiries concerning the lands shall be addressed to the Manager, Eastern States Land Office, Bureau of Land Management, Washington 25, D.C.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

SEPTEMBER 25, 1961.

[F.R. Doc. 61-9394; Filed, Sept. 29, 1961; 8:48 a.m.]

[Public Land Order 2508]

[1204823]

COLORADO AND UTAH

Revoking Executive Order No. 4371 of January 21, 1926

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

Executive Order No. 4371 of January 21, 1926, which withdrew from settlement, location, sale or entry all lands within the States of Colorado and Utah containing asphalt, gilsonite, elaterite,

or other like substances, in aid of legislation, is hereby revoked.

The minerals described were made subject to lease under the Mineral Leasing Act of February 26, 1920, by section 7 of the Act of September 2, 1960 (74 Stat. 790; 30 U.S.C. 181).

Until 10:00 a.m. on March 27, 1962, the States of Colorado and Utah shall have a preferred right of application to select the lands within their respective borders in accordance with provisions of subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

Beginning at 10:00 a.m. on March 27, 1962, the lands shall be subject to the operation of the public land laws generally, subject to any existing valid rights, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

SEPTEMBER 25, 1961.

[F.R. Doc. 61-9395; Filed, Sept. 29, 1961; 8:48 a.m.]

[Public Land Order 2509]

[New Mexico 081684]

NEW MEXICO

Partial Revocation of Reclamation Withdrawal (Rio Grande Project) Dated August 21, 1914

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental order of August 21, 1914, so far as it reserved all of fractional T. 28 S., R. 3 E., N.M.P.M., for reclamation purposes, is hereby revoked. The following lands are released from reclamation withdrawal by this order:

NEW MEXICO PRINCIPAL MERIDIAN

T. 28 S., R. 3 E.,
Sec. 6;
Sec. 7;
Sec. 8, lot 1;
Sec. 17, lots 1, 2, 3, 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Secs. 18, 19, and 20;
Sec. 21, lots 1 and 2;
Sec. 28, lots 1, 2, 3, 4, W $\frac{1}{2}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$;
Secs. 29, 30, 31, 32, and 33;
Sec. 34, lots 1, 2, 3, 4, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 35, lot 1.

The areas described aggregate 7,376.43 acres.

2. The lands are located on the west bench of the Rio Grande Valley, and are flat to gently rolling, with local relief due to mesquite sand dunes up to ten feet high. They are covered by mesquite and a minimum amount of other desert-type shrub. Because of the predominance of sand dunes, the lands are generally unsuitable for agricultural development.

3. The public lands released by this order are hereby restored to operation of the public land laws, subject to valid existing rights, the requirements of applicable law, rules, and regulations, and the provisions of any existing withdrawals, provided that until 10:00 a.m.,

on March 27, 1962, the State of New Mexico shall have a preferred right to apply to select the lands in accordance with subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a.m., on March 27, 1962.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, P.O. Box 1251, Santa Fe, New Mexico.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

SEPTEMBER 25, 1961.

[F.R. Doc. 61-9396; Filed, Sept. 29, 1961; 8:48 a.m.]

[Public Land Order 2510]

[1169180]

ALASKA

Revoking Executive Order No. 4762 of November 19, 1927

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

Executive Order No. 4762 of November 19, 1927, reserving a tract of approximately 0.67 acre by metes and bounds on the shore of St. Michael Bay for use of the Alaska Road Commission, is hereby revoked.

Until 10:00 a.m., on March 27, 1962, the State of Alaska shall have a preferred right to select the lands in accordance with the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b) and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339) and the regulations in 43 CFR Part 76, subject to provisions of section 6b of the Alaska Statehood Act.

Beginning at 10:00 a.m., on March 27, 1962, the lands shall be subject to operation of the public land laws generally, including locations for metalliferous minerals, subject to valid existing rights, to equitable claims, and to the requirements of applicable law, rules and regulations.

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

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

SEPTEMBER 25, 1961.

[F.R. Doc. 61-9397; Filed, Sept. 29, 1961; 8:48 a.m.]

[Public Land Order 2511]

[1307063]

WYOMING

Revoking Executive Order No. 4953 of August 20, 1928

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order

No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 4953 of August 20, 1928, reserving the following-described lands in the Shoshone National Forest for use by the Forest Service as a ranger station is hereby revoked;

SIXTH PRINCIPAL MERIDIAN

T. 50 N., R. 104 W.,
Sec. 8, lot 6;
Sec. 7, lots 6 and 34.

Containing 73.73 acres.

Beginning 10:00 a.m., on October 31, 1961, the lands shall become subject to such forms of appropriation as may by law be made of national forest lands.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

SEPTEMBER 25, 1961.

[F.R. Doc. 61-9398; Filed, Sept. 29, 1961; 8:48 a.m.]

[Public Land Order 2512]

[New Mexico 094304]

NEW MEXICO

Partly Revoking Stock Driveway Withdrawal

By virtue of the authority vested in the Secretary of the Interior by section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. The departmental order of February 28, 1918, which established Stock Driveway Withdrawal No. 9, New Mexico 3, as enlarged by the departmental order of April 9, 1927, is hereby revoked so far as it affects the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 1 N., R. 12 W.,
Sec. 19, S $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 20, S $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 29;
Sec. 30, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 1 N., R. 13 W.,
Sec. 24, NW $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$.

The areas described aggregate 1,319.94 acres.

2. The lands are located approximately one mile south of the town of Pie Town, New Mexico. The topography of the lands varies from broad valleys and rolling hills to very high hills. The soils are shallow, sandy loams, medium depth clay loams and shallow gravelly soils. The vegetation consists of pinon and juniper trees, gama grass and snakeweed.

3. The public lands released from withdrawal by this order are hereby restored to operation of the public land laws, beginning at 10:00 a.m., on October 31, 1961, subject to valid existing rights and equitable claims, the requirements of applicable law, rules, and regulations, and the provisions of any existing withdrawals.

4. The lands have been open to applications and offers under the mineral leasing laws and to location under the United States mining laws.

5. The State of New Mexico has waived the preference right granted to it by subsection (c) of section 2 of the

act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, New Mexico.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

SEPTEMBER 25, 1961.

[F.R. Doc. 61-9399; Filed, Sept. 29, 1961;
8:48 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER B—REGULATIONS AFFECTING MAR- ITIME CARRIERS AND RELATED ACTIVITIES

PART 235—SCHEDULES OF COMMON CARRIERS BY WATER IN FOREIGN COMMERCE

CROSS REFERENCE: For transfer of Part 235 to Chapter IV of Title 46 and its redesignation as Part 535, see F.R. Doc. 61-9412, *infra*.

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MAR- ITIME CARRIERS AND RELATED ACTIVITIES

[General Orders 83, Rev. 92, 93]

PART 535—SCHEDULES OF COMMON CARRIERS BY WATER IN FOREIGN COMMERCE

Codification Change and Further Post- ponement of Effective Date

Notice of proposed rule making appeared in the FEDERAL REGISTER issue of January 5, 1960 (25 F.R. 60), under Docket No. 877, 46 CFR Ch. II; notice of oral argument appeared in the FEDERAL REGISTER issue of August 2, 1960 (25 F.R. 7260); a complete revision of Part 235 containing Subparts A, B, and C appeared in the FEDERAL REGISTER issue of July 18, 1961 (26 F.R. 6431), subsequently to which a notice of postponement of effective date of said revision to October 2, 1961, appeared in the issue of August 30, 1961 (26 F.R. 8102).

In accordance with the creation of a new Chapter IV under Title 46, Code of Federal Regulations, pertaining to the activities of the Federal Maritime Commission, Part 235 (General Orders 83, Rev., 92, and 93) formerly appearing under Title 46, Code of Federal Regulations, Chapter II, Subchapter B, is hereby transferred to Title 46, Code of Federal Regulations, Chapter IV, Subchapter B, and is redesignated Part 535 (Subpart A Filing of Freight Rates in the Foreign Commerce of the United States, §§ 535.1 to 535.3; Subpart B Public Distribution of Freight Tariffs, §§ 535.10 to 535.12; Subpart C Schedules of Common Carriers by Water in Foreign Commerce, §§ 535.20 to 535.23); Part 235, 46 CFR Ch. II, is hereby vacated.

Notice is hereby given that by action of the Federal Maritime Commission, at a session held at its office in Washing-

ton, D.C., on the 21st day of September, 1961, the effective date of General Orders 83, Rev., 92, and 93 (46 CFR Ch. IV, Subchapter B, Part 535 (26 F.R. 6431, July 18, 1961)) has been further postponed until November 1, 1961, and the regulations contained in said orders shall be effective on said date.

Dated: September 21, 1961.

By order of the Federal Maritime
Commission.

GEO. A. VIEHMANN,
Acting Secretary.

[F.R. Doc. 61-9412; Filed, Sept. 29, 1961;
8:50 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Various National Wildlife Refuges in the United States

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the national migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rulemaking.

§ 32.12 Special regulations; migratory
game birds; for individual wildlife
refuge areas.

UTAH

BEAR RIVER MIGRATORY BIRD REFUGE

Public hunting of migratory game birds on the Bear River Migratory Bird Refuge, Utah, is permitted only on the area designated by signs as open to hunting. This open area, comprising 12,855 acres or 20 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters Brigham City, Utah, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Albuquerque, New Mexico. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead), and geese (except Ross' geese).

(b) Open season: Ducks, coots, and geese—From 12 noon to sunset October 14, 1961, and from one-half hour before sunrise to sunset October 15, 1961, through December 27, 1961.

(c) Daily bag limits: Ducks 5, coots 25, geese 6.

The daily bag limit for ducks may not include more than one wood duck and one hooded merganser; but in addition to the daily bag limit for other ducks, the daily bag limit may include 5 American and red-breasted mergansers, singly or in the aggregate of both kinds; and the daily bag limit for geese may not include more than 1 Canada goose (or subspecies) nor more than 3 geese of the dark species.

(d) Methods of hunting:

(1) Firearms—Shotguns up to and including 10 gauge which are incapable of holding more than 3 shells.

(2) Dogs—Not to exceed 2 dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area, subject to the restrictions of State law and regulations.

(5) Boats—Use of boats is permitted. Motors may be used for access to the hunting area.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) There shall be no hunting permitted from the dikes or within 100 yards of any dike.

(3) A Federal permit is not required to enter the public hunting area, but hunters, upon entering and leaving, shall report at designated checking station as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

(4) The provisions of this special regulation are effective to December 28, 1961.

FISH SPRINGS NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Fish Springs National Wildlife Refuge, Utah, is permitted only on the area designated by signs as open to hunting. This open area, comprising 5,152 acres or 29 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters Dugway, Utah, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Albuquerque, New Mexico. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead), and geese (except Ross' geese).

(b) Open season: Ducks, coots and geese—From 12 noon to sunset October 14, 1961, and from one-half hour before sunrise to sunset October 15, 1961, through December 27, 1961.

(c) Daily bag limits: Ducks 5, coots 25, geese 6.

The daily bag limit for ducks may not include more than one wood duck and one hooded merganser; but in addition to the daily bag limit for other ducks, the daily bag limit may include 5 American and red-breasted mergansers, singly or in the aggregate of both kinds; and the daily bag limit for geese may not include more than 1 Canada goose (or subspecies) nor more than 3 geese of the dark species.

(d) Methods of hunting:

(1) Firearms—Shotguns up to and including 10 gauge which are incapable of holding more than 3 shells.

(2) Dogs—Not to exceed 2 dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

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(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area, subject to the restrictions of State law and regulations.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

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

(3) The provisions of this special regulation are effective to December 28, 1961.

KANSAS

KIRWIN NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Kirwin National Wildlife Refuge, Kansas, is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,520 acres or 23 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters Kirwin, Kansas, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Albuquerque, New Mexico. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except redhead and canvasback), and geese.

(b) Open season: Ducks and coots—From 12 noon to sunset October 28, 1961, and from sunrise to sunset October 29, 1961, through November 26, 1961.

Geese—From sunrise to sunset October 7, 1961 through December 5, 1961.

(c) Daily bag limits: Ducks 3, coots 6, geese 5.

The daily bag limit on ducks may not include more than one wood duck and one hooded merganser; but in addition to the daily bag limit for other ducks the daily bag limit may include 5 American and red-breasted mergansers, singly or in the aggregate of both kinds; and the daily bag limit for geese may not include more than 2 Canada geese or subspecies; or 1 white-fronted goose; or 1 Canada goose or its subspecies and 1 white-fronted goose.

(d) Methods of hunting:

(1) Firearms—Shotguns up to and including 10 gauge which are incapable of holding more than 3 shells.

(2) Dogs—Not to exceed 2 dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area, subject to the restrictions of State law and regulations.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area, but hunters, upon entering or leaving, shall report at designated checking stations

as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

(3) The provisions of this special regulation are effective to December 6, 1961.

COLORADO

MONTE VISTA NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Monte Vista National Wildlife Refuge, Colorado, is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,682 acres or 39 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters Monte Vista, Colorado, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Albuquerque, New Mexico. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots and ducks (except canvasback and redhead).

(b) Open season: Coots and ducks—From 12 noon to sunset November 22, 1961, and from sunrise to sunset November 23, 1961, through December 21, 1961.

(c) Daily bag limits: Ducks 3, coots 6.

The daily bag limit on ducks may not include more than 1 wood duck and 1 hooded merganser; but in addition to the daily bag limit for other ducks the daily bag limit may include 5 American and red-breasted mergansers, singly or in the aggregate of both kinds.

(d) Methods of hunting:

(1) Firearms—Shotguns up to and including 10 gauge which are incapable of holding more than 3 shells.

(2) Dogs—Not to exceed 2 dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area, subject to the restrictions of State law and regulations.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area, but hunters, upon entering or leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

(3) The provisions of this special regulation are effective to December 22, 1961.

NEW MEXICO

BITTER LAKE NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Bitter Lake National Wildlife Refuge, New Mexico, is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,321 acres or 10 percent of the total area of the refuge, is delineated on a map available at the refuge head-

quarters Roswell, New Mexico, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Albuquerque, New Mexico. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback, redhead, and wood duck), and geese.

(b) Open season: Ducks and coots—From 12 noon to sunset October 13, 1961, and from sunrise to sunset October 14, 1961, through October 25, 1961. From 12 noon to sunset December 15, 1961, and from sunrise to sunset December 16, 1961, through December 28, 1961.

Geese—From sunrise to sunset November 10, 1961 through January 8, 1962.

(c) Daily bag limits: Ducks 3, coots 6, geese 5.

The daily bag limit on ducks may not include more than 1 hooded merganser; but in addition to the daily bag limit for other ducks the daily bag limit may include 5 American and red-breasted mergansers, singly or in the aggregate of both kinds; and the daily bag limit for geese may not include more than 2 Canada geese or subspecies; or 1 white-fronted goose; or 1 Canada goose or its subspecies and 1 white-fronted goose.

(d) Methods of hunting:

(1) Firearms—Shotguns up to and including 10 gauge which are incapable of holding more than 3 shells.

(2) Dogs—Not to exceed 2 dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area, subject to the restrictions of State law and regulations.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

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

(3) The provisions of this special regulation are effective to January 9, 1962.

BURFORD LAKE NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Burford Lake National Wildlife Refuge, New Mexico, is permitted only on the area designated by signs as open to hunting. This open area, comprising 800 acres or 40 percent of the total area of the refuge, is delineated on a map available at the office of the Refuge Manager, Monte Vista National Wildlife Refuge, Monte Vista, Colorado, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Albuquerque, New Mexico. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback, redhead, and wood duck) and geese.

(b) Open season: Ducks and coots—From 12 noon to sunset October 13, 1961, and from sunrise to sunset October 14, 1961, through October 25, 1961. From 12 noon to sunset December 15, 1961, and from sunrise to sunset December 16, 1961, through December 28, 1961.

Geese—From sunrise to sunset November 10, 1961, through January 8, 1962.

(c) Daily bag limits: Ducks 3, coots 6, geese 5.

The daily bag limit on ducks may not include more than 1 hooded merganser; but in addition to the daily bag limit for other ducks the daily bag limit may include 5 American and red-breasted mergansers, singly or in the aggregate of both kinds; and the daily bag limit for geese may not include more than 2 Canada geese or subspecies; or 1 white-fronted goose; or 1 Canada goose or its subspecies and 1 white-fronted goose.

(d) Methods of hunting:

(1) Firearms—Shotguns up to and including 10 gauge which are incapable of holding more than 3 shells.

(2) Dogs—Not to exceed 2 dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area, subject to the restrictions of State law and regulations.

(5) Boats—Use of boats without motors is permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area. However, a permit to hunt on these lands may be required by the Jicarilla Apache Indian Tribe on whose lands the Burford Lake National Wildlife Refuge is located.

(3) The provisions of this special regulation are effective to January 9, 1962.

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Tishomingo National Wildlife Refuge, Oklahoma, is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,170 acres or 13 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters Tishomingo, Oklahoma, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Albuquerque, New Mexico. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead), and geese.

(b) Open season: Ducks and coots—From sunrise to sunset on Tuesdays, Thursdays, Saturdays, Sundays, and holidays only from November 2, 1961, through November 30, 1961.

Geese—From sunrise to sunset on Tuesdays, Thursdays, Saturdays, Sundays, and holidays only from October 28, 1961, through December 12, 1961.

(c) Daily bag limits: Ducks 3, coots 6, geese 5.

The daily bag limit on ducks may not include more than 1 wood duck and 1 hooded merganser; but in addition to

the daily bag limit for other ducks the daily bag limit may include 5 American and red-breasted mergansers, singly or in the aggregate of both kinds; and the daily bag limit for geese may not include more than 2 Canada geese or subspecies; or 1 white-fronted goose; or 1 Canada goose or its subspecies and 1 white-fronted goose.

(d) Methods of hunting:

(1) Firearms—Shotguns up to and including 10 gauge which are incapable of holding more than 3 shells.

(2) Dogs—Not to exceed 2 dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area, subject to the restrictions of State law and regulations.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area, but hunters, upon entering or leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

(3) The provisions of this special regulation are effective to December 13, 1961.

ARIZONA AND CALIFORNIA

HAVASU LAKE NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Havasu Lake National Wildlife Refuge, Arizona and California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 26,446 acres or 50 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters Parker, Arizona, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Albuquerque, New Mexico. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead), and geese (except Ross' geese).

(b) Open season: Ducks and coots—From 12 noon to sunset October 7, 1961, and from one-half hour before sunrise to sunset October 8, 1961, through November 5, 1961. From 12 noon to sunset December 1, 1961, and from one-half hour before sunrise to sunset December 2, 1961, through January 7, 1962.

Geese—From one-half hour before sunrise to sunset October 25, 1961, through January 7, 1962 (except Ross' geese), and with the exception that Canada geese may be taken only from October 25, 1961, through December 17, 1961, on the California side and from October 25, 1961, through December 31, 1961 on the Arizona side of the Colorado River.

(c) Daily bag limits: Ducks 4, coots 25, geese 6.

The daily bag limit for ducks may not include more than 1 wood duck and 1

hooded merganser; but in addition to the daily bag limit for other ducks the daily bag limit may include 5 American and red-breasted mergansers, singly or in the aggregate of both kinds; and the daily bag limit for geese may not include more than 1 Canada goose (or subspecies) nor more than 3 geese of the dark species.

(d) Methods of hunting:

(1) Firearms—Shotguns up to and including 10 gauge which are incapable of holding more than 3 shells.

(2) Dogs—Not to exceed 2 dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area, subject to the restrictions of State law and regulations.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

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

(3) The provisions of this special regulation are effective to January 8, 1962.

IMPERIAL NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Imperial National Wildlife Refuge, Arizona and California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 34,940 acres or 70 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Yuma, Arizona, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Albuquerque, New Mexico. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead), and geese (except Ross' geese).

(b) Open season: Ducks and coots—From 12 noon to sunset October 7, 1961, and from one-half hour before sunrise to sunset October 8, 1961, through November 5, 1961. From 12 noon to sunset December 1, 1961, and from one-half hour before sunrise to sunset December 2, 1961, through January 7, 1962.

Geese—From one-half hour before sunrise to sunset October 25, 1961, through January 7, 1962 (except Ross' geese), and with the exception that Canada geese may be taken only from October 25, 1961, through December 17, 1961, on the California side and from October 25, 1961, through December 31, 1961, on the Arizona side of the Colorado River.

(c) Daily bag limits: Ducks 4, coots 25, geese 6.

The daily bag limit for ducks may not include more than 1 wood duck and 1 hooded merganser; but in addition to the daily bag limit for other ducks the daily bag limit may include 5 American and red-breasted mergansers, singly or in the aggregate of both kinds; and the daily bag limit for geese may not include more than 1 Canada goose (or sub-

species) nor more than 3 geese of the dark species.

(d) Methods of hunting:

(1) Firearms—Shotguns up to and including 10 gauge which are incapable of holding more than 3 shells.

(2) Dogs—Not to exceed 2 dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area, subject to the restrictions of State law and regulations.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

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

(3) The provisions of this special regulation are effective to January 8, 1962.

DANIEL H. JANZEN,
Director, Bureau of
Sport Fisheries and Wildlife.

SEPTEMBER 26, 1961.

[F.R. Doc. 61-9386; Filed, Sept. 29, 1961;
8:46 a.m.]

PART 32—HUNTING

National Wildlife Refuges, North Dakota

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

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Arrowwood National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 11,000 acres or 69 percent of the total refuge area is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed deer or mule deer during the season specified below. The hunting of big game species, as may be otherwise authorized by North Dakota State regulations, is prohibited.

(b) Open season: From 12:00 noon to sunset on November 10, 1961, and from sunrise to sunset November 11, 1961, through November 19, 1961.

(c) Bag limit: One deer per person per season, either white-tailed or mule deer, any age or sex.

(d) Methods of hunting:

(1) Weapons—Deer may be taken with a rifle or shotgun. Shotguns must be 20 gauge or larger, rifled slugs only. Rifle cartridge, with bullet unaltered, must be at least one and three-fourths inches long. Automatic rifles, full metal

jacketed bullets or altered bullets, are not permitted.

(2) A special license is required in State Deer Unit II in which the Arrowwood National Wildlife Refuge is located. Applications for such special license must be made to the State Game and Fish Department, Bismarck, North Dakota.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

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

(3) The provisions of this special regulation are effective to November 20, 1961.

DES LACS NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Des Lacs National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 17,740 acres or 94 percent of the total refuge area is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: white-tailed deer during the season specified below. The hunting of big game species, as may be otherwise authorized by North Dakota State regulations, is prohibited.

(b) Open season: From 12:00 noon to sunset November 10, 1961, and from sunrise to sunset November 11, 1961, through November 14, 1961.

(c) Bag limit: One deer per person per season. White-tailed bucks with at least forked antlers only November 10 and 11, 1961; any white-tailed deer regardless of age or sex November 12, 13, and 14, 1961.

(d) Methods of hunting:

(1) Weapons—Deer may be taken with a rifle or shotgun. Shotguns must be 20 gauge or larger, rifled slugs only. Rifle cartridge, with bullet unaltered, must be at least one and three-fourths inches long. Automatic rifles, full metal jacketed bullets or altered bullets, are not permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

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

(3) The provisions of this special regulation are effective to November 15, 1961.

LONG LAKE NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Long Lake National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 20,700 acres or 93 percent of the total refuge area is delineated on a map

available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed deer during the season specified below. The hunting of big game species, as may be otherwise authorized by North Dakota State regulations, is prohibited.

(b) Open season: From 12:00 noon to sunset November 10, 1961, and from sunrise to sunset November 11, 1961, through November 14, 1961.

(c) Bag limit: One deer per person per season. White-tailed bucks with at least forked antlers only November 10 and 11, 1961; any white-tailed deer regardless of age or sex November 12, 13, and 14, 1961.

(d) Methods of hunting:

(1) Weapons—Deer may be taken with a rifle or shotgun. Shotguns must be 20 gauge or larger, rifled slugs only. Rifle cartridge, with bullet unaltered, must be at least one and three-fourths inches long. Automatic rifles, full metal jacketed bullets or altered bullets, are not permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

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

(3) The provisions of this special regulation are effective to November 15, 1961.

LOSTWOOD NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Lostwood National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 25,300 acres or 97 percent of the total refuge area is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed deer during the season specified below. The hunting of big game species, as may be otherwise authorized by North Dakota State regulations, is prohibited.

(b) Open season: From 12:00 noon to sunset November 10, 1961, and from sunrise to sunset November 11, 1961, through November 14, 1961.

(c) Bag limit: One deer per person per season. White-tailed bucks with at least forked antlers only November 10 and 11, 1961; any white-tailed deer regardless of age or sex November 12, 13, and 14, 1961.

(d) Methods of hunting:

(1) Weapons—Deer may be taken with a rifle or shotgun. Shotguns must be 20 gauge or larger, rifled slugs only. Rifle cartridge, with bullet unaltered, must be at least one and three-fourths inches long. Automatic rifles, full metal

jacketed bullets or altered bullets, are not permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

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

(3) The provisions of this special regulation are effective to November 15, 1961.

LOWER SOURIS NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Lower Souris National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 58,400 acres or 99.5 percent of the total refuge area is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed deer during the season specified below. The hunting of big game species, as may be otherwise authorized by North Dakota State regulations, is prohibited.

(b) Open season: From 12:00 noon to sunset November 10, 1961, and from sunrise to sunset November 11, 1961, through November 14, 1961.

(c) Bag limit: One deer per person per season. White-tailed bucks with at least forked antlers only November 10 and 11, 1961; any white-tailed deer regardless of age or sex November 12, 13, and 14, 1961.

(d) Methods of hunting:

(1) Weapons—Deer may be taken with a rifle or shotgun. Shotguns must be 20 gauge or larger, rifled slugs only. Rifle cartridge, with bullet unaltered, must be at least one and three-fourths inches long. Automatic rifles, full metal jacketed bullets or altered bullets, are not permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

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

(3) The provisions of this special regulation are effective to November 15, 1961.

SLADE NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Slade National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,840 acres or 95 percent of the total refuge area is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed deer during the season specified below. The hunting of big game species, as may be otherwise authorized by North Dakota State regulations, is prohibited.

(b) Open season: From 12:00 noon to sunset November 10, 1961, and from sunrise to sunset November 11, 1961, through November 14, 1961.

(c) Bag limit: One deer per person per season. White-tailed bucks with at least forked antlers only November 10 and 11, 1961; any white-tailed deer regardless of age or sex November 12, 13, and 14, 1961.

(d) Methods of hunting:

(1) Weapons—Deer may be taken with a rifle or shotgun. Shotguns must be 20 gauge or larger, rifled slugs only. Rifle cartridge, with bullet unaltered, must be at least one and three-fourths inches long. Automatic rifles, full metal jacketed bullets or altered bullets, are not permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

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

(3) The provisions of this special regulation are effective to November 15, 1961.

SNAKE CREEK NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Snake Creek National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 13,435 acres or 91 percent of the total refuge area is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed deer during the season specified below. The hunting of big game species, as may be otherwise authorized by North Dakota State regulations, is prohibited.

(b) Open season: From 12:00 noon to sunset November 10, 1961, and from sunrise to sunset November 11, 1961, through November 14, 1961.

(c) Bag limit: One deer per person per season. White-tailed bucks with at least forked antlers only November 10 and 11, 1961; any white-tailed deer regardless of age or sex November 12, 13, and 14, 1961.

(d) Methods of hunting:

(1) Weapons—Deer may be taken with a rifle or shotgun. Shotguns must be 20 gauge or larger, rifled slugs only. Rifle cartridge, with bullet unaltered, must be at least one and three-fourths inches long. Automatic rifles, full metal jacketed bullets or altered bullets, are not permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which

govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

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

(3) The provisions of this special regulation are effective to November 15, 1961.

TEWAUKON NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Tewaukon National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,840 acres or 33 percent of the total refuge area is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed deer or mule deer during the season specified below. The hunting of big game species, as may be otherwise authorized by North Dakota State regulations, is prohibited.

(b) Open season: From 12:00 noon to sunset on November 10, 1961, and from sunrise to sunset November 11, 1961, through November 19, 1961.

(c) Bag limit: One deer per person per season, either white-tailed or mule deer, any age or sex.

(d) Methods of hunting:

(1) Weapons—Deer may be taken with a rifle or shotgun. Shotguns must be 20 gauge or larger, rifled slugs only. Rifle cartridge, with bullet unaltered, must be at least one and three-fourths inches long. Automatic rifles, full metal jacketed bullets or altered bullets, are not permitted.

(2) A special license is required in State Deer Unit II in which the Tewaukon National Wildlife Refuge is located. Applications for such special license must be made to the State Game and Fish Department, Bismarck, North Dakota.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

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

(3) The provisions of this special regulation are effective to November 20, 1961.

UPPER SOURIS NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Upper Souris National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 31,500 acres or 98 percent of the total refuge area is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed deer during the season specified below. The hunting of big

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game species, as may be otherwise authorized by North Dakota State regulations, is prohibited.

(b) Open season: From 12:00 noon to sunset November 10, 1961, and from sunrise to sunset November 11, 1961, through November 14, 1961.

(c) Bag limit: One deer per person per season. White-tailed bucks with at least forked antlers only November 10 and 11, 1961; any white-tailed deer regardless of age or sex November 12, 13, and 14, 1961.

(d) Methods of hunting:

(1) Weapons—Deer may be taken with a rifle or shotgun. Shotguns must be 20 gauge or larger, rifled slugs only. Rifle cartridge, with bullet unaltered, must be at least one and three-fourths inches long. Automatic rifles, full metal jacketed bullets or altered bullets, are not permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in

Title 50, Code of Federal Regulations, Part 32.

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

(3) The provisions of this special regulation are effective to November 15, 1961.

W. P. SCHAEFER,

*Acting Regional Director, Bureau
of Sport Fisheries and Wildlife.*

SEPTEMBER 25, 1961.

[F.R. Doc. 61-9387; Filed, Sept. 29, 1961;
8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 723]

CIGAR-FILLER (TYPE 41) TOBACCO

Notice of Proposed Amendment To Provide for Lease and Transfer of Tobacco Acreage Allotments

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1316, 1375), and to implement the provisions of Public Law 87-200, it is proposed to amend the Cigar-Filler (Type 41) Tobacco Marketing Quota Regulations, 1962-63 Marketing Year (26 F.R. 6411, 6622, 7693), to provide for the leasing and transfer of cigar-filler (type 41) tobacco acreage allotments.

Prior to the final adoption and issuance of this proposed amendment, consideration will be given to any data, views and recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C. All submissions must be postmarked not later than 15 days after the date of the publication of this notice in the *FEDERAL REGISTER* in order to be considered.

It is proposed that a new section be added to the Cigar-Filler (Type 41) Tobacco Marketing Quota Regulations, 1962-63 Marketing Year (26 F.R. 6411, 6622, 7693), to read as follows:

§ 723.988 Lease and transfer of tobacco acreage allotment.

(a) Notwithstanding any other provision of §§ 723.971 through 723.987, the owner and operator of any farm for which a 1962 tobacco acreage allotment for cigar-filler (type 41) tobacco is established under such sections may lease any part of such allotment to any other owner or operator of a farm in the same county for use in such county on a farm having an allotment for the same kind of tobacco for 1962. Such lease and transfer of allotment shall be recognized and considered valid by the county committee provided the conditions set forth in this section are met.

(b) Any lease shall be made on such terms and conditions, except as otherwise provided in this section, as the parties thereto agree. No lease of a 1962 tobacco acreage allotment or any part thereof shall be entered into for any period in excess of the 1962 crop year.

(c) The lease and transfer of any 1962 allotment or any part thereof shall not be effective until a copy of such lease is filed with and determined by the county committee to be in compliance with the

provisions of this section. Such lease and transfer shall not be effective unless a copy of the lease is filed with the county committee not later than April 1, 1962.

(d) The county committee shall determine a normal yield per acre, in accordance with the provisions of § 723.982 or § 723.985, for each farm from which and for each farm to which, a tobacco acreage allotment or any part thereof is leased. If the normal yield determined by the county committee for the farm to which the allotment acreage is transferred does not exceed the normal yield determined by the county committee for the farm from which the allotment acreage is transferred by more than ten percent, the lease and transfer shall be approved acre for acre. If the normal yield determined by the county committee for the farm to which the allotment acreage is transferred exceeds the normal yield for the farm from which the allotment acreage is transferred by more than ten percent, the county committee shall make a downward adjustment in the amount of the allotment acreage transferred by multiplying the normal yield established for the farm from which the allotment acreage is transferred by the acreage being transferred and dividing the result by the normal yield established for the farm to which the allotment acreage is transferred.

(e) The lease and transfer of any part of a tobacco acreage allotment determined for a farm shall not affect the allotment for the farm from which all or part of such acreage allotment is transferred or the farm to which it is transferred, except with respect to the 1962 crop year. The amount of allotment acreage which is leased from a farm (prior to any reduction made under paragraph (d)) of this section shall be considered for purpose of determining future allotments (and tobacco harvested acreage) to have been planted to tobacco on the farm from which such allotment acreage is transferred, and the production pursuant to the lease and transfer shall not be taken into account in establishing allotments for subsequent years for the farm to which such allotment acreage is transferred.

(f) Under the provisions of this section, not more than five acres of allotment acreage may be leased and transferred to any farm: *Provided*, That the total acreage allotted to any farm after such transfer shall not exceed 50 percent of the acreage of cropland in the farm.

(g) A 1962 new farm allotment shall not be leased or transferred.

(h) The 1962 tobacco acreage allotment for a farm which for 1962 is under a conservation reserve contract covering the entire farm shall not be leased or transferred. In case only part of a farm is under a conservation reserve contract for 1962, allotment acreage up to the amount of the permitted acreage (or the

allotment if smaller) may be leased therefrom.

(i) The 1962 tobacco allotment acreage in a pool as provided for in § 723.980(a) (which has not been re-leased to the county committee under the provisions of § 723.980(b)) may be leased and transferred.

(j) Any allotment acreage leased shall not be subleased under the provisions of this section.

(k) Revised notices shall be issued with respect to the farms involved in the lease and transfer of allotment acreage. A copy of each such revised notice shall be furnished the State committee. The revised notice shall specify that the allotment acreage leased and transferred is for marketing quota purposes only. The leased acreage, therefore, will be considered a part of the allotment for the farm to which it is leased only for purposes of determining penalties including absorption of carry-over penalty tobacco, and for determining eligibility for price support.

(l) If 1962 allotment acreage is leased and transferred, and then it is determined on or before May 1, 1962, that the allotment, all or part of which has been leased, is to be reduced in 1962 for violation of the marketing quota regulations, the lease shall become invalid, and the parties to the lease shall be so notified by the county committee by certified mail. The lease shall not become invalid and the allotment reduction shall be delayed until the following year if the violation is determined after such date(s) to have occurred.

(m) Except with respect to applicability of erroneous allotment notice provisions under § 723.986, and to application for review under § 723.987, the term or expression "tobacco acreage allotment" as used in §§ 723.971 through 723.987 shall mean the allotment prior to application of the provisions of this section.

(n) If the 1962 allotment for a farm is reduced to zero, no 1962 tobacco allotment acreage for such kind of tobacco may be leased to or from such farm.

(o) No allotment acreage may be leased from or to a farm until the sixteenth day after the 1962 allotment for the farm has been determined and notice thereof mailed to the operator of the farm. If an appeal for a hearing before a review committee is pending, no lease or transfer of allotment acreage from a farm shall be approved by the county committee in excess of the amount of the reduced allotment.

Signed at Washington, D.C., on
September 26, 1961.

H. D. GODFREY,
Administrator, Agricultural
Stabilization and Conservation Service.

[F.R. Doc. 61-9425; Filed, Sept. 29, 1961;
8:52 a.m.]

[7 CFR Part 723]

**CIGAR-BINDER (TYPES 51 AND 52)
TOBACCO AND CIGAR-FILLER AND
BINDER (TYPES 42, 43, 44, 53, 54,
AND 55) TOBACCO****Notice of Proposed Amendment To
Provide for Lease and Transfer of
Tobacco Acreage Allotments**

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1316, 1375), and to implement the provisions of Public Law 87-200, it is proposed to amend the Cigar-binder (types 51 and 52) Tobacco and Cigar-filler and Binder (types 42, 43, 44, 53, 54, and 55) Tobacco Marketing Quota Regulations, 1962-63 Marketing Year (26 F.R. 6414, 6641, 7122) to provide for the leasing and transfer of cigar-binder (types 51 and 52) tobacco and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco acreage allotments.

Prior to the final adoption and issuance of this proposed amendment, consideration will be given to any data, views and recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C. All submissions must be postmarked not later than 15 days after the date of the publication of this notice in the FEDERAL REGISTER in order to be considered.

It is proposed that a new section be added to the Cigar-binder (types 51 and 52) Tobacco and Cigar-filler and Binder (types 42, 43, 44, 53, 54, and 55) Tobacco Marketing Quota Regulations, 1962-63 Marketing Year (26 F.R. 6414, 6641, 7122), to read as follows:

§ 723.1329 Lease and transfer of tobacco acreage allotment.

(a) Notwithstanding any other provision of §§ 723.1311 through 723.1328, the owner and operator of any farm for which a 1962 tobacco acreage allotment for cigar-binder (types 51 and 52) tobacco or cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco is established under such sections may lease any part of such allotment to any other owner or operator of a farm in the same county for use in such county on a farm having an allotment for the same kind of tobacco for 1962. Such lease and transfer of allotment shall be recognized and considered valid by the county committee provided the conditions set forth in this section are met.

(b) Any lease shall be made on such terms and conditions, except as otherwise provided in this section, as the parties thereto agree. No lease of a 1962 tobacco acreage allotment or any part thereof shall be entered into for any period in excess of the 1962 crop year.

(c) The lease and transfer of any 1962 allotment or any part thereof shall not be effective until a copy of such lease is filed with and determined by the county

committee to be in compliance with the provisions of this section. Such lease and transfer shall not be effective unless a copy of the lease is filed with the county committee not later than April 1, 1962.

(d) The county committee shall determine a normal yield per acre, in accordance with the provisions of § 723.1322 or § 723.1325, for each farm from which and for each farm to which, a tobacco acreage allotment or any part thereof is leased. If the normal yield determined by the county committee for the farm to which the allotment acreage is transferred does not exceed the normal yield determined by the county committee for the farm from which the allotment acreage is transferred by more than ten percent, the lease and transfer shall be approved acre for acre. If the normal yield determined by the county committee for the farm to which the allotment acreage is transferred exceeds the normal yield for the farm from which the allotment acreage is transferred by more than ten percent, the county committee shall make a downward adjustment in the amount of the allotment acreage transferred by multiplying the normal yield established for the farm from which the allotment acreage is transferred by the acreage being transferred and dividing the result by the normal yield established for the farm to which the allotment acreage is transferred.

(e) The lease and transfer of any part of a tobacco acreage allotment determined for a farm shall not affect the allotment for the farm from which all or part of such acreage allotment is transferred or the farm to which it is transferred, except with respect to the 1962 crop year. The amount of allotment acreage which is leased from a farm (prior to any reduction made under paragraph (d) of this section) shall be considered for purpose of determining future allotments (and tobacco acreage history) to have been planted to tobacco on the farm from which such allotment acreage is transferred, and the production pursuant to the lease and transfer shall not be taken into account in establishing allotments for subsequent years for the farm to which such allotment acreage is transferred.

(f) Under the provisions of this section, not more than five acres of allotment acreage may be leased and transferred to any farm: *Provided*, That the total acreage allotted to any farm after such transfer shall not exceed 50 percent of the acreage of cropland in the farm.

(g) A 1962 new farm allotment shall not be leased or transferred.

(h) The 1962 tobacco acreage allotment for a farm which for 1962 is under a conservation reserve contract covering the entire farm shall not be leased or transferred. In case only part of a farm is under a conservation reserve contract for 1962, allotment acreage up to the amount of the permitted acreage (or the allotment if smaller) may be leased therefrom.

(i) The 1962 tobacco allotment acreage in a pool as provided for in § 723.1320(a) (which has not been released to the county committee under the provisions of § 723.1320(c)) may be leased and transferred.

(j) Any allotment acreage leased shall not be subleased under the provisions of this section.

(k) Revised notices shall be issued with respect to the farms involved in the lease and transfer of allotment acreage. A copy of each such revised notice shall be furnished the State committee. The revised notice shall specify that the allotment acreage leased and transferred is for marketing quota purposes only. The leased acreage, therefore, will be considered a part of the allotment for the farm to which it is leased only for purposes of determining penalties including absorption of carryover penalty tobacco, and for determining eligibility for price support.

(l) If 1962 allotment acreage is leased and transferred, and then it is determined on or before May 1, 1962, that the allotment, all or part of which has been leased, is to be reduced in 1962 for violation of the marketing quota regulations, the lease shall become invalid, and the parties to the lease shall be so notified by the county committee by certified mail. The lease shall not become invalid and the allotment reduction shall be delayed until the following year if the violation is determined after such date(s) to have occurred.

(m) Except with respect to applicability of erroneous allotment notice provisions under § 723.1327, and to application for review under § 723.1328, the term or expression "tobacco acreage allotment" as used in §§ 723.1311 through 723.1328 shall mean the allotment prior to application of the provisions of this section. Likewise, in §§ 723.1311 through 723.1328, the term or expression "tobacco acreage history" for the year 1962 shall mean the tobacco acreage history as described in such sections except as provided in paragraph (e) of this section as related to the farm from which allotment acreage is leased and transferred.

(n) If the 1962 allotment for a farm is reduced to zero, no 1962 tobacco allotment acreage for such kind of tobacco may be leased to or from such farm.

(o) No allotment acreage may be leased from or to a farm until the sixteenth day after the 1962 allotment for the farm has been determined and notice thereof mailed to the operator of the farm. If an appeal for a hearing before a review committee is pending, no lease or transfer of allotment acreage from a farm shall be approved by the county committee in excess of the amount of the reduced allotment.

Signed at Washington, D.C., on September 26, 1961.

H. D. GODFREY,
Administrator, Agricultural Sta-
bilization and Conservation
Service.

[F.R. Doc. 61-9427; Filed, Sept. 29, 1961;
8:52 a.m.]

17 CFR Part 725.1

BURLEY, FLUE-CURED, FIRE-CURED,
DARK AIR-CURED AND VIRGINIA
SUN-CURED TOBACCONotice of Proposed Amendment To
Provide for Lease and Transfer of
Tobacco Acreage Allotments

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1316, 1375), and to implement the provisions of Public Law 87-200, it is proposed to amend the Burley, Flue-cured, Fire-cured, Dark Air-cured and Virginia Sun-cured Tobacco Marketing Quota Regulations, 1962-63 Marketing Year (26 F.R. 6419, 6581, 7694) to provide for the leasing and transfer of flue-cured, fire-cured, dark air-cured and Virginia sun-cured tobacco acreage allotments.

Prior to the final adoption and issuance of this proposed amendment, consideration will be given to any data, views and recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C. All submissions must be postmarked not later than 15 days after the date of the publication of this notice in the FEDERAL REGISTER in order to be considered.

It is proposed that a new section be added to the Burley, Flue-cured, Fire-cured, Dark Air-cured and Virginia Sun-cured Tobacco Marketing Quota Regulations, 1962-63 Marketing Year (26 F.R. 6419, 6581, 7694), to read as follows:

§ 725.1328 Lease and transfer of tobacco acreage allotment.

(a) Notwithstanding any other provision of §§ 725.1311 through 725.1327, the owner and operator of any farm for which a 1962 tobacco acreage allotment for flue-cured, fire-cured, dark air-cured or Virginia sun-cured tobacco is established under such sections may lease any part of such allotment to any other owner or operator of a farm in the same county for use in such county on a farm having an allotment for the same kind of tobacco for 1962. Such lease and transfer of allotment shall be recognized and considered valid by the county committee provided the conditions set forth in this section are met.

(b) Any lease shall be made on such terms and conditions, except as otherwise provided in this section, as the parties thereto agree. No lease of a 1962 tobacco acreage allotment or any part thereof shall be entered into for any period in excess of the 1962 crop year.

(c) The lease and transfer of any 1962 allotment or any part thereof shall not be effective until a copy of such lease is filed with and determined by the county committee to be in compliance with the provisions of this section. Such lease and transfer shall not be effective unless a copy of the lease is filed with the county committee not later than

March 1, 1962 for the States of Alabama, Florida, Georgia, North Carolina, South Carolina and Virginia, and not later than April 1, 1962 for all other States.

(d) The county committee shall determine a normal yield per acre, in accordance with the provisions of § 725.1322 or § 725.1325, for each farm from which and for each farm to which, a tobacco acreage allotment or any part thereof is leased. If the normal yield determined by the county committee for the farm to which the allotment acreage is transferred does not exceed the normal yield determined by the county committee for the farm from which the allotment acreage is transferred by more than ten percent, the lease and transfer shall be approved acre for acre. If the normal yield determined by the county committee for the farm to which the allotment acreage is transferred exceeds the normal yield for the farm from which the allotment acreage is transferred by more than ten percent, the county committee shall make a downward adjustment in the amount of the allotment acreage transferred by multiplying the normal yield established for the farm from which the allotment acreage is transferred by the acreage being transferred and dividing the result by the normal yield established for the farm to which the allotment acreage is transferred.

(e) The lease and transfer of any part of a tobacco acreage allotment determined for a farm shall not affect the allotment for the farm from which all or part of such acreage allotment is transferred or the farm to which it is transferred, except with respect to the 1962 crop year. The amount of allotment acreage which is leased from a farm (prior to any reduction made under paragraph (d) of this section) shall be considered for purpose of determining future allotments (and tobacco acreage history) to have been planted to tobacco on the farm from which such allotment acreage is transferred, and the production pursuant to the lease and transfer shall not be taken into account in establishing allotments for subsequent years for the farm to which such allotment acreage is transferred.

(f) Under the provisions of this section, not more than five acres of allotment acreage may be leased and transferred to any farm: *Provided*, That the total acreage allotted to any farm after such transfer shall not exceed 50 percent of the acreage of cropland in the farm.

(g) A 1962 new farm allotment shall not be leased or transferred.

(h) The 1962 tobacco acreage allotment for a farm which for 1962 is under a conservation reserve contract covering the entire farm shall not be leased or transferred. In case only part of a farm is under a conservation reserve contract for 1962, allotment acreage up to the amount of the permitted acreage (or the allotment if smaller) may be leased therefrom.

(i) The 1962 tobacco allotment acreage in a pool as provided for in § 725.1320(a) (which has not been released to the county committee under the provi-

sions of § 725.1320(b)) may be leased and transferred.

(j) Any allotment acreage leased shall not be subleased under the provisions of this section.

(k) Revised notices shall be issued with respect to the farms involved in the lease and transfer of allotment acreage. A copy of each such revised notice shall be furnished the State committee. The revised notice shall specify that the allotment acreage leased and transferred is for marketing quota purposes only. The leased acreage, therefore, will be considered a part of the allotment for the farm to which it is leased only for purposes of determining penalties including absorption of carry-over penalty tobacco, and for determining eligibility for price support.

(l) If 1962 allotment acreage is leased and transferred, and then it is determined on or before April 1, 1962 in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia, and on or before May 1, 1962, for all other States, that the allotment, all or part of which has been leased, is to be reduced in 1962 for violation of the marketing quota regulations, the lease shall become invalid, and the parties to the lease shall be so notified by the county committee by certified mail. The lease shall not become invalid and the allotment reduction shall be delayed until the following year if the violation is determined after such date(s) to have occurred.

(m) Except with respect to applicability of erroneous allotment notice provisions under § 725.1326, and to application for review under § 725.1327 the term or expression "tobacco acreage allotment" as used in §§ 725.1311 through 725.1327 shall mean the allotment prior to application of the provisions of this section. Likewise, in §§ 725.1311 through 725.1327, the term or expression "tobacco acreage history" for the year 1962 shall mean the tobacco acreage history as described in such sections except as provided in paragraph (e) of this section as related to the farm from which allotment acreage is leased and transferred.

(n) If the 1962 allotment for a farm is reduced to zero, no 1962 tobacco allotment acreage for such kind of tobacco may be leased to or from such farm.

(o) No allotment acreage may be leased from or to a farm until the sixteenth day after the 1962 allotment for the farm has been determined and notice thereof mailed to the operator of the farm. If an appeal for a hearing before a review committee is pending, no lease or transfer of allotment acreage from a farm shall be approved by the county committee in excess of the amount of the reduced allotment.

Signed at Washington, D.C., on September 26, 1961.

H. D. GODFREY,
Administrator, Agricultural Sta-
bilization and Conservation
Service.

[F.R. Doc. 61-9424; Filed, Sept. 29, 1961;
8:52 a.m.]

[7 CFR Part 727]

MARYLAND TOBACCO

Notice of Proposed Amendment to
Provide for Lease and Transfer of
Tobacco Acreage Allotments

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1316, 1375), and to implement the provisions of Public Law 87-200, it is proposed to amend the Maryland Tobacco Marketing Quota Regulations, 1962-63 Marketing Year (26 F.R. 6424, 6641), to provide for the leasing and transfer of Maryland tobacco acreage allotments.

Prior to the final adoption and issuance of this proposed amendment, consideration will be given to any data, views and recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C. All submissions must be postmarked not later than 15 days after the date of the publication of this notice in the FEDERAL REGISTER in order to be considered.

It is proposed that a new section be added to the Maryland Tobacco Marketing Quota Regulations, 1962-63 Marketing Year (26 F.R. 6424, 6641), to read as follows:

§ 727.1328 Lease and transfer of tobacco acreage allotments.

(a) Notwithstanding any other provisions of §§ 727.1311 through 727.1327, the owner and operator of any farm for which a 1962 tobacco acreage allotment for Maryland tobacco is established under such sections may lease any part of such allotment to any other owner or operator of a farm in the same county for use in such county on a farm having an allotment for the same kind of tobacco for 1962. Such lease and transfer of allotment shall be recognized and considered valid by the county committee provided the conditions set forth in this section are met.

(b) Any lease shall be made on such terms and conditions, except as otherwise provided in this section, as the parties thereto agree. No lease of a 1962 tobacco acreage allotment or any part thereof shall be entered into for any period in excess of the 1962 crop year.

(c) A 1962 Maryland tobacco acreage allotment shall not be eligible for lease and transfer from such farm pursuant to this section unless at least 75 percent of the allotment for such farm was actually planted to tobacco in each of the years 1960 and 1961.

(d) The lease and transfer of any 1962 allotment or any part thereof shall not be effective until a copy of such lease is filed with and determined by the county committee to be in compliance with the provisions of this section. Such lease and transfer shall not be effective unless a copy of the lease is filed with the county committee not later than April 1, 1962.

(e) The county committee shall determine a normal yield per acre, in

accordance with the provisions of § 727-1322 or § 727.1325, for each farm from which and for each farm to which, a tobacco acreage allotment or any part thereof is leased. If the normal yield determined by the county committee for the farm to which the allotment acreage is transferred does not exceed the normal yield determined by the county committee for the farm from which the allotment acreage is transferred by more than ten percent, the lease and transfer shall be approved acre for acre. If the normal yield determined by the county committee for the farm to which the allotment acreage is transferred exceeds the normal yield for the farm from which the allotment acreage is transferred by more than ten percent, the county committee shall make a downward adjustment in the amount of the allotment acreage transferred by multiplying the normal yield established for the farm from which the allotment acreage is transferred by the acreage being transferred and dividing the result by the normal yield established for the farm to which the allotment acreage is transferred.

(f) The lease and transfer of any part of a tobacco acreage allotment determined for a farm shall not affect the allotment for the farm from which all or part of such acreage allotment is transferred or the farm to which it is transferred, except with respect to the 1962 crop year. The amount of allotment acreage which is leased from a farm (prior to any reduction made under paragraph (e) of this section) shall be considered for purpose of determining future allotments (and tobacco acreage history) to have been planted to tobacco on the farm from which such allotment acreage is transferred, and the production pursuant to the lease and transfer shall not be taken into account in establishing allotments for subsequent years for the farm to which such allotment acreage is transferred.

(g) Under the provisions of this section, not more than five acres of allotment acreage may be leased and transferred to any farm: *Provided*, That the total acreage allotted to any farm after such transfer shall not exceed 50 percent of the acreage of cropland in the farm.

(h) A 1962 new farm allotment shall not be leased or transferred.

(i) The 1962 tobacco acreage allotment for a farm which for 1962 is under a conservation reserve contract covering the entire farm shall not be leased or transferred. In case only part of a farm is under a conservation reserve contract for 1962, allotment acreage up to the amount of the permitted acreage (or the allotment if smaller) may be leased therefrom.

(j) The 1962 tobacco allotment acreage in a pool as provided for in § 727.1320(a) (which has not been released to the county committee under the provisions of § 727.1320(b)) may be leased and transferred.

(k) Any allotment acreage leased shall not be subleased under the provisions of this section.

(l) Revised notices shall be issued with respect to the farms involved in the lease and transfer of allotment acreage.

A copy of each such revised notice shall be furnished the State committee. The revised notice shall specify that the allotment acreage leased and transferred is for marketing quota purposes only. The leased acreage, therefore, will be considered a part of the allotment for the farm to which it is leased only for purposes of determining penalties including absorption of carryover penalty tobacco, and for determining eligibility for price support.

(m) If 1962 allotment acreage is leased and transferred, and then it is determined on or before May 1, 1962, that the allotment, all or part of which has been leased, is to be reduced in 1962 for violation of the marketing quota regulations, the lease shall become invalid, and the parties to the lease shall be so notified by the county committee by certified mail. The lease shall not become invalid and the allotment reduction shall be delayed until the following year if the violation is determined after such date(s) to have occurred.

(n) Except with respect to applicability of erroneous allotment notice provisions under § 727.1326, and to application for review under § 727.1327, the term or expression "tobacco acreage allotment" as used in §§ 727.1311 through 727.1327 shall mean the allotment prior to application of the provisions of this section. Likewise, in §§ 727.1311 through 727.1327, the term of expression "tobacco acreage history" for the year 1962 shall mean the tobacco acreage history as described in such sections except as provided in paragraph (f) of this section as related to the farm from which allotment acreage is leased and transferred.

(o) If the 1962 allotment for a farm is reduced to zero, no 1962 tobacco allotment acreage for such kind of tobacco may be leased to or from such farm.

(p) No allotment acreage may be leased from or to a farm until the sixteenth day after the 1962 allotment for the farm has been determined and notice thereof mailed to the operator of the farm. If an appeal for a hearing before a review committee is pending, no lease or transfer of allotment acreage from a farm shall be approved by the county committee in excess of the amount of the reduced allotment.

Signed at Washington, D.C., on September 26, 1961.

H. D. GODFREY,
Administrator, Agricultural
Stabilization and Conservation Service.
[F.R. Doc. 61-9426; Filed, Sept. 29, 1961;
8:52 a.m.]

[7 CFR Part 994]

[Docket No. AO-300-A3]

MILK IN COLORADO SPRINGS-
PUEBLO MARKETING AREASupplemental Notice of Hearing on
Proposed Amendments to Tentative
Marketing Agreement and to Order

Notice was issued on September 25, 1961, of a public hearing beginning on October 5, 1961, at Colorado Springs, Colorado, on proposed amendments to

the tentative marketing agreement and to the order regulating the handling of milk in the Colorado Springs-Pueblo marketing area.

Notice is hereby given pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), that, in addition to the proposed amendments set forth in the original notice of hearing, evidence will be received with respect to the additional provisions specified in the proposals listed below or to appropriate modifications thereof.

The additional proposals contained in this supplemental notice have not received the approval of the Secretary of Agriculture.

Proposed by the Eastern Colorado Dairymen Association:

Proposal No. 9. Amend § 994.14 to read as follows:

§ 994.14 Fluid milk products.

"Fluid milk products" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, concentrated milk, reconstituted milk or skim milk, fortified milk or skim milk (including "diet" foods), cream (sweet or sour), half and half, or any mixture in fluid form of milk or skim milk and cream (except ice cream mix, frozen dessert mix, aerated cream, eggnog, cultured sour mixture to which cheese or any food substance other than a milk product has been added in an amount not less than three percent by weight of the finished product), which are neither sterilized or in hermetically sealed containers.

Proposal No. 10. Amend § 994.41 to read as follows:

§ 994.41 Classes of utilization.

Subject to the conditions set forth in §§ 994.42 through 994.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product except:

(i) Any products fortified with added nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of milk, skim milk, or cream of the same butterfat content; and

(ii) As classified pursuant to paragraph (b) (2), (3), and (5) of this section; or

(2) Not specifically accounted for as Class II utilization.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Disposed of as livestock feed;

(3) In skim milk dumped after prior notification to and opportunity for verification by the market administrator;

(4) The weight of skim milk in fluid milk products which is excepted from Class I milk pursuant to paragraph (a) (1) (i) of this section;

(5) Disposed of in fluid milk products in bulk form to any commercial food processing establishment for use

in food products prepared for consumption off the premises;

(6) In inventory of fluid milk products on hand at the end of the month;

(7) In shrinkage of skim milk and butterfat, respectively, not to exceed the following:

(i) Two percent of receipts of producer milk described in § 994.12(a) (1); plus

(ii) 1.5 percent of receipts from a cooperative association in its capacity as a handler pursuant to § 994.9(d), except that if the handler operating the pool plant files with the market administrator notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibrations, the applicable percentage shall be two percent; plus

(iii) 1.5 percent of receipts in bulk tank lots from other pool plants; less

(iv) 1.5 percent of disposition in bulk tank lots to other milk plants; and plus

(v) 0.5 percent of receipts of producer milk by a cooperative association which is the handler pursuant to § 994.9(d), unless the exception provided in § 994.41-(b) (7) (ii) applies; and

(8) In shrinkage allocated to receipts of other source milk.

Proposal No. 11. Amend § 994.42 to read as follows:

§ 994.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each of his pool plants as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, at each pool plant; and

(b) If a handler has receipts of other source milk, shrinkage shall be prorated between:

(1) Milk from producers and fluid milk products in bulk tanks from other handlers; and

(2) Other source milk in the form of a fluid milk product in the ratio that 50 times the maximum quantity of skim milk or butterfat, respectively, pursuant to § 994.41 (b) (7) bears to that in such other source milk.

Proposal No. 12. Amend § 994.44(a) by deleting therefrom the words "or diverted".

Proposal No. 13. Amend § 994.46 of Order No. 94 entitled "Allocation of Skim Milk and Butterfat Classified" to read as follows:

§ 994.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 994.45, the market administrator shall determine the classification of milk received from producers at each pool plant as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk allocated in shrinkage of skim milk classified as Class II pursuant to § 994.41 (b) (7);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in other source milk received:

(i) In the form of a fluid milk product in consumer type packages which are classified and priced as Class I milk

under Order No. 1, regulating the handling of milk in the Eastern Colorado marketing area if such fluid milk products are not processed and packaged in the pool plant during the month; or

(ii) In the form of sour cream which is classified and priced as Class I or its equivalent value under another order issued pursuant to the Act.

(3) Subtract from the pounds of remaining skim milk in each class, in series beginning with Class II, the pounds of skim milk in other source milk received in the form of a product other than a fluid milk product;

(4) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk received in the form of a fluid milk product not classified and priced as Class I milk or its equivalent value under another order issued pursuant to the Act;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk received in the form of a fluid milk product not subtracted pursuant to subparagraphs (2) and (4) of this paragraph;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(7) Add to the pounds of skim milk remaining in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received from other pool plants according to its classification as determined pursuant to § 994.44(a);

(9) Subtract pro rata from the remaining pounds of skim milk in each class the pounds of skim milk classified pursuant to § 994.44(e); and

(10) If the remaining pounds of skim milk in both classes exceeds the pounds of skim milk contained in milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section; and

(c) Add the pounds of skim milk and the pounds of butterfat allocated to producer milk in each class, pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in each class.

Proposal No. 14. Amend § 994.50 of Order No. 94 entitled "Basic formula price" by deleting from section (a) thereof the following designated plants:

Borden Co., Mount Pleasant, Mich.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Sparta, Mich.

Proposal No. 15. Amend § 994.51 of Order No. 94 entitled "Class prices" to read as follows:

§ 994.51 Class prices.

Subject to the provisions of §§ 994.52 and 994.53, the class price per hundred-

weight for the month shall be as follows:

(a) *Class I milk.* During the first 18 months following the effective date of this paragraph, the basic formula price for the preceding month plus \$2.10; and

(b) *Class II milk.* During the months of March through July, the price specified in § 994.50(b), and during all other months such price plus 10 cents: *Provided*, That such price shall not be higher than the basic formula price for the month.

Proposal No. 16. Amend § 994.53 of Order No. 94 entitled "Butterfat differentials to handlers" by deleting from section (a) thereof the number "1.40" and replacing such number with the number "1.30".

Copies of this supplemental notice of hearing and the order may be procured from the Market Administrator, 121 East Boulder, Colorado Springs, Colorado, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on September 27, 1961.

H. C. FEDDERSEN,
Acting Director, Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-9432; Filed, Sept. 29, 1961; 8:53 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 554) has been filed by The Dow Chemical Company, Midland, Michigan, proposing the issuance of a regulation to provide for the safe use of the coccidiostat zoalene, at existing levels, in combination with chlortetracycline in chickenfeed, as follows:

<i>Chlortetracycline</i> (grams per ton) <i>Additional purpose</i>	
50-100-----	Prevention of chronic respiratory disease (air sac infection) and hexamitiasis.
100-200-----	Treatment of chronic respiratory disease (air sac infection), infectious sinusitis, blue comb (nonspecific infectious enteritis, mud fever) and hexamitiasis.
	Prevention of synovitis.
200-----	Control of synovitis.

Dated: September 26, 1961.

[SEAL] J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-9404; Filed, Sept. 29, 1961; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 592) has been filed by Morningstar-Paisley, Inc., 630 West Fifty-first Street, New York 19, New York, proposing the issuance of a regulation to provide for the safe use of the following substances in the preparation of anti-offset powders used to prevent the transfer of inks employed in printing and decorating food-packaging paper and paperboard:

Carbon tetrachloride.
Methyl hydrogen polysiloxane.
Stannous oleate.
Starch.
Zinc-2-ethyl hexoate.

Dated: September 26, 1961.

[SEAL] J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-9405; Filed, Sept. 29, 1961; 8:49 a.m.]

[21 CFR Part 121]

FOOD-ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 553) has been filed by Stein, Hall and Company, Inc., 285 Madison Avenue, New York 17, New York, proposing the issuance of an amendment to § 121.2515 (26 F.R. 6512) of the food additive regulations to permit the use of the specified chelating agents in sizing solutions applied to paper and paperboard after the sheet formation stage. It is further proposed that disodium ethylenediamine tetraacetate be added to the list of substances in paragraph (a) of this section.

Dated: September 26, 1961.

[SEAL] J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-9406; Filed, Sept. 29, 1961; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 302]

[Docket No. 13060]

RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Proposed Application of Special Rules to Public Bodies and Civic Organizations Participating in Route Proceedings

SEPTEMBER 26, 1961.

Notice is hereby given that the Civil Aeronautics Board has under consideration an amendment to the above entitled

part of the Board's rules of practice relating to the participation of public bodies and civic groups in route proceedings conducted pursuant to section 401 of the Act. The principal features of the proposed amendment are explained below in the Explanatory Statement and the proposed amendments are set forth below. These amendments are proposed under authority of sections 204(a), and 1001 of the Federal Aviation Act of 1958 (72 Stat. 743, 788; 49 U.S.C. 1324, 1481), and sections 6 and 7 of the Administrative Procedure Act (60 Stat. 240, 241; 5 U.S.C. 1005, 1006).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before October 30, 1961 will be considered by the Board before taking final action on the proposed rules. Upon receipt by the Board, copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

EXPLANATORY STATEMENT

It has been the experience of the Board in processing formal route cases that the representation of interested communities is in many instances not as effective as might be desirable from the standpoint of the community's self-interest, the contribution to be made to the development of the record in the case, or early decision on the issues by the Board. On occasion communities are represented in route proceedings by more than one public body or civic organization, such as a city, a county, chamber of commerce, the airport authority, or other persons participating in the proceeding pursuant to § 302.14 or § 302.15 of the Board's Procedural Regulations (14 CFR 302.14, 302.15). Not infrequently, each organization makes an individual presentation including its own exhibits and testimony which are repetitious in considerable part of the exhibits and testimony offered by other groups with an identical interest in the case. Further, public bodies or civic organizations sometimes present a series of witnesses at the hearing whose testimony is of a cumulative nature and lacks the succinctness essential for an effective presentation. Moreover, the evidentiary exhibits of public bodies or civic organizations sometimes contain a large volume of data of comparatively minor significance.

The rules proposed herein are designed to enhance the effectiveness of participation of public bodies or civic organizations in route proceedings and at the same time to reduce the size of the record. The Board proposes the following:

(1) Where two or more public bodies or civic organizations desire to repre-

sent the interest of a particular community the presentation of evidence and briefs shall be consolidated. It is the Board's view that a joint and unified effort on the part of representatives of public bodies or civic organizations will be more productive and effective than individually conducted and uncoordinated undertakings. Of course, the Board recognizes that there will be, from time to time, public bodies or civic organizations which have divergent interests, and in these situations the proposed rules authorize the examiner, in the exercise of his discretion, to permit differing interests to participate independently of one another.

(2) There should be a rule which limits the number of witnesses presented by public bodies or civic organizations. The Board is of the view that one or two, and at the most three witnesses are sufficient in ordinary situations and that a greater number of witnesses generally produces cumulative or unessential testimony and causes delays. Where unusual circumstances are established, the proposed rules authorize the examiner to grant leave for additional witnesses to testify. It should be noted, however, that the Board expects such authority to be exercised sparingly.

(3) The nature of the evidence a public body or civic organization will normally be allowed to include in its exhibits should be defined. In route proceedings the Board is interested in obtaining from public bodies or civic organizations evidence of the economic characteristics of the particular community or area, evidence as to community of interest and traffic, evidence with respect to the sufficiency of existing service, and information relating to the community's airport, if any, and its adequacy to receive various types of aircraft. The Board is not interested in exhibits containing such data as the number of electricity, gas and water meters, telephones or schools in the community, the volume of freight car loadings, building permits, sewer connections or the amount of bank deposits. It is the Board's view, based on experience, that such data constitutes one of the least effective means for establishing a community's need for new or additional air service.

In the light of the foregoing, the Board proposes to amend Part 302 by adopting a new § 302.24a.

§ 302.24a Special rules applicable to public bodies and civic organizations participating in route proceedings.

(a) *Applicability.* These special rules are applicable to public bodies (counties, cities, airport authorities, etc.) and civic organizations (chambers of commerce, boards of trade, etc.) which are formal parties, pursuant to § 302.15, or participate pursuant to § 302.14, in Board proceedings conducted in accordance with section 401 of the Act.

(b) *Consolidation.* Where two or more public bodies or civic organizations desire to represent the interest of a community, the presentation of their evidence and briefs shall be consolidated.

(c) *Number of witnesses.* A public body or a civic organization, or several such bodies or organizations whose presentation of evidence is consolidated as provided in paragraph (b) of this section, shall not present more witnesses than necessary for full and adequate presentation of the community's case and shall not, in any event, present more than three witnesses.

(d) *Exhibits.* Exhibits offered in evidence by a public body or civic organization shall be limited to evidence of the economic characteristics of the community and area involved, data as to community of interest and traffic, evidence with respect to the sufficiency of existing service, and airport data. Exhibits offered in evidence shall not include data relating to number of electricity, water and gas meters, telephones, schools, freight car loadings, building permits, sewer connections, or volume of bank deposits in the community.

(e) *Exceptions.* The Examiner in any route proceeding may, in unusual circumstances, permit exceptions from the provisions of paragraph (b), (c), and (d) of this section.

[F.R. Doc. 61-9430; Filed, Sept. 29, 1961; 8:52 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 40, 41, 42, 46]

[Reg. Docket No. 904; Draft Release No. 61-20]

PASSENGER EMERGENCY EXIT MARKINGS

Proposed Illumination

Pursuant to the authority delegated to me by the Administrator (14 CFR 405.27), notice is hereby given that there is under consideration a proposal to amend Parts 40, 41, 42, and 46 of the Civil Air Regulations as hereinafter set forth. Since the proposed amendments are substantially the same for all four parts, only the proposed changes to Part 40 are set forth in detail.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before November 15, 1961, will be considered by the Administrator before taking action on the proposed rules. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons when the prescribed date for return of comments has expired.

Sections 40.173(f) (2), 41.23d(b) (2), 42.24c(b) (2), and 46.173(d) require, for night operations in passenger-carrying aircraft, an independent lighting system to illuminate passenger emergency exit markings. This system is not required for daytime operations, because at the

time these regulations were adopted it was not anticipated that emergency lighting would be necessary in a daylight accident.

During Civil Aeronautics Board hearings on a recent airplane accident, the passengers and crewmembers testified that both the cabin and the cockpit areas were quite dark after the accident, even though it happened in bright daylight. This darkness was caused by dust and smoke inside the airplane, as well as by mud that smeared the windows when the airplane came to rest on its back in mud and grass. There was no illumination in the cockpit or the cabin after the crash, and the emergency lights did not come on. As a result of this investigation and hearing, the Board recommended that the Administrator reexamine the present procedures for providing illumination of passenger emergency exit markings.

The report that the cabin area was dark following the daylight accident raises a serious question as to the adequacy of current operating rules that require emergency exit lighting for night operations only. A regulation to require such emergency lighting in the daytime would necessitate no more than minor changes in the operating procedures of the air carriers, and the report that darkness contributed to passenger confusion inside the cabin in this particular accident indicates that provisions should be made for emergency lighting in the daytime as well as at night.

The amendments proposed herein would require a source of emergency exit lighting for all passenger-carrying aircraft for both day and night operations. In addition, when such lights require manual operation to function, the amendments would require that they be turned on prior to each takeoff and landing, during the day as well as at night. The air carriers have been asked to adopt these procedures voluntarily, and many carriers have done so. Those carriers whose aircraft are equipped with fully automatic emergency exit lighting systems would not be affected by these amendments. Those whose systems have to be armed would be required to keep them armed for day operations as well as night, and those with lights that require manual operation to function would have to turn the lights on for all takeoffs and landings.

We realize that the lack of emergency lighting in the particular accident which prompted the Board's recommendation for reexamination of the emergency exit lighting procedures cannot be attributed to the lack of a regulation requiring such lights in the daytime. The emergency lighting system on the airplane involved in that accident was designed to function automatically in a crash landing, and the crew had armed it in exactly the same way they would have for a landing at night. However, this aspect of emergency exit lighting—the reliability and effectiveness of the lighting systems installed on air carrier aircraft—is being studied by the Agency in connection with a general study of all the provisions for

PROPOSED RULE MAKING

emergency evacuation of aircraft, and is not covered by the amendments proposed herein.

In consideration of the foregoing, it is proposed to amend Parts 40, 41, 42, and 46 of the Civil Air Regulations as follows:

1. By amending § 40.173(f) (2) of Part 40 to read as follows:

§ 40.173 Emergency equipment for all operations.

* * * * *

(f) Interior emergency exit marking.

* * *

(2) In all passenger-carrying airplanes, a source or sources of light with an energy supply independent of the main lighting system shall be installed to illuminate all passenger emergency exit markings. Such lights shall be designed to function automatically in a crash landing and to continue to function thereafter, and shall also be operable manually; or shall be designed only for manual operation and also to continue to function following a crash landing. When such lights require arming of the system to function automatically, the system shall be armed prior to each takeoff and landing. When such lights require manual operation to function, they shall be turned on prior to each takeoff and landing.

2. By promulgating amendments to Parts 41, 42, and 46 of the Civil Air Regulations similar to that proposed herein.

These amendments are proposed under the authority of sections 313(a), 601, 604, 605 of the Federal Aviation Act

of 1958 (72 Stat. 752, 775, 778; 49 U.S.C. 1354, 1421, 1424, 1425).

Issued in Washington, D.C., on September 21, 1961.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 61-9382; Filed, Sept. 29, 1961;
8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-WA-16]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Alteration of Proposal Designating Federal Airway and Associated Control Areas

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 61-WA-16 on March 10, 1961 (26 F.R. 2093), it was stated that the Federal Aviation Agency proposed to designate a low altitude VOR Federal airway from Princeton, Maine, to Millinocket, Maine, and to designate the control areas associated with this airway to extend upward from 1,200 feet above the surface.

Subsequent to the publication of the Notice, it has been determined that the application of Amendment 60-21 to Part 60 of the Civil Air Regulations to the control area associated with the proposed airway should be deferred until

such time as all control areas in the vicinity of Princeton and Millinocket can be altered by applying Amendment 60-21. Accordingly, action is hereby taken to alter the original notice by proposing that the control area associated with the proposed airway from Princeton to Millinocket extend upward from 700 feet above the surface to the base of the continental control area.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to October 20, 1961.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 61-WA-16 is extended to October 20, 1961. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C. on September 25, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-9383; Filed, Sept. 29, 1961;
8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 55478]

WHITE OR IRISH POTATOES, OTHER THAN CERTIFIED SEED

Tariff-Rate Quota

SEPTEMBER 27, 1961.

The tariff-rate quota for white or Irish potatoes, other than certified seed, pursuant to Item 771 (second), Part I, Schedule XX of the General Agreement on Tariffs and Trade, as modified (T.D.'s 51802 and 54406), for the 12-month period beginning September 15, 1961, is 600,000 bushels of 60 pounds each.

The estimate of the production of white or Irish potatoes, including seed potatoes, in the United States for the calendar year 1961, made by the United States Department of Agriculture as of September 1, 1961, was 464,065,000 bushels.

In accordance with the third proviso to the aforesaid Item 771, as modified, the 600,000 bushels and the 1,000,000 bushels not increased, because the estimated production is greater than 350,000,000 bushels.

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

[F.R. Doc. 61-9409; Filed, Sept. 29, 1961;
8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

AREAS TO BE OFFERED FOR OIL AND GAS LEASING IN THE OUTER CONTINENTAL SHELF

Calling for Nominations

SEPTEMBER 25, 1961.

Pursuant to authority prescribed in 43 CFR 201.20, notice is hereby given that nomination of areas for prospective oil and gas leasing in the Outer Continental Shelf off the States of Louisiana (Zones 3 and 4)¹ and Texas² may be submitted

¹ Zones 3 and 4 are the areas designated and described in the Agreement of October 12, 1956 between the United States of America and the State of Louisiana. Zone 3, South Marsh Island, will be excepted.

² The area off Texas south and west of a line beginning at a point 3 leagues off Matagorda Island 28°20'35" North, 96°11'50" West (in Block 526 Matagorda Island Area Leasing Map); thence southeasterly to 27°58'50" North, 95°21'45" West (in Block A-60 Brazos Area, South Addition); thence southwesterly through Brazos Area, South Addition, on a bearing of S. 19°30' W. (approx.) is not subject to nomination. A part of this area is described in pending legislation H.R. 6745 Matagorda Water Range and H.R. 6849 Corpus Christi warning area.

to the Director, Bureau of Land Management, Washington 25, D.C., not later than November 3. Copies of any nominations must be sent to the Regional Oil and Gas Supervisor, Geological Survey, Gulf Coast Region, 204 Maritime Building, 203 Carondelet Street, New Orleans 12, Louisiana. Envelopes should be marked "Nominations for leasing in the Outer Continental Shelf." Nominated areas must be identified by block numbers and names of areas as shown on the official leasing maps. Properly described subdivisions of blocks may be nominated. Small scale copies of the official leasing maps assembled in separate sets, two for Louisiana and two for Texas, may be procured from the Manager, Bureau of Land Management, Room 1001-A, Maritime Building, 203 Carondelet Street, New Orleans, Louisiana, or the Director, Bureau of Land Management, Washington 25, D.C., at a cost of \$1.00 per set or \$4.00 for the four sets.

Any areas selected to be offered for competitive bidding will be published in the FEDERAL REGISTER and other publications. The published notice of lease offer will state the conditions and terms for leasing (43 CFR 201.20) and the place, date and hour at which bids will be opened.

KARL S. LANDSTRUM,
Director,
Bureau of Land Management.

[F.R. Doc. 61-9388; Filed, Sept. 29, 1961;
8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 12963]

AEROVIAS AMAZONAS, S.A.

Notice of Prehearing Conference

In the matter of the application of Aerovias Amazonas, S.A. for authority to operate a scheduled service carrying property and mail between a terminal point or points in Peru, intermediate points in Ecuador, Panama, Colombia, Venezuela, and the terminal point Miami, Florida.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 9, 1961, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner James S. Keith.

Dated at Washington, D.C., September 27, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-9428; Filed, Sept. 29, 1961;
8:52 a.m.]

[Dockets 12964 and 12976]

TRANSPORTES AEREOS NACIONALES, S.A.

Notice of Prehearing Conference

In the matter of the application of Transportes Aereos Nacionales, S.A., for an amendment of its permit to include Cozumel, Mexico, as an intermediate point on its route between coterminal points in Honduras and Miami, Florida, and to authorize it to engage in both scheduled and nonscheduled foreign air transportation of persons, property, and mail to and from Cozumel, Mexico, Docket 12964.

In the matter of the application of Transportes Aereos Nacionales, S.A., for the modification, amendment, extension or renewal of its permit between the coterminal points Tegucigalpa and San Pedro Sula, Honduras; an intermediate point or points in Honduras; the intermediate point Belize, British Honduras; and the terminal point Miami, Florida, Docket 12976.

Notice is hereby given that a prehearing conference in the above-entitled matters is assigned to be held on October 10, 1961, at 10 a.m., e.d.s.t., in Room 1029, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Barron Fredericks.

Dated at Washington, D.C., September 27, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-9429; Filed, Sept. 29, 1961;
8:52 a.m.]

[Docket 13043]

MILITARY EXEMPTIONS

Order Granting Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of September 1961.

By Order E-15824, adopted September 26, 1960 (Dockets 11676, 11731, 11755, and 11798), the Board, inter alia, extended until September 30, 1961 an exemption permitting carriers holding authority as supplemental air carriers, large irregular carriers, or irregular transport carriers to utilize joint representation at military installations in connection with individually-ticketed flights by members of the Armed Forces, whether or not moving at Government expense, and civilian employees of the military agencies moving at Government expense, in interstate and overseas air transportation except within the State of Alaska. The exemption provides that the total operations performed by a group of carriers jointly represented may exceed the flight limitations imposed by their respective authorizations, but that no single carrier may

exceed the limitations of its particular authorization.¹

On September 15, 1961, a joint application was filed with the Board by Associated Air Transport, Inc. (Associated), United States Overseas Airlines, Inc. (USOA), and World Wide Airlines, Inc. (World Wide), seeking extension for a period of two years of the above-cited exemption. In support of their application, the applicants allege, inter alia, that they are now engaged in furnishing such transportation; that they possess the equipment and personnel to perform such services; that in Order E-15824 the Board found that the conditions which warranted the original grant of this exemption continued to exist; and that the public necessity for this authority is even more urgent at the present time than at the time of adoption of Order E-15824 in light of recent activation of numerous Reserve and National Guard units as well as increases in draft calls, all of which will increase the requirements for low cost coach services of this nature.

No objections to the grant of this application have been received.

The Board has carefully considered this application and has decided to extend the authority for two years. It appears that there is a continuing need for this authority which may be intensified by recent expansion of military personnel calls. This exemption does not broaden the basic authority of the carriers but only relieves them from restrictions imposed by the Board itself on joint activities. The conditions which warranted the original grant of this limited exemption continue to exist and justify its extension for an additional period:

Accordingly, it is ordered:

1. That each air carrier holding economic authority as a large irregular carrier, irregular transport carrier, supplemental air carrier, and/or other classification established by Board decision in Docket 5132, et al., be and hereby is exempted from the provisions of Section 401 of the Act, Part 291 of the Economic Regulations, and its respective operating authority, to the extent necessary to permit such carrier, subject to all other applicable restrictions, to engage in interstate and overseas air transportation, except within the State of Alaska, of members of the Armed Services, whether or not moving at Government expense, and civilian employees of the military agencies moving at Government expense, where such transportation is arranged through the representatives of two or more such carriers at a military installation, even though the total operations performed by a group of carriers so represented may exceed the flight limitations as imposed by their respective authorizations, whether such authorization be by exemption or certificate of public convenience and necessity; however, no single carrier may exceed the limitations of its particular authorization as specified therein;

2. That the authority granted herein shall expire on September 30, 1963;

¹ This exemption is granted by ordering paragraph 4 of Order E-15824.

3. That, except to the extent granted herein, the application of Associated, USOA, and World Wide in Docket 13043 be and it hereby is denied;

4. That this order may be amended or revoked at any time in the discretion of the Board without hearing.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61-9445; Filed, Sept. 29, 1961;
8:53 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13940; FCC 61M-1559]

**EDWARD WALTER PISZCZEK AND
JEROME K. WESTERFIELD**

Order Continuing Hearing

In re application of Edward Walter Piszczek & Jerome K. Westerfield, Des Plaines, Illinois, Docket No. 13940, File No. BPH-3201; for construction permit (FM).

The Hearing Examiner having under consideration a request for continuance of the hearing from September 20, 1961, to October 11, 1961, filed September 14, 1961, on behalf of the Columbia Broadcasting System, Inc.; and

It appearing that the reason for the requested extension is the fact that September 20, 1961, is a religious holiday to be observed by counsel to some of the parties to this proceeding; and

It further appearing that counsel for the other parties have no objection to granting the requested continuance but the date of October 11, 1961, is not satisfactory to all counsel; and

It further appearing that there is a difference of opinion among counsel as to the scope of the issues as presently framed and that a further conference on such matter is necessary and desirable;

It is ordered, This the 22d day of September 1961, retroactive to September 20, 1961, that the request for continuance is granted and the further evidentiary hearing scheduled for September 20, 1961, is continued to a date to be announced at the conclusion of a further hearing conference to be held on September 27, 1961;

It is further ordered, That a hearing conference will be held on September 27, 1961, beginning at 10:00 a.m., in the offices of the Commission, Washington, D.C.

Released: September 25, 1961.

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

[F.R. Doc. 61-9413; Filed, Sept. 29, 1961;
8:50 a.m.]

[Docket Nos. 14015-14018; FCC 61M-1555]

SANDS BROADCASTING CORP. ET AL.

Memorandum Opinion and Order Continuing Hearing

In re applications of Sands Broadcasting Corporation, Indianapolis, Indiana,

Docket No. 14015, File No. BP-12700; WIFE Corporation, Indianapolis, Indiana, Docket No. 14016, File No. BP-13288; Hoosier Broadcasting Corporation, Indianapolis, Indiana, Docket No. 14017, File No. BP-14000; Independent Indianapolis Broadcasting Corporation, Indianapolis, Indiana, Docket No. 14018, File No. BP-14032; for construction permits.

Preliminary statement. 1. The immediate question before the Hearing Examiner is whether the hearing herein should be postponed without date or should commence as now scheduled on September 26, 1961. By the way of background, it is to be noted that the applicants herein request license authority to operate on a new standard broadcast station at Indianapolis, Indiana, on the frequency 1150 kc. Upon consideration of the applications the Commission found that they were mutually exclusive and by Order released on April 4, 1961, designated all of them for comparative hearing on specified issues. After several prehearing conferences and the disposition of numerous interlocutory pleadings, the hearing herein was scheduled to begin on September 26, 1961.

2. In the interim, on September 14, 1961, the Commission released its Report and Order in the Matter of Clear Channel Broadcasting in the Standard Broadcast Band (Clear Channel Report), Docket No. 6741 (FCC 61-1106), wherein it is stated, among other things, that applications for new stations on certain frequencies, including 1150 kc at issue herein, will not be granted until September 1, 1964, or such earlier date that may be announced. Thereafter, on September 19, 1961, a Motion for Continuance of Hearing was filed on behalf of Sands Broadcasting Corporation (Sands), WIFE Corporation (WIFE), and Hoosier Broadcasting Corporation (Hoosier), wherein reference is made to the Clear Channel Report; wherein a prehearing conference is requested at the Examiner's earliest convenience in order to consider the Motion; and wherein it is requested that the hearing, now scheduled to commence on September 26, 1961, be continued indefinitely.

3. Upon receipt of the aforementioned Motion, the Examiner conferred informally with counsel for the remaining party, Independent Indianapolis Broadcasting Corporation (Independent), and was advised that Independent objected both to the request for a prehearing conference and to the request for an indefinite continuance of the hearing, taking the position that the aforementioned Clear Channel Report in no way required that the hearing, now scheduled to commence on September 26, 1961, should be continued. The Examiner was also informally advised by counsel for the Broadcast Bureau that the Bureau had no objection to the request for a prehearing conference and that the Bureau would make its position with respect to the request for an indefinite continuance known upon the record at such prehearing conference.

4. Upon consideration of all of the foregoing, the Examiner, on his own motion, released an Order on September 19, 1961, calling for a further prehearing

conference on September 21, 1961, at 2:30 p.m. to consider whether the hearing, now scheduled to commence on September 26, 1961, should, in the light of the Clear Channel Report, commence as scheduled, or be continued and, if so, for what period. In the same Order the Examiner further specified that, at the prehearing conference, the parties should be prepared to state for the record their formal positions on the aforementioned Motion for continuance, filed on September 19, 1961, and to submit such pleadings as they might desire with respect thereto.

The prehearing conference. 5. At the prehearing conference counsel for Sands, WIFE, and Hoosier each argued in favor of a continuance of the hearing. In essence such counsel took the position that, under the Commission's Clear Channel Report, no grant could be made to any of the applicants prior to September 1, 1964, or such earlier date as the Commission might announce. They then argued that, if the hearing were to be held as now scheduled, the record would, three years hence, be stale and, furthermore, numerous unforeseen changes might take place which could very well require a hearing de novo at such time as the "freeze" might be lifted by the Commission. Under these circumstances they urged that it would not be proper to require each of the parties to expend substantial sums of money at this time and to require the Commission to spend its time and effort in compiling a record which could very well be completely useless when the "freeze" was lifted. They further pointed out that they intended to make engineering studies and, on the basis thereof, if appropriate, file a petition with the Commission to exempt the frequency which they are seeking at Indianapolis from the "freeze". They argued that, if such motion were to be granted, the hearing could, of course, proceed to a decision.

6. Counsel for the Broadcast Bureau analyzed the appropriate provisions of the rules being amended as a result of the Clear Channel Report and came to the conclusion that, unless it was clear that the hearing herein could be concluded and a decision issued and made effective prior to October 30, 1961, the Commission's rules, as amended in the attachment to the Clear Channel Report required that the hearing should be continued and the applications returned to the pending file.

7. Counsel for Independent argued that the Commission's Report and Order in Docket No. 6741 did not require that the hearing be continued. He took the position instead that the rules attached to such Report contemplated that matters already designated for hearing should go forward as now scheduled. He urged that an indefinite postponement at this time would be contrary to the public interest and would tend to deprive the people of Indianapolis of service from the station which the successful applicant in this proceeding would operate. He pointed to language in the amended rules which indicated that applications would be designated for hearing until October 30, 1961, and other language which referred to decisions in hearing.

He then argued that such language made it clear that the Commission contemplated that matters already designated for hearing and for which hearing dates had been set should proceed as now scheduled, and did not contain any implication that such proceedings should be continued indefinitely.

The examiner's analysis. 8. It does not appear to the Examiner from a review and analysis of the changes in the rules attached to the Clear Channel Report or from an analysis of the Report itself that there is any clear requirement or indication by the Commission that matters now set for hearing on the frequencies upon which a "freeze" is applied should proceed. In paragraphs 63 through 65 of its Report the Commission indicated its concern with protecting the possibility of future improvements of service on the 12 Class I-A channels now left in status quo and explained why it deemed it necessary to defer the processing of all applications for new facilities on the listed frequencies. The Commission stated:

*** Only by this means it is possible to safeguard effectively against the assignment of new stations which could obstruct the possibilities for meaningful improvement of service by whichever of the techniques it may be found best to employ in improving service on the Class I-A channels now left in status quo ***

The Commission further stated:

*** Thus, until final decisions are reached as to the future uses of these Class I-A channels, any new station on an adjacent channel is quite likely to have a damaging adverse impact. We must, therefore, defer action on all such applications for the three-year period mentioned, i.e., until September 1, 1964, unless appropriate over-all decisions can be made earlier.

9. In view of the foregoing, it appears clear to the Examiner that the Commission does not intend to grant any applications on the frequency 1150 kc until final decisions are reached as to the future uses of the above-referred to Class I-A channels. Under these circumstances, the Examiner is of the opinion that, even though the Commission did not clearly and unequivocally state that matters already set for hearing should not proceed, it would not serve the public interest, and would appear to be unfair to the various applicants in requiring them now to expend substantial sums of money in the hearing process, to hold the hearing as scheduled.

10. Furthermore, even if the Examiner is wrong in his analysis it appears to him on the balance of equities that the appropriate procedure would be to grant the Motion for a continuance and to permit any dissatisfied party to appeal promptly to the Commission. If the Commission agrees with the Examiner, then no party will have been adversely affected and none of the parties will have been required to expend the money necessary to prosecute the hearing in the interim; nor will Commission personnel have been involved in a futile activity in connection with the hearing. If on the other hand the Examiner is wrong in his analysis and the Commission grants an appeal the worse that could have happened is that the hearing,

now scheduled for September 26, 1961, would have been delayed the few weeks necessary for the Commission to pass upon the appeal so filed. There is a further advantage to this procedure in that a Commission ruling could provide guidance to all of the parties who may similarly have pending applications designated for hearing on other frequencies to which the "freeze" applies.

11. In granting the Motion for continuance of the hearing, the Examiner is aware that various events may take place to change the circumstances. Thus, for example, the Commission may act favorably on a petition the parties indicated they might file to exempt the frequency 1150 kc at Indianapolis from the "freeze". Similarly, other events may indicate that it is appropriate to resume the hearing before the "freeze" is lifted. Therefore, the Examiner's ruling herein is without prejudice to affirmative action on a motion, for good cause shown, by any party, or to an order by the Examiner on his own motion for a resumption of the hearing.

12. Because of the pendency of the hearing on September 26, the Examiner ruled from the bench that the hearing scheduled for that date is postponed without date. However, in order to afford any interested party an appropriate vehicle for the filing of an appeal it was agreed and stipulated among the parties, and is so ruled by the Examiner, that the five-day period provided for in the Commission's rules (47 CFR 1.47) shall begin to run from the date this Memorandum Opinion and Order is released.

Accordingly, it is ordered, This 22d day of September 1961, that the Motion for Continuance of Hearing is granted, and that the hearing, now scheduled to commence on September 26, 1961, is continued until further order of the Examiner: *Provided, however,* That any party to the proceeding may for good cause shown file a motion requesting that the hearing be rescheduled for a date certain; and

It is further ordered, That the time for obtaining a review of the ruling herein provided for in 47 CFR 1.47, shall begin to run from the date this Memorandum Opinion and Order is released.

Released: September 26, 1961.

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

[F.R. Doc. 61-9414; Filed, Sept. 29, 1961;
8:50 a.m.]

[Docket No. 14074; FCC 61M-1564]

**STRAFFORD BROADCASTING CORP.
(WWNH)**

Order Continuing Hearing

In re application of Strafford Broadcasting Corporation (WWNH), Rochester, New Hampshire, Docket No. 14074, File No. BP-13053; for construction permit.

On the joint oral request of the parties in the above-entitled matter; *It is ordered,* This 25th day of September 1961,

that the hearing presently scheduled for October 11, 1961, be, and the same is, hereby continued to October 13, 1961.

Released: September 26, 1961.

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

[F.R. Doc. 61-9415; Filed, Sept. 29, 1961;
8:51 a.m.]

[Docket Nos. 12488, 12489; FCC 61M-1561]
**YOUNG PEOPLE'S CHURCH OF THE
AIR, INC., AND WJMJ BROAD-
CASTING CORP.**

Order Scheduling Prehearing Conference

In re applications of The Young People's Church of the Air, Inc., Philadelphia, Pennsylvania, Docket No. 12488, File No. BPH-2394; WJMJ Broadcasting Corporation, Philadelphia, Pennsylvania, Docket No. 12489, File No. BPH-2423; for construction permits.

The Hearing Examiner having under consideration the reopening of the record herein and remand of proceeding to the Hearing Examiner;

It is ordered, This 25th day of September 1961, that a prehearing conference is scheduled herein for October 10, 1961, at 10:00 a.m.

Released: September 26, 1961.

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

[F.R. Doc. 61-9416; Filed, Sept. 29, 1961;
8:51 a.m.]

FEDERAL MARITIME COMMISSION

ALASKA STEAMSHIP CO. ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement Numbered 8590, between Alaska Steamship Company and Puget Sound Tug and Barge Company (Puget Sound-Alaska Van Lines Division), common carriers by water, and Consolidated Freightways Corporation of Delaware (Garrison Fast Freight Division) and Weaver Bros. Inc., common carriers by motor which also operate as non-vessel common carriers by water, provides for the establishment of the "Alaska Water Carrier Conference", in the trade between Alaska and other Pacific Coast States of the United States and Canada.

Agreement Numbered 8590-1, modifies Agreement Numbered 8590, described above, to reflect more clearly the understanding among the carriers with respect to (1) the establishment of rates, (2)

meetings of the Board of Governors, (3) collateral duties of the Rate Committee, (4) penalty for delinquency in the payment of conference expenses, (5) definition of the terms regularly scheduled service, suspension of service and resumption of service, (6) the submission to the Commission of copies of all minutes, reports of all complaints, disputes and matters investigated by the Rate Committee, and considered by the Board of Governors, and (7) the admission of new members.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 27, 1961.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
Acting Secretary.

[F.R. Doc. 61-9411; Filed, Sept. 29, 1961;
8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3991]

APPALACHIAN POWER CO.

Notice of Proposed Amendment of Preferred Stock Provisions of Arti- cles of Association and Solicitation of Proxies in Connection Therewith

SEPTEMBER 25, 1961.

Notice is hereby given that Appalachian Power Company ("Appalachian"), an electric utility company and a subsidiary company of American Electric Power Company, Inc. ("AEP"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the proposed transaction.

All interested persons are referred to the declaration, on file at the office of the Commission, for a statement of the proposal contained therein which is summarized as follows.

Appalachian proposes to amend its Articles of Association with respect to the preferred stock provisions so as to:

(1) Modify the provision which now limits the incurring of unsecured and certain secured indebtedness without the consent of the holders of a majority of its outstanding shares of preferred stock to 10 percent of the aggregate of its bonds, capital, and surplus, so as to permit the company to issue, without special action by the holders of its preferred

stock, unsecured and certain secured indebtedness in the amount of 20 percent of the aggregate of its bonds, capital stock, and surplus, provided that short-term debt, as defined, shall not exceed 10 percent of such aggregate;

(2) Modify the provisions limiting dividends on Appalachian's common stock (a) so that they will include the conditions imposed by the Commission in its order dated November 19, 1947 (Holding Company Act Release No. 7853), and (b) to require the deductions called for in the Commission's statement of policy regarding preferred stock (Holding Company Act Release No. 13106 (February 16, 1956)) in the computation of "Common Stock Equity" and "total capitalization"; and

(3) Modify the provisions limiting the issuance of additional preferred stock (a) so that they will include the conditions imposed by the Commission in said order dated November 19, 1947, and (b) to require the deductions called for in the statement of policy in the computation of gross income in order to determine whether gross income is equal to at least one-and-one-half times the interest charges on indebtedness and the dividend requirements of the preferred stock.

Appalachian states that, among other things, the amendments are proposed to effect substantial compliance with the statement of policy and to permit, within specified limits, financing a portion of its construction requirements through the issuance and sale of unsecured debt securities.

The proposed amendment will be submitted to the company's stockholders and will become effective only if approved by the affirmative vote of at least two-thirds of the outstanding shares of the cumulative preferred stock, voting as a class, and of two-thirds of the outstanding shares of the common stock. All of the common stock is owned by AEP. In connection with the vote by the preferred stockholders, Appalachian will solicit proxies in support of said amendments.

The declaration states that expenses in connection with the solicitation of proxies, the meeting of stockholders, and the effecting of the amendment, if approved by stockholders, are expected not to exceed \$25,000, all of which will be paid by Appalachian. The company has filed an application with the Virginia State Corporation Commission for authorization to effect the proposed amendment, and a copy of the order of said commission is to be filed by amendment to the declaration. It is stated that no other State and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than October 18, 1961, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said 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. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon declarant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL]

NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 61-9417; Filed, Sept. 29, 1961;
8:51 a.m.]

[File No. 54-223 etc.]

ARKANSAS FUEL OIL CORP. AND CITIES SERVICE CO.

Notice of Filing and Notice of and Order for Hearing in Respect of Ap- plications for Allowance of Fees and Expenses

SEPTEMBER 21, 1961.

In the matters of Arkansas Fuel Oil Corporation (Shreveport, Louisiana); Cities Service Company, (New York, New York); File Nos. 54-223; 54-226; 54-227; 31-622; 54-186; 59-93; 70-1804.

By findings and opinion and order issued July 14, 1960, in the above-entitled consolidated proceedings (Holding Company Act Release No. 14260), the Commission approved a plan, pursuant to section 11(d) of the Public Utility Holding Company Act of 1935 ("Act"), to effectuate compliance with the order issued September 20, 1957 (Holding Company Act Release No. 13549), pursuant to section 11(b)(2) of the Act, directing Cities Service Company ("Cities") and Arkansas Fuel Oil Corporation ("Arkansas") to take appropriate action to eliminate the public minority stock interest in Arkansas or the disposition by Cities of its stock interest in Arkansas. In the order approving the section 11(d) plan, jurisdiction was reserved in respect of the payment of all fees, expenses, and other remuneration paid or to be paid in connection with all of the proceedings before the Commission and any court concerning the relationship of Cities and Arkansas, including all proceedings relating to the section 11(d) and section 11(e) plans and all other plans and all proceedings consolidated therewith.

Pursuant to notice previously given by the Commission, applications for the allowance of fees and expenses have been filed by the persons and in the amounts set forth below.

Claimant	Fees	Expenses
1. Cities Service Co.—		
Counsel:		
Cravath, Swaine & Moore-----	\$200,000.00	\$18,359.01
Meyer, Kissel, Matz & Seward-----		
Experts:		
Stone & Webster Service Corp-----	161,535.00	21,400.88
DeGolyer and MacNaughton-----	81,818.10	93,551.57
Standard Research Consultants, Inc-----	70,618.96	3,845.46
Thompson, Knight, Wright & Simmons (J. W. Bullion) --	70,000.00	7,095.04
Subtotal-----	583,972.06	144,251.96
2. Common Stockholders Committee of Cities Service Co.—		
Members:		
Hon. James M. Fawcett, chairman-----	6,000.00	-----
Norman S. Nemser, member and secretary-----	6,000.00	-----
Dr. Samuel R. Berlin-----	4,000.00	-----
Irwin I. Feinberg-----	4,000.00	-----
Counsel: Nemerov & Shapiro-----	200,000.00	8,319.72
Experts: Theodore R. Mackoul-----	75,000.00	1,040.18
Subtotal-----	295,000.00	9,359.90
3. Arkansas Fuel Oil Corporation—		
Counsel: Blanchard, Goldstein, Walker & O'Quin (H. C. Walker, Jr.)-----	30,000.00	1,003.19
Subtotal-----	30,000.00	1,003.19
4. Arkansas Fuel Oil Corporation Public Common Stock Committee—		
Members:		
Dr. Louis Alfano, chairman-----	5,000.00	-----
Herbert H. Lederman-----	5,000.00	-----
William Stuberfield-----	5,000.00	-----
Perry King, member and secretary-----	7,500.00	-----
Counsel:		
Percival E. Jackson-----	850,000.00	24,545.89
Rich, May & Bilodeau (Harold B. Dondis)-----	250,000.00	16,827.47
Berl, Potter & Anderson-----	7,250.00	176.83
William Duffey-----	4,935.00	-----
Experts:		
King and Co-----	63,708.75	1,481.26
Purvin & Gertz, Inc-----	58,418.75	9,856.74
H. J. Gruy and Associates, Inc-----	11,742.50	1,799.22
Kenody R. Ware-----	5,350.00	835.90
Joseph T. Foley-----	475.00	516.00
Subtotal-----	1,274,380.00	61,135.15
5. M. L. Benedum Interests—		
Counsel: Guggenheimer, Untermyer & Goodrich-----	350,000.00	9,252.56
Expert: Bishop & Hedberg, Inc-----	369,000.00	4,464.00
Subtotal-----	719,000.00	13,716.56
6. Section 11(d) Plan Proponents—		
Counsel: Shanley & Fisher-----	300,000.00	2,357.63
Louis E. Marron and Copetco Corp:		712.40
Shanley & Fisher-----	¹ 12,576.23	-----
Percival E. Jackson-----	² 2,500.00	³ 10,542.90
Purvin & Gertz, Inc-----	⁴ 3,360.49	-----
Kenody R. Ware-----	⁵ 1,500.00	-----
Ark-Fuel Common Stock Committee—advance-----	-----	⁶ 5,000.00
Subtotal-----	319,936.72	18,612.93
Madison Fund, Inc.:		869.82
Percival E. Jackson-----	⁷ 2,500.00	⁷ 10,564.50
Purvin & Gertz, Inc-----	⁸ 8,360.50	-----
Ballard, Spahr, Andrews & Ingersoll-----	1,630.00	65.88
Subtotal-----	12,490.50	11,500.20

¹ \$5,000 of this amount included in Louis E. Marron expense claim.

² Included in Shanley & Fisher fee claim.

³ Included in Jackson's fee claim.

⁴ Included in Purvin & Gertz fee claim.

⁵ Included in Ware's fee claim.

⁶ Included in committee's expense claim.

⁷ Included in Jackson's fee claim.

⁸ Included in Purvin & Gertz fee claim.

6. Section 11(d) Plan Proponents—Continued
Joseph S. Gruss:

Claimant	Fees	Expenses
Herbert A. Cone-----	\$300.00	\$945.00
Wm. H. Spice-----	4,150.00	1,144.00
Watkins Jason & Co-----	2,000.00	
Core Laboratories, Inc-----	727.50	284.27
Subtotal-----	7,177.50	2,373.27

7. Individual Stockholders—

Miriam Wolf, Joseph Schilkret:

Wolf, Popper, Ross, Wolf & Jones-----	20,000.00	1,971.48
Martin Horwitz-----		200.02
Lubell & Lubell-----	215.00	
Subtotal-----	20,215.00	2,171.50

Paul F. Moore, Esq-----

100.00	250.00
Subtotal-----	100.00 250.00

Elias Auerbach and Hastings, Taylor & Willard-----

16,000.00	143.07
Subtotal-----	16,000.00 143.07

J. W. Bernstein, Benjamin Weinstein-----

750.00	
Subtotal-----	750.00

8. Distribution Trustee—Wilmington Trust Co., through Mar. 30, 1961, plus (\$1.50 per transaction consummated after Mar. 30, 1961 and out-of-pocket expenses)-----

17,434.50	3,970.18
Subtotal-----	17,434.50 3,970.18

Grand total-----

3,296,456.28	268,487.91
Less duplications-----	30,797.22 26,107.40
	3,265,659.06 242,380.51

Subsequently, as a first step in the procedure for determining whether the fees requested are for compensable services rendered and whether the amounts of fees and expenses requested are reasonable, the Commission, in order to expedite the proceeding in respect thereof and to assist it in making such determinations, requested Cities in writing (with copy to each of the applicants) to advise the Commission, on or before July 25, 1961 (later extended to September 11, 1961), as to the amounts of fees and expenses which the company is willing to pay and which each of the applicants, after negotiation with the company, has indicated a willingness to accept.

Cities has advised the Commission, pursuant to the aforesaid request, that agreements have been reached with (a) counsel and experts for Cities Service Company in the amounts requested, (b) counsel for Arkansas Fuel Oil Corporation in the amounts requested, (c) the distribution trustee in the amounts requested, and (d) counsel for Miriam Wolf and Joseph Schilkret in the amount of \$10,000 as a fee and \$2,000 as expenses; and that no agreement has been reached with respect to any of the other applicants for fees and expenses and that further negotiations between it and such persons in respect thereof would not result in any agreement.

It appearing to the Commission that it is necessary or appropriate in the public interest and in the interest of investors that a hearing be held in respect of the above requests for allowances of fees and expenses:

It is ordered, That a hearing in respect of such requests be held November 6, 1961, at 10:00 a.m., at the New York Regional Office of the Commission, 23d floor, 225 Broadway, New York, New York. Any person who has not filed an application for fees or expenses, or who is not a party to, or who has not been granted leave to participate in, the above-entitled consolidated proceedings and who desires to be heard or otherwise wishes to participate in such hearing shall file on or before October 24, 1961, a written request therefor stating the nature of his interest, the reasons for the request, and the issues of fact or law which he desires to controvert. Such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served either personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Cities Service Company, Sixty Wall Street, New York 5, New York. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the filing of the request.

It is further ordered, That James G. Ewell, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing; and that the officer or officers so designated to preside at such hearing is and are hereby authorized to exercise all powers granted to the Commission under section 18(c) of the Act, and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the applications for allowances of fees and expenses and, on the basis thereof, the following matters and questions are presented for consideration, without prejudice, however, to the presentation of additional matters and questions for consideration:

1. Whether the services and disbursements for which remuneration is requested are for, and associated with, compensable services rendered in connection with any of the various aspects of the consolidated proceedings, and whether it is lawful to grant allowances for fees and expenses to the persons making such requests.

2. Whether the requested amounts of fees and expenses are reasonable and, if not, what amounts should be allowed as reasonable.

3. Whether there are any other factors apart from the nature, necessity and value of the services rendered and the capacity in which rendered that would make the requests for compensation and reimbursement improper.

It is further ordered, That particular attention be directed at the hearing to such matters and questions, and to any others which may be properly presented during the course of the hearing.

It is further ordered, That the Secretary of the Commission shall serve a copy of this notice and order, by registered mail, on Cities and on each of the applicants, that notice to all persons be given by publication of this notice and order in the FEDERAL REGISTER, and that a general release in respect of this notice and order be distributed to the press and mailed to the mailing list of the Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 61-9418; Filed, Sept. 29, 1961; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. CP61-167, CI61-1350]

OLIN GAS TRANSMISSION CORP. AND PAN AMERICAN PETROLEUM CORP.

Notice of Applications and Date of Hearing

SEPTEMBER 25, 1961.

Take notice that on December 13, 1960, and March 16, 1961, Olin Gas Transmission Corporation (Olin), 1700 Commerce Building, New Orleans, Louisiana, in Docket No. CP61-167, and Pan American Petroleum Corporation (Pan American), 511 South Boston Avenue, Tulsa 3, Oklahoma, in Docket No. CI61-1350, filed, respectively, applications, pursuant to section 7(b) of the Natural Gas Act, requesting the following authorizations:

(1) Olin for permission and approval to abandon approximately 6.7 miles of 6-inch pipeline extending from a point in the Sicily Island Field to a point of connection on Olin's Fowler-Baton

Rouge transmission system near Sicily Island, all in Catahoula Parish, Louisiana.

(2) Pan American for permission and approval to abandon the sale of natural gas to Olin from the Sicily Island Field made pursuant to a contract, dated March 10, 1952 and filed as Pan American's FPC Gas Rate Schedule No. 184.

The proposals are more fully set forth in the applications on file with the Commission and open to public inspection.

The facilities, proposed to be abandoned by Olin, were used to transport natural gas produced and received in the Sicily Island Field. Olin states that, due to depletion, no gas has been available from that field since August 6, 1958.

In support of its application, Pan American states that gas reserves are depleted and production is exhausted to the extent that further sales and deliveries of gas can no longer be continued. Concurrently with the filing of its application, Pan American filed a notice of cancellation of its related rate schedule.

Olin estimates the cost of removing the Sicily Island pipeline to be \$18,000. Olin states that the estimated value of the salvable materials is \$41,000.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 26, 1961, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 16, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 61-9385; Filed, Sept. 29, 1961;
8:46 a.m.]

No. 189—Pt. I—8

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 356]

OKLAHOMA

Declaration of Disaster Area

Whereas, it has been reported that during the month of September 1961, because of the effects of certain disasters, damage resulted to residences and business property located in Kingfisher County in the State of Oklahoma;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from flood, and accompanying conditions, caused by Hurricane Carla occurring on or about September 13, 1961.

Offices—

Small Business Administration Regional Office, Fidelity Building, 1000 Main Street, Dallas 2, Tex.

Small Business Administration Branch Office, Bankers Service Life Building, Room 312, 114 North Broadway, Oklahoma City 2, Okla.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to March 31, 1962.

Dated: September 21, 1961.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 61-9479; Filed, Sept. 29, 1961;
10:41 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

HAROLD M. BOTKIN

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since last submission published May 4, 1961 (26 F.R. 3909).

Dated: October 24, 1961.

HAROLD M. BOTKIN.

[F.R. Doc. 61-9374; Filed, Sept. 29, 1961;
8:45 a.m.]

JOSEPH KEENAN

Appointee's Statement of Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Purchases:

Capehart.
Edgerton, Germeshausen & Grier, Inc.
General Tel & Elec.
Guidance Technology.
National Steel.
Northern Illinois Gas.
Scot Lad Foods.
New York Airways.
Radiation Inst. Dev. Laboratories.
Rixon Electronics.
U.S. Playing Cards.
United Australian Oil.

Following investments disposed of:

Associated Laundries.
Brown & Bigelow.
Devilyn Drill Corp.
Dixilyn Corp.
Gabriel Co.
Merritt Chapman & Scott.
Owen Corning Fibre.
Universal Oil Process.

This amends statement published February 11, 1961 (26 F.R. 1234).

Dated: August 1, 1961.

JOSEPH KEENAN.

[F.R. Doc. 61-9375; Filed, Sept. 29, 1961;
8:45 a.m.]

LEROY LUTES

Appointee's Statement of Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Business Consultant to Mansfield Tire and Rubber Co., Mansfield, Ohio.
Business Consultant to Madras Rubber Factory Ltd., Madras, India (affiliated with Mansfield Co., above).
Small stockholder in following companies:
Bell and Howell.
Martin Co.
Reading Railroad.
Erie-Lackawanna RR.
Atlantic Coast Line RR.
International Bank of D.C.
Transcontinental Pipe Line.

This amends statement published February 15, 1961 (26 F.R. 1333).

Dated: August 5, 1961.

LEROY LUTES.

[F.R. Doc. 61-9376; Filed, Sept. 29, 1961;
8:45 a.m.]

MORRIS A. LIEBERMAN

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Add: Consolidated Foods, Canadian Delhi Oil.

NOTICES

This amends statement published
April 5, 1961 (26 F.R. 3260).

Dated: September 6, 1961.

MORRIS A. LIEBERMAN.

[F.R. Doc. 61-9377; Filed, Sept. 29, 1961;
8:45 a.m.]

JOHN E. WARREN

Appointee's Statement of Business
Interests

The following statement lists the
names and concerns required by sub-
section 710(b)(6) of the Defense Pro-
duction Act of 1950, as amended.

Additions: Stop & Shop, Inc.
Deletions: Pepsi Cola.

This amends statement published
March 1, 1961 (26 F.R. 1786).

Dated: August 1, 1961.

JOHN E. WARREN.

[F.R. Doc. 61-9378; Filed, Sept. 29, 1961;
8:45 a.m.]

CUMULATIVE CODIFICATION GUIDE—SEPTEMBER

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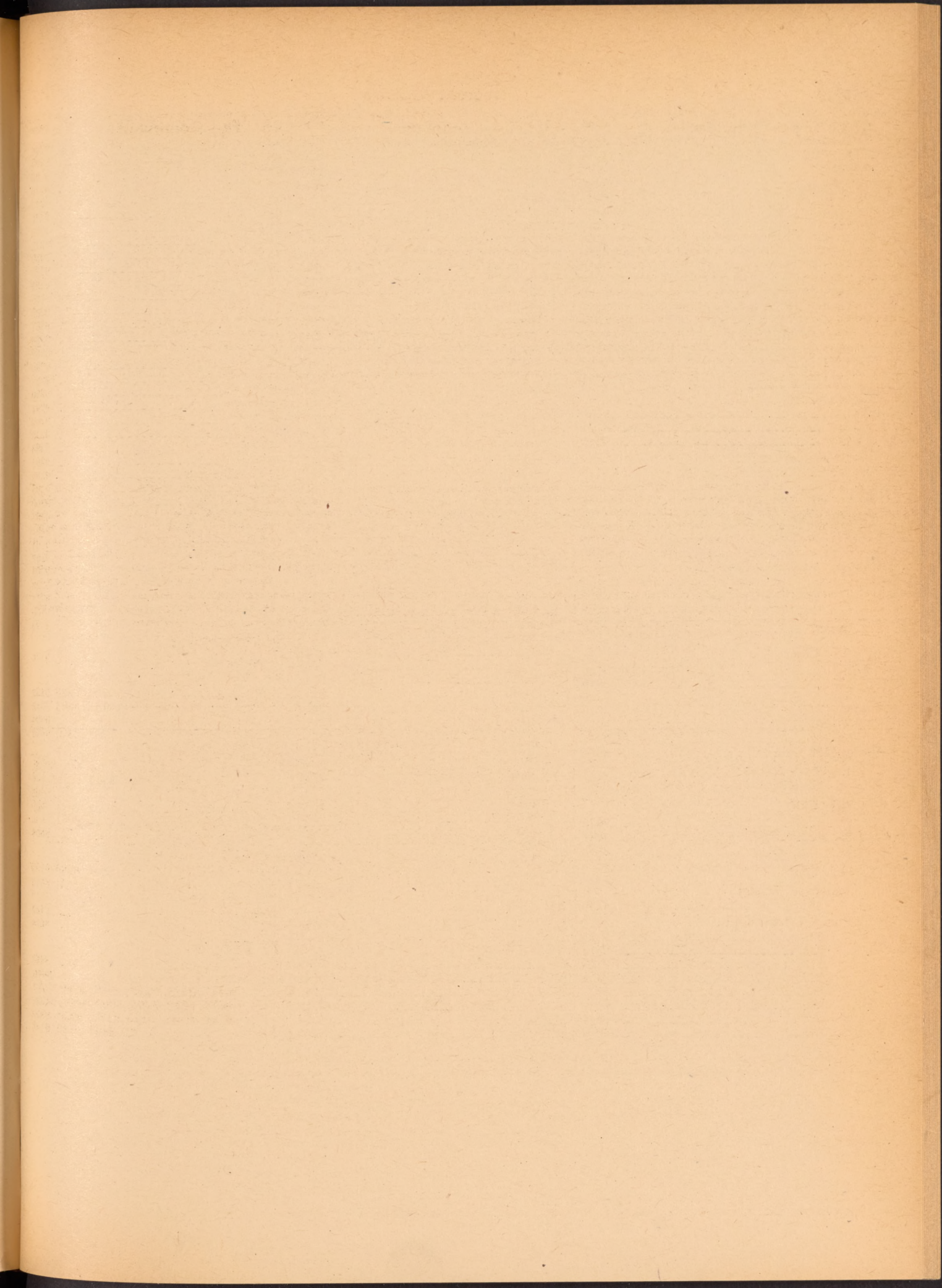
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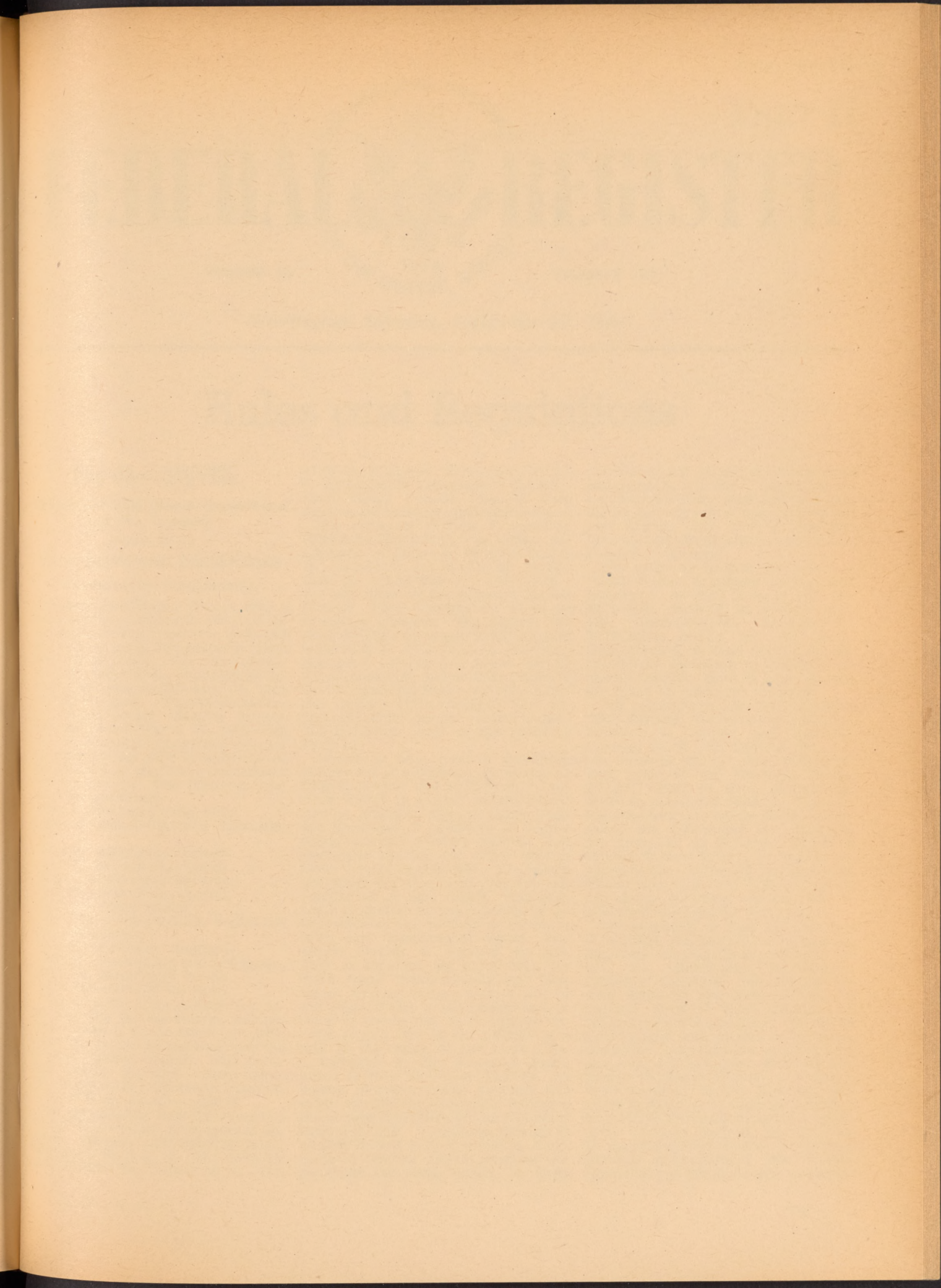
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PART II

FEDERAL REGISTER

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Rules and Regulations

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 61-15]

VESSEL INSPECTION REGULATIONS

Miscellaneous Amendments

The Merchant Marine Council held a public hearing on March 27, 1961, for the purpose of receiving comments, views and data with respect to miscellaneous vessel inspection proposals. The notice of proposed rule making was published in the *FEDERAL REGISTER* on February 15, 1961 (26 F.R. 1278-1286). The Merchant Marine Council Public Hearing Agenda (CG-249), dated March 27, 1961, sets forth the proposed regulations in detail and copies thereof were furnished to all who indicated an interest in the subjects set forth therein. The following subjects were considered:

- Item I—Shipboard Cargo Gear.
- Item II—Power-Operated Industrial Trucks.
- Item III—Dangerous Cargoes.
- Item IV—Marine Engineering.
- Item V—Electrical Engineering.
- Item VI—Bulk Grain Cargoes.
- Item VII—Tank Vessels.
- Item VIII—Fire-Fighting Equipment or Fire Prevention.
- Item IX—Lifesaving Appliances.
- Item X—Construction and Inspection.
- Item XI—Manning of Vessels.
- Item XII—Rules of the Road.

This document is the seventh of a series regarding the regulations and actions considered at the March 27, 1961, Public Hearing and Annual Session of the Merchant Marine Council. This document contains the final actions taken with respect to the proposals in Items IV, V, VII, VIII, IX (portion), and X.

The proposals in Item IV regarding "Marine Engineering" as revised are approved. Changes in 46 CFR 52.05-10(a), 55.07-25(d), 55.10-25(c), (f), 55.10-30, 56.01-30, 56.05-3(c), 56.05-5(e), (f), (1),

57.10-15, 57.25-5(c), 57.25-10(b), 57.25-45, and 61.05-25 were made by the Merchant Marine Council. Some of these changes are based on comments received.

The proposals in Item V regarding "Electrical Engineering" as revised are approved. Changes in 46 CFR 32.45-1(i), 111.50-1(a), 111.50-15(e)(3), 111.55-15(e)(6), 111.60-35(b)(1), and 112.05-1(a) were made by the Merchant Marine Council. These changes are based on comments received. The Council deferred action with respect to the proposal designated 46 CFR 35.10-15, regarding emergency lighting and power systems for all tankships, and 46 CFR 111.60-10(b)(8), regarding feeder and branch circuit cables. These deferrals were requested and are granted in order to permit a further study of the problems involved.

Comments were received requesting withdrawal of a proposal designated 46 CFR 35.10-7(b) and 35.10-15(d) to require entries in a tank vessel's official logbook regarding dates of examination and statement of condition of electric power-operated lifeboat winches and emergency lighting and power systems (Item V, page 138, CG-249). The reason expressed was that such logs are not required on all tank vessels. This proposal is similar to requirements in 46 CFR 97.15-40 and 97.15-30 applicable to cargo and miscellaneous vessels. The official logbook is required by R.S. 4290, as amended (46 U.S.C. 201), for every vessel (which includes any tank vessel) making voyages from a port in the United States to any foreign port, or being of the burden of 75 tons or upward, from a port on the Atlantic to a port on the Pacific or vice versa. The amendments in this document designated 46 CFR 35.07-1 to 35.07-15, inclusive, describe present practices and group together for convenient reference the present requirements with respect to logbook entries. In addition, changes in 46 CFR 78.37-3, 97.35-3, and 97.35-10 are made to describe present practices for passenger and cargo vessels. As these

changes do not extend or alter present requirements, it is hereby found that the requirements of the Administrative Procedure Act (respecting notice of proposed rule making, rule making procedure thereon, and effective date requirements thereof) do not apply.

The proposals in Item VII regarding "Tank Vessels" as revised are approved. Changes in 46 CFR 31.10-18(b), (g), 34.10-5(a), 34.10-10, 34.10-90(a)(10), (13), 34.13-90(a)(4), 34.15-5(e)(4), 34.15-35(a), 34.17-5(c), (d), 34.17-10(b), 34.20-5, 34.20-15, 34.50-5(c), and 34.50-15(a) were made by the Merchant Marine Council. Most of these changes are based on comments received.

The proposals in Item VIII regarding "Fire-Fighting Equipment or Fire Prevention" as revised are approved. Changes in 46 CFR 92.07-10(b), (c), (d), 95.05-10(b), (c), and 164.012-5(c) were made by the Merchant Marine Council. Most of these changes are based on comments received. In order that requirements will be better understood, the regulations for structural fire protection on passenger vessels in 46 CFR Subpart 72.05 as revised are restated in their entirety in this document. The revision of 46 CFR 76.33-20, regarding smoke detecting systems, will be published in a separate document.

The proposals in Item IX regarding "Lifesaving Appliances" as revised are approved. Changes in 46 CFR 160.051-6(d), (e), 160.056-2(e), 160.056-4(a), 160.056-5, 160.056-6, and 160.056-7(e) were made by the Merchant Marine Council. Most of these changes are based on comments received. To clarify requirements with respect to lifesaving equipment, miscellaneous changes were also made and in this document are designated 46 CFR 33.15-10(z), 75.20-30(a), 94.10 (heading), 94.10-5 (heading), Table 94.10-40(a), 94.15 (heading), 94.15-5, 94.15-10, 94.20 (heading), 94.20-5, 94.20-15(z), 94.20-30, 94.20-35, and 97.37-40. By regulations published in the *FEDERAL REGISTER* of November 5, 1960, buoyant apparatus and life floats were permitted

as lifesaving equipment on cargo vessels and changes were also made in the number of sea painters required for lifeboats on Great Lakes' cargo and tank vessels. At the present time the specific requirements for individual vessels based on the general regulations published November 5, 1960, are handled on an individual basis. These changes standardize and clarify the requirements and are the same as those applied to other types of vessels previously permitted to use buoyant apparatus and life floats. These changes reflect present practices followed by the Coast Guard, and do not alter present requirements. It is hereby found that the requirements of the Administrative Procedure Act (respecting notice of proposed rule making, rule making procedure thereon, and effective date requirements thereof) do not apply.

The proposals in Item X regarding "Construction and Inspection" as revised are approved. Changes in 46 CFR 73.05-11, 73.35-20(c), 74.10-15(c), 93.10-1(a), 163.001-4(b), 163.001-6(a), 164.006-4(e) (1), 164.008-3(c), and 164.009-3(d), were made by the Merchant Marine Council. Most of these changes are based on comments received. The proposals designated 46 CFR 35.01-1, 71.60-1, and 91.50-1 regarding inspection and testing required when making alterations, repairs, or operations involving riveting, welding, burning, or any other fire or spark producing actions are not included in this document. These proposals are being studied further and revised proposals will be placed in the 1962 Merchant Marine Council Public Hearing Agenda.

The disposition of the other proposals described in the notice of proposed rule making published in the FEDERAL REGISTER on February 15, 1961 (26 F.R. 1278-1286), and the Merchant Marine Council Public Hearing Agenda (CG-249), dated March 27, 1961, is as follows:

A. Item I regarding "Shipboard Cargo Gear" was the subject of many comments and in accordance with a notice published in the FEDERAL REGISTER on May 2, 1961 (CGFR 61-10), an extension of time until July 1, 1961, was granted in which additional comments may be submitted. The major changes under consideration were also set forth therein. The regulations based on this item will be published in a subsequent document.

B. Item II regarding "Power-Operated Industrial Trucks" was the subject of numerous comments and in accordance with a notice published in the FEDERAL REGISTER on May 2, 1961 (CGFR 61-10), an extension of time until July 1, 1961, was granted in which additional comments may be submitted. The major changes under consideration were also set forth. The changes in the regulations based on this item will be published in a subsequent document.

C. Item III regarding "Dangerous Cargoes" as revised by the Merchant Marine Council was adopted. These regulations are in document CGFR 61-11 and published in the FEDERAL REGISTER May 5, 1961 (26 F.R. 3922-3925).

D. Proposals affecting small passenger vessels subject to the act of May 10, 1956 (P.L. 519, 84th Congress), were in-

cluded as a part of Item IV and Item VIII and dealt with construction, arrangement and machinery installations. These changes were published in the FEDERAL REGISTER on May 5, 1961 (26 F.R. 3927, 3928), as document CGFR 61-13.

E. Item VI regarding "Bulk Grain Cargoes" will be the subject of a subsequent document as these proposals are still being studied.

F. Specification changes for kapok, fibrous glass, and unicellular plastic foam buoyant cushions in Item IX regarding "Lifesaving Appliances" were published in the FEDERAL REGISTER on June 28, 1960 (26 F.R. 5759, 5760), as document CGFR 61-16. These changes apply primarily to manufacturers of buoyant cushions and will be in effect on and after October 1, 1961.

G. Item XI regarding "Manning of Vessels" was published in the FEDERAL REGISTER of May 5, 1961 (26 F.R. 3925-3927), as document CGFR 61-14.

H. Item XII regarding "Rules of the Road" was published in the FEDERAL REGISTER of April 25, 1961 (26 F.R. 3527, 3528), as document CGFR 61-12. This document redefined the boundary lines of inland waters for the Pacific Coast of the Continental United States.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-9, dated August 3, 1954 (19 F.R. 5915), 167-14, dated November 26, 1954 (19 F.R. 8026), 167-20, dated June 18, 1956 (21 F.R. 4894), CGFR 56-28, dated July 24, 1956 (21 F.R. 5659), and 167-38, dated October 26, 1959 (24 F.R. 8857), the following actions are ordered:

1. The vessel inspection regulations shall be amended in accordance with the changes in this document.

2. Unless specified otherwise, the regulations in this document shall become effective on and after 90 days after the date of publication of this document in the Federal Register.

3. Regulations containing specific effective dates shall become effective on and after such dates.

4. The regulations in this document may be complied with on and after the date of publication of this document in the Federal Register in lieu of existing requirements. However, the new or revised requirements in this document must be met by no later than the effective dates specified herein.

SUBCHAPTER D—TANK VESSELS

PART 31—INSPECTION AND CERTIFICATION

Subpart 31.10—Inspections

1. Subpart 31.10 is amended by inserting after section 31.10-17, the following new sections:

§ 31.10-18 Fire-fighting equipment: General—TB/ALL.

(a) It shall be the duty of the owner, master, or person in charge of a tank vessel to require and have performed at least once in every 12 months, the tests and inspections of all hand portable fire extinguishers, semiportable fire extinguishing systems, and fixed fire extin-

guishing systems on board, as described in paragraphs (b), (c), and (d) of this section. The owner, master, or person in charge shall keep records of such tests and inspections showing the dates when performed, the number and/or other identification of each unit tested and inspected, and the name(s) of the person(s) and/or company conducting the tests and inspections. Such records shall be made available to the marine inspector upon request and shall be kept for the period of validity of the vessel's current certificate of inspection. Where practicable, these records should be kept in or with the vessel's logbook. The conduct of these tests and inspections does not relieve the owner, master, or person in charge of his responsibility to maintain this fire-fighting equipment in proper condition at all times.

(b) The following tests and inspections of portable fire extinguishing equipment shall be made:

TABLE 31.10-18(b)

Type unit	Test
Soda acid.....	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge.
Foam.....	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge.
Pump tank (water or antifreeze).	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge with clean water or antifreeze.
Cartridge operated (water, antifreeze or loaded stream).	Examine pressure cartridge and replace if end is punctured or if cartridge is otherwise determined to have leaked or to be in unsuitable condition. Remove liquid, clean hose and inside of extinguisher thoroughly. Recharge with clean water, solution, or antifreeze. Insert charged cartridge.
Stored pressure (water, antifreeze or loaded stream).	See that pressure gage is in operating range. If not, or if seal is broken, weigh or otherwise determine that full charge is in extinguisher. Recharge if pressure is low or if extinguishing agent is needed.
Carbon dioxide.....	Weigh cylinders. Recharge if weight loss exceeds 10 percent of weight of charge. Inspect hose and nozzle to be sure they are clear. ¹
Dry chemical (cartridge-operated type).	Examine pressure cartridge and replace if end is punctured or if cartridge is otherwise determined to have leaked or to be in unsuitable condition. Inspect hose and nozzle to see if they are clear. Insert charged cartridge. Be sure dry chemical is freeflowing (not caked) and chamber contains full charge.
Dry chemical (stored pressure type).	See that pressure gage is in operating range. If not, or if seal is broken, weigh or otherwise determine that full charge of dry chemical is in extinguisher. Recharge if pressure is low or if dry chemical is needed.
Vaporizing liquid ² (pump type).	Pump a few strokes into clean pail and replace liquid. Keep water out of extinguisher or liquid. Keep extinguisher completely full of liquid.
Vaporizing liquid ² (stored pressure type).	See that pressure gage is in operating range. Weigh or check liquid level to determine that full charge of liquid is in extinguisher. Recharge if pressure is low or if liquid is needed.

¹ Cylinders shall be tested and marked in accordance with the regulations of the Interstate Commerce Commission, as noted in § 147.04-1 of Subchapter N (Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels) of this chapter.

² Vaporizing-liquid type fire extinguishers containing carbon tetrachloride or chlorobromomethane or other toxic vaporizing liquids shall be removed from all vessels on or before January 1, 1962.

(c) The following tests and inspections of fixed fire extinguishing equipment shall be made:

TABLE 31.10-18(c)

Type system	Test
Foam.....	Systems utilizing a soda solution shall have such solution replaced. In all cases, ascertain that powder is not caked.
Carbon dioxide.....	Weigh cylinders. Recharge if weight loss exceeds 10 percent of weight of charge. ¹

¹ Cylinders shall be tested and marked in accordance with the regulations of the Interstate Commerce Commission, as noted in § 147.04-1 of Subchapter N (Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels) of this chapter.

(d) Deck foam systems shall be tested biennially by discharging foam for approximately 15 seconds from any nozzle designated by the marine inspector. It shall not be required to deliver foam from all foam outlets, but all lines and nozzles shall be tested with water to prove them to be clear of obstruction. Prior to the biennial inspection of deck foam systems utilizing a mechanical foam system, a representative sample of the foam liquid shall be submitted to the manufacturer who will issue a certificate indicating gravity, pH, percentage of water dilution and solid content.

(e) At each inspection for certification and at such other times as considered necessary, the inspector shall determine that all fire extinguishing equipment is in suitable condition and that the tests and inspections required by paragraphs (b) through (i) of this section have been conducted. In addition, the marine inspector may require such tests as are considered necessary to determine the condition of the equipment.

(f) On all fire extinguishing systems, all the piping, controls, valves, and alarms shall be checked by the marine inspector to ascertain that the system is in good operating condition.

(g) The fire main system shall be operated and the pressure checked at the most remote and highest outlets by the marine inspector. All fire hose shall be subjected to a test pressure equivalent to the maximum pressure to which they may be subjected in service, but not less than 100 p.s.i. The marine inspector shall check that the hose couplings are securely fastened in accordance with the regulations of this subchapter.

(h) At each inspection for certification and at such other times as considered necessary, all carbon dioxide cylinders for fixed, semiportable, and portable systems shall be examined and replaced if any corrosion is found. They shall also be checked by weighing to determine their contents, and if found to be more than 10 percent under the required contents of carbon dioxide, they shall be recharged.

(i) Steam smothering lines shall be tested with at least 50 pounds per square inch of air pressure or by blowing steam through the lines at the working pressure and a survey made for detecting corrosion and defects using hammer test or such other means as may be necessary.

§ 31.10-19 All fire-fighting equipment may be tested—TB/ALL.

(a) During the inspection of fire-fighting equipment, the Officer in Charge, Marine Inspection, may require fire apparatus to be tested, and used, except as provided under §§ 31.10-18(h), and 34.15-90(a).

2. Subpart 31.10 is amended by adding at the end thereof the following new section:

§ 31.10-50 Inspection of bilges—TB/ALL.

(a) When inspecting oil-burning vessels, either internal-combustion type or steam-driven type, the marine inspector shall examine the tank tops and bilges in the fireroom and engineroom to see that there is no accumulation of oil which might create a fire hazard.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply R.S. 4488, as amended, sec. 3, 68 Stat. 675, 46 U.S.C. 481, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR 1952 Supp.)

PART 32—SPECIAL EQUIPMENT, MACHINERY, AND HULL REQUIREMENTS

Subpart 32.25—General Alarm Systems

1. Section 32.25-1(b) is amended to read as follows:

§ 32.25-1 Alarm bells for tank ships constructed on or after September 15, 1943—T/ALL.

(b) The bells shall be controlled by a manually operated contact maker located in the pilothouse, in an accessible location in the officers' quarters in the amidship deckhouse, and in the engineroom. Each of the contact makers in the latter two locations shall be protected against tampering by means of an enclosure provided with a breakable glass window.

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

Subpart 32.45—Electrical Installations

2. Section 32.45-1(i) is amended to read as follows:

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

(i) Weather decks of tank vessels handling Grade A, B, C, or D liquid cargo. Motors, their control equipment, and other electrical equipment and installations located on or above the weather decks within 10 feet of the cargo tank openings, cargo pump room doors or cargo pump room ventilation outlets, or cargo tank vent terminations shall be explosion-proof. Explosion-proof equipment installed in locations exposed to the weather shall be watertight or shall

be enclosed in watertight housings, or protected against the entrance of water by other approved means.

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

Subpart 32.85—Lamp and Paint Rooms and Similar Compartments on Tank Ships

3. Part 32 is amended by adding at the end thereof a new Subpart 32.85, entitled "Lamp and Paint Rooms and Similar Compartments on Tank Ships," and by adding a new § 32.85-1 reading as follows:

§ 32.85-1 Fire proofing of lamp, oil and paint rooms—T/ALL.

(a) Lamp, oil and paint rooms shall be wholly and tightly lined with metal.

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

PART 33—LIFESAVING APPLIANCES

Subpart 33.01—General Lifesaving Requirements

1. Subpart 33.01 is amended by inserting after § 33.01-25 a new section reading as follows:

§ 33.01-27 Weight test of lifeboat installation—T/ALL.

(a) The following test shall be made at least once in each two-year period. If practicable, it shall be made at the inspection for certification or at a reinspection.

(b) Each lifeboat shall be lowered to near the water and then be loaded with its allowed capacity, evenly distributed throughout the length, and then be lowered into the water until it is afloat, and be released from the falls. In making this test, persons or dead weight may be used. The total weight used shall be at least equal to the allowed capacity of the lifeboat considering persons to weigh 165 pounds each.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended, 4488, as amended, sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 375, 391a, 416, 481, 526p)

Subpart 33.15—Equipment for Lifeboats, Life Rafts, or Buoyant Apparatus

2. Section 33.15-10(z) is amended to read as follows:

§ 33.15-10 Description of equipment for lifeboats—TB/ALL.

(z) Painter. Painters shall be of manila rope not less than 2¾ inches in circumference, or equivalent, and of a length not less than 3 times the distance between the deck on which the lifeboat is stowed and the light draft of the vessel. For lifeboats on vessels in ocean, coastwise or Great Lakes service one of the painters shall have a long eye splice and

be attached to the thwart with a toggle. The other painter shall be attached to the stem.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended, 4488, as amended, sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 375, 391a, 416, 481, 526p)

PART 34—FIRE-FIGHTING EQUIPMENT

Part 34 is revised in its entirety to read as follows:

Subpart 34.01—Application

- Sec.
34.01-1 General—TB/ALL.
34.01-5 Equipment Installed But Not Required.

Subpart 34.05—Fire-Fighting Equipment, Where Required

- 34.05-1 Fire Main System—T/ALL.
34.05-5 Fire-Extinguishing Systems—T/ALL.
34.05-10 Portable and Semiportable Extinguishers—TB/ALL.
34.05-15 Sand—TB/ALL.
34.05-20 Fire Axes—T/ALL.

Subpart 34.10—Fire Main System, Details

- 34.10-1 Application—TB/ALL.
34.10-5 Fire Pumps—T/ALL.
34.10-10 Fire Station Hydrants, Hose and Nozzles—T/ALL.
34.10-15 Piping—T/ALL.
34.10-90 Installations Contracted for Prior to January 1, 1962—T/ALL.

Subpart 34.13—Steam Smothering System, Details

- 34.13-1 Application—T/ALL.
34.13-90 Installations Contracted for Prior to January 1, 1962—T/ALL.

Subpart 34.15—Carbon Dioxide Extinguishing Systems, Details

- 34.15-1 Application—T/ALL.
34.15-5 Quantity, Pipe Sizes, and Discharge Rates—T/ALL.
34.15-10 Controls—T/ALL.
34.15-15 Piping—T/ALL.
34.15-20 Carbon Dioxide Storage—T/ALL.
34.15-25 Discharge Outlets—T/ALL.
34.15-30 Alarms—T/ALL.
34.15-35 Enclosure Openings—T/ALL.
34.15-40 Pressure Relief—T/ALL.
34.15-90 Installations Contracted for Prior to January 1, 1962—T/ALL.

Subpart 34.17—Fixed Foam Extinguishing Systems, Details

- 34.17-1 Application—T/ALL.
34.17-5 Quantity of Foam Required—T/ALL.
34.17-10 Controls—T/ALL.
34.17-15 Piping—T/ALL.
34.17-20 Discharge Outlets—T/ALL.
34.17-25 Additional Protection Required—T/ALL.
34.17-90 Installations Contracted for Prior to January 1, 1962—T/ALL.

Subpart 34.20—Deck Foam System, Details

- 34.20-1 Application—T/ALL.
34.20-3 Cargo area definition—T/ALL.
34.20-5 Quantity of Foam Required—T/ALL.
34.20-10 Controls—T/ALL.
34.20-15 Piping—T/ALL.
34.20-20 Discharge Outlets—T/ALL.
34.20-90 Installations Contracted for Prior to January 1, 1962—T/ALL.

Subpart 34.50—Portable and Semiportable Extinguishers

- 34.50-1 Application—TB/ALL.
34.50-5 Classification—TB/ALL.

- Sec.
34.50-10 Location—TB/ALL.
34.50-15 Spare Charges—TB/ALL.
34.50-90 Vessels Contracted for Prior to January 1, 1962—TB/ALL.

Subpart 34.55—Sand

- 34.55-1 Application—TB/ALL.
34.55-5 Amount Required—TB/ALL.
34.55-10 Substitute—TB/ALL.

Subpart 34.60—Fire Axes

- 34.60-1 Application—T/ALL.
34.60-5 Number Required—T/ALL.
34.60-10 Location—T/ALL.

AUTHORITY: §§ 34.01-1 to 34.60-10 issued under R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 481, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR 1952 Supp.

Subpart 34.01—Application

§ 34.01-1 General—TB/ALL.

(a) The provisions of this part shall apply to all tank vessels except as otherwise noted in this part.

§ 34.01-5 Equipment installed but not required—TB/ALL.

(a) Where fire-fighting equipment is not required, but is installed, the equipment and its installation shall be of an approved type.

Subpart 34.05—Fire-Fighting Equipment, Where Required

§ 34.05-1 Fire main system—T/ALL.

(a) Fire pumps, piping, hydrants, hose and nozzles shall be installed on all tank ships.

(b) The arrangements and details of the fire main system shall be as set forth in Subpart 34.10.

§ 34.05-5 Fire-extinguishing systems—T/ALL.

(a) Approved fire-extinguishing systems shall be installed on all tank ships in the following locations:

(1) *Dry cargo compartments.* A carbon dioxide or water spray system shall be installed for the protection of all dry cargo compartments. On vessels contracted for prior to January 1, 1962, a steam smothering system may be used in lieu thereof. In any case, where such dry cargo compartments are readily accessible by means of doors such spaces need be protected only by the fire main system.

(2) *Cargo tanks.* A deck foam system shall be installed for the protection of all cargo tank spaces. Where a deck foam system is installed, an approved inert gas, steam or other system may also be installed for purposes of fire prevention or inerting of cargo tanks. For vessels under 100 feet in length, the semiportable equipment required by footnote 1 of Table 34.10-5(a) will be considered as meeting the requirements of this subparagraph. On vessels contracted for prior to January 1, 1962, a steam smothering, inert gas, fixed foam or carbon dioxide system may be used in lieu of the deck foam system for the protection of the cargo tank spaces.

(3) *Lamp and paint lockers and similar spaces.* A carbon dioxide or water spray system shall be installed in all lamp and paint lockers, oil rooms, and similar spaces. Vessels contracted for prior to January 1, 1962, shall have the same protection or a steam smothering system. Vessels contracted for prior to November 19, 1952, shall have the same protection or a foam system.

(4) *Pump rooms.* A carbon dioxide, inert gas, foam or water spray system shall be installed for the protection of all pumprooms. Vessels contracted for prior to January 1, 1962, and after July 1, 1951, shall have the same protection or a steam smothering system. For vessels contracted for prior to July 1, 1951, such systems are not required but if installed shall meet the requirements of this section.

(5) *Boiler rooms.* On tank ships contracted for on or after November 19, 1952, a carbon dioxide or foam system shall be installed for the protection of all spaces containing oil fired boilers, either main or auxiliary, their fuel oil service pumps and/or such fuel oil units as the heaters, strainers, valves, manifolds, etc., that are subject to the discharge pressure of the fuel oil service pumps.

(6) *Machinery spaces.* A carbon dioxide system shall be installed for the protection of machinery spaces containing internal combustion propelling engines using fuel having a flash point of less than 110 degrees F.

(7) *Internal combustion installations.* If a fire extinguishing system is installed to protect an internal combustion installation, the system shall be of the carbon dioxide type.

(8) *Enclosed ventilating system.* On tank ships contracted for on or after January 1, 1962, where an enclosed ventilating system is installed for electric propulsion motors or generators, a carbon dioxide extinguishing system shall be installed in such system.

(b) The arrangements and details of the fire extinguishing systems shall be as set forth in Subparts 34.10 through 34.20.

§ 34.05-10 Portable and semiportable extinguishers—TB/ALL.

(a) Approved portable and semiportable extinguishers shall be provided for all tank vessels.

(b) The type, size, location and arrangement of portable and semiportable extinguishers shall be as set forth in Subpart 34.50.

§ 34.05-15 Sand—TB/ALL.

(a) All spaces containing oil fired boilers shall have available in such spaces sand or an acceptable substitute.

(b) The arrangement and details of the carriage of the sand shall be as set forth in Subpart 34.55.

§ 34.05-20 Fire axes—T/ALL.

(a) Fire axes shall be provided on all tank ships.

(b) The location and arrangement of fire axes shall be as set forth in Subpart 34.60.

Subpart 34.10—Fire Main System, Details**§ 34.10-1 Application—TB/ALL.**

(a) On all tank ships the provisions of this subpart, with the exception of § 34.10-90, shall apply to all fire main installations contracted for on or after January 1, 1962. Installations contracted for prior to January 1, 1962, shall meet the requirements of § 34.10-90.

(b) If a fire main system is installed on a tank barge, the system shall meet the intent of this subpart insofar as reasonable and practicable.

§ 34.10-5 Fire pumps—T/ALL.

(a) Tank ships shall be equipped with independently driven fire pumps in accordance with Table 34.10-5(a).

TABLE 34.10-5(a)—FIRE PUMPS

Size vessel, L.O.A.		Minimum number of pumps	Powerful streams of water per pump	Minimum hydrant and hose size	
Over—	Not over—			Exterior stations	Interior stations
(Feet)	(Feet)	(1)		(Inches)	(Inches)
100	100	1	2 2	1½	1½
100	250	1	2 2	1½	1½
250	400	2	2 2	1½	1½
400	650	2	2 2	2½	1½
650		2	2 3	2½	1½

¹Vessels of 65 feet and not over 100 feet shall be equipped with 2 B-V extinguishers. (Refer to Table 34.50-5(c).) Vessels under 65 feet shall be equipped with 1 B-V extinguisher. (Refer to Table 34.50-5(c).)

²From hydrants having greatest pressure drop between fire pump(s) and nozzles.

³Where 2½-inch hydrant size is required, two 1½-inch outlets may be substituted therefor with two 1½-inch hoses.

(b) Each pump shall be capable of delivering simultaneously the number of streams of water required by Table 34.10-5(a) from the outlets having the greatest pressure drop between fire pump(s) and nozzles at a Pitot tube pressure of approximately 75 p.s.i. Where 1½-inch hose is permitted in lieu of 2½-inch hose by footnote 3 of Table 34.10-5(a), the pump capacity shall be determined on the basis that both hoses are used.

(c) Fire pumps shall be fitted on the discharge side with relief valves set to relieve at 25 p.s.i. in excess of the pressure necessary to maintain the requirements of paragraph (b) of this section.

(d) Fire pumps shall be fitted with a pressure gage on the discharge side of the pumps.

(e) Fire pumps may be used for other purposes provided at least one of the required pumps is kept available for use on the fire system at all times. Unless specifically approved by the Commandant, no branch lines shall be connected to the fire mains for other than fire, deck wash or tank cleaning purposes. Other discharge lines shall lead from a discharge manifold near the fire pump. In no case shall a pump having connection to an oil line be used as a fire pump.

(f) On all vessels where 2 fire pumps are required, they shall be located in separate spaces, and the arrangement of pumps, sea connections, and sources of power shall be such as to insure that a fire in any one space will not put all of

the fire pumps out of operation. However, where it is shown to the satisfaction of the Commandant that it is unreasonable or impracticable to meet this requirement due to the size, or arrangement of the vessel, or for other reasons, the installation of a total flooding carbon dioxide system may be accepted as an alternate method of extinguishing any fire which would affect the powering and operation of at least one of the required fire pumps.

§ 34.10-10 Fire station hydrants, hose and nozzles—T/ALL.

(a) The size of fire station hydrants and hose required shall be as noted in Table 34.10-5(a).

(b) Fire hydrants shall be of sufficient number and so located that any part of living quarters, storerooms, working spaces and weather decks accessible to crew while at sea may be reached with two effective spray patterns of water, one of which shall be from a single 50-foot length of hose. In main machinery spaces all portions of such spaces shall be capable of being reached by at least 2 effective spray patterns of water, each of which shall be from a single 50-foot length of hose from separate outlets.

(c) The outlets at the fire station hydrant shall be limited to any position from the horizontal to the vertical pointing downward so that hose will lead horizontally or downward to minimize possibility of kinking.

(d) All fire station hydrants shall be equipped with spanners suitable for use on the hose at that station.

(e) Each fire station hydrant shall be provided with at least one length of hose with approved combination nozzle attached. A suitable hose rack or other device shall be provided. Hose racks on weather decks shall be located so as to afford protection from heavy seas. The hose shall be stored in the open or so as to be readily visible.

(f) The pipes and fire station hydrants shall be so placed that the fire hose may be easily coupled to them. All hydrants shall be so located as to be readily accessible. If deck cargo is carried, it shall not interfere with access to the fire station hydrants, and the pipes shall be arranged as far as practicable to avoid risk of damage by such cargo.

(g) Each fire station hydrant or "y" branch shall be equipped with a valve so that the hose may be removed while there is pressure on the fire main.

(h) Fire station hydrant connections shall be brass, bronze, or other equivalent metal. National Standard fire hose coupling threads shall be used for the 1½-inch and 2½-inch sizes, i.e., 9 threads per inch for 1½-inch hose and 7½ threads per inch for 2½-inch hose.

(i) Fire hose shall be 50 feet in length except on weather decks the hose shall be increased in length if necessary to enable a single length to be goose-necked over each side of the vessel. If two fire mains are installed on the weather decks, the length of hose shall be such that it may be goose-necked over the side from the nearest fire main.

(j) Fire hose when part of the fire equipment shall not be used for any

other purpose than fire extinguishing, fire drills, and testing.

(k) Fire hose shall be connected to outlets at all times. However, in heavy weather on open decks where no protection is afforded the hose may be removed temporarily from the hydrant and stowed in an accessible location nearby. While in port, fire hose in way of cargo area shall be kept ready for immediate use. The fire hose may be temporarily removed when it will interfere with the handling of cargo.

(l) All lined and unlined hose installed after January 1, 1961, shall be of fire hose quality, in conformance with Underwriters' Laboratories, Inc., Standard 18 or 19, or Federal Specification JJ-H-571 or ZZ-H-451a. Hose which bears the label of Underwriters' Laboratories, Inc., will be accepted as conforming to this requirement.

(m) Coupling shall conform to the requirements of paragraph (h) of this section.

(n) All fire hose, including those in the engine and boiler spaces, shall be fitted with approved combination nozzles, each having a solid stream orifice of not less than ⅝-inch diameter for the 2½-inch size and not less than ⅜-inch diameter for the 1½-inch size. The nozzle shall be capable of producing a solid stream or a high velocity spray and of being shut off.

(o) There shall be approved low velocity spray applicators conveniently located for use as required by Table 34.10-10(o). Each shall have the proper connection for mating its adjacent combination nozzle.

TABLE 34.10-10(o)—LOW VELOCITY SPRAY APPLICATORS

Location	Number	Length
Living spaces.....	1	4 or 6 feet.
Weather decks.....	4	10 or 12 feet.
Machinery spaces.....	2	4 or 6 feet.

§ 34.10-15 Piping—T/ALL.

(a) All piping, valves and fittings shall meet the applicable requirements of Subchapter F (Marine Engineering) of this chapter.

(b) An adequate number of valves shall be installed to isolate damaged sections of piping.

(c) All distribution valves shall be marked as required by § 35.40-10 of this subchapter.

§ 34.10-90 Installations contracted for prior to January 1, 1962—T/ALL.

(a) Installations contracted for prior to January 1, 1962, shall meet the following requirements:

(1) Existing arrangements, materials and facilities previously approved shall be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original installation.

(2) Except as further modified by this paragraph, the details of the systems shall be in general agreement with

§§ 34.10-5 through 34.10-15 insofar as is reasonable and practicable.

(3) Tank ships of less than 500 gross tons shall be equipped with an efficient hand pump capable of delivering 50 gallons per minute or a power-driven pump of equivalent capacity. However, on tank ships of 20 gross tons or under where it is impracticable to install a hand or power-operated fire pump, or on tank ships with only one man in the crew, at least one additional B-II fire extinguisher may be accepted in lieu of a fire pump.

(4) Tank ships of 500 gross tons and over but not over 1,000 gross tons shall be provided with one independently power-driven pump.

(5) Tank ships of over 1,000 gross tons shall be provided with two independently power-driven pumps.

(6) On tank ships of 500 gross tons and over, the capacity of the combined fire pump installation shall be one-fifth gallon per minute per gross ton of the ship. The maximum total fire pump capacity required for any tank ship shall be 800 gallons per minute.

(7) Fire pumps on tank ships of 500 gross tons and over shall be capable of delivering two powerful jets of water simultaneously from the highest outlets on the fire main at a Pitot tube pressure of approximately 50 pounds per square inch through nozzles, each having an orifice of not less than $\frac{3}{8}$ -inch diameter where the internal diameter of the hose exceeds $1\frac{1}{2}$ inches, and not less than $\frac{5}{8}$ -inch diameter where the internal diameter of the hose does not exceed $1\frac{1}{2}$ inches.

(8) On oil-burning tank ships, provided with two fire pumps, where the engine and fire rooms are not entirely separated by iron or steel bulkheads, or if fuel can drain from fireroom bilges into the engineroom, one of the fire pumps shall be located in an accessible space separate from the machinery compartment. On all tank ships contracted for on or after November 19, 1952, the requirements of § 34.10-5(f) shall be met.

(9) Fire hydrant outlets shall have a minimum diameter of $1\frac{1}{2}$ inches.

(10) On all tank ships of 1,000 gross tons and over contracted for on or after July 1, 1951, but prior to January 1, 1962, the nozzles used on at least 2 hose lines in the boiler and machinery spaces shall be approved combination nozzles. In addition, an approved applicator equipped with a low velocity water spray tip, which is capable of being attached directly to the nozzle or the hose, shall be provided for each nozzle. Unless a self-cleaning strainer is contained within the nozzle itself and within the applicator where the applicator is attached directly to the hose, there shall be a self-cleaning strainer attached to the fire hydrant either directly or by means of a short length of hose, except where high and low velocity spray heads have large orifice openings.

(11) Fire hose lines in boiler and machinery spaces of vessels of 1,000 gross tons and over, contracted for prior to July 1, 1951, shall be provided with at least 2 suitable nozzles of an approved

type which are capable of effectively extinguishing oil fires. Approved combination nozzles together with the applicator and low velocity spray head, will be acceptable for this purpose. The self-cleaning strainer may be fitted, but will not be required.

(12) At least 25 percent of the hydrants, exclusive of those in the boiler and machinery spaces, shall be fitted with approved combination nozzles, applicators with low velocity spray heads, and self-cleaning strainers as described in subparagraph (10) of this paragraph. Such nozzles shall be strategically located throughout the tank ship.

(13) Where approved combination nozzles are used with fire lines other than required in subparagraphs (10) through (12) of this paragraph, the applicators, low velocity spray heads, and self-cleaning strainers may be fitted, but will not be required.

(14) Vessels contracted for on or after July 1, 1954, shall meet the requirements of § 34.10-10(h).

Subpart 34.13—Steam Smothering System, Details

§ 34.13-1 Application—T/ALL.

(a) In accordance with § 34.05-5, steam smothering systems are not permitted on vessels contracted for on or after January 1, 1962, except as provided for under § 34.05-5(a)(2).

(b) Where a steam smothering system is already installed on a vessel contracted for prior to that date, the provisions of this subpart shall apply.

§ 34.13-90 Installations contracted for prior to January 1, 1962—T/ALL.

(a) Installations contracted for prior to January 1, 1962, shall meet the following requirements:

(1) Existing arrangements, materials and facilities previously approved will be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standard as the original installation.

(2) Steam shall be available from the main or auxiliary boilers, or from a shore source. The capacity of the steam supply shall be at least equal to one pound of steam per hour for each 12 cubic feet of the largest cargo compartment in the case of installations contracted for on or after November 19, 1952, and one pound of steam per hour for each 50 cubic feet of the largest cargo compartment in the case of installations contracted for prior to November 19, 1952.

(3) Where reasonable and practicable, the steam pressure shall be at least 100 p.s.i.

(4) The piping system shall meet the general requirements of this subparagraph insofar as is reasonable and practicable.

(i) All piping, valves, and fittings shall meet the applicable requirements of subchapter F (Marine Engineering) of this chapter. All valves and mani-

folds shall be marked as required by § 35.40-10.

(ii) The supply may be taken from any team line having adequate capacity.

(iii) The distribution line to each compartment shall be fitted with a shut-off valve.

(iv) Provisions shall be made for draining the manifold and distribution lines to prevent them from freezing.

(v) The minimum size and number of branches to the various spaces shall be as given in Table 34.13-90(a)(4)(v). The distribution piping from the manifold to the branch lines shall have an area approximately equal to the combined areas of the branch lines served.

TABLE 34.13-90(a)(4)(v)

Volume of space in cubic feet		Number of branches to space	Pipe size of each branch, inches
Over—	Not over—		
500	500	1	$\frac{3}{4}$
5,000	5,000	1	1
15,000	15,000	1	$1\frac{1}{4}$
	and over	1	$1\frac{1}{2}$

(vi) The steam supply line to any distribution manifold shall be of sufficient size to supply all the branch lines to the largest compartment.

(vii) All controls and valves for the operation of the system shall be outside the space protected and shall not be located in any space that might be cut off or made inaccessible in the event of fire in any places protected.

(5) For the purpose of this paragraph, the term "largest cargo compartment" shall be considered as the cargo space, either liquid or dry, having the greatest volumetric measurement. In the case of liquid cargo tanks, the gross volume of the largest tank and all adjoining tanks shall be used for installations contracted for on or after November 19, 1952; for installations contracted for prior to November 19, 1952, the gross volume of the individual tanks shall be used. In the case of dry-cargo compartments, the gross volume shall be taken between adjacent watertight or firescreen bulkheads, and from tank top or lowest deck to the deckhead of the uppermost deck on which cargo may be carried, and if a trunk extends beyond such deckhead, the volume of the trunk shall be included.

(6) The valves to the tanks shall be left open at all times so that, in case of fire, it will be necessary only to open the master valve to insure a flow of steam into each tank, after which, the valves to the tanks which are not on fire may be closed; however, where the opening of such branch lines may cause contamination of cargo or cause the passage of gases or vapors between tanks or compartments, they may be kept closed.

(7) Piping for dry-cargo spaces, pump rooms, paint and lamp lockers, and similar spaces shall be run independent of the extinguishing system for the bulk cargo tanks. If this should be impracticable, valves shall be installed between the main bulk tank extinguishing system and other compartments served, such valves to be marked: "This valve to be kept closed except in case of fire."

(8) The master valve control shall be located above the uppermost complete deck having permanent means of closing all openings in the weather portions of the deck.

(9) Control valves for pumproom extinguishment systems shall be located adjacent to the pumproom exit.

(10) In pumprooms the outlets shall terminate just above the floor plates.

Subpart 34.15—Carbon Dioxide Extinguishing Systems, Details

§ 34.15-1 Application—T/ALL.

(a) Where a carbon dioxide extinguishing system is installed, the provisions of this subpart, with the exception of § 34.15-90, shall apply to all installations contracted for on or after January 1, 1962. Installations contracted for prior to January 1, 1962, shall meet the requirements of § 34.15-90.

(b) The requirements of this subpart are based on a "high pressure system," i.e., one in which the carbon dioxide is stored in liquid form at atmospheric temperature. Details for "low pressure systems," i.e., those in which the carbon dioxide is stored in liquid form at a continuously controlled low temperature, may be specifically approved by the Commandant where it is demonstrated that a comparable degree of safety and fire extinguishing ability is achieved.

§ 34.15-5 Quantity, pipe sizes, and discharge rates—T/ALL.

(a) *General.* (1) The amount of carbon dioxide required for each space shall be as determined by paragraphs (b) through (e) of this section.

(b) *Total available supply.* (1) A separate supply of carbon dioxide need not be provided for each space protected. The total available supply shall be at least sufficient for the space requiring the greatest amount.

(c) *Dry cargo spaces.* (1) The number of pounds of carbon dioxide required for each space shall be equal to the gross volume of the space in cubic feet divided by 30.

(2) Although separate piping shall be led to each cargo hold and 'tween deck, for the purpose of determining the amount of carbon dioxide required, a cargo compartment will be considered as the space between watertight or fire-screen bulkheads and from the tank top or lowest deck to the deck head of the uppermost space on which cargo may be carried. If a trunk extends beyond such deck, the trunk volume shall be included. Tonnage openings shall be considered as sealed for this purpose.

(3) Branch lines to the various cargo holds and 'tween decks shall not be less than 3/4-inch standard pipe size.

(4) No specific discharge rate need be applied to such systems.

(d) *Enclosed ventilation systems for rotating electrical propulsion equipment.*

(1) The number of pounds of carbon dioxide required for the initial charge shall be equal to the gross volume of the system divided by 10 for systems having a volume of less than 2,000 cubic feet, and divided by 12 for systems having a volume of 2,000 cubic feet or more.

(2) The piping for the initial charge shall be in accordance with Table 34.15-5(e) (4), and the discharge of the required amount shall be completed within 2 minutes.

(3) In addition to the above there shall be sufficient carbon dioxide available to permit delayed discharges of such quantity as to maintain at least a 25 percent concentration until the equipment can be stopped. If the initial discharge is such as to achieve this concentration until the equipment is stopped, no delayed discharge need be provided.

(4) The piping for the delayed discharge shall not be less than 1/2-inch standard pipe, and no specific discharge rate need be applied to such systems. On small systems, this pipe may be incorporated with the initial discharge piping.

(e) *Machinery spaces, pump rooms, paint lockers, and similar spaces.* (1) The number of pounds of carbon dioxide required for each space shall be equal to the gross volume of the space divided by the appropriate factor noted in Table 34.15-5(e) (1). If fuel can drain from the compartment being protected to an adjacent compartment, or if the compartments are not entirely separate, the requirements for both compartments shall be used to determine the amount of carbon dioxide to be provided. The carbon dioxide shall be arranged to discharge into both such compartments simultaneously.

TABLE 34.15-5(e) (1)

Gross volume of compartment, cubic feet		Factor
Over—	Not over—	
-----	500	15
500	1,600	16
1,600	4,500	18
4,500	50,000	20
50,000	-----	22

(2) For the purpose of the above requirement of this paragraph, the volume of a machinery space shall be taken as exclusive of the normal machinery casing unless the boiler, internal combustion propelling machinery, or fuel oil installations subject to the discharge pressure of the fuel oil service pump extend into such space, in which case the volume shall be taken to the top of the casing or the next material reduction in casing area, whichever is lower. The terms "normal machinery casing" and "material reduction in casing area" shall be defined as follows:

(i) By "normal machinery casing" shall be meant a casing the area of which is not more than 40 percent of the maximum area of the machinery space.

(ii) By "material reduction in casing area" shall be meant a reduction to at least 40 percent of the casing area.

(3) For the purpose of the above requirements of this paragraph, the volume of a pump room shall include the pump room and all associated trunks up to the deck at which access from the weather is provided.

(4) Branch lines in the various spaces shall be as noted in Table 34.15-5(e) (4).

TABLE 34.15-5(e) (4)

Maximum quantity of carbon dioxide required, pounds	Minimum pipe size, inches	Maximum quantity of carbon dioxide required, pounds	Minimum pipe size, inches
100	1/2	2,500	2 1/4
225	3/4	4,450	3
300	1	7,100	3 1/2
600	1 1/4	10,450	4
1,000	1 1/2	15,000	4 1/2
2,450	2	-----	-----

(5) Distribution piping within the space shall be proportioned from the supply line to give proper distribution to the outlets without throttling.

(6) The number, type and location of discharge outlets shall be such as to give a uniform distribution throughout the space.

(7) The total area of all discharge outlets shall not exceed 85 percent nor be less than 35 percent of the nominal cylinder outlet area or the area of the supply pipe, whichever is smaller. The nominal cylinder outlet area in square inches shall be determined by multiplying the factor 0.0022 by the number of pounds of carbon dioxide required, except that in no case shall this outlet area be less than 0.110 square inches.

(8) The discharge of the required amount of carbon dioxide shall be complete within 2 minutes.

§ 34.15-10 Controls—T/ALL.

(a) Except as noted in § 34.15-20(b), all controls and valves for the operation of the system shall be outside the space protected, and shall not be located in any space that might be cut off or made inaccessible in the event of fire in any of the spaces protected.

(b) If the same cylinders are used to protect more than one space, a manifold with normally closed stop valves shall be used to direct the carbon dioxide into the proper space. If cylinders are used to protect only one space, a normally closed stop valve shall be installed between the cylinders and the space except for systems of the type indicated in § 34.15-5(e) which contain not more than 300 pounds of carbon dioxide.

(c) Distribution piping to the dry cargo spaces shall be controlled from not more than two stations. One of the stations controlling the system for the main machinery space shall be located as convenient as practicable to one of the main escapes from the space. All control stations and the individual valves and controls shall be marked as required by § 35.40-10 of the subchapter.

(d) Systems of the type indicated in § 34.15-5(e) shall be actuated at each station by one control operating the valve to the space and a separate control releasing at least the required amount of carbon dioxide. These two controls shall be located in a box or other enclosure clearly identified for the particular space. Systems installed without a stop valve shall be operated by one control releasing at least the required amount of carbon dioxide.

(e) Where provisions are made for the simultaneous release of a given amount of carbon dioxide by operation of a remote control, provisions shall also be

made for manual control at the cylinders. Where gas pressure from pilot cylinders is used as a means for releasing the remaining cylinders, not less than two pilot cylinders shall be used for systems consisting of more than two cylinders. Each of the pilot cylinders shall be capable of manual control at the cylinder, but the remaining cylinders need not be capable of individual manual control.

(f) Systems of the type indicated in § 34.15-5(e), which are of more than 300 pounds of carbon dioxide shall be fitted with an approved delayed discharge so arranged that the alarm will be sounded for at least 20 seconds before the carbon dioxide is released into the space. Such systems of not more than 300 pounds of carbon dioxide shall also have a similar delayed discharge, except for spaces which have a suitable horizontal escape.

(g) All distribution valves and controls shall be of an approved type. All controls shall be suitably protected.

(h) Complete but simple instructions for the operation of the system shall be located in a conspicuous place at or near the releasing control device.

(i) If the space or enclosure containing the carbon dioxide supply or controls is to be locked, a key to the space or enclosure shall be in a break-glass-type box conspicuously located adjacent to the opening.

§ 34.15-15 Piping—T/ALL.

(a) The piping, valves, and fittings shall have a bursting pressure of not less than 6,000 pounds p.s.i.

(b) All piping, in nominal sizes not over ¾-inch shall be at least Schedule 40 (standard weight) and in nominal sizes over ¾-inch, shall be at least Schedule 80 (extra heavy).

(c) All piping, valves, and fittings of ferrous materials shall be protected inside and outside against corrosion unless specifically approved otherwise by the Commandant.

(d) A pressure relief valve or equivalent set to relieve between 2,400 and 2,800 pounds p.s.i. shall be installed in the distributing manifold or such other location as to protect the piping in the event that all branch line shut-off valves are closed.

(e) All dead-end lines shall extend at least 2 inches beyond the last orifice and shall be closed with cap or plug.

(f) All piping, valves, and fittings shall be securely supported, and where necessary, protected against injury.

(g) Drains and dirt traps shall be fitted where necessary to prevent the accumulation of dirt or moisture. Drains and dirt traps shall be located in accessible locations where possible.

(h) Piping shall be used for no other purpose except that it may be incorporated with the fire-detecting system.

(i) Piping passing through living quarters shall not be fitted with drains or other openings within such spaces.

(j) Installation test requirements are:

(1) Upon completion of the piping installation, and before the cylinders are connected, a pressure test shall be applied as set forth in this paragraph. Only carbon dioxide or other inert gas shall be used for this test.

(2) The piping from the cylinders to the stop valves in the manifold shall be subjected to a pressure of 1,000 pounds p.s.i. with no additional gas being introduced to the system, it shall be demonstrated that the leakage of the system is such as not to permit a pressure drop of more than 150 pounds per square inch per minute for 2-minute period.

(3) The individual branch lines to the various spaces protected shall be subjected to a test similar to that described in the preceding sub-paragraph with the exception that the pressure used shall be 600 pounds p.s.i. in lieu of 1,000 pounds p.s.i. For the purpose of this test, the distribution piping shall be capped within the space protected at the first joint ahead of the nozzles.

(4) In lieu of the tests prescribed in the preceding subparagraphs in this paragraph, small independent systems protecting spaces such as emergency generator rooms, lamp lockers, etc., may be tested by blowing out the piping with the air at a pressure of at least 100 pounds p.s.i.

§ 34.15-20 Carbon dioxide storage—T/ALL.

(a) Except as provided in paragraph (b) of this section, the cylinders shall be located outside the spaces protected, and shall not be located in any space that might be cut off or made inaccessible in the event of a fire in any of the spaces protected.

(b) Systems of the type indicated in § 34.15-5(e), consisting of not more than 300 pounds of carbon dioxide, may have the cylinders located within the space protected. If the cylinder stowage is within the space protected, the system shall be arranged in an approved manner to be automatically operated by a heat actuator within the space in addition to the regular remote and local controls.

(c) The space containing the cylinders shall be properly ventilated and designed to preclude an anticipated ambient temperature in excess of 130 degrees F.

(d) Cylinders shall be securely fastened and supported, and where necessary, protected against injury.

(e) Cylinders shall be so mounted as to be readily accessible and capable of easy removal for recharging and inspection. Provisions shall be available for weighing the cylinders.

(f) Where subject to moisture, cylinders shall be so installed as to provide a space of at least 2 inches between the flooring and the bottom of the cylinders.

(g) Cylinders shall be mounted in an upright position or inclined not more than 30 degrees from the vertical. However, cylinders which are fitted with flexible or bent siphon tubes may be inclined not more than 80 degrees from the vertical.

(h) Where check valves are not fitted on each independent cylinder discharge, plugs or caps shall be provided for closing outlets when cylinders are removed for inspection or refilling.

(i) All cylinders used for storing carbon dioxide shall be fabricated, tested, and marked in accordance with the regulations of the Interstate Commerce

Commission as noted in § 147.04-1 of Subchapter N (Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels) of this chapter.

§ 34.15-25 Discharge outlets—T/ALL.

(a) Discharge outlets shall be of an approved type.

§ 34.15-30 Alarms—T/ALL.

(a) Spaces required to have a delayed discharge by § 34.15-10(f) which are protected by a carbon dioxide extinguishing system and are normally accessible to persons on board while the vessel is being navigated, other than paint and lamp lockers and similar small spaces, shall be fitted with an approved audible alarm in such spaces which will be automatically sounded before the carbon dioxide is admitted to the space. The alarm shall be conspicuously and centrally located and shall be marked as required by § 35.40-7 of this subchapter. Such alarms shall be so arranged as to sound during the 20-second delay period prior to the discharge of carbon dioxide into the space, and the alarm shall depend on no source of power other than the carbon dioxide.

§ 34.15-35 Enclosure openings—T/ALL.

(a) Except for cargo spaces, the operation of the carbon dioxide system shall automatically shut down any mechanical ventilation to that space. This will not be required where the carbon dioxide system is a secondary system in addition to another approved primary system protecting the space.

(b) Where natural ventilation is provided for spaces protected by a carbon dioxide extinguishing system, provisions shall be made for easily and effectively closing off the ventilation.

(c) Means shall be provided for closing all other openings to the space protected from outside such space. In this respect, relatively tight doors, shutters, or dampers shall be provided for openings in the lower portion of the space. The construction shall be such that openings in the upper portion of the space can be closed off either by permanently installed means or by the use of canvas or other material which is normally carried by the vessel.

§ 34.15-40 Pressure relief—T/ALL.

(a) Where necessary, relatively tight compartments such as refrigeration spaces, paint lockers, etc., shall be provided with suitable means for relieving excessive pressure accumulating within the compartment when the carbon dioxide is injected.

§ 34.15-90 Installations contracted for prior to January 1, 1962—T/ALL.

(a) Installations contracted for prior to November 19, 1952, shall meet the requirements of this paragraph.

(1) Existing arrangements, materials, and facilities previously approved shall be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be

made to the same standards as the original installation.

(2) The details of the systems shall be in general agreement with §§ 34.15-5 through 34.15-40 insofar as is reasonable and practicable, with the exception of § 34.15-5(e) (1) through (3) covering spaces other than cargo spaces, which systems may be installed in accordance with subparagraphs (4) through (7) of this paragraph.

(3) For cargo tanks at least one pound of carbon dioxide shall be available for each 30 cubic feet of the largest cargo tank. The discharge of the required amount of carbon dioxide shall be complete within 5 minutes.

(4) In boiler rooms, the bilges shall be protected by a system discharging principally below the floor plates. Perforated pipe may be used in lieu of discharge nozzles for such systems. The number of pounds of carbon dioxide shall be equal to the gross volume of the boiler room taken to the top of the boilers divided by 36. In the event of an elevated boiler room which drains to the machinery space, the system shall be installed in the engine room bilge and the gross volume shall be taken to the flat on which the boilers are installed.

(5) In machinery spaces where main propulsion internal combustion machinery is installed, the number of pounds of carbon dioxide required shall be equal to the gross volume of the space taken to the underside of the deck forming the hatch opening divided by 22.

(6) In miscellaneous spaces other than cargo or main machinery spaces the number of pounds of carbon dioxide required shall be equal to the gross volume of the space divided by 22.

(7) Branch lines to the various spaces other than cargo and similar spaces shall be noted in Table 34.15-90(a) (7). This table is based on cylinders having discharge outlets and siphon tubes of 3/8-inch diameter.

TABLE 34.15-90(a) (7)

Number of cylinders		Nominal pipe size, inches
Over—	Not over—	
2	2	1/2-standard.
4	4	3/4-standard.
6	6	1-extra heavy.
12	12	1 1/4-extra heavy.
16	16	1 1/2-extra heavy.
27	27	2-extra heavy.
39	39	2 1/2-extra heavy.
60	60	3-extra heavy.
80	80	3 1/2-extra heavy.
104	104	4-extra heavy.
	165	5-extra heavy.

(b) Installations contracted for on or after November 19, 1952, but prior to January 1, 1962, shall meet the requirements of this paragraph.

(1) Existing arrangements, materials, and facilities previously approved shall be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original installation.

(2) The details of the systems shall be in general agreement with §§ 34.15-5 through 34.15-40 insofar as is reasonable and practicable with the exception that delayed discharges need not be provided for installations made prior to July 1, 1957.

Subpart 34.17—Fixed Foam Extinguishing Systems, Details

§ 34.17-1 Application—T/ALL.

(a) Where a fixed foam extinguishing system is installed, the provisions of this Subpart with the exception of § 34.17-90, shall apply to all installations contracted for on or after January 1, 1962.

(b) Installations contracted for prior to January 1, 1962, shall meet the requirements of § 34.17-90.

§ 34.17-5 Quantity of foam required—T/ALL.

(a) *Area protected.* (1) For machinery spaces and pumprooms, the system shall be so designed and arranged as to spread a blanket of foam over the entire tank top or bilge of the space protected. The arrangement of piping shall be such as to give a relatively uniform distribution over the entire area protected.

(2) Where an installation is made to protect an oil-fired boiler installation on a flat which is open to or can drain to the lower engine room or other space, both the flat and the lower space shall be protected simultaneously. The flat shall be fitted with suitable coamings on all openings other than deck drains to properly restrain the oil and foam at that level. Other installations of a similar nature will be considered in a like manner.

(b) *Rate of application.* (1) The rate of discharge to foam outlets protecting the hazard shall be at least as set forth in this paragraph.

(2) For chemical foam systems with stored "A" and "B" solutions, a total of at least 1.6 gallons per minute of the two solutions shall be discharged for each 10 square feet of area protected.

(3) For other types of foam systems, the water rate to the dry-powder generators or air foam production equipment shall be at least 1.6 gallons per minute for each 10 square feet of area protected.

(c) *Supply of foam-producing material.* (1) There shall be provided a quantity of foam-producing material sufficient to operate the equipment at the minimum discharge rate specified in paragraph (b) of this section for a period of at least 3 minutes.

(d) *Separate supply of foam-producing material.* (1) A separate supply of foam-producing material need not be provided for each space protected. This includes a deck foam system. The total available supply shall be at least sufficient for the space requiring the greatest amount.

(e) *Water supply for required pumps.* (1) The water supply shall be from outside and completely independent of the space protected.

§ 34.17-10 Controls—T/ALL.

(a) The foam agent, its container, measuring devices, and other items peculiar to the system shall be of an approved type.

(b) The foam-producing material container and all controls and valves for the operation of the system shall be outside the space protected and shall not be located in such space as might be cut off or made inaccessible in the event of fire in any of the spaces protected. The control space shall be as convenient as practicable to one of the main escapes from the spaces protected, and shall be marked as required by § 35.40-10 of this subchapter. Where pumps are required, it shall not be necessary that they be started from the control space.

(c) Complete, but simple instructions for the operation of the system shall be located in a conspicuous place at or near the controls.

(d) The valves to the various spaces served shall be marked as required by § 35.40-10 of this subchapter.

§ 34.17-15 Piping—T/ALL.

(a) All piping, valves, and fittings shall meet the applicable requirements of Subchapter F (Marine Engineering) of this chapter.

(b) All piping, valves, and fittings of ferrous materials shall be protected inside and outside against corrosion unless specifically approved otherwise by the Commandant.

(c) All piping, valves, and fittings shall be securely supported, and where necessary, protected against injury.

(d) Drains and dirt traps shall be fitted where necessary to prevent the accumulation of dirt or moisture.

(e) Piping shall not be used for any other purpose than fire fighting, drills and testing.

§ 34.17-20 Discharge outlets—T/ALL.

(a) Discharge outlets shall be of an approved type.

§ 34.17-25 Additional protection required—T/ALL.

(a) In order that any residual fires above the floor plates may be extinguished when a foam system is installed for the protection of machinery spaces, at least 2 fire hydrants, in addition to those required for the machinery space by Subpart 34.10, shall be installed outside of the machinery space entrance. Such hydrants shall be fitted with sufficient hose so that any part of the machinery space may be reached with at least 2 streams of water, and each hose shall be equipped with an approved combination nozzle and applicator.

§ 34.17-90 Installations contracted for prior to January 1, 1962—T/ALL.

(a) Installations contracted for prior to January 1, 1962, shall meet the following requirements:

(1) Existing arrangements, materials, and facilities previously approved shall be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfac-

tion of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original installation.

(2) The details of the systems shall be in general agreement with §§ 34.17-5 through 34.17-20, insofar as is reasonable and practicable. Installations contracted for prior to November 19, 1952, need not comply with § 34.17-5(a) (2) and § 34.17-25. A 6-inch blanket of foam in 3 minutes for machinery spaces and pumprooms will be considered as meeting the requirements of § 34.17-5.

(3) Where a system is installed to protect a tank, it shall be so designed and arranged as to spread a blanket of foam over the entire liquid surface of the tank within the range of usual trim. The arrangement of piping shall be such as to give a relatively uniform distribution over the entire area protected.

(4) For tanks, the rate of discharge to foam outlets protecting the hazard shall be as set forth in § 34.17-5(b), except that the value of 1 gallon per minute shall be substituted in both cases for the value of 1.6 gallons per minute. The quantity of foam provided shall be sufficient to operate the equipment for 5 minutes.

(5) On installations installed prior to November 19, 1952, a semiportable foam generator using a dry-chemical mixture or mechanical foam in conjunction with the fire lines may be substituted for the fixed system subject to the following conditions:

(i) There shall be at least one fire pump of suitable capacity available which can be operated and controlled from outside the space protected.

(ii) Stop valves shall be installed in the line so that if any portion of the fire main is ruptured, the foam generator may still be operated. Connections for at least two fire hoses shall be provided between the pump and the stop valve.

(iii) If the foam system is of the portable or semiportable type, the apparatus and chemicals shall be stored in a readily accessible place protected from the weather.

Subpart 34.20—Deck Foam System, Details

§ 34.20-1 Application—T/ALL.

(a) Where a deck foam system is installed, the provisions of this subpart, with the exception of § 34.20-90, shall apply to all installations contracted for on or after January 1, 1962.

(b) Installations contracted for prior to January 1, 1962, shall meet the requirements of § 34.20-90.

§ 34.20-3 Cargo area definition—T/ALL.

(a) For the purpose of this subpart, the term "cargo area" is defined as the maximum beam of the vessel times the total longitudinal extent of the cargo tank spaces.

§ 34.20-5 Quantity of foam required—T/ALL.

(a) *Area protected.* Systems of this type are designed to give primary protection to the spaces over the cargo tanks.

(b) *Rate of application.* The water rate of the foam production equipment shall be at least 0.016 gallons per minute for each square foot of cargo area.

(c) *Supply of foam-producing material.* There shall be provided a supply of foam-producing material sufficient to operate the equipment at the required rate of application for a period of at least 15 minutes without recharging. If this equipment operates in excess of the required rate, the supply of foam-producing material shall be increased accordingly.

(d) *Separate supply of foam-producing material.* Where the same foam-producing material may be used for this system as well as a fixed foam system, separate supplies need not be provided for each space protected. The total available supply shall be at least sufficient for the space requiring the greatest amount.

(e) *Water supply.* Suitable pumps shall be provided capable of producing the required water rate. The fire pumps required by Subpart 34.10 may be used for this purpose; however, the operation of the deck foam system shall not interfere with the simultaneous use of the fire main system.

§ 34.20-10 Controls—T/ALL.

(a) The foam agent, its container, measuring devices, and other items peculiar to this system shall be of an approved type.

(b) The foam agent container and the main controls for operating the system shall be located in a protected space not likely to be made inaccessible in the event of a fire in any portion of the cargo area.

(c) Complete, but simple instructions for the operation of the system shall be located in a conspicuous place at or near the controls.

(d) All valves shall be marked as required by § 35.40-17.

§ 34.20-15 Piping—T/ALL.

(a) All piping, valves, and fittings shall meet the applicable requirements of Subchapter F (Marine Engineering) of this chapter.

(b) All piping, valves, and fittings of ferrous materials shall be protected inside and outside against corrosion unless specifically approved otherwise by the Commandant.

(c) Piping and outlet arrangements shall be such as to permit the required rate of application to any portion of the open deck of the cargo area using the mounted and/or hand-held appliances provided. For enclosed spaces application of at least 1.6 gallons per minute water rate for each 10 square feet of the enclosed area for 5 minutes will be acceptable. For the purpose of

this paragraph, it shall be assumed that all piping is damaged in way of the fire and an adequate number of valves shall be fitted for isolating damaged sections of piping.

(d) All piping, valves, and fittings shall be securely supported, and where necessary, protected against injury.

(e) Drains and dirt traps shall be fitted where necessary to prevent the accumulation of dirt or moisture.

(f) Piping shall not be used for any other purpose than fire fighting, drills, and testing.

§ 34.20-20 Discharge outlets—T/ALL.

(a) Discharge outlets shall be of an approved type.

(b) Mounted and/or hand held foam appliances shall be connected to the required outlets at all times except on open decks, where the location of the outlets is such that no protection is afforded for the equipment in heavy weather.

§ 34.20-90 Installations contracted for prior to January 1, 1962—T/ALL.

(a) Installations contracted for prior to January 1, 1962, shall meet the following requirements:

(1) Existing arrangements, materials, and facilities previously approved shall be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original installation.

(2) For installations contracted for prior to November 19, 1952, see § 34.17-90(a) (5).

(3) Installations contracted for on or after November 4, 1957, but prior to January 1, 1962, shall meet the requirements of §§ 34.20-5 through 34.20-20 insofar as is reasonable and practicable.

Subpart 34.50—Portable and Semiportable Extinguishers

§ 34.50-1 Application—TB/ALL.

(a) The provisions of this subpart, with the exception of § 34.50-90, shall apply to all vessels contracted for on or after January 1, 1962.

(b) All vessels contracted for prior to January 1, 1962, shall meet the requirements of § 34.50-90.

§ 34.50-5 Classification—TB/ALL.

(a) Portable and semiportable extinguishers shall be classified by a combination letter and number symbol. The letter indicating the type of fire which the unit could be expected to extinguish, and the number indicating the relative size of the unit.

(b) The types of fire will be designated as follows:

(1) "A" for fires in ordinary combustible materials such as mattresses, piles of wood, shavings, canvas, etc., where the quenching and cooling effects of quantities of water, or solutions contain-

TABLE 34.50-10(a)—PORTABLE AND SEMI-PORTABLE EXTINGUISHERS—Continued

Tank ships			Tank barges	
Quantity and location	Classification (see § 34.50-5)	Area	Classification (see § 34.50-5)	Quantity and location
<i>Service Areas</i>				
1 required for each 2,500 square feet or fraction thereof, suitable for hazard involved.	B-II or C-II	Galley	B-II or C-II	1 required, suitable for hazard involved.
1 required for each 2,500 square feet or fraction thereof, suitable for hazard involved.	A-II or B-II	Stores areas, including paint and lamp rooms.		None required.
<i>Machinery Areas</i> ²				
2 required ³	B-II and B-V ⁴	Spaces containing oil fired boilers, either main or auxiliary, or any fuel oil units subject to the discharge of the fuel oil service pump.	B-II	1 required.
1 required for each 1,000 B.H.P., but not less than 2 nor more than 6 ⁵	B-II	Spaces containing internal combustion or gas turbine propulsion machinery.		None required.
1 required in vicinity of exit. ⁷	B-II	Auxiliary spaces containing internal combustion or gas turbine units.	B-II	1 required in vicinity of exit. ⁷
1 required in vicinity of exit. ⁸	C-II	Auxiliary spaces containing emergency generators.		None required.

Cargo Areas		
Quantity and location	Classification (see § 34.50-5)	Area
1 required in lower pump room.	B-II	Pump rooms.
None required.		Cargo tank area.

¹ Vessels not on an international voyage may substitute C-I.

² A C-II shall be immediately available to the service generator and main switchboard areas, and further a C-II shall be conveniently located not more than 50 feet walking distance from any point in all main machinery operating spaces. These extinguishers need not be in addition to other required extinguishers.

³ Vessels of less than 1,000 gross tons require 1.

⁴ Vessels of less than 1,000 gross tons may substitute 1 B-IV.

⁵ Only 1 required for vessels under 65 feet in length.

⁶ If oil burning donkey boiler fitted in space, the B-V may be substituted. Not required where a fixed carbon dioxide system is installed.

⁷ Not required on vessels of less than 300 gross tons if fuel has a flash point higher than 110° F.

⁸ Not required on vessels of less than 300 gross tons.

⁹ Not required if fixed system installed.

¹⁰ If no cargo pump on barge, only one B-II required.

¹¹ Manned barges of 100 gross tons and over only.

TABLE 34.50-5(c)

Classification type (Size)	Soda-acid and water (Gallons)	Foam (Gallons)	Carbon dioxide (Pounds)	Dry chemical (Pounds)
A-II	2½	2½	1½	2
B-I	1½	1½	1½	10
B-II	1½	1½	1½	10
B-III	1½	1½	1½	20
B-IV	1½	1½	1½	30
B-V	1½	1½	1½	50
C-I	1½	1½	1½	100
C-II	1½	1½	1½	150

¹ For outside use, double the amount shall be carried.

§ 34.50-10 Location—TB/ALL.

(a) Approved portable and semi-portable extinguishers shall be installed in accordance with Table 34.50-10(a). The location of the equipment shall be such as in the opinion of the Officer in Charge, Marine Inspection, will be most convenient in case of emergency. Where special circumstances exist, not covered by Table 34.50-10(a), the Officer in Charge, Marine Inspection, may require such additional equipment as he deems necessary for the proper protection of the vessel.

TABLE 34.50-10(a)—PORTABLE AND SEMI-PORTABLE EXTINGUISHERS

Tank ships		Tank barges	
Quantity and location	Classification (see § 34.50-5)	Area	Quantity and location
<i>Safety Areas</i>			
1 required	C-II	Wheelhouse and chartroom area.	None required.
1 required in vicinity of exit.	C-II ¹	Radio room.	None required.
<i>Accommodation Areas</i>			
1 required in each main passageway on each deck, conveniently located, and so that no room is more than 75 feet from an extinguisher.	A-II or B-II	Staterooms, toilet spaces, public spaces, offices, etc., and associated lockers, storerooms, and pantries.	1 required in vicinity of exit.

See footnotes at end of table.

ing large percentages of water, are of first importance.

(2) "B" for fires in combustible or inflammable liquids such as gasoline, lubricating oil, diesel oil, greases, etc., where a blanketing or smothering effect is essential.

(3) "C" for fires in electrical equipment where the use of non-conducting extinguishing agent is of first importance so that electrical shock is not experienced by the fire fighter.

(c) The number designations for size will start with "T" for the smallest to "V" for the largest. Extinguishers which have a gross weight of 55 pounds or less when fully charged are considered portable. Extinguishers which have a gross weight of more than 55 pounds when fully charged are considered semi-portable and shall be fitted with suitable hose and nozzle or other practicable means so that all portions of the space concerned may be reached. Examples of size graduations for some of the typical portable and semi-portable extinguishers are set forth in Table 34.50-5(c).

(b) For additional portable extinguishers as a substitute for sand, see § 34.55-10.

(c) Semiportable extinguishers shall be located in the open so as to be readily seen.

(d) If portable extinguishers are not located in the open or behind glass so that they may be readily seen they may be placed in enclosures together with the fire hose, provided such enclosures are marked as required by § 35.40-25 of this subchapter.

(e) Portable extinguishers and their stations shall be numbered in accordance with § 35.40-25 of this subchapter.

(f) Portable extinguishers in which the medium is stored under pressure shall not be kept in passenger or crew accommodations. However, they may be located in passageways adjacent to entrances of rooms containing hazards.

§ 34.50-15 Spare charges—TB/ALL.

(a) Spare charges shall be carried on all vessels for at least 50 percent of each size and each variety, i.e. foam, soda-acid, carbon dioxide, etc., of portable extinguisher required by § 34.50-10(a). However, if the unit is of such variety that it cannot be readily recharged by the vessel's personnel, one spare unit of the same classification shall be carried in lieu of spare charges for all such units of the same size and variety. This section does not apply to unmanned barges.

(b) Spare charges shall be so packaged as to minimize the hazards to personnel while recharging the units.

§ 34.50-90 Vessels contracted for prior to January 1, 1962—TB/ALL.

(a) Vessels contracted for prior to January 1, 1962, shall meet the following requirements:

(1) The provisions of §§ 34.50-5 through 34.50-15 shall be met with the exception that existing installations in safety areas and service spaces may be maintained if in the opinion of the Officer in Charge, Marine Inspection, they are in general agreement with the degree of safety prescribed by Table 34.50-10 (a). In such cases, minor modifications may be made to the same standard as the original installation: *Provided*, That in no case will a greater departure from the standards of Table 34.50-10(a) be permitted than presently exists.

Subpart 34.55—Sand

§ 34.55-1 Application—TB/ALL.

(a) The provisions of this part shall apply to all vessels having oil fired boilers, either main or auxiliary.

§ 34.55-5 Amount required—TB/ALL.

(a) On vessels of over 1,000 gross tons there shall be in each space containing oil fired boilers a metal receptacle containing not less than 10 cubic feet of sand, sawdust impregnated with soda, or other approved dry materials, together with a scoop or shaker for distributing the same. On vessels of 1,000 gross tons or less, at least 5 cubic feet of such materials shall be similarly carried.

§ 34.55-10 Substitute—TB/ALL.

(a) An additional B-II portable extinguisher may be carried in lieu of the sand required by this part.

Subpart 34.60—Fire Axes

§ 34.60-1 Application—T/ALL.

(a) The provisions of this subpart shall apply to all tank ships.

§ 34.60-5 Number required—T/ALL.

(a) All tank ships shall carry at least the minimum number of fire axes as set forth in Table 34.60-5(a). Nothing in this paragraph shall be construed as limiting the Officer in Charge, Marine Inspection, from requiring such additional fire axes as he deems necessary for the proper protection of the tank ship.

TABLE 34.60-5(a)

Gross tons		Number of axes
Over—	Not over—	
50	50	1
200	200	2
500	500	3
1,000	1,000	4
		5

§ 34.60-10 Location—T/ALL.

(a) Fire axes shall be distributed throughout the spaces so as to be most readily available in the event of emergency.

(b) If fire axes are not located in the open, or behind glass, so that they may be readily seen, they may be placed in enclosures together with the fire hose; provided such enclosures are marked as required by § 35.40-15 of this subchapter.

PART 35—OPERATIONS

Subpart 35.01—Special Operating Requirements

1. Subpart 35.01 is amended by adding at the end thereof a new section reading as follows:

§ 35.01-35 Repairs and alterations to fire-fighting equipment—TB/ALL.

(a) No extensive repairs or alterations, except in emergency, shall be made to any fire-extinguishing apparatus, or other appliance subject to inspection, without advance notice to the Officer in Charge, Marine Inspection. Such repairs or alterations shall so far as is practicable be made with materials and tested in the manner specified within the regulations in this subchapter and Subchapter Q (Specifications) of this chapter for new construction.

(b) Emergency repairs or alterations shall be reported as soon as practicable to the Officer in Charge, Marine Inspection, where the vessel may call after such repairs are made.

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

Subpart 35.07—Logbook Entries

2. Part 35 is amended by inserting after Subpart 35.05, a new Subpart 35.07, entitled "Logbook Entries," consisting of §§ 35.07-1 to 35.07-15, inclusive, reading as follows:

Sec.

35.07-1 Application—TB/ALL.

35.07-5 Logbooks and records—TB/ALL.

35.07-10 Actions required to be logged—TB/ALL.

35.07-15 Official Log entries—TB/OC.

AUTHORITY: §§ 35.07-1 to 35.07-15 issued under R.S. 4405, as amended, 4417a, as amended, and 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.

§ 35.07-1 Application—TB/ALL.

(a) Except as specifically noted, the provisions of this subpart shall apply to all tank vessels.

§ 35.07-5 Logbooks and records—TB/ALL.

(a) *General—TB/ALL.* Under various statutes or by regulations in this subchapter, specified tank vessels shall have certain logbooks or records, and, when the occasion arises, it is the duty of the master or person in charge to place therein specific entries as required by law or regulations in this subchapter.

(b) *Official Logbook—TB/OC.* R.S. 4290, as amended (46 U.S.C. 201), states: "Every vessel making voyages from a port in the United States to any foreign port, or, being of the burden of 75 tons or upward, from a port on the Atlantic to a port on the Pacific, or vice versa, shall have an Official Logbook; * * *." This Official Logbook is furnished gratuitously to masters of United States' flag vessels by the Coast Guard, as Form CG-706B or CG-706C, depending upon the number of persons employed as crew. There is printed in the first several pages of this Official Logbook various acts of Congress relating to logbooks and the entries required to be made therein. When a voyage is completed, or after a specified period of time is completed, the Official Logbooks with required entries therein shall be filed with the Officer in Charge, Marine Inspection, at or nearest the port where the vessel may be.

(c) *Logs or records—TB/ALL.* For vessels other than those required to have Official Logbooks by R.S. 4290, the owners, operators, and/or masters are to supply their own logs or records in any form desired, which will be considered to take the place of the Official Logbooks and may be used for the purpose of making entries therein as required by law or regulations in this subchapter. Such logs or records are not filed with the Officer in Charge, Marine Inspection, but shall be kept available for review by a marine inspector for a period of one year after the date to which the records refer, except for separate records of tests and inspections of fire-fighting equipment which shall be maintained with the vessel's logs for the period of validity of the vessel's certificate of inspection.

§ 35.07-10 Actions required to be logged—TB/ALL.

(a) *General*—TB/ALL. The actions and observations noted in this section shall be entered in the Official Logbook or in logs or records considered to take place of the Official Logbooks. This section contains no requirements which are not made in specific laws or in other regulations in this subchapter, the items being merely grouped together for convenience.

(b) *Entries*—T/ALL. Entries shall be made in the logs of tank ships with respect to the following:

(1) Fire and lifeboat drills. Weekly. See § 35.10-5.

(2) Electric power-operated lifeboat winches. Once in each three months. See § 35.10-7.

(3) Draft and load line marks. For tank ships of 150 gross tons and over, prior to leaving port for ocean, coastwise, and Great Lakes voyages only. See 46 U.S. Code, sections 85e and 88e, and § 35.20-5.

(4) Steering gear tests. Prior to departure, or for tank ships on voyages of less than 48 hours duration or tank ships operating on lakes, bays, sounds and rivers, once every week. See § 35.20-10.

(5) Fuel oil data. Upon receipt of fuel oil on board to be used as fuel. See § 35.25-10.

(6) Line-throwing appliances. Once every three months. See § 35.10-1(c).

(7) Inspections and tests of fire-fighting equipment. Once every year. See § 31.10-18.

(c) *Entries*—B/ALL. Entries shall be made in the records for tank barges with respect to the following:

(1) Inspections and tests of fire-fighting equipment. Once every year. See § 31.10-18.

(2) Draft and load line marks. For tank barges of 150 gross tons and over, prior to leaving port for ocean, coastwise, and Great Lakes voyages only. See 46 U.S. Code, sections 85e and 88e.

§ 35.07-15 Official log entries—TB/OC.

(a) On vessels where an Official Logbook is required by R.S. 4290 (46 U.S.C. 201), all items relative to the crew and passengers, as well as with respect to any casualties which may occur, shall be entered in the Official Logbook as required by this law.

Subpart 35.10—Fire and Emergency Requirements

3. Section 35.10-5 is amended by revising paragraphs (d), (e) and (f) to read as follows:

§ 35.10-5 Emergency signals; fire and lifeboat drills—T/ALL.

(d) It shall be the duty of the Master, or the mate, or officer next in command to conduct a fire and boat drill at least once in every week. At least one such fire and boat drill shall be held within 24 hours of leaving a port if more than 25 percent of the crew have been replaced at that port. In connection with these drills it shall be the duty of such officer to call all hands to quarters and (weather permitting) exercise them in

the unlash and swinging out of the lifeboats, the closing of all hand or power operated watertight doors which are in use at sea, closing all fire doors and fire screens, the use of fire pumps, and all other apparatus for the safety of life on board of such vessels with special regard for the drill of the crew in the method of adjusting life preservers; to see that all the equipments required by law are in complete working order for immediate use; and to see that lifeboat equipment is examined at least monthly to insure that it is complete. The fact of exercise of the crew as herein contemplated, shall be entered upon the ship's logbook.

(e) This section relating to fire and lifeboat drills contemplates that such drills shall be conducted precisely as though an emergency existed. To accomplish the purpose of this section, lifeboat covers and strongbacks shall be removed, plugs or caps put in place, boat ladders secured in position for use, painters carried forward and tended so as to provide a good lead and slack to hold the boat in position under the davits when in the water. Different groups of lifeboats shall be used in turn at successive boat drills and, if practicable and reasonable, every lifeboat shall be lowered at least once every three months. The person in charge of each lifeboat or life raft should have a list of its crew and should see that the men under his orders are acquainted with their several duties. The motor and the hand-operated propeller gear of each lifeboat shall be operated for a period of not less than 5 minutes once at least in every 7 days, in order that it may be ready for service at any time. Such operation shall be made a part of the report of such drill. The hand pumps and fire pump shall be operated long enough and a sufficient number of outlets used to insure that such equipment is in order and effectual. When oxygen-breathing apparatus, gas masks, or other special equipment is carried, certain members of the crew shall be trained in the use of the equipment.

(f) The entries in the ship's logbook relating to the exercise of the crew in fire and lifeboat drills shall state the day of the month and the hour when so exercised, length of time of the drill, numbers on the lifeboats swung out and numbers on those lowered, number of lengths of fire hose used, a statement of the condition of all fire and lifesaving apparatus, and a report of the monthly examination of the lifeboat equipment. If in any week the required fire and boat drills are not held or only partial drills are held, an entry shall be made stating the circumstances and extent of the drills held.

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

4. Subpart 35.10 is amended by inserting after § 35.10-5 a new section reading as follows:

§ 35.10-7 Electric power-operated lifeboat winches—T/ALL.

(a) It shall be the duty of the master to see that all lifeboat winch control

apparatus, including motor controllers, emergency switches, master switches, and limit switches, are examined at least once in each 3 months. The examination shall include the removal of drain plugs and/or the opening of drain valves in such appliances to assure that the enclosures are free of water.

(b) The date of the examination required by this section and the condition of the equipment shall be noted in the Official Logbook.

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

Subpart 35.15—Casualty or Accident Reports

5. Section 35.15-1 is amended by adding at the end thereof the following paragraph:

§ 35.15-1 Notice of casualty and voyage records—TB/ALL.

(f) The master of any nuclear vessel shall immediately inform the Commandant in the event of any accident or casualty to the nuclear vessel which may lead to an environmental hazard. The master shall also immediately inform the competent governmental authority of the country in whose waters the vessel may be in, or whose waters the vessel approaches in a damaged condition.

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

Subpart 35.40—Marking of Fire and Emergency Equipment

6. Subpart 35.40 is amended by inserting after § 35.40-5 a new section reading as follows:

§ 35.40-6 Emergency lights—TB/ALL.

(a) All emergency lights shall be marked with a letter "E" at least ½ inch high.

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

7. Subpart 35.40 is amended by inserting after § 35.40-15 a new section reading as follows:

§ 35.40-17 Foam Hose/Monitor Stations—T/ALL.

(a) At each required foam hose/monitor valve there shall be marked in not less than 2-inch red letters and figures: "FOAM STATION 1," 2, 3, etc.

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

SUBCHAPTER F—MARINE ENGINEERING PART 52—CONSTRUCTION

Subpart 52.05—Cylindrical Shells

1. The written text and formulas in § 52.05-10(a), but not Table 52.05-10(a), are amended to read as follows:

§ 52.05-10 Computations.

(a) (1) *General.* The maximum allowable pressure and the minimum thickness of cylindrical shells subject to internal pressure shall be determined by the strength of the weakest course computed from the thickness and tensility of the material, the efficiency of the longitudinal joint, or of the ligament efficiency between the tube holes in the shell or drum (whichever is the least), the inside or outside radius of the course, and the maximum allowable stress.

(2) *Boiler shells.* (i) Cylindrical headers and drums up to and including 24 inches in outside diameter shall be computed in accordance with Formula (3).

(ii) Cylindrical shells larger than 24 inches in outside diameter, where the thickness of the shell does not exceed one-half of the inside radius, and the designed temperature does not exceed 900° F., Formula (1) shall be used. Where the thickness exceeds one-half of the inside radius, and for temperatures up to that of saturated steam at critical pressure (705.4° F.), Formula (2) shall be used.

(iii) The minimum thickness of boiler plates shall not be less than 1/4 inch where the diameter of the shell is 36 inches and under and shall not be less than 5/16 inch when the diameter is over 36 inches and not greater than 54 inches, and not less than 3/8 inch for shell diameter exceeding 54 inches but not greater than 72 inches.

$$P = \frac{STE}{R + 0.6T} \text{ or } T = \frac{PR}{SE - 0.6P} \quad (1)$$

$$P = SE \left(\frac{R_o^2 - R^2}{R_o^2 + R^2} \right) \quad (2)$$

$$P = \frac{SE}{D} \text{ or } T = \frac{PD}{2SE + 2yP} \quad (3)$$

Where:

P = maximum allowable pressure, in pounds per square inch. The value of P in formula (3) shall not be taken as less than 100 p.s.i. for any condition of service or material.

S = maximum allowable stress, in pounds per square inch, taken from Tables 52.05-10(a) and 54.03-10(c) and subject to the limitations of § 52.05-12.

T = minimum thickness of the shell plates, in inches.

R = inside radius of the shell, in inches.

R_o = outside radius of the shell, in inches.

D = outside diameter of header or drum, in inches.

E = minimum efficiency of the longitudinal joints or of ligaments between tube holes or other openings.

y = a coefficient having values as follows:

Materials	Temperature, ° F.					
	900 and below	950	1,000	1,050	1,100	1,150 and above
Ferritic steels.....	0.4	0.5	0.7	0.7	0.7	0.7
Austenitic steels.....	0.4	0.4	0.4	0.4	0.5	0.7

Subpart 52.20—Dished Heads

2. Section 52.20-5(b) is amended to read as follows:

§ 52.20-5 Materials and workmanship.

(b) The inside radius of the bend of the flange formed on an unstayed dished head shall be not less than three times the thickness of the head and shall in no case be less than 6 percent of the outside diameter of the flanged portion of the head.

3. Section 52.20-10(a) (3) is amended to read as follows:

§ 52.20-10 Computations.

(a) * * *

(3) *Ellipsoidal heads.* A blank head of a semi-ellipsoidal form in which half the minor axis (or the inside depth of the head not including the flange) is at least equal to one-fourth of the inside diameter of the head flange, shall be made at least as thick as the required thickness of the seamless shell of the same diameter, as specified in § 52.05-10.

4. Section 52.20-20(a) is amended to read as follows:

§ 52.20-20 Openings in dished heads.

(a) Flanged-in manhole openings in a dished head shall be flanged to a minimum radius measured on the inside of the plate of not less than 7/8 inch for plates up to and including 1 1/2 inches in thickness, and for plates exceeding 1 1/2 inches in thickness, the radius shall be increased proportionately. The minimum depth of the flange measured from the outside of the opening along the major axis shall be not less than three times the required thickness of the head, or the required thickness of the head plus three inches, whichever is less.

Subpart 52.50—Furnaces and Flues

5. Section 52.50-15(a) is amended to read as follows:

§ 52.50-15 Detail requirements.

(a) The minimum thickness of furnaces shall be 5/16 inch, and the maximum thickness of furnaces shall be 1 1/16 inch. When the fabricated thickness of a furnace exceeds 1 1/16 inch, acceptance of the furnace will be given special consideration by the Commandant.

Subpart 52.55—Boiler and Superheater Tubes

6. Section 52.55-10(a) (1) is amended by revising the values of the coefficient "e" which is used in Formulas (1) and (2) to read as follows:

§ 52.55-10 Computations.

(a) (1) * * *

where:

* * *
e = 0.04 over a length at least equal to the length of the seat plus 1 inch, for tubes expanded into tube seats, except:

e = 0 for tubes expanded into tube seats provided the thickness of the tube ends over a length at least equal to the length of the seat plus 1 inch is not less than the following:

0.095 inch for tubes 1 1/4-inch OD and smaller.

0.105 inch for tubes above 1 1/4-inch OD and up to 2-inch OD, inclusive.

0.120 inch for tubes above 2-inch OD and up to 3-inch OD, inclusive.
0.135 inch for tubes above 3-inch OD and up to 4-inch OD, inclusive.
0.150 inch for tubes above 4-inch OD and up to 5-inch OD, inclusive.
e = 0 for tubes strength-welded to headers and drums.

Subpart 52.60—Superheaters, Headers, Water Walls, and Economizers

7. Section 52.60-15(a) is amended to read as follows:

§ 52.60-15 Computations.

(a) The maximum allowable pressure of cylindrical headers shall be determined by Formula (3) in § 52.05-10.

Subpart 52.65—Safety Valves

8. Section 52.65-15(e) (1) is amended to read as follows:

§ 52.65-15 Installation.

* * *
(e) (1) To insure safety valves being free, each safety valve shall have a substantial lifting device by which the valve disk may be positively lifted from its seat when the pressure in the boiler is 75 percent of that at which the valve is set to blow. Such mechanism shall be connected by suitable relieving gear so arranged that the controls may be operated from the fireroom or engineroom floor.

(R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426-4431, as amended, 4433, as amended, 4434, as amended, 4488, as amended, 4491, as amended, 29 Stat. 690, as amended, 41 Stat. 305, as amended, 49 Stat. 1544, as amended, secs. 3, 17, 54 Stat. 347, as amended, 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404-409, 411, 412, 435; 481, 489, 366, 363, 367, 526p, 1333, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

PART 54—UNFIRED PRESSURE VESSELS**Subpart 54.01—General Requirements**

1. Section 54.01-1 (g) is canceled.

§ 54.01-1 Scope.

(g) [Canceled]

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416)

Subpart 54.03—Design and Construction

2. Section 54.03-10 is revised by amending paragraphs (a) and (b) to read as follows:

§ 54.03-10 Cylindrical shells and heads.

(a) The maximum allowable pressure of cylindrical shells and heads of unfired pressure vessels under internal pressure shall be determined by the applicable formulas given in Part 52 of this subchapter, except as provided otherwise in this part. The maximum allowable pressure of cylindrical shells shall be determined from Formula (1) of § 52.05-10 of this subchapter when the thickness does not exceed one-half of the inside radius, or the maximum allowable

pressure does not exceed 0.385 SE. When the thickness of the shell exceeds one-half of the inside radius or when the maximum allowable pressure exceeds 0.385 SE, Formula (2) of § 52.05-10 of this subchapter shall be used.

(b) The minimum thickness of shell plates, heads or dome plates of seamless or welded construction shall be $\frac{3}{32}$ inch after forming and without allowances for corrosion. The minimum thickness, after forming, of any plate in a riveted pressure vessel shall be $\frac{3}{16}$ inch without corrosion allowance.

(R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426-4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4488, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, 41 Stat. 305, as amended, 49 Stat. 1544, as amended, secs. 3, 17, 54 Stat. 347, as amended, 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404-409, 411, 412, 435, 481, 489, 366, 363, 367, 526p, 1333, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

Subpart 54.07—Pressure-Relief Devices

3. Section 54.07-5(d) is amended to read as follows:

§ 54.07-5 Relief valves.

(d) Relief valves for steam or air service shall be provided with a substantial lifting device so that the disk can be lifted from its seat when the pressure in the vessel is 75 percent of that at which the valve is set to blow.

(R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426-4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4488, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, 41 Stat. 305, as amended, 49 Stat. 1544, as amended, secs. 3, 17, 54 Stat. 347, as amended, 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404-409, 411, 412, 435, 481, 489, 366, 363, 367, 526p, 1333, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

PART 55—PIPING SYSTEMS AND APPURTENANCES

Subpart 55.07—Detail Requirements

1. Section 55.07-25(d) is amended to read as follows:

§ 55.07-25 Installation.

(d) Where pipes and scuppers are carried through watertight or oiltight bulkheads, decks or tank tops, the watertight integrity of the structure shall be maintained. Lead or other heat sensitive materials shall not be used in piping systems which penetrate watertight subdivision bulkheads, where deterioration of such systems in the event of fire would impair the watertight integrity of the bulkheads. (For plastic pipe installations, see § 55.07-1(h).) Where plate insert pads are used, bolted connections shall have threads tapped into the plate to a depth of not less than the diameter

of the bolt. If welded, the pipe or flange shall be welded to both sides of the plating. Openings in structure through which pipes pass shall be reinforced where necessary. Flanges shall not be bolted to bulkheads so that the plate forms a part of the joint.

(R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426-4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4488, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, 41 Stat. 305, as amended, 49 Stat. 1544, as amended, secs. 3, 17, 54 Stat. 347, as amended, 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404-409, 411, 412, 435, 481, 489, 366, 363, 367, 526p, 1333, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

Subpart 55.10—Pumping Arrangements and Piping Systems

2. Section 55.10-25 is amended by revising paragraphs (a), (c), and (f), redesignating paragraphs (j) and (k) to (k) and (l), respectively, and inserting new paragraphs (j), (m), and (n), so that such paragraphs read as follows:

§ 55.10-25 Bilge and ballast piping.

(a) (1) All vessels shall be provided with a satisfactory bilge pumping plant capable of pumping from and draining any watertight compartment which is neither a permanent oil compartment nor a permanent water compartment under all practicable conditions after a casualty whether the ship is upright or listed. For this purpose wing suction will generally be necessary except in narrow compartments at the ends of the vessel, where one suction may be sufficient. In compartments of unusual form, additional suction may be required.

(2) Arrangements shall be made whereby water in the compartments will drain to the suction pipes. Efficient means shall be provided for draining water from all tank tops, other watertight flats and insulated holds. Peak tanks, chain lockers and decks over peak tanks may be drained by eductors, ejectors or hand pumps. Where piping is led through the forepeak, see § 55.07-25 (m).

(3) Where drainage from particular compartments are considered undesirable, the provisions for such drainage may be omitted, provided it can be shown by calculations that the safety of the vessel will not be impaired.

(c) (1) Bilge suction shall be led from manifolds, which shall be controlled above the floor plating in the compartments in which they are located, and shall be easily accessible at all times. Except as otherwise permitted by paragraph (i) of this section for Great Lakes' cargo vessels employing a common bilge and ballast system for the cargo spaces, valves in the machinery space controlling bilge suction from various compartments shall be of the stop-check type.

(2) Passenger vessels engaged on international voyages shall have the mani-

folds and valves in the bilge pumping system so arranged that in the event of flooding, one of the bilge pumps can take suction on any compartment; and in addition, damage to a pump or its pipe connecting to the bilge main outboard of a line drawn at one-fifth of the beam of the vessel shall not put the bilge system out of action.

(3) If a bilge system common to all pumps is installed on passenger vessels engaged on international voyages, the necessary valves for controlling the bilge suction shall be operable from above the bulkhead deck. If, in addition to the main bilge pumping system, an emergency bilge pumping system is installed, it shall be independent of the main system and so arranged that a pump is capable of operating on any compartment under flooding conditions. In such cases, only the valves necessary for the operation of the emergency bilge system need be capable of being operated from above the bulkhead deck.

(f) (1) Main circulating pumps shall be fitted with direct suction connections provided with nonreturn valves in the machinery space. Great Lakes cargo vessels may have the emergency bilge suction connected to the largest available pump in the machinery space, provided it has a capacity not less than that of the main circulating pump. The diameter of such suction pipes shall be not less than two-thirds of the diameter of the main sea inlet. Where coal is used as fuel and no watertight bulkhead is provided between the engine and boiler rooms, a direct discharge overboard shall be fitted from at least one circulating pump, or a bypass may be fitted to the circulating discharge.

(2) Where the main circulating pump is not suitable for emergency bilge service, a direct emergency bilge suction shall be led from the largest available independent power driven pump to the drainage level of the machinery space. The suction shall be not less than the diameter of the main inlet of the pump used. The discharge capacity of the connected pump shall exceed the capacity of a required main bilge pump. The pump used for emergency bilge suction shall be in addition to the bilge pumps required by § 55.10-30, and the independent bilge suction(s) stipulated in paragraph (e) of this section.

(j) Ballast piping shall not be installed to any hull compartment of a wooden vessel. Where the carriage of liquid ballast in such vessels is necessary, suitable ballast tanks, structurally independent of the hull, shall be provided.

(k) When cargo is to be carried in deep tanks, arrangements shall be made for disconnecting or blanking-off the oil and ballast lines, and the bilge suction shall be disconnected or blanketed-off when oil or ballast is carried. Blind flanges or reversible pipe fittings may be employed for this purpose.

(l) When bilge pumps are utilized for other services, the piping shall be so arranged that under any condition at least one pump will be available for drainage of the vessel through an overboard dis-

charge, while the other pump(s) are being used for a different service.

(m) All bilge pipes used in or under fuel storage tanks or in the boiler or machinery space, including spaces in which oil settling tanks or oil pumping units are located, shall be of steel or other acceptable material.

(n) In passenger vessels where the provision of oily ballast separators is necessary to meet the requirements of § 74.15-10 of Subchapter H (Passenger Vessels) of this chapter, such separators will be required to demonstrate that they have sufficient capacity to provide acceptable separation under the least favorable anticipated service conditions.

3. Section 55.10-30 is amended by deleting footnote 4 from Table 55.10-30(a) in paragraph (a), and by revising paragraphs (c) and (e), to read as follows:

§ 55.10-30 Bilge pumps.

(a) * * *

TABLE 55.10-30(a)—POWER BILGE PUMPS REQUIRED FOR SELF-PROPELLED VESSELS

* * * * *

Footnote 4 and all references thereto in Table are deleted.

* * * * *

(c) *Capacity of power pumps.* Each power bilge pump shall have a capacity of developing a suction velocity of not less than 400 ft. per minute through the size of pipe required by § 55.10-25 under ordinary conditions, except that for vessels of less than 65 feet in length not engaged on international voyages the pump shall have a minimum capacity of 50 gallons per minute and need not meet the velocity requirements of this paragraph.

* * * * *

(e) *Location.* (1) If the engines and boilers are in two or more watertight compartments, the bilge pumps shall be distributed throughout these compartments. When the location of bilge pumps in separate watertight compartments is not possible, the Commandant will consider alternate arrangements of the bilge pumps.

(2) The emergency bilge pumps shall not be installed in a passenger ship forward of the collision bulkhead.

4. Section 55.10-70 (i) is amended to read as follows:

§ 55.10-70 Overboard discharges and shell connections.

* * * * *

(i) On new installations or replacements in vessels of 150 gross tons and over, malleable iron and non-ductile cast irons are not permitted for any connection to the shell plating below the freeboard deck nor shall such valves be secured to sea chests. Steel, bronze, or other approved ductile material shall be used. For this purpose, nodular cast iron, Grade 60-45-15, conforming to the requirements of Subpart 51.61 of Part 51 of this subchapter, may be used for shell connections below the freeboard deck and valves secured to sea chests. Lead or other heat sensitive materials shall not be used for pipes fitted outboard of

shell valves in inlets or discharges, or in any other application where the deterioration of such pipes in the event of fire would give rise to danger of flooding.

(R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426-4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4488, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, 41 Stat. 305, as amended, 49 Stat. 1544, as amended, secs. 3, 17, 54 Stat. 347, as amended, 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404-409, 411, 412, 435, 481, 489, 366, 363, 367, 526p, 1333, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

TABLE 56.01-30(a)—MAXIMUM ALLOWABLE EFFICIENCIES FOR WELDED JOINTS¹

Type of joint	Limitations	Basic joint efficiency (percent) ²	Radio-graphed	Thermally stress-relieved	Maximum joint efficiency (percent)
Double-welded butt joint.	Unfired pressure vessels..... Class I welded pressure vessel.....	90	$\left\{ \begin{array}{l} R \\ R \\ R \end{array} \right.$	$\left\{ \begin{array}{l} R \\ R \\ R \end{array} \right.$	$\left\{ \begin{array}{l} 100 \\ 95 \\ 90 \end{array} \right.$
Single-welded butt joint with backing strip. ⁴	Longitudinal joint maximum thickness 1½ inches. No thickness limitation on circumferential joints. If welds not radiographed and stress-relieved this type joint limited to Class II and III welded pressure vessel.	80	$\left\{ \begin{array}{l} R \\ NR \\ NR \end{array} \right.$	$\left\{ \begin{array}{l} NR \\ R \\ NR \end{array} \right.$	$\left\{ \begin{array}{l} 85 \\ 85 \\ 80 \end{array} \right.$
Single-welded butt joint without backing strip. ⁵	Circumferential joints only. Maximum thickness ¾ inch. Limited to Class II and III welded pressure vessel.	70	$\left\{ \begin{array}{l} NR \\ NR \end{array} \right.$	$\left\{ \begin{array}{l} R \\ NR \end{array} \right.$	$\left\{ \begin{array}{l} 70 \\ 75 \end{array} \right.$
Doubled-welded full-fill lap joints.	Longitudinal joints maximum thickness ¾ inch. Circumferential joints maximum thickness ¾ inch. Limited to Class III welded pressure vessel.	65	$\left\{ \begin{array}{l} NR \\ NR \end{array} \right.$	$\left\{ \begin{array}{l} R \\ NR \end{array} \right.$	$\left\{ \begin{array}{l} 70 \\ 65 \end{array} \right.$

R—Indicates "Required."

NR—Indicates "Not Required."

¹ See § 56.01-25 for classes of welded pressure vessels and Subpart 56.10 for unfired brazed pressure vessel requirements.

² Spot examination required by § 56.05-6 unless specifically exempted.

³ Weld reinforcement required to be removed (see § 56.01-30 (b)).

(b) (1) A maximum joint efficiency of 1.00 may be used for Class I unfired pressure vessels provided the weld reinforcements are removed so that the full longitudinal and circumferential welds on both sides of the joints are substantially flush with the surface of the plates, except that for unfired pressure vessels having thicknesses not more than ½ inch and operating at ambient temperature the weld reinforcement shall meet the requirements of § 56.05-5(c). (3). The joint efficiency of 1.00 shall be limited to double welded butt joints, or to joints made equivalent to double welded butt joints by other means which will obtain the same quality of deposit weld metal on the inside and outside of the weld surfaces to agree with the requirements of § 56.05-5(c). Single welded butt joints using metal backing strips which remain in place are excluded.

(2) A maximum joint efficiency of 0.95 may be used for Class I pressure vessels provided the weld reinforcement is removed so that the longitudinal weld(s) on both sides of the joint is substantially flush with the surface of the plates, and on all intersecting butt-welded circumferential joints the reinforcement is similarly removed five times the plate thickness (or 6 inches

PART 56—ARC WELDING, GAS WELDING, AND BRAZING

Subpart 56.01—Arc Welding and Gas Welding

1. Section 56.01-30 is amended to read as follows:

§ 56.01-30 Welded joint efficiencies.

(a) The maximum joint efficiencies to be used in the design of pressure vessels or parts of pressure vessels fabricated by arc or gas welding shall be as given in Table 56.01-30 (a). The joint efficiencies shall depend on the type of joint welded and on whether or not the pressure vessel is stress-relieved or radiographed.

⁴ Where not possible to employ doubled-welded butt joint the above type may be considered equivalent to a double-welded joint if the requirements of § 56.01-55 are met.

⁵ In welding single-welded butt joints, complete penetration at the root is required, which must be demonstrated by the qualification of the procedure to be used. If complete penetration cannot otherwise be secured, the procedure shall include a backing ring or equivalent.

whichever is less) on each side adjacent to any longitudinal joint.

Subpart 56.05—Tests and Inspection

2. Section 56.05-3 is amended to read as follows:

§ 56.05-3 Qualification of radiographic test procedure.

(a) Prior to the use of radiography by fabricators or commercial radiographic laboratories, the radiographic procedure proposed for use in non-destructive tests shall be qualified to demonstrate that the procedure will produce radiographs of acceptable standards.

(b) Radiographic test procedures qualified by the Bureau of Ships of the Department of the Navy need not be requalified.

(c) Radiographic test procedures shall be qualified in the following manner:

(1) Radiographs shall be taken of test plates in accordance with § 56.05-5. Two radiographs shall be taken for each test plate. The thickness range being qualified shall be in accordance with Table 56.05-3(c). Test plates shall contain defects of known size in addition to the required penetrameters. Test plates shall be furnished by the fabricator or laboratory seeking qualification.

TABLE 56.05-3(c)

Test plate thickness (Inches)	Thickness range qualified (Inches)
1/4	Up to 3/4
1	3/4 to 1 1/2
2	1 1/2 to 2 1/2
3	2 1/2 to 4
5	4 to 6
8	6 to 10
12	10 and over.

(2) The completed radiographs, together with the following information shall be forwarded, via the Officer in Charge, Marine Inspection, to the Commandant, for evaluation:

- (i) Radiation source and capacity.
- (ii) Film brand.
- (iii) Type and thickness of screens.
- (iv) d_o/t ratio, where d_o and t are defined in § 56.05-5(m).
- (v) Description of test plates.
- (vi) Processing technique.
- (d) Test plates of various thicknesses may be made up by placing several rolled mild steel plates together, with the plate containing the defects on the radiation source side.

(e) Separate qualification tests are required for each type of radiation source to be used, and for plate and pipe radiography.

3. Section 56.05-5 is amended to read as follows:

§ 56.05-5 Nondestructive tests.

(a) (1) All longitudinal and circumferential welded butt-joints of Class I welded pressure vessels shall be examined throughout their entire length, except as specifically exempted in other sections of this subchapter, by means of radiography, preferably by X-ray.

(2) Each welded butt-joint of Class II welded pressure vessels shall be examined throughout its entire length by means of radiography, preferably by X-ray, when the plate thickness at the welded joint exceeds $1\frac{1}{2}$ inches, or when such pressure vessels are constructed of steel plate complying with Subpart 51.04 in Part 51 of this subchapter for Grades C, D, E, F, and G, having plate thicknesses at the joint exceeding 1 inch. (See § 54.03-1 of this subchapter and Table 56.01-25.)

(b) (1) All butt-welded joints of Class I piping, unless exempted by § 56.01-80, shall be nondestructively tested. Radiography shall be used for diameters or thicknesses as follows:

- (i) Carbon steel when the pipe wall thickness exceeds $\frac{3}{8}$ inch.
- (ii) Alloy steel when the diameter is 4 inches or larger.

(2) Butt-welded joints of Class I piping of thicknesses and sizes not exceeding that specified in subparagraph (1) of this paragraph may be examined by means of magnetic particle testing. The surfaces to be inspected shall be clean, dry, and free from oil, excessive rust, slag, and scale accumulation. All surface irregularities such as undercuts, overlaps, ripples, rough welds, etc., which may make interpretation of the magnetic indications difficult, shall be made smooth by grinding, chipping, or sandblasting.

(c) Welded joints to be radiographed shall be prepared as follows:

(1) The welded joints shall be representative of the completed weld to be placed in service.

(2) The weld ripples or weld surface irregularities, on both inside and outside, shall be removed by any suitable mechanical process to a degree such that the resulting radiographic contrast due to any remaining irregularities cannot mark or be confused with that of any objectionable defect.

(3) The finished surface of the reinforcement may have a crown of smooth contour not exceeding the following:

Material thickness, inches:	Maximum thickness of reinforcement, inches
$\frac{1}{2}$ and below	$\frac{1}{16}$
Over $\frac{1}{2}$ to 1, inclusive	$\frac{3}{32}$
Over 1 to 2, inclusive	$\frac{1}{8}$
Over 2	$\frac{5}{32}$

(4) Single-welded butt-joints made the equivalent of double-welded butt-joints in accordance with § 56.01-55 may be radiographed without removal of the backing strip provided the backing strip image will not interfere with the interpretation of resultant radiographs.

(d) Radiographic examination shall be performed with a technique that will indicate the presence of defects having depths of 2 percent of the thickness of the material, or widths of 4 percent of the thickness of the material being examined. Penetrators made of material having radiographic density approximately the same as that of the material being radiographed shall be used to determine the sensitivity of the radiographic technique being employed.

(e) Penetrators of the type as shown in Figure 56.05-5(e) shall be used, and shall be placed on the radiation source side of the object being radiographed. All radiographs shall show the image of the penetrator.

(f) Each penetrator shall have three holes of diameters equal respectively to one, two, and four times the penetrator thickness, but in no case less than .010 inch for the 1T hole, .020 inch for the 2T hole, and .040 inch for the 4T hole. The 2T hole shall be distinguishable on the radiograph.

(g) Each penetrator shall carry an identifying number representing, to two

significant figures, the minimum thickness of plate for which it may be used. The images of the identifying numbers shall appear clearly on the radiographs.

(h) The thickness of the penetrator shall be not more than 2 percent of the thickness of the material being examined. When the weld reinforcement and/or backing strip is not removed, a shim shall be placed under the penetrator, such that the total thickness being radiographed under the penetrator is the same as the total thickness through the weld, including backing strip when not removed.

(i) For metals of uniform thickness, each radiograph taken of welds shall have visible penetrators and identification markers as follows:

(1) When the dimension of the film in the direction of the weld is 6 inches or less, one penetrator is required.

(2) When the dimension of the film in the direction of the weld is over 6 inches, 2 penetrators are required.

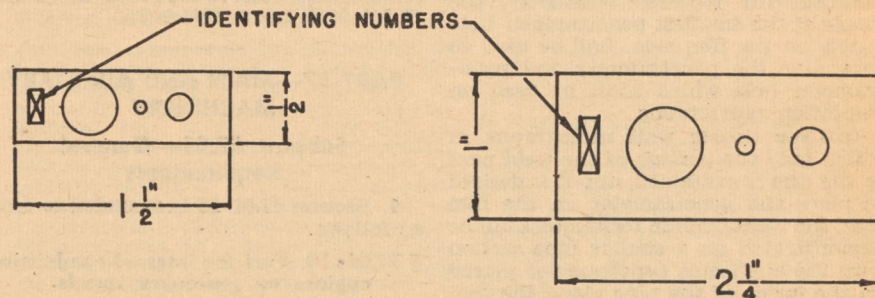
(3) The penetrator(s) shall be placed at the end(s) of the exposed length, parallel and adjacent to the weld seam with the smallest hole at the outer end. When a single penetrator is used, it shall be placed at the end of maximum angularity when there is a difference of angularity of radiation at the ends.

(4) For assembly welds, at least 2 identification markers are required. The distance between any two adjacent identification markers shall be not more than 6 inches.

(j) For metals of non-uniform thickness, such as castings, each radiograph taken shall have visible penetrators as follows:

(1) Where the thickness of the metal does not vary over the area covered by a single radiograph by more than 50 percent of the maximum thickness or by more than $\frac{1}{2}$ inch in thickness, whichever is the lesser, one penetrator shall be used which shall be located at a point of mean thickness. In all cases where the longest dimension of a radiograph exceeds 6 inches, two penetrators shall be used.

(2) If the thickness of metal covered by a single radiograph varies by more than 50 percent of the maximum thickness or by more than $\frac{1}{2}$ inch, whichever is the lesser, suitable penetrators shall be placed at the thinnest and thickest



DIAMETERS OF HOLES 1, 2, AND 4 TIMES THE THICKNESS OF PENETRATOR.

FIGURE 56.05-5(e)—Details of penetrators.

portion of the material being radiographed.

(3) Where the above requirements for placement on either the mean or maximum and minimum thickness permits, the penetrameter(s) shall be placed at the point(s) of maximum angularity of radiation.

(k) When an isotope capsule is placed at the center of a circumferential joint and the complete circumference radiographed with a single exposure, four penetrameters, uniformly spaced, shall be employed.

(l) Radiographic film for the inspection of welded joints or of weld repairs shall be high-contrast, slow speed, fine grain, or extra-fine grain, and used with lead screens. All radiographs shall be free from excessive mechanical processing defects which would interfere with the proper interpretation of the radiograph.

(m) The film during exposure shall be as close to the surface of the weld as practicable. Except where specifically provided for in the process qualification, the d_o/t ratio shall be 7 or greater; where d_o is the distance from the source of radiation to the surface of the test object toward the radiation source, and t is the distance from the remotest part of the test object surface toward the radiation source to the film.

(n) Identification markers, the image of which is to appear on the film, shall be placed adjacent to the weld and their locations accurately and permanently marked near the weld on the outer surface of the plate or pipe, so that a defect appearing on the radiograph may be accurately located on the actual weld.

(o) (1) When radiographing a circumferential pipe joint or a casting by placing the radiation source inside the object, and where it is not feasible to place the penetrameters on the radiation side of the weld, the penetrameters may be placed on the film side if the requirements of subparagraph (2) of this paragraph are met.

(2) The radiographic technique shall be demonstrated with the applicable penetrameter placed on the source side and a continuous series of penetrameters placed on the film side of a like pipe section. The series of penetrameters shall range in thickness from 2 percent to 0.5 percent of the material thickness. If the penetrameter on the source side indicates the required sensitivity, the image of the smallest penetrameter hole visible on the film side shall be used to determine the penetrameter and penetrameter hole which shall be used on inspection radiographs.

(p) For double wall radiographs in which only the portion of the weld next to the film is examined, and it is desired to place the penetrameter on the film side, the radiographic technique shall be demonstrated on a similar pipe section with the applicable penetrameter placed on the inside of the pipe along the root of the weld and a series of penetrameters, selected as in subparagraph (o) (2) of this section, placed on the film side. If the penetrameter on the source side of the portion of the weld indicates the required sensitivity, the image of the

smallest penetrameter hole visible on the film side shall be used to determine the penetrameter and penetrameter holes which shall be used on inspection radiographs.

(q) The radiographs shall be submitted to the marine inspector with data as follows:

(1) The thickness of the metal being examined.

(2) The d_o/t ratio.

(3) The X-ray voltage or isotope used.

(r) The acceptability of welds examined by radiography shall be judged by the following standards:

(1) Welds in which the radiographs show elongated slag inclusions or cavities are unacceptable if the length of any such imperfection is greater than $1/3T$ where T is the thickness of the thinner plate welded. If several imperfections within the above limitations exist in line, the welds shall be judged acceptable if the sum of the longest dimensions of all such imperfections is not more than T in a length of $12T$ and if the defects are separated by at least $6L$ of acceptable weld metal, where L is the length of the longest imperfection. The maximum length of acceptable inclusion for any plate thickness shall be $3/4$ inch. Any slag inclusion shorter than $1/4$ inch shall be acceptable for any plate thickness.

(2) Welds in which the radiographs show any type of crack or zones of incomplete penetration shall be unacceptable. Incomplete penetration appears as elongated darkened lines of varying length and width in any part of the welding groove.

(3) Welds in which the radiographs show porosity shall be judged as acceptable or unacceptable by comparison with a standard set of radiographs, copies of which are on file at Coast Guard Headquarters, with the Coast Guard District Commanders, and with the Officers in Charge, Marine Inspection.

(R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426-4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4488, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, 41 Stat. 305, as amended, 49 Stat. 1544, as amended, secs. 3, 17, 54 Stat. 347, as amended, 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404-409, 411, 412, 435, 481, 489, 366, 363, 367, 526p, 1333, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

PART 57—MAIN AND AUXILIARY MACHINERY

Subpart 57.01—General Requirements

1. Section 57.01-10 is amended to read as follows:

§ 57.01-10 Fuel for internal combustion engines on passenger vessels.

(a) All internal combustion engines, whether used for main propulsion or auxiliaries, installed on passenger vessels exceeding 100 gross tons, or on all passenger vessels engaged in international voyages, shall be driven by fuel

having a flash point exceeding 110 degrees F.

Subpart 57.05—Main Propulsion Machinery

2. Section 57.05-5 is amended to read as follows:

§ 57.05-5 Astern power.

(a) All vessels shall have sufficient power for going astern to secure proper control of the ship in all normal circumstances.

Subpart 57.10—Internal Combustion Engine Installations

3. Subpart 57.10 is amended by adding after § 57.10-10 a new section reading as follows:

§ 57.10-15 Gas turbine installations.

(a) The design, construction, workmanship and tests of gas turbines and their associated machinery shall be at least equivalent to the standards of the American Bureau of Shipping or other recognized classification society.

(b) The materials used for gas turbine installations shall have properties suitable for the intended service. When materials not conforming to standard A.S.T.M. specifications are employed, data concerning their properties including high temperature strength data where applicable, shall be furnished.

(c) (1) Gas turbine exhaust piping will be considered to be Class II piping under the provisions of § 55.01-10 of this subchapter, except for installations where the exhaust pressure exceeds 150 lbs., such as in closed cycle systems. Where exhaust ducting is employed, the drawings and design data shall be submitted to substantiate its suitability and safety for the intended service.

(2) Where considered necessary, gas turbines and associated exhaust systems shall be suitably insulated or cooled, by means of lagging, water jacketing, water spray, or a combination thereof.

(3) Where specifically approved by the Commandant, exhaust lines of gas turbines may be interconnected with boiler uptakes, provided dampers or other suitable devices are provided to prevent backflow of boiler exhaust gases into the turbine.

(d) The air inlet shall be designed and equipped as necessary for the safety of personnel and to prohibit the entrance of harmful foreign material, including water, into the system.

(e) The noise level in the vicinity of any part of the installation shall be kept at or below the levels as prescribed in Department of the Navy, Bureau of Ships' Specifications, Section S1-10, or other approved standards.

(f) Means shall be provided for circulating air, either natural or forced, through the engine compartment for cooling and ventilation.

(g) (1) The control system shall be designed for automatic shut-down of the engine under the following conditions:

- (i) Overspeed.
- (ii) Excessive exhaust gas temperature.

(iii) Excessive lubricating oil temperature.

(iv) Low lubricating oil pressure.

(2) Audible or visible alarms shall be provided in the gas temperature control system and in the lubricating oil control system. Such alarms shall be actuated prior to or upon automatic shut-down.

(3) A remote, manually operated shut-down device shall be provided. Such device may be totally mechanical or may be electrical with a manually actuated switch.

(h) Drawings and design data of the following components shall be submitted to substantiate their suitability and safety for the service intended:

(1) Combustion chamber.

(2) Regenerator or recuperator.

(3) Casing or piping conveying the gas from the combustion device to the gas turbine.

(i) Gas turbine fuel systems shall meet, in general, the requirements of Part 55 of this subchapter.

Subpart 57.25—Steering Apparatus

4. Section 57.25-5 is amended to read as follows:

§ 57.25-5 Steering apparatus; new installations.

(a) All new vessels subject to inspection by the Coast Guard, except certain towed barges, shall be provided with main and auxiliary steering apparatus in accordance with §§ 57.25-10 to 57.25-60, inclusive.

(b) The main steering gear shall be of adequate strength and of sufficient capacity to steer the vessel at maximum service speed. The main steering gear and rudder stock shall be so designed that they are not damaged at maximum astern speed.

(c) The auxiliary steering gear shall be independent of the main steering gear and shall be of adequate strength and of sufficient capacity to steer the vessel at navigable speed and capable of being brought speedily into action in an emergency.

(d) When the steering gear is power operated, the exact position of the rudder shall be indicated at the main steering station.

5. Section 57.25-10 is amended to read as follows:

§ 57.25-10 Rudder movement.

(a) The main steering gear shall be capable of putting the rudder over from 35 degrees on one side to 35 degrees on the other side with the vessel running ahead at the maximum continuous rated shaft R.P.M. The timing may be conducted from 35 degrees on one side through 30 degrees on the other side, and the average rate of the rudder shall be not less than $2\frac{1}{3}$ degrees per second.

(b) The auxiliary steering gear where power driven shall be capable of putting the rudder over from 15 degrees on one side to 15 degrees on the other side in 60 seconds with the vessel running ahead at half speed, or 7 knots, whichever is greater.

6. Section 57.25-20 is amended to read as follows:

§ 57.25-20 Power driven steering gear.

(a) The main steering gear shall be power driven for vessels over 250 feet in length or when the required upper rudder stock diameter is over 9 inches. However, power-driven main steering gear shall be required for any vessel where the hand steering gear is not considered capable of effectively complying with the requirements of § 57.25-10.

(b) The auxiliary steering gear shall be power driven when the required upper rudder stock diameter is over 9 inches for passenger vessels and over 14 inches for cargo vessels.

7. Section 57.25-25(a) is amended to read as follows:

§ 57.25-25 Auxiliary means of steering.

(a) An auxiliary means of steering will not be required where the main gear is of the dual-power hydraulic type, having two independent pumps and connections and separate leads to the pump prime movers from the source of power, and each independent steering gear power unit has the required capacity for a main steering gear in order to meet the requirements of § 57.25-10(a). In such cases the attachment to the rudder stock shall be designed for strength in excess of that of the rudder stock.

8. Section 57.25-45 is amended to read as follows:

§ 57.25-45 Alternative steering station.

(a) An alternative steering station shall be provided from which control of the steering gear can be effected by mechanical, hydraulic, electrical or other approved means. The alternative steering station shall be located on the after weather deck or other suitable location approved by the Commandant.

(b) Means shall be provided to enable orders to be transmitted from the bridge to the alternative steering station. Where the alternative steering station is approved for a location other than on the after weather deck, a suitable means of communication shall be provided between the alternative steering station and a steering control station other than the bridge. This additional control station shall be located on the weather deck and as close to the alternative steering station as practicable.

(R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426-4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4488, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, 41 Stat. 305, as amended, 49 Stat. 1544, as amended, secs. 3, 17, 54 Stat. 347, as amended, 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404-409, 411, 412, 435, 481, 489, 366, 363, 367, 526p, 1333, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

Subpart 57.30—Nuclear Energy

9. Section 57.30-10 is amended to read as follows:

§ 57.30-10 General safety requirements.

(a) The reactor installation shall be designed to take into account the special conditions of service on board the vessel both in normal and exceptional circumstances of operation.

(b) Prior to the issuance of a certificate of inspection by the U.S. Coast Guard for a nuclear vessel, it shall be shown to the satisfaction of the Commandant that:

(1) The vessel provides a degree of safety for the non-nuclear portion at least equivalent to the relevant requirements prescribed in this chapter for a conventionally-powered ocean-going passenger vessel of similar size, capacity, and tonnage. In this respect components and systems such as watertight subdivision, stability, fire protection, bilge pumping arrangements, fire extinguishing arrangements, electrical installations, steering gear, astern power, and navigational aids will be evaluated in order to provide for the maximum practicable safety for the vessel.

(2) The vessel complies with such additional requirements as may be prescribed by the Commandant and with the requirements of the Atomic Energy Commission.

(3) The design, construction and operation of the vessel do not create an unreasonable radiation, or other hazard, at sea or in port, to the crew, passengers, or public or to the waterways or food or water supply.

(4) The nuclear systems or components thereof are provided with means for preventing the uncontrolled release of hazardous amounts of radioactive material to normally accessible spaces or to the ship's environment in the event of accident or malfunctioning of the nuclear system.

(5) The vessel has standby and emergency components essential to its safe operation in order to provide maximum protection in the event of an accident or malfunctioning of the nuclear system.

(c) A license or other certificate issued by the Atomic Energy Commission may be accepted by the Commandant as evidence that the vessel complies with the requirements of the Atomic Energy Commission and subparagraph (b) (3) and (4) of this section.

10. Section 57.30-20 is amended to read as follows:

§ 57.30-20 Inspection, overhaul, and repairs.

(a) Every nuclear vessel subject to the regulations in this subchapter shall be inspected by the U.S. Coast Guard at least annually to ascertain that the hull, nuclear systems, machinery, equipment, appliances, etc., of the vessel comply with the regulations in this chapter.

(b) In addition to the requirements for inspection, test, overhaul and repair specified in this chapter, nuclear vessels may be subject to such additional requirements as may be prescribed by the Commandant for inspection, test, overhaul and repair.

11. Subpart 57.30 is amended by adding at the end thereof the following sections:

Sec.

57.30-25 Radiation protection.
57.30-30 Safety Assessment.
57.30-35 Operating Manual.

AUTHORITY: §§ 57.30-25 to 57.30-35 issued under R.S. 4405, as amended, 4462, as amended, sec. 2, 23 Stat. 118, as amended, secs. 2, 633, 63 Stat. 496, 545; 46 U.S.C. 375, 416, 2, 14 U.S.C. 2, 633. Interpret or apply R.S. 4417a, as amended, 4472, as amended, sec. 14, 29 Stat. 690, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 170, 366, 367, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.

§ 57.30-25 Radiation protection.

(a) The Standards for Protection Against Radiation set forth in 10 CFR Part 20 will be the radiation protection standards followed by the U.S. Coast Guard, except as otherwise provided for by law.

§ 57.30-30 Safety Assessment.

(a) A "Safety Assessment" shall be prepared to permit evaluation of the nuclear powerplant and safety of the vessel to ensure compliance with § 57.30-10(b) (3).

(b) The "Safety Assessment" shall be submitted to the Commandant for approval and shall always be kept up-to-date.

(c) The "Safety Assessment" will be used as a basis for establishing orderly negotiations between the United States and governments of countries which a nuclear vessel intends to visit to permit entry of nuclear ships into ports of different countries.

§ 57.30-35 Operating Manual.

(a) A fully detailed "Operating Manual" shall be prepared for the information and guidance of the operating personnel in their duties on all matters relating to the operation of the nuclear powerplant and having an important bearing on safety.

(b) The "Operating Manual" shall be submitted to the Commandant for approval and shall always be kept up-to-date.

(c) A copy of the "Operating Manual" shall be kept on board the vessel at all times.

PART 58—REPAIRS TO BOILERS, UNFIRED PRESSURE VESSELS AND APPURTENANCES

Subpart 58.15—Miscellaneous Boiler Repairs

Section 58.15-1 is amended by revising paragraphs (a), (b) and (c) to read as follows:

§ 58.15-1 Furnace repairs.

(a) Where corrugated or plain furnaces or flues are distorted $1\frac{1}{2}$ inches or more, they shall be repaired by either of the following methods:

(1) The furnace shall be forced back to a true circular shape, and the Officer in Charge, Marine Inspection, may require strong-backs or other acceptable means of support to hold the furnace from future collapse, if in his opinion such support is necessary; or,

(2) The furnace shall be adequately stayed as found necessary in the judgment of the Officer in Charge, Marine Inspection.

(b) Distortion means the difference between any single measured diameter of the furnace and the diameter of a true circle at the same location. The diameter of the true circle may be taken as the original furnace diameter or may be determined by a means acceptable to the Officer in Charge, Marine Inspection.

(c) Where the distortion does not exceed $1\frac{1}{2}$ inches it will not be necessary to force the furnace back to a true circle if the allowable pressure is reduced in the ratio of $1\frac{1}{2}$ percent for each $\frac{1}{10}$ of an inch of distortion. However, if the maximum distortion does not exceed one inch and the length of the distorted area is not more than three corrugations, or if the maximum distortion does not exceed $\frac{3}{4}$ inch for a length greater than three corrugations of distorted area, the repairs or reduction in pressure will not be required unless considered necessary by the marine inspector.

(R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426-4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4488, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, 41 Stat. 305, as amended, 49 Stat. 1544, as amended, secs. 3, 17, 54 Stat. 347, as amended, 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404-409, 411, 412, 435, 481, 489, 366, 363, 367, 526p, 1333, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

PART 61—INSTALLATIONS, TESTS, INSPECTIONS, MARKINGS, AND OFFICIAL FORMS

Subpart 61.05—Installations

Subpart 61.05 is amended by adding after § 61.05-20 a new section reading as follows:

§ 61.05-25 Means of stopping machinery.

(a) Machinery driving forced and induced draft fans, fuel oil transfer pumps, fuel oil unit pumps and other similar fuel pumps shall be fitted with remote controls from a readily accessible position outside of the space concerned so that they may be stopped in the event of fire occurring in the compartment in which they are located. These controls shall be suitably protected against accidental operation or tampering.

(R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426-4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4488, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, 41 Stat. 305, as amended, 49 Stat. 1544, as amended, secs. 3, 17, 54 Stat. 347, as amended, 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404-409, 411, 412, 435, 481, 489, 366, 363, 367, 526p, 1333, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

SUBCHAPTER H—PASSENGER VESSELS

PART 71—INSPECTION AND CERTIFICATION

Subpart 71.50—Drydocking

Section 71.50-1 is amended to read as follows:

§ 71.50-1 When required.

(a) All vessels making international voyages shall be placed in drydock or hauled out for examination at least once every 12 months.

(b) All vessels not making international voyages shall be placed in drydock or hauled out for examination within the periods set forth in this paragraph, depending upon the service.

(1) Each vessel shall be drydocked or hauled out at intervals not to exceed 18 months if it operates in salt water an aggregate of more than 9 months in the 18-month period since it was last drydocked or hauled out.

(2) Each vessel shall be drydocked or hauled out at intervals not to exceed 36 months if it operates in salt water an aggregate of 6 months or less in each 12-month period since it was last drydocked or hauled out. When a vessel exceeds this aggregate amount of service in salt water in any 12-month period since it was last drydocked or hauled out, it shall be drydocked or hauled out within 6 months after the end of that period or within the 36-month interval, whichever is earlier.

(3) Each vessel shall be drydocked or hauled out at intervals not to exceed 60 months if it operates exclusively in fresh water.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 4490, as amended, sec. 3, 24 Stat. 129, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675, as amended; 46 U.S.C. 391, 392, 404, 481, 482, 363, 369, 367, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

PART 72—CONSTRUCTION AND ARRANGEMENT

Subpart 72.01—Hull Structure

1. Section 72.01-25(a) is amended by revising subparagraphs (1) and (5) to read as follows:

§ 72.01-25 Structural subdivision requirements.

(a) * * *

(1) Each watertight subdivision bulkhead, whether transverse or longitudinal, shall be constructed in such a manner that it shall be capable of supporting, with a proper margin of resistance, the pressure due to the maximum head of water which it might have to sustain in the event of damage to the vessel, but at least the pressure due to a head of water up to the margin line. The construction of the bulkheads shall be to the satisfaction of the Commandant.

(5) The forepeak, double bottoms (including duct keels), and inner skins

shall be tested with water to-a-head corresponding to the requirements of subparagraph (1) of this paragraph upon completion of construction.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 4490, as amended, sec. 3, 24 Stat. 129, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675, as amended; 46 U.S.C. 391, 392, 404, 481, 482, 363, 369, 367, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

Subpart 72.05—Structural Fire Protection

2. Sections 72.05-1 to 72.05-90, inclusive (including all tables), which comprise Subpart 72.05, are revised in their entirety and read as follows:

Sec.	
72.05-1	Application.
72.05-5	Definitions.
72.05-10	Type, location, and construction of fire control bulkheads and decks.
72.05-15	Ceilings, linings, trim, and decorations in accommodation spaces and safety areas.
72.05-20	Stairways, ladders, and elevators.
72.05-25	Doors, other than watertight.
72.05-30	Windows and airports.
72.05-35	Hatch covers and shifting boards.
72.05-40	Insulation, other than for structural fire protection.
72.05-45	Paint.
72.05-50	Ventilation.
72.05-55	Furniture and furnishings.
72.05-60	Motion picture projection and equipment.
72.05-90	Vessels contracted for prior to January 1, 1962.

AUTHORITY: §§ 72.05-1 to 72.05-90 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 4490, as amended, sec. 3, 24 Stat. 129, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, and sec. 3, 68 Stat. 675, as amended; 46 U.S.C. 391, 392, 404, 481, 482, 483, 363, 369, 367, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.).

§ 72.05-1 Application.

(a) The provisions of this subpart shall apply to the following vessels:

- (1) All vessels of 100 gross tons and over.
- (2) All vessels which carry more than 150 passengers.
- (3) All vessels on an international voyage.

(b) The provisions of this subpart, with the exception of § 72.05-90, shall apply to all vessels noted in paragraph (a) of this section contracted for on or after January 1, 1962. Such vessels contracted for prior to January 1, 1962, shall meet the requirements of § 72.05-90.

§ 72.05-5 Definitions.

NOTE: The parenthetical number after each space refers to the applicable column and row number in Tables 72.05-10 (d) through (g).

(a) "Safety areas" will be considered as including the following spaces:

(1) Control stations, i.e., spaces containing the emergency source of power, and those spaces in which a continuous watch is maintained and in which navigating, radio, or fire-control equipment is located. (1)

(2) Passenger and crew stairway and elevator enclosures. (2)

(3) Passenger and crew communicating corridors. (3)

(4) Open decks and enclosed promenades in way of lifeboat embarkation or lowering positions. (4) (See also paragraph (1) of this section.)

(b) "Accommodation spaces" will be considered as including the following spaces:

(1) Public spaces, such as halls, dining rooms, mess rooms, lounges, cafes, and other similar spaces normally accessible during the voyage. (5) through (7) (Depending upon size and furnishings.)

(2) Public sales rooms and similar spaces. (6) or (7) (Depending on size.)

(3) Staterooms, including passenger and crew rooms, barber shops, beauty parlors, offices, dispensaries, etc. (5) or (6) (Depending on furnishings.)

(4) Washrooms and toilet spaces, both public and private. (8)

(5) Isolated lockers and small storerooms in accommodation areas. (6)

(6) Isolated serving pantries, etc., in accommodation areas, with incombustible furnishings. (8)

(7) Operating rooms. (8)

(8) Small laundries containing only tubs and washing machines, with no facilities for drying other than small electric driers. (8)

(9) Small cleaning gear lockers containing only slop sinks, and having no room for stowing materials other than a broom, mop, cleaning powder, soap, etc. (8)

(10) Large cleaning gear lockers having considerable stowage space. (6) or (9)

(c) "Service spaces" will be considered as including the following spaces:

(1) Motion picture projection rooms and film stowage rooms. (6) or (9)

(2) Galleys, main pantries, and storerooms, including alleyways and stairs, part of and for the exclusive use of such spaces. (9)

(3) Diet kitchens. (6) or (9) (Depending on furnishing.)

(4) Work shops (not part of machinery spaces, galleys, etc.), large laundries, drying rooms, mail and baggage rooms, etc. (9)

(5) Garbage disposal and stowage rooms, and trash stowage rooms. (9)

(6) Paint and lamp rooms, and similar spaces containing highly combustible materials. (9)

(d) "Machinery spaces" will be considered as including the following spaces:

(1) Main machinery spaces, including trunks and casings, alleyways, gratings, and stairways, part of and for the exclusive use of these spaces, auxiliary machinery spaces containing internal combustion machinery or other oil burning, heating, or pumping units, and fuel oil filling stations. (10)

(2) Auxiliary machinery spaces containing only pumps, tanks, electrical ma-

chinery, ventilation or air conditioning equipment, resistors, steering machinery, stabilizer machinery, etc. (12) (Where such spaces contain considerable stowage space for combustibles.) (10)

(e) "Cargo spaces" will be considered as including the following spaces:

(1) Cargo holds, lockers, and trunks, both accessible and inaccessible and including refrigerated cargo spaces and cargo oil tanks intended for the alternate carriage of dry cargo. (11)

(2) Cargo oil tanks if not intended for the alternate carriage of dry cargo. (12)

(f) "Miscellaneous spaces" will be considered as including the following spaces:

(1) Fuel and water tanks and voids. (12)

(2) Open decks and enclosed promenades except in way of lifeboat embarkation and lowering positions. (13) (See also paragraph (1) of this section.)

(3) Shaft alleys when separated from machinery spaces, and containing no space assigned for the stowage of combustibles. (12)

(g) A "standard fire test" is one which develops in the test furnace a series of time-temperature relationships as follows:

5 minutes.....	1,000° F.
10 minutes.....	1,300° F.
30 minutes.....	1,550° F.
60 minutes.....	1,700° F.

(h) "Main vertical zones" are those sections, the mean length of which does not, in general, exceed 131 feet on any one deck, into which the hull, superstructure, and deck houses are required to be divided by fire-resisting bulkheads.

(i) Where the term "steel or other equivalent metal" is used in this part, it is intended to require a material which, by itself or due to insulation provided, has structural and integrity qualities equivalent to steel at the end of the applicable fire exposure.

(j) Working spaces will be considered as only those service and machinery spaces where personnel are normally employed as contrasted to those where personnel may occasionally visit or be employed for short periods of time.

(k) Passenger or crew corridors over 8 feet in width will be considered as public spaces for the purpose of this subpart.

(l) Spaces which might be considered as open decks due to the presence of permanent openings to the weather in one or more sides, or where any or all sides may be completely open to the weather, will be considered as interior or enclosed spaces for the purpose of this subpart if any spot on the overhead is more than 15 feet from the nearest opening to the weather. This requirement shall only apply to those portions of the space as are under a deck or canopy, but it shall not be considered as a restriction against permanent opening or a restriction against the materials used for a canopy. This paragraph shall not apply to open or enclosed promenades having a nominal width of 15 feet or less.

(m) Where balconies are installed opening into a space, the following general requirements shall be met:

(d) The minimum requirements for the bulkheads between the various spaces, where such bulkheads form the boundaries of main vertical zones, shall be as noted in Table 72.05-10(d).

TABLE 72.05-10(e)—BULKHEADS—NOT MAIN VERTICAL ZONES

¹ Class C bulkheads may be used between two similar spaces, such as between two similar storerooms. However, a Class A-0 bulkhead shall be used between dissimilar spaces, such as a storeroom and a dissimilar workshop.

TABLE 72.05-10(f)—DECKS—MAIN VERTICAL ZONES

[illegible]

(g) The minimum requirements for the decks between the various spaces, where such decks do not form the boundaries of stepped main vertical zones, shall be as noted in Table 72.05-10(g).

TABLE 72.05-10(g)—DECKS—NOT MAIN VERTICAL ZONES

This space above This space below		Control stations	Stair- way and eleva- tor en- closures	Cor- ridors	Life- boat em- bar- ka- tion or lower- ing stations	Staterooms and all public spaces with incom- bustible veneers and trim and fire resistant furnishings	Staterooms and public spaces of 500 square feet or less with com- bustible furnishings and isolated storerooms	Public spaces over 500 square feet with com- bustible furnish- ings	Wash- rooms, toilet spaces, and isolated pantries with in- combustible fittings	Galley, main pantries, store- rooms, and work- shops	Ma- chinery spaces	Dry cargo spaces	Fuel and water tanks and voids	Open decks and en- closed promen- ades (not safety areas)
		1	2	3	4	5	6	7	8	9	10	11	12	13
Control stations	1	A-30	A-30	A-15	A-0	A-0	A-15	A-30	A-0	A-0	A-0	A-0	A-0	A-0
Stairway and elevator enclosures	2	A-0	C	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0
Corridors	3	A-15	A-0	A-0	A-0	A-0	A-0	A-15	A-0	A-0	A-0	A-0	A-0	A-0
Lifeboat embarkation or lowering stations	4	A-0	A-0	A-0	C	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	C
Staterooms and all public spaces with incombustible veneers and trim and fire resistant furnishings	5	A-15	A-15	A-0	A-0	A-0	A-0	A-15	A-0	A-0	A-0	A-0	A-0	A-0
Staterooms and public spaces of 500 square feet or less with combustible furnishings and isolated storerooms	6	A-60	A-60	A-30	A-15	A-0	A-30	A-60	A-0	A-0	A-0	A-0	A-0	A-0
Public spaces over 500 square feet with combustible furnishings	7	A-60	A-60	A-60	A-30	A-15	A-60	A-60	A-0	A-0	A-0	A-0	A-0	A-0
Washrooms, toilet spaces, and isolated pantries with incombustible fittings	8	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0
Galley, main pantries, storerooms, and workshops	9	A-60	A-60	A-60	A-30	A-15	A-60	A-60	A-0	A-0	A-0	A-0	A-0	A-0
Machinery spaces	10	A-60	A-60	A-60	A-30	A-15	A-60	A-60	A-0	A-0	C	A-0	A-0	A-0
Dry cargo spaces	11	A-60	A-60	A-60	A-30	A-15	A-60	A-60	A-0	A-0	A-0	A-0	A-0	A-0
Fuel and water tanks and voids	12	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0
Open decks and enclosed promenades (not safety areas)	13	A-0	A-0	A-0	C	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	C

(h) Where ceilings or linings are fitted, "B" Class bulkheads, with the exception of those forming passageways, may stop at the ceiling or lining and need not continue to the deck or shell, provided the ceiling and/or lining is erected as indicated in paragraph (j) of this section. However, draft stops meeting at least Class B-O requirements shall be fitted not more than 45 feet apart between the ceiling or lining and the deck or shell. The space behind the linings of stairways and similar trunks shall have similar draft stops at each deck.

(i) Where Class B-15 bulkhead panels are required to go beyond the ceiling to the deck above, or beyond the lining to the shell, the portion of the bulkhead panel within the void space need only meet B-O requirements.

(j) Where "B" Class panels are used, all four edges of the panel shall be retained by continuous steel or equivalent metal flanges on both sides of the panel offering at least $\frac{3}{4}$ inch coverage. The top and bottom flanges shall be so attached to the structural decks above and below so as to support and restrain the panels in the event of fire. Other methods of construction may be specifically approved by the Commandant if determined to be equivalent.

(k) Any sheathing, furring, or holding pieces incidental to the securing of structural insulation shall be of approved incombustible materials.

(l) Where linings or bulkhead panels are framed away from the shell or structural bulkheads, the deck within the void space so formed need only meet Class A-O requirements.

(m) Accommodation spaces, other than washrooms and toilet spaces, separated from corridors or other spaces covered by the supervised patrol by bulk-

heads of the "B" Class shall have a louver in the door. In lieu of the louver in the door, a screened opening approximately one inch in diameter will be accepted. Such opening to permit smoke to be detected by the patrol, shall be located as high as practicable in the bulkhead. In the event of a double bulkhead or similar construction, a suitable hollow sleeve or tube shall connect the inner and outer surfaces of the bulkhead.

(n) Decks within accommodation spaces and inside safety areas may have an overlay for leveling or finishing purposes which need not meet the requirements for an approved deck covering. Such an overlay will not be considered as giving any insulating value and may not in general exceed $\frac{3}{8}$ of an inch in thickness. Greater thicknesses may be specifically approved by the Commandant for specific locations.

(o) Rugs and carpets may be used in addition to any deck covering or overlay installed. Rugs and carpets used in stairways or corridors shall be of wool, or other materials having equivalent fire-resistant qualities.

(p) Decking within surgical operating rooms shall be of a type which is acceptably conductive to prevent accumulation of dangerous electrostatic charges, and shall be in general agreement with "Recommended Safe Practice for Hospital Operating Rooms", of issue in effect at the time the vessel is contracted for, published by the National Fire Protection Association, 60 Batterymarch Street, Boston 10, Mass.

(q) Decks in washrooms and toilet spaces, service, cargo, and machinery spaces, open decks, exterior safety areas, and enclosed promenades may have an overlay in any thickness. This overlay need not meet the requirements for an approved deck covering.

§ 72.05-15 Ceilings, linings, trim, and decorations in accommodation spaces and safety areas.

(a) Ceilings and linings and any furring incidental to their erection shall be of approved incombustible materials. Where such ceilings or linings are given credit for their insulating value in obtaining a bulkhead or deck classification they shall be of Class B-15 bulkhead panel material, and the construction shall be as required by § 72.05-10(j).

(b) Bulkheads, linings, and ceilings may have a combustible veneer within a room not to exceed $\frac{2}{32}$ of an inch in thickness. However, combustible veneers shall not be used in passageways or stairway enclosures, or in spaces specifically restricted by Tables 72.05-10 (d) through (g).

(c) The total volume of combustible face trim, moldings, and decorations, including veneers, in any compartment shall not exceed a volume equivalent to $\frac{1}{40}$ inch veneer on the combined area of the walls of the compartment. Such trim, molding, or decorations shall not perform any structural function, and shall not be used in corridors or stairway enclosures.

(d) Combustible veneers, trim, decorations, etc. shall not be used in or extend into hidden spaces such as behind linings or ceilings or in the interior of double bulkheads.

(e) Nothing in this subpart shall be construed as prohibiting the covering of any surface with a reasonable number of coats of paint or with a Marine Finish meeting the requirements of Subpart 164.012 of Subchapter Q (Specifications) of this chapter. This includes corridors, stairway enclosures, and hidden spaces.

(f) Partial bulkheads or decks used to subdivide a space for artistic treatment,

privacy, etc., shall meet the requirements of Class C bulkheads.

§ 72.05-20 Stairways, ladders, and elevators.

(a) (1) Except as further noted, the provisions of this section apply to all vessels.

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

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

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

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

(c) Deck penetrations shall meet the following requirements:

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

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

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

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

- Type 1—Main Vertical Zone enclosed stair towers.
- Type 2—Enclosed stairways other than Type 1.
- Type 3—Interior stairway not enclosed.
- Type 4—Exterior stairways or exterior inclined ladders.

(e) Each Main Vertical Zone shall be served by at least one Type 1 stairway, so that independent of adjoining Main Vertical Zones, escape may be effected from any accommodation space or any other space where persons may be normally quartered or employed, to ALL other decks having any such spaces within the same Main Vertical Zone without coming out of the stair tower enclosure. Each Type 1 stairway shall give access to the Embarkation Deck or, if the Embarkation Deck does not extend to the portion of the vessel in question, to at least one weather deck from which

convenient communication to the Embarkation Deck is provided by means of Type 4 stairways. In cases where a Type 1 stairway is accessible from two Main Vertical Zones, it may be considered as the required Type 1 stairway for both zones provided all boundaries of the stairway meet Main Vertical Zone requirements.

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

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

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

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

(j) The stringers, treads, and all platforms and landings of all Types 1, 2, and 3 stairways shall be of solid steel construction.

Risers shall be of approved incombustible material.

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

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

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

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

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

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

TABLE 72.05-20(p)

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

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

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

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

(i) Passenger staterooms—designed capacity.

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

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

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

(v) Working spaces—normal operating capacity.

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

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

tion route, the number of persons using the stairway for that purpose shall be considered.

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

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

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

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

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

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

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

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

TABLE 72.05-20(s)

Type of stairway	Primary use	Minimum clear opening, in inches, of doors to stairways based on number of persons served by doors					
		Number of persons (N)					
		1-10	11-20	21-30	31-40	41-50	Over 50
1	Passenger or crew	28	30	32	34	36	1.75N
2 or 3	Passenger	28	30	32	34	36	36
2 or 3	Crew	28	30	30	30	30	30

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

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

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

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

§ 72.05-25 Doors, other than watertight.

(a) The general requirement for doors, other than watertight doors, are as follows:

(1) All doors shall be capable of operation from either side by 1 person.

(2) In public spaces, stairway enclosures, corridors, etc., all doors shall open in the direction of escape where practicable.

(3) If it is desired to use decorative doors in addition to those required, they shall be constructed of approved incombustible materials and shall not interfere with the normal operation of the required doors, and shall open in the same direction if the required doors are in a main avenue of escape.

(4) For the purpose of this subpart, all glass permitted in doors shall be at least ¼-inch thick. However, greater thickness may be required for strength purposes in certain locations. Except for hardwood doors permitted by sub-

paragraph (b) (8) of this section, all glass shall be fitted in steel or equivalent metal frames and shall be retained by steel or equivalent metal glazing beads or angles.

(5) Where wire-inserted glass is required, and the single wire type is employed, the strands shall run horizontally and shall be not more than 2 inches apart.

(6) Where hose ports are fitted, they shall be cut in the lower corner of the door on the side opposite the hinge so that if the hose is passed through the doorway when the door is open, it may be closed over the hose. The cut for the hose port should be approximately 6 inches square. A hinged or pivoted steel or equivalent metal cover shall be fitted in the cut, equipped with a bullet catch or similar method of fastening which will permit easy and automatic operation of the hinged cover.

(7) Combustible veneers may be used in doors where permitted for, and subject to the same conditions as, the bulkheads in which the doors are hung.

(8) The locking of doors may be permitted, except as noted in § 72.10-20.

(b) Doors in "A" Class bulkheads shall meet the following requirements:

(1) Doors in bulkheads required to be Class A-60, A-30, or A-15 shall be of hollow steel or equivalent metal construction solidly filled with approved structural insulation capable of meeting the requirements for a Class A-15 bulkhead.

(2) Doors in bulkheads required to be Class A-0 shall be of solid or hollow steel or equivalent metal construction capable of meeting the requirements of a Class A-0 bulkhead.

(3) Doors shall have a latch with a minimum throw of ¾ inch which can be operated from either side of the door. Double swing doors, where permitted for the proper utility of the space, may have the latch normally inoperative.

(4) Except as noted in subparagraph (8) of this paragraph, doors may be fitted with not more than 100 square inches of glass, which shall be of the wire inserted type.

(5) Vent grilles or louvers shall not be used in doors of this type.

(6) The bottoms of doors may be undercut not to exceed ½ inch above the door sill or top of approved deck covering. Rugs, and carpets, shall not pass through doorways, but linoleum and similar coverings may do so.

(7) Door frames shall be of rigid construction, and shall provide at least a ½ inch door stop at the sides and top, except:

(i) Double doors capable of independent operation and latching may have a clearance between the doors not to exceed ⅛ inch. However, if one door must always be closed first, a door stop of at least ½ inch shall be provided for the second door.

(ii) Double swing doors, where permitted, may have a maximum clearance of ⅛ inch at the tops and sides.

(8) Doors opening out onto open decks shall either meet the applicable requirements of this paragraph, or they may be of hardwood having a minimum thickness of 1¾ inches. In any case, no restriction as to the area of glass will be made for such doors insofar as this subpart is concerned. Only glass of the wire-inserted type may be fitted in such doors opening onto safety areas from accommodation spaces containing combustible type furniture and service, cargo, and machinery spaces.

(9) Doors in stairway enclosures and Main Vertical Zone bulkheads shall, in addition to meeting the requirements of this paragraph, also meet the following requirements:

(i) Doors, other than those which are normally locked, such as from state-rooms, fan rooms, lockers, etc., shall be of the self-closing type capable of closing against a 3½ degree list, and such doors shall be numbered in accordance with § 78.47-35.

(ii) All doors, except those that are kept normally closed, shall be of a type which are capable of release from the control station and from a position at the door. The release mechanism shall be so designed that the door will automatically close in the event of disruption to the control system; however, approved power operated watertight doors will be considered acceptable for this purpose. Holdback hooks, or other means of permanently holding the door open, not subject to control station release, will not be permitted. When double swing doors are permitted, they shall have a latch arrangement which is automatically engaged by the operation of the door release system.

(iii) Double doors shall be so arranged that either door may be closed and latched independently.

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

(c) Doors in "B" Class bulkheads shall meet the following requirements:

(1) Doors may be of solid or hollow steel or equivalent metal construction or may be of steel or equivalent metal frame with glass panes or may be of approved incombustible materials of such construction as specifically approved by the Commandant.

(2) No restriction as to the area of glass will be made for such doors, but all glass shall be of the wire-inserted type.

(3) The lower half of such doors may contain vent grilles or louvers with a net area not to exceed 2 square feet.

(4) Doors shall have a latch with a minimum throw of $\frac{3}{8}$ inch which can be operated from either side of the door. Double swing doors, where permitted for the proper utility of the space, may have the latch normally inoperative.

(5) The bottoms of doors may be undercut not to exceed 1 inch above the door sill or top of approved deck covering. Rugs and carpets shall not pass through doorways but linoleum and similar covering may do so.

(6) Door frames shall be of rigid construction, and shall provide at least a $\frac{1}{2}$ inch doorstop at the sides and top, except:

(i) Double doors capable of independent operation and latching may have a clearance between the doors not to exceed $\frac{1}{8}$ inch. However, if one door must always be closed first, a door stop of at least $\frac{1}{2}$ inch shall be provided for the second door.

(ii) Double swing doors, where permitted, may have a maximum clearance of $\frac{1}{8}$ inch at the tops and sides.

(d) Doors in bulkheads required to be Class C shall be of approved incombustible materials.

§ 72.05-30 Windows and airports.

(a) For the purpose of this subpart, all glass in windows or airports shall be at least $\frac{1}{4}$ inch thick. However, greater thickness may be required for strength purposes in certain locations. All glass shall be fitted in steel or equivalent metal frames and shall be retained by steel or equivalent metal glazing beads or angles.

(b) Where wire-inserted glass is required, and the single wire type is employed, the strands shall run horizontally and shall be not more than 2 inches apart.

(c) Windows in Class B-0 bulkheads shall be fitted with wire inserted glass. Such windows opening onto passageways may not extend below the normal height of the storm rails.

(d) Windows in Class B-15 bulkheads shall be fitted with wire inserted glass. In addition, such windows shall be fitted with a suitable steel or equivalent metal shutter capable of being operated manually as well as automatically by means of a fusible link.

(e) Windows in interior "A" Class bulkheads shall be fitted with suitable steel or equivalent metal shutter capable of being operated manually as well as automatically from the control station by the same system used for the fire doors as noted in § 72.05-25(b)

(9) (ii). The metal shutter shall be insulated to meet the applicable bulkhead requirements.

(f) Windows or air ports opening onto lifeboat embarkation or lowering spaces from service, cargo, or machinery spaces, or from control or accommodation spaces other than those containing only incombustible veneers and trim and fire resistant furnishings, shall be fitted with wire inserted glass. Other windows or air ports opening onto open decks or enclosed promenades need not have wire inserted glass.

(g) Skylights to spaces containing auxiliary internal combustion machinery having an aggregate horsepower of 1,000 or more, and to boiler and main engine rooms, shall be capable of being closed from outside the space. If glass is fitted in such skylights, it shall be of the wire inserted type. The glass panels shall be fitted with permanently attached shutters of steel or equivalent metal.

§ 72.05-35 Hatch covers and shifting boards.

(a) Wood hatch covers may be used between cargo spaces. Hatch covers in other locations shall meet the requirements for deck construction noted in Tables 72.05-10 (f) and (g).

(b) Tonnage openings in "A" Class bulkheads shall be closed by means of steel plates.

§ 72.05-40 Insulation, other than for structural fire protection.

(a) Any insulation installed for heat and comfort, refrigeration (including air conditioning), or for any other purpose, and all material incidental to its installation, shall be approved Incombustible Materials. This paragraph shall not apply to such insulation installed in cargo spaces, refrigerated storerooms, individual refrigerator boxes, nor to pipe and machinery coverings or laggings within the machinery spaces.

§ 72.05-45 Paint.

(a) An excessive number of coats of paint will be discouraged unless non-combustible paint is used.

(b) Nitrocellulose or other highly inflammable or noxious fume-producing paints or lacquers shall not be used.

§ 72.05-50 Ventilation.

(a) Where the term "duct" is used in this section, it shall include trunks, plenums, and any other type of ventilation piping, chambers, or duct work.

(b) Where automatic fire dampers are required, they shall be designed to operate at approximately 165 degrees F. for normal locations, and approximately 212 degrees F. for locations such as galleys. The dampers shall be so designed as to close against the anticipated draft in the duct. The damper shall be made accessible for periodic inspection by means of a hinged or bolted plate in the duct. The damper and the portion of duct containing the damper shall be constructed of at least $\frac{1}{8}$ inch steel plate suitably stiffened. No insulation need be applied to the damper blade.

(c) Where ventilation ducts are required to meet bulkhead requirements,

the space within the duct shall be considered to be the same as the space served by the ventilator, and the duct shall be insulated to meet the applicable requirements of Tables 72.05-10 (d) and (e).

(d) All ventilation systems shall be designed, where practicable, so that all ducts leading to the various enclosures are kept within the main vertical zones. No duct may serve spaces in more than one main vertical zone.

(e) Where of necessity, ducts pass through main vertical zone bulkheads, automatic fire dampers shall be fitted adjacent to the bulkhead. The duct between the bulkhead and the damper shall meet the applicable bulkhead requirements. The damper shall be fitted on at least one side of the bulkhead with a visible indicator showing whether the damper is in the open or closed position. The indicator may be connected to the manual operating device rather than the damper blade so that it might show as being open when it had automatically closed, but could never be open if the indicator showed it to be closed. The damper shall be capable of being manually closed from both sides of the bulkhead. The operating positions for the damper shall be marked as required by § 78.47-53 of this subchapter.

(f) Vent ducts serving stairway enclosures shall serve no other spaces.

(g) Ventilation ducts serving cargo or main machinery spaces which pass through accommodation spaces or safety areas shall be fitted with an automatic fire damper adjacent to the point of entry. Between the bulkhead or deck and the damper, and in addition, on vertical ducts for a distance of 6 feet above the damper, the duct shall meet the applicable bulkhead requirements.

(h) Exhausts from galleys shall meet the applicable bulkhead requirements. In addition, an automatic damper shall be installed in exhaust ducts over frying vats, etc.

(i) In all ventilation systems, manually operated dampers or other suitable means shall be provided in accessible locations for shutting off the passage of air in the event of fire; however, no dampers shall be placed in exhaust ducts from film lockers or projection rooms.

(j) For information regarding controls of electrically powered ventilation systems, see Subchapter J (Electrical Engineering) of this chapter.

§ 72.05-55 Furniture and furnishings.

(a) For the purpose of this subpart, rooms containing "fire resistant furnishings" will be considered to be those in which:

(1) All case furniture such as desks, wardrobes, dressing tables, bureaus, dressers, etc., shall be constructed entirely of approved incombustible materials; except that a combustible veneer not exceeding $\frac{1}{8}$ inch may be used on the top surface of such articles.

(2) All free standing furniture such as chairs, sofas, tables, etc., shall be constructed with frames of approved incombustible materials.

(3) All draperies shall be of approved fire resistant fabrics.

(4) All rugs and carpets shall be of wool or other material having equivalent fire resistive qualities.

(b) Waste paper baskets shall be constructed of approved incombustible materials with solid sides and bottoms.

(c) Passageways and stairway enclosures shall contain only fire resistant furnishings. In addition, all upholstery and padding of chairs, sofas, etc., in these areas, shall be of approved fire resistant materials.

§ 72.05-60 Motion picture projection and equipment.

(a) Inasmuch as only acetate or slow burning film may be used, projection rooms and special film stowage rooms are not required.

§ 72.05-90 Vessels contracted for prior to January 1, 1962.

(a) Vessels of less than 100 gross tons on an international voyage, contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Existing structure, arrangements, and materials previously approved will be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standard as the original construction.

(b) Vessels of 100 gross tons and over, contracted for prior to May 28, 1936, shall meet the following requirements:

(1) Existing structure, arrangements, and materials previously approved will be considered satisfactory so long as they meet the minimum requirements of this paragraph and are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original construction.

(2) All vessels in ocean or coastwise service shall be fitted above the bulkhead deck with fire-resisting bulkheads and doors spaced not more than 131 feet apart which are capable of resisting the passage of flame for a period of at least 1 hour.

(3) All vessels with berth or stateroom accommodations for 50 or more passengers shall be fitted with an approved automatic sprinkling system unless deemed unnecessary by the Commandant. This system shall be so installed as to protect all enclosed parts of the vessel accessible to passengers or crew while the vessel is being navigated, except cargo holds, machinery spaces, and when of fire-resisting construction, toilets, bathrooms, and spaces of similar construction. Where, in the case of particular vessel, the Commandant does not consider the installation of an automatic water-sprinkling system necessary, such vessel shall be protected in such enclosed parts of the vessel as the Commandant shall deem necessary, with an automatic electric or pneumatic fire-detecting and alarm system, used singly or in combination, of a type approved by the Commandant.

(c) The provisions of this paragraph shall apply to vessels of 100 gross tons and over contracted for on or after May 28, 1936, but prior to January 1, 1962; and to vessels of less than 100 gross tons which are on international voyages and which were contracted for prior to January 1, 1962.

(1) Existing structure, arrangements, and materials previously approved will be considered satisfactory so long as they meet the minimum requirements of this paragraph and are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original construction.

(2) The details shall be in general agreement with §§ 72.05-5 through 72.05-60 insofar as is reasonable and practicable.

(d) Vessels of less than 100 gross tons and not on an international voyage which carry more than 150 passengers, and which were contracted for prior to January 1, 1962, shall meet the following requirements:

(1) Existing structure, arrangements, and materials previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original construction.

Subpart 72.10—Means of Escape

3. Section 72.10-45(a) is amended to read as follows:

§ 72.10-45 Weather deck communications.

(a) Vertical communication shall be provided between the various weather decks by means of permanent inclined ladders. Where ladders are for the exclusive use of the crew for rapid communication, and do not form part of a normal escape route, vertical ladders may be employed.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 4490, as amended, sec. 3, 24 Stat. 129, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675, as amended; 46 U.S.C. 391, 392, 404, 481, 482, 363, 369, 367, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

PART 73—WATERTIGHT SUBDIVISION

Subpart 73.05—Definitions

1. Section 73.05-1 is amended to read as follows:

§ 73.05-1 Subdivision load line.

(a) A subdivision load line is a waterline used in determining the subdivision of the ship.

2. Section 73.05-2 is amended to read as follows:

§ 73.05-2 Deepest subdivision load line.

(a) The deepest subdivision load line is the waterline which corresponds to

the greatest draft permitted by the subdivision requirements which are applicable.

3. Section 73.05-11 is amended to read as follows:

§ 73.05-11 Passenger spaces.

(a) Passenger spaces are those which are provided for the accommodation and use of passengers, excluding baggage, store, provision and mail rooms. However, for the purpose of § 73.10-5, crew spaces and all other spaces which, in the full load condition, normally contain no substantial quantity of cargo, coal, oil fuel, baggage, stores, provisions, or mail are to be treated as passenger spaces.

Subpart 73.10—Rules for Subdivision—Vessels on International Voyages and Vessels of 150 Gross Tons and Over in Ocean or Coastwise Service

4. Section 73.10-1 is amended to read as follows:

§ 73.10-1 Application.

(a) The provisions of §§ 73.10-3 through 73.10-60 apply to all vessels on international voyages and vessels of 150 gross tons and over in ocean or coastwise service with certain exceptions with respect to vessels on short international voyages and permitted under § 75.10-10 of this subchapter to carry a number of persons on board in excess of the lifeboat capacity provided.

(b) Section 73.10-65 gives the provisions applicable to these latter vessels, which carry a number of persons on board in excess of the lifeboat capacity provided.

5. Subpart 73.10 is amended by inserting after § 73.10-1 a section § 73.10-3 (formerly § 73.10-1), reading as follows:

§ 73.10-3 General.

(a) Vessels shall be as efficiently subdivided as is possible having regard to the nature of the service for which they are intended. The degree of subdivision shall vary with the length of the vessel and with the service, in such manner that the highest degree of subdivision corresponds with the ships of greatest length, primarily engaged in the carriage of passengers.

6. Section 73.10-5(b) is amended to read as follows:

§ 73.10-5 Permeability.

(b) *Machinery space.* (1) The uniform average permeability throughout the machinery space shall be determined from the formula:

$$85 + 10 \frac{(a-c)}{v} \quad (1)$$

where:

a = volume of the passenger spaces, as defined in § 73.05-11, which are situated below the margin line within the limits of the machinery space.

c = volume of between deck spaces below the margin line within the limits of the machinery space which are appropriated to cargo, coal, or stores, except as provided by § 73.05-11.

v = whole volume of the machinery space below the margin line.

(2) Where it is shown to the satisfaction of the Commandant, U.S. Coast Guard, that the average permeability, as determined by detailed calculation, is less than that given by the formula, the calculated value may be substituted. For the purposes of such calculation, the permeabilities of passenger spaces, as defined in § 73.05-11 shall be taken as 95, that of all cargo, coal, and store spaces as 60, and that of double-bottom, oil-fuel, and other tanks at such values as may be approved in each case by the Commandant.

7. Section 73.10-10(a) is amended to read as follows:

§ 73.10-10 Factor of subdivision.

(a) The maximum permissible length of a compartment having its center at any point in the vessel's length is obtained from the floodable length by multiplying the latter by an appropriate factor called the factor of subdivision. Where the required factor of subdivision is .50 or less, the combined length of any two adjacent main compartments shall not exceed the floodable length.

8. Subpart 73.10 is amended by adding at the end thereof a new § 73.10-65 reading as follows:

§ 73.10-65 Special standards of subdivision for certain vessels on short international voyages.

(a) Special standards of subdivision apply to certain vessels on short international voyages, which are permitted under § 75.10-10 of this subchapter to carry a number of persons on board in excess of the lifeboat capacity provided. Such vessels shall be subject to the provisions of §§ 73.10-5 (a), (b), (d), and (e), and 73.10-10 through 73.10-60, inclusive.

(b) Such vessels shall additionally comply with the following provisions:

(1) *Permeability.* (i) The uniform average permeability throughout the portion of the ship before (or abaft) the machinery space shall be determined from the formula:

$$95 - 35 \frac{v}{v} \quad (1)$$

where:

v = volume of the spaces below the margin line and above the tops of floors, inner bottoms, or peak tanks, as the case may be, which are appropriated to and used as cargo spaces, coal or oil fuel bunkers, store rooms, baggage and mail rooms, chain lockers and fresh water tanks, before (or abaft) the machinery space.

v = whole volume of the portion of the ship below the margin line before (or abaft) the machinery space.

(ii) In the case of ships engaged on services where the cargo holds are not generally occupied by any substantial quantities of cargo, no part of the cargo space is to be included in calculating "v".

(2) *Required factor of subdivision.* (i) Subject to the conditions stated in this subparagraph, the subdivision shall be governed by a factor of .50 unless the factor determined by § 73.10-20 is less than .50. In such case the lesser value shall be used.

(ii) In the case of ships less than 300 feet in length, the Commandant, if satisfied that compliance with a factor of .50 or less would be impracticable in a compartment, may allow the length of such compartment to be governed by a higher factor: *Provided*, That the factor used is the lowest that is practicable and reasonable in the circumstances.

(iii) In the case of ships less than 180 feet in length, the Commandant, where considered necessary for practicability, may permit a further relaxation in the standard of subdivision subject to the requirement that the subdivision shall in no case be less than that provided by § 73.15-5.

Subpart 73.25—Double Bottoms

9. Section 73.25-5 is amended by revising paragraph (e) and by adding a new paragraph (g) reading as follows:

§ 73.25-5 Extent of double bottoms.

(e) Where a double bottom is required to be fitted its depth shall be sufficient to provide acceptable protection against grounding. A depth in inches at the centerline of $18 + \frac{L}{20}$, where L is the

vessel's length in feet will ordinarily be considered acceptable. The inner bottom shall be continued out to the ship's side in such a manner as to protect the bottom to the turn of the bilge. Such protection will be deemed satisfactory if the line of intersection of the outer edge of the margin plate with the bilge plating is not lower at any part than a horizontal plane passing through the point of intersection with the frame line amidships of a transverse diagonal line inclined at 25 degrees to the base line and cutting it at a point one-half the ship's molded breadth from the middle line.

(g) In the case of vessels to which the provisions of § 73.10-65 apply and which are engaged in regular service within the limits of a short international voyage as defined in § 70.10-43 of this subchapter, the Commandant may permit a double bottom to be dispensed with in any part of the vessel which is subdivided by a factor not exceeding .50, if satisfied that the fitting of a double bottom in that part would not be compatible with the design and proper working of the vessel.

Subpart 73.30—Penetrations and Openings in Watertight Bulkheads

10. Section 73.30-1(a) is amended to read as follows:

§ 73.30-1 General.

(a) The number of openings in watertight bulkheads shall be reduced to the minimum compatible with the design and proper working of the vessel; satisfactory means shall be provided for closing these openings. Lead or other heat sensitive materials shall not be used in systems which penetrate watertight subdivision bulkheads, where deterioration of such systems in the event of fire would impair the watertight integrity of the bulkheads.

Subpart 73.35—Watertight Bulkhead Doors

§ 73.35-5 Class 1 doors, permissible locations.

11. Section 73.35-5(c) is canceled.

12. Section 73.35-10 is amended to read as follows:

§ 73.35-10 Class 2 doors, permissible locations.

(a) Watertight doors, the sills of which are above the deepest loadline and below the line specified in § 73.35-5(a) shall be sliding doors and may be hand operated (Class 2), except as provided in § 73.35-15(d).

(b) When the number of watertight doors which may be sometimes opened at sea, and whose sills are below the deepest subdivision loadline (excluding doors at entrance to shaft tunnels) does not exceed five and/or the criterion numeral does not exceed 30, these watertight doors and the shaft tunnel doors shall be of sliding type but may be hand operated (Class 2).

(c) Where there is only one watertight door other than the tunnel door and it is located in the machinery space, these two doors shall be of sliding type but may be hand operated (Class 2).

13. Section 73.35-15 is amended by revising paragraph (a) and by adding a new paragraph (d), reading as follows:

§ 73.35-15 Class 3 doors, required locations.

(a) When the number of watertight doors which may be sometimes opened at sea, and whose sills are below the deepest subdivision loadline (excluding doors at entrance to shaft tunnels) exceeds five, and/or where the criterion numeral exceeds 30, all of these doors and those at the entrance to shaft tunnels or ventilation or forced draft ducts shall be power operated (Class 3), and shall be capable of being simultaneously closed from a central station situated on the bridge.

(d) In the case of vessels engaged on short international voyages, subject to the provisions of § 73.10-65, and required to have a factor of subdivision of .50 or less, all watertight doors below a deck, the molded line of which, at its lowest point at side, is at least 7 feet above the deepest subdivision loadline shall be power operated (Class 3).

14. Subpart 73.35 is amended by inserting after § 73.35-15 a new section reading as follows:

§ 73.35-17 Cargo space doors.

(a) Where it is proposed to fit doors between cargo tween deck spaces the number and arrangement will be subject to special consideration. Where the Commandant is satisfied that such doors are essential, watertight doors of satisfactory construction may be fitted in bulkheads dividing cargo between-deck spaces. Such doors may be hinged, rolling or sliding doors but shall not be remotely controlled. They shall be fitted at the highest level and as far from the shell plating as practicable but in no

case shall the outboard vertical edges be situated at a distance from the shell plating which is less than one-fifth of the breadth of the ship, as defined in § 73.05-4, such distance being measured at right angles to the centerline of the vessel at the level of the deepest subdivision loadline.

(b) Such doors shall be closed before the voyage commences and shall be kept closed during navigation; and the time of opening such doors in port and of closing them before the vessel leaves port shall be entered in the log book. Should any of the doors be accessible during the voyage, they shall be fitted with a device which prevents unauthorized opening.

15. Section 73.35-20 is amended to read as follows:

§ 73.35-20 Door operating requirements.

(a) Hinged watertight doors (Class 1) shall be fitted with quick action closing devices, such as catches workable from either side of the bulkhead so spaced that the door can be made effectively watertight. In the case of a door which is required to be closed before the voyage commences and kept closed all during the voyage, the catches may be fitted to operate from one side only, provided it be shown that under all operating conditions the door shall be always closed from the one side.

(b) Both Class 2 and Class 3 sliding watertight doors shall be provided with hand operating gear, capable of being operated from positions on each side of the door itself and also of closing (but not opening) the door from an accessible position above the bulkhead deck. Hand operating gear shall have an all around crank motion, or some other movement, approved by the Commandant as providing equivalent safety. The time for closing a Class 2 door, with the vessel upright, shall not exceed 90 seconds.

(c) Class 3 sliding watertight doors:

(1) Class 3 sliding watertight doors which are required to be operated from a central control on the bridge shall also be operated by power at the door itself from both sides. The arrangement shall be such that the door will close automatically if opened by local control after being closed from the central control, and also such that any door can be kept closed by local arrangements which will prevent that door from being opened from the central control. Local power control handles shall be provided on each side of the bulkhead and shall be so arranged as to enable persons passing through the doorway to hold both handles in the open position without being able to set the closing mechanism in operation accidentally. The door shall take sufficient time to close to ensure safety.

(2) There shall be at least two independent power sources capable of opening and closing all the doors under control, each of them capable of operating all the doors simultaneously. Operation will be regarded as simultaneous if all doors can be closed in not more than 60 seconds after actuation of a single master control. The two

power sources shall be controlled from the central station on the bridge provided with all the necessary indicators for checking that each of the two power sources is capable of giving the required service satisfactorily. In the case of hydraulic operation, each power source shall consist of a pump capable of closing all doors within the foregoing time limit. In addition, there shall be, for the whole installation, hydraulic accumulators of sufficient capacity to operate all the doors at least three times, i.e., closed-open-closed. In the case of combination electric hydraulic systems utilizing individual electrically driven hydraulic actuators on each door, a duplication of these actuators and drives is not required. The fluid used in hydraulic systems shall be one which retains adequate operational fluidity at any temperature liable to be encountered by the vessel during its service.

(3) The requirement for operation of Class 3 doors from the central control station on the bridge refers to closing of the doors. Remote opening is not required but, if provided, shall comply with the applicable provision of subparagraph (1) of this paragraph.

(d) The means of operation of any watertight door whether power operated or not shall be capable of closing the door with the ship listed to 15 degrees either way.

16. Section 73.35-25 is amended to read as follows:

§ 73.35-25 Door indicators and warning signals.

(a) In all classes of watertight doors, indicators shall be fitted, which show, at all operating stations from which the doors are not visible, whether the doors are opened or closed. If any of the watertight doors, of whatever class, is not fitted so as to enable it to be closed from a central control station, it shall be provided with a mechanical, electrical, telephonic, or any other suitable direct means of communication, enabling the officer of the watch promptly to contact the person who is responsible for closing the door in question, under previous orders. Watertight doors and controls shall be marked as provided by § 78.47-37 of this subchapter.

(b) For Class 3 watertight doors, provision shall be made to give warning signal by electric horn or howler when the door is about to be closed; the signal shall precede the movement of the door by a safe interval and shall continue until the door is completely closed.

Subpart 73.40—Openings in Vessel's Sides Below the Bulkhead Deck

17. Section 73.40-20(a) is amended to read as follows:

§ 73.40-20 Piping openings in vessel's sides.

(a) Requirements for inlets and discharges of scuppers, sanitary piping, main and auxiliary machinery piping, and ash and rubbish-chutes, etc., are in § 55.10-70 of Subchapter F (Marine Engineering) of this chapter.

Subpart 73.45—Watertight Integrity Above the Margin Line

18. The title for Subpart 73.45 is amended to read "Watertight Integrity Above the Margin Line" as set forth above.

19. Section 73.45-1 is amended to read as follows:

§ 73.45-1 General.

(a) All reasonable and practicable measures shall be taken to limit the entry and spread of water above the bulkhead deck. Such measures may include partial bulkheads or webs.

(b) When partial watertight bulkheads and webs are fitted on the bulkhead deck, above or in the immediate vicinity of main subdivision bulkheads, they shall have watertight shell and bulkhead deck connections so as to restrict the flow of water along the deck when the vessel is in a heeled-damaged condition. Where the partial watertight bulkhead does not line up with the bulkhead below, the bulkhead deck between shall be made effectively watertight.

20. Subpart 73.45 is amended by adding at the end thereof §§ 73.45-5 and 73.45-10, reading as follows:

§ 73.45-5 Decks.

(a) The bulkhead deck or a deck above it shall be weathertight in the sense that in ordinary sea conditions water will not penetrate in a downward direction.

(b) All openings in the exposed weather deck shall have coamings of ample height and strength and shall be provided with efficient means for expeditiously closing them weathertight.

(c) Freeing ports, open rails and/or scuppers shall be fitted as necessary for rapidly clearing the weather deck of water under all weather conditions.

§ 73.45-10 Side openings.

(a) All side openings in the vessel's shell above the bulkhead deck and all deck openings in or above the bulkhead deck shall comply with the applicable requirements of Subchapters E (Load Lines) and F (Marine Engineering) of this chapter for type closures and fittings. Port lights, gangway, cargo and cooling ports and other means for closing openings in the shell plating above the margin line shall be of efficient design and construction and of sufficient strength having regard to the spaces in which they are fitted and their positions relative to the deepest subdivision loadline.

(b) Efficient inside dead covers, arranged so that they can be easily and effectively closed and secured watertight, shall be provided for all port lights to spaces below the first deck above the bulkhead deck.

Subpart 73.90—Vessels Contracted for Prior to January 1, 1962

21. The title for Subpart 73.90 is amended to read "Vessels Contracted for Prior to January 1, 1962," as set forth above.

22. The introductory sentence of § 73.90-1(a) (but not the following sub-

paragraphs) is amended to read as follows:

§ 73.90-1 Requirements.

(a) Vessels contracted for prior to January 1, 1962, shall meet the following requirements:

(R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4488, as amended, 4490, as amended, sec. 3, 24 Stat. 129, as amended, 41 Stat. 305, as amended, sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 482, 483, 363, 85a, 369, 367, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 FR. 9917; 3 CFR, 1952 Supp.)

PART 74—STABILITY

Subpart 74.05—Stability Test

1. Section 74.05-1(a) is amended to read as follows:

§ 74.05-1 When required.

(a) Except as otherwise provided in this section, each vessel to which this part applies, shall be subjected to a stability test conducted under the supervision of the Coast Guard and the results of the test shall be approved before the vessel is placed in service. Whenever alterations to a vessel are sufficiently extensive to make use of the data obtained from the original stability test questionable in the circumstances, it shall be re-inclined.

Subpart 74.10—Stability Standards

2. Section 74.10-15 is amended by revising paragraph (c) (including tables) and paragraph (e) to read as follows:

§ 74.10-15 Damaged stability standards.

(c) *Damaged stability calculations.*
(1) The requirements of paragraph (b)

of this section shall be determined by calculations which take into consideration the proportions and design characteristics of the vessel and the arrangement and configuration of the damaged compartments. Where decks, inner skins, or longitudinal bulkheads are to be fitted of sufficient tightness to seriously restrict the flow of water, the Commandant shall be satisfied that proper consideration is given to such restrictions in the calculations. Where it is considered that the range of stability in the damaged condition is doubtful, the Commandant will require the investigation thereof.

(2) In making these calculations the vessel is to be assumed in the worst anticipated service condition as regards stability.

(3) For damaged stability calculations the volume and surface permeabilities shall be in general as indicated in Table 74.10-15(c) (3). Higher surface permeabilities are to be assumed in respect of spaces which, in the vicinity of the damage waterplane, contain no substantial quantity of accommodation or machinery and spaces which are not generally occupied by any substantial quantity of cargo or stores. The maximum surface permeability which must be assumed need not exceed 95.

TABLE 74.10-15(c) (3)

Spaces	Permeability
Appropriated to cargo, coal or stores.....	60
Appropriated to accommodations.....	95
Appropriated to machinery.....	85
Intended for liquids (use value resulting in more severe requirement).....	0 or 95

(4) The minimum assumed extent of side damage shall be taken in accordance with Table 74.10-15(c) (4). Where any damage of a lesser extent than provided in the table would result in a more severe condition regarding heel or loss of metacentric height, such damage shall also be considered in the calculations.

TABLE 74.10-15 (c) (4)

Vessel category	Longitudinal extent ¹	Transverse extent ²	Vertical extent ⁴
All vessels.....	10 feet+0.03L or 35 feet (whichever is less) no main bulkhead involved.	½ B	Top of double bottom to margin line.
Vessels without factor of subdivision, where two compartment subdivision is required.	10 feet+0.03L or 35 feet (whichever is less) involving one main bulkhead.	½ B	Top of double bottom to margin line.
Vessels with factor of subdivision of 0.50 or less.	20 feet+0.04L involving not more than one main bulkhead.	½ B	Top of double bottom to margin line.
Vessels with factor of subdivision of 0.33 or less.	30 feet+0.06L.....	¾ B	Top of double bottom to margin line.

¹ L equals the length of the vessel as defined in § 73.05-3.

² B equals the breadth of the vessel as defined in § 73.05-4.

³ The transverse extent of damage is measured inboard from the vessel's side and at right angles to the centerline at the level of the deepest subdivision load line. For vessels on inland waters and for ferry vessels, where the maximum molded beam at the deck and at the load water line differ appreciably, the transverse extent of damage may be taken as the mean between the inboard penetration at the deck using the maximum beam at the deck and the inboard penetration at the deepest subdivision load line using the maximum beam at that load line.

⁴ Where no double bottom is fitted, the vertical extent of damage shall be taken from the molded baseline.

(5) Unsymmetrical flooding is to be kept to a minimum consistent with efficient arrangements. Where it is necessary to correct large angles of heel, the means adopted shall, where practicable, be self-acting, but in any case where controls to cross-flooding fittings are provided they shall be operable from above the bulkhead deck. The construction and arrangement of such fittings

and of their controls, together with the estimated maximum heel before equalization, is subject to approval by the Commandant. The time for equalization to acceptable heel limits, as provided in subparagraphs (7) and (8) of this paragraph, shall in no case be more than 15 minutes. On vessels under 150 gross tons in ocean or coastwise service and on all vessels in lake, bay, and sound

or river service, the equalizing arrangements, where required, shall not be dependent either upon manual or automatic operation of valves or similar appliances.

(6) For symmetrical flooding, or in the case of unsymmetrical flooding, after equalization measures have been taken, there shall be a positive residual metacentric height of at least 2 inches (calculated on the basis of the initial undamaged displacement).

(7) For unsymmetrical flooding with assumed side damage not more than 10 feet plus .03L, the remaining heel due to unsymmetrical moment, after equalization, as provided by subparagraph (5) of this paragraph, shall not exceed 7 degrees. However, where equalization is fully automatic and by open cross connections of large area, or where no equalization is involved, and in any case, the range of stability in the damaged condition is considered adequate, the Commandant may allow a greater heel up to but not in excess of 15 degrees.

(8) For unsymmetrical flooding with assumed side damage of 30 feet plus .06L, the final heel due to the unsymmetrical flooding shall in no case exceed 20 degrees.

(9) In no case shall the margin line be submerged in the final stage of flooding. If it is considered that the margin line may become submerged during an intermediate stage of flooding, the Commandant may require such investigations and arrangements as shall be considered necessary for the safety of the vessel.

(e) *Vessels contracted for prior to January 1, 1962.* (1) Vessels contracted for prior to January 1, 1962, shall meet the following requirements:

(i) Existing arrangements, materials, and facilities, previously approved will be considered satisfactory so long as they meet the minimum requirements of this subparagraph and they are maintained in a suitable condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original installation.

(ii) The standard of stability previously attained should in general be maintained. Where that standard is in excess of that called for by this part, no alterations which would result in a standard less than that called for by this part will be permitted.

Subpart 74.15—Ballast

3. Section 74.15-10 is amended to read as follows:

§ 74.15-10 Liquid ballast.

(a) When ballasting with water is necessary the water ballast should not, in general, be carried in tanks intended for oil fuel.

(b) In ships in which it is not practicable to avoid putting water ballast in oil fuel tanks, it will be required that all such ballast necessary to compliance with the stability requirements of this part be carried into port. Discharge of such ballast may then be effected either into sludge barges or shore facilities, or through oily ballast separators. In this

latter case the separators shall meet the requirements prescribed in Subchapter F (Marine Engineering) of this chapter.

Subpart 74.20—Stability Instructions for Operating Personnel

4. Section 74.20-1 is amended to read as follows:

§ 74.20-1 Data supplied master.

(a) The master shall be supplied with such reliable information as is necessary to enable him by rapid and simple processes to obtain accurate guidance as to the stability of the ship under varying conditions of service, so as to permit compliance with stability requirements.

(b) This information and necessary related plans and data shall be submitted to the Commandant for approval.

5. Section 74.20-15 is amended to read as follows:

§ 74.20-15 Type of instructions.

(a) In all ships on international voyages the information called for by this subpart shall be provided in booklet form; at least two copies, one for the master and one for the chief engineer, being supplied each ship. Included as part of these booklets, at suitably reduced scale, shall be plans showing clearly for each deck and hold the boundaries of the watertight compartments, the openings therein with the means of closure and position of any controls thereof, and the arrangements for the correction of any list due to flooding.

(b) Depending upon the extent of necessary information, such booklets may also be required for vessels not on international voyages. In any case, it will be required that any information necessary to compliance with stability and watertight integrity requirements be supplied.

(c) Whenever alterations are made to the vessel so as to materially affect the stability information, amended stability information shall be provided.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 4490, as amended, sec. 3, 24 Stat. 129, as amended, 41 Stat. 305, as amended, sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended; 3, 70 Stat. 152, and sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 481, 482, 483, 363, 85a, 88a, 369, 367, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR 1952 Supp.)

PART 75—LIFESAVING EQUIPMENT

Subpart 75.10—Lifeboats, Life Rafts, Life Floats, and Buoyant Apparatus

1. Section 75.10-10(a) is amended by revising subparagraph (1), redesignating subparagraphs (5) and (6) to (6) and (7) respectively, and by inserting a new subparagraph (5), so that subparagraphs (1), (5), (6), and (7) read as follows:

§ 75.10-10 Requirements for vessels in ocean service.

(a) *Lifeboats.* (1) all vessels shall be provided with sufficient lifeboats to

accommodate all persons aboard except as specifically set forth in subparagraphs (5) and (6) of this paragraph.

(5) Where, in the case of vessels on Short International Voyages it is shown that the carriage of sufficient lifeboat capacity to accommodate all persons on board, as called for by subparagraph (1) of this paragraph, is impracticable, the Commandant may permit a relaxation from this requirement provided the vessel complies fully with the special watertight subdivision requirements of § 73.10-65 of this subchapter.

(6) Vessels not exceeding 150 feet in length which are under 300 gross tons engaged exclusively in the business of transporting passengers to or from operational sites of exploration, development, removal or storage of resources, or related activities thereof, on the continental shelf of the United States in the Gulf of Mexico, in the Atlantic Ocean south of the thirty-third parallel of north latitude, and in the Pacific Ocean, may use approved life floats in lieu of lifeboats if a suitable emergency boat is carried and is adequately installed. For the purpose of this subparagraph the word "passengers" is defined as meaning industry personnel engaged exclusively in the exploration, development, removal and storage of resources, or related activities thereof, on the continental shelf of the United States who are required by the nature of their work to ride such vessels. Vessels subject to this subparagraph may also carry supplies, equipment, and cargo.

(7) Inflatable life rafts may be substituted for lifeboats on certain vessels in accordance with § 75.10-25.

Subpart 75.20—Equipment for Lifeboats, Life Rafts, Life Floats, and Buoyant Apparatus

2. Section 75.20-30(a) is amended by revising Table 75.20-30(a) to read as follows:

§ 75.20-30 Required equipment for life floats and buoyant apparatus.

(a) * * *

TABLE 75.20-30(a)

Letter identification	Item	Number required for each life float and buoyant apparatus		
		Ocean and coast-wise	Great Lakes	Lakes, bays, sounds, and rivers
a	Boathook ¹	1	1	1
b	Life line	1	1	1
c	Paddles ¹	4	4	4
d	Painter	1	1	1
e	Water light ²	1	1	None

¹ Buoyant apparatus need not be equipped with boathook or paddles.

² Equipment for 24 persons or less not required to have a water light.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 4491, as amended, sec. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152,

sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 481, 489, 367, 526p, 1333; 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

Subpart 75.40—Life Preservers

3. The title for Subpart 75.40 is amended to read "Life Preservers," as set forth above.

4. Sections 75.40-1 to 75.40-90, inclusive, are amended to read as follows:

Sec.

75.40-1	Application.
75.40-5	General.
75.40-10	Number and type required.
75.40-15	Distribution.
75.40-20	Stowage.
75.40-25	Notices.
75.40-90	Vessels contracted for prior to January 1, 1962.

AUTHORITY: §§ 75.40-1 to 75.40-90 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 4491, as amended, sec. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 481, 489, 367, 526p, 1333; 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.

§ 75.40-1 Application.

(a) The provisions of this subpart, with the exception of § 75.40-90, shall apply to all vessels contracted for on or after January 1, 1962.

(b) Vessels contracted for prior to January 1, 1962, shall meet the requirements of § 75.40-90.

§ 75.40-5 General.

(a) All life preservers shall be of an approved type, constructed in accordance with Subparts 160.002, 160.003, 160.004, 160.005, or 160.055 of Subchapter Q (Specifications) of this chapter.

(b) On or before July 1, 1963, all kapok and fibrous glass life preservers which do not have plastic covered pad inserts as required by Subparts 160.002 and 160.005 shall be removed from service.

§ 75.40-10 Number and type required.

(a) All vessels shall be provided with an approved type life preserver for each person carried and in addition, shall be provided with a number of life preservers suitable for children equal to at least 10 percent of the persons carried.

§ 75.40-15 Distribution.

(a) Life preservers, including those especially provided for children, shall be properly distributed throughout the staterooms, berthings, and other places convenient for passengers and crew.

§ 75.40-20 Stowage.

(a) Lockers, boxes, and closets in which life preservers are stowed shall not be capable of being locked, shall be plainly marked, and the life preservers contained therein shall be readily available.

(b) Life preservers stowed overhead shall be so supported that they can be quickly released and distributed among the passengers. Where life preservers are stowed at a height greater than 7 feet from the deck below, efficient means

shall be provided for their immediate release and distribution to be operated by persons standing on the deck.

§ 75.40-25 Notices.

(a) A printed notice, as described in §§ 78.47-47 and 78.47-50, shall be posted in every passenger cabin and stateroom and in conspicuous places about the decks, informing passengers of the location of life preservers and describing and illustrating the method of donning and adjusting them.

§ 75.40-90 Vessels contracted for prior to January 1, 1962.

(a) Vessels contracted for prior to January 1, 1962, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 75.40-5 through 75.40-25 shall be complied with insofar as the number of items of equipment and the method of stowage and notice is concerned. Existing items of equipment previously approved, but not meeting the applicable specifications or requirements set forth in §§ 75.40-5 through 75.40-25 may be continued in service so long as they are maintained in good condition to the satisfaction of

the Officer in Charge, Marine Inspection. This includes wood floats substituted for approved type adult life preservers on the following vessels:

- (1) Steam vessels in river service, and barges carrying passengers while in tow of a steamer in other than ocean or coastwise service.
- (2) River ferryboats propelled by steam.
- (3) Where permitted by subparagraph (1) of this paragraph, wood floats shall be stowed in the most accessible spaces.
- (4) All new installations or replacements shall meet the applicable specifications or requirements.

PART 76—FIRE PROTECTION EQUIPMENT

Subpart 76.05—Fire Detecting and Extinguishing Equipment, Where Required

1. Section 76.05-1 is amended by revising Table 76.05-1 (a) in paragraph (a) to read as follows:

§ 76.05-1 Fire detecting systems.

(a) * * *

TABLE 76.05-1 (a)

Space	Detecting systems	Fixed extinguishing systems
<i>Safety areas</i>		
Wheelhouse or fire-control room.....	None required. ¹	None required. ¹
Stairway and elevator enclosures.....	Do. ¹	Do. ¹
Communication corridors.....	Do. ¹	Do. ¹
Lifboat embarkation and lowering stations.....	Do. ¹	Do. ¹
Radio room.....	Do. ¹	Do. ¹
<i>Accommodations</i>		
Staterooms, toilet spaces, isolated pantries, etc.....	Do. ¹	Do. ¹
Offices, lockers, and isolated storerooms.....	Electric, pneumatic, or automatic sprinkling. ^{1,2}	Do. ¹
Public spaces.....	None required with 20-minute patrol. Electric, pneumatic, or automatic sprinkling with 1 hour patrol. ¹	Do. ¹
Open decks or enclosed promenades.....	None required	Do.
<i>Service spaces</i>		
Galley.....	Do. ¹	Do. ¹
Main pantries.....	Do. ¹	Do. ¹
Motion picture booths and film lockers.....	Automatic sprinkling. ^{1,2}	Automatic sprinkling. ¹
Paint and lamp rooms.....	Smoke detecting. ³	Carbon dioxide. ⁴
Inaccessible baggage, mail, and specie rooms and storerooms.....	Do.	Do.
Accessible baggage, mail, and specie rooms and storerooms.....	Electric, pneumatic, or automatic sprinkling.	None required. ¹
Refrigerated storerooms.....	None required.	Do.
Carpenter, valet, photographic, and printing shops, sales rooms, etc.....	Electric, pneumatic, or automatic sprinkling.	Do. ¹

See footnotes at end of table.

TABLE 76.05-1 (a)—Continued

Space	Detecting systems	Fixed extinguishing systems
<i>Machinery spaces</i>		
Coal fired boilers: Spaces containing oil fired boilers either main or auxiliary, their fuel oil service pumps, and/or such other fuel oil units as the heaters, strainers, valves, manifolds, etc., that are subject to the discharge pressure of the fuel oil service pumps, together with adjacent spaces to which oil can drain.	None required.	None required. Carbon dioxide, foam, or water spray. ⁶
Internal combustion or gas turbine propelling machinery spaces.	do.	Carbon dioxide. ⁶
Electric propulsive motors or generators of open type.	do.	None required.
Enclosed refrigerating systems for motors and generators of electric propelling machinery.	do.	Carbon dioxide (in ventilating system). ⁷
Auxiliary spaces: Internal combustion or gas turbine.	do.	Carbon dioxide. ⁸
Auxiliary spaces: electric motors or generators.	do.	None required.
Auxiliary spaces: steam.	do.	Do.
Trunks to machinery spaces.	do.	Do. ⁹
Fuel tanks.	do.	Do. ⁹
<i>Cargo spaces</i>		
Inaccessible during voyage (combustible cargo), including trunks (excluding tanks).	Smoke detecting.	Carbon dioxide.
Accessible during voyage (combustible cargo).	Smoke detecting, electric, pneumatic or automatic sprinkling.	Automatic or manual sprinkling.
Vehicular deck (except where no overhead deck is 30 feet in length or less).	None required.	Manual sprinkling.
Cargo oil tanks.	do.	Carbon dioxide or foam. ⁶

¹ Vessels of 100 gross tons and over contracted for on or before May 27, 1936, and having combustible joiner work, shall be fitted with an automatic sprinkling system, except in relatively incombustible spaces.

² Sprinkler heads may be attached to sanitary system provided electrical or pneumatic detecting is installed. Required only if nitro-cellulose film is used; if slow-burning film is used, an electrical or pneumatic detecting system may be substituted.

³ On vessels contracted for prior to November 19, 1952, electric or pneumatic detecting may be substituted, although existing steam smothering systems may be repaired, replaced, or extended, no new system contracted for on or after January 1, 1962, will be permitted.

⁴ Protection of auxiliary boilers, fuel oil tanks, valves, and manifolds not required on vessels contracted for prior to November 19, 1952.

⁵ Not required on vessels of less than 300 gross tons (except on an international voyage) using fuel with a flash point higher than 110° F.

⁶ Not required on vessels contracted for prior to November 19, 1952.

⁷ Not required on vessels of less than 300 gross tons nor on vessels contracted for prior to November 19, 1952, except when fuel including starting fuel, has a flash point of 110° F. or less.

⁸ Vessels having a flash point of 110° F. or lower is used, the space containing the fuel tanks shall be protected by a carbon dioxide system.

⁹ (R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 367, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 481, 387, 526p, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 1952 Supp.)

Subpart 76.13—Steam Smothering System, Details

2. Sections 76.13-1 to 76.13-90, inclusive (including all tables), which comprise Subpart 76.13, are revised in their entirety and read as follows:

Sec. 76.13-1 Application. Installations contracted for prior to January 1, 1962.

§ 76.13-1 Application.

- (a) In accordance with §§ 76.05-1 and 76.05-20, steam smothering systems are not permitted on vessels contracted for on or after January 1, 1962, nor for new installations on vessels contracted for prior to that date.
- (b) Where a steam smothering system is installed, the provisions of this subpart shall apply.

§ 76.13-90 Installations contracted for prior to January 1, 1962.

(a) Installations contracted for prior to July 1, 1935, shall meet the following requirements:

(1) Existing arrangements, materials, and facilities previously approved will be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standard as the original installation.

(2) The main pipes and their branches to the cargo compartments and similar spaces shall be not less than 1½-inch pipe size and shall emanate from not more than two stations in easily accessible locations. If located on the open deck, the distribution manifolds shall be suitably protected by an enclosing cabinet or casing which shall be marked as required by § 78.47-17 of this subchapter. Each branch line shall have a valve at the manifold which shall be marked as required by § 78.47-15.

(3) Branches to paint lockers and similar small spaces may be taken from the nearest steam supply line and shall be not less than ¾-inch pipe size. The valve shall be marked as required by § 78.47-15 of this chapter.

(b) Installations contracted for on or after July 1, 1935, but prior to November 19, 1952, shall meet the following requirements:

(1) Existing arrangements, materials and facilities previously approved will be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs, and alterations may be made to the same standard as the original installation.

(2) Steam shall be available from the main or auxiliary boilers to provide at least one pound of steam per hour for each 50 cubic feet of gross volume of the largest compartment protected. Where reasonable and practicable, the steam pressure shall be at least 100 p. s. i.

(3) The piping system shall meet the general requirements of subparagraphs (5) through (12) of paragraph (c) of this section insofar as is reasonable and practicable.

(4) The minimum size of distribution piping and the number of branches to the various spaces shall be as given in Table 76.13-90 (b) (4) or by the following formula:

$$D = \sqrt{\frac{C}{30,000}} \quad (1)$$

where:

D=Required diameter of pipe in inches.
C=Volume of compartment in cubic feet.

TABLE 76.13-90 (b) (4)

Volume of compartment in cubic feet		Number of branches to compartment	Pipe size in each branch, inches
Over	Not over		
-----	30,000	1	1
30,000	46,000	1	1¼
46,000	67,000	1	1½
67,000	94,000	2	1¼
94,000	135,000	2	1½
135,000	203,000	3	1½

(5) The minimum size of the steam supply line from the boiler to the distribution manifold shall be as given by the following formula:

$$D = \sqrt{\frac{C}{60,000}} \quad (2)$$

where:

D=Diameter of pipe in inches.
C=Volume of all compartments in cubic feet.

(c) Installations contracted for on or after November 19, 1952, but prior to January 1, 1962, shall meet the following requirements:

(1) Existing arrangements, materials and facilities previously approved will be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standard as the original installation.

(2) Steam shall be available from main or auxiliary boilers to provide at least one pound of steam per hour for each 12 cubic feet of the gross volume of the largest compartment to be protected.

(3) Although separate piping shall be led to each cargo hold and 'tween deck, for the purpose of determining the amount of steam required, a cargo compartment will be considered as the space between adjacent watertight or fire-screen bulkheads and from tank top or lowest deck to the deck head of the uppermost deck on which cargo may be carried. If a trunk extends beyond such deck, the trunk space shall be included. Tonnage openings shall be considered as sealed for this purpose.

(4) A steam pressure of at least 100 p.s.i. shall be available unless specifically approved otherwise.

(5) All piping, valves, and fittings shall meet the applicable requirements of Subchapter F (Marine Engineering) of this chapter.

(6) The distribution piping shall emanate from not more than three stations in easily accessible locations on the weather deck, and shall lead to the lower portion of each cargo hold, cargo 'tween deck, and other compartments protected. However, lines to paint lockers and similar small spaces may be taken from the nearest steam supply line.

(7) The distribution line to each compartment shall be fitted with a shutoff valve. The valve shall be marked as required by § 78.47-15 of this subchapter.

(8) The manifold steam supply line shall be fitted with a master valve at the manifold.

(9) Provisions shall be made for draining the manifold and distribution lines to prevent them from freezing.

(10) If located on the open deck, the distribution manifolds shall be suitably protected by an enclosing cabinet or casing. In any case, it shall be marked as required by § 78.47-17 of this subchapter.

(11) Piping shall not be led into or through spaces accessible to the passengers or crew while the vessel is being navigated, with the exception of ma-

chinery spaces and corridors. However, in special cases, arrangements to run piping through such spaces may be specifically approved by the Commandant, provided all joints are welded, suitable expansion bends are provided, and all piping is extra heavy.

(12) Piping shall be used for no other purpose except that it may be incorporated with the fire detecting system, and where suitable provisions are made, it may be used for steaming out tanks.

(13) The minimum size and number of branches to the various spaces shall be as given in Table 76.13-90(c) (13). The distribution piping from the manifold to the branch lines shall have an area approximately equal to the combined areas of the branch lines served.

TABLE 76.13-90 (c) (13)

Volume of spaces in cubic feet		Number of branches to spaces	Pipe size of each branch, inches
Over	Not over		
-----	500	1	¾
500	5,000	1	1
5,000	15,000	1	1¼
15,000	30,000	1	1½
30,000	60,000	2	1½
60,000	100,000	3	1½
100,000	190,000	4	1½

(14) The steam supply line from the boiler to any distribution manifold shall be of sufficient size to supply all the branch lines to the largest compartment and to all adjacent compartments.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 367, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 481, 367, 526p, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR 1952 Supp.)

PART 77—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

Subpart 77.20—Whistles

Section 77.20-1(a) (1) is amended to read as follows:

§ 77.20-1 Vessels other than sailing vessels and barges.

(a) * * *

(1) Means shall be provided to operate the whistle or other appliance from a position adjacent to the main steering station and from the steering station on top of the wheelhouse where such steering station is fitted. Details of the whistle operating device shall be as described in Subchapter J (Electrical Engineering) of this chapter.

(R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 481, 367, 526p, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

PART 78—OPERATIONS**Subpart 78.07—Notice of Casualty and Voyage Records**

1. Section 78.07-1 is amended by adding at end thereof the following paragraph:

§ 78.07-1 Notice of casualty.

(b) The master of any nuclear vessel shall immediately inform the Commandant in the event of any accident or casualty to the nuclear vessel which may lead to an environmental hazard. The master shall also immediately inform the competent governmental authority of the country in whose waters the vessel may be in, or whose waters the vessel approaches in a damaged condition.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4453, as amended, 4488, as amended, secs. 1, 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 435, 481, 367, 526b, 1333, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

Subpart 78.17—Tests, Drills, and Inspections

2. Section 78.17-35(b) (1) is amended to read as follows:

§ 78.17-35 Hatches and other openings.

(b) Watertight doors between cargo spaces as provided in § 73.35-17(b) of this subchapter.

3. Section 78.17-50 is amended by revising subparagraph (b) (6) and paragraph (d) to read as follows:

§ 78.17-50 Fire and boat drills.

(b) In port, every lifeboat shall be swung out, if practicable, and the unobstructed lifeboats shall be lowered to the water and the crew exercised in the use of the oars and other means of propulsion if provided for the lifeboat. Although all lifeboats may not be used in a particular drill, care shall be taken that all lifeboats are given occasional use to ascertain that all lowering equipment is in proper order and the crew properly trained. The master shall be responsible that each lifeboat is lowered to the water at least once in each 3 months.

(d) An entry shall be made in the vessel's official logbook relative to each fire and boat drill setting forth the date and hour, length of time of the drill, numbers on the lifeboats swung out and numbers on those lowered, the length of time that motor and hand-propelled lifeboats are operated, the number of lengths of hose used, together with a statement as to the condition of all fire and lifesaving equipment, watertight door mechanisms, valves, etc. If in any week the required fire and boat drills are not held or only partial drills are held,

an entry shall be made stating the circumstances and extent of the drills held.

Subpart 78.37—Logbook Entries

4. Section 78.37-3 is amended to read as follows:

§ 78.37-3 Logbooks and records.

(a) Under various statutes or by regulations in this subchapter, vessels engaged in all trades, with the exception of vessels engaged exclusively in trade on rivers of the United States, shall have certain logbooks or records, and, when the occasion arises, it is the duty of the Master or person in charge to place therein specific entries as required by law or regulations in this subchapter.

(b) R.S. 4290, as amended (46 U.S.C. 201), states: "Every vessel making voyages from a port in the United States to any foreign port, or, being of the burden of 75 tons or upward, from a port on the Atlantic to a port on the Pacific, or vice versa, shall have an Official Logbook; * * * This Official Logbook is furnished gratuitously to masters of United States' flag vessels by the Coast Guard, as Form CG-706B or CG-706C, depending upon the number of persons employed as crew. There is printed in the first several pages of this Official Logbook various acts of Congress relating to logbooks and the entries required to be made therein. When a voyage is completed, or after a specified period of time is completed, the Official Logbooks with required entries therein shall be filed with the Officer in Charge, Marine Inspection, at or nearest the port where the vessel may be.

(c) For vessels other than those required to have Official Logbooks by R.S. 4290, the owners, operators, and/or masters are to supply their own logs or records in any form desired, which will be considered to take the place of the Official Logbooks and may be used for the purpose of making entries therein as required by law or regulations in this subchapter. Such logs or records are not filed with the Officer in Charge, Marine Inspection, but shall be kept available for review by a marine inspector for a period of one year after the date to which the records refer.

Subpart 78.45—Display of Plans

5. Section 78.45-1 is amended to read as follows:

§ 78.45-1 When required.

(a) Vessels of 1,000 gross tons and over, and vessels of any tonnage on an international voyage shall have permanently exhibited for the guidance of the officer in charge of the vessel the following plans:

(1) General arrangement plans showing for each deck the fire control stations, the various sections enclosed by fire-resisting bulkheads, the sections enclosed by fire-retarding bulkheads, together with particulars of the fire alarms, detecting systems, the sprinkler installation (if any), the fire extinguishing appliances, means of access to different compartments, decks, etc., and the ventilating systems including particulars of the master fan controls, the positions of dampers and identification numbers of

the ventilating fans serving each section. Alternatively, at the discretion of the Commandant, the afore-mentioned details may be set out in a booklet, a copy of which shall be supplied to each officer, and one copy at all times shall be available on board in an accessible position.

(2) Plans showing clearly for each deck and hold the boundaries of the watertight compartments, the openings therein with the means of closure and position of any controls thereof, and the arrangements for the correction of any list due to flooding.

(3) Plans and booklets shall be kept up-to-date, any alteration being recorded thereon as soon as practicable.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4453, as amended, 4488, as amended, secs. 1, 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 435, 481, 367, 526b, 1333, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR 1952 Supp.)

Subpart 78.47—Markings for Fire and Emergency Equipment, Etc.

6. Section 78.47-37 is amended by adding a new paragraph (b) reading as follows:

§ 78.47-37 Watertight doors.

(b) Class 1 doors fitted in accordance with § 73.35-5(b) of this subchapter shall additionally be marked "RECLOSE AFTER USE."

7. Subpart 78.47 is amended by inserting after § 78.47-37 a new § 78.47-38 reading as follows:

§ 78.47-38 Valves and closing appliances.

(a) All valves and closing appliances, or other mechanisms which may be required to be operated for damage control purposes in case of emergency shall be conspicuously marked with letters at least 1 inch high identifying the control and the direction of operation. In all cases indication shall be provided to show whether the control is open or closed.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4453, as amended, 4488, as amended, secs. 1, 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 435, 481, 367, 526b, 1333, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

Subpart 78.75—Motion Picture Film and Equipment

8. Part 78 is amended by adding at end thereof a new Subpart 78.75 entitled "Motion Picture Film and Equipment," and a new § 78.75-1 reading as follows:

§ 78.75-1 Type required.

(a) Only acetate or slow-burning film may be used. Nitrocellulose film is specifically prohibited.

(b) Projectors shall be of an approved type.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S.

4417, as amended, 4418, as amended, 4426, as amended, 4453, as amended, 4488, as amended, secs. 1, 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 435, 481, 367, 526b, 1333, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

PART 91—INSPECTION AND CERTIFICATION

Subpart 91.25—Inspection for Certification

1. Section 91.25-15(a) is amended by revising the introductory text and subparagraph (2) to read as follows:

§ 91.25-15 Lifesaving equipment.

(a) At each inspection for certification, except as modified in subparagraph (2) of this paragraph, the marine inspector shall conduct the following tests and inspections of lifesaving equipment:

* * * * *

(2) Each lifeboat shall be lowered to near the water and then be loaded with its allowed capacity, evenly distributed throughout the length, and then be lowered into the water until it is afloat, and be released from the falls. In making this test persons or deadweight may be used. The total weight used shall be at least equal to the allowed capacity of the lifeboat considering persons to weigh 165 pounds each. This test shall be made at least once in each two-year period. If practicable it shall be made at the inspection for certification or at a reinspection.

(R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4418, as amended, 4421, as amended, 4423, as amended, 4426-4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4488, as amended, sec. 14, 29 Stat. 690, secs. 10, 11, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1544, 1935, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 392, 399, 400, 404-409, 411, 412, 435, 481, 366, 395, 396, 363, 367, 660a, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

Subpart 91.40—Drydocking

2. Section 91.40-1 is amended to read as follows:

§ 91.40-1 When required.

(a) All vessels shall be placed in drydock or hauled out for examination within the periods set forth in this paragraph, depending upon the service.

(1) Each vessel should be drydocked or hauled out at intervals not to exceed 18 months if it operates in salt water an aggregate of more than 9 months in the 18-month period since it was last drydocked or hauled out.

(2) Each vessel shall be drydocked or hauled out at intervals not to exceed 36 months if it operates in salt water an aggregate of more than 3 months but not more than 6 months in each 12-month period since it was last drydocked or hauled out. When a vessel exceeds an aggregate of 6 months service in salt water in any 12-month period since it was last drydocked or hauled out, it

shall be drydocked or hauled out within 6 months after the end of that period or within the 36-month interval, whichever is earlier.

(3) Each vessel shall be drydocked or hauled out at intervals of 48 months if it operates in salt water an aggregate of 3 months or less in each 12-month period since it was last drydocked.

(4) Each vessel shall be drydocked or hauled out at intervals not to exceed 60 months if it operates exclusively in fresh water.

(R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4418, as amended, 4421 as amended, 4423, as amended, 4426-4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4488, as amended, sec. 14, 29 Stat. 690, secs. 10, 11, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1544, 1935, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 392, 399, 400, 404-409, 411, 412, 435, 481, 366, 395, 396, 363, 367, 660a, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

PART 92—CONSTRUCTION AND ARRANGEMENT

Subpart 92.05—General Fire Protection

1. The title for Subpart 92.05 is amended to read "General Fire Protection" as set forth above.

Subpart 92.07—Structural Fire Protection

2. Part 92 is amended by inserting after § 92.05-10 a new Subpart 92.07 entitled "Structural Fire Protection," and consisting of §§ 92.07-1 to 92.07-90, inclusive, reading as follows:

Sec.
92.07-1 Application.
92.07-5 Definitions.
92.07-10 Construction.
92.07-90 Vessels contracted for prior to January 1, 1962.

AUTHORITY: §§ 92.07-1 to 92.07-90 issued under R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 4490, as amended, 41 Stat. 305, as amended, secs. 2, 3, 49 Stat. 1544, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 481, 482, 363, 367, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.

§ 92.07-1 Application.

(a) The provisions of this subpart, with the exception of Section 92.07-90, shall apply to all vessels of 4,000 gross tons and over contracted for on or after January 1, 1962. Such vessels contracted for prior to January 1, 1962, shall meet the requirements of Section 92.07-90.

§ 92.07-5 Definitions.

(a) *Standard fire test.* A "standard fire test" is one which develops in the test furnace a series of time temperature relationships as follows:

5 minutes—1,000° F.
10 minutes—1,300° F.
30 minutes—1,550° F.
60 minutes—1,700° F.

(b) *"A" Class divisions.* Bulkheads or decks of the "A" Class shall be composed of steel or equivalent metal construction, suitably stiffened and made intact with the main structure of the vessel; such as shell, structural bulkheads, and decks. They shall be so constructed, that if subjected to the standard fire test, they would be capable of preventing the passage of flame and smoke for one hour.

(c) *"B" Class bulkheads.* Bulkheads of the "B" Class shall be constructed with approved incombustible materials and made intact from deck to deck and to shell or other boundaries. They shall be so constructed that, if subjected to the standard fire test, they would be capable of preventing the passage of flame and smoke for one half hour.

(d) *"C" Class divisions.* Bulkheads or decks of the "C" Class shall be constructed of approved incombustible materials, but need meet no requirements relative to the passage of flame.

(e) *Steel or other equivalent metal.* Where the term "steel or other equivalent metal" is used in this subpart, it is intended to require a material which, by itself or due to insulation provided, has structural and integrity qualities equivalent to steel at the end of the applicable fire exposure.

(f) *Approved material.* Where in this subpart approved materials are required, they refer to materials approved under the applicable subparts of Subchapter Q (Specifications) of this chapter, as follows:

Deck Coverings.....	164.006
Structural Insulation.....	164.007
Bulkhead Panels.....	164.008
Incombustible Materials.....	164.009
Interior Finish.....	164.012

§ 92.07-10 Construction.

(a) The hull, superstructure, structural bulkheads, decks, and deckhouses shall be constructed of steel. Alternately, the Commandant may permit the use of other suitable material in special cases, having in mind the risk of fire.

(b) Bulkheads of galleys, paint and lamp lockers, and emergency generator rooms shall be of "A" Class construction.

(c) The boundary bulkheads and decks separating the accommodations and control stations from cargo and machinery spaces, galleys, main pantries and storerooms, other than small service lockers, shall be of "A" Class construction.

(d) Within the accommodation and service areas the following conditions shall apply:

(1) Corridor bulkheads in accommodation spaces shall be of the "A" or "B" Class intact from deck to deck. State-room doors in such bulkheads may have a louver in the lower half.

(2) Elevator, dumbwaiter, and other trunks shall be of "A" Class construction.

(3) Bulkheads not already specified to be of "A" or "B" Class construction may be of "A", "B", or "C" Class construction.

(4) The integrity of any deck in way of a stairway opening shall be maintained by means of "A" or "B" class

bulkheads and doors at one level. The doors shall be of self-closing type. Hold-back hooks will not be permitted. However, magnetic hold-backs operated from the bridge or from other suitable remote control positions are acceptable.

(5) Interior stairs, including stringers and treads, shall be of steel.

(6) Except for washrooms and toilet spaces, deck coverings within accommodation spaces shall be of an approved type. However, overlays for leveling or finishing purposes which do not meet the requirements for an approved deck covering may be used in thicknesses not exceeding $\frac{3}{8}$ of an inch.

(7) Ceilings, linings, and insulation, including pipe and duct laggings, shall be of approved incombustible materials.

(8) Any sheathing, furring or holding pieces incidental to the securing of any bulkhead, ceiling, lining, or insulation shall be of approved incombustible materials.

(9) Combustible veneers, trim, decorations, etc. shall not be used in corridors or hidden spaces. This is not intended to preclude the use of an approved Interior Finish or a reasonable number of coats of paint.

(e) Wood hatch covers may be used between cargo spaces or between stores spaces. Hatch covers in other locations shall be of steel or equivalent metal construction. Tonnage openings shall be closed by means of steel plates.

(f) Nitrocellulose or other highly inflammable or noxious fume-producing paints or lacquers shall not be used.

§ 92.07-90 Vessels contracted for prior to January 1, 1962.

(a) Existing structure arrangements and materials previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standard as the original construction.

PART 93—STABILITY

Subpart 93.10—Stability Information for Operating Personnel

1. Section 93.10-1 is amended to read as follows:

§ 93.10-1 Information supplied to master.

(a) Based on the results of the stability test, information shall be prepared by the owners, approved by the Commandant, and furnished to the master which sets forth the stability data necessary to permit efficient handling of the vessel. In general, this information shall be such that the master can, for any condition of loading, by rapid and simple process, obtain accurate guidance as to the stability of the vessel and determine the freeboard.

(b) In the case of a vessel which due to its design or type of service, etc., requires special consideration of its stability characteristics, the information shall also include an indication of any operat-

ing conditions which must be maintained to assure the safety of the vessel.

(c) Where any alterations are made to a vessel so as to materially affect the stability information supplied to the master, amended stability information shall be provided. If necessary the vessel shall have a new stability test.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, 4418, 4426, 4488, as amended, 4490, as amended, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, as amended; 46 U.S.C. 391, 392, 481, 404, 482, 483, 363, 367; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

Subpart 93.15—Stability Letter

2. Section 93.15-5(a) is amended to read as follows:

§ 93.15-5 Information contained in stability letter.

(a) Stability letters issued to vessels subject to the provisions of § 93.05-1(a) or (b) will record approval of the information required by Subpart 93.10 and will set forth the master's responsibility for maintaining satisfactory stability conditions at all times.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, 4418, 4426, 4488, as amended, 4490, as amended, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, as amended; 46 U.S.C. 391, 392, 481, 404, 482, 483, 363, 367; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

PART 94—LIFESAVING EQUIPMENT

Subpart 94.10—Lifeboats, Life Rafts, Life Floats, Buoyant Apparatus, and Rescue Boats

1. The title for Subpart 94.10 is amended to read "Lifeboats, Life Rafts, Life Floats, Buoyant Apparatus, and Rescue Boats," as set forth above.

2. The headnote for § 94.10-5 (but no change in text of section) is amended to read "Type of lifeboats, life rafts, life floats, buoyant apparatus, and rescue boats required."

3. Section 94.10-40(a) is amended by revising footnote "1" in Table 94.10-40(a) to read as follows:

TABLE 94.10-40(a)—LIFEBOATS AND LIFE RAFTS REQUIRED ON VESSELS IN GREAT LAKES; LAKES, BAYS, AND SOUNDS AND RIVER SERVICE OTHER THAN FIREBOATS, WRECKING AND FISHING VESSELS, PILOT BOATS AND YACHTS

* * * * *

¹When of 300 gross tons and over, vessels carrying cargo having berthing and/or working spaces forward widely separated from messing or recreational spaces aft shall have, in addition to all other lifeboats and life rafts required, two fully equipped approved life rafts of not less than 15-person capacity. These life rafts shall be stowed (not necessarily in skids) so as to float clear in the event of sinking of the vessel. One shall be located forward and the other aft. An approved life float of not less than 15-person capacity may be substituted for the required life raft aft. When of 300 gross tons and over, vessels carrying cargo (not having berthing and/or working spaces forward widely separated from messing or recreational spaces aft) and towing vessels are

required to have only one approved liferaft or life float of not less than 15-person capacity as additional lifesaving equipment.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 484, 475, 481, 489, 367, 526p, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 supp.)

Subpart 94.15—Stowage and Marking of Lifeboats, Life Rafts, Life Floats, and Buoyant Apparatus

4. The title for Subpart 94.15 is amended to read "Stowage and Marking of Lifeboats, Life Rafts, Life Floats, and Buoyant Apparatus," as set forth above.

5. Section 94.15-5 is amended by revising paragraphs (a) and (b) to read as follows:

§ 94.15-5 General.

(a) The lifeboats, life rafts, life floats, and buoyant apparatus shall be readily available in the case of emergency, and shall be kept in good working order and available for immediate use at all times when the vessel is being navigated and, insofar as reasonable and practicable, while the vessel is not being navigated.

(b) The decks on which lifeboats, life rafts, life floats, and buoyant apparatus are carried shall be kept clear of freight or any other obstructions which would interfere with the immediate launching of the lifesaving appliances.

6. Section 94.15-10 is amended by revising the introductory sentence in paragraph (a) and by adding a new paragraph (d), reading as follows:

§ 94.15-10 Stowage.

(a) General. Lifeboats, life rafts, life floats, and buoyant apparatus shall be stowed in such a manner that:

* * * * *

(d) Life float and buoyant apparatus stowage. (1) Life floats and buoyant apparatus shall be stowed in such a manner as to be readily launched. Life floats exceeding 400 pounds in weight shall be stowed in such a manner as not to require lifting before launching.

(2) Life floats and buoyant apparatus shall not be secured to the vessel except by lashings which can be easily slipped. They may be stowed in tiers one above the other, but not more than four high. When stowed in tiers, the separate units shall be kept apart by suitable distance pieces.

(3) Means shall be provided to prevent shifting.

7. Section 94.15-15(a) is amended to read as follows:

§ 94.15-15 Marking.

(a) Lifeboats, life rafts, life floats, and buoyant apparatus shall be marked as required by §§ 97.37-37 and 97.37-40 of this subchapter.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 4491, as

amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 484, 475, 481, 489, 367, 526p, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 supp.)

Subpart 94.20—Equipment for Lifeboats, Life Rafts, Life Floats, and Buoyant Apparatus

8. The title for Subpart 94.20 is amended to read "Equipment for Lifeboats, Life Rafts, Life Floats, and Buoyant Apparatus," as set forth above.

9. Section 94.20-5 is amended to read as follows:

§ 94.20-5 General.

(a) Equipment for lifeboats, life rafts, life floats, and buoyant apparatus shall be of good quality, efficient for the purpose they are intended to serve, and kept in good condition.

(b) Lifeboats, life rafts, life floats, and buoyant apparatus shall be fully equipped before the vessel is navigated and the equipment shall remain in such lifesaving appliances throughout the voyage, except as provided in § 97.15-45(e) of this subchapter.

(c) It shall be unlawful to stow in any lifeboat, life raft, life float, or buoyant apparatus any article not required by this subpart unless such article can be properly stowed so as not to reduce the seating capacity or space available to the occupants and so as not to adversely affect the seaworthiness of such appliances or, in the case of lifeboats, overload the davits or winches.

(d) Loose equipment, except boat-hooks in lifeboats, shall be securely attached to the lifesaving appliance to which it belongs.

10. Section 94.20-15(z) is amended to read as follows:

§ 94.20-15 Description of equipment for lifeboats.

* * * * *

(z) *Painter*. Painters shall be of manila rope not less than 2¾ inches in circumference, or equivalent, and of a length not less than 3 times the distance between the deck on which the lifeboat is stowed and the light draft of the vessel. For lifeboats in vessels on ocean, coastwise or Great Lakes service one of the painters shall have a long eye splice and be attached to the thwart with a toggle. The other painter shall be attached to the stem.

11. Subpart 94.20 is amended by inserting after § 94.20-25 two new §§ 94.20-30 and 94.20-35 reading as follows:

§ 94.20-30 Required equipment for life floats and buoyant apparatus.

(a) The life floats and buoyant apparatus for all vessels shall be equipped in accordance with Table 94.20-30(a). For a description of the items contained in this table, and the units comprising the items, see the applicable paragraphs of § 94.20-35. The letter identification prefixing the item in the table corresponds to the paragraph designation in § 94.20-35.

TABLE 94.20-30(a)

Letter identification	Item	Number required for each life float and buoyant apparatus		
		Ocean and coastwise	Great Lakes	Lakes, bays, sounds, and rivers
a-----	Boathook ¹ -----	1	1	1
b-----	Life line-----	1	1	1
c-----	Paddles ² -----	4	4	4
d-----	Painter-----	1	1	1
e-----	Water light ² -----	1	1	None

¹ Buoyant apparatus need not be equipped with boat-hook or paddles.

² Equipment for 24 persons or less not required to have a water light.

§ 94.20-35 Description of equipment for life floats and buoyant apparatus.

(a) *Boathook*. Boathooks shall be of the single hook ball point type. Boathook handles shall be of clear grained white ash, or equivalent, not less than 6 feet long and 1½ inches in diameter.

(b) *Life line*. The life line shall be properly secured around the sides and ends of the life float or buoyant apparatus, festooned in bights not longer than 3 feet, with a seine float in each bight, which float may be omitted if the line is of an inherently buoyant material and absorbs little or no water. The life line shall be of a size and strength not less than ¾-inch diameter manila.

(c) *Paddles*. Paddles shall be not less than 5 feet long.

(d) *Painter*. (1) The painter for buoyant apparatus shall be of manila rope not less than 2 inches in circumference and of a length not less than 6 feet plus the distance between the deck on which the buoyant apparatus is stowed and the light draft of the vessel.

(2) The painter for life floats shall be of manila rope not less than 2¾ inches in circumference and of a length not less than 3 times the distance between the deck on which the life floats are stowed and the light draft of the vessel.

(e) *Water light*. The water light shall be of an approved type, constructed in accordance with Subpart 160.012 or 161.001 of Subchapter Q (Specifications) of this chapter. The water light shall be attached to the life float or buoyant apparatus by a 12-thread manila lanyard 3 fathoms in length.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4246, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 484, 475, 481, 489, 367, 526p, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 supp.)

PART 95—FIRE PROTECTION EQUIPMENT

Subpart 95.05—Fire Detecting and Extinguishing Equipment, Where Required

1. Section 95.05-10 is amended by revising paragraphs (b) (including subparagraphs) and (c) to read as follows:

§ 95.05-10 Fixed fire extinguishing systems.

* * * * *

(b) A fixed carbon dioxide or other approved system shall be installed in all cargo compartments and tanks for combustible cargo, except that vessels engaged exclusively in the carriage of coal or grain in bulk need not be fitted with such system. For cargo compartments and tanks fitted with a fixed carbon dioxide or other approved system a deck foam system is not required. The provisions of this paragraph shall not apply to motorboats contracted or prior to November 19, 1952. In lieu of the carbon dioxide or other approved system, the following systems may be used or required in special cases:

(1) A fixed foam system may be used in cargo tanks.

(2) In cases where a cargo compartment is normally accessible and is considered to be a part of the working or living quarters, a water sprinkling system may be required, and the details of such system will be subject to special approval.

(3) On vessels contracted for prior to January 1, 1962, a steam smothering system may be accepted. However, although existing steam smothering systems may be repaired, replaced, or extended, no new systems contracted for on or after January 1, 1962, will be permitted.

(c) On vessels other than motorboats a fixed carbon dioxide or other approved system shall be installed in all lamp and paint lockers, oil rooms, and similar spaces. On vessels contracted for prior to January 1, 1962, a steam smothering system may be accepted in lieu of the carbon dioxide system. However, although existing steam smothering systems may be repaired, replaced, or extended, no new systems contracted for on or after January 1, 1962, will be permitted.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4477, as amended, 4488, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 470, 367, 526p, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

Subpart 95.13—Steam Smothering System, Details

2. Sections 95.13-1 to 95.13-90, inclusive (including all tables), which comprise Subpart 95.13, are revised in their entirety and read as follows:

Sec.

95.13-1 Application.

95.13-90 Installations contracted for prior to January 1, 1962.

AUTHORITY: §§ 95.13-1 to 95.13-90 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4477, as amended, 4488, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 470, 367, 526p, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.

§ 95.13-1 Application.

(a) In accordance with § 95.05-10, steam smothering systems are not permitted on vessels contracted for on or after January 1, 1962, nor for new installations on vessels contracted for prior to that date.

(b) Where a steam smothering system is installed, the provisions of this subpart shall apply.

§ 95.13-90 Installations contracted for prior to January 1, 1962.

(a) Installations contracted for prior to July 1, 1935, shall meet the following requirements:

(1) Existing arrangements, materials, and facilities previously approved will be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standard as the original installation.

(2) The main pipes and their branches to the cargo compartments and similar spaces shall be not less than 1½-inch pipe size and shall emanate from not more than two stations in easily accessible locations. If located on the open deck, the distribution manifolds shall be suitably protected by an enclosing cabinet or casing which shall be marked as required by § 97.37-13 of this subchapter. Each branch line shall have a valve at the manifold which shall be marked as required by § 97.37-10 of this subchapter.

(3) Branches to paint lockers and similar small spaces may be taken from the nearest steam supply line and shall be not less than ¾-inch pipe size. The valve shall be marked as required by § 97.37-10 of this subchapter.

(b) Installations contracted for on or after July 1, 1955, but prior to November 19, 1952, shall meet the following requirements:

(1) Existing arrangements, materials and facilities previously approved will be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standard as the original installation.

(2) Steam shall be available from the main or auxiliary boilers to provide at least one pound of steam per hour for each 50 cubic feet of gross volume of the largest compartment protected. Where reasonable and practicable, the steam pressure shall be at least 100 p. s. i.

(3) The piping system shall meet the general requirements of subparagraphs (5) through (12) of paragraph (c) of this section insofar as is reasonable and practicable.

(4) The minimum size of distribution piping and the number of branches to the various spaces shall be as given in Table 95.13-90 (b) (4) or by the following formula:

$$D = \sqrt{\frac{C}{30,000}} \quad (1)$$

where:
D=Required diameter of pipe in inches.
C=Volume of compartment in cubic feet.

TABLE 95.13-90(b) (4)

Volume of compartment in cubic feet		Number of branches to compartment	Pipe size in each branch, inches
Over	Not over		
-----	30,000	1	1
30,000	46,000	1	1¼
46,000	67,000	1	1½
67,000	94,000	2	1¼
94,000	135,000	2	1½
135,000	203,000	3	1½

(5) The minimum size of the steam supply line from the boiler to the distribution manifold shall be as given by the following formula:

$$D = \sqrt{\frac{C}{60,000}} \quad (2)$$

where:

D=Diameter of pipe in inches.

C=Volume of all compartments in cubic feet.

(c) Installations contracted for on or after November 19, 1952, but prior to January 1, 1962, shall meet the following requirements:

(1) Existing arrangements, materials and facilities previously approved will be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standard as the original installation.

(2) Steam shall be available from main or auxiliary boilers to provide at least 1 pound of steam per hour for each 12 cubic feet of the gross volume of the largest compartment to be protected.

(3) Although separate piping shall be led to each cargo hold and 'tween deck, for the purpose of determining the amount of steam required, a cargo compartment will be considered as the space between adjacent watertight bulkheads and from tank top or lowest deck to the deck head of the uppermost deck on which cargo may be carried. If a trunk extends beyond such deck, the trunk space shall be included. Tonnage openings shall be considered as sealed for this purpose.

(4) A steam pressure of at least 100 p.s.i. shall be available unless specifically approved otherwise.

(5) All piping, valves, and fittings shall meet the applicable requirements of Subchapter F (Marine Engineering) of this chapter.

(6) The distribution piping shall emanate from not more than three stations in easily accessible locations on the weather deck, and shall lead to the lower portion of each cargo hold, cargo 'tween deck, and other compartments protected. However, lines to paint lockers and similar small spaces may be taken from the nearest steam supply line.

(7) The distribution line to each compartment shall be fitted with a shutoff valve. The valve shall be marked as required by § 97.37-10 of this subchapter.

(8) The manifold steam supply line shall be fitted with a master valve at the manifold.

(9) Provisions shall be made for draining the manifold and distribution lines to prevent them from freezing.

(10) If located on the open deck, the distribution manifolds shall be suitably protected by an enclosing cabinet or casing. In any case, it shall be marked as required by § 97.37-13 of this subchapter.

(11) Piping shall not be led into or through spaces accessible to the persons on board while the vessel is being navigated, with the exception of machinery spaces and corridors. However, in special cases, arrangements to run piping through such spaces may be specifically approved by the Commandant, provided all joints are welded, suitable expansion bends are provided, and all piping is extra heavy.

(12) Piping shall be used for no other purposes except that it may be incorporated with the fire-detecting system, if installed, and where suitable provisions are made, it may be used for steaming out tanks.

(13) The minimum size and number of branches to the various spaces shall be as given in Table 95.13-90(c) (13). The distribution piping from the manifold to the branch lines shall have an area approximately equal to the combined areas of the branch lines served.

TABLE 95.13-90 (c) (13)

Volume of space in cubic feet		Number of branches to space	Pipe size of each branch, inches
Over	Not over		
-----	500	1	¾
500	5,000	1	1
5,000	15,000	1	1¼
15,000	30,000	1	1½
30,000	60,000	2	1¼
60,000	100,000	3	1½
100,000	190,000	4	1½

(14) The steam supply line from the boiler to any distribution manifold shall be of sufficient size to supply all the branch lines to the largest compartment and to all adjacent compartments.

PART 96—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

Subpart 96.20—Whistles

Section 96.20-1(a) (1) is amended to read as follows:

§ 96.20-1 Vessels other than sailing vessels, barges, and motorboats.

(a) * * *

(1) Means shall be provided to operate the whistle or other appliance from a position adjacent to the main steering station and from the steering station on top of the wheelhouse where such steering station is fitted. Details of the whistle operating device shall be as described in Subchapter J (Electrical Engineering) of this chapter.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4488, as amended, 4418, as amended, 4426, as amended, secs. 1, 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 481, 526p, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR 1952 Supp.)

PART 97—OPERATIONS**Subpart 97.07—Notice of Casualty and Voyage Records**

1. Section 97.07-1 is amended by adding at end thereof the following paragraph:

§ 97.07-1 Notice of casualty.

(b) The master of any nuclear vessel shall immediately inform the Commandant in the event of any accident or casualty to the nuclear vessel which may lead to an environmental hazard. The master shall also immediately inform the competent governmental authority of the country in whose waters the vessel may be in, or whose waters the vessel approaches in a damaged condition.

(R.S. 4405, as amended, and 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4453, as amended, 4488, as amended, secs. 1, 2, 49 Stat. 1544, as amended, and sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 435, 481, 367, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

Subpart 97.15—Tests, Drills, and Inspections

2. Section 97.15-35 is amended to read as follows:

§ 97.15-35 Fire and boat drills.

(a) The master shall be responsible for conducting a fire and boat drill at least once in every week. The scheduling of such drills shall be at the discretion of the Master except that at least one fire and boat drill shall be held within 24 hours of leaving a port if more than 25 percent of the crew have been replaced at that port.

(b) The fire and boat drill shall be conducted as if an actual emergency existed. All hands should report to their respective stations and be prepared to perform the duties specified in the station bill.

(1) Fire pumps shall be started and a sufficient number of outlets used to ascertain that the system is in proper working order.

(2) All rescue and safety equipment shall be brought from the emergency equipment lockers and the persons designated shall demonstrate their ability to use the equipment.

(3) All watertight doors which are in use while the vessel is under way shall be operated.

(4) Weather permitting, lifeboat covers and strongbacks shall be removed, plugs or caps put in place, boat ladders secured in position, painters led forward and tended, and other life-saving equipment prepared for use. The motor and hand-propelling gear of each lifeboat, where fitted, shall be operated for at least 5 minutes.

(5) The passengers, if carried, shall be encouraged to fully participate in these drills and shall be instructed in the use of the life preservers.

(6) In port, every lifeboat shall be swung out, if practicable, and the un-

obstructed lifeboats shall be lowered to the water and the crew exercised in the use of the oars and other means of propulsion if provided for the lifeboat. Although all lifeboats may not be used in a particular drill, care shall be taken that all lifeboats are given occasional use to ascertain that all lowering equipment is in proper order and the crew properly trained. The Master shall be responsible that each lifeboat is lowered to the water at least once in each 3 months.

(7) When the vessel is under way, and weather permitting, all lifeboats shall be swung out to ascertain that the gear is in proper order.

(8) The person in charge of each lifeboat shall have a list of its crew and shall see that the men under his command are acquainted with their duties.

(9) Lifeboat equipment shall be examined at least once a month to insure that it is complete.

(c) An entry shall be made in the vessel's official log book relative to each fire and boat drill setting forth the date and hour, length of time of the drill, numbers on the lifeboats swung out and numbers on those lowered, the length of time that motor and hand-propelled lifeboats are operated, the number of lengths of hose used, together with a statement as to the condition of all fire and lifesaving equipment, watertight door mechanisms, valves, etc. An entry shall also be made to report the monthly examination of the lifeboat equipment. If in any week the required fire and boat drills are not held or only partial drills are held, an entry shall be made stating the circumstances and extent of the drills held.

(d) A copy of these requirements, Form CG 809, shall be framed under glass and posted in a conspicuous place about the vessel. This form may be obtained from the Officer in Charge, Marine Inspection.

(R.S. 4405, as amended, and 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4453, as amended, 4488, as amended, secs. 1, 2, 49 Stat. 1544, as amended, and sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 435, 481, 367, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

Subpart 97.35—Logbook Entries

3. Section 97.35-3 is amended to read as follows:

§ 97.35-3 Logbooks and records.

(a) Under various statutes or by regulations in this subchapter, vessels engaged in all trades, with the exception of vessels engaged exclusively in trade on rivers of the United States shall have certain logbooks or records, and, when the occasion arises, it is the duty of the master or person in charge to place therein specific entries as required by law or regulations in this chapter.

(b) R.S. 4290, as amended (46 U.S.C. 201), states: "Every vessel making voyages from a port in the United States to any foreign port, or, being of the burden of 75 tons or upward, from a port on the Atlantic to a port on the Pacific, or vice versa, shall have an Official Logbook; * * *." This Official Logbook is

furnished gratuitously to masters of United States' flag vessels by the Coast Guard, as Form CG-706B or CG-706C, depending upon the number of persons employed as crew. There is printed in the first several pages of this Official Logbook various acts of Congress relating to logbooks and the entries required to be made therein. When a voyage is completed, or after a specified period of time is completed, the Official Logbooks with required entries therein shall be filed with the Officer in Charge, Marine Inspection, at or nearest the port where the vessel may be.

(c) For vessels other than those required to have Official Logbooks by R.S. 4290, the owners, operators, and/or masters are to supply their own logs or records in any form desired, which will be considered to take the place of the Official Logbooks and may be used for the purpose of making entries therein as required by law or regulations in this subchapter. Such logs or records are not filed with the Officer in Charge, Marine Inspection, but shall be kept available for review by a marine inspector for a period of one year after the date to which the records refer, except for separate records of tests and inspections of fire-fighting equipment which shall be maintained with the vessel's logs for the period of validity of the vessel's certificate of inspection.

3a. Section 97.35-10 is amended to read as follows:

§ 97.35-10 Official log entries.

(a) On vessels where an Official Logbook is required by R.S. 4290 (46 U.S.C. 201), all items relative to the crew and passengers, as well as with respect to any casualties which may occur, shall be entered in the Official Logbook as required by this law.

Subpart 97.37—Markings for Fire and Emergency Equipment, Etc.

4. Section 97.37-40 is amended to read as follows:

§ 97.37-40 Life rafts, life floats, and buoyant apparatus.

(a) Rigid type life rafts, life floats, and buoyant apparatus, together with their oars and paddles, shall be conspicuously marked with the vessel's name.

(b) The name of persons allowed on each rigid type life raft, life boat, and buoyant apparatus shall be conspicuously marked or painted thereon in letters and numbers at least 1½ inches high.

(c) There shall be stenciled in a conspicuous place in the immediate vicinity of each inflatable life raft the following:

INFLATABLE LIFE RAFT NO. -----
----- PERSONS CAPACITY

These markings shall not be placed on the inflatable life raft containers.

NOTE: § 160.051-8(a) of Subchapter Q (Specifications) of this chapter requires permanently attached name plates of each inflatable life raft and carrying case. The name plate contains the following information: The name of manufacturer, approval number, the manufacturer's model number, serial number, and lot number, and the num-

ber of persons for which the inflatable life raft is approved. In addition, the carrying case shall be marked "Ocean Service Equipment" or "Limited Service Equipment," as applicable, together with the marine inspector's initials, the date, and the letters "USCG."

Subpart 97.60—Motion Picture Film and Equipment

5. Part 97 is amended by adding at end thereof a new Subpart 97.60 entitled "Motion Picture Film and Equipment," and a new § 97.60-1 reading as follows:

§ 97.60-1 Type required.

(a) Only acetate or slow-burning film may be used. Nitrocellulose film is specifically prohibited.

(b) Projectors shall be of an approved type.

(R.S. 4405, as amended, and 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4453, as amended, 4488, as amended, secs. 1, 2, 49 Stat. 1544, as amended, and sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 435, 481, 367, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR 1952 Supp.)

PART 98—SPECIAL CONSTRUCTION, ARRANGEMENT, AND PROVISIONS FOR CERTAIN DANGEROUS CARGOES IN BULK

Subpart 98.25—Anhydrous Ammonia in Bulk

1. Section 98.25-5 is amended to read as follows:

§ 98.25-5 How anhydrous ammonia may be carried.

(a) Anhydrous ammonia shall be carried in unfired pressure vessel type tanks independent of the structure as detailed in this part, except as otherwise provided in paragraph (b) of this section.

(b) When anhydrous ammonia is to be transported at its boiling temperature at or near atmospheric pressure, the Commandant may permit the use of alternate methods of storage if it is shown to his satisfaction that a degree of safety is obtained consistent with the minimum requirements of this subpart.

2. Section 98.25-10(d) is amended to read as follows:

§ 98.25-10 Design and construction of cargo tanks.

(d) Refrigerated cargo tanks, in which the temperature of the liquid ammonia is maintained below the normal atmospheric temperatures, shall be designed for a pressure of not less than the vapor pressure corresponding to the temperature of the liquid at which the system is to be maintained, plus 25 pounds per square inch gage.

(R.S. 4405, as amended, and 4462, as amended, 4472, as amended; 46 U.S.C. 375, 416, 170. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4453, as amended, 4488, as amended, secs. 1, 2, 49 Stat. 1544, as amended, and sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 435, 481, 367, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

SUBCHAPTER J—ELECTRICAL ENGINEERING

PART 110—GENERAL PROVISIONS

Subpart 110.05—Application

1. Subpart 110.05 is amended by inserting after § 110.05-1 a new section reading as follows:

§ 110.05-3 Amendments to the regulations.

(a) The regulations in this subchapter are not retroactive in effect unless specifically provided for in the regulation at the time it is amended or added.

(b) The regulations amended or added subsequent to November 19, 1952, are applicable to installations contracted for on or after the effective date of such regulations.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416)

Subpart 110.10—Reference Specifications, Standards, and Codes

2. Section 110.10-1(b) (2) is amended to read as follows:

§ 110.10-1 General.

(b) * * *

(2) Code for Use of Flammable Anesthetics (Safe Practice for Hospital Operating Rooms).

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416)

PART 111—ELECTRICAL SYSTEM; GENERAL REQUIREMENTS

Subpart 111.05—General Requirements

1. Section 111.05-15(f) is amended to read as follows:

§ 111.05-15 General considerations.

(f) *Grounding of permanent equipment.* (1) All exposed metal parts of electrical machines or equipment which are not intended to be "live," but are liable to become "live" under fault conditions, shall be grounded and all electrical apparatus shall be so constructed and so installed that danger of injury in ordinary handling shall not exist.

(2) Metal frames of all portable lamps, tools, and similar apparatus supplied as ship's equipment and rated 30 volts or more alternating current or 50 volts or more direct current shall be grounded through a suitable conductor in the supply cable.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426, as amended, 4427, as amended, 4433, as amended, 4453, as amended, 4488, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404, 405, 411, 435, 481, 366, 395, 363, 369, 367, 1333, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

Subpart 111.10-1—Generators

2. Section 111.10-1(b) is amended to read as follows:

§ 111.10-1 Power requirements.

(b) *Ship's service.* (1) All ocean vessels using electricity for ship's service power or light shall be provided with at least 2 ship's service generating sets. The capacity of the generating sets shall be sufficient to carry the necessary sea load under normal operation with any 1 generating set in reserve.

Subpart 111.25—Motors

3. Section 111.25-5(b) (8) is amended to read as follows:

§ 111.25-5 Nameplates.

(8) * * *

(8) For motors rated at ½ horsepower or larger, except a polyphase wound-rotor motor, a code letter to show its input in kilovolt-amperes with locked rotor selected from Table 111.25-5(b) (8).

TABLE 111.25-5(b) (8)—LOCKED ROTOR INDICATING CODE LETTERS

Code letter	KVA per hp. with locked rotor
A	0 - 3.14
B	3.15 - 3.54
C	3.55 - 3.99
D	4.0 - 4.49
E	4.5 - 4.99
F	5.0 - 5.59
G	5.6 - 6.29
H	6.3 - 7.09
J	7.1 - 7.99
K	8.0 - 8.99
L	9.0 - 9.99
M	10.0 - 11.99
N	11.2 - 12.49
P	12.5 - 13.99
R	14.0 - 15.99
S	16.0 - 17.99
T	18.0 - 19.99
U	20.0 - 22.99
V	22.4 - and up

Subpart 111.35—Switchboards and Propulsion Controls

4. Section 111.35-1 is amended by amending text of paragraph (b) but not Table 111.35-1(b), and by amending paragraph (d) to read as follows:

§ 111.35-1 General requirements.

(b) *Switchboard installation and location.* Switchboards shall be installed in as dry a place as possible and shall be accessible from the front and rear. Switchboards shall be secured to a solid foundation, shall clear deck beams by at least 4 inches, and shall be either self-supported or braced to the bulkhead or deck above. In case the latter method is used, means of bracing shall be flexible to allow deflection of the ship's structure without buckling the control cell or assembly structure. Unless otherwise specifically approved, a clear working space of not less than 36 inches shall be provided in front of switchboards and a working space of not less than the values shown in Table 111.35-1(b) shall be provided in the rear of switchboards. In a passenger ship where there is only one main generat-

ing station, the main switchboard shall be located in the same main fire zone.

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

5. Section 111.35-5(a) is amended to read as follows:

§ 111.35-5 Switchboard bus bars and wiring.

(a) *General.* Buses shall be designed on the basis of generator capacity and feeder loads. For a single generator, the generator bus shall have a capacity not less than the continuous rating of the generator plus any overload rating in excess of 30 minutes' duration. For more than one generator with all generating capacity feeding through one section of the bus, the capacity of the bus for the first generator shall be the same as for a single generator. For each subsequent generator the bus capacity shall be increased by 80 percent of the continuous rating of each added generator. The capacity of connection buses for each generator unit shall be not less than the continuous rating of the generator plus any overload rating in excess of 30 minutes' duration. All other bus bars and bus connections shall be designed for at least 75 percent of the combined full-load rated currents of all apparatus they supply, plus not less than 50 percent of the combined ratings of the spare switches or circuit breaker elements connected to the bus, except that when feeders supply one unit or any group of units in continuous operation they shall be designed for full load, and except that the capacity of feeder buses need not be greater than the generators buses that supply them.

6. Section 111.35-25(f) is amended to read as follows:

§ 111.35-25 Electric propulsion control.

(f) *Instruments and markings.* The necessary instruments to indicate existing conditions at all times are to be provided and mounted on the control panel convenient to the operating levers and switches. Instruments and other devices mounted on the switchboard are to be plainly labeled and the instruments provided with a distinguishing mark to in-

dicate full load conditions. Metallic cases of all permanently installed instruments and the secondary windings of instrument transformers shall be permanently grounded.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426, as amended, 4427, as amended, 4433, as amended, 4453, as amended, 4488, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404, 405, 411, 435, 481, 366, 395, 363, 369, 367, 1333, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

Subpart 111.45—Motor Circuits and Controllers

7. Section 111.45-5 is amended by revising paragraphs (b), (g), and (p) (2) to read as follows:

§ 111.45-5 Motor overcurrent protection.

(b) *Continuous duty motors more than one horsepower.* Each continuous duty motor rated more than one horsepower shall be protected against overcurrent by one of the means covered in this paragraph.

(1) A separate overcurrent device which is responsive to motor current. This device shall be rated or set at not more than 115 percent of the motor full-load current rating. This value may be modified as permitted by paragraph 111.45-5(g) of this section.

(2) A protective device integral with the motor which is responsive to motor current or to both motor current and temperature. This device must be approved for use with the motor which it protects on the basis that it will interrupt current to the motor when the motor is operated in its rated ambient temperature and with overcurrent of not more than 115 percent of the motor full-load current. This value may be modified as permitted by paragraph (g) of this section. If the motor current interrupting device is separate from the motor and its control circuit is operated by a protective device integral with the motor, it must be so arranged that the opening of the control circuit will result in interruption of current to the motor.

(3) For sealed (hermetic-type) refrigeration motors the protective device specified in subparagraph (1) or (2) of this paragraph shall be rated or set to trip at not more than 125 percent of the motor full-load current.

(g) *Selection or setting of protective devices.* Where the values specified for motor-running overcurrent protection do not correspond to the standard sizes or rating of fuses, nonadjustable circuit breakers, thermal cutouts, thermal relays, the heating elements of thermal trip motor switches, or possible settings of adjustable circuit breakers adequate to carry the load, the next higher size, rating, or setting may be used, but not higher than 130 percent of the full-load current rating of the motor except that for sealed (hermetic-type) refrigeration motors the rating or setting of the protective device shall not be higher than 140 percent of the full-load current rating of the motor. If not shunted during the starting period of the motor (see paragraph (h) of this section), the protective device shall have sufficient time delay to permit the motor to start and accelerate its load.

(p) * * *

(2) A pilot light for each steering gear motor shall be provided at the propulsion control station, and other locations if desired, arranged to indicate when the motor is running. The pilot light circuit shall be protected against overcurrent.

8. Section 111.45-20 is amended by revising Table 111.45-20(b1) and Table 111.45-20(b3) in paragraph (b), and by revising headnote and subparagraphs (1), (3) and (6) in paragraph (h) to read as follows:

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

(b) * * *

TABLE 111.45-20(b1)—MAXIMUM RATING OR SETTING OF MOTOR BRANCH CIRCUIT PROTECTIVE DEVICES FOR MOTORS MARKED WITH A CODE LETTER INDICATING LOCKED ROTOR KVA

Type of motor ²	Percent of full-load current ¹	
	Fuse rating (see also Table 111.45-20 (b3))	Circuit breaker setting; time-limit type
All a.c. single-phase and poly-phase squirrel cage and synchronous motors with full-voltage, resistor or reactor starting:		
Code Letter A	150	150
Code Letter B to E	250	200
Code Letter F to V	300	250
All a.c. squirrel cage and synchronous motors with auto-transformer starting:		
Code Letter A	150	130
Code Letter B to E	200	200
Code Letter F to V	250	200

¹ For certain exceptions to the values specified, see §§ 111.45-5(c), 111.45-20(b), and 111.45-20(g).

² For motors not marked with a code letter, see Table 111.45-20 (b2).

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

Full load current rating of motor in amperes	Minimum size conductor AWG and MCM									For running protection of motors (amperes) ¹		Maximum allowable rating or setting of branch circuit protective devices (amperes) ²							
	1-conductor			2-conductor			3-conductor			Maximum rating of nonadjustable protective devices	Maximum setting of adjustable protective devices	With code letters F to V, inclusive, or without code letters: Single-phase and squirrel cage and synchronous, full voltage, resistor and reactor starting		With code letters B to E, inclusive: Single-phase and squirrel cage and synchronous, full voltage resistor or reactor starting. With code letters F to V, inclusive: Auto-transformer starting. Without code letters: Squirrel cage and synchronous, auto-transformer starting; high reactance squirrel cage. ³ (Both not more than 30 amperes)		With code letters B to E, inclusive: Squirrel cage and synchronous, auto-transformer, starting. Without code letters: Squirrel cage and synchronous, auto-transformer starting; high reactance squirrel cage. ³ (Both more than 30 amperes)		With code letter A: All motors. Without code letters: Direct-current and wound rotor motors	
	R	VC	AVC	R	VC	AVC	R	VC	AVC										
41	14	12	14	14	12	14	14	12	14	§ 2	§ 1.15	15	15	15	15	15	15	15	15
42	14	12	14	14	12	14	14	12	14	§ 3	§ 2.3	15	15	15	15	15	15	15	15
43	14	12	14	14	12	14	14	12	14	§ 4	§ 3.45	15	15	15	15	15	15	15	15
44	14	12	14	14	12	14	14	12	14	§ 5	§ 4.6	15	15	15	15	15	15	15	15
45	14	12	14	14	12	14	14	12	14	§ 6	§ 5.75	15	15	15	15	15	15	15	15
6	14	12	14	14	12	14	14	12	14	§ 8	§ 6.9	20	15	15	15	15	15	15	15
7	14	12	14	14	12	14	14	12	14	§ 10	§ 8.05	25	20	20	15	15	15	15	15
8	14	12	14	14	12	14	14	12	14	§ 10	§ 9.2	25	20	20	20	20	20	15	15
9	14	12	14	14	12	14	14	12	14	§ 12	§ 10.35	30	30	25	20	20	20	15	15
10	14	12	14	14	12	14	14	12	14	§ 12	§ 11.5	30	30	25	20	20	20	15	15
11	14	12	14	14	12	14	14	12	14	§ 15	§ 12.65	35	30	30	30	25	30	20	20
12	14	12	14	14	12	14	14	12	14	15	13.8	40	30	30	30	25	30	20	20
13	12	12	14	12	12	14	12	12	14	15	14.95	40	40	35	30	30	30	20	20
14	12	12	14	12	12	14	12	12	12	20	16.1	45	40	35	30	30	30	25	30
15	12	12	14	12	12	14	12	12	12	20	17.25	45	40	40	30	30	30	25	30
16	12	12	14	12	12	12	12	12	12	20	18.4	50	40	40	40	35	40	25	30
17	12	12	12	12	12	12	10	12	12	20	19.55	60	50	45	40	35	40	30	30
18	12	12	12	10	12	12	10	12	12	25	20.7	60	50	45	40	40	40	30	30
19	12	12	12	10	12	12	10	10	12	25	21.8	60	50	50	40	40	40	30	30
20	10	12	12	10	12	12	10	10	12	25	23.0	60	50	50	40	40	40	30	30
22	10	12	12	10	10	12	10	10	10	30	25.3	70	70	60	50	45	50	35	40
24	10	12	12	10	10	12	8	10	10	30	27.6	80	70	60	50	50	40	40	40
26	10	10	12	8	10	10	8	10	10	30	29.9	80	70	70	70	60	70	40	40
28	8	10	12	8	10	10	8	8	10	35	32.2	90	70	70	70	60	70	45	50
30	8	10	10	8	10	10	8	8	10	35	34.5	90	100	80	70	60	70	45	50
32	8	10	10	8	10	10	7	8	8	40	36.8	100	100	80	70	70	70	50	50
34	8	10	10	7	8	10	7	8	8	40	39.1	110	100	90	70	70	70	60	70
36	8	10	10	7	8	10	6	7	8	45	41.4	110	100	90	100	80	100	60	70
38	7	10	10	7	8	8	6	7	8	45	43.7	125	100	100	100	80	100	60	70
40	7	8	10	6	8	8	5	7	8	50	46.0	125	100	100	100	80	100	60	70
42	7	8	10	6	8	8	5	6	7	50	48.3	125	125	110	100	90	100	70	70
44	6	8	8	6	8	8	5	6	7	60	50.6	125	125	110	100	90	100	70	70
46	6	8	8	5	7	8	4	6	6	60	52.9	150	125	125	100	100	100	70	70
48	6	8	8	5	7	8	4	6	6	60	55.2	150	125	125	100	100	100	80	100
50	6	8	8	5	7	7	4	5	6	60	57.5	150	125	125	100	100	100	80	100
52	5	8	8	4	6	7	4	5	6	60	59.8	175	150	150	125	110	125	80	100
54	5	7	8	4	6	7	3	5	5	70	62.1	175	150	150	125	110	125	90	100
56	5	7	8	4	6	7	3	5	5	70	64.4	175	150	150	125	125	125	90	100
58	4	7	8	4	6	6	3	4	5	70	66.7	175	150	150	125	125	125	90	100
60	4	6	7	3	5	6	3	4	5	70	69.0	200	150	150	125	125	125	90	100
62	4	6	7	3	5	6	2	4	5	80	71.3	200	175	175	125	125	125	100	100
64	4	6	7	3	5	6	2	4	4	80	73.6	200	175	175	150	150	150	100	100
66	4	6	6	3	5	5	2	3	4	80	75.9	200	175	175	150	150	150	100	100
68	4	6	6	3	5	5	2	3	4	80	78.2	225	175	175	150	150	150	110	125
70	3	5	6	2	4	5	1	3	4	90	80.5	225	175	175	150	150	150	110	125
72	3	5	6	2	4	5	1	3	3	90	82.8	225	200	200	150	150	150	110	125
74	3	5	6	2	4	5	1	2	3	90	85.1	225	200	200	150	150	150	125	125
76	3	5	6	2	4	5	1	2	3	90	87.4	250	200	200	175	175	175	125	125
78	3	5	5	1	3	4	1	2	3	90	89.7	250	200	200	175	175	175	125	125
80	2	4	5	1	3	4	0	2	3	100	92.0	250	200	200	175	175	175	125	125
82	2	4	5	1	3	4	0	2	2	100	94.3	250	225	225	175	175	175	125	125
84	2	4	5	1	3	4	0	2	2	100	96.6	250	225	225	175	175	175	150	150
86	2	4	5	1	3	4	0	1	2	100	98.9	300	225	225	175	175	175	150	150
88	2	4	5	1	3	3	0	1	2	110	101.2	300	225	225	200	200	200	150	150
90	2	4	4	0	2	3	0	1	2	110	103.5	300	225	225	200	200	200	150	150
92	2	3	4	0	2	3	00	1	2	110	105.8	300	250	250	200	200	200	150	150
94	1	3	4	0	2	3	00	1	2	110	108.1	300	250	250	200	200	200	150	150
96	1	3	4	0	2	3	00	1	1	125	110.4	300	250	250	200	200	200	150	150
98	1	3	4	0	2	3	00	1	1	125	112.7	300	250	250	200	200	200	150	150
100	1	3	4	0	2	2	00	0	1	125	115	300	250	250	200	200	200	150	150
105	1	3	3	00	1	2	000	0	1	125	120.75	350	300	300	225	225	225	175	175
110	0	2	3	00	1	2	000	0	0	150	126.5	350	300	300	225	225	225	175	175
115	0	2	3	00	1	1	000	00	0	150	132.25	350	300	300	250	250	250	175	175
120	0	2	2	000	0	1	4/0	00	0	150	138	400	300	300	250	250	250	200	200
125	00	1	2	000	0	1	4/0	00	0	150	143.75	400	350	350	250	250	250	200	200

See footnotes at end of table.

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

Full load current rating of motor in amperes	Minimum size conductor AWG and MCM									For running protection of motors (amperes) ¹		Maximum allowable rating or setting of branch circuit protective devices (amperes) ²							
	1-conductor			2-conductor			3-conductor			Maximum rating of nonadjustable protective devices	Maximum setting of adjustable protective devices	With code letters F to V, inclusive, or without code letters: Single-phase and squirrel-cage and synchronous, full-voltage, resistor and reactor starting		With code letters B to E, inclusive: Single-phase and squirrel-cage and synchronous, full-voltage resistor or reactor starting. With code letters F to V, inclusive: Auto-transformer starting. Without code letters: Squirrel-cage and synchronous, auto-transformer starting; high reactance squirrel-cage. ³ (Both not more than 30 amperes)		With code letters B to E, inclusive: Squirrel-cage and synchronous, auto-transformer starting. Without code letters: Squirrel-cage and synchronous, auto-transformer starting; high reactance squirrel-cage. ³ (Both more than 30 amperes)		With code letter A: All motors, Without code letters: Direct-current and wound rotor motors	
	R	VC	AVC	R	VC	AVC	R	VC	AVC										
130	00	1	2	000	0	1	4/0	00	00	150	149.5	400	350	350	300	300	300	200	200
135	00	1	2	4/0	0	0	4/0	000	00	175	155.25	450	350	350	300	300	300	225	225
140	00	1	1	4/0	00	0	250	000	00	175	161	450	350	350	300	300	300	225	225
145	000	0	1	4/0	00	0	250	000	00	175	166.75	450	400	400	300	300	300	225	225
150	000	0	1	4/0	00	0	300	000	000	175	172.5	450	400	400	300	300	300	225	225
155	000	0	1	4/0	00	00	300	4/0	000	200	178.25	500	400	400	350	350	350	250	250
160	000	0	0	250	000	00	300	4/0	000	200	184	500	400	400	350	350	350	250	250
165	000	0	0	250	000	00	300	4/0	000	200	189.75	500	500	450	350	350	350	300	300
170	4/0	00	0	250	000	00	350	4/0	4/0	200	195.5	500	500	450	350	350	350	300	300
175	4/0	00	0	300	000	000	350	250	4/0	225	201.25	600	500	450	350	350	350	300	300
180	4/0	00	0	300	4/0	000	350	250	4/0	225	207	600	500	450	400	400	400	300	300
185	4/0	00	00	300	4/0	000	350	250	4/0	225	212.75	600	500	500	400	400	400	300	300
190	4/0	00	00	300	4/0	000	400	250	4/0	225	218.5	600	500	500	400	400	400	300	300
195	250	000	00	350	4/0	000	400	300	250	225	224.25	600	500	500	400	400	400	300	300
200	250	000	00	350	4/0	4/0	450	300	250	250	230	600	500	500	400	400	400	300	300
210	250	000	00	350	250	4/0	450	300	250	250	241.5	600	600	600	500	450	500	350	350
220	300	4/0	000	400	250	4/0	500	350	300	300	253	600	600	600	500	450	500	350	350
230	300	4/0	000	450	300	250	550	350	300	300	264.5	600	600	600	500	500	500	350	350
240	300	4/0	000	450	300	250	550	400	350	300	276	600	600	600	500	500	500	400	400
250	350	250	4/0	500	300	250	600	400	350	300	287.5	600	600	600	500	500	500	400	400
260	350	250	4/0	500	350	300	650	450	350	300	299	600	600	600	600	600	600	400	400
270	350	250	4/0	550	350	300	650	450	400	350	310.5	600	600	600	600	600	600	450	450
280	400	250	250	600	350	300	650	500	400	350	322	600	600	600	600	600	600	450	450
290	400	300	250	600	400	350	650	500	450	350	333.5	600	600	600	600	600	600	450	450
300	450	300	250	650	400	350	650	550	450	350	345	600	600	600	600	600	600	450	450
320	500	350	300	650	450	400	600	500	400	400	368	600	600	600	600	600	600	500	500
340	550	350	300	650	500	450	650	550	400	400	391	600	600	600	600	600	600	600	600
360	600	400	350	650	550	450	650	600	450	450	414	600	600	600	600	600	600	600	600
380	650	450	350	650	600	500	650	650	450	450	437	600	600	600	600	600	600	600	600
400	700	450	400	650	650	550	650	650	500	460	460	600	600	600	600	600	600	600	600
420	750	500	450	650	600	550	650	650	500	500	483	600	600	600	600	600	600	600	600
440	800	550	450	650	600	550	650	650	500	500	506	600	600	600	600	600	600	600	600
460	850	600	500	650	600	550	650	650	500	500	529	600	600	600	600	600	600	600	600
480	950	650	550	650	600	550	650	650	500	500	552	600	600	600	600	600	600	600	600
500	1,000	650	550	650	600	550	650	650	500	500	575	600	600	600	600	600	600	600	600

¹ Values may be modified as permitted by § 111.45-5.² Values may be modified as permitted by § 111.45-20.³ High-reactance squirrel-cage motors are those designed to limit the starting current by means of deep-slot secondaries or double-wound secondaries and are generally started on full voltage.⁴ For the grouping of small motors under the protection of a single set of fuses, see § 111.45-20 (c).⁵ For running protection of motors of 1 horsepower or less, see § 111.45-5 (c).

(h) *Steering gear motor circuits*—(1) *General.* In lieu of overcurrent protection in accordance with the requirements in paragraphs (a) to (g), inclusive, of this section, each steering gear main motor circuit shall be protected only by a circuit breaker on the distribution switchboard from which it emanates. No other overload device or fuse that will open the power circuit shall be provided in the motor or motor controller circuits. Short circuit protection only may be provided for auxiliary equipment located wholly within the steering gear room and vital to the operation of the steering gear. Overcurrent protection shall be provided in accordance with Subpart 111.55 of this subchapter for all

conductors of electric steering control systems extending beyond the steering gear compartment. The operation of any overcurrent device in any such extended control circuit shall not cause power to the main motor to be interrupted and shall not prevent control of the steering gear by other means. Power for electric steering control and vital steering auxiliaries shall be taken from the steering gear main motor circuits in the steering gear room.

(3) *Alternating-current motors.* For alternating-current steering gear motors, each circuit breaker shall be of the instantaneous trip type only, set to trip at a current of approximately 175 per-

cent of the locked rotor current of one steering gear main motor.

(6) *General considerations.* The requirements of this paragraph contemplate the following conditions:

(i) When two steering gear main motors are provided, one is a standby which normally runs only when started preparatory to change-over, and then without load.

(ii) Auxiliary motors (servo, replenishing and filling pumps, etc.), if and as required, have an aggregate rating of not more than 10 percent of the main steering gear motor rating.

(iii) For any different arrangement of the steering gear system, including a

supply circuit from an emergency switchboard, special consideration and approval will be required.

9. Section 111.45-30(e) is amended to read as follows:

§ 111.45-30 Disconnecting means.

(e) *Over two horsepower to and including 50 horsepower.* The separate disconnecting means required for a motor with an autotransformer type of controller may be a general-use switch if all of the provisions contained in this paragraph are complied with.

(1) The motor drives a generator which is provided with overcurrent protection.

(2) The controller is:

(i) Capable of interrupting the stalled rotor current of the motor,

(ii) Provided with a no-voltage release, and

(iii) Provided with running overcurrent protection not exceeding 115 percent of the motor full-load current rating.

(3) Separate fuses or a circuit breaker, rated or set at not more than 150 percent of the motor full-load current are provided in the motor branch circuit.

Subpart 111.50—Distribution and Circuit Loads

10. Section 111.50-1(a) is amended to read as follows:

§ 111.50-1 Distribution, general requirements.

(a) *General.* The ship's structure shall not be used as a normal current-carrying conductor for a ship's power, heating or lighting system, except when approved for special purposes. Such hull return shall not be on tankers. Current-carrying parts are to be substantially protected against accidental contact. For current-carrying capacities of conductors, see Tables 111.60-1(e) (1) (i) and 111.60-1(e) (1) (ii).

11. Section 111.50-5(d) is amended to read as follows:

§ 111.50-5 Ship's service power circuits.

(d) *Steering gear circuits.* Electric and electro-hydraulic steering gear shall be served by two circuits from the ship's service switchboard except in special cases where the length of circuit is very short. One of the circuits may be taken from the emergency switchboard if the rating of the emergency generator is sufficient to supply the steering gear in addition to the emergency loads. The circuits shall be separated throughout their length as widely as practicable. Each circuit shall have adequate current-carrying capacity for supplying all motors and control equipment normally connected to it and which operate simultaneously. If transfer arrangements are provided in the steering gear room to permit either circuit to supply any motor or combination of motors the capacity of each circuit shall be adequate for the most severe load condition.

12. Section 111.50-10(d) (2) is amended to read as follows:

§ 111.50-10 Lighting feeders.

(d) * * *

(2) On vessels fitted with an automatic emergency lighting and power system, a separate emergency lighting feeder shall be provided for emergency lights located in, or controlled from, the wheelhouse. A distribution panel for these lights with a fused switch or circuit breaker for each branch circuit shall be provided. Circuits to navigation lights not controlled by the navigation light panel, signal lights, and emergency lights on open decks, wheelhouse, chart room and fire control room shall be supplied from this wheelhouse distribution panel. The supply to the navigation light indicator panel shall be either a separate circuit from the emergency switchboard or a through feed, without switch or overcurrent protection, from the feeder supplying the wheelhouse emergency lighting panel. For overcurrent protection of the feeder supplying a navigation light panel see § 111.55-1(b) (9).

13. Section 111.50-15 is amended by inserting a new subparagraph (e) (3) and by revising subparagraph (f) (1) to read as follows:

§ 111.50-15 Lighting branch circuits and lighting requirements.

* * * * *

(e) * * *

(3) Vessels having life rafts, authorized in lieu of lifeboats for which approved launching devices are provided, shall be fitted with floodlights for illuminating the life rafts, launching devices and water into the life rafts are launched. Such floodlights shall be arranged as required by subparagraph (2) of this paragraph for lifeboats. Means shall also be provided for illuminating the stowage position of life rafts for which approved launching devices are not provided.

(f) *Receptacle outlets.* (1) A sufficient number of receptacle outlets shall be located throughout crews' accommodations to permit the use of electric razors, radios, and the like without using portable cords of excessive length. No receptacle outlet shall be incorporated into or installed adjacent to a berth light.

Subpart 111.55—Overcurrent Protection

14. Section 111.55-1(b) (8) is amended to read as follows:

§ 111.55-1 Installation of overcurrent protective devices.

* * * * *

(b) * * *

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

§ 111.50-20(c) (4) may be protected by overcurrent devices rated or set at not more than 30 amperes, and low voltage lighting branch circuits may be protected in accordance with § 111.50-20(e).

15. Section 111.55-5(a) is amended by inserting a new subparagraph (2) by redesignating present subparagraphs (2), (3), and (4) to (3), (4), and (5) respectively, so that these subparagraphs will read as follows:

§ 111.55-5 Location of overcurrent protective devices.

(a) * * *

(2) The overcurrent protection for shore connection conductors shall be located on the switchboard to which connected.

(3) If the overcurrent device protecting the larger conductors also protects the smaller conductors in accordance with Tables 111.60-1(e) (1) (i) and 111.60-1(e) (1) (ii).

(4) If (i) the smaller conductors have a current-carrying capacity of not less than the sum of the allowable current-carrying capacities for the conductors of the one or more circuits or loads supplied, and (ii) the tap is not over 5 feet long and does not extend beyond the switchboard, panelboard, or control device which it supplies.

(5) If the smaller conductors have a current-carrying capacity at least one-third that of the conductor from which they are supplied, and provided the tap is suitably protected from mechanical injury, is not over 25 feet long, and terminates in a single circuit breaker or set of fuses which will limit the load on the tap to that allowed by Tables 111.60-1(e) (1) (i) and 111.60-1(e) (1) (ii). Beyond this point the conductors may supply any number of circuit breakers or sets of fuses.

16. Section 111.55-15 is amended by revising paragraph (a) and subparagraph (e) (6) to read as follows:

§ 111.55-15 Construction and use of overcurrent devices.

(a) *Fuse types prohibited.* Plug fuses of the Edison-base type and renewable link cartridge type fuses shall not be used.

* * * * *

(e) * * *

(6) *Construction and interrupting rating.* The construction and rating of feeder and branch-circuit circuit breakers rated not more than 600 amperes and not more than 600 volts shall conform with the requirements of Underwriters' Laboratories, Inc., "Standard for Branch Circuit and Service Circuit Breakers" except as indicated in this subparagraph.

(i) Circuit breakers installed in engine rooms, boiler rooms and auxiliary machinery spaces shall be calibrated for an ambient temperature of 50° C. and circuit breakers so calibrated may be used in other locations.

(ii) Circuit breakers with interrupting ratings of over 10,000 amperes may be rated in accordance with the National Electrical Manufacturers Association's "Large Circuit Breaker Standard" or

"Molded Case Circuit Breaker Standard," as applicable.

Subpart 111.60—Wiring Methods and Materials

17. Section 111.60-1(d) (4) is amended to read as follows:

§ 111.60-1 Electric cable.

(d) * * *

(4) *Power and lighting cable.* Cable for power and lighting applications shall be power and lighting cable of the types described in this subpart except that 600-volt thermoplastic-asbestos insulated interior communication cable may be used in control and indicating circuits of power and lighting equipment.

18. Section 111.60-35 is amended by revising subparagraphs (b) (1) and (e) (4) to read as follows:

§ 111.60-35 Lighting fixtures.

(b) *Lighting fixture applications.* (1) Fixtures installed in locations exposed to the weather and in other locations occasionally exposed to splashing water shall be of watertight construction. Fixtures installed in other wet or damp locations shall be of at least dripproof construction as installed.

(e) * * *

(4) Fixtures provided with mogul base screw-shell lampholders shall be wired with type AF, SF-2, or SFF-2 fixture wire. Fixtures provided with other than mogul base screw-shell lampholders shall be wired with type AF, SF-2, or SFF-2 fixture wire, except that Type CF fixture wire may be used where temperatures do not exceed 90° C, type RFH-2 or FFH-2 fixture wire may be used where temperatures do not exceed 75° C, and type TF, TFF, RF-2, or FF-2 fixture wire may be used where the temperatures do not exceed 60° C.

19. Section 111.60-40(a) (1) is amended to read as follows:

§ 111.60-40 Wiring methods and materials for hazardous locations.

(a) *General.* (1) The provisions of this section apply to locations in which equipment and wiring are subjected to the conditions indicated by the classifications covered by subparagraphs (7) through (9) of this paragraph. It is necessary that each compartment or area containing electrical equipment be considered individually in order to determine its hazard classifications. Except as modified by this section, all other applicable rules contained in this subchapter shall apply to electrical equipment and wiring installed in hazardous locations.

Subpart 111.65—Special Requirements for Certain Locations and Systems

20. Section 111.65-5(b) is amended to read as follows:

§ 111.65-5 Special requirements for hospital operating rooms.

* * * * *

(b) *General requirements.* The electrical installations and electrical equipment in anesthetizing locations and in storage locations for combustible anesthetic or disinfecting agents shall comply with "Code for Use of Flammable Anesthetics (Safe Practice for Hospital Operating Rooms)" published by National Fire Protection Association. The requirements of "Class I, Group C, Division 1 locations of Article 500 of the National Electrical Code" as referred to in "Code for Use of Flammable Anesthetics (Safe Practice for Hospital Operating Rooms)" shall be construed to mean the requirements for Class I, Group C locations covered in § 111.60-40(b).

21. Section 111.65-30(f) is amended to read as follows:

§ 111.65-30 Special requirements for electric power-operated watertight door systems.

* * * * *

(f) *Cable.* All cable used in connection with watertight door system feeder circuits or branch circuits shall be leaded and armored, impervious sheathed and armored, or mineral-insulated, metal sheathed.

Subpart 111.70—Special Requirements for Tank Vessels

22. Section 111.70-10(c) (4) is amended to read as follows:

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

* * * * *

(c) * * *

(4) *Weather decks.* Motors, their control equipment, and other electrical equipment and installations located on or above the weather decks within 10 feet of the cargo tank openings, cargo pump room doors or ventilation outlets, or cargo tank vent terminations shall be explosion-proof. Explosion-proof equipment installed in locations exposed to the weather shall be watertight or shall be enclosed in watertight housings or protected against the entrance of water by other approved means.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426, as amended, 4427, as amended, 4433, as amended, 4453, as amended, 4488, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404, 405, 411, 435, 481, 366, 395, 363, 369, 367, 1333, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

PART 112—EMERGENCY LIGHTING AND POWER SYSTEM

Subpart 112.05—General Requirements

1. Section 112.05-1(a) is revised by amending the first sentence (but not Table 112.05-1(a)) to read as follows:

§ 112.05-1 Source of power.

(a) Vessels shall be provided with a source of power to supply emergency lighting and power sufficient for all requirements of safety in the different parts of the vessel, and of a type and capacity in accordance with Table 112.05-1(a), except as otherwise provided by § 112.05-15. Arrangements shall be such that the complete emergency installation will function satisfactorily when the ship is inclined 22½ degrees and/or when the trim of the ship is 10 degrees.

2. Section 112.05-5 is amended by revising paragraph (b) and by adding new paragraphs (d) and (e), to read as follows:

§ 112.05-5 Emergency source of supply.

* * * * *

(b) The emergency source of supply shall be located above the bulkhead deck, or above the freeboard deck, whichever is the higher, and outside the machinery casing. It shall not be forward of the collision bulkhead.

* * * * *

(d) The emergency switchboard shall be installed as near as practicable to the emergency source of power.

(e) When the emergency source of power is a generator, the emergency switchboard shall be located in the same space as the emergency source of power, unless the operation of the emergency switchboard would thereby be impaired.

3. Section 112.05-10(c) is amended to read as follows:

§ 112.05-10 Emergency lights.

* * * * *

(c) Emergency lights shall be marked with a letter "E" of at least ½-inch in height as required by Part 78 of Subchapter H (Passenger Vessels), and Part 97 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

Subpart 112.15—Emergency Loads

4. Section 112.15-5 is amended by revising paragraphs (a), (c) and (h) to read as follows:

§ 112.15-5 Final emergency source loads.

(a) The emergency lighting and power loads listed in paragraphs (b) to (h), inclusive, of this section shall be arranged so that they can be energized from the final source. It is recommended that loads listed in paragraphs (i) to (o), inclusive, of this section be arranged so that they can be energized from the final source where the capacity

and character of the emergency plant will permit.

(c) Illumination for the safe operation of the lifeboat and life raft launching gear and the lifeboats and life rafts in the process of, and immediately after, being launched.

(h) Daylight signaling lights, if installed.

Subpart 112.40—Installations Requiring an Alternating-Current Temporary Source of Supply

5. Section 112.40-1(a) is amended to read as follows:

§ 112.40-1 General requirements.

(a) Installations requiring alternating current for the operation of communication equipment or other apparatus essential under temporary emergency conditions shall be provided with the necessary conversion equipment. Where such conversion equipment will be operating both under normal conditions and under temporary emergency conditions, the conversion equipment shall be provided in duplicate.

Subpart 112.45—Visible Indicators and Test Switch

6. Section 112.45-1(a) is amended to read as follows:

§ 112.45-1 Visible indicators.

(a) Visible indicators shall be provided in the machinery space to indicate when the emergency battery is being discharged and when the emergency loads are being supplied by an automatically controlled emergency source of supply (storage battery or emergency diesel generator).

Subpart 112.50—Emergency Diesel-Engine-Driven Generator Sets

7. Section 112.50-1(a) is amended to read as follows:

§ 112.50-1 General requirements.

(a) The diesel engine of the generator set shall be complete with all accessories necessary for operation and protection of the engine, shall have a self-contained cooling system of size to assure continuous engine operation using 100° F. air, and the fuel used shall have a flash point of not less than 110° F. The room in which the set is located shall be provided with suitable intake and exhaust ducts to supply adequate cooling air. The diesel engine as installed shall be without starting aid except that a thermostatically controlled electric water jacket heater, connected to the final emergency bus, may be employed. The diesel engine as installed shall be capable of carrying its full rated load within 20 seconds after cranking is initiated with the intake air, room ambient, and starting battery all at a temperature of 32° F. The diesel engine shall be electric starting unless otherwise approved, and the starting battery shall be of sufficient capacity to provide six consecutive cycles of cranking, each cycle to consist of approximately one-half minute of cranking at a speed recommended

by manufacturer followed by approximately one minute of battery rest, with the intake air, room ambient, and starting battery at a temperature of 32° F. At the end of the sixth cycle of cranking, the battery voltage while cranking the engine, shall be not less than 50 percent of nominal voltage. The diesel-engine-driven generator set shall lubricate and operate satisfactorily when permanently inclined to an angle of 22½ degrees athwartship and 10 degrees fore and aft, and shall be arranged so that it will not spill oil under a vessel roll of 30 degrees each side of the vertical. Units depending on forced lubrication shall be provided with an audible alarm device to sound on loss of oil pressure while running.

Subpart 112.55—Storage Battery Installation

8. Section 112.55-15(a) is amended to read as follows:

§ 112.55-15 Capacity of storage battery.

(a) The capacity of a storage battery shall be ample to close each watertight door three times and to open each watertight door two times, and to carry the remaining emergency loads continuously for the duration of time required by Table 112.05-1(a), at the end of which time the potential of the storage battery shall be not less than 87.5 percent of nominal while supplying the remaining emergency loads. The nominal potential of a lead-acid storage battery will be taken as 2.0 volts per cell; the nominal potential of a nickel-alkaline (Edison) storage battery will be taken as 1.2 volts per cell.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426, as amended, 4427, as amended, 4433, as amended, 4453, as amended, 4488, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404, 405, 411, 435, 481, 366, 395, 363, 369, 367, 1333, 50 U.S.C. 198, E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

PART 113—COMMUNICATION AND ALARM SYSTEMS AND EQUIPMENT

Subpart 113.25—General Alarm Systems

1. Section 113.25-5(b) is amended to read as follows:

§ 113.25-5 Operation.

(b) The general alarm system shall be operated by means of a manually operated contact maker located in the wheelhouse. On tank ships the general alarm system shall also be controlled by means of a manually operated contact maker located in an accessible location in the officers' quarters in the amidship deckhouse, and in the engine room. Each of the contact makers in the latter two locations shall be protected against tampering by means of an enclosure provided with a breakable glass window.

2. Section 113.25-15 is amended by revising subparagraphs (a)(2) and (d)(2) to read as follows:

§ 113.25-15 Detail requirements.

(a) * * *

(2) At the end of the discharge period specified by § 113.25-10(a), the battery potential shall be not less than 80 percent of nominal potential under load.

(d) * * *

(2) Cable entrances to all bells and distribution fittings shall be made watertight by means of terminal or stuffing tubes.

Subpart 113.30—Sound Powered Telephone and Voice Tube Systems

3. Section 113.30-15(f) is amended to read as follows:

§ 113.30-15 Voice tubes, detail requirements.

* * * * *

(f) Each voice tube shall be terminated at each end by a suitable mouthpiece with a whistle indicator. Watertight mouthpieces shall be used in locations exposed to the weather.

Subpart 113.40—Rudder Angle Indicator Systems

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

§ 113.40-5 General requirements.

(a) The exact position of the rudder, if power operated, shall be indicated at the principal steering station. When non-follow-up steering control is installed at the after steering station, a separate rudder angle indicator system shall be installed for that station. See Part 57 of Subchapter F (Marine Engineering) of this chapter.

Subpart 113.65—Whistle Operators

5. Section 113.65-5 is amended by revising paragraphs (b) and (d) to read as follows:

§ 113.65-5 General requirements.

* * * * *

(b) Mechanical whistle or siren pull leads shall be as direct as possible and amply protected. When the leads are suspended for more than 15 feet, they should be supported from a corrosion-resistant cable with suitable bearers. The system shall be provided with ample corrosion-resistant springs to relieve all weight on the lever and for the proper functioning of the system.

* * * * *

(d) When electrically operated whistles and sirens are installed, all parts shall be independent of the primary system.

Subpart 113.70—Smoke Detector Systems

6. Section 113.70-10(a) is amended to read as follows:

§ 113.70-10 Power supply.

(a) On vessels fitted with an automatically started emergency lighting and power system, the smoke detector system

shall be supplied by a branch circuit from the emergency system. On vessels fitted with a temporary source of emergency lighting and power, the branch circuit shall be connected to the temporary emergency source of supply.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426, as amended, 4427, as amended, 4433, as amended, 4453, as amended, 4488, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404, 405, 411, 435, 481, 366, 395, 363, 369, 367, 1333, 50 U.S.C. 198, E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

SUBCHAPTER Q—SPECIFICATIONS

PART 160—LIFESAVING EQUIPMENT

Subpart 160.051—Inflatable Life Rafts

1. Section 160.051-6 is amended by revising paragraphs (b), (d) and (e) to read as follows:

§ 160.051-6 Servicing.

* * * * *

(b) *Manufacturer's responsibilities*—(1) *List of facilities*. The manufacturer shall submit to the Commandant a list of the facilities authorized to service his inflatable life rafts by name and address.

(2) *List of servicing personnel*. The manufacturer shall submit to the Commandant a list of persons, affiliated with the servicing facilities, who have been factory-trained and are considered competent to service his inflatable life rafts.

* * * * *

(d) *Servicing facilities and personnel*. Servicing facilities shall be clean, free from excessive dust, drafts, and strong sunlight and arranged so that even temperatures can be maintained. The floor shall be smooth and kept clean and free from oil, grease and abrasive materials. Equipment for performing the necessary tests and repairs shall be provided. The servicing facility shall apply to the cognizant Officer in Charge, Marine Inspection, for an inspection of his facility. The Officer in Charge, Marine Inspection, shall determine the adequacy of equipment and spaces and competence of the personnel, and shall submit a report of his findings to the Commandant. The Commandant will issue a letter to the manufacturer, with copies to the servicing facilities and to cognizant Officers in Charge, Marine Inspection, indicating which servicing facilities have been approved as a prerequisite to approval of the inflatable life rafts; and which must be maintained to keep the approval in effect. Any change or additions shall require the approval of the Commandant.

(1) *Servicing equipment*. The equipment provided at the plant shall be as recommended by the raft manufacturer and shall include the following:

(i) A complete set of plans for the inflatable life rafts to be serviced.

(ii) A current copy of the Coast Guard Specification 160.051.

(iii) A current copy of the manufacturer's service manual.

(iv) Hot presses (if applicable).

(v) Safety-type glue pots or equivalents.

(vi) Abrasive devices.

(vii) A source of air pressure.

(viii) Mercury manometer.

(ix) Thermometer.

(x) Barometer, aneroid or mercury.

(xi) Calibrated torque-wrench for assembling the inflation system.

(xii) Accurate weighing scale.

(xiii) A stock of repair materials, spare parts, and stowage accessories as specified by the manufacturer. Limited "shelf life" items need not be stocked if they can be procured readily from the manufacturer within a reasonable time, to the satisfaction of the cognizant Officer in Charge, Marine Inspection.

(xiv) A complete stock of the equipment required to be stowed in the inflatable life rafts, except that items of equipment which may be readily procured need not be stocked.

(2) *Trained personnel*. (i) The servicing facility shall be staffed by one or more persons who have successfully completed a factory training course in the servicing of approved inflatable life rafts and have documentary evidence thereof. Persons who can show proof of equivalent practical experience in this field will be acceptable in lieu of factory-trained personnel.

(ii) The servicing facility shall keep on file a list of persons qualified to service the inflatable life rafts. The cognizant Officer in Charge, Marine Inspection, shall issue this list to the service facility after satisfying himself that those persons listed, or who are subsequently added, have been properly trained and are competent to perform the work required.

(3) *Qualifying tests*. A marine inspector shall observe the servicing of at least one inflatable life raft of the type and manufacture to be serviced after approval of the facility, from the time of unpacking until inspected, repaired and repacked. This raft shall satisfactorily pass the inflation test required by § 160.051-5(c)(4). In addition three rafts shall be packed in the presence of the marine inspector (or the same raft may be deflated and repacked three times) and then successfully inflation-tested to prove the correctness of the stowage. The latter three tests need not run beyond the three minutes specified for complete inflation.

(e) *Inspection*. The assignment of a marine inspector to witness the inspections and testing shall be scheduled with the Officer in Charge, Marine Inspection, at least 24 hours in advance. The Marine Inspector shall witness the servicing of each inflatable life raft and conduct a working pressure leakage test as outlined in § 160.051-5(c)(3), except that the waiting period may be two hours in lieu of six hours. All equipment shall be inspected for condition and outdated water, signals, etc., shall be replaced.

Inflation cylinders shall be weighed and recharged if the weight loss exceeds 5 percent of the weight of the charge. After the raft has been satisfactorily serviced and repacked the case shall be sealed as required by § 160.051-4(f)(1) and the carrying case stamped "Passed" together with the date, the port, and the marine inspector's initials. The following additional conditions shall apply:

(1) *Recording*. The servicing facility shall maintain a complete record of each inflatable life raft serviced. This record shall be made available to the Officer in Charge, Marine Inspection, upon request. The record shall include the following:

(i) Serial number of the raft.

(ii) Date raft inspected and repacked.

(iii) Initials of witnessing marine inspector.

(iv) Identity of the ship receiving the raft.

(v) Date of issuance to the ship.

(2) *Servicing certificate*. A certificate shall be issued by the servicing facility for each inflatable life raft inspected and serviced. It shall indicate the serial number of the raft, the date of inspection and the initials of the marine inspector. This certificate will be retained in the vessel's files as evidence of compliance with the annual inspection requirement. A copy of the servicing certificate shall be furnished to the marine inspector.

(R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interpret or apply R.S. 4488, as amended, 4491, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 481, 489, 390b, 50 U.S.C. 198)

Subpart 160.056—Rescue Boat

2. Part 160 is amended by adding at the end thereof a new Subpart 160.056, entitled "Rescue Boat," which consists of §§ 160.056-1 to 160.056-7, inclusive, reading as follows:

Sec.	
160.056-1	General requirements.
160.056-2	Construction.
160.056-3	Fittings and equipment.
160.056-4	Approval tests of prototype rescue boat.
160.056-5	Inspections.
160.056-6	Name plate.
160.056-7	Procedure for approval.

AUTHORITY: §§ 160.056-1 to 160.056-7 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 404, 481, 489, 367, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917 3 CFR, 1952 Supp.

§ 160.056-1 General requirements.

(a) Rescue boats accepted and in use prior to the effective date of this subpart may be continued in service if in satisfactory condition.

(b) All rescue boats must be properly constructed, of such form as to be readily maneuverable, and be of the open row-boat type. They shall be suitable for use of three persons.

(c) Rescue boats shall be constructed of materials acceptable to the Officer in Charge, Marine Inspection, having jurisdiction of construction.

§ 160.056-2 Construction.

(a) *General.* Rescue boats shall be square-sterned, of normal proportions, not less than 11 feet nor more than 14 feet in length. The length shall be the overall horizontal distance from bow to stern.

(b) *Construction.* The method of construction shall be such as is accepted as good engineering practice in the case of the specific material used. The hull shall be suitably stiffened to assure adequate strength.

(c) *Weight.* The weight of the rescue boat, fully equipped, shall not exceed 225 pounds.

(d) *Seats.* The rescue boat shall be fitted with three thwarts. The middle thwart shall be arranged as the rowing seat.

(e) *Internal buoyancy.* Buoyant material of suitable unicellular plastic foam shall be installed in the rescue boat. This material shall be protected from mechanical damage. It shall be distributed uniformly in the boat and such that at least one-quarter of the required volume is located at the sides of the boat. The minimum amount of buoyant material, in cubic feet, shall be determined by the following:

$$B = 2 + \frac{(W - \frac{W}{d})}{62.4 - c} \quad (1)$$

where:

B = Volume of buoyant material required, in cubic feet.

W = Weight of equipped boat, in pounds.

d = Specific gravity of hull material.

c = Density of buoyant material, in pounds per cubic foot.

§ 160.056-3 Fittings and equipment.

(a) *Fittings.* (1) The rescue boat shall be fitted with one pair of rowlock sockets. Detachable rowlocks shall be permanently attached to the boat by chain or other suitable means.

(2) At least one eyebolt, ring, or other fitting suitable for attaching a painter shall be fitted to the bow and stern.

(b) *Equipment.* (1) The rescue boat shall be provided with one pair of oars of suitable size and material.

(2) A painter shall be attached to the bow and to the stern fittings. Each shall be of suitable material, at least 3/8-inch in diameter, and at least 30 feet long.

§ 160.056-4 Approval tests of prototype rescue boat.

(a) *Drop test.* The rescue boat, fully equipped, shall be dropped, in a free fall, from a ten-foot height into water. No damage which would render the rescue boat unserviceable shall result from this drop.

(b) *Stability and freeboard test.* The rescue boat shall have sufficient stability and freeboard so that the gunwale on the low side shall not be submerged with 350 pounds placed nine inches from the side in way of and about the level of the middle thwart.

(c) *Rescue boarding test.* With one man in the rowing position, a second kneeling on the stern thwart facing aft, and a third man balanced on the transom, the minimum freeboard of the

transom shall be five inches. The men should average 165 pounds each. This test simulates the rescue of a person over the transom by a two-man boat crew.

(d) *Rowing test.* Three men, averaging 165 pounds each, shall be seated on the centerline of the boat, one on each thwart. One man, in the rowing position, using ordinary rowing technique, shall demonstrate the satisfactory course keeping and maneuvering characteristics of the boat in the ahead and astern directions.

§ 160.056-5 Inspections.

(a) Rescue boats are not inspected at regularly scheduled factory inspections; however, the Officer in Charge, Marine Inspector, may detail a marine inspector at any time to visit any place where rescue boats are manufactured to observe production methods, quality of workmanship, and compliance with material specifications, and to conduct any inspections or tests which may be deemed advisable.

(b) The manufacturer shall maintain a file of approved prints and all correspondence pertaining to the rescue boat, and make such file available to the marine inspector upon request.

(c) The marine inspector shall be admitted to any place where work is done on rescue boats or component materials and samples of materials entering into construction may be taken by the marine inspector and tests made to determine their adequacy.

§ 160.056-6 Name plate.

(a) Each rescue boat shall have permanently fitted at the transom a metal name plate, galvanically compatible with the hull material, and bearing information relating to the testing and approval of the prototype boat. Either raised or indented letters shall be used.

(b) The following information shall appear on the name plate:

RESCUE BOAT

U.S.C.G. Specification 160.056
 Prototype approved-----
 Approved by OCMI-----
 Date of manufacture-----
 Manufacturer's serial No.-----
 Manufacturer's name and address-----

§ 160.056-7 Procedure for approval.

(a) The manufacturer shall submit a request for approval to the Officer in Charge, Marine Inspection, having jurisdiction of the place of manufacture of the rescue boat.

(b) Formal plans will not be required. However, a combined general arrangement and construction plan is required, which includes principal dimensions, and descriptive data of hull material, buoyant material, and equipment.

(c) When plans and data are satisfactory, the Officer in Charge, Marine Inspection, will assign a marine inspector to conduct the tests required by § 160.056-4.

(d) Upon successful completion of the tests, the inspector shall submit a written report to the Officer in Charge,

Marine Inspection. A copy of this report, with plans and photographs, shall be forwarded to the Commandant for record purposes. The date of approval and the marine inspector's initials shall be indicated in this report.

(e) The Officer in Charge, Marine Inspection, shall issue a letter to the manufacturer indicating that approval of the rescue boat has been granted, and will include any conditions imposed. A copy of this approval letter shall be forwarded to the District Commander and to the Commandant.

PART 161—ELECTRICAL EQUIPMENT**Subpart 161.002—Fire-Protective Systems**

Section 161.002-15(c) is amended to read as follows:

§ 161.002-15 Smoke detecting systems.

(c) *Power supply.* The power supply for smoke detecting systems shall be from the emergency lighting and power system as required by Subpart 113.70 in Part 113 of Subchapter J (Electrical Engineering) of this chapter.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4418, as amended, 4421, as amended, 4426, as amended, 4427, as amended, 4433, as amended, 4453, as amended, 4488, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, sec. 2, 54 Stat. 1028, as amended; 46 U.S.C. 361, 362, 391, 392, 399, 405, 411, 435, 481, 366, 395, 363, 369, 463a)

PART 162—ENGINEERING EQUIPMENT**Subpart 162.001—Safety Valves (Power Boilers)**

Section 162.001-5(f) is amended to read as follows:

§ 162.001-5 Construction and workmanship.

(f) To insure safety valves being free, each safety valve shall have a substantial lifting device by which the valve disk may be positively lifted from its seat when the pressure in the boiler is 75 percent of that at which the valve is set to blow.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417a, as amended, 4418, as amended, 4426, as amended, 4433, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 392, 404, 411, 489, 367, 1333, 50 U.S.C. 198, E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

PART 163—CONSTRUCTION**Subpart 163.001—Doors, Watertight, Sliding (and Door Controls), for Merchant Vessels**

1. Section 163.001-3(i) is amended to read as follows:

§ 163.001-3 Construction of sliding watertight doors.

(i) *Door frame design.* (1) The door frame shall be continuous on all four sides and shall be designed to have a section moment of inertia (in.⁴) on each side of not less than the value given by the formula:

$$I = .002 H w h^3 \quad (1)$$

where:

H = the head of water in feet from the bulkhead deck to the bottom of the door opening, but not less than 20 feet unless the door is to be installed where a hinged door is permissible in which case H may be not less than 10 feet.

w = the shorter dimension of the opening in feet.

h = the longer dimension of the opening in feet.

(2) If the door frame is to be mounted on the bulkhead on a reinforcing member, which acts as a secondary frame and which is continuous around the door opening, the "I" of that member may be included to obtain the required frame "I" value.

2. Section 163.001-4(b) is amended to read as follows:

§ 163.001-4 Manual operating controls for sliding watertight doors.

(b) *Basic requirement.* Manual operating equipment shall be designed to close the door at the required operating rate with a force at the handwheel or hand crank of not more than 25 pounds, except that a force of 50 pounds may be accepted during the wedging.

(1) With the vessel upright it shall be possible to close class 2 doors in not more than 90 seconds.

(2) With the vessel upright it shall be possible to close class 3 doors at a rate of not less than 15 inches per minute by means of the manual operating equipment.

3. Section 163.001-5(c) (1) is amended to read as follows:

§ 163.001-5 Power operating controls for sliding watertight doors.

(c) * * *

(1) *Simultaneous closing.* Means shall be provided for closing all doors simultaneously. However, when electrically operated doors are energized from the temporary emergency lighting and power system and a large number of doors are involved, automatic means may be provided for operating the doors in sequence, preference in closing being given to doors in the lowest part of the vessel. Where sequential operation is employed, the arrangement shall be such that all doors can be closed in not more than 60 seconds after actuation of the single master control.

4. Section 163.001-6(a) (4) is amended to read as follows:

§ 163.001-6 Inspection and testing of doors and controls.

(a) * * *

(4) *Hydrostatic test procedure.* The contact surfaces of the door and frame

shall be wiped to remove excess grease and oil. The door shall be closed by operating equipment restricting the amount of closing force to that available from the operating gear to be used in the shipboard installation. The enclosure shall then be completely filled with water, air shall be vented and the test pressure shall be held for at least ten minutes, during which time the leakage rate shall be determined. The test

pressure shall not be less than that corresponding to a head of water from the proposed location of the door sill in the vessel to the bulkhead deck or 20 feet, whichever is greater, except that the test head may be 10 feet if the door is to be installed where a hinged door is permissible. The measured leakage rate shall not exceed that given by the following formula (1) except that below a 20-foot head pressure 5 gallons per hour is acceptable:

$$\text{Leakage rate (gal./hr.)} = \frac{(P+15)}{30} \left(\frac{h^3}{1600} \text{ or } \frac{p^3}{130} \right) \quad (1)$$

where:

P = perimeter of door opening (feet).

h = test head (feet).

p = pressure (lbs./in.²).

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4426, as amended, 4490, as amended, sec. 2, 49 Stat. 888; as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 404, 482, 88a, 369, 367, 1333, 50 U.S.C. 198, E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

PART 164—MATERIALS

Subpart 164.006—Deck Coverings for Merchant Vessels

1. Section 164.006-4 is amended by adding at end thereof a new paragraph (e) reading as follows:

§ 164.006-4 Inspection and testing.

(e) *Spot check tests.* (1) Deck coverings are not inspected at regularly scheduled factory inspections; however, the cognizant Officer in Charge, Marine Inspection, may detail a marine inspector at any time to visit any place where deck coverings are manufactured to conduct any inspections or examinations deemed advisable and to select representative samples for further examination, inspection or tests. The marine inspector shall be admitted to any place where work is done on deck coverings or component materials.

(2) Manufacturers of approved deck coverings shall maintain quality control of materials used, manufacturing methods, and the finished product so as to meet the requirements of this specification, and any other conditions outlined on the certificate of approval, but the Coast Guard also reserves the right to make spot-check tests of approved deck coverings at any time on samples selected by a marine inspector at the place of manufacture or samples obtained from other sources in the field. The manufacturer will incur no expense for such tests, but the results shall be binding upon the approval of his product. The manufacturer will be advised in advance of the time of testing of the samples selected and may witness the tests if he so desires.

Subpart 164.008—Bulkhead Panels for Merchant Vessels

2. Section 164.008-3(c) is amended to read as follows:

§ 164.008-3 Inspection and testing.

(c) *Spot check tests.* (1) Bulkhead panels are not inspected at regularly scheduled factory inspections; however, the cognizant Officer in Charge, Marine Inspection, may detail a marine inspector at any time to visit any place where bulkhead panels are manufactured to conduct any inspections or examinations deemed advisable and to select representative samples for further examination, inspection, or tests. The marine inspector shall be admitted to any place where work is done on bulkhead panels or component materials.

(2) Manufacturers of approved bulkhead panels shall maintain quality control of materials used, manufacturing methods, and the finished product so as to meet the requirements of this specification, and any other conditions outlined on the certificate of approval, but the Coast Guard also reserves the right to make spot-check tests of approved bulkhead panels at any time on samples selected by a marine inspector at the place of manufacture or samples obtained from other sources in the field. The manufacturer will incur no expense for such tests, but the results shall be binding upon the approval of his product. The manufacturer will be advised in advance of the time of testing of the samples selected and may witness the tests if he so desires.

Subpart 164.009—Incombustible Materials for Merchant Vessels

3. Section 164.009-3(d) is amended to read as follows:

§ 164.009-3 Inspection and testing.

(d) *Spot check tests.* (1) Incombustible materials are not inspected at regularly scheduled factory inspections; however, the cognizant Officer in Charge, Marine Inspection, may detail a marine inspector at any time to visit any place where incombustible materials are manufactured to conduct any inspections or examinations deemed advisable and to select representative samples for further examination, inspection, or tests. The marine inspector shall be admitted to any place where work is done on incombustible materials or component materials.

(2) Manufacturers of approved incombustible materials shall maintain quality control of materials used, manufacturing methods, and the finished product so as to meet the requirements

of this specification, and any other conditions outlined on the certificate of approval, but the Coast Guard also reserves the right to make spot-check tests of approved incombustible materials at any time on samples selected by a marine inspector at the place of manufacture or samples obtained from other sources in the field. The manufacturer will incur no expense for such tests, but the results shall be binding upon the approval of his product. The manufacturer will be advised in advance of the time of testing of the samples selected and may witness the tests if he so desires.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4417a, as amended, 4418, as amended, 4426, as amended, 4488, as amended, secs. 1, 2, 5, 49 Stat. 1544, 1545, as amended, 1384, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 391a, 392, 404, 481, 367, 369, 463a, 1333, 390b, 50 U.S.C. 198, E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

Subpart 164.012—Interior Finishes for Merchant Vessels

4. Part 164 is amended by adding at end thereof a new Subpart 164.012 entitled "Interior Finishes for Merchant Vessels," and §§ 164.012-1 to 164.012-15, inclusive, reading as follows:

Sec.

164.012-1 Applicable specifications.

164.012-5 Scope.

164.012-10 Requirements.

164.012-15 Procedure for acceptance.

AUTHORITY: §§ 164.012-1 to 164.012-15 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4417a, as amended, 4418, as amended, 4426, as amended, 4488, as amended, secs. 1, 2, 5, 49 Stat. 1544, 1545, as amended, 1384, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 391a, 392, 404, 481, 367, 369, 463a, 1333, 390b, 50 U.S.C. 198, E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.

§ 164.012-1 Applicable specifications.

(a) The following specifications, of the issue in effect on the contract date for the particular installation on any vessel, form a part of this subpart:

(1) American Society for Testing Materials' standard: E 84-50T—Tentative Method of Fire Hazard Classification for Building Materials.

(2) National Fire Protection Association's standard: NFPA No. 255—Method of Test of Surface Burning Characteristics of Building Materials.

(3) Coast Guard specifications: 164.008—Bulkhead Panels for Merchant Vessels. 164.009—Incombustible Materials for Merchant Vessels.

(b) A copy of this subpart, together with a copy of the specifications listed in paragraph (a) of this section, shall be kept on file by the manufacturer of any Interior Finish except those qualifying under § 164.012-5(c). It should be noted that the standards listed in subparagraphs (1) and (2) of paragraph (a) of this section are identical and, therefore, only one need be kept on file. The Coast Guard specifications may be obtained upon request from the Commandant, United States Coast Guard Headquarters, Washington 25, D.C. The

American Society for Testing Materials Standard may be purchased from that society at 1916 Race Street, Philadelphia 3, Pa. The National Fire Protection Association Standard may be purchased from that association at 60 Batterymarch Street, Boston 10, Mass.

§ 164.012-5 Scope.

(a) The purpose of this specification is to set forth the fire protection standards for "Interior Finishes" applied to "Bulkhead Panels" or "Incombustible Materials" approved under Subpart 164.008 or 164.009 of this subchapter. The term "Interior Finish" means any coating, overlay, or veneer except standard paint which is applied for decorative or other purpose. It includes not only the visible finish, but all material used in its composition and in its application to the approved "Bulkhead Panel" or "Incombustible Material." When finishes are applied to both sides of a panel, each must comply with this specification.

(b) "Interior Finishes" of not more than 0.075" thickness qualifying under § 164.012-10 and those materials which are described in paragraph (c) of this section, may be used without restriction on all merchant vessels, including those locations where combustible veneers, trim, moldings, and decorations are specifically prohibited by Subpart 72.05 of Subchapter H (Rules and Regulations for Passenger Vessels) of this chapter.

(c) With the exception of nitrocellulose or other highly inflammable or noxious fume-producing paints or lacquers (which are prohibited), a limited number of coats of any standard paint, or any "Incombustible Material" approved under Subpart 164.009 of this subchapter in any thickness, or a combination thereof, are considered as automatically satisfying the intent of this specification and no test or proof of compliance will be required. Paint may be applied to one or both sides of "Bulkhead Panels" or "Incombustible Materials," but it shall never be applied as an internal layer in sandwich or laminar construction.

§ 164.012-10 Requirements.

(a) For an "Interior Finish" to qualify under this specification it shall be subjected to the test described in either standard listed in § 164.012-1(a) (1) or (2). The "Interior Finish" of the test panel shall be applied in the same manner as will be employed for the shipboard installation, to a "Bulkhead Panel" or "Incombustible Material" approved under Subpart 164.008 or 164.009 of this subchapter. The classification ratings determined by this test shall not exceed the following values:

Flame Spread Classification-----	20
Smoke Classification-----	10

§ 164.012-15 Procedure for acceptance.

(a) No general approval will be granted to any "Interior Finish." In each case it will be necessary to demonstrate to the Officer in Charge, Marine Inspection, having jurisdiction that the "Interior Finish" on each panel installed on a particular vessel is identical in all respects, including composition, thickness, density, method of application, bond, etc., to a material which has suc-

cessfully complied with the test requirements of § 164.012-10(a).

(b) In this respect, if the product listing indicated by the label of the Underwriters' Laboratories, Inc., 207 East Ohio Street, Chicago 11, Ill., identifies the material as complying with § 164.012-10(a), it will be accepted and no further proof of compliance need be required.

SUBCHAPTER R—NAUTICAL SCHOOLS

PART 167—PUBLIC NAUTICAL SCHOOL SHIPS

Subpart 167.45—Special Fire-Fighting and Fire Prevention Requirements

Section 167.45-1 is amended by revising subparagraphs (1) and (2) in paragraph (a) and by revising paragraph (b) to read as follows:

§ 167.45-1 Steam and inert-gas fire extinguishing systems.

(a) *General requirements.* (1) Nautical school ships shall be provided with an inert-gas fire-extinguishing system when required.

(2) All nautical school ships carrying combustible cargo in the holds, between decks, or other closed cargo compartments shall be equipped with means for extinguishing fire in such compartments by the use of any inert-gas fire-extinguishing system approved by the Coast Guard or Navy. However, in specific cases where by reason of the design, such compartments are normally accessible and considered to be part of the working or living quarters, a water sprinkling system may be installed in lieu of an inert-gas fire-extinguishing system. On such vessels contracted for prior to January 1, 1962, a steam smothering system may be accepted in lieu of the inert gas system for the protection of cargo holds, paint lockers, and similar spaces. However, although existing steam smothering systems may be repaired, replaced, or extended, no new systems contracted for on or after January 1, 1962, will be permitted.

* * * * *

(b) *Steam systems.* (1) As noted in subparagraph (a) (2) of this section, steam smothering systems are not permitted on nautical school ships contracted for on or after January 1, 1962, nor for new installations on vessels contracted for prior to that date. Where steam smothering systems are installed, the provisions of this paragraph shall be met.

(2) Steam for fire-extinguishing systems shall be available at a suitable pressure from the main boilers or a donkey or auxiliary boiler.

(3) The pipe lines shall be led from not more than three stations in easily accessible locations on the weather deck to each cargo hold, cargo 'tween-decks, or other closed cargo compartments, and to each cargo-oil deep tank, lamp locker, oil room, and like compartments, which lamp locker, oil room, and like compartments, shall be wholly and tightly lined with metal. The steam connections to the lamp lockers, oil rooms, and like compartments may be taken from the

nearest steam supply line, independent of the extinguishing manifolds. In lamp lockers, oil rooms, and like compartments, adequate means may be provided for ventilation if suitable dampers capable of being operated from outside the spaces are fitted in each vent duct.

(4) Each pipe in the extinguishing manifolds shall be fitted with a shut-off valve plainly and permanently marked to indicate into which compartment it discharges. This requirement also applies to independent extinguishing lines.

(5) Manifold steam supply pipes shall be fitted with master valves at the manifolds, and provision shall be made for

draining the manifold and individual lines to protect them against freezing. If the manifolds are located on an open deck, they shall be enclosed in a metal box.

(6) The minimum diameter of any steam fire-extinguishing pipe to a cargo hold, cargo 'tween-decks, other closed cargo compartments, or cargo-oil deep tank shall be one inch, the size and number of pipes to be governed by the size of the compartment. The minimum diameter of any steam fire-extinguishing pipe to a lamp locker, oil room, or like compartments, shall be three-fourths of an inch.

(R.S. 4405, as amended; 46 U.S.C. 375. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4428-4434, as amended, 4450, as amended, 4488, as amended, 4491, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, as amended, secs. 1-22, 54 Stat. 163-167, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 406-412, 239, 481, 489, 363, 367, 526-526u, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

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[SEAL]

A. C. RICHMOND,
Admiral, U.S. Coast Guard,
Commandant.

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