

tofore or hereafter announced. The Secretary of Commerce shall, so far as is practicable, utilize the information and data of the National War Labor Board or of the several regional war labor boards in the determination of area rates and applicable wage brackets.

(c) The Secretary of Commerce, without making a ruling thereon, may refer to the National War Labor Board for decision any case which in his opinion presents doubtful or disputed questions of sufficient seriousness or import to warrant action by the National War Labor Board.

(d) A certificate by the Secretary of Commerce attesting to the approval of the adjustment, stating the nature and amount of the adjustment, and briefly setting forth the facts indicating that the adjustment meets the requirements of the wage stabilization program, as set forth above, will be accepted by the National War Labor Board as sufficient evidence of the propriety of the adjustment. All rulings of the Secretary hereunder shall be subject to review by the National War Labor Board on its own initiative, but the reversal or modification of any such ruling shall not be retroactive.

(e) The certificate described herein, together with four copies thereof, shall be filed promptly with the Wage Stabilization Division of the National War Labor Board, together with such additional data and reports as said division or the National War Labor Board may from time to time require.

(E.O. 9250, 7 F.R. 7871)

Adopted March 24, 1944.

THEODORE W. KHEEL,
Executive Director.

[F. R. Doc. 44-4431; Filed, March 30, 1944;
10:11 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Navy

PART 7—REGULATIONS FOR THE PROTECTION OF WATERFRONT FACILITIES

MISCELLANEOUS AMENDMENTS

Under authority of Executive Order 9074 (7 F.R. 1587) and pursuant to the Act of July 9, 1943 (Public Law No. 127—78th Congress), the following regulations governing protection of waterfront facilities are hereby promulgated and approved, effective May 1, 1944:

GENERAL PROVISIONS

- Sec. 7.1 Purpose of regulations.
- 7.2 Application.
- 7.3 Administration.
- 7.4 Special orders of the Captain of the Port.
- 7.5 Powers of the Captain of the Port.
- 7.6 Responsibility for compliance.
- 7.7 Waiver authority based on local or unusual conditions.
- 7.8 Special circumstances.

SABOTAGE

- Sec. 7.15 Precautions against sabotage.
- 7.16 Reporting of sabotage.

GUARDING OF WATERFRONT FACILITIES

- 7.20 Adequate guard protection.
- 7.21 How guards are provided.
- 7.22 Qualifications of guards.
- 7.23 Instruction of guards.

IDENTIFICATION AND PASSES

- 7.25 Basic requirements.

FIRE PREVENTION

- 7.30 Smoking.
- 7.31 Welding.
- 7.32 Fire Watch.
- 7.33 Trucks and other motor vehicles.
- 7.34 Pier automotive equipment.
- 7.35 Rubbish and waste materials.
- 7.36 Maintenance stores and supplies.
- 7.37 Electric wiring.
- 7.38 Heating equipment.
- 7.39 Fire extinguishing equipment.
- 7.40 Marking of fire appliance locations.
- 7.41 Lighting.
- 7.42 Arrangement of cargo.

DANGEROUS CARGO

- 7.50 Approval of facility for dangerous cargo.
- 7.51 Handling of dangerous cargo.

SEPARABILITY AND PENALTY

- 7.55 Separability.
- 7.56 Penalty.

AUTHORITY. §§ 7.1 to 7.56 inclusive, issued under Executive Order 9074 (7 F.R. 1587), 57 Stat. 391 (33 CFR 7.7).

GENERAL PROVISIONS

§ 7.1 *Purpose of regulations.* The regulations contained in this part are promulgated for the protection of vessels, harbors, ports and waterfront facilities. Nothing contained in this part shall be construed to repeal or supersede the provisions of the regulations relating to the Security of Ports and the Control of Vessels in the Navigable Waters in the United States (33 CFR, Part 6), Explosives or Other Dangerous Articles on Board Vessels as amended (46 CFR, Part 146), or the Regulations Relating to Tank Vessels as amended (46 CFR, Parts 30-38 incl.), or any other law or regulation not inconsistent herewith promulgated by any Federal, State, municipal, port, or other lawful agency for the protection of waterfront facilities.

§ 7.2 *Application.* The regulations contained in this part shall apply to all piers, wharves, docks, or similar structures to which vessels may be secured, buildings on such structures or contiguous to them, and equipment and materials on such structures or in such buildings on all navigable waters of the United States, Alaska, the Territory of Hawaii, Puerto Rico, and the Virgin Islands, but shall not apply to shipyards and facilities used in connection therewith or to such waterfront facilities as may be directly operated by the War Department or the Navy Department. Whenever the term "waterfront facilities" is used in this part it shall mean all piers, wharves, docks, and similar structures to which vessels may be secured, buildings on such structures or contiguous to them, and equipment and materials on such structures or in such buildings.

§ 7.3 *Administration.* The regulations contained in this part shall be administered by the U. S. Coast Guard Captain of the Port under the general supervision of the District Coast Guard Officer. Pursuant to order of the Chief of Naval Operations any waterfront facility may be specifically assigned to the Navy for the purpose of security inspection. In any such case, the regulations in this part may be administered with respect to such facility by the Naval District Commandant. Such officer may exercise with respect to such facility all the powers and authority granted to the Captain of the Port by the regulations contained in this part. The Captain of the Port shall give notice to the owner, lessee, or operator of such facility of such assignment and of the officer of the Navy authorized to administer the regulations.

§ 7.4 *Special orders of the Captain of the Port.* Whenever the Captain of the Port shall find that the conditions of construction, maintenance, equipment, or operation of any waterfront facility or of any other waterfront property creates a hazard of destruction, loss, or injury from sabotage or other subversive acts, accident, fire or other causes of a similar nature to such waterfront facility or to any other waterfront facility, he is authorized to issue such special orders not inconsistent with the regulations contained in this part as he shall find to be necessary to eliminate such hazard, and the owner, lessee, and operator of such waterfront facility or such other waterfront property shall comply with such orders.

§ 7.5 *Powers of the Captain of the Port.* The Captain of the Port and his duly authorized representatives shall have the right of entry to waterfront facilities at all times. The Captain of the Port may cause to be inspected and searched at any time, any waterfront facility or any person or package thereon, may place guards thereon, and may remove therefrom any or all persons not specifically authorized by him to go or remain thereon.

§ 7.6 *Responsibility for compliance.* Owners, lessees, and operators of waterfront facilities are required to comply with the regulations contained in this part and shall be responsible for taking all necessary measures to comply therewith. Nothing in the regulations contained in this part shall be construed to relieve the owners, lessees, and operators of waterfront facilities from their responsibility for the protection of such facilities.

§ 7.7 *Waiver authority based on local or unusual conditions.* Whenever the Commandant, U. S. Coast Guard, the District Coast Guard Officer, or the Captain of the Port shall find that the application of any provision of the regulations contained in this part is not necessary to the security of a waterfront facility or of the port, or that its application is not practical because the materials or personnel required for compliance are not available, or because the protection of the particular facility is not essential

to the war effort or to the security of other facilities or vessels moored thereto, he may waive compliance with such provisions to the extent and upon the conditions determined by him; such waivers and requests therefor shall be in writing.

§ 7.8 *Special circumstances.* In case of emergency circumstances causing imminent hazard to a waterfront facility or vessel and in the absence of specific orders from the Captain of the Port, nothing in these regulations shall be construed as prohibiting the owner, lessee, or operator thereof from pursuing the most effective course of action in his judgment for the safety of the property.

SABOTAGE

§ 7.15 *Precautions against sabotage.* The owner, lessee, and operator of a waterfront facility shall take all necessary precautions to protect such facilities from sabotage.

§ 7.16 *Reporting of sabotage.* The evidence of or suspicion of sabotage or any other subversive activity involving a waterfront facility or personnel employed thereon, shall be reported immediately to the Captain of the Port, the nearest representative of the Naval Intelligence Service and the Federal Bureau of Investigation.

GUARDING OF WATERFRONT FACILITIES

§ 7.20 *Adequate guard protection.* Guards shall be provided for the protection of waterfront facilities in such numbers as to assure adequate surveillance, prevent unlawful entrance, detect fire hazards, and to check the readiness of protective equipment. The Captain of the Port is authorized to require additional guards upon a finding that the owner, lessee, and operator of such facilities have not provided guards in the manner required by this section.

§ 7.21 *How guards are provided.* All guards required by the regulations contained in this part shall be provided by the owners, lessees, and operators of waterfront facilities.

§ 7.22 *Qualifications of guards.* Guards shall be citizens of the United States, of good character and satisfactory physical condition. No person shall be employed as guard upon a waterfront facility if the Captain of the Port shall find that by reason of misconduct, inattention to duty, negligence or other causes, such person would thereby endanger the security of a waterfront facility.

§ 7.23 *Instruction of guards.* The owners, lessees, and operators of waterfront facilities shall be responsible for the instruction of guards in their duties and for the supervision of the performance of such duties, except in the case of Coast Guard Police and Auxillary Military Police.

IDENTIFICATION AND PASSES

§ 7.25 *Basic requirements.* No person shall enter upon or be permitted to enter any waterfront facility unless he shall possess all of the following:

(a) A Coast Guard identification card or other means of identification acceptable to the Captain of the Port.

(b) Any of the following kinds of passes:

(1) A badge or card issued by the company or individual operating the waterfront facility and bearing the name of the person to whom issued.

(2) Express permission (oral or written) from the owner, lessee, or operator of a waterfront facility or his duly authorized representative, valid for a single day or for a single entrance to the waterfront facility.

(3) A daily work ticket or other evidence of legitimate employment on a waterfront facility, acceptable for the date of issue only, which is issued by stevedoring companies, welding companies, carloading Companies, engineering Companies, railroads, trucking companies, and others whose agents and employees are authorized by the owner, lessee, or operator of the waterfront facilities, to be thereon.

(4) Credentials establishing status as an official of the government of the United States, or of the States or possessions thereof, or of a municipality thereof, whose duties require his presence on a waterfront facility.

(5) A pass when approved by the master, senior deck officer on duty, or representative of the owner in a position or authority of a vessel moored at the waterfront facility.

(6) A certificate of identification or seaman's service record issued to United States Merchant Marine Officers and seamen when the holder thereof is a member, or is to become a member of the crew of a vessel moored at the waterfront facility.

(c) A legitimate reason for seeking entrance to the waterfront facility at that particular time. The provisions of this section shall not apply to any person entering a waterfront facility solely for the purpose of transportation as a passenger on board a passenger-carrying vessel to be boarded from such waterfront facility.

FIRE PREVENTION

§ 7.30 *Smoking.* Smoking shall be prohibited on all piers, docks, wharves, and other waterfront facilities except at such portions thereof as may be designated by the owner, lessee, or operator thereof, and approved by the Captain of the Port; *Provided,* That smoking in such areas shall only be permitted in accordance with local ordinances and regulations. Signs shall be conspicuously posted marking such authorized smoking areas. "No Smoking" signs shall be conspicuously posted elsewhere on waterfront facilities.

§ 7.31 *Welding.* Oxyacetylene or similar welding or burning, or other hot work including electric welding or the operation of equipment therewith shall be prohibited on a waterfront facility, except pursuant to the procedure and under the conditions prescribed by the Captain of the Port.

§ 7.32 *Fire watch.* No welding, burning or other hot work on a waterfront

facility in the presence of combustible material likely to become ignited, shall be done except in the presence of a fire watch to be composed of one or more fire guards as may be determined by the Captain of the Port. Suitable fire extinguishing appliance shall be kept readily at hand during the process of such work. The fire watch shall remain on duty from the time hot work is started until after it is completed and danger of ignition is past.

§ 7.33 *Trucks and other motor vehicles.* Trucks and other motor vehicles shall not remain or park upon a waterfront facility except for the purpose of awaiting transportation, for the purpose of discharging or loading cargo or passengers, or for the purpose of performing services in connection with the operation of the facility or in connection with a vessel moored thereto. No truck or other motor vehicle shall be left unattended in such a position as may block the access of fire-fighting apparatus. Refueling of trucks or cars on a waterfront facility is prohibited except in such areas and pursuant to such procedures as may be prescribed by the Captain of the Port.

§ 7.34 *Pier automotive equipment.* Tractors, stackers, lift trucks, hoisters, and other equipment driven by internal combustion engines used on waterfront facilities, shall be of such construction and condition and free from excess grease, oil or lint as not to constitute a fire hazard. Each unit of such equipment shall be provided with an approved type hand extinguisher. When not in use, such equipment shall be stored in a manner and location satisfactory to the Captain of the Port. Gasoline or other fuel used for such equipment, shall be stored and handled in accordance with accepted safe practices, and shall not be stored on waterfront facilities without the approval of the Captain of the Port. Refueling or repairing of such equipment on waterfront facilities is prohibited except in such areas and pursuant to such procedures as may be prescribed by the Captain of the Port.

§ 7.35 *Rubbish and waste materials.* Waterfront facilities shall be kept free from rubbish, debris, and waste materials.

§ 7.36 *Maintenance stores and supplies.* Supplies classified as dangerous by the provisions of the regulations entitled "Explosives and Other Dangerous Articles on Board Vessels" (46 CFR, Part 146), to be used in connection with operation or maintenance of the property or facility, shall not be stored on waterfront facilities except in amounts necessary for normal current operating conditions and such storage shall be in a compartment remote from combustible material and so constructed as to be readily accessible and provide safe storage. Storage compartments must be kept clean and maintained free of scrap materials, empty containers, soiled wiping rags, waste, and other debris. Covered metal containers shall be provided for storage of used wiping cloths and contents removed at the end of each working day. Clothing lockers shall be

maintained clean and orderly and properly ventilated. Fire extinguishing equipment suitable for the type of hazard shall be readily available.

§ 7.37 *Electric wiring.* New installations of electric wiring and equipment shall be made in accordance with accepted safe practices. Conformity with the requirements of the National Electric Code, 1940 edition and supplement of November, 1943, and the requirements of applicable local regulations shall be deemed evidence of compliance with such accepted safe practices. Materials, fittings, and devices shall be of type and character approved for the intended use by Underwriters Laboratories, Inc., Associated Factory Mutual Laboratories, or U. S. Bureau of Standards. Existing electric wiring shall be maintained in a safe condition, free of defects or modifications which may cause fire or personal injury. Defective or dangerous wiring, equipment, and devices shall be replaced, repaired or permanently disconnected from a source of energy.

§ 7.38 *Heating equipment.* Heating equipment shall be safely installed and maintained in good operating condition. Adequate clearances to prevent undue heating of nearby combustible materials shall be maintained between heating appliances, chimneys, stove pipes, gas vents or other heat producing elements, and any combustible materials of the floors, walls, partitions or roofs. In general, clearances shall be such that continuous operation of the heat producing device at full capacity will not increase the temperature of nearby woodwork more than 90° above the ambient temperature. Where necessary to prevent contact with movable combustible materials, heating appliances shall be enclosed or screened. Spark arresters shall be provided on chimneys or appliances burning solid fuel used in locations where sparks constitute a hazard to nearby combustible materials. As a guide to safe installation of heating equipment, the appropriate chapters of the National Board of Fire Underwriters Building Code, 1943 Edition, shall be used.

§ 7.39 *Fire extinguishing equipment.* Fire extinguishing appliances shall be made available in such minimum quantities, locations, and types as the Captain of the Port may prescribe. Installation and maintenance of first aid fire appliances shall not be less than equivalent to the requirements prescribed in the "Standards for First Aid Fire Appliances", issued by the National Board of Fire Underwriters. Fire extinguishing equipment, fire alarms systems and devices, and fire doors and other safety equipment shall be maintained in good operating condition at all times. When the Captain of the Port shall find that the existence of hazardous conditions require such precaution, emergency hose lines shall be led out and other emergency fire-fighting equipment shall be located immediately adjacent to said hazards.

§ 7.40 *Marking of fire appliance locations.* The locations of all fire appli-

ances, including hydrants, standpipe and hose stations, fire extinguishers, and fire alarm boxes, shall be conspicuously marked and ready accessibility to such appliances shall be maintained.

§ 7.41 *Lighting.* Subject to applicable dimout and blackout regulations, piers, docks, and wharves to which cargo vessels are moored, shall be illuminated during the hours of darkness. The use of kerosene and gasoline lamps and lanterns on such waterfront facilities is prohibited.

§ 7.42 *Arrangement of cargo.* Cargo shall be arranged on waterfront facilities according to the individual structures of such facilities, in a manner to permit complete access for the purpose of fire extinguishment. Cargo shall be placed on waterfront facilities under the following conditions:

(a) Two feet of clear and open space shall be maintained free of rubbish, dunnage, or other obstruction, between cargo piles and any side of covered piers and cargo stored thereon. This distance shall be measured from the most prominent projection of the wall such as studding, bracings or other obstructions that are a part of the structure.

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

(c) There shall be maintained four feet of clear and open operating space around any fire alarm box, standpipe and fire hose, sprinkler valve, fire doors, deck hatches, or any fire-aid fire appliances.

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

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

(f) Cross aisles, five feet wide, straight and at right angles to the center aisles, to be maintained at intervals not exceeding seventy-five feet, and extending to the sides of the waterfront facility.

Where the type of cargo to be worked and the construction of a waterfront facility makes compliance with the foregoing provisions impracticable, the Captain of the Port may prescribe such rules for the arrangement of cargo as he may deem necessary and appropriate.

DANGEROUS CARGO

§ 7.50 *Approval of facility for dangerous cargo.* Explosives, military, am-

munition, inflammable liquids, and other dangerous cargo as defined in the regulations "Explosives and Other Dangerous Articles on Board Vessels" (46 CFR, Part 146) shall not be processed, stored, or packed upon any waterfront facility unless such facility has been authorized by the Captain of the Port for such use.

§ 7.51 *Handling of dangerous cargo.* Freight classified as dangerous by Coast Guard regulations entitled "Explosives or Other Dangerous Articles on Board Vessels" (46 CFR, Part 146) shall not be handled or stored on any waterfront facility except in accordance with the following regulations:

(a) Explosives and ammunition (except small-arms ammunition) shall not be handled or stored on waterfront facilities except when laden within a railroad or highway vehicle, and then only upon such waterfront facilities that are specifically approved for such purposes by the Captain of the Port.

(b) Small-arms ammunition may be handled or stored on waterfront facilities: *Provided*, Local regulations do not prohibit handling or storage thereon.

(c) Inflammable liquids in metal containers, in amounts exceeding 10 tons, shall not be handled or stored at any one time on waterfront facilities except upon permission of the Captain of the Port. Such liquids in any amounts shall be so handled and stored as to provide maximum separation from combustible materials.

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

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

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

(g) All dangerous articles of freight, including combustible liquids and hazardous articles, shall be arranged in such manner as to retard the spread of fire. This shall be accomplished by interspersing piles of dangerous freight with piles of inert or less combustible materials.

SEPARABILITY AND PENALTY

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

§ 7.56 *Penalty.* Wilful violation of any of the provisions contained in this part or of any order issued thereunder is a misdemeanor, punishable by a fine of

not to exceed \$5,000 or by imprisonment for not more than one year, or both.

R. R. WAESCHE,
Commandant, U. S. Coast Guard.

Approved: March 29, 1944.

JAMES FORRESTAL,
Acting Secretary of the Navy.

[F. R. Doc. 44-4447; Filed, March 30, 1944;
10:23 a. m.]

PART 7—PROTECTION OF WATERFRONT FACILITIES

WAIVER OF COMPLIANCE IN ST. LOUIS DISTRICT

Whereas I find that the application of the regulations for the Protection of Waterfront Facilities (33 CFR Part 7) in the St. Louis District of the Coast Guard is not presently necessary to the security of the waterfront facilities in such District;

Now therefore, I hereby waive compliance with all the provisions of such regulations with respect to waterfront facilities in the St. Louis District of the Coast Guard, which includes the following states: West Virginia, Kentucky, Tennessee, Oklahoma, Kansas, Nebraska, North Dakota, South Dakota, Iowa, Missouri, Pennsylvania west of longitude 79° W. and south of latitude 41° N., Ohio south of latitude 41° N., Indiana south of latitude 41° N., Illinois south of latitude 41° N. and west of longitude 90° W., Wisconsin west of longitude 90° W. and south of latitude 46°20' N., Minnesota south of latitude 46°20' N., Arkansas north of latitude 34° N., Mississippi north of latitude 34° N., and Alabama north of latitude 34° N.

This waiver is granted upon the express condition that it may be revoked at any time in whole or in part with respect to any or all waterfront facilities to which it applies.

(33 CFR 7.7)

R. R. WAESCHE,
Vice Admiral, USCG,
Commandant.

MARCH 29, 1944.

[F. R. Doc. 44-4448; Filed, March 30, 1944;
10:23 a. m.]

**Chapter II—Corps of Engineers,
War Department**

PART 203—BRIDGE REGULATIONS

HIGHWAY BRIDGE AT MOBILE, ALA.

Pursuant to section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), the provisions of § 203.241 are hereby extended to include a highway bridge over Three Mile Creek, at Mobile, Alabama, paragraph (f) being amended as follows:

§ 203.241 *Navigable waterways of the United States discharging their waters into the Atlantic Ocean south of and including Chesapeake Bay and the Gulf of Mexico, excepting the Mississippi River and its tributaries; bridges where constant attendance of draw tenders is not required.* * * *

(f) The bridges to which these regulations apply, and the advance notice required in each case, are as follows:

Three Mile Creek, Ala.; State of Alabama Highway Department bridge at Mobile, Ala. (At least 12 hours' advance notice required.)

(Sec. 5, 28 Stat. 362; 33 U.S.C. 499) [Regs. 3 November 1943, CE 800.211 SPEKH, as amended 23 March 1944 CE 823 (Three Mile Creek—Mobile, Ala.—Mile 1)—SPEWR]

[SEAL]

ROBERT H. DUNLOP,
Brigadier General,
Acting, The Adjutant General.

[F. R. Doc. 44-4463; Filed, March 30, 1944;
11:28 a. m.]

TITLE 46—SHIPPING

**Chapter III—War Shipping
Administration**

[G. O. 11, Supp. 2]

PART 302—CONTRACTS WITH VESSEL OWNERS AND RATES OF COMPENSATION RELATING THERETO

UNIFORM ADDENDUM TO TIME CHARTERS

§ 302.57 *Uniform addendum to time charters covering adjustments of certain disputed questions.* Whenever appropriate and upon approval of the parties, there shall be executed and made a part of the time charters entered into by the War Shipping Administration pursuant to § 302.50 *Uniform time charter for requisitioned and other dry cargo vessels*¹ (General Order 11) and §§ 302.55 *Requisition time charter for tank vessels*¹ and 302.56 *Uniform time charter terms and conditions for tank vessels*¹ (General Order 11, Supplements 1, 1A, and 1B), the following addendum to cover adjustments of certain disputed questions:

UNIFORM ADDENDUM TO TIME CHARTER COVERING ADJUSTMENTS OF CERTAIN DISPUTED QUESTIONS

ADDENDUM dated the _____ day of _____, 194____, to Requisition Time Charter (Contract No. WSA-____) dated as of _____, 1942, (hereinafter called the Charter) between _____, Owner of the good steel SS MS-_____, (hereinafter called the Vessel) and the United States of America, Charterer.

WHEREAS various disputes have arisen between the Owner and the Charterer with respect to the rights, duties and obligations of the parties under the aforesaid Charter, and

WHEREAS the parties desire to compromise and adjust certain of such disputes to the extent hereinafter set forth pursuant to the statutes and laws of the United States, and

WHEREAS the Administrator, War Shipping Administration, on behalf of the United States has found that such compromise and adjustment would be beneficial to the interest of the United States and would facilitate the prosecution of the war:

NOW, THEREFORE, IT IS AGREED that the Charter is hereby amended, effective on the date of the Charter, as follows:

First: The following paragraph shall be inserted between Clause 4 (b) and the present proviso:

"Provided, however, that when the period of time lost to the Charterer on any one occasion is less than twenty-four (24) consecutive hours, hire shall not be reduced for such period unless it exceeds eleven (11)

consecutive hours, in which case such period shall be counted as one day."

Second: Clause 11 is amended by adding thereto the following paragraph:

"The full rate of hire provided in Part I of this Charter shall be paid for all the periods of time required to install any defensive armament (including demagnetization by installed equipment or other process, e. g. degaussing, wiping or deperring) whether installed pursuant to this Clause 11 or during any period of time referred to in the first sentence of § 302.13 (d) (Paragraph 2 (d) of General Order 8 revised) or of § 302.18 (c) (Paragraph 2 (c) of General Order 8, Supp. 1); provided, however, that if during all or any part of any such period, the vessel concurrently undergoes repairs of whatever nature for the Owner's account, except repairs of any damage arising from causes specified in Clause 4 (f), then for the period of such concurrent repairs for the Owner's account, the rate of hire payable shall be reduced one-quarter. The period of such concurrent repairs shall be computed, at the Owner's option, on the basis of time elapsing between the actual commencement and the actual completion of the Owner's repairs, or on the basis of an estimate, submitted by the Owner and approved by the Charterer's local manager of Maintenance and Repair or by some other person designated by the Charterer, of the amount of time that would have been required for Owner's work if it had been performed during normal working hours (not in excess of a two shift basis) and on normal working days, but otherwise without interruption."

Third: Any other provisions of this Charter or any amendments thereto to the contrary notwithstanding, no hire or other moneys which the Charterer or the Owner is obligated to pay to the other under this Charter or any amendment thereto, shall accrue or become due and payable before the execution of this Charter which occurred on _____, 1942, and no hire or other moneys which the Charterer or the Owner is obligated to pay to the other under this Addendum shall accrue or become due and payable before the date of this Addendum.

Fourth: Clause 8 is amended by adding the following to the end thereof:

"Except as to newly constructed vessels delivered by the shipbuilder after December 7, 1941 and as to Vessels lost or requisitioned and delivered for bareboat use or title within six months after delivery under the Charter (which classes of vessels shall be the subject of special agreements), the Charter shall be construed to impose upon the Charterer the full actual cost of providing and maintaining on and after December 7, 1941, all equipment and installations on the Vessel, beyond normal peacetime standards, then or thereafter required by sub-chapter O of Chapter 11 of the Regulations of the United States Coast Guard (Title 46, U.S.C.A.), or by other wartime regulations of any agency of the United States, except that if and so long as the Vessel is under time charter after March 1, 1944, the Owner shall provide and pay for renewals, replacements and repairs to lifeboat equipment and for minor repairs to lifeboats not belonging to the Owner, unless any such renewals, replacements or repairs are caused by subsequent increases and changes in wartime Governmental requirements. All costs, which by reason of the Charter as construed by this Amendment, are to be borne by the Charterer but have been incurred by the Owner prior to the date of this Addendum, shall be adjusted and reimbursed in accordance with the foregoing provisions. All such equipment and installations installed in or relating to lifeboats belonging to the Owner shall be the property of the Owner and all other equipment or installations shall belong to the Charterer and shall be considered as equipment installed or as alterations

¹ 7 F.R. 6227, 6546, 6550, 6551.