

FEDERAL REGISTER

VOLUME 13

NUMBER 236

Washington, Saturday, December 4, 1948

TITLE 3—THE PRESIDENT EXECUTIVE ORDER 10019

EXCUSING FEDERAL EMPLOYEES FROM DUTY ONE-HALF DAY ON DECEMBER 24, 1948

By virtue of the authority vested in me as President of the United States, it is hereby ordered that the several executive departments, independent establishments, and other governmental agencies in the metropolitan area of the District of Columbia, including the General Accounting Office, the Government Printing Office, and the Navy Yard and Naval Stations, shall be closed one-half day on Friday, December 24, 1948, the day preceding Christmas Day; and all employees in the Federal service in the metropolitan area of the District of Columbia, and in the field service of the executive departments, independent establishments, and other agencies of the Government, except those who may for special public reasons be excluded from the provisions of this order by the heads of their respective departments, establishments, or agencies, or those whose absence from duty would be inconsistent with the provisions of existing law, shall be excused from duty for one-half day on December 24, 1948.

HARRY S. TRUMAN

THE WHITE HOUSE,
December 2, 1948.

[F. R. Doc. 48-10659; Filed, Dec. 3, 1948;
11:11 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

MISCELLANEOUS AMENDMENTS

1. Section 24.29 is amended to read as follows:

§ 24.29 *Physicist, P-1370 (all grades—(a) Educational requirement.*

Applicants must have successfully completed one of the following:

(1) A full 4-year course, in an accredited college or university, leading to a bachelor's degree. This study must have included courses in physics consisting of lectures, recitations, and appropriate practical laboratory work totaling at least 24 semester hours; or

(2) Courses in physics, in an accredited college or university (or courses in physics which would be acceptable to such a college or university), consisting of lectures, recitations, and appropriate practical laboratory work totaling at least 24 semester hours; plus additional appropriate experience or education which, when combined with the 24 semester hours in physics, will total four years of education and experience and give the applicant a technical and professional knowledge of physics comparable to that which would have been acquired through the successful completion of a 4-year college course.

In either subparagraphs (1) or (2) of this paragraph, the courses have included a fundamental course in general physics and, in addition, courses in any two of the following: (i) Electricity and magnetism; (ii) heat; (iii) light; (iv) mechanics; (v) modern physics; and (vi) sound. All of these courses must have been acceptable for credit toward the completion of a standard 4-year professional curriculum leading to a bachelor's degree at an accredited college or university, and must have been taught in the Department of Physics or be acceptable to that department as courses in physics toward meeting the institution's requirements for a major in physics.

NOTE: For those positions involving highly complicated or fundamental scientific research or similar difficult duties, certification may be restricted to those eligibles who

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

Now Available

UNITED STATES GOVERNMENT MANUAL

1948 Edition

(Revised through June 30)

Published by the Division of the Federal Register, the National Archives

722 pages—\$1.00 a copy

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D. C.

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show the successful completion of a full college education in physics in an accredited college or university.

(b) *Duties.* Physicists plan, direct, conduct or assist in conducting scientific or developmental work or fundamental research work in one or more of the specialized fields of physics. The duties include the collection, examination, and interpretation of scientific data; the presentation of the results of such experimentation in clear, concise terms; and the construction or direction of the construction and manipulation of scientific and laboratory apparatus. In many cases they also include mathematical analyses for the outlining of physical experimentation plans and for the preparation of the results of experimentation in such form that valid conclusions may be drawn.

(c) *Knowledge and training requisite for performance of duties.* The duties of physicist cannot be successfully performed without a sound and comprehensive training in physics, a broad understanding of various related subjects (such as chemistry, mathematics, biology, engineering, etc.), and a knowledge of the interrelationships of these different fields. Appointees must be able to present the results of their research clearly and concisely in either oral or written form. The only method by which this knowledge and training can be acquired is through a directed course of study in an accredited college or university with scientific libraries, well-equipped laboratories, and thoroughly trained instructors, where progress is competently evaluated.

2. Section 24.96 is added as follows:

§ 24.96 *Electronic Scientist, P-1324-1-8, positions involving highly technical research, design, or development, or similar complex scientific functions—(a) Educational requirement.* Applicants must have successfully completed a full curriculum leading to a bachelor's degree in an appropriate field in an accredited college or university, with major study in mathematics, engineering or a recognized branch of the physical sciences.

(b) *Duties.* The duties of these positions involve the formulation, application, interpretation, or evaluation of mathematical techniques and scientific concepts. The nature of the duties is comparable to electronics work or study usually conducted at the graduate level in an accredited college or university.

(c) *Knowledge and training requisite for performance of duties.* Successful performance of the duties of these positions requires a breadth of background and depth of insight into the fundamental nature and properties of matter and energy as applied to electronics and related physical sciences. This knowledge and training can be obtained only through a directed course of study in an accredited college or university with well-equipped laboratories and thoroughly trained instructors, where progress is competently evaluated.

(Sec. 5, 58 Stat. 388; 5 U. S. C. 854)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 48-10556; Filed, Dec. 3, 1948;
8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Lemon Reg. 303]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.410 *Lemon Regulation 303—(a) Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq.; 13 F. R. 766), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, 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 the quantity of such lemons which may be handled, as herein-after 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 (60 Stat. 237; 5 U. S. C. 1001 et seq.) 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 Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., December 5, 1948, and ending at 12:01 a. m., P. s. t., December 12, 1948, is hereby fixed as follows:

- (i) District 1: 219 carloads;
(ii) District 2: 6 carloads.

(2) The prorated base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorated base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handler," "handler," "carloads," "prorate base," "District 1," and "District 2" shall have the same meaning as is given to each such term in the said amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 2d day of December 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Marketing
Administration.

PRORATE BASE SCHEDULE

Storage Date: November 28, 1948

[12:01 a. m. Dec. 5, 1948, to 12:01 a. m.
Dec. 19, 1948]

DISTRICT NO. 1

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.232
American Fruit Growers, Inc., Fullerton	.334
American Fruit Growers, Inc., Lindsay	.000
American Fruit Growers, Inc., Upland	.223
Hazeltine Packing Co.	.521
Ventura Coastal Lemon Co.	3.635
Ventura Pacific Co.	1.882
Total A. F. G.	6.827
Klink Citrus Association	.531
Lemon Cove Association	.408
Glendora Lemon Growers Association	3.868
La Verne Lemon Association	.872
La Habra Citrus Association, The	1.843
Yorba Linda Citrus Association, The	.822
Alta Loma Hts. Citrus Association	.783
Etiwanda Citrus Fruit Association	.644
Mountain View Fruit Association	.401
Old Baldy Citrus Association	1.440
Upland Lemon Growers Association	7.116
Central Lemon Association	.788
Irvine Citrus Association, The	.640
Placentia Mutual Orange Association	.952
Corona Citrus Association	.418
Corona Foothill Lemon Co.	1.933
Jameson Co.	.822
Arlington Heights Citrus Co.	.460
College Heights Orange and Lemon Association	4.400
Chula Vista Citrus Association, The	.767
El Cajon Valley Citrus Association	.093
Escondido Lemon Association	1.512
Fallbrook Citrus Association	1.633
Lemon Grove Citrus Association	.458
San Dimas Lemon Association	2.798
Carpinteria Lemon Association	2.307
Carpinteria Mutual Citrus Association	2.626
Goleta Lemon Association	2.663
Johnston Fruit Co.	3.751

RULES AND REGULATIONS

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 1—continued

Handler	Prorate base (percent)
North Whittier Heights Citrus Association	0.559
San Fernando Heights Lemon Association	1.519
San Fernando Lemon Association	.274
Sierra Madre-Lamanda Citrus Association	1.779
Tulare County Lemon and Grapefruit Association	.800
Briggs Lemon Association	1.733
Culbertson Investment Co.	1.181
Culbertson Lemon Association	.872
Fillmore Lemon Association	1.497
Oxnard Citrus Association No. 1	6.126
Oxnard Citrus Association No. 2	.000
Rancho Sespe	.336
Santa Paula Citrus Fruit Association	2.724
Saticoy Lemon Association	4.447
Seaboard Lemon Association	2.758
Somis Lemon Association	2.985
Ventura Citrus Association	1.343
Limoneira Co.	1.335
Teague-McKevett Association	.484
East Whittier Citrus Association	.648
Leflingwell Rancho Lemon Association	2.96
Murphy Ranch Co.	1.861
Whittier Citrus Association	.663
Whittier Select Citrus Association	.206
Total C. F. G. E.	84.175

Chula Vista Mutual Lemon Association	.689
Escondido Co-operative Citrus Association	.165
Index Mutual Association	.190
La Verne Co-operative Citrus Association	3.684
Orange Co-operative Citrus Association	.043
Ventura County Orange and Lemon Association	2.288
Whittier Mutual Orange and Lemon Association	.177
Total M. O. D.	7.236

California Citrus Groves, Inc., Ltd.	.091
Dunning, William A.	.071
El Rio Lemon Co.	.126
Evans Bros. Packing Co.	.028
Flint, Arthur E.	.000
Harding & Leggett	.257
Johnson, Fred	.023
Lorbeer, Carroll W. C.	.079
MacDonald, Hugh J.	.013
Orange Belt Fruit Distributors	.634
Reimers, Don H.	.097
San Antonio Orchard Co.	.229
Sentinel Butte Corp.	.000
Zaninovich Bros., Inc.	.114

Total Independents..... 1.762

DISTRICT NO. 2

Total 100.000

Consolidated Citrus Growers	16.267
Phoenix Citrus Packing Co.	5.817

Total A. F. G. 22.084

Arizona Citrus Growers	25.150
Desert Citrus Growers Co.	15.993
Mesa Citrus Growers	6.649
Tempe Citrus Co.	2.187

Total C. F. G. E. 49.979

Leppa Henry Produce Co.	19.069
Pioneer Fruit Co.	7.239

Total M. O. D. 26.308

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Morris Bros.	1.629
Total independents	1.629

[F. R. Doc. 48-10626; Filed, Dec. 3, 1948; 10:19 a. m.]

[Orange Reg. 257]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.403 *Orange Regulation 257*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, 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 (60 Stat. 237; 5 U. S. C. 1001 et seq.) 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 Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., December 5, 1948, and ending at 12:01 a. m., P. s. t., December 12, 1948, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate District No. 1: No movement;

(b) Prorate District No. 2: Unlimited movement;

(c) Prorate District No. 3: No movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate District No. 1: 1,250 carloads;

(b) Prorate District No. 2: Unlimited movement;

(c) Prorate District No. 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 (11 F. R. 10258) of the rules and regulations contained in this part. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 3d day of December 1948.

[SEAL]

S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Marketing
Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. Dec. 5, 1948, to 12:01 a. m. Dec. 12, 1948]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 1

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Lindsay	1.5905
A. F. G. Porterville	2.0423
A. F. G. Sides	.6301
Ivanhoe Cooperative Association	.5992
Dofflemyer & Sons, W. Todd	.6090
Earlibest Orange Association	1.2475
Elderwood Citrus Association	.8728
Exeter Citrus Association	2.5207
Exeter Orange Growers Association	1.2855
Exeter Orchards Association	1.5428
Hillside Packing Association	1.6733
Ivanhoe Mutual Orange Association	1.0106
Klink Citrus Association	4.7550
Lemon Cove Association	2.0188
Lindsay Citrus Growers Association	2.4950
Lindsay Coop. Citrus Association	1.4363
Lindsay District Orange Co.	1.1280
Lindsay Fruit Association	1.8235
Lindsay Orange Growers Association	.7796
Naranjo Packing House Co.	1.0671
Orange Cove Citrus Association	2.9431
Orange Cove Orange Growers	1.9150
Orange Packing Co.	1.1999
Orosi Foothill Citrus Association	1.3719
Paloma Citrus Fruit Association	1.0943
Rocky Hill Citrus Association	1.6345
Sanger Citrus Association	3.6636
Sequoia Citrus Association	1.1627
Stark Packing Corp.	1.9609
Visalia Citrus Association	1.5831
Waddell & Son	1.7552
Butte County Citrus Association, Inc.	1.3654
James Mills Orchards Co.	.4875
Orland Orange Growers Association, Inc.	1.1316
Andrews Bros. of Calif.	.5480
Baird-Neece Corp.	1.8794
Beattie Association, Agnes M.	.7198
Grand View Heights Citrus Association	2.3750
Magnolia Citrus Association	2.1920
Porterville Citrus Association, The	1.4189
Richgrove-Jasmine Citrus Association	1.4007
Sandilands Fruit Co.	1.5640
Strathmore Coop. Association	1.5894
Strathmore Distributors Organization Association	1.4133
Strathmore Fruit Growers Association	1.0801
Strathmore Packing House Co.	1.4773
Sunflower Packing Association, Inc.	2.2898
Sunland Packing House Co.	2.7279
Terra Bella Citrus Association	1.0844

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 1—Continued

Handler	Prorate base (percent)
Tule River Citrus Association	1.2783
Kroells Bros. Ltd.	1.4258
Lindsay Mutual Groves	1.5618
Martin Ranch	1.2078
Woodlake Packing House	2.3172
Anderson Packing Co., R. M.	.4712
Baker Bros.	.1257
Calif. Cit. Groves, Inc., Ltd.	1.7246
Chess Co., Meyer W.	.3610
Edison Groves, Inc.	.7594
Evans Brothers Packing Co.	.0294
Exeter Groves Packing Co.	.8041
Furr, N. C.	.5238
Ghlanda Ranch	.0322
Harding & Leggett	1.4598
Justman-Frankenthal Co.	.1704
Lo Bue Bros.	.8217
Marks, W. M.	.3791
Panno Fruit Co., Carlo	.2008
Randolph Marketing Co.	2.0382
Reimers, Don H.	.3325
Rooke Packing Co., B. G.	1.0201
Webb Packing Co., Inc.	.6693
Wollenman Packing Co.	.9848
Woodlake Heights Packing Corp.	.4557
Zaninovich Bros.	.6890

[F. R. Doc. 48-10657; Filed, Dec. 3, 1948; 11:35 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration

PART 600—DESIGNATION OF CIVIL AIRWAYS
REALIGNMENT AND ESTABLISHMENT OF CIVIL AIRWAYS

It appearing that (1) the increased volume of air traffic between certain points necessitates, in the interest of safety in air commerce, the immediate realignment and establishment of civil airways between such points; (2) the realignment and establishment of the civil airways referred to in (1) above, have been coordinated with the civil operators involved, the Army, and the Navy, through the Air Coordinating Committee, Airspace Subcommittee; and (3) compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable, unnecessary, and contrary to the public interest, and therefore is not required;

Now, therefore, acting under authority contained in sections 205, 301, 302, 307, and 308 of the Civil Aeronautics Act of 1938, as amended, and pursuant to section 3 of the Administrative Procedure Act, I hereby amend the Code of Federal Regulations, Title 14, Chapter II, Part 600, as follows:

[Amtd. 12]

Designation and Redesignation of Civil Airways: Amber Civil Airway No. 1; Red Civil Airway No. 76; Blue Civil Airways Nos. 7, 10 and 54

1. Section 600.4 (b) (1) is amended to read:

(1) *Amber civil airway No. 1 (United States-Mexican Border to Nome, Alaska).* From the intersection of the southeast

course of the San Diego, Calif., radio range and the United States-Mexican Border via the San Diego, Calif., radio range station; the intersection of the northwest course of the San Diego, Calif., radio range and the southeast course of the Long Beach, Calif., radio range and the Long Beach, Calif., radio range station to the Los Angeles, Calif., radio range station. From the intersection of the north course of the Los Angeles, Calif., radio range and the southwest course of the Palmdale, Calif., radio range via the Bakersfield, Calif., radio range station; Fresno, Calif., radio range station; Sacramento, Calif., radio range station; Williams, Calif., radio range station; Red Bluff, Calif., radio range station; Fort Jones, Calif., radio range station; Medford, Oreg., radio range station; Eugene, Oreg., radio range station; Portland, Oreg., radio range station; Toledo, Wash., radio range station; Seattle, Wash., radio range station; Everett, Wash., radio range station; the intersection of the north course of the Everett, Wash., radio range and the southeast course of the Bellingham, Wash., radio range and the Bellingham, Wash., radio range station to the intersection of the northwest course of the Bellingham, Wash., radio range and the United States-Canadian Border. From the intersection of the northwest course of the Massett, B. C., radio range and the United States-Canadian Border via the intersection of the northwest course of the Massett, B. C., radio range and the southeast course of the Sitka (Biorka Island), Alaska, radio range; Sitka (Biorka Island), Alaska, radio range station; Yakutat, Alaska, radio range station; the intersection of the northwest course of the Yakutat, Alaska, radio range and the southeast course of the Cordova (Hinchinbrook Island), Alaska, radio range; Cordova (Hinchinbrook Island), Alaska, radio range station; the intersection of the northwest course of the Cordova (Hinchinbrook Island), Alaska, radio range and the southeast course of the Anchorage, Alaska, radio range; Anchorage, Alaska, radio range station; Skwentna, Alaska, radio range station; the intersection of the northwest course of the Skwentna, Alaska, radio range and the southeast course of the Farewell, Alaska, radio range; Farewell, Alaska, radio range station; McGrath, Alaska, radio range station; Unalakleet, Alaska, radio range station to the Nome, Alaska, radio range station.

2. Section 600.4 (c) (76) is added to read:

(76) *Red civil airway No. 76 (Williams, Calif., to Auburn, Calif.).* From the Williams, Calif., radio range station to the intersection of the east course of the Williams, Calif., radio range and the northeast course of the Sacramento, Calif., radio range.

3. Section 600.4 (d) (7) is amended to read:

(7) *Blue civil airway No. 7 (Paso Robles, Calif., to Williams, Calif.).* From the Paso Robles, Calif., VHF radio range station via the intersection of the north-

west course of the Paso Robles, Calif., VHF radio range and the southeast course of the Oakland, Calif., radio range to the intersection of the southeast course of the Oakland, Calif., radio range and the northwest course of the Fresno, Calif., radio range. From the intersection of the west course of the Fresno, Calif., radio range and the south course of the Fairfield-Suisun, Calif. (AFB), radio range via the Fairfield-Suisun, Calif. (AFB), radio range station to the Williams, Calif., radio range station.

4. Section 600.4 (d) (10) is amended to read:

(10) *Blue civil airway No. 10 (Fresno, Calif., to Williams, Calif.).* From the Fresno, Calif., radio range station via the intersection of the west course of the Fresno, Calif., radio range and the southeast course of the Oakland, Calif., radio range; Oakland, Calif., radio range station; the intersection of the northwest course of the Oakland, Calif., radio range and the southwest course of the Williams, Calif., radio range to the Williams, Calif., radio range station.

5. Section 600.4 (d) (54) is amended to read:

(54) *Blue civil airway No. 54 (Salinas, Calif., to Hamilton Field, Calif.).* From the Salinas, Calif., VHF radio range station via the Evergreen, Calif., non-directional radio beacon to the San Francisco, Calif., radio range station. From the intersection of the northwest course of the Oakland, Calif., radio range and the southwest course of the Fairfield-Suisun, Calif. (AFB), radio range to a point at Latitude 38°02'45" Longitude 122°31'40".

This amendment shall become effective 0001 e. s. t., December 5, 1948.

(Secs. 205, 301, 302, 307, and 308; 52 Stat. 984, 985, 986; 54 Stat. 1233, 1235; Pub. Law 872, 80th Cong.; 49 U. S. C., 425, 451, 452, 457, 458)

[SEAL]

D. W. RENTZEL,

Administrator of Civil Aeronautics.

[F. R. Doc. 48-10553; Filed, Dec. 3, 1948; 8:45 a. m.]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

REDESIGNATION AND ESTABLISHMENT OF CONTROL AREAS

It appearing that (1) the increased volume of air traffic between certain points necessitates, in the interest of safety in air commerce, the immediate redesignation and establishment of control areas, including reporting points between such locations; (2) the redesignation and establishment of the control areas referred to in (1) above, have been coordinated with the civil operators involved, the Army and the Navy, through the Air Coordinating Committee, Airspace Subcommittee; and (3) compliance with the notice, procedures, and effective date provisions of section 4 of

the Administrative Procedure Act would be impracticable, unnecessary, and contrary to public interest, and therefore is not required;

Now therefore, acting under authority contained in sections 205, 301, 302, 307, and 308 of the Civil Aeronautics Act of 1938, as amended, and pursuant to section 3 of the Administrative Procedure Act, I hereby amend the Code of Federal Regulations, Title 14, Chapter II, Part 601, as follows:

[Amdt. 16]

Designation and Redesignation of Control Areas: Red Civil Airway No. 76; Blue Civil Airways Nos. 7 and 54. Designation and Redesignation of Reporting Points: Amber Civil Airway No. 1; Red Civil Airway No. 76; Blue Civil Airways Nos. 7, 10 and 54

1. Section 601.4 (c) (76) is added to read:

(76) *Red civil airway No. 76 control areas (Williams, Calif., to Auburn, Calif.). All of Red civil airway No. 76.*

2. Section 601.4 (d) (7) is amended by changing caption to read:

(7) *Blue civil airway No. 7 control areas (Paso Robles, Calif., to Williams, Calif.).*

3. Section 601.4 (d) (54) is amended by changing caption to read:

(54) *Blue civil airway No. 54 control areas (Salinas, Calif., to Hamilton Field, Calif.).*

4. Section 601.9 (b) (1) is amended to read:

(1) *Amber civil airway No. 1 (United States-Mexican Border to Nome, Alaska). San Diego, Calif., radio range station; the intersection of the northwest course of the San Diego, Calif., radio range and the southeast course of the Long Beach, Calif., radio range; Bakersfield, Calif., radio range station; Fresno, Calif., radio range station; Williams, Calif., radio range station; Red Bluff, Calif., radio range station; Fort Jones, Calif., radio range station; Medford, Oreg., radio range station; Eugene, Oreg., radio range station; Portland, Oreg., radio range station; Toledo, Wash., radio range station; Everett, Wash., radio range station; Bellingham, Wash., radio range station; the intersection of the northwest course of the Massett, B. C., radio range and the southwest course of the Annette Island, Alaska, radio range; the intersection of the northwest course of the Massett, B. C., radio range and the southeast course of the range; Sitka (Biorka Island), Alaska, radio range station; the intersection of the northwest course of the Sitka (Biorka Island), Alaska, radio range and the southwest course of the Gustavus, Alaska, radio range; Yakutat, Alaska, radio range station; the intersection of the northwest course of the Yakutat, Alaska, radio range and the south course of the Yakataga, Alaska, radio range; Cordova (Hinchinbrook Island), Alaska, radio range station; the intersection of the northwest course of the Cordova (Hin-*

chbrook Island), Alaska, radio range and the southeast course of the Anchorage, Alaska, radio range; Skwentna, Alaska, radio range station.

5. Section 601.9 (c) (76) is added to read:

(76) *Red civil airway No. 76 (Williams, Calif., to Auburn, Calif.). No reporting point designation.*

6. Section 601.9 (d) (7) is amended by changing the caption to read:

(7) *Blue civil airway No. 7 (Paso Robles, Calif., to Williams, Calif.).*

7. Section 601.9 (d) (10) is amended to read:

(10) *Blue civil airway No. 10 (Fresno, Calif., to Williams, Calif.). Los Banos, Calif., fan type radio marker station or the intersection of the northwest course of the Fresno, Calif., radio range and the south course of the Stockton, Calif., radio range; Evergreen, Calif., non-directional radio marker beacon.*

8. Section 601.9 (d) (54) is amended by changing the caption to read:

(54) *Blue civil airway No. 54 (Salinas, Calif., to Hamilton Field, Calif.).*

This amendment shall become effective 0001 e. s. t., December 5, 1948.

(Secs. 205, 301, 302, 307, and 308; 52 Stat. 984, 985, 986; 54 Stat. 1233, 1235; Pub. Law 872, 80th Cong.; 49 U. S. C. 425, 451, 452, 457, 458)

[SEAL] D. W. RENTZEL,
Administrator of Civil Aeronautics.

[F. R. Doc. 48-10554; Filed, Dec. 3, 1948; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52093]

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

GRAIN; SHORT SHIPMENTS, SHORTAGES ENTRY AND ALLOWANCE

In order that collectors of customs may make an allowance for all losses of grain being transported in bond, when the circumstances are such that the lost grain cannot and will not enter into consumption in the United States, § 18.6 (e), Customs Regulations of 1943 (19 CFR, Cum. Supp., 18.6 (e)), is hereby deleted and paragraph (f) is redesignated (e).

(59 Stat. 667, sec. 624, 46 Stat. 759; 19 U. S. C. 1624)

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: November 26, 1948.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.
[F. R. Doc. 48-10574; Filed, Dec. 3, 1948; 8:52 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration (Old-Age and Survivors Insurance), Federal Security Agency

[Reg. 3, Amdt.]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE

TECHNICAL AMENDMENTS

Regulations No. 3, as amended (20 CFR, 1947 Supp., 403.1 et seq.), are further amended as follows:

1. The heading of § 403.1 (b) is amended to read:

§ 403.101 *Scope of regulations in this pertinent statutes and regulations.*

(b) *Title II of the Social Security Act, as amended effective January 1, 1940, and thereafter, and regulations of the Social Security Administration thereunder.*

2. Section 403.101 is amended to read:

§ 403.101 *Scope of regulations in this part.* (a) The regulations in this part relate to old-age and survivors insurance benefits and to lump-sum death payments under Title II of the act (as defined in § 403.801 (d)), and to survivors insurance benefits and to lump sums payable under said act as modified by Part I of the Railroad Retirement Act (as defined in § 403.801 (u)).

(b) The act provides the following types of payments for the wage earner and for persons having a designated relation to him: primary insurance benefits (to the wage earner), wife's insurance benefits, child's insurance benefits, widow's insurance benefits, widow's current insurance benefits, parent's insurance benefits, and lump-sum death payments. The lump-sum death payments to which the regulations in this part relate (hereinafter referred to as lump sums) are to be distinguished from lump-sum payments to estates of individuals who died prior to January 1, 1940 (see § 403.102). The subject matter of the regulations in this part is divided into nine subparts in addition to this subpart, as follows:

Subpart B: "Insured status," which is a basic condition of entitlement to each kind of benefit enumerated above and to lump sums.

Subpart C: Basic computation of benefits and lump sums: "primary insurance benefit" and "average monthly wage."

Subpart D: Conditions of entitlement to the several types of benefits and to lump sums and the method of computing the amount thereof.

Subpart E: Reduction and increase of insurance benefits in cases where such benefits would otherwise exceed a stated maximum or would total less than a stated minimum and deductions required from benefits and from lump sums.

Subpart F: Adjustment of overpayments and underpayments.

Subpart G: Evidence, procedure, and payment including the administrative

procedures for the determination and certification of payment of benefits, the maintenance and revision of wage records, the hearing and review of matters affecting payments and the revision of wage records, and the representation of parties.

Subpart H: Definitions:

General definitions (§ 403.801).
Employment (§§ 403.802-403.826a).
Wages (§§ 403.827-403.828).
Family relationships (§§ 403.829-403.835).

Subpart J: Benefits in case of deceased World War II veterans.

Subpart K: Inter-relationship of old-age and survivors insurance program with the railroad retirement program.

3. The heading of § 403.303 is amended to read:

§ 403.303 *Time of computation of primary insurance benefit.*

4. Section 403.401 (a) and (c) (1) is amended to read as follows:

§ 403.401 *General effect of section 202 of the act—(a) Conditions of entitlement.* This subpart states the conditions of entitlement to monthly benefits and to lump-sum death payments under section 202 of the act. All of the several conditions of entitlement to benefits may be met in a single month, or part may be met in one month and part in another month or months, but all of such conditions must ultimately exist in one month.

(c) *Determination of amount to be paid.* (1) The amount paid to the beneficiary is normally the same as the amount of the benefit or lump sum, as calculated under section 202 of the act. In the case of benefits (other than primary insurance benefits), the amount as so calculated may, however, under certain circumstances, be reduced or increased for any particular month (see § 403.502); and in the case both of benefits (including primary insurance benefits) and lump sums, deductions and adjustments may be required (see §§ 403.503 to 403.505, and § 403.601). In such cases, therefore, the amount actually paid to the beneficiary for a month may be more or less than the amount calculated under section 202 of the act.

5. Section 403.502 is amended so that the undesignated paragraph preceding paragraph (a) will read as follows:

§ 403.502 *Reductions and increases of benefits.* Section 203 (a), (b), and (c) of the act, and section 405 of the Social Security Act Amendments of 1946, apply only to monthly benefits. Lump sums under section 202 (g) of the act are not subject to reductions or increases under this section.

6. Section 403.503 is amended so that the undesignated paragraph preceding paragraph (a) will read as follows:

§ 403.503 *Deductions because of employment, etc.* Section 203 (d) (as amended by section 406 (a) of the Social Security Act Amendments of 1946), (e), and (f) of the act provide for deductions from benefits upon the occurrence of certain events which are enumerated in

paragraphs (a), (b), and (c) of this section.

7. Section 403.504 (a) is amended, except as to the example therein, to read as follows:

§ 403.504 *Additional deductions—(a) Reports to the Administration of events occasioning deductions.* (1) Section 203 (g) of the act imposes upon an individual the obligation to report to the Administration the occurrence of any of the events enumerated in subsection (d) or (e) of section 203 of the act (see § 403.503), if such individual is in receipt of benefits (on his own behalf or on behalf of another) from which a deduction is to be made under such subsections.

(2) If such individual has knowledge of the occurrence of any such event and fails to report to the Administration prior to the receipt and acceptance of a benefit for the second month following the month in which such event occurred, a deduction is made (except as noted in this subparagraph) in addition to that required under section 203 (d) or (e) of the act. If, however, either a wage earner, or another individual in receipt of benefits based on his wages, reports to the Administration within the time prescribed, that such wage earner rendered services in a month for wages of \$15 or more (see § 403.503 (a)), no such additional deduction will be made on account of the rendition of such services by the wage earner.

(3) The amount of an additional deduction required under this section and the manner in which it is effected are the same as provided for deductions under section 203 (d) or (e) of the act on account of the event which such individual failed to report, except that the amount of the first additional deduction imposed against any individual shall not exceed an amount equal to one month's benefit even though the failure to report is with respect to more than one month.

8. Section 403.702 (e) (2) is amended to read as follows:

§ 403.702 *Supporting evidence as to right to receive benefits and lump sums.* * * *

(e) *Evidence as to relationship of parent and child.* * * *

(2) *Parent's application.* An applicant for parent's insurance benefits shall file evidence of his relationship to the child upon the basis of whose wages the benefits are claimed. (See paragraph (k) of this section as to applications for lump sums.) Such evidence should be of the following character:

(i) If the relationship is by blood, the signed statement of the applicant as to the existence of the relationship should be submitted.

(ii) If the relationship is by adoption, a certified copy of the decree or order of adoption shall be submitted. If this cannot be obtained without a court order, other evidence of probative value may be accepted.

(iii) If the relationship is that of stepparent and stepchild, evidence of the marriage of such stepparent with a blood parent or adopting parent of the child

should be submitted, as described in paragraph (b) of this section (in the order of priority therein provided), and there shall also be submitted evidence of the relationship of the child and such blood parent (or adopting parent) as provided under subdivision (i) or (ii) of this subparagraph.

9. Section 403.702 (e) is further amended by adding a new subparagraph (3) to read as follows:

§ 403.702 *Supporting evidence as to right to receive benefits and lump sums.* * * *

(e) *Evidence as to relationship of parent and child.* * * *

(3) *Where evidence is not obtainable.* If the evidence described in subparagraph (1) or (2) of this paragraph, as the case may be, is not obtainable, the reason therefor should be stated and the applicant may submit other evidence of probative value.

10. Section 403.702 (f) (2) is amended to read as follows:

§ 403.702 *Supporting evidence as to right to receive benefits and lump sums.* * * *

(f) *Evidence of "living with" wage earner.* * * *

(2) *Widower.* (i) A widower who applies for a lump sum based upon the wages of his wife who died after December 31, 1946, shall file evidence that he was living with his wife at the time of the wife's death (see § 403.408).

(ii) Such evidence should be a signed statement by the widower, that the husband and wife, at the time of the wife's death, were living together at the same place of abode, and customarily so lived together, and giving the address of such place. If the widower and his wife were temporarily living apart, the signed statement by the widower should state the places of residence of the husband and wife, the reason for their separation, the length of time they had been separated, and the expected duration of the separation.

11. Section 403.702 (f) is further amended by adding a new subparagraph (3) to read as follows:

§ 403.702 *Supporting evidence as to right to receive benefits and lump sums.* * * *

(f) *Evidence of "living with" wage earner.* * * *

(3) *Where evidence is not obtainable.* If the evidence described in subparagraph (1) or (2) of this paragraph, as the case may be, is not obtainable, the reason therefor shall be stated and the applicant may submit other evidence of probative value.

12. Section 403.702 (g) is amended to read as follows:

§ 403.702 *Supporting evidence as to right to receive benefits and lump sums.* * * *

(g) *Evidence as to dependency of a child.* A child who applies for benefits based upon the wages of an individual shall submit evidence as to his dependence upon such wage earner. Such evi-

dence should be of the following character:

(1) *Father or adopting father.* If the individual upon the basis of whose wages the benefits are claimed is the father or adopting father of the child, there should be submitted a signed statement by a person having knowledge thereof, that, at the time the child's application was filed or at the time of such wage earner's death, as the case may be:

(i) Such wage earner and such child were living together, at a common place of abode, and giving the address of such place; or

(ii) Such wage earner was contributing to the support of the child, and describing the amount, time or times, and manner of making such contributions; or

(iii) The child at the time in question:

(a) Was the legitimate or adopted child of such wage earner; and

(b) Had not been adopted by another individual; and

(c) Either was not living with, or was not chiefly supported by, a stepfather at the time of the death of the father or adopting father. (This part of the statement is necessary only in the event that the child's application is based upon the wages of a deceased father or deceased adopting father.)

(2) *Mother, adopting mother, or step-parent.* If the individual upon the basis of whose wages the benefits are claimed is the mother, adopting mother, or step-parent of the child, there should be submitted a signed statement by a person having knowledge thereof, that at the time of filing the application or at the time of the wage earner's death, as the case may be, the child was not living with its father or adopting father and that no contributions in any medium were being made for the support of the child by such child's father or adopting father. If any contributions were being made by the father or adopting father, the time, amount, and manner of making such contributions should be stated.

(3) *Where evidence is not obtainable.* If the evidence designated in subparagraph (1) or (2) of this paragraph, as the case may be, is not obtainable, the reason therefor shall be stated and the applicant may submit other evidence of probative value.

13. Section 403.702 (i) is amended to read as follows:

§ 403.702 *Supporting evidence as to right to receive benefits and lump sums.*

(1) *Evidence as to the dependency of a parent.* A parent who claims to have been wholly or chiefly dependent upon and supported by a wage earner shall, in filing proof of such dependency, submit a signed statement setting forth, as of the time of such wage earner's death, and for a period of not less than one year prior to such time, the amount and kind of contributions made to the parent by such wage earner. The statement shall also describe the tangible and intangible property owned by the parent, and, for a period of one year prior to such death,

the income from such property and any other income (including contributions from other children and relatives) received by the parent, and the amount and source of such income. Proof that a parent was wholly or chiefly dependent upon and supported by a wage earner, at the time of such wage earner's death, must, except as otherwise provided in § 403.701 (j), be filed within two years after the death of such wage earner (see § 403.407 (a) (3)).

14. Section 403.706 (a) (4) is amended to read as follows:

§ 403.706 *Initial determination—(a) Determinations affecting benefits, lump sums, and wage records.*

(4) *Parent's dependency.* The Bureau shall make findings, setting forth the pertinent facts and conclusions, and an initial determination as to whether a parent (hereafter referred to as the party to the determination) was wholly or chiefly dependent upon and supported by a fully insured individual at the time of such individual's death. Such findings of fact and determination shall be made when evidence of such dependency and support is submitted by the party at a time prior to the filing of an application by him for parent's insurance benefits, but, except as otherwise provided in § 403.701 (j), within 2 years after the death of the insured individual. (See §§ 403.407 (a) (3) and 403.702 (i).)

15. Section 403.714 is deleted.

16. Section 403.801 (a) and (g) is amended to read as follows:

§ 403.801 *General definitions and use of terms.* As used in the regulations in this part, except § 403.1.

(a) The terms defined in sections 209 and 1101 (a) and (b) of the act shall have the meanings therein assigned to them.

(g) Social Security Act Amendments of 1946 means the act approved August 10, 1946 (60 Stat. 978).

17. Section 403.802 is amended so that the first paragraph thereof will read:

§ 403.802 *Employment prior to January 1, 1940.* Under the provisions of section 209 (b) of the act, effective on and after January 1, 1940, services performed prior to January 1, 1940, with an exception as noted below, constitute employment if they were employment under section 210 (b) of the Social Security Act as modified by section 15 of the Railroad Retirement Act of 1935 and section 17 of the Railroad Retirement Act of 1937. However, for the purpose of determining insurance benefits under Title II of the act which are payable for months after 1946 to the widow, parent, or child of a deceased wage earner and with respect to lump-sum death payments under such title payable in relation to a death occurring after 1946, section 15 of the Railroad Retirement Act of 1935 and section 17 of the Railroad Retirement Act (defined in § 403.801 (u)) shall not operate to exclude from employment under this section of these

regulations services which would otherwise be included in such employment but for said section 15 and section 17.

18. The statutory provisions immediately preceding § 403.816 are amended so that section 1532 (b), (d), and (e) of the Internal Revenue Code will read as follows:

SECTION 1532 OF THE INTERNAL REVENUE CODE
DEFINITIONS

(b) *Employee.* The term "employee" means any person in the service of one or more employers for compensation: *Provided, however,* That the term "employee" shall include an employee of a local lodge or division defined as an employer in subsection (a) only if he was in the service or of in the employment relation to a carrier on or after August 29, 1935. An individual [is in the employment relation to a carrier if he is on furlough, subject to call for service within or outside the United States and ready and willing to serve, or on leave of absence, or absent on account of sickness or disability; all in accordance with the established rules and practices in effect on the carrier: *Provided, however,* That an individual shall not be deemed to be in the employment relation to a carrier unless during the last payroll period in which he rendered service to it he was with respect to that service in the service of an employer in accordance with subsection (d) of this section.] shall be deemed to have been in the employment relation to a carrier on August 29, 1935, if (i) he was on that date on leave of absence from his employment, expressly granted to him by the carrier by whom he was employed, or by a duly authorized representative of such carrier, and the grant of such leave of absence will have been established to the satisfaction of the Railroad Retirement Board before July 1947; or (ii) he was in the service of a carrier after August 29, 1935, and before January 1946 in each of six calendar months, whether or not consecutive; or (iii) before August 29, 1935, he did not retire and was not retired or discharged from the service of the last carrier by whom he was employed or its corporate or operating successor, but (A) solely by reason of his physical or mental disability he ceased before August 29, 1935, to be in the service of such carrier and thereafter remained continuously disabled until he attained age sixty-five or until August 1945, or (B) solely for such last stated reason a carrier by whom he was employed before August 29, 1935, or a carrier who is its successor did not on or after August 29, 1935, and before August 1945 call him to return to service, or (C) if he was so called he was solely for such reason unable to render service in six calendar months as provided in clause (ii); or (iv) he was on August 29, 1935, absent from the service of a carrier by reason of a discharge which, within one year after the effective date thereof, was protested, to an appropriate labor representative or to the carrier, as wrongful, and which was followed within ten years of the effective date thereof by his reinstatement in good faith to his former service with all his seniority rights: *Provided,* That an individual shall not be deemed to have been on August 29, 1935, in the employment relation to a carrier if before that date he was granted a pension or gratuity on the basis of which a pension was awarded to him pursuant to section 6 of the Railroad Retirement Act of 1937, or if during the last payroll period before August 29, 1935, in which he rendered service to a carrier he was not in the service of an employer, in accordance with subsection (d), with respect to any service in such payroll period, or if he could have been in the

employment relation to an employer only by reason of his having been, either before or after August 29, 1935, in the service of a local lodge or division defined as an employer in subsection (a).

The term "employee" includes an officer of an employer.

The term "employee" shall not include any individual while such individual is engaged in the physical operations consisting of the mining of coal, the preparation of coal, the handling (other than movement by rail with standard railroad locomotives) of coal not beyond the mine tippie, or the loading of coal at the tippie. [The words in italics were added and the words in brackets were deleted by section 3 (e) of the Act of July 31, 1946 (60 Stat. 724), and as so amended this subsection applies with respect to services rendered after December 31, 1946—see section 402 of the Act of July 31, 1946 (60 Stat. 741).]

(d) *Service.* An individual is in the service of an employer whether his service is rendered within or without the United States if (i) he is subject to the continuing authority of the employer to supervise and direct the manner of rendition of his service, [which service he renders for compensation] or he is rendering professional or technical services and is integrated into the staff of the employer, or he is rendering, on the property used in the employer's operations, other personal services the rendition of which is integrated into the employer's operations, and (ii) he renders such service for compensation: *Provided, however,* That an individual shall be deemed to be in the service of an employer, other than a local lodge or division or a general committee of a railway-labor-organization employer, not conducting the principal part of its business in the United States only when he is rendering service to it in the United States; and an individual shall be deemed to be in the service of such a local lodge or division only if (1) all, or substantially all, the individuals constituting its membership are employees of an employer conducting the principal part of its business in the United States; or (2) the headquarters of such local lodge or division is located in the United States; and an individual shall be deemed to be in the service of such a general committee only if (1) he is representing a local lodge or division described in clauses (1) or (2) immediately above; or (2) all, or substantially all, the individuals represented by it are employees of an employer conducting the principal part of its business in the United States; or (3) he acts in the capacity of a general chairman or an assistant general chairman of a general committee which represents individuals rendering service in the United States to an employer, but in such case if his office or headquarters is not located in the United States and the individuals represented by such general committee are employees of an employer not conducting the principal part of its business in the United States, only such proportion of the remuneration for such service shall be regarded as compensation as the proportion which the mileage in the United States under the jurisdiction of such general committee bears to the total mileage under its jurisdiction, unless such mileage formula is inapplicable, in which case such other formula as the Railroad Retirement Board may have prescribed pursuant to subsection (c) of section 1 of the Railroad Retirement Act of 1937 shall be applicable, and if the application of such mileage formula, or such other formula as the Board may prescribe, would result in the compensation of the individual being less than 10 per centum of his remuneration

for such service no part of such remuneration shall be regarded as compensation: *Provided further,* That an individual not a citizen or resident of the United States shall not be deemed to be in the service of an employer when rendering service outside the United States to an employer who is required under the laws applicable in the place where the service is rendered to employ therein, in whole or in part, citizens or residents thereof; and the laws applicable on August 29, 1935, in the place where the service is rendered shall be deemed to have been applicable there at all times prior to that date. [The words in italics were added and the words in brackets were deleted by section 1 of the Act of July 31, 1946 (60 Stat. 724), and as so amended this subsection applies with respect to services rendered after December 31, 1946—see section 402 of the Act of July 31, 1946 (60 Stat. 741).]

(e) *Compensation.* The term "compensation" means any form of money remuneration earned by an individual for services rendered as an employee to one or more employers, or as an employee representative, including remuneration paid for time lost as an employee, but remuneration paid for time lost shall be deemed earned in the month in which such time is lost. Such term does not include tips, or the voluntary payment by an employer, without deduction from the remuneration of the employee, of the tax imposed on such employee by section 1500. Compensation which is earned during the period for which the Commissioner shall require a return of taxes under this subchapter to be made and which is payable during the calendar month following such period shall be deemed to have been paid during such period only. * * * A payment made by an employer to an individual through the employer's pay roll shall be presumed, in the absence of evidence to the contrary, to be compensation for service rendered by such individual as an employee of the employer in the period with respect to which the payment is made. An employee shall be deemed to be paid, "for time lost" the amount he is paid by an employer with respect to an identifiable period of absence from the active service of the employer, including absence on account of personal injury, and the amount he is paid by the employer for loss of earnings resulting from his displacement to a less remunerative position or occupation. If a payment is made by an employer with respect to a personal injury and includes pay for time lost, the total payment shall be deemed to be paid for time lost unless, at the time of payment, a part of such payment is specifically apportioned to factors other than time lost, in which event only such part of the payment as is not so apportioned shall be deemed to be paid for time lost. [The words in italics were added by section 3 (f) of the Act of July 31, 1946 (60 Stat. 725), and are effective only with respect to services rendered after December 31, 1946—see section 402 of the Act of July 31, 1946 (60 Stat. 741).]

19. Section 403.832 (a) is amended to read:

§ 403.832. *Definition of "child."* * * *

(a) *Children.* A son or daughter of a wage earner, who is the child (by blood) of such wage earner or has the same status as a child, under applicable State law (see § 403.829), is the "child" of such wage earner.

EXAMPLE: A child C was born out of wedlock to M. Under the law of the State where M was domiciled (applicable State law), C is the child of M. C is the "child" of M within the meaning of this paragraph.

20. Subpart I of the regulations in this part is deleted.

(Sec. 205 (a), 53 Stat. 1368, sec. 1102, 49 Stat. 647; 42 U. S. C. 405 (a), 1302; 60 Stat. 1095; and 45 CFR, 1946 Supp., 1.21; sec. 4, Reorg. Plan No. 2 of 1946, 11 F. R. 7873; 45 CFR, 1946 Supp., 1.21)

Dated: November 29, 1948.

[SEAL] A. J. ALTMAYER,
Commissioner for Social Security.

Approved: November 30, 1948.

J. DONALD KINGSLEY,
Acting Federal Security
Administrator.

[F. R. Doc. 48-10578; Filed, Dec. 3, 1948;
8:53 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

NEW DRUGS INTENDED FOR ANIMAL USE

Pursuant to section 3 of the Administrative Procedure Act (60 Stat. 237, 238), the following statement of policy and interpretation is issued.

§ 3.7 *Notice to manufacturers, packers, and distributors of veterinary preparations and animal feeds.* A number of products have been developed to promote fattening, increase milk or egg production, or effect other physiological changes in farm animals. Many of these compounds contain as active ingredients substances the toxicity of which is known to be of a high order. For example, thiouracil, a very potent drug, has been proposed for use to promote fattening. When such substances are added to food they render the food adulterated under section 402 (a) of the Federal Food, Drug, and Cosmetic Act.

The Federal Security Agency regards sections 402 (a) (2) and 406 of the act as clear enunciations of congressional intent to deny the channels of interstate commerce to food containing added poisonous or deleterious ingredients which are unnecessary in its production or which can be avoided by good manufacturing practice.

Since these compounds are intended to affect the structure or function of the body of animals and have not been previously used for such purposes, they are regarded as new drugs, requiring the submission of adequate evidence of their safety, as required by section 505 of the act, before being marketed in interstate commerce.

In considering a new-drug application for a product intended to effect physiological changes in farm animals, the Federal Security Agency will regard the absence of satisfactory evidence showing that the meat or other food obtained from animals fed the drug is entirely free of any poisonous or deleterious ingredient resulting therefrom at the

time of marketing as ground for refusal to make the application effective.

Dated: November 30, 1948.

[SEAL] J. DONALD KINGSLEY,
Acting Administrator.

[F. R. Doc. 48-10577; Filed, Dec. 3, 1948;
8:53 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter V—Coast and Geodetic Survey, Department of Commerce

EDITORIAL CHANGES INCIDENT TO PUBLICATION OF CODE OF FEDERAL REGULATIONS, 1949 EDITION

In order to conform Chapter V of Title 33 to the scope and style of the Code of Federal Regulations, 1949 Edition, as prescribed by the regulations of the Administrative Committee of the FEDERAL REGISTER and approved by the President effective October 12, 1948 (13 F. R. 5929), the following editorial changes are made, effective upon their publication in the FEDERAL REGISTER.

1. Part 501 is deleted.

2. The codification of Part 510, "Organization and Functions," and Part 511, "Methods of Operation and Information Available," is discontinued. Future amendments to this material will appear in the Notices section of the FEDERAL REGISTER.

3. Part 520 is redesignated Part 501.

[SEAL] L. O. COLBERT,
Director,
U. S. Coast and Geodetic Survey.

Approved:

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 48-10570; Filed, Dec. 3, 1948;
8:50 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

Subchapter A—General Provisions

REVISION OF SUBCHAPTER

1. The statements respecting the organization and general procedures of the Public Health Service appearing under Parts 1 and 2 of this subchapter, with the exception of § 1.112, are hereby withdrawn from the codified portion of the FEDERAL REGISTER. Any amendments to, or new material, with respect to these statements will appear hereafter in the Notices section of the FEDERAL REGISTER.

2. Section 1.112 of Part 1 is hereby reconstituted Part 1 (§§ 1.101, 1.102, and 1.103), and as reconstituted, is amended to read as follows:

PART 1—AVAILABILITY OF RECORDS AND INFORMATION

Sec.

1.101 Public inspection of official records.

1.102 Confidential information; disclosure prohibited.

Sec.

1.103 Disclosure under special circumstances.

AUTHORITY: §§ 1.101 to 1.103 issued under sec. 215, 58 Stat. 690; 42 U. S. C. 216.

Statutes interpreted or applied and statutes giving special authority are cited to text.

§ 1.101 *Public inspection of official records.* (a) Official records of the Service include (1) applications, registrations, petitions, and reports filed by members of the public pursuant to statute or regulations, (2) pleadings, transcripts of testimony, exhibits and documents received in evidence in any formal proceeding, and (3) documents evidencing the official disposition of material covered by (1) and (2). Official records are made available for inspection to persons properly and directly concerned, except that upon good cause found by the Surgeon General such records may be held confidential.

(b) Requests for permission to inspect official records should be addressed to the Surgeon General, U. S. Public Health Service, Washington 25, D. C., unless otherwise directed in published organizational, procedural, or regulatory statements pertaining to specific records or classes of records. Such requests must set forth the interest of the applicant in the subject matter.

§ 1.102 *Confidential information; disclosure prohibited.* The following categories of information are confidential and shall not be disclosed except as indicated herein or in § 1.103:

(a) Information relating to admission and treatment of narcotic addicts accepted as voluntary patients, not to be disclosed except upon written waiver by the patient and only to the extent specified in such waiver (sec. 344, 58 Stat. 701; 42 U. S. C. 260);

(b) Clinical and other information relating to patients committed to the care of the Service by other Government agencies, not to be disclosed except in accordance with the policies and instructions of such other agencies;

(c) Clinical information relating to patients of the Service, to be disclosed only upon application of the patient or his duly authorized representative upon form entitled "Application for Abstract from Clinical Record," *Provided*, That information of minor importance and diagnosis of nonconfidential character may be supplied to employers, relatives or friends, in the discretion of the medical officer in charge of the hospital or station when determined by him to be in the interest of the patient;

(d) Clinical information regarding deceased patients, to be disclosed only to persons legally entitled to such information;

(e) Information concerning individuals or business enterprises obtained in the course of the investigatory activities of the Service in connection with interstate and foreign quarantine activities and in connection with the licensing of biological products, to be disclosed only for the purposes for which obtained or to other Federal, State, or local authorities

engaged in the performance of related governmental functions and solely for such related purposes;

(f) Information relating to research projects to the extent and for such period as may be recommended in the public interest by the National Advisory Health Council, the National Advisory Cancer Council, or the National Advisory Mental Health Council;

(g) Records of vital statistics which identify individuals, not to be disclosed under any circumstances;

(h) Information relating to private individuals obtained for limited purposes in the administration of the functions of the Service, to be disclosed only for the purposes for which obtained or with the consent of the individual concerned; such information would include, for example, information obtained from applicants for research fellowships, for research grants, applicants for commissions in the Service; and so on.

(i) Information relating to training grants in mental health to the extent and for such period as may be recommended in the public interest by the National Advisory Mental Health Council.

§ 1.103 *Disclosure under special circumstances.* Notwithstanding the provisions of § 1.102, the Surgeon General may authorize the disclosure of any information within any of the paragraphs (a) and (g), upon written application and upon determination that such disclosure would be in the public interest. Information will be furnished, subject to the general rules of evidence, upon order of a court of competent jurisdiction when a subpoena is served upon a representative of the Service competent to testify thereon. When an officer or employee of the Service is called upon to testify or produce records falling within paragraph (a) of § 1.102, in the absence of waiver by the patient, he shall call the attention of the court to the provisions of section 344, 58 Stat. 701; 42 U. S. C. 260. When a subpoena involves a patient committed to the care of the Service by the Veterans' Administration; Bureau of Employees' Compensation, Federal Security Agency; or other Federal agency, the matter should be brought to the attention of such agency in accordance with the arrangements made for the care of such patients and the attention of the court be called to any regulations of such other agencies requiring information sought to be disclosed is confidential. Except in the interest of the Government, no officer or employee (either full-time or part-time) of the Public Health Service shall willingly be qualified as an expert witness in the case of a litigant who has been a patient of the Service.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: November 26, 1948.

OSCAR R. EWING,
Federal Security Administrator.

[F. R. Doc. 48-10575; Filed, Dec. 3, 1948;
8:52 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 12—AMATEUR RADIO SERVICE

In the matter of amendment of Part 12 of the Commission's rules and regulations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of November, 1948;

The Commission having under consideration Part 12 of its rules and regulations, and

It appearing, that it is desirable to make certain editorial changes in these rules and that the proposed editorial changes are not of a substantive nature and do not in any way affect the requirements of any of the Commission's rules and regulations; that said changes consist of improvements in the language of the rules, deletion of obsolete references, and changes in certain rules to bring them into conformity with other rules heretofore amended by the Commission; and

It further appearing, that in view of the nature of the proposed changes, section 4 of the Administrative Procedure Act is inapplicable; and

It further appearing, that authority for the proposed amendments is contained in sections 4 (1) and 303 (a), (b) and (r) of the Communications Act of 1934, as amended.

It is ordered, That, effective immediately, Part 12 of the Commission's rules and regulations be amended to read as set forth below.

FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,
Secretary.

DEFINITIONS

- Sec.
12.1 Amateur service.
12.2 Amateur operator.
12.3 Amateur station.
12.4 Amateur portable station.
12.5 Amateur mobile station.
12.6 Amateur radio communication.
12.7 Remote control.

AMATEUR OPERATORS

LICENSES—PRIVILEGES

- 12.21 Eligibility for license.
12.22 Application for amateur operator license.
12.23 Classification of operating privileges.
12.24 Scope of operator authority.
12.25 Availability of operator license.
12.26 Duplicate license.
12.27 Renewal of amateur operator license.
12.28 Who may operate an amateur station.
12.29 License term.
12.30 Order of suspension.
12.31 Proceedings.

EXAMINATIONS

- 12.41 When examination is required.
12.42 Elements of examination.
12.43 Elements required for various privileges.
12.44 Manner of conducting examination.
12.45 Additional examination for holders of Class C operating privileges.
12.46 Examination credit.
12.47 Examination procedure.
12.48 Grading.
12.49 Eligibility for reexamination.

AMATEUR RADIO STATIONS

LICENSES

- Sec.
12.61 Eligibility for amateur station license.
12.62 Eligibility of corporations or organizations to hold license.
12.63 Application for amateur station license.
12.64 Location of station.
12.65 License period.
12.66 Authorized apparatus.
12.67 Renewal of amateur station license.
12.68 Availability of station license.
12.69 Revocation of station license.
12.70 Modification of station license.

CALL SIGNS

- 12.81 Assignment of call signs.
12.82 Transmissions of call signs.

PORTABLE AND MOBILE STATIONS

- 12.91 Requirements for portable and mobile operation.
12.92 [Deleted.]
12.93 Special provisions for nonportable stations.
12.94 Special provisions for mobile stations aboard ships or aircraft.

USE OF AMATEUR STATIONS

- 12.101 Points of communications.
12.102 No remuneration for use of station.
12.103 Broadcasting prohibited.
12.104 Radiotelephone tests.
12.105 Codes and ciphers prohibited.
12.106 One-way communications.

ALLOCATION OF FREQUENCIES

- 12.111 Frequencies and types of emission for use of amateur stations.
12.112 [Deleted.]
12.113 Individual frequency not specified.
12.114 Types of emission.
12.115 [Deleted.]
12.116 [Deleted.]
12.117 [Deleted.]

EQUIPMENT AND OPERATION

- 12.131 Maximum authorized power.
12.132 Power supply to transmitter.
12.133 Purity and stability of emissions.
12.134 Modulation of carrier wave.
12.135 Frequency measurement and regular check.
12.136 Logs.
12.137 Retention of logs.

SPECIAL CONDITIONS

- 12.151 Additional conditions to be observed by licensee.
12.152 Restricted operation.
12.153 Second notice of same violation.
12.154 Third notice of same violation.
12.155 Answers to notices of violations.
12.156 Operation in emergencies.
12.157 Obscenity, indecency, profanity.
12.158 False signals.
12.159 Unidentified communications.
12.160 Interference.
12.161 Damage to apparatus.
12.162 Fraudulent licenses.

APPENDIX

Examination points.
Radio districts.
Extracts from General Radio Regulations (Cairo Revision).
Extracts from Radio Regulations (Atlantic City, 1947).

AUTHORITY: §§ 12.1 to 12.162 issued under secs. 4 (1), 303 (a), (b), 48 Stat. 1068, 1082, sec. 6 (b), 50 Stat. 191; 47 U. S. C. 154 (1), 803 (a), (b), (r).

DEFINITIONS

§ 12.1 *Amateur service.* The term "amateur service" means a radio service carried on by amateur stations.

§ 12.2 *Amateur operator.* The term "amateur operator" means a person interested in radio technique solely with a personal aim and without pecuniary interest, holding a valid license issued by the Federal Communications Commission authorizing him to operate licensed amateur stations.

§ 12.3 *Amateur station.* The term "amateur station" means a station used by an amateur operator, and it embraces all radio transmitting apparatus at a particular location used for amateur service and operated under a single instrument of authorization.

§ 12.4 *Amateur portable station.* The term "amateur portable station" means an amateur station that is so constructed that it may conveniently be moved about from place to place for communication, but which is not operated while in motion.

§ 12.5 *Amateur mobile station.* The term "amateur mobile station" means an amateur station that is so constructed that it may conveniently be transferred to or from a mobile unit or from one such unit to another, and is ordinarily used while such mobile unit is in motion.

§ 12.6 *Amateur radio communication.* The term "amateur radio communication" means radio communication between amateur stations solely with a personal aim and without pecuniary interest.

§ 12.7 *Remote control.* The term "remote control" as applied to the amateur radio service, means control of transmitting equipment of an amateur station from an operating position other than one at which the transmitter is in view and immediately accessible; except that, direct mechanical control or direct electrical control by wired connections of an amateur transmitter from a point located on board any aircraft, vessel or vehicle on which such transmitter is located shall not be considered remote control within the meaning of this definition.

AMATEUR OPERATORS

LICENSES—PRIVILEGES

§ 12.21 *Eligibility for license.* The following are eligible to apply for amateur operator license and privileges:

Class A. Any citizen of the United States who at any time prior to receipt of his application by the Commission has held, for a period of a year or more, an amateur operator license issued by the Commission.

Class B. Any citizen of the United States.

Class C. Any citizen of the United States whose actual residence, address, and amateur station are more than 125 miles air line distant from the nearest location at which examinations are held at intervals of not more than 3 months for class B amateur operator license; or who is shown by physician's certificate to be unable to appear for examination because of protracted disability; or who is shown by certificate of the commanding officer to be in the armed forces of the United States at a military, naval, or Coast Guard station and, for that reason, to be unable to appear for examination at the time and place designated by the Commission.

§ 12.22 *Application for amateur operator license.* Each application for amateur operator license shall comply with the Commission's rules and regula-

tions and shall be made in writing on Form 610 (application for amateur operator and/or station license). The application shall be filed with the district field office of the Commission if personal appearance is required for operator examination. If personal appearance is not required, the application shall be sent instead to the Commission, Washington 25, D. C. All applications for class C operating privileges shall be sent to the Commission, Washington 25, D. C.

§ 12.23 Classification of operating privileges. Amateur operating privileges are classified as follows:

Class A. All authorized amateur privileges.

Class B or C. All authorized amateur privileges except the use of type A-3 emission on the frequency bands 3850 to 4000 kilocycles and 14200 to 14300 kilocycles.

§ 12.24 Scope of operator authority. Amateur operator licenses are valid only for the operation of licensed amateur stations; and, on a temporary basis, for the operation of experimental stations (except class two stations) in the experimental service licensed for operation exclusively on a frequency or frequencies above 450 megacycles if such services are performed without compensation, direct or indirect, paid or promised.

§ 12.25 Availability of operator license. The original operator license of each operator shall be kept in the personal possession of the operator while operating an amateur station. When operating an amateur station at a fixed location, however, the license may be posted in a conspicuous place in the room occupied by the operator. The license shall be available for inspection by any authorized Government official whenever the operator is operating an amateur station and at other times upon request made by an authorized representative of the Commission, except when such license has been filed with application for modification or renewal thereof, or has been mutilated, lost, or destroyed, and application has been made for a duplicate license in accordance with § 12.26. No recognition shall be accorded to any photocopy of an operator license.

§ 12.26 Duplicate license. Any licensee applying for a duplicate license to replace an original which has been lost, mutilated, or destroyed, shall submit with the application the mutilated license or a statement setting forth the facts regarding the manner in which the original license was lost or destroyed. If, subsequent to receipt by the licensee of the duplicate license, the original license is found, either the duplicate or the original license shall be returned immediately to the Commission.

§ 12.27 Renewal of amateur operator license.¹ An amateur operator license

may be renewed upon proper application showing that within the last 6 months of the license term the licensee has lawfully operated an amateur station or stations licensed by the Commission, and has thereby communicated by radio telegraphy with at least three other such amateur stations in the United States. The applicant shall qualify for a new license by examination if the requirements of this section are not fulfilled. Application for renewal of an amateur operator license shall be filed not more than 120 days prior to date of expiration of such license and not later than the date of expiration.

§ 12.28 Who may operate an amateur station. An amateur station may be operated only by a person holding a valid amateur operator license, and then only to the extent provided for by the class of privileges granted under the license. When an amateur station is used for telephony, the station licensee may permit any person to transmit by voice, provided that during such transmission call signs are announced as prescribed by § 12.82 and a duly licensed amateur operator maintains actual control over the emissions, including turning the carrier on and off for each transmission and signing the station off after communication with each station has been completed.

§ 12.29 License term. An amateur operator license is valid normally for a period of 5 years from the date of issuance of a new, renewed, or modified license.

§ 12.30 Order of suspension. No order of suspension of any operator's license shall take effect until 15 days' notice in writing thereof, stating the cause for the proposed suspension, has been given to the operator licensee who may make written application to the Commission at any time within said 15 days for a hearing upon such order. The notice to the operator licensee shall not be effective until actually received by him, and from that time he shall have 15 days in which to mail the said application. In the event that physical conditions prevent mailing of the application at the expiration of the 15-day period, the application shall then be mailed as soon as possible thereafter, accompanied by a satisfactory explanation of the delay. Upon receipt by the Commission of such application for hearing, said order of suspension shall be held in abeyance until the conclusion of the hearing which shall be conducted under

tended and validated, to expire in 1948 at 3 a. m., e. s. t., on the same day and month as the date of issuance of the operator license. The order is automatic and no action by the licensee is required. However, the licensees affected by Order No. 115-C should use the new expiration date established by this order as a basis for compliance with the provisions of §§ 12.27 and 12.67.

The requirement of this section for a showing of service or use of license for purposes of renewal of licenses without examination is suspended from July 1, 1948 through December 31, 1948. This suspension continues the suspension in effect through June 30, 1948 by virtue of Commission Order No. 77-H.

such rules as the Commission shall deem appropriate. Upon the conclusion of said hearing the Commission may affirm, modify, or revoke said order of suspension.

§ 12.31 Proceedings. Proceedings for the suspension of an operator's license shall in all cases be initiated by the entry of an order of suspension. Respondent will be given notice thereof together with notice of his right to be heard and to contest the proceeding. The effective date of the suspension will not be specified in the original order but will be fixed by subsequent motion of the Commission in accordance with the conditions specified above. Notice of the effective date of suspension will be given respondent, who shall send his operator license to the office of the Commission in Washington, D. C., on or before the said effective date, or, if the effective date has passed at the time notice is received, the license shall be sent to the Commission forthwith.

EXAMINATIONS

§ 12.41 When examination is required. Examination is required for the issuance of a new amateur operator license, and for a change in class of operating privileges. Credit may be given, however, for certain elements of examination as provided in § 12.46.

§ 12.42 Elements of examination. The examination for amateur operator privileges comprises the following:

Element 1. Code test. Ability to send and receive, in plain language, messages in the International Morse Code at a speed of not less than 13 words per minute, free of omission or other error for a continuous period of at least 1 minute, during a test period of 5 minutes, counting five characters to the word, each numeral or punctuation mark counting as two characters.

Element 2. Amateur radio operation and apparatus, including telephone and telegraph.

Element 3. Provisions of treaties, statutes, and regulations affecting amateurs.

Element 4. Advanced amateur telephony.

§ 12.43 Elements required for various privileges. The examination for class A privileges will include all of the examination elements specified in § 12.42.

The examination for class B and class C privileges will include elements 1, 2, and 3 specified in § 12.42.

§ 12.44 Manner of conducting examination. The examinations for class A and class B privileges will be conducted by an authorized Commission employee or representative at locations and at times specified by the Commission.

Each examination for class C privileges will be conducted and supervised by not more than two volunteer examiners, whom the Commission may designate or permit the applicant to select; in the event the examiner for the code test is selected by the applicant, such examiner shall be the holder of an amateur operator license with class A or B operating privileges, or shall have held, within the 5 years prior to the date of the examination, a commercial radiotelegraph operator license issued by the Commission or within that time shall have been employed in the service of the United States

¹ Order No. 115-C, adopted by the Commission effective January 3, 1947, provides that the amateur operator and station licenses (except those suspended, revoked, or voluntarily surrendered) of all amateurs whose operator licenses were issued on or between December 7, 1938 and December 31, 1944 be extended and validated and if expired on or after December 7, 1946, be reinstated and ex-

as the operator of a manually operated radiotelegraph station. The examiner for the written test shall be at least 21 years of age.

§ 12.45 Additional examination for holders of class C operating privileges. The Commission may require a licensee holding class C operating privileges to appear for a class B examination at a location designated by the Commission. If the licensee fails to appear for the class B examination when directed to do so, or fails to pass such examination, the class C operator license previously issued shall be subject to cancellation and, upon cancellation, a new license will not be issued for the class C privileges.

Whenever the holder of class C amateur operating privileges changes his actual residence or station location to a location where he would not have been eligible to apply for class C privileges in the first instance, or whenever a new examining location is established in an area within which the holder of class C amateur operating privileges would not have been eligible because of such examining location, to apply for class C privileges, such holder of class C privileges shall appear within 4 months thereafter at an examining location and time designated by the Commission and be examined for class B privileges. If, under such circumstances, the licensee fails to appear for class B examination, or fails to pass such examination, the class C operator license previously issued shall be subject to cancellation and, upon cancellation, a new license will not be issued for the class C privileges.

§ 12.46 Examination credit. An applicant for class A privileges who holds an amateur operator license authorizing class B privileges will be required to pass only the examination element No. 4, advanced amateur telephony.

An applicant for class A privileges will be given credit for examination element 4 if within 2 years prior to the receipt of his application by the Commission he held class A privileges.

An applicant for any class of amateur privileges will be given credit for examination element 1 if within 5 years prior to the receipt of his application by the Commission he held a radiotelegraph first- or second-class operator license.

No examination credit for other classes of licenses or privileges shall be allowed.

A holder of an amateur operator license authorizing class C privileges will not thereby be accorded an abridged examination for either class B or class A privileges.

§ 12.47 Examination procedure. When taking an examination for amateur operator license, or for additional amateur operating privileges, the applicant shall write in longhand, by means of pen and ink. Diagrams shall be drawn either with pen and ink or with pencil; code tests shall be written or hand printed with either pen and ink or with pencil. Applicants unable to comply with these requirements, because of physical disability, may dictate their answers to examination questions, and if unable to draw required diagrams, may dictate a detailed description essentially equivalent. If the examination or any part

thereof is dictated, the examiner shall certify the nature of the applicant's disability and the name and address of the person(s) taking and transcribing the applicant's dictation.

§ 12.48 Grading. Code tests are graded as "passed" or "failed," separately for sending and receiving tests. Failure to pass the required code test for either sending or receiving will terminate the examination.

Seventy-four percent is the passing grade for written examinations. For the purpose of grading, elements 2 and 3 (required for class B and class C privileges) are considered to be a single examination and element 4 (required, in addition to the other elements, for class A privileges) is considered to be a separate examination.

§ 12.49 Eligibility for reexamination. An applicant who fails examination for amateur operator privileges may not take another examination for such privileges within 30 days, except that this limitation shall not apply to an examination for class B operating privileges following an examination for class C privileges.

AMATEUR RADIO STATIONS LICENSES

§ 12.61 Eligibility for amateur station license. A license for an amateur station will be issued in response to proper application therefor to a licensed amateur operator who has made a satisfactory showing of control of the transmitting station for which license is desired and of control of the specific premises upon which all of the station apparatus is to be located, at a designated fixed location. An amateur station license may be issued to an individual, not a licensed amateur operator (other than an alien or a representative of an alien or of a foreign government), who is in charge of a proposed amateur station located in approved public quarters and established for training purposes in connection with the armed forces of the United States, but not operated by the United States Government.

§ 12.62 Eligibility of corporations or organizations to hold license. An amateur station license will not be issued to a school, company, corporation, association, or other organization, nor for their use except that in the case of a bona fide amateur radio organization or society, a station license may be issued to a licensed amateur operator as trustee for such society.

§ 12.63 Application for amateur station license. (a) Each application for an amateur station license shall comply with the Commission's Rules and Regulations and shall be made in writing, subscribed and verified on FCC Form No. 610 (application for amateur operator and/or station license). FCC Form No. 602 should be used where the applicant is in charge of a proposed amateur station located in approved public quarters and established for training purposes in connection with the armed forces of the United States, but not operated by the United States Government.

(b) One application and all papers incorporated therein and made a part

thereof shall be submitted for each amateur station license and shall be filed with the district field office of the Commission if personal appearance is required for operator examination in connection with the application for station license. If personal appearance is not required, the station application shall be sent to the Commission, Washington 25, D. C.

§ 12.64 Location of station. (a) Every amateur station shall have a fixed transmitter location. Only one fixed transmitter location will be authorized and will be designated on the license for each amateur station, except that when remote control is authorized, the location of the remote control position as well as the location of the remotely controlled transmitter shall be considered as fixed transmitter locations and will be so designated on the station license. Unless remote control of the transmitting apparatus is authorized, such apparatus shall be operated only by a duly licensed amateur radio operator present at the location of such apparatus.

(b) Authority for operation of an amateur station with the licensed operator on duty at a specific remote control point in lieu of the remote transmitter location may be granted upon filing an application for a modified station license on FCC Form No. 610 or FCC Form No. 602, as appropriate, and provided that the following conditions are met:

(1) The remote control point as well as the remotely controlled transmitter, shall be located on premises controlled by the licensee.

(2) The remotely controlled transmitter shall be so installed and protected that it is inaccessible to other than duly authorized persons.

(3) In addition to the requirements of § 12.63 a photocopy of the amateur station license shall be posted in a conspicuous place at the location of the remotely controlled transmitter.

(4) Means shall be provided at the control point to permit the continuous monitoring of the emissions of the remotely controlled transmitter, and it shall be continuously monitored when in operation.

(5) Means shall be provided at the remote control point immediately to suspend the radiation of the transmitter when there is any deviation from the terms of the station license or from the rules governing amateur radio service.

(6) In the event that operation of an amateur transmitter from a remote control point by radio is desired, an application for a modified station license on FCC Form No. 610 or FCC Form No. 602, as appropriate, should be submitted with a letter requesting authority to operate in such a manner stating that the controlling transmitter at the remote location will operate within amateur frequency bands 420 megacycles or higher and that there will be full compliance with § 12.64 (b) (1) through (5). Supplemental statements and diagrams should accompany the application and show how radio remote control will be accomplished and what means will be employed to prevent unauthorized operation of the transmitter by signals other

than those from the controlling unit. There should be included complete data on control channels, relays and functions of each, directional antenna design for the transmitter and receiver in the control circuit, and means employed for turning on and off the main transmitter from the remote control location.

(c) An amateur transmitter may be operated from a remote control point in lieu of the remote transmitter location without special authorization by the Commission when there is direct mechanical control or direct electrical control by wired connections of the transmitter from a point located in the same or closely adjoining building or structure provided there is full compliance with the conditions set forth in § 12.64 (b) (1) through (5).

§ 12.65 *License period.* The license for an amateur station is valid normally for a period of 5 years from the date of issuance of a new, renewed, or modified license.

§ 12.66 *Authorized apparatus.* An amateur station license authorizes the use under control of the licensee of all transmitting apparatus at the fixed location specified in the station license which is operated on any frequency, or frequencies allocated to the amateur service, and in addition authorizes the use, under control of the licensee, of portable and mobile transmitting apparatus operated at other locations.

§ 12.67 *Renewal of amateur station license.*¹ An amateur station license may be renewed upon proper application filed not more than 120 days prior to date of expiration of such license and not later than the date of expiration.

§ 12.68 *Availability of station license.* The original license of each amateur station or a photocopy thereof shall be posted in a conspicuous place in the room occupied by the licensed operator while the station is being operated at a fixed location or shall be kept in his personal possession. When the station is operated at other than a fixed location, the original station license or a photocopy thereof shall be kept in the personal possession of the station licensee (or a licensed representative) who shall be present at the station while it is being operated as a portable or mobile station. The original station license shall be available for inspection by any authorized Government official at all times while the station is being operated and at other times upon

¹ Order No. 115-C, adopted by the Commission effective January 3, 1947, provides that the amateur operator and station licenses (except those suspended, revoked, or voluntarily surrendered) of all amateurs whose operator licenses were issued on or between December 7, 1938, and December 31, 1944, be extended and validated and if expired on or after December 7, 1946, be reinstated and extended and validated, to expire in 1948 at 3 a. m., e. s. t., on the same day and month as the date of issuance of the operator license. The order is automatic and no action by the licensee is required. However, the licensees affected by Order No. 115-C should use the new expiration date established by this order as a basis for compliance with the provisions of §§ 12.27 and 12.67.

request made by an authorized representative of the Commission, except when such license has been filed with application for modification or renewal thereof, or has been mutilated, lost, or destroyed, and application has been made for a duplicate license in accordance with § 12.26.

§ 12.69 *Revocation of station license.* Whenever the Commission shall institute a revocation proceeding against the holder of any radio station license under section 312 (a) of the Communications Act of 1934, as amended, it shall initiate said proceeding by serving upon said licensee an order of revocation effective not less than 15 days after written notice thereof is given the licensee. The order of revocation shall contain a statement of the grounds and reasons for such proposed revocation and a notice of the licensee's right to be heard by filing with the Commission a written request for hearing within 15 days after receipt of said order. Upon filing of such written request for hearing by said licensee the order of revocation shall stand suspended and the Commission will set a time and place for hearing and shall give the licensee and other interested parties notice thereof. If no request for hearing on any order of revocation is made by the licensee against whom such an order is directed within the time hereinabove set forth, the order of revocation shall become final and effective, without further action of the Commission. When any order of revocation has become final, the person whose license has been revoked shall forthwith deliver the station license in question to the Engineer in Charge of the district in which the licensee resides.

§ 12.70 *Modification of station license.* (a) Whenever the Commission shall determine that public interest, convenience, and necessity would be served, or any treaty ratified by the United States will be more fully complied with, by the modification of any radio station license either for a limited time, or for the duration of the term thereof, it shall issue an order for such licensee to show cause why such license should not be modified.

(b) Such order to show cause shall contain a statement of the grounds and reasons for such proposed modification, and shall specify wherein the said license is required to be modified. It shall require the licensee against whom it is directed to be and appear at a place and time therein named, in no event to be less than 30 days from the date of receipt of the order to show cause why the proposed modification should not be made and the order of modification issued.

(c) If the licensee against whom the order to show cause is directed does not appear at the time and place provided in said order, a final order of modification shall issue forthwith.

CALL SIGNS

§ 12.81 *Assignment of call sign.* (a) The call signs of amateur stations will be assigned systematically by the Commission with the following exceptions:

(1) A specific unassigned call sign may be reassigned to the most recent holder thereof;

(2) A specific unassigned call sign may be assigned to a previous holder if not under license during the past 5 years;

(3) A specific unassigned call sign may be assigned to an amateur organization in memoriam to a deceased member and former holder thereof;

(4) A specific call sign may be temporarily assigned to a station connected with an event, or events, of general public interest;

(5) An unassigned "two-letter call" (a call sign having two letters following the numeral) may be assigned to a previous holder of a "two-letter call."

(b) An amateur call sign will consist of a sequence of one or two letters, a numeral designating the call sign area, and two or three letters. The call sign areas are as follows:

No.

1. Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut.
2. New York, New Jersey.
3. Pennsylvania, Delaware, Maryland, District of Columbia.
4. Virginia, North and South Carolina, Georgia, Florida, Alabama, Tennessee, Kentucky, Puerto Rico and Virgin Islands.
5. Mississippi, Louisiana, Arkansas, Oklahoma, Texas, New Mexico.
6. California, Hawaii and Pacific possessions except those included in area 7.
7. Oregon, Washington, Idaho, Montana, Wyoming, Arizona, Nevada, Utah, Alaska and adjacent islands.
8. Michigan, Ohio, West Virginia.
9. Wisconsin, Illinois, Indiana.
0. Colorado, Nebraska, North and South Dakota, Kansas, Minnesota, Iowa, Missouri.

§ 12.82 *Transmissions of call signs.*

(a) An operator of an amateur station shall transmit the call sign of the station called or being worked and the call sign assigned the station which he is operating at the beginning and end of each transmission and at least once every 10 minutes during every transmission of more than 10 minutes' duration. In the case of stations conducting an exchange of several transmissions in sequence, with each transmission less than 3 minutes' duration, the call signs of the communicating stations need be transmitted only once every 10 minutes of operation as well as at the beginning and at the termination of the correspondence.

(b) In addition to complying with the requirements of paragraph (a) of this section, an operator of an amateur station operated as a portable or mobile station using radiotelegraphy shall transmit immediately after the call sign of such station, the fraction-bar character (DN) followed by the number of the amateur call sign area in which the portable or mobile amateur station is then being operated, as for example:

Example 1. Portable or mobile amateur station operating in the third amateur call sign area calls a fixed amateur station:
W1ABC W1ABC W1ABC DE W2DEF DN 3
W2DEF DN 3 W2DEF DN 3 AR.

Example 2. Fixed amateur station answers the portable or mobile amateur station:
W2DEF W2DEF W2DEF DE W1ABC K.

Example 3. Portable or mobile amateur station calls a portable or mobile amateur station:

W3GHI W3GHI W3GHI DE W4JKL DN 4
W4JKL DN 4 W4JKL DN 4 AR.

When telephony is used, the call sign of the station shall be preceded by the words "this is" or the word "from" instead of the letters "de," followed by an announcement of the geographical location in which the portable or mobile station is being operated.

Example 4. Portable or mobile amateur radio-telephone station operating in the third call area calls a fixed amateur station: W1ABC W1ABC W1ABC "this is" or the word "from" W2DEF W2DEF W2DEF operating portable (or mobile) 3 miles north of Bethesda, Md., over.

(c) When telephony is used, the transmission of call signs prescribed by paragraphs (a) and (b) of this section may be made by the person transmitting by voice in lieu of a duly licensed operator provided the licensed operator maintains the control required by § 12.28.

(d) When using telephony, phonetic aids to identify the call sign of the station may be employed.

(e) In addition to complying with the requirements of paragraph (a) of this section, an operator of an amateur station operated as a mobile station aboard a vessel on the high seas, or aboard an aircraft en route on an international voyage, shall, when the vessel or aircraft is outside the 10 call sign areas prescribed by the Commission in § 12.81 (b), comply with the following calling procedure:

(1) *Mobile operations aboard a vessel.*
(i) When using telegraphy the amateur operator shall transmit immediately after the call sign of the station the fractional bar DN followed by the designator MM to indicate that the station is being operated as a mobile station aboard a vessel. In addition, the name of the vessel and its approximate geographical location shall be transmitted at the end of each transmission immediately prior to signing off. If the vessel does not have a name, the number of the vessel shall be transmitted in lieu of the name of the vessel.

(ii) When using telephony the call sign of the station shall be preceded by the words "this is", or the word "from" followed by the words "maritime mobile", to indicate that the station is being operated as a mobile station aboard a vessel. In addition, the name of the vessel and its approximate geographical location shall be transmitted at the end of each transmission immediately prior to signing off. If the vessel does not have a name, the number of the vessel shall be transmitted in lieu of the name of the vessel.

(2) *Mobile operations aboard aircraft.*
(i) When using telegraphy the amateur operator shall transmit immediately after the call sign of the station the fractional bar DN followed by the designator AM to indicate that the station is being operated as a mobile station aboard an aircraft. In addition, the number of the aircraft and its approximate geographical location shall be transmitted at the end of each transmission immediately prior to signing off.

(ii) When using telephony the call sign of the station shall be preceded by the words "this is", or the word "from" followed by the words "aeronautical mobile", to indicate that the station is being operated as a mobile station aboard an aircraft. In addition, the number of

the aircraft and its approximate geographical location shall be transmitted at the end of each transmission immediately prior to signing off.

PORTABLE AND MOBILE STATIONS

§ 12.91 *Requirements for portable and mobile operation.* (a) Within the continental limits of the United States, its territories, or possessions, an amateur station may be operated as either a portable or a mobile station on any frequency authorized and available for the amateur radio service. Whenever portable operation is, or is likely to be, for an over-all period in excess of 48 hours away from the fixed transmitter location designated in the station license, the licensee shall give prior written notice to the Engineer in Charge of the radio inspection district in which such portable operation is intended. This notice is required even though the station is, or is likely to be, operated during any part of this over-all period at the fixed transmitter location. Whenever mobile operation is, or is likely to be, for a period in excess of 48 hours without return to the fixed transmitter location designated in the station license, the licensee shall give prior written notice to the Engineer in Charge of the radio inspection district in which such mobile operation is intended. The notice required for either portable or mobile operation shall state the station call sign, the name of the licensee, the date or dates of proposed operation and the contemplated portable station locations, or mobile station itinerary, as specifically as possible. An amateur station operated under the provisions of this section shall not be operated during any period exceeding 1 month away from the fixed station location designated in the station license without giving additional notice to the Engineer in Charge of the radio inspection district in which the station is intended to be further operated, nor for more than four consecutive periods of 1 month each as portable at the same location. Mobile operation without return to the fixed transmitter location may be continued beyond the four consecutive periods of 1 month each provided that the above mentioned notice of mobile operation is given each month.

(b) Outside the continental limits of the United States, its territories or possessions, an amateur station may be operated as portable or mobile only in the amateur band 28.0 to 29.7 Mc. Within areas under the jurisdiction of a foreign government, operation is also limited to this band and then only with the permission of that government. Whenever such portable or mobile operation is, or is likely to be, for a period in excess of 48 hours away from the continental limits of the United States, its territories, or possessions, the licensee shall give prior written notice to the Engineer in Charge of the radio inspection district in which the fixed transmitter site designated in the station license is located. Only one such notice shall be required during any continued absence from the continental limits of the United States, its territories, or possessions.

§ 12.92 [Deleted.]

§ 12.93 *Special provisions for non-portable stations.* The specific provisions of the rules in this part relative to portable stations are not applicable to a nonportable station except that—

(a) An amateur station that has been moved from one permanent location to another permanent location may be operated at the latter location, in accordance with the provisions governing portable stations (including notice to the Engineer in Charge of the district in which the station is located) for a period not exceeding four consecutive months, but in no event beyond the expiration date of the license, provided a formal application for modification of license to change the permanent location has been filed with the Commission.

(b) The licensee of an amateur station who changes residence temporarily and moves his amateur station to a temporary location associated with his temporary residence, or the licensee-trustee for an amateur radio society which changes the normal location of its amateur station to a different and temporary location may use the station at the temporary location if the station is to remain there for a period of not more than 4 months and the following requirements are met:

(1) Advance notice in writing shall be given by the amateur station licensee or licensee-trustee to the Commission in Washington, D. C., and to the Engineer in Charge of the district in which the station is to be temporarily operated.

(2) Similar notice shall be given for each change in station location and for transfer of the station to the former permanent location, or to a new permanent location before the transmitting apparatus is operated.

(c) When the station is operated under the provisions of this section the calling procedure specified in § 12.82 shall be used, including transmissions of the fractional bar character when telegraphy is used followed by the number of the amateur call sign area in which the station is being operated. When telephony is used, an announcement shall be made of the geographical location in which the station is being operated.

§ 12.94 *Special provisions for mobile stations aboard ships or aircraft.* In addition to complying with all other applicable rules, an amateur mobile station operated on board a ship or aircraft must comply with all of the following special conditions: (a) The installation and operation of the amateur mobile station shall be approved by the master of the ship or captain of the aircraft; (b) the amateur mobile station shall be separate from and independent of all other radio equipment, if any, installed on board the same ship or aircraft; (c) the electrical installation of the amateur mobile station shall be in accord with the rules applicable to ships or aircraft as promulgated by the appropriate government agency; (d) the operation of the amateur mobile station shall not interfere with the efficient operation of any other radio equipment installed on board the same ship or aircraft; and (e) the amateur mobile station and its associated

equipment, either in itself or in its method of operation, shall not constitute a hazard to the safety of life or property.

USE OF AMATEUR STATIONS

§ 12.101 Points of communications. An amateur station may be used to communicate only with other amateur stations, except that in emergencies or for test purposes it may also be used temporarily for communication with other classes of stations licensed by the Commission, and with United States Government stations. Amateur stations may also be used to communicate with any radio station other than amateur which is authorized by the Commission to communicate with amateur stations. Amateur stations may be used also for transmitting signals, or communications, or energy, to receiving apparatus for the measurement of emissions, temporary observation of transmission phenomena, radio control of remote objects, and for similar experimental purposes and for the purposes set forth in § 12.106.

§ 12.102 No remuneration for use of station. An amateur station shall not be used to transmit or receive messages for hire, nor for communication for material compensation, direct or indirect, paid or promised.

§ 12.103 Broadcasting prohibited. Subject to the provisions of § 12.106, an amateur station shall not be used to engage in any form of broadcasting, that is, the dissemination of radio communications intended to be received by the public directly or by the intermediary of relay stations, nor for the retransmission by automatic means of programs or signals emanating from any class of station other than amateur. The foregoing provision shall not be construed to prohibit amateur operators from giving their consent to the rebroadcast by broadcast stations of the transmissions of their amateur stations, provided, that the transmissions of the amateur stations shall not contain any direct or indirect reference to the rebroadcast.

§ 12.104 Radiotelephone tests. The transmission of music by an amateur station is forbidden. However, single audiofrequency tones may be transmitted for test purposes of short duration for the development and perfection of amateur radiotelephone equipment.

§ 12.105 Codes and ciphers prohibited. The transmission by radio of messages in codes or ciphers in domestic and international communications to or between amateur stations is prohibited. All communications regardless of type of emission employed shall be in plain language except that generally recognized abbreviations established by regulation or custom and usage are permissible as are any other abbreviations or signals where the intent is not to obscure the meaning but only to facilitate communications.

§ 12.106 One-way communications. In addition to the experimental one-way transmissions permitted by § 12.101, the following kinds of one-way communications, addressed to amateur stations, are authorized and will not be construed as broadcasting: (a) Emergency communications, including bona-fide emergency

drill practice transmissions; (b) information bulletins consisting solely of subject matter having direct interest to the amateur radio service as such; (c) round-table discussions or net-type operations where more than two amateur stations are in communication, each station taking a turn at transmitting to other station(s) of the group; and (d) code practice transmissions intended for persons learning or improving proficiency in the International Morse Code.

ALLOCATION OF FREQUENCIES*

§ 12.111 Frequencies and types of emission for use of amateur stations.

(a) Subject to the limitations and restrictions set forth herein and in § 12.114, the following frequency bands and types of emissions are allocated and available for amateur station operation as follows:

(1) 1750 to 2050 kc. Not available for use.

(2) 3500 to 4000 kc. Use of this band is restricted to amateur radio stations as follows:

(i) 3500 to 4000 kc, using type A1 emission, to those stations located within the continental limits of the United States, the Territories of Alaska and Hawaii, Puerto Rico, the Virgin Islands and all United States possessions lying west of the Territory of Hawaii to 170° west longitude.

(ii) 3850 to 4000 kc, using type A3 emission, to those stations located within the continental limits of the United States, the Territories of Alaska and Hawaii, Puerto Rico, the Virgin Islands and all United States possessions lying west of the Territory of Hawaii to 170° west longitude, subject to the further restriction that type A3 emission may be used only by an amateur station which is licensed to an amateur operator holding Class A privileges and then only when operated and controlled by an amateur operator holding Class A privileges.

(3) 7000 to 7300 kc, using type A1 emission.

(4) 14000 to 14400 kc, using type A1 emission, and on frequencies 14200 to 14300 kc, type A3 emission, subject to the restriction that type A3 emission may be used only by an amateur station which is licensed to an amateur operator holding Class A privileges and then only when operated and controlled by an amateur operator holding Class A privileges.

(5) 27.160 to 27.430 Mc, using types A0, A1, A2, A3, and A4 emission and also special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques), subject to such interference as may result from the emissions of industrial, scientific and medical devices within 160 kc of the frequencies 27.120 and 27.320 Mc.

(6) 28.0 to 29.7 Mc, using type A1 emission, and on frequencies 28.5 to 29.7 Mc, using type A3 emission, and on frequencies 29.0 to 29.7 Mc, using special emission for frequency modulation (ra-

diotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

(7) 50.0 to 54.0 Mc, using types A1, A2, A3, and A4 emission and, on frequencies 52.5 to 54.0 Mc, special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

(8) 144 to 148 Mc, using types A0, A1, A2, A3, and A4 emission and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

(9) 220 to 225 Mc, using types A0, A1, A2, A3, and A4 emission and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques), provided that until January 1, 1952, if this band is required for distance measuring equipment at certain United States gateways and Canadian border locations, amateurs within interference range of those gateways and locations shall, after publication by the Commission of an order designating the areas involved, cease to use this band, but shall be entitled in lieu thereof to use the band 235 to 240 Mc.

(10) 235 to 240 Mc, using types A0, A1, A2, A3, and A4 emission and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques) until January 1, 1952, provided that commencing with June 9, 1948, this band may be used only as a substitute for the band 220 to 225 Mc in those cases in which the band 220 to 225 Mc may not be used, as provided in subparagraph (9) of this paragraph.

(11) 420 to 450 Mc, using types A0, A1, A2, A3, A4, and A5 emissions and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques). Peak antenna power shall not exceed 50 watts in order to minimize interference to aircraft altimeters temporarily allocated to this band.

(12) 1215 to 1300 Mc using types A0, A1, A2, A3, A4, and A5 emission and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

(13) 2300 to 2450 Mc, 3300 to 3500 Mc, 5650 to 5925 Mc, 10,000 to 10,500 Mc, 21,000 to 22,000 Mc, and any frequency or frequencies above 30,000 Mc, using on these frequencies types A0, A1, A2, A3, A4, A5 emission and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques), and pulse emission. Operations in the frequency bands 2300 to 2450 Mc and 5650 to 5925 Mc are subject to such interference between 2400 and 2450 Mc and between 5775 and 5925 Mc, respectively, as may result from emissions of indus-

* The assignment and use of all frequencies below 25 megacycles contained in these regulations are subject to change in accordance with the Commission's final report of allocations below 25 megacycles, in Docket Proceeding No. 6651.

trial, scientific and medical devices on the frequencies 2450 and 5850 Mc, respectively.

§ 12.112 [Deleted.]

§ 12.113 *Individual frequency not specified.* Transmissions by an amateur station may be on any frequency within any authorized amateur band. Side-band frequencies resulting from keying or modulating a carrier wave shall be confined within the authorized amateur band.

§ 12.114 *Types of emission.* (a) Type A ϕ emission, where not specifically designated in the bands listed in § 12.111, may be used for short periods of time when required for authorized remote control purposes or for experimental purposes. However, these limitations do not apply where type A ϕ emission is specifically designated.

(b) Narrow band frequency or phase modulation may be used, in addition to the types of emission specifically designated in § 12.111, by certain amateur stations for radiotelephone communication until further order of the Commission, but in no event beyond July 31, 1949 as follows:

(1) Amateur stations licensed to and operated by Class A amateur operators in the frequency bands 3850 to 3900 kc and 14200 to 14250 kc; and

(2) Amateur stations licensed to and operated by all classes of amateur operators in the frequency bands 28.5 to 29.0 Mc and 51.0 to 52.5 Mc and all frequency bands where "special emission for frequency modulation" (wide band FM) are presently authorized.

(c) The authorization provided by paragraph (b) of this section, is subject to the conditions that the band-width of the modulated carrier shall not exceed the band-width occupied by an amplitude-modulated carrier of the same audio characteristics, and that the purity and stability of such emissions shall be maintained in accordance with the requirements of § 12.133.

§ 12.115 [Deleted.]

§ 12.116 [Deleted.]

§ 12.117 [Deleted.]

EQUIPMENT AND OPERATIONS

§ 12.131 *Maximum authorized power.* Except on frequencies within the band 420 to 450 megacycles (where peak antenna power shall not exceed 50 watts), each amateur transmitter may be operated with a power input not exceeding 1 kilowatt to the plate circuit of the final amplifier stage of an amplifier-oscillator transmitter or to the plate circuit of an oscillator transmitter. An amateur transmitter operating with a power input exceeding 900 watts to the plate circuit shall provide means for accurately measuring the plate power input to the vacuum tube or tubes supplying power to the antenna.

§ 12.132 *Power supply to transmitter.* The licensee of an amateur station using frequencies below 144 megacycles shall use adequately filtered direct-current plate power supply for the transmitting equipment to minimize modulation from this source.

§ 12.133 *Purity and stability of emissions.* Spurious radiation from an amateur station being operated with a carrier frequency below 144 megacycles shall be reduced or eliminated in accordance with good engineering practice. This spurious radiation shall not be of sufficient intensity to cause interference in receiving equipment of good engineering design including adequate selectivity characteristics, which is tuned to a frequency or frequencies outside the frequency band of emission normally required for the type of emission being employed by the amateur station. In the case of A-3 emission, the amateur transmitter shall not be modulated to the extent that interfering spurious radiation occurs, and in no case shall the emitted carrier wave be amplitude-modulated in excess of 100 percent. Means shall be employed to insure that the transmitter is not modulated in excess of its modulation capability for proper technical operation. For the purposes of this section a spurious radiation is any radiation from a transmitter which is outside the frequency band of emission normal for the type of transmission employed, including any component whose frequency is an integral multiple or submultiple of the carrier frequency (harmonics and subharmonics), spurious modulation products, key clicks, and other transient effects, and parasitic oscillations. When using amplitude modulation on frequencies below 144 megacycles, simultaneous frequency modulation is not permitted and when using frequency modulation on frequencies below 144 megacycles simultaneous amplitude modulation is not permitted. The frequency of the emitted carrier wave shall be as constant as the state of the art permits.

§ 12.134 *Modulation of carrier wave.* Except for brief tests or adjustments and except for operation in the band 27.160 to 27.430 megacycles, an amateur radiotelephone station shall not emit a carrier wave on frequencies below 144 megacycles unless modulated for the purpose of communication.

§ 12.135 *Frequency measurement and regular check.* The licensee of an amateur station shall provide for measurement of the emitted carrier frequency or frequencies and shall establish procedure for making such measurement regularly. The measurement of the emitted carrier frequency or frequencies shall be made by means independent of the means used to control the radio frequency or frequencies generated by the transmitting apparatus and shall be of sufficient accuracy to assure operation within the amateur frequency band used.

§ 12.136 *Logs.* Each licensee of an amateur station shall keep an accurate log of station operation, including the following:

(a) The date and time of each transmission. (The date need only be entered once for each day's operation. The expression "time of each transmission" means the time of making a call and need not be repeated during the sequence of communication which immediately follows; however, an entry shall

be made in the log when signing off so as to show the period during which communication was carried on.)

(b) The signature of each licensed operator who manipulates the key of a radiotelegraph transmitter or the signature of each licensed operator who operates a transmitter of any other type and the name of any person not holding an amateur operator license who transmits by voice over a radiotelephone transmitter. The signature of the operator need only be entered once in the log, in those cases when all transmissions are made by or under the supervision of the signatory operator, provided a statement to that effect also is entered. The signature of any other operator who operated the station shall be entered in the proper space for that operator's transmission.

(c) Call sign of the station called. (This entry need not be repeated for calls made to the same station during any sequence of communication, provided the time of signing off is given.)

(d) The input power to the oscillator, or to the final amplifier stage where an oscillator-amplifier transmitter is employed. (This need be entered only once provided the input power is not changed.)

(e) The frequency band used. (This information need be entered only once in the log for all transmissions until there is a change in frequency to another amateur band.)

(f) The type of emission used. (This need be entered only once until there is a change in the type of emission.)

(g) The location of the station (or the approximate geographical location of a mobile station) at the time of each transmission. (This need be entered only once provided the location of the station is not changed. However, suitable entry shall be made in the log upon changing the location. Where operating at other than a fixed location, the type and identity of the vehicle or other mobile unit in which the station is operated shall be shown.)

(h) The message traffic handled. (If record communications are handled in regular message form, a copy of each message sent and received shall be entered in the log or retained on file at the station for at least 1 year.)

§ 12.137 *Retention of logs.* The log shall be preserved for a period of at least 1 year following the last date of entry. The copies of record communications and station log required by § 12.136 shall be available for inspection by authorized representatives of the Commission.

SPECIAL CONDITIONS

§ 12.151 *Additional conditions to be observed by licensee.* In all respects not specifically covered by the regulations in this part each amateur station shall be operated in accordance with good engineering and good amateur practice.

§ 12.152 *Restricted operation.* (a) If the operation of an amateur station causes general interference to the reception of transmissions from stations operating in the domestic broadcast service when receivers of good engineering de-

sign including adequate selectivity characteristics are used to receive such transmissions and this fact is made known to the amateur station licensee, the amateur station shall not be operated during the hours from 8 p. m. to 10:30 p. m., local time, and on Sunday for the additional period from 10:30 a. m. until 1 p. m., local time, upon the frequency or frequencies used when the interference is created.

(b) In general, such steps as may be necessary to minimize interference to stations operating in other services may be required after investigation by the Commission.

§ 12.153 Second notice of same violation. In every case where an amateur station licensee is cited within a period of 12 consecutive months for the second violation of the provisions of §§ 12.111, 12.113, 12.114, 12.132, or 12.133, the station licensee, if directed to do so by the Commission, shall not operate the station and shall not permit it to be operated from 6 p. m. to 10:30 p. m., local time, until written notice has been received authorizing the resumption of full-time operation. This notice will not be issued until the licensee has reported on the results of tests which he has conducted with at least two other amateur stations at hours other than 6 p. m. to 10:30 p. m., local time. Such tests are to be made for the specific purposes of aiding the licensee in determining whether the emissions of the station are in accordance with the Commission's rules. The licensee shall report to the Commission the observations made by the cooperating amateur licensees in relation to the reported violations. This report shall include a statement as to the corrective measures taken to insure compliance with the rules.

§ 12.154 Third notice of same violation. In every case where an amateur station licensee is cited within a period of 12 consecutive months for the third violation of §§ 12.111, 12.113, 12.114, 12.132 or 12.133, the station licensee if directed by the Commission, shall not operate the station and shall not permit it to be operated from 8 a. m. to 12 midnight, local time, except for the purposes of transmitting a prearranged test to be observed by a monitoring station of the Commission to be designated in each particular case. The station shall not be permitted to resume operation during these hours until the licensee is authorized by the Commission, following the test, to resume full-time operation. The results of the test and the licensee's record shall be considered in determining the advisability of suspending the operator license or revoking the station license, or both.

§ 12.155 Answers to notices of violations. Any licensee receiving official notice of a violation of the terms of the Communications Act of 1934, as amended, any legislative act, Executive order, treaty to which the United States is a party, or the Rules and Regulations of the Federal Communications Commission, shall, within 3 days from such receipt, send a

written answer direct to the office of the Commission originating the official notice: *Provided, however,* That if an answer cannot be sent nor an acknowledgment made within such 3-day period by reason of illness or other unavoidable circumstances, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. If the notice relates to some violation that may be due to the physical or electrical characteristics of transmitting apparatus, the answer shall state fully what steps, if any, are taken to prevent future violations, and if any new apparatus is to be installed, the date such apparatus was ordered, the name of the manufacturer, and promised date of delivery. If the notice of violation relates to some lack of attention or improper operation of the transmitter, the name of the operator in charge shall be given.

§ 12.156 Operation in emergencies. In the event of widespread emergency conditions affecting domestic communication facilities, the Commission may confer with representatives of the amateur service and others, and if deemed advisable, declare that a state of general communications emergency exists, designating the area or areas concerned (normally not exceeding 1,000 miles from center of the affected area), whereupon it shall be incumbent upon each amateur station in such area or areas to observe the following restrictions for the duration of such emergency:

(a) Transmissions, other than those relating to relief work or other emergency service, such as amateur station networks can provide, shall not be made within the 1750-2050-kilocycle or 3500-4000-kilocycle bands. Incidental calling, testing and working, including casual conversation or remarks not pertinent or necessary to constructive handling of the emergency situation shall be prohibited.

(b) Frequencies within the bands 2025-2050-kilocycle, 3500-3525-kilocycle and 3975-4000-kilocycle shall be reserved for emergency calling channels, for initial calls from isolated stations or first calls concerning very important emergency relief matters or arrangements. All stations having occasion to use such channels shall change, as quickly as possible, to other frequencies for carrying on their communications.

(c) A 5-minute listening period for the first 5 minutes of each hour shall be uniformly observed for initial calls of major importance, both in the designated emergency calling channels and throughout the 1750-2050-kilocycle and 3500-4000-kilocycle bands. Only stations isolated or engaged in handling official traffic of the highest priority may continue with transmissions in these listening periods. No replies to calls or resumption of routine traffic shall be made in the 5-minute listening periods.

(d) The Commission may designate certain amateur stations to assist in promulgation of its emergency announcement, to police the 1750-2050-kilocycle

and 3500-4000-kilocycle bands and to warn noncomplying stations observed to be operating therein. The operators of these observing stations shall report fully to the Commission the identity of any stations failing to comply, after notice, with any of the pertinent provisions of this section. Such designated stations will act in an advisory capacity when able to provide information on emergency circuits. Their policing authority shall be limited to the transmission of information from responsible official sources, and full reports of noncompliance which may serve as a basis for investigation and action under section 502 of the Communications Act. Such policing authority shall apply only to the 1750-2050-kilocycle and 3500-4000-kilocycle bands. Individual policing transmissions shall refer to this section of the rules by number (§ 12.156) and shall specify briefly and concisely the date of the Commission's declaration and the area and nature of the emergency. Policing observer station shall not enter into discussions with other stations beyond the furnishing of essential facts relative to the emergency.

(e) The special conditions imposed under this section will cease to apply only after the Commission shall have declared such emergency to be terminated.

§ 12.157 Obscenity, indecency, profanity. No licensed radio operator or other person shall transmit communications containing obscene, indecent, or profane words, language, or meaning.

§ 12.158 False signals. No licensed radio operator shall transmit false or deceptive signals or communications by radio, or any call letter or signal which has not been assigned by proper authority to the radio station he is operating.

§ 12.159 Unidentified communications. No licensed radio operator shall transmit unidentified radio communications or signals.

§ 12.160 Interference. No licensed radio operator shall willfully or maliciously interfere with or cause interference to any radio communication or signal.

§ 12.161 Damage to apparatus. No licensed radio operator shall willfully damage, or cause or permit to be damaged, any radio apparatus or installation in any licensed radio station.

§ 12.162 Fraudulent licenses. No licensed radio operator or other person shall obtain or attempt to obtain, or assist another to obtain or attempt to obtain, an operator license by fraudulent means.

APPENDIX

EXAMINATION POINTS

Examinations for amateur radio operator licenses are conducted at the Commission's office in Washington, D. C., Monday through Friday, except holidays (office hours are from 8:30 a. m. to 5 p. m.), and at each radio district office of the Commission on the days designated by the Engineer in Charge of the office. Specific dates should be obtained from the Engineer in Charge. For a list of such offices see the following pages.

RADIO DISTRICTS—continued

Radio district	Address of the engineer in charge	States, etc.	Territory within district
6	411 Federal Annex, Atlanta 3, Ga.	Alabama..... Georgia..... North Carolina.....	All except district 8. All counties. Cherokee, Clay, Cleveland, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Watauga, and Yancey. All counties. Do.
7	Suboffice, P. O. Box 77, 214 Post Office Bldg., Savannah, Ga. P. O. Box 130, 312 Federal Bldg., Miami 1, Fla. Suboffice, 410 P. O. Bldg., Florida Ave., Tampa 2, Fla.	Florida.....	All except district 8.
8	400 Audubon Bldg., New Orleans 16, La.	Alabama..... Arkansas..... Florida..... Louisiana..... Mississippi..... Texas.....	Baldwin and Mobile. All counties. Escambia. All counties. Do. City of Texarkana only.
9	324 U. S. Appraisers Stores Bldg., 7300 Wingate St., Houston 11, Tex.	Alabama..... Arkansas..... California..... Colorado..... Connecticut..... Delaware..... Florida..... Georgia..... Idaho..... Illinois..... Indiana..... Iowa..... Kansas..... Kentucky..... Louisiana..... Maine..... Maryland..... Massachusetts..... Michigan..... Minnesota..... Mississippi..... Missouri..... Montana..... Nebraska..... Nevada..... New Hampshire..... New Jersey..... New Mexico..... New York..... North Carolina..... North Dakota..... Ohio..... Oklahoma..... Oregon..... Pennsylvania..... Rhode Island..... South Carolina..... South Dakota..... Tennessee..... Texas..... Utah..... Vermont..... Virginia..... Washington..... West Virginia..... Wisconsin..... Wyoming.....	Angela, Aransas, Atascosa, Austin, Bandera, Bastrop, Bee, Bexar, Blanco, Brazos, Brooks, Burleson, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, De Witt, Duval, Dimmit, Edwards, Fayette, Fort Bend, Frio, Galveston, Gillespie, Goliad, Gonzales, Grimes, Guadalupe, Hardin, Hays, Harris, Hidalgo, Jackson, Jasper, Jefferson, Kendall, Kerr, Kinney, Kleberg, La Salle, Lavaca, Lee, Liberty, Live Oak, Matagorda, Madison, Maverick, McMullen, Medina, Montgomery, Nacogdoches, Newton, Nueces, Orange, Polk, Real, Refugio, San Augustine, San Jacinto, San Patricio, Sabine, Starr, Travis, Trinity, Uvalde, Val Verde, Victoria, Walker, Waller, Washington, Webb, Wharton, Wilcox, Williamson, Wilson, Zapata, Zavala, and Tyler.
10	Suboffice, P. O. Box 1527, 329 Post Office Bldg., 300 Willow St., Beaumont, Tex. P. O. Box 533, 500 U. S. Terminal Annex Bldg., Houston and Jackson Sts., Dallas 2, Tex.	New Mexico..... Oklahoma..... Texas.....	All counties. Do. All except district 9 and the city of Texarkana.
11	539 U. S. Post Office and Courthouse Bldg., Temple and Spring Sts., Los Angeles 12, Calif.	Arizona..... California.....	All counties. Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Ventura, Clark.
12	Suboffice, 230 U. S. Customhouse and Courthouse Bldg., Union and 7th Sts., San Diego 1, Calif. 323-A Customhouse San Francisco 25, Calif.	Nevada..... California.....	All except district 11.
13	406 Central Bldg., 530 S. W. 10th Ave., Portland 5, Oreg.	Nevada..... Idaho..... Oregon..... Washington.....	All except Clark. All except district 14. All counties. Wahkiakum, Cowlitz, Clark, Skamania, and Klickitat.
14	801 Federal Office Bldg., Seattle 4, Wash.	Idaho..... Montana..... Washington..... Colorado..... Utah..... Wyoming..... Nebraska.....	Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone. All counties. All except district 13. Do. Do. Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Scotts Bluff, Sheridan, Sioux, Butte, Custer, Fall River, Lawrence, Meade, Pennington, Shannon, Washington.
15	521 New Customhouse, 19th St. between California and Stout Sts., Denver 2, Colo.	South Dakota.....	

SEMIANNUAL EXAMINATIONS

Albuquerque, N. Mex.
Amarillo, Tex.
Bakersfield, Calif.
Bangor, Maine.
Billings, Mont.
Bismarck, N. Dak.
Boise, Idaho.
Butte, Mont.
Cumberland, Md.
El Paso, Tex.
Hartford, Conn.
Hilo, T. H.
Jacksonville, Fla.

ANNUAL EXAMINATIONS

Kaunakakai, T. H.
Lanai, T. H.
Arrangements have also been made, including cooperation of other Federal agencies, for classes A and B examinations in outlying areas as follows:
Alaska: United States Signal Corps stations.
Guam: District Communications Officer, United States naval station.
Hawaii: At not exceeding one point on any island, by the Engineer in Charge (Honolulu).

RADIO DISTRICTS

Radio district	Address of the engineer in charge	States, etc.	Territory within district
1	1600 Customhouse, Boston 9, Mass.	Connecticut..... Maine..... Massachusetts..... New Hampshire..... Rhode Island..... Vermont..... New Jersey.....	All counties. Do. Do. Do. Do. Do. Do.
2	748 Federal Bldg., 641 Washington St., New York 14, N. Y.	New York.....	Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren. Albany, Broome, Columbia, Delaware, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Rensselaer, Richmond, Rockland, Schenectady, Sullivan, Ulster and Westchester.
3	Room 1005, New United States Customhouse, 2nd and Chestnut Sts., Philadelphia 6, Pa.	Delaware..... New Jersey..... Pennsylvania.....	New Castle. Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem.
4	508 Old Town Bank Bldg., Gay St. and Falkway, Baltimore 2, Md.	Delaware..... District of Columbia..... Maryland..... Virginia.....	Adams, Berks, Bucks, Carbon, Chester, Cumberland, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Perry, Philadelphia, Schuylkill, and York.
5	Room 402, New Post Office Bldg., Norfolk 10, Va.	West Virginia..... North Carolina..... Virginia.....	All counties. Arlington, Clarke, Fairfax, Fauquier, Frederick, Loudoun, Page, Prince William, Rappahannock, Shenandoah, and Warren. Barbour, Berkeley, Grant, Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Mineral, Monongalia, Morgan, Pendleton, Preston, Randolph, Taylor, Tucker, Upshur. All except district 6. All except district 4.

Examinations are also given frequently, by appointment, at the Commission's offices at the following points:

Cleveland, Ohio
Savannah, Ga.
San Diego, Calif.

Examinations are also given at greater intervals at the places named below, which are visited for that purpose by Commission examiners from the district offices for such locations. For current schedules, exact time, place, and other details, inquiry should be addressed to the office conducting examinations at the chosen point.

QUARTERLY EXAMINATIONS

Birmingham, Ala.
Charleston, W. Va.
Cincinnati, Ohio
Columbus, Ohio
Corpus Christi, Tex.
Davenport, Iowa
Des Moines, Iowa
Fort Wayne, Ind.
Fresno, Calif.
Grand Rapids, Mich.
Indianapolis, Ind.
Knoxville, Tenn.
Little Rock, Ark.
Memphis, Tenn.

RADIO DISTRICTS—continued

Radio district	Address of the engineer in charge	Territory within district	
		States, etc.	Counties
16	208 Uptown Post Office and Federal Courts Bldg., 5th and Washington Sts., St. Paul 2, Minn.	Minnesota.....	All counties.
		Michigan.....	Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft.
		South Dakota.....	All except district 15.
		North Dakota.....	All counties.
		Wisconsin.....	All except district 18.
17	838 U. S. Courthouse, 811 Grand Ave., Kansas City 6, Mo.	Iowa.....	Do.
		Kansas.....	All counties.
		Missouri.....	Do.
18	246 U. S. Courthouse, 219 South Clark St., Chicago 4, Ill.	Nebraska.....	All except district 15.
		Illinois.....	All counties.
		Indiana.....	Do.
		Iowa.....	Allamee, Buchanan, Cedar, Clayton, Clinton, Delaware, Des Moines, Dubuque, Fayette, Henry, Jackson, Johnson, Jones, Lee, Linn, Louisa, Muscatine, Scott, Washington, and Winnebago.
		Wisconsin.....	Brown, Columbia, Calumet, Crawford, Dane, Dodge, Door, Fond du Lac, Grant, Green, Iowa, Jefferson, Kewaunee, Kenosha, Lafayette, Manitowoc, Marinette, Milwaukee, Ozaukee, Oconto, Outagamie, Racine, Richland, Rock, Sauk, Sheboygan, Walworth, Washington, Waukesha, and Winnebago.
19	1029 New Federal Bldg., Detroit 26, Mich.	Kentucky.....	All except district 19.
		Kentucky.....	Bath, Bell, Boone, Bourbon, Boyd, Bracken, Breathitt, Campbell, Carter, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Gallatin, Garrard, Grant, Greenup, Kenton, Harlan, Harrison, Jackson, Jessamine, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, Madison, Magoffin, Martin, Mason, McCreary, Menifee, Montgomery, Morgan, Nicholas, Owen, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Wayne, Whitley, Wolfe, Woodford.
		Ohio.....	All counties.
		Michigan.....	All except district 16.
		West Virginia.....	All except district 4.
	Suboffice, 541 Federal Bldg., Superior Avenue and Public Sq., Cleveland 14, Ohio.		
20	328 Post Office Bldg., Elliott and Swan Streets, Buffalo 3, N. Y.	New York.....	All except district 2.
21	609 Stangenwald Bldg., 119 Merchant St., Honolulu 1, T. H.	Pennsylvania.....	All except district 3.
		Territory of Hawaii and outlying Pacific possessions, except Alaska and adjacent islands.	
22	P. O. Box 2987, 322-323 Federal Bldg., San Juan 13, P. R.	Puerto Rico.....	
23	P. O. Box 1421, 7-8 Shattuck Bldg., Third and Seward Sts., Juneau, Alaska.	Virgin Islands.....	
	Suboffice, 53 U. S. P. O. and Court House, P. O. Box 644, Anchorage, Alaska.	Alaska.....	

EXTRACTS FROM GENERAL RADIO REGULATIONS
(Cairo Revision)

ARTICLE 5

Classification of Emissions

SECTION 1. Emissions shall be classified below according to the purpose for which they are used, assuming their modulation or their possible keying to be only in amplitude.

1. Continuous waves:

Type A₀. Waves the successive oscillations of which are identical under fixed conditions.¹

Type A₁. Telegraphy on pure continuous waves. A continuous wave which is keyed according to a telegraph code.

Type A₂. Modulated telegraphy. A carrier wave modulated at one or more audible frequencies, the audible frequency or frequencies or their combination with the carrier wave being keyed according to a telegraph code.

Type A₃. Telephony. Waves resulting from the modulation of a carrier wave by frequencies corresponding to the voice, to music, or to other sounds.

Type A₄. Facsimile. Waves resulting from the modulation of a carrier wave by

¹ These waves are used only in special cases, such as standard frequency emissions.

frequencies produced at the time of the scanning of a fixed image with a view to its reproduction in a permanent form.

Type A₅. Television. Waves resulting from the modulation of a carrier wave by frequencies produced at the time of the scanning of fixed or moving objects.²

NOTE: The band widths to which these emissions correspond are indicated in appendix 3.

2. Damped waves:

Type B. Waves composed of successive series of oscillations the amplitude of which, after attaining maximum, decreases gradually, the wave trains being keyed according to a telegraph code.

SEC. 2. In the above classification, the presence of a carrier wave is assumed in all cases. However, such carrier wave may or may not be transmitted.

This classification does not contemplate exclusion of the use, by the administrations concerned, under specified conditions, of types of waves not included in the foregoing definitions.

² "Objects" is used here in the optical sense of the word.

APPENDIX 3

Table of Frequency-Band Widths Occupied by the Emissions

The frequency bands necessary for the various types of transmissions, at the present state of technical development, are indicated below. This table is based solely upon amplitude modulation. For frequency or phase modulation, the band widths necessary for the various transmissions are many times greater.

Type of transmission	Total width of the band in cycles for transmission with 2 side bands
A ₀ Continuous waves, no signaling.	
A ₁ Telegraphy, pure, continuous wave.	Numerically equal to the telegraph speed in bauds for the fundamental frequency, 3 times this width for the 3rd harmonic, etc. (For a code of 8 time elements (dots or blanks) per letter and 48 time elements per word, the speed in bauds shall be equal to 0.8 times the speed in words per minute.)
Morse code.	
Baudot code.	
Stop-start printer.	
Scanning-type printer.	300-1,000, for speeds of 50 words per minute, according to the conditions of operation and the number of lines scanned (for example, 7 or 12). (Harmonics are not considered in the above values.)
A ₂ Telegraphy modulated to musical frequency.	Figures appearing under A ₁ , plus twice the highest modulation frequency.
A ₃ Commercial radiotelephony.	Twice the number indicated by the C. C. I. F. opinions (about 6,000 to 8,000). ¹
Broadcasting.	15,000 to 20,000.
A ₄ Facsimile.	Approximately the ratio between the number of picture components ² to be transmitted and the number of seconds necessary for the transmission.
A ₅ Television.	Approximately the product of the number of picture components ² multiplied by the number of pictures transmitted per second.

¹ It is recognized that the band width may be wider for multiple-channel radiotelephony and secret radiotelephony.

² Two picture components, one black and one white, constitute a cycle; thus, the modulation frequency equals one-half the number of components transmitted per second.

EXTRACTS FROM RADIO REGULATIONS

Annexed to the International Telecommunication Convention (Atlantic City, 1947)

ARTICLE 42¹ AMATEUR STATIONS

SECTION 1. Radiocommunications between amateur stations of different countries shall be forbidden if the administration of one of the countries concerned has notified that it objects to such radiocommunications.

SEC. 2. (1) When transmissions between amateur stations of different countries are permitted they must be made in plain language and must be limited to messages of a technical nature relating to tests and to remarks of a personal character for which, by reason of their unimportance, recourse to the public telecommunications service is not justified. It is absolutely forbidden for amateur stations to be used for transmitting international communications on behalf of third parties.

(2) The preceding provisions may be modified by special arrangements between the countries concerned.

SEC. 3. (1) Any person operating the apparatus in an amateur station must have proved that he is able to transmit, and to receive by ear, texts in Morse code signals. Administrations concerned may, however,

¹ Article 42 of the Radio Regulations annexed to the International Telecommunication Convention (Atlantic City, 1947) becomes effective on January 1, 1949, at which time it supersedes Article 8 of the General Radio Regulations (Cairo Revision, 1938).

waive this requirement in the case of stations making use exclusively of frequencies above 1000 (one thousand) Mc/s.

(2) Administrations shall take such measures as they judge necessary to verify the qualifications, from a technical point of view, of any person operating the apparatus of an amateur station.

Sec. 4. The maximum power of amateur stations shall be fixed by the administrations concerned, having regard to the technical qualifications of the operators and to the conditions under which these stations must work.

Sec. 5. (1) All the general rules of the Convention and of the present Regulations shall apply to amateur stations. In particular, the transmitting frequency must be as constant and as free from harmonics as the state of technical development for stations of this nature permits.

(2) During the course of their transmissions amateur stations must transmit their call sign at short intervals.

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D. C.

[Order No. 115-C]

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 3rd day of January 1947;

Whereas the Commission has, by Orders 115, 115-A, 115-B, 130-F, adopted between May 25, 1943, and April 7, 1946, reinstated and extended certain amateur operator licenses issued on or between December 7, 1938, and December 7, 1943, so that the expiration dates of those amateur operator licenses fell within the period December 7, 1946, and December 7, 1947, and validated certain amateur station licenses for the term, as extended, of the amateur operator license held by the licensee of the station; and

Whereas it is now desirable to establish a clear and uniform understanding of the status of all amateur operator and station licenses and to eliminate the effects of certain misunderstandings that have occurred in connection with the application of the above-mentioned orders and to provide for the orderly processing of applications for new, renewed, or modified amateur licenses;

It is ordered, That all amateur operator licenses issued on or between December 7, 1938, and December 31, 1944, except amateur operator licenses heretofore at any time or hereafter suspended or voluntarily surrendered, are hereby extended, and if expired on or since December 7, 1946, are hereby reinstated and extended, until 1948, at 3 A. M., Eastern Standard Time, the same day and month as the date of issuance.

It is further ordered, That all amateur station licenses held by operators whose operator licenses are extended, or reinstated and extended, by this order, except amateur station licenses heretofore at any time or hereafter revoked or voluntarily surrendered, are hereby validated, and if expired on or since December 7, 1946, are hereby reinstated and validated, for the term, as extended, of the operator license held by the licensee of the station;

It is further found and ordered, That, whereas, authority for this order is contained in sections 303 (1) and (r) of the Communications Act of 1934, as amended, and the effect of the order is to extend for an additional period after December 7, 1946, the relief from certain restrictions as has been or now is afforded by Commission Orders 115, 115-A, 115-B, and 130-F, and is noncontroversial, and it is in the public interest that this order be made effective immediately, notice and public procedure required by section 4 of the Administrative Procedure Act are, hereby, found unnecessary, and this order should be, and is hereby, made effective immediately.

By the Commission.

T. J. SLOWIE,
Secretary.

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON 25, D. C.

[Order No. 77-H]

At a session of the Federal Communications Commission, held at its office in Washington, D. C., on the 30th day of June 1947;

Whereas § 12.27 of the Commission's rules governing amateur radio service and § 13.28 of the Commission's rules governing commercial radio operators require a showing of service or use as a condition precedent to the renewal, respectively, of an amateur or commercial operator license; and

It appearing, that the Commission by its Order No. 77-G, dated December 17, 1946, suspended until June 30, 1947 § 12.27 of its rules governing amateur radio service and § 13.28 of its rules governing commercial radio operators, insofar as those sections require a showing of service or use as a condition precedent to the renewal, respectively, of an amateur or commercial operator license; and

It further appearing, that it would be advisable to extend for an additional period not to exceed one year the suspension of the showing of service or use requirement in order to provide a cushion for the full return to normal peacetime procedures;

It is ordered, That § 12.27 of the Commission's rules governing amateur radio service and § 13.28 of its rules governing commercial radio operators be, and they hereby are, suspended until further order of the Commission, but in no event beyond June 30, 1948.

It is further found and ordered, That, whereas, authority for this order is contained in sections 303 (1) and (r) of the Communications Act of 1934, as amended, and the effect of the order is to extend for an additional period after June 30, 1947, the relief from certain restrictions as now afforded by Commission Order No. 77-G, and is noncontroversial, and it is in the public interest that this order be made effective not later than July 1, 1947, notice and public procedure required by section 4 of the Administrative Procedure Act are, hereby, found unnecessary, and this order should be, and is hereby, made effective July 1, 1947.

By the Commission.

T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-10555; Filed, Dec. 3, 1948; 8:46 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

PART 10—UNIFORM SYSTEM OF ACCOUNTS FOR STEAM ROADS

PROTECTIVE SERVICE; PERISHABLE FREIGHT

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 22d day of November A. D. 1948.

The matter of an order dated July 13, 1937, effective July 1, 1937, which prescribed operating revenue account 117, "Protective service—Perishable freight," and subsequent orders which successively postponed the effective date of that order to January 1, 1949, being under consideration, and good cause appearing therefor;

It is ordered, That said order of July 13, 1937, be, and it is hereby, canceled.

It is further ordered, That a copy of this order of cancellation shall be served

upon every steam railroad subject to the Interstate Commerce Act and upon every trustee, receiver, executor, administrator, or assignee of any such steam railroad, and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 1.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 48-10563; Filed, Dec. 3, 1948; 8:49 a. m.]

PART 14—UNIFORM SYSTEM OF ACCOUNTS FOR ELECTRIC RAILWAYS

PROTECTIVE SERVICE REVENUE; PERISHABLE FREIGHT

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 22d day of November A. D. 1948.

The matter of an order dated July 13, 1937, effective July 1, 1937, which prescribed operating revenue account 108½, "Protective service revenue—Perishable freight," and subsequent orders which successively postponed the effective date of that order to January 1, 1949, being under consideration, and good cause appearing therefor;

It is ordered, That said order of July 13, 1937, be, and it is hereby, canceled.

It is further ordered, That a copy of this order of cancellation shall be served upon every carrier by railroad independently operated as an electric line subject to the Interstate Commerce Act and upon every trustee, receiver, executor, administrator, or assignee of any such carrier, and that notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 1.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 48-10564; Filed, Dec. 3, 1948; 8:49 a. m.]

[S. O. 104, Amdt. 3]

PART 95—CAR SERVICE

SUBSTITUTION OF REFRIGERATOR FOR BOX CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 29th day of November A. D. 1948.

Upon further consideration of Sixth Revised Service Order No. 104 (12 F. R. 8297), as amended (13 F. R. 272), and good cause appearing therefor: It is ordered, That:

Section 95.104, Substitution of refrigerator cars for box cars, of Sixth Revised Service Order No. 104, as amended, be, and it is hereby, further amended by substituting the following paragraph (e) in lieu of paragraph (e) thereof:

(c) *Expiration date.* This section shall expire at 11:59 p. m., June 30, 1949, unless otherwise modified, changed, suspended, or annulled by order of the Commission.

It is further ordered, That this amendment shall become effective at 12:01 a. m., December 9, 1948; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 48-10566; Filed, Dec. 3, 1948;
8:50 a. m.]

[S. O. 646, Amdt. 5]

PART 95—CAR SERVICE

ICING AT ROSEVILLE, SAN JOSE, OR STOCKTON, CALIF.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 30th day of November A. D. 1948.

Upon further consideration of Service Order No. 646 (11 F. R. 14109), as amended (12 F. R. 2479, 4143, 8776; 13 F. R. 3096), and good cause appearing therefor: It is ordered, that:

Section 95.646 *ICING at Roseville, San Jose or Stockton*, of Service Order No. 646, be, and it is hereby, further amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This section shall expire at 11:59 p. m., June 15, 1949, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective 12:01 a. m., December 4, 1948; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 48-10565; Filed, Dec. 3, 1948;
8:49 a. m.]

[2d Rev. S. O. 822]

PART 95—CAR SERVICE

REFRIGERATORS FOR BOX CARS TO OREGON AND WASHINGTON

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 30th day of November A. D. 1948.

It appearing, that the practice of transporting certain refrigerator cars empty westbound to Oregon and Washington diminishes the use, control and supply of such cars, and that the loading of those cars with non-perishables in lieu of box cars will reduce the shortage of box cars; in opinion of the Commission an emergency requiring immediate action exists in the western section of the country. It is ordered, that:

§ 95.822 *Refrigerators for box cars to Oregon and Washington.* (a) Any common carrier by railroad subject to the Interstate Commerce Act, for transporting:

(1) Westbound shipments in carloads originating at points shown as origin points in Agent L. E. Kipp's tariff, I. C. C. Nos. 1516, supplements thereto or reissues thereof, and destined to points in the States of Oregon (except points on the Southern Pacific Company) and Washington may, when freight (except freight requiring refrigeration, ventilation, insulation or heater service at the time cars are furnished or transported) to be transported is suitable, and facilities are suitable, for loading in FGEX, WFEX, BREX, CX, FWDX, NP, and NRC refrigerator cars and when such refrigerator cars are reasonably available:

(i) On shipments on which the carload minimum weight does not vary with the size of the car, furnish and transport not more than three such refrigerator cars in lieu of each box car ordered subject to the carload minimum weight which would have applied if the shipments had been loaded in a box car; or

(ii) On shipments on which the carload minimum weight varies with the size of the car:

(a) Two (2) of the said refrigerator cars may be furnished in lieu of one (1) box car ordered of a length 40'7" or less, subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car of the size ordered; or

(b) Three (3) of the said refrigerator cars may be furnished in lieu of one (1) box car ordered of a length of over 40'7" but not over 50'7", subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car of the size ordered.

(b) *Tariff provisions suspended; announcement required.* The operation of all tariff rules and regulations insofar as they conflict with the provisions of this section is hereby suspended and each railroad subject to this order, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing such suspension.

(c) *Application.* (1) The provisions of this section shall not apply to any Southern Pacific Company's stations in the State of Oregon. (2) The provisions of Service Order No. 68, as amended, insofar as they conflict with this section are suspended. (3) No car or cars subject to this section shall be stopped in transit to complete loading. (4) Any car or cars subject to this section may be stopped in transit for partial unloading of not less than 10,000 pounds of freight, or of the entire contents of a car loaded to visible capacity, at any point in the territory west of a line, but not including, Chicago, Ill., through Peoria, Ill., and St. Louis, Mo., thence Mississippi River to the Gulf of Mexico, provided such stop-off is authorized in tariffs on file with this Commission.

(d) *Effective date.* This section shall become effective at 12:01 a. m., December 9, 1948.

(e) *Expiration date.* This section shall expire at 11:59 p. m., June 30, 1949, unless otherwise modified, changed, suspended, or annulled by order of the Commission.

It is further ordered, That this order shall vacate and supersede Revised Service Order No. 822 on the effective date hereof; a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 48-10562; Filed, Dec. 3, 1948;
8:48 a. m.]

Subchapter B—Carriers by Motor Vehicle

[Ex Parte MC-37, MC-C-2]

PART 170—COMMERCIAL ZONES

COMMERCIAL ZONES AND TERMINAL AREAS;
NEW YORK, N. Y.

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 29th day of November A. D. 1948.

Upon consideration of:

(1) Petition by Port of New York Authority for reopening and hearing in Ex Parte No. MC-37 and for further hearing in No. MC-C-2;

(2) Joint petition of Chamber of Commerce of Newark, N. J., and the New Jersey Industrial Traffic League for reconsideration and a hearing in Ex Parte No. MC-37 and for a further hearing in No. MC-C-2;

(3) Petition of Middle Atlantic Shippers' Motor Carrier Committee for a hearing in Ex Parte No. MC-37;

(4) Joint petition of Highway Express Lines, Inc., M. Tose and Sons, A. Dule

Pyle, Modern Transfer Co., Inc., Blue Line Transfer Co., Inc., Delaware Transportation Co., Headley's Express & Storage Co., John M. Quinby, and Wooleyhan Transport Company, for further consideration and vacation of the third supplemental report and order in Ex Parte No. MC-37;

(5) Joint petition of DeCamp Bus Lines, Inter-City Transportation Co., Inc., Manhattan Transit Company, Westwood Transportation Company, and Orange & Black Bus Lines, Inc., for reconsideration of the third supplemental report and order or a hearing in Ex Parte No. MC-37;

(6) Petition of Local Motor Carrier Division, Motor Carrier Association of New York for rehearing, further hearing, reconsideration and oral argument in Ex Parte No. MC-37;

(7) Joint petition of Chicago Suburban Motor Carriers Association Inc., and Chicago Milwaukee Motor Carriers Conference for vacation of order and reconsideration of the third supplemental report, and for reopening and hearing in Ex Parte No. MC-37;

(8) Petition of Freight Forwarders Institute for vacation of order and for hearing and reconsideration in Ex Parte No. MC-37;

(9) Petition of the Shippers Conference of Greater New York for postponement of effective date of order and for hearing in Ex Parte No. MC-37;

(10) Petition of Benjamin H. Herr and Alta N. Moyer for vacation of order and for hearing in Ex Parte No. MC-37;

(11) Petition of New York & New Brunswick Auto Express Inc., for reopening and further consideration of original and supplemental orders in Ex Parte No. MC-37;

(12) Petition of Joint Northeastern Motor Carrier Association Inc., for reopening and reconsideration in Ex Parte No. MC-37.

(13) Joint reply of Metropolitan Motor Carriers Conference, Inc., Associated Express and Truck Owners of N. J., New Jersey Lumber Truckers Association, Inc., and Metropolitan Heavy Haulers and Riggers Association, to various of the above petitions.

(14) Joint reply of Middle Atlantic States Motor Carrier Conference, Inc., Metropolitan Motor Carriers Conference, Inc., New York-New Jersey Tariff Bureau, Inc., and New Jersey Motor Truck Association, to various of the above petitions.

(15) Joint reply of Illinois Territory Industrial Traffic League, St. Louis Chamber of Commerce, and St. Louis-East Side Traffic Conference, to joint petition of Chicago Suburban Motor Carriers Association and Chicago Milwaukee Motor Carriers.

(16) Reply of American Trucking Associations, Inc., to petition of Freight Forwarders Institute;

and good cause therefor appearing: *It is ordered, That:*

The effective date, now December 1, 1948, of §§ 170.16, Commercial Zones determined generally, with exceptions, 170.11 Commercial Zones of Municipalities in New Jersey within 5 miles of New York, N. Y., determined, and 170.12, Commercial Zones of Municipalities in Westchester and Nassau Counties, N. Y., contained in order of the Commission dated July 19, 1948, entered in connection with the second supplemental report, and the effective date, now December 1, 1948, of the entire order entered on July 20, 1948 (§§ 170.40 to 170.43), in connection with the third supplemental report, in Ex Parte No. MC-37 (13 F. R. 4446 and 13 F. R. 4393), be, and it is hereby, postponed indefinitely. *It is further ordered, That:*

Ex Parte No. MC-37, Commercial Zones and Terminal Areas, be reopened for hearing at times and places to be fixed insofar as it involves (a) the commercial zone adjacent to and commercially a part of any municipality in New Jersey any part of which is within 5 miles of the corporate limits of New York, N. Y., (b) the commercial zone of any municipality in Westchester or Nassau Counties, New York, and (c) the terminal areas of motor carriers and freight forwarders (including the construction of motor carrier operating authorities).

It is further ordered, That No. MC-2, New York, N. Y., Commercial Zone

be, and it is hereby, reopened for further hearing at a time and place to be fixed.

And it is further ordered, That said petitions in all other respects be, and they are, hereby denied.

Notice of this order shall be given to the general public by depositing a copy hereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(49 Stat. 546; 54 Stat. 920; 56 Stat. 300; 49 U. S. C. 302 (c), 303 (b) (8))

By the Commission, Division 5.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 48-10567; Filed, Dec. 3, 1948; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 936]

[Docket No. AO 90-A3]

HANDLING OF FRESH BARTLETT PEARS,
PLUMS, AND ELBERTA PEACHES GROWN
IN CALIFORNIA

NOTICE OF HEARING WITH RESPECT TO PRO-
POSED FURTHER AMENDMENTS TO MARKET-
ING AGREEMENT AND ORDER

Correction

In Federal Register Document No. 48-10507, appearing at page 7356 of the issue for Thursday, December 2, 1948, the following changes should be made:

1. In the third line of the third column on page 7356, the reference to page 4137 should be 4157.

2. On page 7358, in the second line of amendatory paragraph 9, the reference to § 936.4 (c) (2) should be § 936.4 (e).

NOTICES

NATIONAL MILITARY ESTABLISHMENT

Secretary of Defense

[Transfer Order 28]

TRANSFER OF FUNCTIONS PERTAINING TO
MILITARY SIGNAL DUTIES FROM DEPART-
MENT OF ARMY TO DEPARTMENT OF AIR
FORCE

Pursuant to the authority vested in me by the National Security Act of 1947, (Act of 26 July 1947; Public Law 253, 80th Congress) and in order to effect certain transfers authorized or directed therein, it is hereby ordered as follows:

1. There are hereby transferred to and vested in the Secretary of the Air Force

and the Department of the Air Force all functions, powers, and duties relating to Military Signaling insofar as they may pertain to the Department of the Air Force or the United States Air Force or their property and personnel, which are vested in the Secretary of the Army, the Department of the Army or any officer of that Department by the following laws, parts of laws, and Executive orders, as limited by other laws, parts of laws, or Executive orders whether or not specifically set forth herein:

a. Act of October 1, 1890, sec. 2 (26 Stat. 653; 10 U. S. C. 212).

b. Act of May 12, 1917, C. 12 (40 Stat. 43), as amended by the act of June 10, 1921, C. 18 (42 Stat. 23; 10 U. S. C. 1319).

c. Act of April 15, 1926, C. 146 (44 Stat. 267; 5 U. S. C. 118).

d. All other laws, parts of laws, including applicable provisions of Appropriations Acts, and Executive orders which vest in the Secretary of the Army or the Department of the Army or any officer of that Department, functions, powers, and duties relating to military signaling insofar as they pertain to the Department of the Air Force or the United States Air Force or their property or personnel.

2. The Secretary of the Army, the Secretary of the Air Force or their representatives are hereby authorized to issue such orders as may be necessary to effectuate the purposes of this order. In this respect, the transfer of such re-

lated personnel, property, records, installations, agencies, activities, and projects as the Secretaries of the Army and the Air Force shall from time to time jointly determine to be necessary, is authorized.

3. It is expressly determined that the functions herein transferred are necessary and desirable for the operations of the Department of the Air Force and the United States Air Force.

4. Nothing contained in this order shall operate as a transfer of funds.

5. The provisions hereof are subject to the terms and conditions set forth in a memorandum from the Secretary of Defense to the Secretaries of the Army, Navy and Air Force, dated November 22, 1948, relating to this transfer order.

6. This order shall be effective as of 12:00 noon, November 22, 1948.

JAMES FORRESTAL,
Secretary of Defense.

NOVEMBER 22, 1948.

[F. R. Doc. 48-10552; Filed, Dec. 3, 1948;
8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 34862]

CALIFORNIA

CLASSIFICATION ORDER

OCTOBER 15, 1948.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3) 13 F. R. 4278), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 CFR sec. 682a), as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing 480 acres,

CALIFORNIA SMALL TRACT CLASSIFICATION
No. 91

For lease and sale for all purposes mentioned in the act except business,

T. 8 N., R. 9 W., S. B. M.,
Sec. 23, W $\frac{1}{2}$;
Sec. 30, NW $\frac{1}{4}$.

2. As to applications regularly filed prior to 3:25 p. m. April 23, 1948, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m. on December 17, 1948. At that time such land shall, subject to valid existing rights, become subject to applications as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m. December 17, 1948, to the close of business on March 17, 1949.

(b) Advance period for veterans' simultaneous filings from 3:25 p. m., April 23, 1948, to the close of business on December 17, 1948.

4. Any of the land remaining unappropriated shall become subject to appli-

cation under the Small Tract Act by the public generally, commencing at 10:00 a. m. on March 18, 1949.

(a) Advance period for simultaneous nonpreference filings from 3:25 p. m. April 23, 1948, to the close of business on March 18, 1949.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimensions to extend north and south.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Where only one five-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of \$5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of \$10.00 an acre, application for which may be filed at or after the expiration of one year from date the lease is issued.

10. Leases will be subject to such easements for road rights of way as may be necessary to permit ingress or egress by other lessees to or from other lands leased under authority of this order.

11. All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Los Angeles, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 48-10579; Filed, Dec. 3, 1948;
8:54 a. m.]

[Misc. 35847]

CALIFORNIA

CLASSIFICATION ORDER

OCTOBER 15, 1948.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. sec. 682a), as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing 90 acres,

CALIFORNIA SMALL TRACT CLASSIFICATION
No. 92

For lease and sale for all purposes mentioned in the act except business,

T. 18 S., R. 3 E., S. B. M.,
Sec. 24, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 26, E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$,
S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$.

2. As to applications regularly filed prior to 3:00 p. m., May 4, 1948, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m. on December 17, 1948. At that time such land shall, subject to valid existing rights, become subject to applications as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., December 17, 1948, to the close of business on March 17, 1949.

(b) Advance period for veterans' simultaneous preference filings from 3:00 p. m., May 4, 1948, to the close of business on December 17, 1948.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m. on March 18, 1949.

(a) Advance period for simultaneous nonpreference filings from 3:00 p. m., May 4, 1948, to the close of business on March 18, 1949.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the long dimensions extending east and west in sec. 24. Sec. 26 may be divided as seems best suited to the applicants.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Where only one five-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of \$5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of \$10.00 an acre, application for which may be filed at or after the expiration of one year from date the lease is issued.

10. Leases will be subject to such easements for road rights of way as may be necessary to permit ingress or egress by other lessees to or from other lands leased under authority of this order.

11. All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Los Angeles, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 48-10580; Filed, Dec. 3, 1948;
8:54 a. m.]

[Misc. 36671]

CALIFORNIA

CLASSIFICATION ORDER

OCTOBER 15, 1948.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3) 13 F. R. 4278), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. sec. 682a), as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing 40 acres,

CALIFORNIA SMALL TRACT CLASSIFICATION
No. 93

For lease and sale for all purposes mentioned in the act except business,

T. 18 S., R. 7 E., S. B. M.,
Sec. 2, SW 1/4 NE 1/4.

2. As to applications regularly filed prior to 8:30 a. m., May 17, 1948, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m. on December 17, 1948. At that time such land shall, subject to valid existing rights, become subject to applications as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m. December 17, 1948, to the close of business on March 17, 1949.

(b) Advance period for veterans' simultaneous preference filings from 8:30 a. m., May 17, 1948, to the close of business on December 17, 1948.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m. on March 18, 1949.

(a) Advance period for simultaneous nonpreference filings from 8:30 a. m., May 17, 1948, to the close of business on March 18, 1949.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimensions extending east and west.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Where only one five-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of \$5.00 payable for the entire lease period in advance

No. 236—4

of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of \$10.00 an acre, application for which may be filed at or after the expiration of one year from date the lease is issued.

10. Leases will be subject to such easements for road rights of way as may be necessary to permit ingress or egress by other lessees to or from other lands leased under authority of this order.

11. All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Los Angeles, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 48-10581; Filed, Dec. 3, 1948;
8:54 a. m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

STATISTICS OF MANUFACTURES

NOTICE OF CONSIDERATION FOR SURVEYS

In conformity with the provisions of section 1 (b) of the act of Congress approved June 19, 1948, Pub. Law 671, 80th Cong., 62 Stat. 478, notice is hereby given that a proposal to conduct annual surveys of the products listed below is presently under consideration by the Bureau of the Census. These commodities account for a significant proportion of the total production of wearing apparel and, on the basis of recommendations received in the Bureau of the Census, the data have significant application to the needs of the public and industry and are not available from non-governmental or other governmental sources.

Such surveys, if conducted, shall begin not earlier than 30 days after publication of this notice in the FEDERAL REGISTER.

Information will be collected from the establishments engaged in the production of the following products:

Women's, misses', and juniors' outerwear.
Women's and children's underwear made from woven fabric.
Children's and infants' outerwear.
Knit cloth for sale.
Knit outerwear.
Gloves and mittens.
Knit rayon underwear.

Report forms furnishing information on shipments and production of specified garments and other products and on the consumption of specified materials will be required from all establishments engaged in the production of the specified items. Copies of the proposed forms are available on request to the Director, Bureau of the Census, Washington 25, D. C.

Any suggestions or recommendations concerning the subject matter of these proposed surveys should be submitted in writing to the Director of the Census and will receive consideration.

[SEAL] A. ROSS ECKLER,
Acting Director.

Approved:

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 48-10571; Filed, Dec. 3, 1948;
8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6175]

FLORIDA POWER CORP.

NOTICE OF SUPPLEMENTAL ORDER AUTHORIZING ISSUANCE OF SECURITIES

DECEMBER 1, 1948.

Notice is hereby given that, on November 30, 1948, the Federal Power Commission issued its supplemental order entered November 30, 1948, authorizing issuance of securities in the above-designated matter.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-10569; Filed, Dec. 3, 1948;
8:50 a. m.]

[Docket No. E-6181]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF APPLICATION

NOVEMBER 30, 1948.

Notice is hereby given that on November 26, 1948, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Montana-Dakota Utilities Co., a corporation organized under the laws of the State of Delaware and doing business in the States of Minnesota, Montana, North Dakota, South Dakota and Wyoming, with its principal business office at Minneapolis, Minnesota, seeking an order authorizing the issuance and private sale of an aggregate of \$4,000,000 principal amount of a series of First Mortgage Bonds, \$750,000 of such bonds to bear interest at the rate of 2½%, and mature serially over a period of 5 years; \$2,250,000 of such bonds to bear interest at the rate of 3½% to mature serially in the period 1954 to 1968, inclusive; and \$1,000,000 of such bonds to bear interest at the rate of 3½% and mature November 1, 1972. The bonds are to be issued under the provisions of an existing indenture and supplements thereto, as were certain bond issues previously authorized by the Commission in other dockets, particularly Docket No. E-6101, such indenture and supplements thereto to be supplemented and amended by a Supplemental Indenture to be dated December 1, 1948; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 21st day of December 1948, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-10573; Filed, Dec. 3, 1948;
8:52 a. m.]

[Docket No. G-1154]
SOUTHERN UNION GAS CO.
NOTICE OF APPLICATION

NOVEMBER 30, 1948.

Notice is hereby given that on November 19, 1948, an application was filed with the Federal Power Commission by Southern Union Gas Company (Applicant), a Delaware corporation with its principal place of business at Dallas, Texas, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following described natural gas facilities:

Approximately 8.2 miles of 10 3/4 inch pipe line looping and parallel Applicant's 8 5/8 inch natural-gas transmission line, together with valves, drips and related facilities, and extending from the present point of delivery of gas from West Texas Gas Company in Block 549, Capitol Lands, Parmer County, Texas, across the Texas-New Mexico boundary line near Farwell, Texas, to the terminus near Clovis, New Mexico.

Applicant states that the facilities described above will be used to increase its daily delivery capacity by 5000 Mcf of gas to towns and industries now being served in the Clovis District of its operations to meet the growing demands caused by increasing populations.

The estimated total cost of the proposed facilities is \$164,000. Applicant states that there will be no financing directly related to the new facilities although it may include them in "property additions" under its First Mortgage Bond Indenture as a basis for issuing additional First Mortgage Bonds, if and when necessary in the course of business.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Southern Union Gas Company, is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of §§ 1.8 or 1.10, whichever is applicable, of the Commission's rules of practice and procedure.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-10572; Filed, Dec. 3, 1948;
8:52 a. m.]

FEDERAL SECURITY AGENCY Employees' Compensation Appeals Board

ORGANIZATION AND JURISDICTION

SEC. 990. *Organization.* The Employees' Compensation Appeals Board is a constituent organization in the office of Special Services of the Federal Security Agency. It consists of three members appointed by the Administrator, one of whom is designated as Chairman of the Board and administrative officer. The Board has its principal office in Washington, District of Columbia, but is authorized to perform its work at any place deemed necessary.

SEC. 991. *Jurisdiction.* (a) The Board in accordance with rules approved by the Federal Security Administrator, (See 20 CFR Chapter IV) has jurisdiction to consider and decide appeals from the final decision, with findings of fact and award, of the Bureau of Employees' Compensation of the Agency, in any case arising under the United States Employees' Compensation Act, or arising under any statutory extension or application of such act. Appeals are also taken from final determinations of the Bureau of Employees' Compensation involving the exercise of discretion but only if based upon the ground of abuse of, or refusal to exercise, discretion. There is no appeal in respect to any interlocutory matter disposed of by such Bureau during the pendency of a compensation case.

(b) The decision upon appeal by the Board is final as to the subject matter appealed, and such decision is not subject to review, except by the Board.

(c) The jurisdiction of the Board extends to review of questions of law and fact within the purview of the United States Employees' Compensation Act, or extension thereof, and the review of a case shall be made upon the findings of fact and the action of the Director of the Bureau of Employees' Compensation taken pursuant to section 36 of such act (5 U. S. C. 786), and upon the particular case record in such Bureau of Employees' Compensation.

[SEAL] JEWELL W. SWOFFORD,
Commissioner for Special Services.

Approved: November 30, 1948.

J. DONALD KINGSLEY,
Acting Federal Security
Administrator.

[F. R. Doc. 48-10576; Filed, Dec. 3, 1948;
8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

BUREAU OF ADMINISTRATION; BUDGET AND
FISCAL OFFICE

DECEMBER 1, 1948.

The Interstate Commerce Commission announces that, effective today, it has abolished the Section of Audits and Accounts in the Bureau of Administration, and in lieu thereof has created a new office in the Bureau of Administra-

tion to be named the Budget and Fiscal Office, headed by an Assistant Secretary.

This new office will be charged with the responsibility of preparing the budget and handling all fiscal matters of the Commission under the general direction of the Secretary.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 48-10568; Filed, Dec. 3, 1948;
8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 70-1903, 70-1929]

COLUMBIA GAS SYSTEM, INC., ET AL.

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of November 1948.

In the matter of The Columbia Gas System, Inc., The Manufacturers Light and Heat Company, File No. 70-1903; The Manufacturers Light and Heat Company, Gettysburg Gas Corporation, File No. 70-1929.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its utility subsidiary, The Manufacturers Light and Heat Company ("Manufacturers"), and Manufacturers and Gettysburg Gas Corporation ("Gettysburg"), also a utility subsidiary of Columbia, having filed joint applications-declarations pursuant to sections 9 (a), 10 and 12 (d) of the Public Utility Holding Company Act of 1935 with respect to the following proposed transactions:

Columbia proposes to contribute all of the shares of common stock of Gettysburg, being 780 shares of \$100 par value each, to Manufacturers.

Manufacturers proposes that, upon the acquisition of all the outstanding shares of the common stock of Gettysburg, it will cause Gettysburg to be dissolved and liquidated, and as the sole stockholder it will acquire all the assets and assume all the liabilities of Gettysburg.

The foregoing transactions are the final steps designed to effect the acquisition of the Gettysburg properties by Manufacturers and the dissolution of Gettysburg, this Commission having by order dated August 27, 1948 permitted Columbia to forgive and contribute to Gettysburg all of the indebtedness of that company, consisting of \$112,500 principal amount of First Mortgage Bonds and \$140,000 principal amount of Income Demand Loans.

The acquisition by Manufacturers of the assets of Gettysburg having been approved by the Pennsylvania Public Utility Commission; and

Such applications-declarations having been duly filed; and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said applications-declarations within the period

specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that no adverse findings are necessary with respect to the applications-declarations, and deeming it appropriate in the public interest and in the interests of investors and consumers that said joint applications-declarations be granted and permitted to become effective:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that said joint applications-declarations be, and the same hereby are, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-10559; Filed, Dec. 3, 1948;
8:47 a. m.]

[File No. 70-1980]

ALLENTOWN-BETHLEHEM GAS CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C. on the 29th day of November 1948.

Allentown-Bethlehem Gas Company ("Allentown"), a utility subsidiary of The United Gas Improvement Company, a registered holding company, having filed an application, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 and Rule U-50 promulgated thereunder with respect to the following proposed transaction:

Allentown proposes to issue and sell, at par, 1,500,000 principal amount of its 3¼% First Mortgage Bonds due 1968, to the Metropolitan Life Insurance Company and the Penn Mutual Life Insurance Company, in amounts of \$750,000 each. The latter institutions represent that they are purchasing the bonds for investment and not for resale.

The proceeds from the sale of said bonds, together with treasury cash, will be applied by Allentown for construction purposes and to repay short-term bank loans, presently totaling \$375,000 incurred for the purpose of financing its construction program.

Allentown's presently outstanding bonded indebtedness consisting of \$2,339,000 due 1965 is owned by two savings banks and five life insurance companies, including the above-named institutions. Allentown proposes, with the consent of the holders of at least 85% of its present bonds, to amend its existing mortgage indenture to bring the same into compliance with the standards which this Commission has deemed appropriate pursuant to the Public Utility Holding Company Act of 1935 and the Trust Indenture Act of 1939.

Allentown, for reasons set forth in the application, requests the Commission to except the proposed issuance and sale from the competitive bidding requirements of Rule U-50.

The proposed issuance and sale of bonds has been approved by the Public Utility Commission of the State of Pennsylvania.

After appropriate notice a public hearing was held. The Commission having considered the record and finding with respect to said application that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interests of investors and consumers that said application be granted.

It is hereby ordered, Pursuant to the applicable provisions of the Act, that said application, be and the same hereby is, granted forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-10558; Filed, Dec. 3, 1948;
8:46 a. m.]

[File No. 70-1992]

WEST PENN ELECTRIC CO. AND POTOMAC EDISON CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 29th day of November A. D. 1948.

The West Penn Electric Company ("West Penn Electric"), a registered holding company, and The Potomac Edison Company ("Potomac Edison"), a direct subsidiary of West Penn Electric, having filed with this Commission a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 and certain rules and regulations promulgated thereunder, regarding the following transactions:

The issuance and sale by Potomac Edison, pursuant to the competitive bidding requirements of Rule U-50, of -----% Series First Mortgage and Collateral Trust Bonds, due 1977, in the aggregate principal amount of \$5,500,000 and of -----% Cumulative Preferred Stock, Series B, par value \$100 per share, in the aggregate amount of 30,000 shares; the issue and sale by Potomac Edison to West Penn Electric of 75,000 shares of common stock, without nominal or par value, of Potomac Edison for a total cash consideration of \$1,500,000; and the acquisition by West Penn Electric of the afore-described common stock of Potomac Edison; the filing requesting that the ten day period for solicitation of bids, as prescribed by Rule U-50, be shortened so that bids may be opened on December 6, 1948;

Notice of the filing of this joint application-declaration having been duly given in the form and manner prescribed by Rule U-23, promulgated pursuant to the act, and the Commission not having received a request for a hearing with respect thereto and not having ordered a hearing thereon;

The Commission finding with respect to this joint application-declaration that all of the applicable statutory standards are satisfied and that there is no basis for any adverse findings, deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration be granted and permitted to become effective, and further deeming it appropriate to grant the request that the ten day period for solicitation of bids for the bonds and preferred stock be shortened;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of the act, that this joint application-declaration be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the following terms and conditions:

(1) That for the purposes of this case the ten day period for soliciting bids, as prescribed by Rule U-50, be shortened to a period of not less than six days;

(2) That the proposed issuance and sale of the \$5,500,000 aggregate principal amount of First Mortgage Bonds and 30,000 shares of Cumulative Preferred Stock by Potomac Edison shall not be consummated until the results of competitive bidding, held with respect thereto, have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order shall contain such further terms and conditions, if any, as may then be deemed appropriate, jurisdiction being reserved at this time to permit the subsequent imposition thereof;

(3) That jurisdiction be reserved with respect to the payment of any and all fees and expenses incurred, or to be incurred, in connection with the consummation of the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-10557; Filed, Dec. 3, 1948;
8:46 a. m.]

[File No. 70-1999]

STANDARD GAS AND ELECTRIC CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regulation session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of November A. D. 1948.

Standard Gas and Electric Company ("Standard"), a registered holding company and a subsidiary of Standard Power and Light Corporation, also a registered holding company, having filed a declaration pursuant to sections 6 (a), 7 and 12 (d) of the Public Utility Holding Company Act of 1935 ("Act") and the pertinent rules and regulations promulgated thereunder regarding the following proposed transactions:

Standard proposes to enter into a Bank Loan Agreement, heretofore described in Holding Company Act Release No. 8641, with a group of banks headed

by Continental Illinois National Bank and Trust Company of Chicago and The Chase National Bank of The City of New York under which it will borrow \$11,600,000 at 2½% interest, per annum, to be evidenced by secured promissory notes and to apply the net proceeds of the loans together with treasury funds in the amount of \$3,274.78 to the prepayment, without premium, of its presently outstanding bank notes, due April 10, 1949, in the principal amount of \$11,603,274.78. The new notes will be dated as of the date of their delivery, will mature one year from that date and will be subject to prepayment at the election of Standard without the payment of a premium.

Standard proposes to secure said new notes by the pledge of its holdings of shares of common stock of Northern States Power Company (Minnesota), Philadelphia Company and Wisconsin Public Service Corporation.

Standard represents in the declaration that it desires to consummate the proposed transactions in order to eliminate from its present Bank Loan Agreement certain burdensome provisions including a prohibition against the payment of dividends. (Standard has filed with the Commission a declaration (File No. 70-2006) pursuant to section 12 (c) of the act and Rule U-46 regarding the proposed resumption of current dividends on its outstanding Prior Preference Stock).

Said declaration having been filed on November 8, 1948, and amendments thereto having been filed on November 24, 1948, and November 26, 1948, and notice thereof having been given in the manner and form prescribed by Rule U-23 promulgated under the act and the Commission not having received a request for hearing within the time specified in said notice, or otherwise, and not having ordered a hearing with respect to said declaration, as amended; and

Standard having requested that the Commission's order with respect to said declaration, as amended, issue at the earliest date possible and become effective upon issuance; and

The Commission finding with respect to said declaration, as amended, that the requirements of the applicable provisions of the act and the rules and regulations thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest that said declaration, as amended, be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935 that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 48-10560; Filed, Dec. 3, 1948;
8:47 a. m.]

[File No. 812-570]

NATIONAL SECURITIES & RESEARCH CORP.,
ET AL

NOTICE OF APPLICATION

In the matter of National Securities & Research Corporation, Independence Fund Trust Certificates and National Securities Series, File No. 812-570.

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of November A. D. 1948.

Notice is hereby given that National Securities & Research Corporation (herein called "National"), a corporation organized under the laws of the State of New York, the sponsor of Independence Fund Trust Certificates (herein called "Independence"), a registered management investment company, and National Securities Series, a registered open end diversified management investment company, has filed an application under section 11 (c) of the Investment Company Act of 1940 for an order exempting it from the provisions of section 11 (a) of the act for a proposed offer by National to the holders of Independence certificates to exchange shares of any one of the open-end series offered by National Securities Series for the Cumulative Trust Shares, a unit investment trust, held in the portfolio of Independence.

The application discloses the following:

Independence has issued and outstanding fully paid and periodic payment plan certificates under a Trust Agreement dated July 1, 1931, between National, the Empire Trust Company, successor trustee, and the security holders of Independence. National formed Independence on July 1, 1931, but has not offered certificates of that fund since December 1937. As of October 6, 1948, there were 235 Independence certificate holders, 14 of whom held certificates upon which payments had not been completed, the remainder holding fully paid certificates.

Payments from the security holders of Independence were invested in Cumulative Trust Shares, the securities of which were issued pursuant to a Trust Agreement dated July 1, 1930, between North American Depositor Corporation, a successor depositor, and City Bank Farmers Trust Company, a successor trustee. No depositor of Cumulative Trust Shares is or has been controlled by National or an affiliated person of National.

The Cumulative Trust Shares held by Independence were purchased by National at current offering prices prevailing at the various times of purchase, and were transferred by National to Independence at the current offering price plus a 9½% sales load, 8% of which was retained by National. Semi-annual distributions on Cumulative Trust Shares have and are, except in the case of 12 certificate holders, being reinvested by National in additional Cumulative Trust Shares on the same terms. In the case of 12 certificate holders semi-annual distributions are paid out in cash. In addition to the sales load on the investment in Cumulative Trust Shares, Independence certificate holders paid Na-

tional 5% of the total amount of their periodic payments as a service fee; in the case of fully paid certificate holders the service fee was 2½%.

The Trust Agreement under which Cumulative Trust Shares are issued terminates, by its terms, on June 30, 1950. At that time National must liquidate the portfolio of Cumulative Trust Shares and pay to the Independence certificate holders their aliquot share of the cash proceeds, or in the event a certificate holder does not choose to accept the cash due him, National is obligated to find other suitable fixed trust shares in which to invest the proceeds or form a new fixed trust in which such proceeds may be invested.

National Securities Series is a registered open end diversified management investment company which offers shares in 21 separate series of securities. Each series has a separate portfolio, and the rights of a shareholder in a particular series is limited to the portfolio of that series.

National wishes to offer to the certificate holders of Independence at net asset value, shares of any of the series, which National sponsors, with no sales load to the certificate holders of Independence. To the extent that the amount due the certificate holders of Independence will not purchase full shares of National Securities Series, such amounts will be paid to the certificate holders in cash. National has reserved the right to withdraw this offer at any time after 90 days from the date it is made.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may see fit to impose, may be issued by the Commission at any time on or after December 10, 1948, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than December 8, 1948, at 5:30 p. m., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 48-10561; Filed, Dec. 3, 1948;
8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12309]

MARIE BRATGE AND ALFRED BRATGE

In re: Stock owned by Marie Bratge also known as Marie Duck Bratge and Alfred Bratge. D-28-4228-A-1, D-28-4228-D-1, D-28-4228-D-2, D-28-4228-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Bratge, also known as Marie Duck Bratge, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That Alfred Bratge, whose last known address is Bamberg, Sophios Strasse (2), Bavaria, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

3. That the property described as follows:

a. All rights and interest in the Pierce Petroleum Corporation, Inc., in dissolution, evidenced by a certificate for 100 shares of no par value common stock of the aforesaid Corporation, said certificate numbered T4325, registered in the name of Granberry & Co., and presently in the custody of Collector of Customs, P. O. Box 758, Laredo, Texas, and any and all liquidating dividends thereon, together with any and all rights in, to and under the aforesaid certificate, including particularly the right to possession thereof,

b. One hundred (100) shares of no par value common stock of Columbia Gas and Electric Corporation, 61 Broadway, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered CN396824, registered in the name of Mrs. Marie Bratge, and presently in the custody of Collector of Customs, P. O. Box 758, Laredo, Texas, together with all declared and unpaid dividends thereon.

c. One hundred (100) shares of Trans-Lux Daylight Picture Screen Corporation, Inc. (now known as Trans-Lux Corporation), 1270 Sixth Avenue, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered NYC38950, registered in the name of Alfred Bratge, and presently in the custody of the Collector of Customs, P. O. Box 758, Laredo, Texas, together with all declared and unpaid dividends thereon,

d. Five (5) shares of \$1.00 par value common capital stock of Consolidated Oil Corporation, Inc. (now known as Sinclair Oil Corporation), 630 Fifth Avenue, New York 20, New York, evidenced by a

certificate numbered NY0335913, registered in the name of Mrs. Marie Bratge, and presently in the custody of Collector of Customs, P. O. Box 758, Laredo, Texas, together with all declared and unpaid dividends thereon,

e. One hundred (100) shares of \$5.00 par value common capital stock of Warner Brothers Pictures, Inc., 321 West 44th Street, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered D73776, registered in the name of Mrs. Marie Bratge, and presently in the custody of Collector of Customs, P. O. Box 758, Laredo, Texas, together with all declared and unpaid dividends thereon,

f. One hundred (100) shares of no par value common capital stock of the Radio Corporation of America, Inc., 1270 Avenue of the Americas, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered R148402, registered in the name of Mrs. Marie Bratge, and presently in the custody of Collector of Customs, P. O. Box 758, Laredo, Texas, together with all declared and unpaid dividends thereon,

g. One hundred (100) shares of no par value Class B common stock of Porto Rican American Tobacco Company of New Jersey, evidenced by a certificate numbered B-12818, and presently in the custody of Collector of Customs, P. O. Box 758, Laredo, Texas, together with all declared and unpaid dividends thereon, and

h. One hundred thirty (130) shares of 25 Kr. par value Class B stock of Svenskatandsticks Aktiebolaget (Swedish Match Co.), a corporation organized under the laws of Sweden, evidenced by certificates numbered E-2550241-2550250, E-2571741-2571750, E-2604181-2604190, E-2568561-2568570, E-2604201-2604210, E-2604191-2604200, E-2604401-2604410, E-2604391-2604400, E-2604381-2604390, E-2604371-2604380, E-2604361-2604370, E-2610741-2610750 and E-2568351-2568360 registered in the name of Deutsche Bank, and presently in the custody of Collector of Customs, P. O. Box 758, Laredo, Texas, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Alfred Bratge and Marie Bratge, also known as Marie Duck Bratge, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10582; Filed, Dec. 3, 1948; 8:54 a. m.]

[Vesting Order 12365]

HERMANN MENZELL

In re: Trust under deed of Hermann Menzell. Files F-28-7111 and F-28-7111-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Peter Degler, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of \$2,167.34, with accumulated interest and dividends since September 12, 1947, less lawful commissions and taxes, in the possession of President and Directors of the Manhattan Company, 40 Wall Street, New York, New York, successor trustee, payable to the designated national named in subparagraph 1 hereof pursuant to the terms of the instrument of August 20, 1926, addressed to International Acceptance Securities and Trust Company, New York, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10583; Filed, Dec. 3, 1948;
8:54 a. m.]

[Vesting Order 12387]

COMTE WOLDEMAR UXKULL

In re: Certificate of deposit, bonds, stock and scrip owned by and debt owing to Comte Woldemar Uxkull. F-63-8514-D-1/2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Comte Woldemar Uxkull, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain Chicago, Rock Island and Pacific Railroad Company bonds and scrip certificates described in Exhibit A, attached hereto and by reference made a part hereof, presently in the custody of Credit Suisse, New York Agency, 30 Pine Street, New York, New York, together with any and all rights thereunder and thereto,

b. One (1) share of \$100 par value series A preferred capital stock of Chicago, Rock Island and Pacific Railroad Company, 139 West Van Buren Street, Chicago, Illinois, evidenced by certificate number TNPO-13338, registered in the name of Benson & Co. and presently in the custody of Credit Suisse, New York Agency, 30 Pine Street, New York, New York, together with all declared and unpaid dividends thereon,

c. One (1) scrip certificate, bearing number NSP 6999, for twenty-nine hundredths ($\frac{29}{100}$) share of \$100 par value series A preferred capital stock of Chicago, Rock Island and Pacific Railroad Company, 139 West Van Buren Street, Chicago, Illinois, presently in the custody of Credit Suisse, New York Agency, 30 Pine Street, New York, New York, together with any and all rights thereunder and thereto,

d. Five (5) shares of no par value common capital stock of Chicago, Rock Island and Pacific Railroad Company, 139 West Van Buren Street, Chicago, Illinois, evidenced by certificate number TNCO-17487, registered in the name of Benson & Co. and presently in the custody of Credit Suisse, New York Agency, 30 Pine Street, New York, New York, together with all declared and unpaid dividends thereon,

e. One (1) scrip certificate, bearing number NSC 9710, for seventy-four hundredths ($\frac{74}{100}$) shares of no par value common capital stock of Chicago, Rock Island and Pacific Railroad Company, 139 West Van Buren Street, Chicago, Illinois, presently in the custody of Credit

Suisse, New York Agency, 30 Pine Street, New York, New York, together with any and all rights thereunder and thereto,

f. That certain debt or other obligation of Credit Suisse, New York Agency, 30 Pine Street, New York, New York, in the amount of \$128.88, as of October 1, 1948, arising out of payments received, under a plan of reorganization of the Chicago, Rock Island and Pacific Railway Company, with respect to a certificate of deposit, bearing number NYM 141 and registered in the name of Comte Woldemar Uxkull, for one (1) St. Paul and Kansas City Short Line Railroad Company first mortgage 4½% bond, due February 1, 1941, of \$1,000 face value, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Comte Woldemar Uxkull, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Description of issue	Bond or scrip certificate No.	Face value
Chicago, Rock Island & Pacific R. R. Co. first mortgage 4% bonds, series A, due 1994.....	TL 3778	\$50.00
Scrip for Chicago, Rock Island & Pacific R. R. Co. first mortgage 4% bonds, series A, due 1994.....	NSF 5697	49.11
Chicago, Rock Island & Pacific R. R. Co. general mortgage 4½% convertible income bonds, series A, due 2019.....	TC 13059	100.00
Scrip for Chicago, Rock Island & Pacific R. R. Co. general mortgage 4½% convertible income bonds, series A, due 2019.....	TL 3521	50.00
	NSG 5718	11.33

[F. R. Doc. 48-10584; Filed, Dec. 3, 1948;
8:54 a. m.]

[Vesting Order 12395]

ELISABETH BARTH

In re: Rights of Elisabeth Barth under insurance contract. File No. F-28-3331-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elisabeth Barth, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by annuity contract No. 9892 448, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Elisabeth Barth, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 22, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10585; Filed, Dec. 3, 1948;
8:55 a. m.]

[Vesting Order 12396]

ELISABETH BARTH

In re: Rights of Elisabeth Barth under insurance contracts. File Nos. F-28-3331-H-2, and H-3.

Under the authority of the Trading With the Enemy Act as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elisabeth Barth, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by annuity contracts Nos. 3844 AB and 24 212 AB, issued by the Metropolitan Life Insurance Company, New York, New York, to Elisabeth Barth, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 22, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10586; Filed, Dec. 3, 1948;
8:55 a. m.]

[Vesting Order 12397]

GEORGE BECKER

In re: Estate of George Becker, a/k/a George W. Becker, deceased. File: D-28-12443 E. T. sec. 16663.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Phillip Schneider and Barbara Sheid, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of George Becker, also known as George W. Becker, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by George A. Schneider, as Administrator, acting under the judicial supervision of the Sur-

rogate's Court, New York County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 22, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10587; Filed, Dec. 3, 1948;
8:55 a. m.]

[Vesting Order 12399]

MIA (WILHELMINE) EICKHOFF

In re: Rights of Mia (Wilhelmine) Eickhoff under insurance contract. File No. D-28-10923-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mia (Wilhelmine) Eickhoff, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 3714-SSO-090-14-1291, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Carl F. Eickhoff, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate con-

sultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 22, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10588; Filed, Dec. 3, 1948;
8:55 a. m.]

[Vesting Order 12400]

GEORGE MICHAEL FOERTSCH

In re: Rights of George Michael Foertsch under insurance contract. File No. F-28-26847-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That George Michael Foertsch, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. PU 50188, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Frieda Foertsch, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 22, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10589; Filed, Dec. 3, 1948;
8:55 a. m.]

[Vesting Order 12402]

HELEN GARTHAUS

In re: Rights of Helen Garthaus under insurance contract. File No. D-28-10992-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helen Garthaus; whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. A2455, issued by the Catholic Knights of Wisconsin, Milwaukee, Wisconsin, to Rev. August Garthaus, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 22, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10591; Filed, Dec. 3, 1948;
8:55 a. m.]

[Vesting Order 12403]

ELFRIEDA JAKOL (JAKOB)

In re: Rights of Elfrieda Jakol (Jakob) under insurance contract. File No. D-28-11631-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elfrieda Jakol (Jakob), whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 12 187 651, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Rose A. Luther, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 22, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10592; Filed, Dec. 3, 1948;
8:55 a. m.]

[Vesting Order 12188, Amdt.]

BARON FRIEDRICH CARL OPPENHEIM

In re: Property owned by Baron Friedrich Carl Oppenheim, also known as Friedrich Carl Oppenheim.

Vesting Order 12188, dated October 11, 1948, is hereby amended as follows and not otherwise:

By deleting subparagraph 2 of the aforesaid Vesting Order 12188 in its entirety and substituting therefor the following:

2. That the property described as follows: Those certain items of jewelry and other articles described in Exhibit A, attached hereto and by reference made a part hereof, contained in a safe deposit box numbered 72, leased in the names of E. F. Regan and Wilbert Ward and maintained with The National City Safe Deposit Company, 52 Wall Street, New York, New York,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Baron Friedrich Carl Oppenheim, also known as Friedrich Carl Oppenheim, the aforesaid national of a designated enemy country (Germany).

All other provisions of said Vesting Order 12188 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on November 22, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

1. 1 lady's ring, believed to be of platinum, containing 2 Round diamonds with an estimated weight of 4.00 carats, and 1 emerald with an estimated weight of 2.50 carats.

2. 1 bar pin, believed to be of platinum and gold, containing 3 Round diamonds, one with an estimated weight of 5.00 carats and the other two with an estimated weight of 5.00 carats.

3. 1 pair of earrings, believed to be platinum, with white gold screw backs, containing 2 Cushion-shape diamonds with an estimated weight of 15.00 carats, 4 Baguette diamonds with an estimated weight of 1.50 carats, 2 Square diamonds with an estimated weight of 1.00 carat and 2 Triangle diamonds with an estimated weight of 0.20 of a carat.

4. 1 pair of drop earrings, believed to be platinum with white gold screw backs, containing 2 Emerald drops with an estimated weight of 20.00 carats, 6 Baguette diamonds with an estimated weight of 1.25 carats and 42 Round diamonds with an estimated weight of 0.62 of a carat.

5. 1 crescent brooch, containing 15 Baguette diamonds with an estimated weight of 1.50 carats, 1 Triangle diamond with an estimated weight of 0.15 of a carat, 1 Trapeze diamond with an estimated weight of 0.35 of a carat, and 38 Round diamonds with an estimated weight of 12.00 carats.

6. 1 Emerald block bracelet, believed to be platinum, containing 36 emeralds with an estimated weight of 33.00 carats.

7. 1 two-strand natural Oriental pearl necklace with a diamond and pearl clasp with one strand of 73 pearls and one strand of 54 pearls, a total of 127 pearls estimated at 650 grains, and said clasp containing 9 small, round diamonds and one pearl.

8. 1 small jewel case approximately four inches square.

9. 1 suede bag.

[F. R. Doc. 48-10598; Filed, Dec. 3, 1948;
8:56 a. m.]