EXECUTIVE ORDER 10476
ADMINISTRATION OF FOREIGN AID AND FOREIGN INFORMATION FUNCTIONS

By virtue of the authority vested in me by the statutes referred to in section 101 of this order, and by section 301 of title 3 of the United States Code and Reorganization Plans Nos. 7 and 8 of 1953, as amended, and as President of the United States, it is hereby ordered as follows:

Section 1. Paragraph 1 of Executive Order No. 10276 of July 31, 1951, as amended by Executive Order No. 10293 of September 27, 1951 (16 F. R. 9927), is hereby amended to read as follows:

"1. (a) The powers, duties, and functions conferred upon the President by the Housing and Rent Act of 1947, as amended, of those under paragraphs 1 and 2 of the said Executive Order No. 10276 to the Economic Stabilization Agency, are hereby transferred to the Director of the Office of Defense Mobilization, subject to the provisions of subsection (b) of this section, and may be exercised and performed by the Director or by such officers and agencies of the said Office as the Director may designate.

(b) So much of the said powers, duties, and functions as consists of grant of orders, rules, regulations, and other similar instruments issued by any officer or agency of the Government and relating to any matter affected by this order shall remain in effect except as they are inconsistent herewith or with any provision of law, or as they are hereafter amended or revoked under proper authority.

Sec. 2. Each reference in other sections of the said Executive Order No. 10276 to the Economic Stabilization Administrator and the Economic Stabilization Agency is hereby amended to refer to the Director of the Office of Defense Mobilization and the Office of Defense Mobilization, respectively.

Sec. 3. The Office of Rent Stabilization, established under the authority of paragraph 1 (a) of the said Executive Order No. 10276, is hereby abolished.

Sec. 4. All orders, rules, regulations, directives, and other similar instruments issued by any officer or agency of the Government and relating to any matter affected by this order shall remain in effect except as they are inconsistent herewith or with any provision of law, or as they are hereafter amended or revoked under proper authority.

Sec. 5. Executive Order No. 10456 of May 27, 1953 (18 F. R. 3083), entitled "Delegating to the Secretary of Defense and the Director of Defense Mobilization Certain Functions Relating to Critical Defense Housing Areas”, is hereby revoked.

Sec. 6. This order shall become effective July 31, 1953.

Dwight D. Eisenhower
THE WHITE HOUSE, July 31, 1953.

[F. R. Doc. 53-7876; Filed, Aug. 3, 1953; 10:24 a.m.]
which are continued in effect by section 503 of the Mutual Security Act of 1951, as amended.

(b) There are hereby excluded from the functions delegated by section 101 (a) of this order:

(1) The functions conferred upon the President by the laws referred to in section 101 (a) of this order with respect to the appointment of officers required to be appointed by and with the advice and consent of the Senate, the transmission of periodic or special reports to the Congress, and the termination or withdrawal of assistance.

(2) The functions conferred upon the President with respect to findings, determinations, certification, agreements, transfers of funds, or directives, as the case may be, by sections 101 (a), 101 (b), 202, 302 (a), 303 (a) (last two sentences), 401, 503 (a) (3), 507 (except as provided in Part III hereof), 511, 513, 530, 532, 540, 542, 550 (b), and 556 (c) of the Mutual Security Act of 1951, as amended; sections 303, 402, 407 (b) (2), 408 (f), and 411 (b) of the Mutual Defense Assistance Act of 1949, as amended; sections 105 (c), 111 (b) (2) (first clause), and 119 of the Economic Cooperation Act of 1948, as amended; and sections 103 (b), 104, 203, and 301 of the Mutual Defense Assistance Control Act of 1951.

(c) Funds which have been or may be appropriated or otherwise made available to the President to carry out the laws referred to in section 101 (a) hereof, and section 12 of the Mutual Security Act of 1952 (66 Stat. 151), shall be deemed to be allocated to the Director of the Foreign Operations Administration without any further action by the President, and the said funds may be allocated by the Director of the Foreign Operations Administration, in the discharge of his official duties, to the establishment, or wholly-owned corporation of the Government for obligation or expenditure thereby, consistent with applicable law, subject, however, to the provisions relating to transfer of funds set forth in section 101 (b) (2) hereof.

Sec. 102. Interrelationship of Director and Secretary of Defense. (a) Consistent with section 501 (a) of the Mutual Security Act of 1951, as amended, the Secretary of Defense shall exercise the responsibility and authority vested in him by section 506 (a) of the said Act, as amended, subject to coordination, direction, and supervision by the Director of the Foreign Operations Administration.

(b) The Secretary of Defense shall keep the Director of the Foreign Operations Administration fully and currently informed of all matters, including proposals, requests, reports, and the furnishing of military items under section 506 (c) of the Mutual Security Act of 1951, as amended.

Sec. 103. Aid to Palestine refugees. (a) Subject to subsection (b) of this section, the functions transferred to the President by section 6 of Reorganization Plan No. 7 of 1953 are hereby delegated to the Director of the Foreign Operations Administration.

(b) The Secretary of State shall be responsible for making the United States contribution to the United Nations under the United Nations Palestine Refugee Aid Act of 1950. The Secretary of State shall also be responsible for formulating and presenting, with the assistance of the Director of the Foreign Operations Administration, the policy of the United States with respect to aid to Palestine refugees and for representing the United States in the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

Sec. 104. Successor agencies. (a) Except as may be otherwise provided in this order, the Foreign Operations Administration and the Director of the Foreign Operations Administration are hereby made the successors, respectively, of the Mutual Security Agency and the Director for Mutual Security.

(b) Except in instances wherein the provisions concerned are for any reason inapplicable as of the effective date of Reorganization Plan No. 7 of 1953, each reference in any prior Executive order to the Mutual Security Agency or the Director for Mutual Security is hereby amended to refer to the Foreign Operations Administration and the Director of the Foreign Operations Administration, respectively.

(c) Without limiting the application of section 101 (b) of this order, the amendments made thereby shall apply, subject to the provisions of the said section 101 (b), to prior references to the Foreign Operations Administration, the Mutual Security Agency, and the Director of the Foreign Operations Administration in the provisions of Executive Order No. 10159 of September 8, 1950 (15 F. R. 6103), as amended, (2) sections 7 and 9 of Executive Order No. 10380 of November 9, 1951 (16 F. R. 11203), as amended, (3) Executive Order No. 10380 of August 2, 1952 (17 F. R. 7107), and (4) Executive Order No. 10458 of June 1, 1953 (18 F. R. 3159).

Sec. 105. Redelegation. The functions delegated to the Director of the Foreign Operations Administration by this order and amendments made thereby shall be deemed to include the authority to redelegate the functions so delegated.

PART II. FOREIGN INFORMATION

Sec. 201. Informational media guaranties. The United States Information Agency is hereby designated as the agency of the Government which shall make and administer, subject to the effective date of this order, the authority to make informational media guaranties under section 111 (b) (3) of the Economic Cooperation Act of 1948, as amended, which may be utilized by the Director of the United States Information Agency, and to administer such guaranties made prior to the effective date of this order.

Sec. 202. Information regarding technical cooperation. The United States Information Agency shall publicize abroad the activities carried on under the Act for International Development. Executive Order No. 10159 of September 8, 1950 (15 F. R. 6109), as amended, is hereby further amended accordingly.

PART III. PROCEEDURES FOR COORDINATION ABROAD

Sec. 301. Functions of the Chief of the United States Diplomatic Mission. (a) The Chief of the United States Diplomatic Mission in each country, as the representative of the President, shall serve as the channel of authority, foreign policy and shall provide foreign policy direction to all representatives of United States agencies in such country.

(b) The Chief of the United States Diplomatic Mission, as the representative of the President and acting on his behalf, shall coordinate the activities of the representatives of United States agencies in each country engaged in carrying out programs under the Mutual Security Act of 1951, as amended, programs under the Mutual Defense Assistance Control Act of 1951, which may be utilized by the Director of the United States Information Agency, and such foreign policy as the President may from time to time prescribe.
responsibility for assuring the unified development and execution of the said programs complained of in section 301(b) hereof. More particularly, the functions of each Chief of United States Diplomatic Mission shall include, with respect to the programs and country concerned:

(1) Exercising direction and leadership of the entire effort.

(2) Assuring that recommendations and prospective plans and actions of representatives of United States agencies that may be especially essential to the exercise of direction, coordination, and assuring that these representatives shall have access to all available information essential to the accomplishment of their prescribed duties.

(3) Keeping the representatives of United States agencies fully informed as to current and prospective United States policies.

(4) Prescribing procedures governing the coordination of the activities of representatives of United States agencies, and assuring that these representatives shall have access to all available information essential to the accomplishment of their prescribed duties.

(5) Preparing and submitting such reports of the measures taken and status of the programs referred to in the preamble of this section 301(b) as may be requested of the Secretary of State by the Director of the Foreign Operations Administration and the Director of the United States Information Agency, respectively.

(6) Recommending the withdrawal from the country of United States personnel, in his opinion the interest of the United States warrant such action.

(c) Each Chief of United States Diplomatic Mission shall perform his functions under this Part in accordance with instructions from higher authority and subject to established policies and programs of the United States. Only the President and the Secretary of State shall communicate instructions directly to the Chief of the United States Diplomatic Mission.

(d) No Chief of United States Diplomatic Mission shall delegate any function conferred upon him by the provisions of this Part which directly involves the exercise of direction, coordination, or authority.

Sec. 302. Referral of unresolved matters. The Chief of the United States Diplomatic Mission in each country shall initiate steps to reconcile any divergent views arising between representatives of United States agencies in the country concerned with respect to programs referred to in the preamble of section 301(b) hereof. If agreement cannot be reached the Chief of the United States Diplomatic Mission shall recommend a course of action, and such course of action shall be followed unless a representative of a United States agency requests that the issue be referred to the Secretary of State and the United States agencies concerned for decision. If such a request is made the parties concerned shall promptly refer the issue for resolution prior to taking action at the country level.

Sec. 303. Effect of order on representatives of United States agencies. (a) All representatives of United States agencies in any country shall be subject to the responsibilities imposed upon the Chief of the United States Diplomatic Mission in such country by section 507 of the Mutual Security Act of 1951, as amended, and by this Part.

(b) Subject to compliance with the provisions of this Part and with the prescribed procedures of their respective agencies, all representatives of United States agencies in this Part (1) shall have direct communication with their respective agencies and with such other parties and in such manner as may be authorized by their respective agencies, (2) shall keep the Chief of United States Diplomatic Missions, upon their request, documents and information concerning the said programs.

PART IV. GENERAL PROVISIONS

Sec. 401. Coordination of foreign policy. The Secretary of State, the Director of the Foreign Operations Administration, and the Director of the United States Information Agency shall establish and maintain arrangements which will insure that all programs under the supervision of the latter two officials are carried out in conformity with the established foreign policy of the United States.

Sec. 402. Transfer of personnel, property, records, and funds. So much of the personnel, records, property, and unexpended balances of appropriations, allocations, and other funds, available to any officer or agency whereof there is delegated or assigned in any manner prior to the taking effect of this Executive order any function which by this order is otherwise delegated or assigned, as the Director of the Bureau of the Budget determines to relate to the said functions and to be required by the officer or agency whereof the functions concerned are delegated or assigned by this order, or if the performance thereof, shall be transferred and assigned to an officer or agency thereof. Such further measures and dispositions as the Director of the Bureau of the Budget shall deem to be necessary in order to effectuate the transfers provided for in this section and carried out in such manner as he shall direct and by such agencies as he shall designate.
(b) The act of July 9, 1940 (5 U. S. C. 170a, b, and c), regarding the transfer, acquisition, use, and disposal of international broadcasting facilities outside a place of stone age and the cost of storing the furniture and household effects of an employee of the Foreign Service who is assigned to a post at which he is unable to use his furniture under such regulations as the Secretary of State may prescribe, (4) dues for library membership in organizations which issue publications to members only, or to members at a price lower than to others, (5) examination of estimates of appropriations in the field, (6) purchase of ice and drinking water abroad, (7) payment of excise taxes on negotiable instruments abroad, and (8) payment of other taxes on income derived from the utilization of the property or otherwise, of services, supplies, and facilities, as follows: (1) maintenance, improvement, and repair of properties used for international information activities in foreign countries, (ii) fuel and utilities for government-owned vehicles for travel abroad, and (iii) rental or lease for periods not exceeding ten years of offices, buildings, and household effects of an employee of the Foreign Service who is assigned to a post, and (iv) the furnishing of living quarters to foreign officers and employees engaged in international information activities abroad (22 U. S. C. 291).

(c) There are hereby excluded from the authority granted to the President by section 2 (a) of this order the following-described powers now vested in or delegated to the Secretary of State:

(1) The authority of the Secretary of State to make recommendations to the President for the commissioning of Foreign Service officers or of consular officers or both, under section 524 of the Foreign Service Act of 1964, as amended, and to make recommendations for the commissioning of Foreign Service staff officers or employees as consuls under section 533 of such act, and the authority of the Secretary to commission Foreign Service staff officers as vice consuls under the said act.

(2) The authority vested in the President by sections 443 and 901 of the Foreign Service Act of 1946, as amended, which has been delegated to the Secretary of State, to fix rates, if 10,000 and 10,001, and successive amendments thereof, to designate places, fix rates, and prescribe regulations governing the payment of additional compensation, known as "foreign post differential," to employees in foreign areas of executive departments and independent establishments of the United States, and to designate places, fix rates, and prescribe regulations with respect to civilian employees of the Government serving abroad, governing living-quarters allowances, cost-of-living allowances, and post-diplomatic allowances.

Sec. 3. Authority under various other statutes.

The Director is authorized to exercise the authority available to the Secretary of State or the Director of the Foreign Operations Administration, as the case may be, under the following-described provisions of law:


(b) Section 504 (d) of the Mutual Security Act of 1951, as amended (relating to reduction in personnel), with respect to personnel transferred from the Mutual Security Agency or the Foreign Operations Administration to the United States Information Agency.

(c) Section 161 of the Revised Statutes of the United States (5 U. S. C. 22) and section 4 of the act of May 26, 1949 (5 U. S. C. 1510), regarding the promulgation of rules and regulations and the delegation of authority.

Sec. 4. Effective date. This order shall become effective on August 1, 1953.

Dwight D. Eisenhower

THE WHITE HOUSE,
August 1, 1953.

(F. R. Doc. 53–6860; Filed, Aug. 3, 1953; 19:24 a.m.)

REORGANIZATION PLAN NO. 7 OF 1953

Prepared by the President and Transmitted to the Senate and the House of Representatives, Pursuant to the Reorganization Act of May 26, 1953, Amended, June 1, 1953, Pursuant to the Provisions of the Reorganization Act of 1949, Approved June 20, 1949, as Amended

FOREIGN OPERATIONS ADMINISTRATION

Section 1. Establishment of Foreign Operations Administration.

(a) There is hereby established a new agency which shall be known as the Foreign Operations Administration, hereinafter referred to as the "Administration."

(b) There shall be at the head of the Administration a Director, hereinafter referred to as the "Director."

The Director shall be appointed by the President by and with the advice and consent of the Senate, to serve at the pleasure of the President, to receive compensation at the rate of $22,500 a year. The Secretary of State shall advise with the President concerning the appointments and tenure of the Director.

There shall be in the Administration a Deputy Director of the Foreign Operations Administration, who shall be appointed by the President by and with the advice and consent of the Senate, and who shall receive compensation at the rate of $17,500 a year. The Deputy Director shall perform such functions as the Director shall from time to time designate, and shall act as Director during the absence or disability of the Director or in the event of a vacancy in the office of Director.

(d) There are hereby established in the Administration six new offices with such title or titles as the Director shall, from time to time designate, and shall act as Director during the absence or disability of the Director or in the event of a vacancy in the office of Director.1

1 Effective August 1, 1953, under the provisions of section 6 of the act; published pursuant to section 11 of the act (53 Stat. 206; 5 U. S. C. Sup. 1352).

Tuesday, August 4, 1953

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be at the rate of $15,000 a year. The persons appointed to the said new offices shall perform such functions as the Director shall from time to time designate, and are authorized to act as Director, as the Director may designate, during the absence or disability of the Director and the Deputy Director or in the event of vacancies in the offices of Director and Deputy Director. Sec. 2. Transfer of functions to the Director. There are hereby transferred to the Director: (a) All functions vested by the Mutual Security Act of 1951, as amended, or by section 2 of the Act of March 28, 1950 (5 U.S.C. 285c), and not transferred by the Director for Mutual Security provided for in section 501 of that Act, or in the Mutual Security Agency created by that Act, or in any official or office of that Agency, including the functions of the Director for Mutual Security as a member of the National Security Council. (b) All functions vested by the Mutual Defense Assistance Act of 1951, as amended, or in the Administrator created by that Act. (c) The function vested by section 6 of the Yugoslav Emergency Relief Assistance Act of 1950 in the Secretary of State. Sec. 3. Institute of Inter-American Affairs. The Institute of Inter-American Affairs, together with its functions, is hereby transferred to the Administration. All functions vested by the Institute of Inter-American Affairs Act in the Secretary of State are hereby transferred to the Director. Functions with respect to serving as employees of the said Institute or as members of the board of directors thereof, including eligibility, as the case may be, to be detailed as such employees or to serve as such members, are hereby transferred from the officials and employees of the Department of State to the officials and employees of the Administration. The Institute shall be administered subject to the direction and control of the Director. Sec. 4. National Advisory Council. The Director shall be a member of the National Advisory Council on International Monetary and Financial Problems (22 U. S. C. 288d). Sec. 5. Performance of functions transferred to the Director. The Director may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by any employee or organizational entity, of the Administration, of any function of the Director, except the function of being a member of the National Advisory Council and the function of being a member of the National Advisory Council on International Monetary and Financial Problems. Sec. 6. Transfer of functions to the President. All functions vested in the Secretary of State by the United Nations Refugee Act of 1959 are hereby transferred to the President. Sec. 7. Incidental transfers. (a) Personnel, property, records, and unexpended balances of appropriations, allocations, and other funds, employed, used, held, available, or to be made available in connection with functions transferred or vested by this reorganization plan shall be transferred, at such time or times as the Director may designate, as the case may be, by and with the advice and consent of the Senate of the United States, provided that the Director has authority to make the transfers, and to the extent of any legislation relating thereto, the provisions of section 504 (a) of the Mutual Security Act of 1951, as amended, shall govern such transfers. (b) The Director shall wind up any outstanding affairs of the aforesaid abolished agencies and offices not otherwise provided for in this reorganization plan. Sec. 8. Abolitions. (a) There are hereby abolished: (1) The offices of Director of Mutual Security and Deputy Director for Mutual Security, provided for in sections 501 and 504, respectively, of the Mutual Security Act of 1951, as amended (including the organization in the Executive Office of the President known as the Office of the Director for Mutual Security). (2) The offices of the Agency. (3) The title of Administrator provided for in the Mutual Defense Assistance Control Act. (4) The four positions provided for in section 406 (e) of the Mutual Defense Assistance Act of 1949, as amended. (5) The offices of Administrator and Deputy Administrator for Technical Cooperation, provided for in section 413 (a) of the Mutual Security Act of 1951, as amended, together with the functions vested in the Administrator by the said section 413 (a), as amended. (6) The offices of the Special Representative for Technical Cooperation and the Special Representative in Europe, provided for in section 504 (a) of the Mutual Security Act of 1951, as amended. The abolition of the said offices of Representative, and Deputy Representative, shall become effective on September 1, 1953 (unless a later date is required by the provisions of section 6 (a) of the Reorganization Act of 1949, as amended). (b) The Director shall wind up any outstanding affairs of the aforesaid abolished agencies and offices not otherwise provided for in this reorganization plan. Sec. 9. Interim provisions. The President may authorize the persons who, immediately prior to the effective date of this reorganization plan, held offices or occupy positions abolished by section 8 hereof to hold offices and occupy positions under section 1 hereof until the later of the date upon which they shall be deemed to have been authorized to perform the functions and duties of the offices and positions abolished hereunder by reason of the provisions of the said section 1 or by reappointment as such, if in any period extending more than 60 days after the said effective date, as follows: (a) The Director and Deputy Director for Mutual Security as the Director and Deputy Director of the Foreign Operations Administration, respectively. (b) The Administrator for Technical Cooperation and the persons occupying the offices under section 6 (a) of the Mutual Defense Assistance Act of 1949, as amended, to serve in the two senior positions created by section 1 (d) hereof. (c) The Deputy Director for Technical Cooperation and the persons occupying the three positions provided for in section 406 (e) of the Mutual Defense Assistance Act of 1949, as amended, to serve in the two positions created by section 1 (d) hereof which have compensation at the rate of $15,000 a year. [F. R. Doc. 55–627; Filed, Aug. 3, 1953; 8:46 a.m.] REORGANIZATION PLAN NO. 8 OF 1953 Prepared by the President and Transmitted to the Senate and the House of Representatives in Congress Assembled, June 1, 1953, Pursuant to the Provisions of the Reorganization Act of 1949, Approved June 20, 1949, as Amended1 UNITED STATES INFORMATION AGENCY SECTION 1. Establishment of agency. (a) There is hereby established a new agency which shall be known as the United States Information Agency, hereinafter referred to as the Agency. (b) There shall be at the head of the Agency a Director of the United States Information Agency, hereinafter referred to as the Director. The Director shall be appointed by the President by and with the advice and consent of the Senate and shall receive compensation at the rate of $17,500 a year. The Secretary of State shall advise with the President with respect to the appointment and tenure of the Director. (c) There shall be in the Agency a Deputy Director of the United States Information Agency, who shall be appointed by the President by and with the advice and consent of the Senate, and who shall receive compensation at the rate of $16,000 a year. The Deputy Director shall perform such functions as the Director shall designate, and shall act as Director during the absence or disability of the Director or in the event of a vacancy in the office of the Director. (d) There are hereby established in the Agency so many new offices, not in excess of fifteen existing at any one time, and with such title or titles, as the Director shall from time to time determine. An Appointment thereto shall be under the classified civil service and the compensation thereof shall be fixed from time to time.

1Effective August 1, 1953, under the provisions of section 5 of the Act, published pursuant to section 11 of the Act (65 Stat. 203; 5 U. S. C. Supp. 133d).
time pursuant to the classification laws, as now or hereafter amended, except that the compensation may be fixed without regard to the numerical limitations on positions set forth in section 506 of the Classification Act of 1949, as amended (5 U. S. C. 1105).

Sec. 2. Transfer of functions. (a) Subject to subsection (c) of this section, there are hereby transferred to the Director, (1) the functions vested in the Section 501 of the said Act are hereby transferred to the Director. (2) functions of the Secretary of State by the Mutual Security Agency as the integral part of information programs under Title V transferred to the Director, (1) the functions vested in the Secretary of State by the所述 Act as is an integral part of information programs under that Act, together with so much of the functions transferred or vested by this reorganization plan as the Director of the Bureau of the Budget shall determine shall be transferred to the Agency at such time or times as he shall direct. (b) Such further measures and dispositions as the Director of the Bureau of the Budget shall deem to be necessary in order to effectuate the transfers provided for in subsection (a) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

Sec. 4. Incidental transfers. (a) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds, employed, used, held, available, or to be made available in connection with the functions transferred or vested by this reorganization plan as the Director of the Bureau of the Budget shall deem shall be transferred to the Agency at such time or times as he shall direct.

(b) Representatives of the United States carrying out the functions transferred by section 2 hereof in each foreign country shall be subject to such procedures as the President may prescribe to assure coordination among such representatives in each country under the leadership of the Chief of the United States Diplomatic Mission.

Sec. 5. Interim provisions. Pending the initial appointment under section 1 of this reorganization plan of the Director and Deputy Director, respectively, therein provided for, their functions shall be performed temporarily, but not for a period in excess of 60 days, by such officers of the Department of State or the Mutual Security Agency as the President shall designate.

Section 1. Transfer of functions. There are hereby transferred to the Civil Aeronautics Board (hereinafter referred to as the Board) the functions of the Postmaster General with respect to paying to each air carrier so much of the compensation fixed and determined by the Board under section 406 of the Civil Aeronautics Act of 1938, 52 Stat. 998, as amended, 49 U. S. C. 406, as is in excess of the amount payable to such air carrier, under honest, economical, and efficient management, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith at fair and reasonable rates fixed and determined by the Board in accordance with that section without regard to the following provision of subsection (b) thereof: "the need of each such air carrier for compensation for the transportation of mail sufficient to insure the performance of such service, and, together with all other revenue of the air carrier, to enable such air carrier under honest, economical, and efficient management, to maintain and continue the operation of air transportation to the extent and of the character and quality required for the commerce of the United States, the Postal Service, and the national defense."
ferred by this reorganization plan as the Director of the Bureau of the Budget deems to be required for the performance of these functions. Such measures and dispositions relating to the Bureau of the Budget shall be in effect to the necessary, in order to effectuate the transfers provided for in this section shall be carried out in such manner as he shall designate.

Sec. 4. Effective date. The provisions of this reorganization plan shall take effect on the first day of the first calendar month following forty-five days after the date they would take effect under section 6 (a) of the Reorganization Act of 1949, as amended, in the absence of this section, and shall be applicable only with respect to services rendered on and after the date on which the reorganization plan takes effect under this section.

[FR. Doc. 53-6680; Filed, Aug. 3, 1953; 8:46 a.m.]

**RULES AND REGULATIONS**

**TITLE 7--AGRICULTURE**

Subtitle A—Office of the Secretary of Agriculture

[Import Regulation 1, Amdt. 1]

**PART 6—IMPORT QUOTAS AND FEES**

**SUBPART—IMPORT QUOTAS**

**RECORDS AND REPORTS**

By virtue of the authority vested in me by Proclamation 3019 of the President of the United States, dated June 8, 1953 (18 F. R. 3361), as amended by Proclamation 3025 on June 30, 1953 (18 F. R. 3815), it is hereby determined that the following amendment of Import Regulation 1 (18 F. R. 3361, 3822) is appropriate to facilitate the administration of said Import Regulation 1.

It is, therefore, ordered that the provisions in paragraph (a) of 0.27 Records and reports of Import Regulation 1 (18 F. R. 3819, 3822) are hereby amended to read as follows:

(a) Each person making an importation shall file with the Collector of Customs a completed Form PMA-678, or such other form as may be required for this purpose by the Administrator. The form shall be signed by the licensee or an authorized officer, employee, or agent of the licensee. The form will be transmitted by the Collector of Customs to the Production and Marketing Administration, United States Department of Agriculture.

This amendment shall be effective upon publication in the Federal Register. With respect to violations, rights accrued, liabilities incurred, or appeals taken concerning Import Regulation 1 prior to the effective date hereof, all provisions of said Import Regulation 1 in effect at the time when such violations occurred, rights accrued, liabilities were incurred, or appeals were taken shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

It is hereby found that it is unnecessary, impracticable, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication in the Federal Register (60 Stat. 237; 50 U. S. C. 1001 et seq.) in that the changes effected by this amendment are procedural in nature, do not require any special preparation by persons affected thereby, relieve restrictions, and should be made operative promptly to enable licensees to avail themselves of the benefits resulting therefrom.

**Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture**

**PART 906—MILK IN TULSA-MUSKOGEE, OKLAHOMA, MARKETING AREA**

**SUBPART—ORDER REGULATING HANDLING**

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906.92 Continuing obligations.
906.93 Liquidation.

**MISCELLANEOUS PROVISIONS**

906.100 Agents.
906.101 Suspendability of provisions.

Authority: § 906.1 to 906.101 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.
be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing rules and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regarding the marketing area in the Tulsa-Muskogee, Oklahoma, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the order and which is marketed within the said marketing area.

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other factors which affect the market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as are necessary to prevent the marketer from failing to insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(b) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement, upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in this order, in interstate commerce or directly burden, obstruct or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the marketing administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro rata share of such expense, 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all receipts within the month of (i) other source milk which is classified as Class I milk, and (ii) milk from producers including such handler's own production.

(b) Additional findings. It is necessary in the public interest to make this order effective, as amended, August 1, 1953, in conformity with the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act".

§ 906.3 Department. "Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this part.

§ 906.4 Person. "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 906.5 Cooperative association. "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act".

(b) To have full authority in the sale of milk of its members, and

(c) To be engaged in making collective sales or marketing milk or its products for its members.
§ 906.13 Producer-handler. "Producer-handler" means any person who produces milk and operates an approved plant, but who receives no milk from producers.

§ 906.14 Base milk. "Base milk" means producer milk received by a handler during any of the months of April through June which is in excess of base milk received from each producer during such month, and shall include all milk received from producers for whom no daily average base can be computed pursuant to § 906.65.

MARKET ADMINISTRATOR
§ 906.21 Designation. The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by and, shall be subject to removal at the discretion of the Secretary.

§ 906.22 Duties. The market administrator shall have the following powers with respect to this subpart:
(a) To administer its terms and provisions;
(b) To receive, investigate, and report to the Secretary complaints of violations;
(c) To make rules and regulations to effectuate its terms and provisions; and,
(d) To recommend amendments to the Secretary.

§ 906.30 Reports of receipts and utilization. On or before the 7th day after the end of each month, each handler shall report to the market administrator in the detail and on forms prescribed by the market administrator, as follows:
(a) The quantities of skim milk and butterfat contained in milk received from producers, and, for the months of April through June, the aggregate quantities of base milk and excess milk; the quantities of skim milk and butterfat contained in receipts of base source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);
(b) The quantities of skim milk and butterfat contained in receipts of other source milk, and all other expenses (except Class II products disposed of in the form in which received without further processing or packaging by the handler);
(c) The disposition of Class I products on routes wholly outside the marketing area; and,
(d) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 906.31 Reports of payments to producers. On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month which shall show:
(a) The total pounds of milk received from each producer and cooperative association, the total value of such milk delivered by such handler to the cooperative association sells milk. For the purpose of this report, the milk caused to be so delivered by a cooperative association shall be prorated in proportion that the total receipts of producer milk by such handler were used in each class;
(b) The amount of payment to each producer or cooperative association; and,
(c) The nature and amount of any deductions or charges involved in such payments.

§ 906.33 Records and facilities. Each handler shall maintain and make available to the market administrator to or his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:
(a) The receipts and utilization of all receipts of producer milk and other source milk;
(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;
(c) Payments to producers and cooperative associations; and,
(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month.

§ 906.34 Retention of records. All books and records required under this
subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: Provided, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, in connection with proceedings under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall give further written notice to the market administrator. In either case the market administrator shall give further written notice to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 906.40 Skim milk and butterfat to be classified. All skim milk and butterfat received within the month by a handler and which is required to be reported pursuant to § 906.30 shall be classified by the market administrator pursuant to the provisions of §§ 906.41 to 906.46, inclusive.

§ 906.41 Classes of utilization. Subject to the conditions set forth in §§ 906.43 and 906.44, inclusive, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, cultured sour cream, any mixture (except bulk ice cream mix) of cream and milk or skim milk, and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than specified in paragraph (a) of this section;

(2) Disposed of for livestock feed;

(3) In cream frozen and stored;

(4) In skim milk dumped, after prior notification to an opportunity for verification by the market administrator;

(5) In shrinkage up to 2 percent of receipts from producers;

(6) In shrinkage of other source milk; and

(7) In inventory at the end of the month as milk, skim milk, cream (except frozen) or any product specified in paragraph (a) of this section.

§ 906.42 Shrinkage. The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Distribute the resulting amounts between the receipts of skim milk and butterfat in producer milk and in other source milk.

§ 906.43 Responsibility of handlers and reclassification of milk. (a) All skim milk and butterfat shall be Class I milk unless the handler indicates which part receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classifiable as Class II milk in the current month shall be reclassified if such skim milk or butterfat is later disposed of by such handler or another handler (whether in original or other form) as Class I milk. Any skim milk or butterfat which was classified as Class II in the previous month pursuant to § 906.41 (b) (7) shall be reclassified as Class I milk if it is subtracted in the current month from Class I pursuant to § 906.46 (a) (4).

§ 906.44 Transfers. Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk or cream, to the approved plant of another handler (except a producer-handler) unless utilization in Class II is mutually agreed to by the market administrator by both handlers on or before the 7th day after the end of the month within which such transaction occurred: Provided, That the amount of such skim milk or butterfat so classified as Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to §§ 906.43 and 906.44, inclusive.

(b) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to the approved plant of another handler (except a producer-handler) unless the market administrator determines that such transfer or diversion would result in the plant not having available for sale the greatest possible Class I utilization to producer milk.

(c) As Class I milk if transferred or diverted to a producer-handler in the form of milk, skim milk or cream.

(d) As Class I milk if transferred or diverted to a producer-handler in the form of milk, skim milk or cream to an unapproved plant located more than 300 miles from Tulsa, Oklahoma, and from which fluid milk is not disposed of on wholesale or retail routes, except that:

(1) If such unapproved plant transfers milk or skim milk to an approved plant, an equal amount of skim milk and butterfat transferred to such approved plant from other plants of other handlers shall be deemed to have been transferred directly to the second approved plant and shall be classified pursuant to the provisions of paragraph (a) of this section; and

(2) If such unapproved plant transfers milk or skim milk to a second unapproved plant which distributes fluid milk on wholesale or retail routes, skim milk or butterfat transferred from an approved plant to the first unapproved plant shall be Class I milk to the extent of the amounts of milk or butterfat transferred to such second unapproved plant unless it is established that the milk or skim milk was transferred to the second unapproved plant without Grade A certification and with each container labeled or tagged to indicate that the contents are for manufacturing use only, and that the shipment was so invoiced.

§ 906.45 Computation of the skim milk and butterfat in each class. For each month, the market administrator shall compute for each handler and for other handlers for whom he has received for other obvious errors the monthly report submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I milk, Class II milk and Class II milk for such handler.

§ 906.46 Allocation of skim milk and butterfat classified. After making the computations pursuant to § 906.45 the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 906.41 (b) (5).

(2) Subtract from the remaining pounds of skim milk in each class the product of skim milk received from other handlers in a form other than milk, skim milk or cream according to its classification pursuant to § 906.41.

(3) Subtract from the remaining pounds of skim milk in series beginning with Class II, the pounds of skim milk received in receipt of other source milk.

(4) Subtract from the remaining pounds of skim milk, in series beginning with Class II, the pounds of skim milk in inventory at the beginning of the month.
in the form of milk, skim milk, cream (except frozen) or any product specified in § 906.41 (a); (6) Subtract from the remaining pounds of skim milk in each class the standard utilization percentage shown below:

**MINIMUM PRICES**

§ 906.50 Basic formula price to be used in determining Class I prices. The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a) and (b) of this section and § 906.55 for the preceding month.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 4.0:

**Present Operator and Location**

| Month | Variance | Price
|-------|----------|-------|
| Borden Co., Mount Pleasant, Mich. | 33.1 to 50 miles | 127
| Carnation Co., Skippack, Mich. | 65.1 to 80 miles | 19
| Pet Milk Co., Hudson, Mich. | 80.1 to 95 miles | 21
| Pet Milk Co., Wayland, Mich. | 95.1 miles or over | 23
| Pet Milk Co., Chilton, Wis. | 35 to 50 miles | 15
| Borden Co., New London, Wis. | 60.1 to 75 miles | 14
| Carnation Co., Berlin, Wis. | 75.1 to 90 miles | 11
| Carnation Co., Richland Center, Wis. | 90.1 to 105 miles | 10
| Carnation Co., Oconomowoc, Wis. | 100.1 to 125 miles | 8
| Carnation Co., Jefferson, Wis. | 125.1 to 150 miles | 6
| Pet Milk Co., New Glarus, Wis. | 150.1 to 175 miles | 5
| Pet Milk Co., Belleville, Wis. | 175.1 miles or over | 4
| White House Milk Co., Manitowoc, Wis. | 20 percent thereof and multiply by 4.0.
| White House Milk Co., West Bend, Wis. | 95.1 miles or over | 23

(b) The price per hundredweight computed as the sum of the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, subtract 3 cents and add 20 percent thereof and multiply by 4.0. (2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray, and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area as published by the Department on the 26th day of each month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.96.

§ 906.51 Class prices. Subject to the provisions of §§ 906.52 and 906.53, in determining the price per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) Class I milk. The basic formula price plus $1.45 during the months of April, May and June and plus $1.85 during all other months: Provided, That for each month except the months of September, October, November and December, such price shall not be less than that for the preceding month, and that for each of the months of May and June such price shall be increased 10 cents for each one percent of the preceding month. To this price add or subtract a "supply-demand adjustment" computed as follows:

(1) Determine the weighted average butterfat content of the Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

<table>
<thead>
<tr>
<th>Month for which price is applied</th>
<th>Month used in computation</th>
<th>Standard utilization percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>November-December</td>
<td>108</td>
</tr>
<tr>
<td>February</td>
<td>December-January</td>
<td>110</td>
</tr>
<tr>
<td>March</td>
<td>January-February</td>
<td>112</td>
</tr>
<tr>
<td>April</td>
<td>March-April</td>
<td>114</td>
</tr>
<tr>
<td>May</td>
<td>April-June</td>
<td>116</td>
</tr>
<tr>
<td>June</td>
<td>May-June</td>
<td>118</td>
</tr>
<tr>
<td>July</td>
<td>June-July</td>
<td>120</td>
</tr>
<tr>
<td>August</td>
<td>July-August</td>
<td>122</td>
</tr>
<tr>
<td>September</td>
<td>August-September</td>
<td>124</td>
</tr>
<tr>
<td>October</td>
<td>September-October</td>
<td>126</td>
</tr>
<tr>
<td>November</td>
<td>October-November</td>
<td>128</td>
</tr>
</tbody>
</table>

(2) Compute a "net utilization percentage" by algebraically subtracting from the Class I utilization percentage computed pursuant to subparagraph (1) of this paragraph, the standard utilization percentage shown below:

- 95.1 miles or over
- 95.1 miles or over
- 95.1 miles or over
- 95.1 miles or over

(b) Class II milk. The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department.

**Present Operator and Location**

<table>
<thead>
<tr>
<th>City or Plant</th>
<th>Cents per hundredweight</th>
</tr>
</thead>
<tbody>
<tr>
<td>Muskogee</td>
<td>15</td>
</tr>
<tr>
<td>60.1 to 75 miles</td>
<td>17</td>
</tr>
<tr>
<td>75.1 to 90 miles</td>
<td>21</td>
</tr>
<tr>
<td>90.1 to 95 miles</td>
<td>23</td>
</tr>
</tbody>
</table>

APPLICATION OF PROVISIONS

§ 906.60 Producer-handlers. Sections 906.40 through 906.46, 906.65, 906.68, 906.60 through 906.63, 906.70 through 906.73, and 906.80 through 906.89, shall not apply to a producer-handler.

§ 906.61 Handlers subject to other orders. In the case of any handler who is subjected to the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agree-
DETERMINATION OF BASE
§ 906.65 Computation of daily average base for each producer. For the months of April through June of each year the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 906.66:
(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of September through January immediately preceding by the number of days, not to be less than ninety, of such producer’s delivery in each such period.

§ 906.66 Base rules. (a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period.
(b) Bases may be transferred only during the period of April through June by notification to the market administrator in writing before the last day of any month that such base is to be transferred to the person named in such notice only as follows:
(c) If the price which such handler is required to pay under the other Federal order to which he is subject, for skim milk and butterfat which would be classified as Class I milk under this subpart is less than the price provided by this subpart, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such skim milk and butterfat computed pursuant to this subpart and its value as determined pursuant to the other order to which he is subject.

DETERMINATION OF UNIFORM PRICES
§ 906.70 Computation of value of milk. The value of milk received during each month by each handler from producers shall be a sum of money computed pursuant to § 906.52 and § 906.53 and added together the resulting amounts.
(b) Add an amount computed by multiplying the pounds of any overage deducted from each class pursuant to § 906.46 (a) (7) by the applicable class prices; and
(c) Add any charged computed as follows:
(1) For any skim milk or butterfat in inventory reclassified pursuant to § 906.43 (b) which is not in excess of the quantity in producer milk classified as Class II milk (other than as shrinkage) in the handler’s plant(s) for the preceding month, a charge shall be computed at the difference between its value at the Class I price for the current month and its value at the Class II price of the preceding month;
(2) For any other skim milk or butterfat reclassified pursuant to § 906.43 (b) a charge shall be computed at the difference between its value at the Class I price for the current months and its value at the Class II price for the month in which previously classified as Class II milk.
§ 906.71 Computation of aggregate value used to determine price(s). For each month the market administrator shall compute an aggregate value from which to determine the uniform price(s) per hundredweight for milk of 4.0 percent butterfat content received from producers as follows:
(a) Combine into one total the values computed pursuant to § 906.70 for all handlers who made the reports prescribed in § 906.30 and who made the payments pursuant to §§ 906.80 and 906.94 for the preceding month.
(b) Add the aggregate of the values of all allowable location adjustments to producers pursuant to § 906.81.
(c) Add not less than one-half of the cash balance on hand in the producer-settlement fund less the total amount of the computations to handlers pursuant to § 906.85.
(d) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent, the amount by which that content is less than 4.0 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 906.82 and multiplying the resulting figure by the total hundredweight of such milk.
§ 906.72 Computation of uniform price. For each of the months of July through June of each year the market administrator shall compute the uniform price per hundredweight for all milk of 4.0 percent butterfat content received from producers as follows:
(a) Divide the aggregate value computed pursuant to § 906.71 by the total hundredweight of milk included in such computation;
(b) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (a) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat received from producers.
(c) Subtract the value of excess milk obtained in paragraph (a) of this section from the aggregate value of milk computed pursuant to § 906.71 and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;
(d) Divide the amount obtained in paragraph (c) of this section by the total hundredweight of base milk included in these computations;
(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content received from producers.

PAYMENTS
§ 906.80 Time and method of payment. Each handler shall make payment as follows:
(a) On or before the 15th day after the end of the month in which the milk was received, to each producer to whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) per hundredweight for milk of 4.0 percent butterfat content received from producers.
§§ 906.72 and 906.73, adjusted by the butterfat differential computed pursuant to § 906.82, subject to location adjustments to producers pursuant to § 906.81, and less the amount of the payment made pursuant to paragraph (b) of this section: Provided, That if by such date such handler has not received full payment pursuant to § 906.85, he may reduce his total payment to all producers uniformly by not less than the amount of reduction in payment from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.
(b) On or before the 31st day of each month, to each producer for whom payment is not made pursuant to paragraph (c) of this section for milk received from him during the first 15 days of the month at a uniform price of less than the Class II price for the preceding month;
(c) On or before the 13th and 27th days of each month, in lieu of payments pursuant to paragraphs (a) and (b),
RULES AND REGULATIONS

respectively, of this paragraph, to a cooperative association which so requests, with respect to producers for whose milk such cooperative association is authorized to collect payments to the sum of the individual payments otherwise payable to such producers.

§ 906.81 Location adjustment to producers. In making payments to producers pursuant to § 906.60, each handler may deduct per hundredweight of milk received from producers at an approved plant, or diverted to an unapproved plant, either of which is located outside the marketing area and 35 or more miles from the nearer of the City Hall in Tulsa or the City Hall in Muskogee by shortest hard-surfaced highway distance, as determined by the market administrator, the applicable amounts set forth below:

<table>
<thead>
<tr>
<th>Distance from nearer of the City Hall in Tulsa or the City Hall in Muskogee:</th>
<th>Cents per hundredweight</th>
</tr>
</thead>
<tbody>
<tr>
<td>35 to 50 miles</td>
<td>15</td>
</tr>
<tr>
<td>50.1 to 80 miles</td>
<td>19</td>
</tr>
<tr>
<td>80.1 to 95 miles</td>
<td>21</td>
</tr>
<tr>
<td>95.1 miles or over</td>
<td>23</td>
</tr>
</tbody>
</table>

§ 906.82 Producer butterfat differentiation. In making payments pursuant to § 906.80 there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, an amount computed by multiplying by 1.2 the simple average, as computed by the market administrator, of the average buying prices per pound (using the midpoint of any price range as one price) of Grade A (92 score) bulk creamery butter at Chicago as reported by the Department during the month, dividing the resulting sum by 16, and rounding to the nearest one-tenth of a cent.

§ 906.83 Producer-settlement fund. The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" to be used for payments made by handlers pursuant to §§ 906.84, 906.61 (b), and 906.86, and out of which he shall make all payments to handlers pursuant to §§ 906.85 and 906.86, inclusive.

§ 906.84 Payments to the producer-settlement fund. On or before the 13th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 906.70 is greater than the amount required to be paid producers by such handler pursuant to § 906.80.

§ 906.85 Payment out of the producer-settlement fund. On or before the 14th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 906.70 is less than the amount required to be paid producers by such handler pursuant to § 906.80. Provided, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall promptly notify such handler of such deficiency, and such handler shall reduce his payments and shall complete such payments as soon as the necessary funds are available.

§ 906.86 Adjustments of accounts. Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting on moneys due (a) the market administrator from such handler (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made by such handler on or before the 15th day after the end of the month in which the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall be a condition precedent to the receipt of any claim by the handler of such handler of such money.

§ 906.87 Marketing services. (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to §§ 906.83 and 906.87, inclusive, for the marketing services rendered the milk involved in such obligation under this subpart, to make available to the market administrator to sample, test, and check the weights of milk received from producers and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraphs (a) and (b) of this section, each handler shall make, in lieu of the deductions provided in paragraphs (a) and (b) of this section, the following payments to such cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made by such handler on or before the 15th day after the end of the month in which the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall be a condition precedent to the receipt of any claim by the handler of such money.

§ 906.88 Expense of administration. As his pro rata share of the expense of administration of this subpart, each handler shall pay to the market administrator an amount of money to be determined on the last day of the marketing area and 35 or more miles of any calendar month during which the milk involved in such obligation under this subpart was marketed, which shall be determined by the market administrator to be due him under the terms of any fact, material to the obligation, on the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraph (a) of this section, in lieu of such deduction, the market administrator may authorize any handler to pay such additional amount for the expense of administration of this subpart to be due him under the terms of any fact, material to the obligation, on the market administrator or his representatives.

(d) Any obligation on the part of the market administrator to pay a handler money which such handler has agreed to be due him under the terms of any fact, material to the obligation, on the market administrator or his representatives.

§ 906.89 Termination of obligation. The provisions of this section shall apply to any obligation under this subpart for the payment of money. (a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall terminate two years after the date of the order of hearing which the market administrator notifies the handler in writing that such money is due and payable.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraphs (a) and (b) of this section, each handler shall pay to the market administrator the amount, if any, required to be paid producers by such handler pursuant to §§ 906.83 and 906.87, inclusive.
§ 906.90 Effective time. The provisions of this subpart or any amendment to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until amended or terminated pursuant to § 906.91.

§ 906.91 Suspension or termination. The Secretary may suspend or terminate this subpart or any provision of this subpart, or any provision of this subpart or any provision of this subpart that applies to any person or circumstance, if the Secretary finds, therefore, that good cause exists for such suspension or termination.

§ 906.92 Continuing obligations. If, upon the suspension or termination of any or all provisions of this subpart, or any provisions of this subpart, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 906.93 Liquidation. Upon the suspension or termination of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 906.100 Agents. The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 906.101 Separability of provisions. If any provision of this subpart, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 29th day of July 1953, to be effective on and after the 1st day of August 1953.

[SEAL]

TRUE D. MORSE, Acting Secretary of Agriculture.

F. R. Doc. 53-6776; Filed, Aug. 3, 1953; 8:50 a. m.}

PART 921—MILK IN SPRINGFIELD, MISSOURI, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 921.0 Findings and determinations. The findings and determinations hereinbefore set forth are supplementary and in addition to the findings and determinations previously formulated with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified, confirmed, except as to such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of procedure and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendments to the said order, as amended, and to the order, as amended, regulating the handling of milk in the Springfield, Missouri, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as hereby further amended, are such as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, inure to the interests of producers of producer milk and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner and as is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) Additional findings. It is necessary, in the public interest, to make this order amending the order, as amended, effective not later than August 1, 1953. Any delay made effective before the effective date of this order amending the order, as amended, will seriously threaten the orderly marketing of milk in the Springfield, Missouri, marketing area. The provisions of the said order are known to handlers, having been published in a decision which appeared in the Federal Register July 15, 1953 (18 F. R. 4219). The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. It is hereby found, therefore, that good cause exists for making this order effective August 1, 1953. (Sec. 4 (e); Administrative Procedures Act, 5 U. S. C. 1001 et seq.)

Determinations. It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, as amended, which is marketed within the Springfield (Missouri, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign such marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of the order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area;

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (May 1953), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Springfield, Missouri, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 921.50 (a) delete the following: "Borden Co., Greenville, Wis., and "Carnation Co., Jefferson, Wis."

2. In § 921.52 (a) delete "0.125" and substitute therefor the following: "0.120,

3. In § 921.52 (b) delete "0.120" and substitute therefor the following: "0.115,

4. Delete § 921.81 and substitute therefor the following:

§ 921.81 Producer butterfat differential. In making payments to producers pursuant to § 921.80, a handler shall adjust the uniform price by adding or subtracting, as the case may be, for each one-tenth of one percent by which the average butterfat content of all produced milk is more or less than 3.5 percent, an amount equal to the butterfat differential computed pursuant to § 921.81 (b); provided, That such differential shall be rounded to the nearest one-half cent.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 6068)

Issued at Washington, D. C., this 29th day of July 1953, to be effective on and after August 1, 1953.

[SEAL]

TRUE D. MORSE, Acting Secretary of Agriculture.

F. R. Doc. 53-6774; Filed, Aug. 3, 1953; 8:50 a. m.}
Rules and Regulations

Delete § 957.310 (b) (5) and substitute therefor as follows:

(5) For the purpose of determining who shall be entitled to the exception set forth in subparagraph (3) of this section, the following requirements contained in such subparagraph:

(i) "Producer" means any individual, partnership, corporation, association, landlord-tenant crop sharing relationship, community property, or any other business unit engaged in the production of potatoes for market.

(ii) It is intended that each 200 hundredweight exception to the aforesaid requirements shall apply only to the potatoes grown on each farm of a producer.

(iii) The terms used in this section shall have the same meaning as when used in Order No. 57, as amended, and the aforementioned grades and sizes shall have the same meanings assigned these terms in the U. S. Standards for Potatoes (§ 51.365 of this title), including the tolerances set forth therein.

(§ 40 Stat. 763, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 29th day of July 1953, to become effective 12:01 a. m., m. s. t., August 10, 1953.

[ SEAL ]

Floyd P. Heslund
Acting Director,

Fruit and Vegetable Branch.

[ F. R. Doc. 53-6768; Filed, Aug. 3, 1953; 8:54 a. m. ]

Title 16—Commercial Practices

Chapter I—Federal Trade Commission

Subchapter A—Orders, Procedures, and Orders

[Docket 5712]

Part 3—Digest of Cease and Desist Orders

Reliance Pharmacal Co. et al.

Subpart—Advertising falsely or misleadingly; § 3.300 Qualities or properties of product or service; § 3.305 Scientific or other relevant facts. In connection with the offering for sale, sale, and distribution of the drug preparation "Artex" or any preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, disseminating, etc., any advertisements which contain the following representations constitutes an adequate, effective or reliable treatment for neuritis, sciatica, bursitis, gout, lumbago or any other kind of arthritic or rheumatic condition, or having any effect on the stiffness or crippling effects that accompany some of these conditions; (e) that said preparation will have any therapeutic effect upon any of the symptoms or manifestations of neuritis, sciatica, gout, bursitis, lumbago or any other kind of arthritic or rheumatic condition in excess of affording temporary relief of minor aches, pains or fever; (f) that said preparation will have any therapeutic effect upon migrane headache or the pains thereof, in excess of such temporary and partial relief of pain as its acetylsalicylic acid (aspirin) content will afford; (g) that said preparation will have any therapeutic effect upon female period pains in excess of such temporary and partial relief of pain as its acetylsalicylic acid (aspirin) content will afford; (h) that said preparation alkalizes when absorbed in the bloodstream, or helps nature to remove the toxins, that calcium succinate one of the ingredients of Artex, stimulates cellular respiration, protects tissues or eliminates the toxicity of acetylsalicylic acid, another ingredient of Artex; (i) that calcium succinate one of the ingredients of Artex, is effective as a tissue builder or helps nature repair damaged joints; (k) that thiamin chloride, one of the ingredients of Artex, promotes a well being in persons afflicted with arthritis or rheumatism; and (l) that acetylsalicylic acid, one of the ingredients of Artex, suppresses rheumatic activity and prevents the onset of and prohibits the cure of arthritis.


In the Matter of Reliance Pharmacal Company, a corporation, and Edward S. Morris, William Berrian, and Florence T. Morris, Individually and as Officers of Reliance Pharmacal Company

This proceeding was first heard by a hearing examiner upon the complaint of the Federal Trade Commission under the direction of the chairman of the Commission, respondents, and hearings at which evidence was received in support of the allegations of the complaint.

Thereafter, on August 25, 1950, counsel for the respondents and counsel in support of the complaint entered into a stipulation, supplemented by a further stipulation dated June 30, 1952, in which they agreed that Abner E. Lipscomb, hearing examiner, might be disqualified as a hearing examiner, and that the entire transcript of all hearings held by the hearing examiner, together with such evidence as had been and might thereafter be taken in the instant proceeding, should be included in the record in the matter.

Subsequently the proceeding regularly came on for final adjudication by said
It is ordered, That respondent Reliance Pharmacal Company, a corporation, and its officers; respondents Edward S. Morris and Florence T. Morris, individually, and as officers of said corporation; and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of the drug preparation "Artex," or any preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from, directly or indirectly:  
1. Disseminating or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, as follows:  
   a. That said preparation constitutes an adequate, effective or reliable treatment for neuritis, sciatica, bursitis, gout, lumbago, or any other kind of arthritis or rheumatic condition;  
   b. That said preparation will arrest the progress of, correct the underlying cause of, or cure neuritis or arthritis;  
   c. That the use of said preparation will prevent any form of arthritis;  
   d. That said preparation will afford any relief of the severe pains of neuritis, sciatica, gout, bursitis, lumbago, or any other kind of arthritis or rheumatic condition, or have any effect on the stiffness or crippling effects that accompany some of these conditions;  
   e. That said preparation will have any therapeutic effect upon any of the symptoms or manifestations of the symptoms of neuritis, sciatica, gout, bursitis, lumbago or any other kind of arthritis or rheumatic conditions in excess of affording temporary relief of minor aches, pains or fever;  
   f. That said preparation will have any therapeutic effect upon migraine headache, or the pains thereof, in excess of such temporary and partial relief of pain as its acetylsalicylic acid (aspirin) content will afford;  
   g. That said preparation will have any therapeutic effect upon female period pains in excess of such temporary and partial relief of pain as its acetylsalicylic acid (aspirin) content will afford;  
   h. That said preparation alkalizes when absorbed in the bloodstream, or helps nature remove the uric acid;  
   i. That calcium succinate, one of the ingredients of Artex, is effective as a tissue builder or helps nature repair damaged joints;  
   j. That thiamin chloride, one of the ingredients of Artex, promotes a sense of well-being and affords temporary and partial relief of pain as its acetylsalicylic acid, another ingredient of Artex;  
2. Disseminating or causing to be disseminated any advertisement, by any means, for the purpose of inducing, or which is likely, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in paragraph 1 hereof. It is further ordered, That the complaint herein, insofar as it relates to respondent William Berrian, be, and the same hereby is, dismissed without prejudice to the right of the Commission to take future action as to said respondent, with respect to the issues here involved.  
By "Decision of the Commission and order to file report of compliance," Dock et 5712, May 21, 1953, which announced final decision, report of compliance was required as follows:  
   a. That said preparation constitutes an adequate, effective or reliable treatment for neuritis, sciatica, bursitis, gout, lumbago, or any other kind of arthritis or rheumatic condition;  
   b. That said preparation will arrest the progress of, correct the underlying cause of, or cure neuritis or arthritis;  
   c. That the use of said preparation will prevent any form of arthritis;  
   d. That said preparation will afford any relief of the severe pains of neuritis, sciatica, gout, bursitis, lumbago, or any other kind of arthritis or rheumatic condition, or have any effect on the stiffness or crippling effects that accompany some of these conditions;  
   e. That said preparation will have any therapeutic effect upon any of the symptoms or manifestations of the symptoms of neuritis, sciatica, gout, bursitis, lumbago or any other kind of arthritis or rheumatic conditions in excess of affording temporary relief of minor aches, pains or fever;  
   f. That said preparation will have any therapeutic effect upon migraine headache, or the pains thereof, in excess of such temporary and partial relief of pain as its acetylsalicylic acid (aspirin) content will afford;  
   g. That said preparation will have any therapeutic effect upon female period pains in excess of such temporary and partial relief of pain as its acetylsalicylic acid (aspirin) content will afford;  
   h. That said preparation alkalizes when absorbed in the bloodstream, or helps nature remove the uric acid;  
   i. That calcium succinate, one of the ingredients of Artex, is effective as a tissue builder or helps nature repair damaged joints;  
   j. That thiamin chloride, one of the ingredients of Artex, promotes a sense of well-being and affords temporary and partial relief of pain as its acetylsalicylic acid, another ingredient of Artex;  
3. It is ordered, That the respondents, Reliance Pharmacal Company, a corporation, and its officers, and Edward S. Morris and Florence T. Morris, individually, and as officers of said corporation; and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of the drug preparation "Artex," or any preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from, directly or indirectly:  
   a. That said preparation constitutes an adequate, effective or reliable treatment for neuritis, sciatica, bursitis, gout, lumbago, or any other kind of arthritis or rheumatic condition;  
   b. That said preparation will arrest the progress of, correct the underlying cause of, or cure neuritis or arthritis;  
   c. That the use of said preparation will prevent any form of arthritis;  
   d. That said preparation will afford any relief of the severe pains of neuritis, sciatica, gout, bursitis, lumbago, or any other kind of arthritis or rheumatic condition, or have any effect on the stiffness or crippling effects that accompany some of these conditions;  
   e. That said preparation will have any therapeutic effect upon any of the symptoms or manifestations of the symptoms of neuritis, sciatica, gout, bursitis, lumbago or any other kind of arthritis or rheumatic conditions in excess of affording temporary relief of minor aches, pains or fever;  
   f. That said preparation will have any therapeutic effect upon migraine headache, or the pains thereof, in excess of such temporary and partial relief of pain as its acetylsalicylic acid (aspirin) content will afford;  
   g. That said preparation will have any therapeutic effect upon female period pains in excess of such temporary and partial relief of pain as its acetylsalicylic acid (aspirin) content will afford;  
   h. That said preparation alkalizes when absorbed in the bloodstream, or helps nature remove the uric acid;  
   i. That calcium succinate, one of the ingredients of Artex, is effective as a tissue builder or helps nature repair damaged joints;  
   j. That thiamin chloride, one of the ingredients of Artex, promotes a sense of well-being and affords temporary and partial relief of pain as its acetylsalicylic acid, another ingredient of Artex;  
4. It is ordered, That the respondents, Reliance Pharmacal Company, a corporation, and its officers, and Edward S. Morris and Florence T. Morris, individually, and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report of compliance in a clear and conspicuous manner:  
   a. That said preparation constitutes an adequate, effective or reliable treatment for neuritis, sciatica, bursitis, gout, lumbago, or any other kind of arthritis or rheumatic condition;  
   b. That said preparation will arrest the progress of, correct the underlying cause of, or cure neuritis or arthritis;  
   c. That the use of said preparation will prevent any form of arthritis;  
   d. That said preparation will afford any relief of the severe pains of neuritis, sciatica, gout, bursitis, lumbago, or any other kind of arthritis or rheumatic condition, or have any effect on the stiffness or crippling effects that accompany some of these conditions;  
   e. That said preparation will have any therapeutic effect upon any of the symptoms or manifestations of the symptoms of neuritis, sciatica, gout, bursitis, lumbago or any other kind of arthritis or rheumatic conditions in excess of affording temporary relief of minor aches, pains or fever;  
   f. That said preparation will have any therapeutic effect upon migraine headache, or the pains thereof, in excess of such temporary and partial relief of pain as its acetylsalicylic acid (aspirin) content will afford;  
   g. That said preparation will have any therapeutic effect upon female period pains in excess of such temporary and partial relief of pain as its acetylsalicylic acid (aspirin) content will afford;  
   h. That said preparation alkalizes when absorbed in the bloodstream, or helps nature remove the uric acid;  
   i. That calcium succinate, one of the ingredients of Artex, is effective as a tissue builder or helps nature repair damaged joints;  
   j. That thiamin chloride, one of the ingredients of Artex, promotes a sense of well-being and affords temporary and partial relief of pain as its acetylsalicylic acid, another ingredient of Artex;  
5. By "Decision of the Commission and order to file report of compliance," Dock et 5712, May 21, 1953, which announced final decision, report of compliance was required as follows:  
   a. That said preparation constitutes an adequate, effective or reliable treatment for neuritis, sciatica, bursitis, gout, lumbago, or any other kind of arthritis or rheumatic condition;  
   b. That said preparation will arrest the progress of, correct the underlying cause of, or cure neuritis or arthritis;  
   c. That the use of said preparation will prevent any form of arthritis;  
   d. That said preparation will afford any relief of the severe pains of neuritis, sciatica, gout, bursitis, lumbago, or any other kind of arthritis or rheumatic condition, or have any effect on the stiffness or crippling effects that accompany some of these conditions;  
   e. That said preparation will have any therapeutic effect upon any of the symptoms or manifestations of the symptoms of neuritis, sciatica, gout, bursitis, lumbago or any other kind of arthritis or rheumatic conditions in excess of affording temporary relief of minor aches, pains or fever;  
   f. That said preparation will have any therapeutic effect upon migraine headache, or the pains thereof, in excess of such temporary and partial relief of pain as its acetylsalicylic acid (aspirin) content will afford;  
   g. That said preparation will have any therapeutic effect upon female period pains in excess of such temporary and partial relief of pain as its acetylsalicylic acid (aspirin) content will afford;  
   h. That said preparation alkalizes when absorbed in the bloodstream, or helps nature remove the uric acid;  
   i. That calcium succinate, one of the ingredients of Artex, is effective as a tissue builder or helps nature repair damaged joints;  
   j. That thiamin chloride, one of the ingredients of Artex, promotes a sense of well-being and affords temporary and partial relief of pain as its acetylsalicylic acid, another ingredient of Artex;
In the Matter of Ken Whitmore, Inc., a Corporation, and Sidney Sisselman, Individually and as President of Said Corporation

This proceeding was heard by James A. Purcell, hearing examiner, upon the complaint of the Commission, and respondents' answer in which they have complied with the order entered disposed of the matter without intervening procedure, but reserved the right to appeal as provided by Rule XXIII of the Commission's Rules of Practice for the Trade Commission. Upon the record in the matter and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts, conclusion drawn therefrom, and order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII, became the decision of the Commission on July 7, 1953.

Said order to cease and desist is as follows:

It is ordered, That the respondent, Ken Whitmore, Inc., a corporation, and its officers, and respondent, Sidney Sisselman, individually and as an officer of said corporation, and respondents' respective representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of ladies' coats or other "wool" products as provided in Rule 24 of the Rules and Regulations promulgated under said Wool Products Labeling Act of 1939.

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and provided further, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

By "Decision of the Commission and order to file report of compliance," Docket 6091, July 7, 1953, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 7, 1953.

By the Commission.

Wm. P. Glendening, Jr.,
Acting Secretary.
Such rules become operative thirty (30) days from the date of promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices, through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

Sec. 213. Definitions.

GROUP I

213.1 Misrepresentation and misbranding of industry products.

213.2 Misrepresentation as to character of business. 

213.3 Misrepresenting products as conforming to standard.

213.4 Preventing disclosure of information.

213.5 Substitution of products.

213.6 False and misleading price quotations, etc.

213.7 Deceptive use of trade or corporate names.

213.8 Inducing breach of contract.

213.9 Deceptive use of competitors' confidential information.

213.10 Commercial bribery.

213.11 Procuring or using competitors' confidential information.

213.12 Prohibited forms of trade restraints (unlawful price fixing, etc.).

213.13 False invoicing.

213.14 Selling below cost.

213.15 Entitling away employees of competitors.

213.16 Aiding or abetting use of unfair trade practices.

GROUP II

213.101 Arbitration.

213.102 Price lists.

213.103 Maintenance of accurate records.


§ 213.0 Definitions. (a) Products of this industry consist of such bags, covers, and liners as are made of paper and/or paperboard and are designed for use in containing and/or protecting products of varying shapes and sizes during transit or storage. Many industry products are custom-made to specifications of the purchaser for specified flexible form-fitting packaging requirements. Not included are (1) paper shipping sacks of standard sizes and types which are used as containers for loose small grain or small unit materials, such as cement, flour, poultry feed, and salt, or (2) ordinary paper bags used by retail stores in the marketing of their products to consumers, purchasers, or (3) rigid or folding cardboard boxes.

(b) Industry products consist principally of, but are not limited to, the following:

Mattress and pad bags. All paper bags used for packaging bedding, upholstered pads, or similar sleeping equipment.

Floor bags. All bags used for packaging empty metal, paper, or fibre casks, usually constructed with kraft paper sides and paperboard bottoms.

Upholstered furniture bags. All paper bags used for shipping or protecting upholstered furniture.

Hand-made and semi-hand-made bags and covers. Custom-made in a variety of sizes and types which are used to ship finished goods.

Casket covers. Paper covers normally used as dust protectors for shipment or storage of caskets.

Tubing. Flexible paper tubes sold in cut lengths or in a continuous roll, maximum width 48 inches, with maximum weight of 24 inches (for protection of wooden hand handles, etc.).

Freight-car liners and freight-car ceiling liners. Used to line the ceiling, sides, and floor of freight cars for protection of raw materials and manufactured products while in transit.

Prefabricated water-resistant paper case liners. The water-resisting agent used may be any one of the following, but is not limited to: (1) Asphalt laminated, (2) wax or resin laminated, (3) waxed, or (4) coated.

GROUP I

General statement. The unfair trade practices embraced in §§ 213.1 to 213.16 are considered to be unfair methods of competition or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

§ 213.1 Misrepresentation and misbranding of industry products. It is an unfair trade practice to make or publish, or cause to be made or published, by way of advertising, label, or otherwise, any statement or representation which is false or misleading or such as to mislead or deceive, or cause to be misled or deceived, any person, customers, or other industry members, with respect to the character, extent, or type of his business. [Rule 1]

§ 213.2 Misrepresentation as to character of business. It is an unfair trade practice for any industry member, in the course of or in connection with the distribution of industry products, to represent, directly or indirectly, that he is a manufacturer of industry products, or that he owns or controls a factory manufacturing such products, or is an industry dealer, or is in any other manner represented as if he were a manufacturer, dealer, or representative of industry products, to such purchaser concerning the grade, quality, quantity, size, or size symbol, material, finish, strength, thickness, composition, origin, preparation, manufacture, or distribution of any product of the industry, or in any other material respect. [Rule 2]

§ 213.3 Misrepresenting products as conforming to standard. Representing through advocacy, personal solicitation, or otherwise, to any person that a product of the industry conforms to a standard recognized in or applicable to the industry when such is not the fact is an unfair trade practice. [Rule 3]

§ 213.4 Prohibited discrimination

(a) Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.

(b) Prohibited forms of trade restraints in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, remuneration, discount, or other remuneration to any industry member, other than the uniform price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of the same grade, quality, or nature. Provided, however:

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place subject to the jurisdiction of the United States;

(2) That nothing contained in this section shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, and delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered.

Note: This proviso shall not be construed as permitting an industry member either to allow a price differential to a customer, whether in the form of a quantity price discount, rebate, or other form, through billing as a single order an aggregate of the amount of two or more orders of such customer on which the industry member makes separate deliveries, when the price differential allowed is not based on a net savings in cost of manufacture, sale, and delivery resulting from the different method and quantity in which the products are sold and delivered to said customer. Provided, further, that due allowance for such net savings; nor is this proviso to be construed as permitting an industry member to permit any price differential to a customer, whether in the form of a quantity price discount, rebate, or other form, when, pursuant to agreement or understanding by the industry member and the customer, delivery of the products purchased is to be delayed or made in installments so as to involve storage cost to the industry member, and when as a result of such cost or otherwise, the price differential allowed is not based on a net savings in cost of manufacture, sale, and delivery of the products to said customer resulting from the different method and quantity in which the products are sold and delivered to said customer.

1As used in § 213.4, the term "commerce" means "trade or commerce among the several States and with foreign nations; between the District of Columbia and any Territory of the United States and any State, Territory or insular possession or other places under the jurisdiction of the United States; or between any State and the District of Columbia or any State or Territory of the United States or the District of Columbia or any foreign nation; or between any State or Territory or any insular possession or other place under the jurisdiction of the United States.
customer, or is more than due allowance for such net savings.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise engaged in commerce to discriminate in price, by charging a different price for the same goods to a customer, or is more than due allowance for such net savings, unless such payment or consideration is for such net savings.

(4) That nothing contained in this section shall prevent price changes from time to time where made in response to changing conditions affecting the market or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) Prohibited brokerage and commissions. It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or for any allowance or discount thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the seller thereof, or to such intermediary therein where such intermediary is acting in fact for or in behalf of, or is subject to the direct or indirect control of, any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) Prohibited advertising or promotional allowances, etc. It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer. Nothing in this section shall be construed as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, warehousing, or offering for sale of products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) Prohibited discriminatory services or facilities. It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without procession, handling, storage, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

(e) Inducing or receiving an illegal discrimination in price. It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the provisions of paragraphs (a) to (d) of this section.

(f) Exemptions. The prohibitions of this section shall not apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable, educational, and religious organizations and institutions not operated for profit.

§ 213.6 Substitution of products. The practice of shipping or deliverying products which do not conform to samples submitted, to specifications upon which the sale is consummated, or to representations made prior to securing the order, or without the consent of the purchasers to such substitutions, is an unfair trade practice.

§ 213.7 False and misleading use of names, etc. It is an unfair trade practice for a member of the industry to use false or misleading names, titles, or designations of any kind, in connection with the sale or purchase of products of the industry, directly or indirectly, with or without the consent of the purchasers to such use of false or misleading names, titles, or designations, or with or without the consent of other members of the industry.

§ 213.8 False and misleading price quotations, etc. The publishing or circulating to purchasers or prospective purchasers by any member of the industry or prospective purchasers, is an unfair trade practice.

§ 213.9 False or misleading price quotations, etc. The publishing or circulating to purchasers or prospective purchasers by any member of the industry or prospective purchasers, is an unfair trade practice.

§ 213.10 Commercial bribery. It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase or to sell or contract to sell, products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

§ 213.11 Procurement of competitors' confidential information. It is an unfair trade practice for any member of the industry to obtain information concerning the business of a competitor by bribery of an employee or agent of such competitor, by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means, and to use the information so obtained so as substantially to injure competition or unreasonably restrain trade.

§ 213.12 Prohibited forms of trade restraints (unlawful price fixing, etc.)
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It is an unfair trade practice for any member of the industry, either directly or indirectly, to engage in any planned combination or conspiracy, or any understanding to create a monopoly in the production, or to take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of goods or otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 12]

§ 213.13 False invoicing. (a) Withholding from or inserting in invoices any statements or information by reason of which omission or insertion a false or misleading record is made, wholly or in part, of the transactions represented on the invoices, with the capacity and tendency or effect of thereby misleading or deceiving dealers, purchasers, prospective purchasers, or the consuming public, is an unfair trade practice.

(b) The practice of delivering products in a number of less than called for on the delivery record or invoice (so-called "short count"), with the capacity and tendency or effect of thereby misleading or deceiving purchasing or consuming public, is an unfair trade practice. [Rule 13]

§ 213.14 Selling below cost. (a) The practice of selling products of the industry at a price less than the cost thereof to the seller, with the intent or purpose, and where the effect may be, to injure, suppress, or stifle competition or tend to create a monopoly in the production or sale of such products, is an unfair trade practice.

(b) As used in this section the term "cost" means the total cost to the seller, including the costs of acquisition, processing, preparation for marketing, and delivery. All elements recognized by good accounting practice as proper elements of such cost shall be included in determining cost under this section. The costs referred to in this section are actual costs of the respective seller and not some other figure or average costs in the industry determined by an industry cost survey or otherwise.

petition with commodities of the same general class produced or distributed by others, and if any, of such a commodity may enter into a contract and acquire such a contract with a buyer of such a commodity which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or external jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and if any, of such a contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between freight or between retailers, or between persons, firms, or corporations in competition with each other.

(c) This section is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to with the wrongful intent or purpose referred to and where the effect may be to injure, destroy, or prevent competition, or tend to create a monopoly. [Rule 14]

§ 213.15 Enticing away employees of competitors. Knowingly enticing away employees or sales representatives of competitors under any circumstances having the capacity and tendency or effect of substantially injuring or lessening present or potential competition is an unfair trade practice. [Rule 15]

Nothing in this section shall be construed as prohibiting employees from seeking more favorable employment or as prohibiting employers from hiring or offering employment to employees of competitors in good faith and not for the purpose of injuring, destroying, or preventing competition. [Rule 15]

§ 213.16 Aiding or abetting use of unfair trade practices. It is an unfair trade practice, firm, corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in this part. [Rule 16]

GROUP II

General statement. Compliance with trade practice provisions embraced in §§ 213.101 to 213.103 is considered to be conducive to sound business methods and is to be encouraged and promoted individually and as a trade; or to use any form of threat, in common course of action, or to become a party thereto or persons to engage in any such planned combination, or conspiracy. [Rule C]

It is an unfair trade practice for any

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 2 of the Act of June 27, 1942, entitled "An Act to exempt from duties personal and household effects brought into the United States under Government orders, is published for your information and guidance.

As Public Law 20, 83d Congress, extends until July 1, 1955, the existing privileges of free importation of personal and household effects brought into the United States under Government orders, is published for your information and guidance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 2 of the Act of June 27, 1942, entitled "An Act to exempt from duties personal and household effects brought into the United States under Government orders," is hereby amended to read as follows: "This Act shall be effective with respect to articles entered for consumption or withdrawn from warehouse for consumption on or after December 8, 1941, and before July 1, 1955."

Sec. 2. Paragraph (16) of subsection (a) of the first section of the Emergency Powers Continuation Act (Public Law 460, Eightieth Congress) is hereby repealed.

As Public Law 20, 83d Congress, extends Public Law 833, as amended, until the close of business June 30, 1955, § 54.2 is amended by substituting "July 1, 1955," for every other occurrence of "June 30, 1955, as Public Law 20, 83d Congress, extends until July 1, 1955, the existing privileges of free importation of personal and household effects brought into the United States under Government orders, is hereby repealed.

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§ 213.102 Price lists. The industry approves the practice of each individual member of the industry independently adopting, publishing, and circulating to customers and prospective customers his own price lists. The industry also approves the practice of such member in maintaining price lists, independently arrived at, as part of his own published price list. [Rule B]

§ 213.103 Maintenance of accurate records. It is the judgment of the industry that each member should independently keep proper and accurate records for determining his cost, based on sound cost-accounting methods. [Rule C]

Industry Committee. A Committee on Trade Practices is hereby authorized to cooperate with the Federal Trade Commission and to perform such acts as may be legal and proper in the furtherance of fair competitive practices and in promoting the effectiveness of the rules in this part.

Issued: July 30, 1953.


[SEAL] D. C. Daniel, Secretary.

[F. R. Doc. 53-6758; Filed, Aug. 3, 1953; 8:52 a.m.]

TITLE 19—CUSTOMS DUTIES
Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53304]

PART 54—CERTAIN IMPORTATIONS FREE OF DUTY DURING THE WAR

PERSONAL AND HOUSEHOLD EFFECTS OF EVACUEES AND PERSONS IN SERVICE OF UNITED STATES AND THEIR FAMILIES IMPORTED PURSUANT TO GOVERNMENT ORDERS

Public Law 20, 83d Congress, approved April 4, 1953, extending until July 1, 1955, the existing privileges of free importation of personal and household effects brought into the United States under Government orders, is published for your information and guidance.

As Public Law 20, 83d Congress, extends Public Law 833, as amended, until the close of business June 30, 1955, § 54.2 is amended by substituting "July 1, 1955," for every other occurrence of "June 30, 1955, as Public Law 20, 83d Congress, extends until July 1, 1955, the existing privileges of free importation of personal and household effects brought into the United States under Government orders, is hereby repealed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 2 of the Act of June 27, 1942, entitled "An Act to exempt from duties personal and household effects brought into the United States under Government orders," is hereby amended to read as follows: "This Act shall be effective with respect to articles entered for consumption or withdrawn from warehouse for consumption on or after December 8, 1941, and before July 1, 1955."

As Public Law 20, 83d Congress, extends until July 1, 1955, the existing privileges of free importation of personal and household effects brought into the United States under Government orders, is hereby repealed.

H. Chapman Rose, Acting Secretary of the Treasury.

[FR. Doc. 53-6777; Filed, Aug. 3, 1953; 8:52 a.m.]
TITLE 47—TELECOMMUNICATIONS
Chapter I—Federal Communications Commission
PART 11—INDUSTRIAL RADIO SERVICES

REVISION

In the matter of revision of Part 11 of the Commission’s rules and regulations.

Pursuant to authority contained in sections 4 (1), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and paragraph F-6 of the Commission’s Order Defining the Functions and Establishing the Organizational Structure of the Office of the Secretary, dated February 14, 1952, as amended, and paragraph P-6 of the Commission’s rules and regulations, it is hereby ordered that certain editorial changes are made in Part 11, Rules Governing Industrial Radio Services:

1. Index revised to reflect current sections and titles.


4. In §§ 11.101 and 11.609 the reference to § 11.57 is changed to § 11.8.

5. Section 11.60 is revised to include a sunrise and sunset table.

6. In § 11.6 (a) (1) (I) “FCC Form 403” is revised to read “FCC Form 400”.

In view of the fact that the amendments are effective immediately, Part 11 of the Commission’s rules and regulations is revised to include the foregoing editorial changes and all outstanding amendments.

FEDERAL COMMUNICATIONS COMMISSION
[SEAL] T. J. SLOWE, Secretary.

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11.3 Definition of terms.

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11.454 Frequencies available for base, mobile, and operational fixed stations.

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11.603 Service authorized.
11.604 Showing required for authorization.
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11.15 Frequencies available for operational fixed stations.
11.16 Frequencies available for base, mobile, and operational fixed stations.
§ 11.2 General limitations on use. The radio facilities authorized under this part shall not be used to render a communications common carrier service or in connection with any kind for use in connection with radio broadcasting.

§ 11.3 Definition of terms. For the purpose of this part, the following definitions shall be applicable. For other definitions, see Part 3, Rules Governing Frequency Allocations and Treaty Matters; General Rules and Regulations.

(a) Radio service. An administrative subdivision of the field of radiocommunication. In an engineering sense, subdivisions may be made according to the method of operation, as, for example, mobile service and fixed service. In a regulatory sense, the subdivision be descriptive of particular groups of licensees, as, for example, the groups of persons licensed under this part.

(b) Mobile service. A service of radiocommunication from mobile and land stations, or between mobile stations.

(c) Fixed service. A service of radiocommunication between specified points.

(d) Land station. A station in the mobile service not intended for operation while in motion. (Of the various types of land stations, only the Base Station is pertinent to this part, and the term will be used interchangeably with the term Land Station.)

(e) Base station. See Land Station.

(f) Mobile station. A station in the mobile service intended to be used while in motion, during halts at unspecified points. (For purposes of this part, the term includes hand-carried and pack-carried units.)

(g) Operational fixed station. A Station not open to public correspondence, operated by, and for the sole use of those agencies operating their own radiocommunication facilities in the Public Safety, Industrial, Land Transport, or Commercial Services. (This term includes all stations licensed in the fixed service under this part.)

(h) Control station. An Operational Fixed Station. The transmission of the traffic messages which are used to control automatically the emissions or operation of another radio station at a specified location.

(i) Fixed relay station. An Operational Fixed Station in the fixed service, established to receive radio signals directed to it from any source and to retransmit them automatically on a fixed service frequency for reception at one or more fixed points.

(j) Mobile relay station. A Base Station in the mobile service, authorized primarily to retransmit automatically on a fixed service frequency any kind of traffic messages originated by mobile stations.

(k) Assigned frequency. The frequency appearing on a station authorization from which the carrier frequency may deviate by an amount not to exceed that permitted by the frequency tolerance.

(l) Carrier frequency. The frequency of the carrier.

(m) Authorized bandwidth. The frequency band, specified in kilocycles and centered on the carrier frequency, containing those frequencies upon which a total of 99 percent of the radiated power appears, extended to include any discrete frequency upon which the power is at least one-fourth of the total radiated power.

(n) Station authorization. Any construction permit, license, or special temporary authorization issued by the Commission for a service of a specific type to a person who or which has an interest in the service.

(o) Person. An individual, partnership, association, joint stock company, trust, or corporation.

(p) Base Station. Any fixed service station which the Commission in its discretion, may decide that said transfer is in the public interest will be served by the refusal or revocation of such license.

(q) Harmful interference. Any radiation or any induction which endangers the functioning of a radionavigation service or of a safety service or obstructs or repeatedly interrupts a radio service or other communications or radiations in this part. (For purposes of this definition only, a safety service is any radio service whose operation is directly related, whether permanently or temporarily, to the preservation of human life and the safeguarding of property.)

(r) Telemetering. Automatic radiocommunication, in a fixed or mobile service, intended to indicate or record a measurable variable quantity at a distance.

(s) Signalling. Intermittent or periodic transmission (excluding radiotelephony or any type of Morse code) that imparts information in the form of prearranged tones, impulses, or combinations thereof, designed to actuate a mechanism at the point of reception.

(t) Landing area. A landing area means any locality, either of land or water, including airports and interim landing fields, which is used, or approved for use for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

Note: Consideration of aeronautical facilities not in existence at the time of the application for such aeronautical services shall be governed by the laws of any foreign government; or a foreign government or representatives thereof; or any corporation organized under the laws of a foreign country.

§ 11.4 General citizenship restrictions. A station license may not be granted to or held by:

(a) Any alien or the representative of any alien;

(b) Any foreign government or the representative thereof;

(c) Any corporation organized under the laws of any foreign government; (d) Any corporation of which any officer or director is an alien;

(e) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by: Aliens or their representatives; a foreign government or representative thereof; or any corporation organized under the laws of a foreign country.

§ 11.6 Transfer and assignment of station authorization. A station authorization shall be transferred or assigned, or indirectly disposed of, or by letter, in duplicate; or

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(ii) A person who is to furnish base station service to mobile radio units installed in vehicles owned and operated by persons other than himself may, if he desires, be licensee of said mobile radio units: Provided, however, That each person owning and operating such mobile radio units shall enter into a written agreement giving the licensee thereof the sole right of control over such units, said agreement to be kept as a part of the records of the base station: And provided further, That the operator of each vehicle shall operate the radio units subject to the orders and instructions of the base station operator. And provided still further, That the licensee shall at all times have such access to, and control of, the mobile radio equipment as will enable him to discharge his responsibilities under the Communications Act.

(2) **Fixed service.** A group of persons eligible to operate in the same industrial radio service may share the use of a fixed service license to one member of that group.

(b) A base station licensee who enters into a cooperative arrangement in accordance with the provisions of paragraph (a) of this section shall obtain prior approval from the Commission for each person who proposes to enter into said arrangement.

(c) All cooperative arrangements entered into under the provisions of this section shall be governed by the following requirements as to costs and charges:

1. The arrangement may be without charge. If so, the records of the base station or fixed station licensee shall so indicate.

2. Contributions to capital and operating expenses may be accepted only on a cost-sharing, non-profit basis, said costs to be prorated on an equitable basis among all persons who are parties to the cooperative arrangement. Records which reflect the cost of the service and its non-profit, cost-sharing nature shall be maintained by the base station licensee and held available for inspection by Commission representatives. An audited financial statement reflecting the non-profit cost-sharing nature of the arrangement shall be submitted annually to the Commission's Washington office no later than three months after the close of the licensee's fiscal year.

§ 11.7 Relay stations—(a) **General.** Relay stations are used to extend the range of communication between another radio station and the point with which it is desired to communicate. For the purposes of the rules in this part, there are two types of relay stations: Mobile Relay Stations and Fixed Relay Stations. For definition of terms see § 11.3.

(b) **Mobile relay stations.** The policies governing authorization and operation of this type of relay station are as follows:

1. Each application for a new mobile relay station authorization shall be accompanied by a satisfactory showing that the applicant has a substantial requirement for service which would be better provided by mobile communication over ranges greater than those which can be realized consistently by direct communication on the frequency presently assigned, or, in the case of a proposed new radio system, on any available frequency. (Measurements obtained by use of low-power transmitters of the hand-carried or pack-carried type will not be accepted in satisfaction of the requirement of this subparagraph.)

2. A Mobile Relay Station may be authorized to operate on any mobile service frequency available for assignment to base stations in accordance with the Commission's rules. The station operator shall be authorized to operate on any mobile service frequency in accordance with the provisions of paragraph (c) of this section.

3. Each Mobile Relay Station shall so be designed and installed that it normally will be activated only by means of a coded signal or signals or such other means as will effectively prevent its activation by undesired signals: Provided, however, That this requirement may be waived when both of the following conditions are met:

(a) That the applicant has a substantial requirement for prompt mobile-to-mobile communications; and

(b) That the applicant has a substantial requirement for mobile-to-mobile communications.

4. Each Mobile Relay Station shall be so designed and installed as to minimize the interference with or the receipt of undesired signals and thereby causes harmful interference to other licensees.

5. Each Mobile Relay Station shall be so designed and installed as to minimize the interference with or the receipt of undesired signals and thereby causes harmful interference to other licensees.

6. Each Mobile Relay Station shall be so designed and installed as to minimize the interference with or the receipt of undesired signals and thereby causes harmful interference to other licensees.

7. Each Mobile Relay Station shall be so designed and installed as to minimize the interference with or the receipt of undesired signals and thereby causes harmful interference to other licensees.

8. Each Mobile Relay Station shall be so designed and installed as to minimize the interference with or the receipt of undesired signals and thereby causes harmful interference to other licensees.

9. Each Mobile Relay Station shall be so designed and installed as to minimize the interference with or the receipt of undesired signals and thereby causes harmful interference to other licensees.

10. Each Mobile Relay Station shall be so designed and installed as to minimize the interference with or the receipt of undesired signals and thereby causes harmful interference to other licensees.

§ 11.8 Policy governing the assignment of frequencies. (a) The frequency or band of frequencies available for assignment to stations operating in any one of the several Industrial Radio Services are listed in the applicable subpart of this part. All applicants for, and licensees of, stations in these services shall cooperate in the selection and use of the frequencies assigned in order to minimize interference and thereby obtain the most effective use of the authorized facilities. Each frequency, or band of frequencies, available for assignment to stations in these services is available on a shared basis only, and will not be assigned for the exclusive use of one or more stations; such use may also be restricted to one or more specified geographical areas.

(b) Each applicant shall use the highest order of frequencies available, compatible with the operational requirements of the particular radio system involved, and the actual channel loading of the bands in each area. Differentials in first cost and maintenance expense are factors which will not be considered as conclusive by the Commission in approving a choice between the ranges 1.6-6.0, 25-50, 152-174, and 450-460 Mc.

(c) The operational requirements of applicants for use of a single system are as follows:

(1) That the frequency simplex method of operation be employed, and frequencies have been made available to each of the services largely on that basis. Consequently, in no case will more than one frequency, or band of frequencies, be assigned for the use of the applicant until it has been demonstrated conclusively to the Commission that the assignment of an additional frequency, or band of frequencies, is essential to the operation of the radio system.
(d) With respect to fixed point-to-point circuits, simultaneous two-way communication will be required in most cases; consequently, it will be customary to assign two frequencies for such systems and, where possible, with such frequency separation that full duplex operation may be accomplished.

(e) Outside the continental limits of the United States and waters adjacent thereto, frequencies above 152 Me, listed elsewhere in this part as available for assignment to Base Stations or Mobile Stations, or frequencies for Federal Government radio stations under Executive order of the President may be used for such assignments, but the permittee shall proceed further with such application only after consultation with the appropriate government agency or agencies, that such assignment is necessary.

SUBPART B—APPLICATIONS, AUTHORIZATIONS AND NOTIFICATIONS

§ 11.51 Station authorization required. No radio transmitter shall be operated in the Industrial Radio Services except in accordance with proper station authorization granted by the Federal Communications Commission.

§ 11.52 Procedure for obtaining a radio station authorization and for commencement of operation. (a) Persons desiring to install and operate radio transmitting equipment shall first submit an application for a radio station authorization in accordance with § 11.56.

(b) When a construction permit only has been issued for a Base, Operational Fixed or Mobile Station and installation has been completed in accordance with the terms of the construction permit and the applicable rules of the Commission, the permittee shall proceed further as follows:

(1) Notify the Engineer-In-Charge of the local radio district of the date on which the transmitter will be tested in such manner as to produce radiation, giving name of the permittee, station location, call sign, and frequencies on which tests are to be conducted. This notification shall be made in writing at least two days in advance of the test date. FCC Form 456 may be used for this purpose. No reply from the radio district office is necessary before the tests are begun.

(2) After testing, but on or before the date when the station is first used for operational purposes, mail to the Commission in Washington, D. C., an application on FCC Form 400 for license or modification of license, as appropriate, in the particular case. The station may thereafter be used as though licensed, pending Commission action on the license application.

(c) When a construction permit and license for a new Base, Operational Fixed or Mobile Station is simultaneously issued, the licensee shall notify the Engineer-In-Charge of the local radio district of the date on which the transmitter will be placed in operation, giving name of the licensee, station location, call sign, and operating frequencies. This notification shall be made in writing on or before the day on which operation is commenced. FCC Form 456 may be used for this purpose.

(d) When a construction permit and modification of license for a Base Operational Fixed or Mobile Station are issued simultaneously, operation may be commenced without notification to the Engineer-In-Charge of the local radio district, except where operation on a new or different frequency results by reason of such modification, in which case the notification procedure set forth in paragraph (c) of this section must be observed.

§ 11.53 Procedure for obtaining special temporary authority. (a) (1) In cases of emergency found by the Commission, the public safety, the public convenience, or property, or due to damage to equipment, temporary authorization for the construction and operation of a radio station may be granted for the duration of such emergency. The residential temporary authority may be filed without regard to the provisions of § 11.56 in letter form or by telegram, but shall contain the following information:

(i) Name, address, and citizenship status of applicant;

(ii) Statement of facts upon which the request for emergency authorization is based, including estimated duration of emergency, and explanation why a formal application could not have been submitted in time to get a regular license;

(iii) Class of station and nature of service;

(iv) Location of station including, when appropriate, geographical coordinates;

(v) Equipment to be used, specifying manufacturer, model number and number of units, frequencies desired, plate power input to final radio frequency stage, and type of emission.

If any of the foregoing information is presently on file with the Commission, such information may be included by reference. The applicant may be required, whenever such action may be considered necessary by the Commission, to repeat the information enumerated above by filing as soon as practicable a formal application on the prescribed form.

(2) In cases where an urgent need is shown for emergency service, the station for a limited time only, in a manner other than that specified in the existing authorization, but not in conflict with the Commission's rules; or

(b) For the purpose of conducting a field survey to determine necessary data in connection with the filing of formal applications for installation of a radio system in some service under this part, in this case, the authority, if issued, will be for developmental operation only, and the applicable sections of Subpart E of this part shall also apply to the grant.

§ 11.54 Filing of applications. (a) To assure that necessary information is supplied in a consistent manner by all persons, standard forms are prescribed for use in connection with the majority of applications and reports submitted for Commission consideration. Standard numbered forms applicable to the Industrial Radio Services are discussed in § 11.58, and may be obtained from the Washington, D. C., office of the Commission, or from any of its engineering field offices. Concerning matters where no standard form is applicable, the informal application procedure outlined in § 11.56 should be followed.

(b) Any application for radio station authorization and all correspondence relating thereto shall be submitted to the Commission's office at Washington 25, D. C., and should be directed to the attention of the Secretary. An application for a radio operator permit or license may be submitted to any of the Commission's engineering field offices, or to the Commission's office at Washington 25, D. C.

(c) Unless otherwise specified, an application shall be filed at least sixty days prior to the date on which it is desired that Commission action thereon be completed.

(d) Failure on the part of the applicant to provide all the information required by the application form, or to supply the necessary exhibits or supplementary statements may constitute a default in the application.

(e) Applications involving operation at temporary locations:

(1) When a Base Station or an Operational Fixed Station is to remain at a single location for a limited time only, the location is considered to be temporary. An application for authority to operate at temporary locations shall specify the general geographic area within which the operation will be confined. The area specified may be a city, a county or counties, a state or states, "Gulf Coast area," "Eastern U. S.," "Continental U. S.,” etc.
Who may sign applications. One copy of each application for an authorization shall be signed under oath or affirmation by the applicant if the applicant be an individual, or any one of the partners if an applicant be a partnership, or by an officer if the applicant be a corporation, or by a member who is officer if the applicant be an unincorporated association: Provided, however, that applications may be signed by the attorney for an applicant (a) in case of physical disability of the applicant, or (b) his absence from the continental United States. If it be made by a person other than the applicant, he must set forth in the verification the grounds upon which he is authorized to sign upon his knowledge and the reason why it is not made by the applicant. Applications filed on behalf of eligible governments including incorporated municipalities, shall be signed by duly elected or appointed officials as may be competent to do so under the law of the jurisdiction.


§ 11.55 Standard forms to be used. (a) A separate application shall be submitted on FCC Form 400 for the following:

(1) New station authorization for a Base or Operational Fixed Station.

(2) New station authorization for any required number of mobile units (including hand-carried or pack-carried units to be operated in the same service).

Note: An application for mobile units may be combined with an application for a single base station for such mobile units as will operate with that base station only.

(3) License for any class of station under construction, or installation in accordance with the terms and conditions set forth in the construction permit.

(4) Modification of combined construction permit and station license for changes outlined in § 11.64 (a).

(5) Modification of construction permit.

(6) Modification of station license.

Any of the foregoing applications shall, upon approval and authentication by the Commission, be returned to the applicant as a specifically-designated type of authorization. Provided, however, that the holder of a station authorization desires to assign to another person the privilege to construct or use a radio station, he shall submit to the Commission a notarized letter setting forth his desire to assign all right, title, and interest in and to such authorization, stating the file number and expiration date of his authorization and the call sign and location of station. This letter shall also include a statement that the assignor will submit his current station authorization for cancellation upon completion of the assignment. Enclosed with this letter shall be an application for station authorization on FCC Form 400 prepared by and in the name of the person to whom the station is being assigned.

(c) A separate application may be submitted on FCC Form 400-A for certain changes to authorized stations as specified in § 11.64 (b).

(d) A separate application shall be submitted on FCC Form 783 whenever it is necessary to give effect to transfer of stock ownership, the control of a corporate permittee or licensee.

(e) Informal application. (1) An application not submitted on a standard form prescribed by the Commission is considered to be an informal application. Each informal application shall be submitted in duplicate, normally in letter form, and with the original signed by the applicant. Each application shall be clear and complete within itself as to the facts presented and the action desired.

(2) A request for special temporary authorization must include full particulars as to the purpose for which the request is made and such request should be submitted at least 10 days prior to the date of the proposed operation. A request received within less than 10 days may be accepted upon showing of sufficient reason for the delay in submitting the request. The information necessary for a decision on requests for Special Temporary Authorization is set forth in § 11.53.

(f) FCC Form 456 “Notification of Completion of Radio Station Construction” may be used to advise the Engineer-in-Charge of the local district office that construction of the station is complete and that operational tests will begin.

(g) Application for renewal of station license shall be submitted on FCC Form 405-A. Unless otherwise directed by the Commission, each application for renewal of license shall be filed during the last 60 days of the license term. In any event, such application shall be accompanied by a statement that in accordance with the Commission's rules made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

§ 11.58 Supplemental information to be submitted with application. Each application for station authorization shall be accompanied by such supplemental information listed below as may be required.

(a) Any statements or showings required by the applicable part of this part, in connection with the use of the frequency requested.

(b) Application for authority to operate on one of the frequencies in the range 1.6-6.0 MHz must be fully justified, and shall be accompanied by: A satisfactory showing that the safety of human life will be jeopardized by failure of the Commission to authorize the use of a frequency in the requested range; a description in detail of the particular activity involved; and the manner in which radio

will be used in the activity. The circumstances must be such that the activity, by reason of its nature or location, is hazardous to personnel engaged therein, or would interfere with critical communications, or if the radio communication facilities requested will materially reduce such hazard; and that it is impossible to use a higher order of frequencies for accomplishment of the proposed work.

(2) The issuance of authority for use of frequencies within the band 72-76 MHz is contingent upon a showing that no interference will be caused to the use of television services. Each application for use of one of these frequencies at a location within 55 miles of a television station authorized to use TV channel number 4 or 5 (or 38 miles in the case of community stations) shall be accompanied by the following data:

(i) A map of suitable scale showing the area enclosed by a circle having a 3 mile radius centered on and surrounding the site chosen for the applicant’s fixed station. This map should be marked with a circle of 1 mile radius and another circle of ½ mile radius. The map should be marked to indicate the scale of the map.

(ii) A count of the houses and estimated population within the ½ mile circle shown on the map. (Use a count of 5 persons per house for any area designated as containing apartment houses in the area.)

(iii) The height above sea level of the center of the radiating portion of the antenna system, and the radiation pattern thereof.

(iv) The height above sea level of nearby towns (within 10 miles of the proposed station).

(v) A written statement from the applicant stating her/his belief that he will satisfactorily adjust all complaints of interference to television reception caused by operation of the proposed fixed station, when such complaints are made by owners of television receivers located both within one mile of the site of the proposed fixed station, and within the protected service area of television stations using TV channel number 4 or 5. The statement shall specifically indicate agreement to the condition that this adjustment of interference complaints be made a part of the authorization.

(b) Statements justifying the need for more than one frequency, as required by § 11.8.

(c) Statement describing the type of emission to be used if it cannot be described as “S3” or “S0” pursuant to Subpart C of this part.

(d) Description of the antenna system, on FCC Form 401-A in triplicate in all cases when:

(1) The antenna structure proposed to be erected will exceed an over-all height of 170 feet above ground level; Provided, however, That FCC Form 401-A is not required when the antenna is proposed to be supported on a non-man-made structure and does not increase the over-all height of such man-made structure by more than 20 feet; or

(2) The antenna structure proposed to be erected will exceed an over-all

Subject to change upon finalization of proceedings in Docket No. 10315.
height of one foot above the established airport (landing area) elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area: Provided, However, That FCC Form 401-A required when the antenna does not exceed 20 feet above the ground or is mounted on top of and raising man-made structure or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet.

3. A sectional system diagram and a detailed description of the manner in which the interrelated stations will operate when the station is, or will be, part of a system involving two or more stations at different fixed locations.

(f) Copies of all agreements and statements which may be required under § 11.6 if operation is desired in connection with any cooperative use of the property of the radio communication facilities.

(g) Statements required by the rules in connection with developmental operation. See §§ 11.202, 11.203, and 11.207.

(h) Any statements or other data required under special circumstances as set forth in the station authorization.

§ 11.63 License term. (a) For all stations in the Industrial Radio Services, except those engaged in developmental operation, the license period shall be as follows:

(1) The initial station license will be listed for a term of from one to five years from the effective date of grant, the term varying as may be necessary to permit the orderly scheduling of renewal applications.

(2) Each station license normally will be renewed, upon proper application, for a term of four years from the effective date of renewal.

(b) Instruments of authorization for stations engaged in developmental operation will be made upon a temporary basis for a specific period of time, but in no event to extend beyond one year from date of grant.

§ 11.64 Changes in authorized stations. Authority for certain changes in an existing authorization from the Commission before these changes are made, while other changes do not require prior Commission approval. The following paragraphs describe the conditions under which prior Commission approval is or is not necessary:

(a) Proposed changes which will result in operation inconsistent with any of the terms of the current authorization require that an application for modification of construction permit and/or license be submitted to the Commission and, except as set forth in paragraph (b) of this section, shall be accompanied by exhibits and supplementary statements as required by § 11.56.

(b) Any of the following changes to authorized stations may be made upon approval by the Commission of a "Request for Change in Station Authorization" submitted on FCC Form 400-A:

(1) Change in presently authorized location of transmitter control point.

(2) Addition or deletion of control point(s) for presently authorized transmitter.

(3) Reduction in antenna height. If painting and/or lighting of the antenna supporting structure is required, FCC Form 401-A must also be submitted.

(4) A reduction in the over-all number of transmitters authorized for mobile use.

(5) An increase in the over-all number of transmitters authorized for mobile use. This form may be used only when adding mobile service equipment which are included in the Commission's "List of Transmitting Equipment Acceptable for Licensing" and designated for use in the Public Safety, Industrial, and Land Transportation Radio Services.

(6) An extension of the time limit specified in a construction permit.

(c) Proposed changes which will not depart from any of the terms of the outstanding authorization for the station involved may be made without prior Commission approval. Included in such changes is the substitution of various makes of transmitting equipment at any station provided the particular equipment to be installed is included in the Commission's "List of Equipments Acceptable for Licensing" and designated for use in the Public Safety, Industrial, and Land Transportation Radio Services and provided the substitute equipment employs the same type of emission and does not exceed the power limitations as set forth in the station authorization.

§ 11.65 Report of temporary location. When a Base Station or Operational Fixed Station is authorized to operate in an area encompassing two or more Radio Districts, the following notification procedure shall be followed:

(a) When the station is placed in operation for the first time, the Engineer in Charge of the Radio District involved shall be notified.

(b) When the station is moved from one Radio District to another, the Engineer in Charge of each of the two Radio Districts involved shall be notified.

§ 11.66 Discontinuance of station operation. In case of permanent discontinuance of operation of a station licensed under this part, the license shall forward the station license to the Washington, D. C. office of the Commission for cancellation. A copy of the request for cancellation of the license shall be forwarded to the Commission's Engineer in Charge of the district in which the station is located. For purposes of this section, a station which is not operated for a period of one year, the license to have been permanently discontinued.

SUBPART C—TECHNICAL STANDARDS

§ 11.101 Frequencies. The frequencies available for use in these services, in accordance with the policy set forth in § 11.3, are listed in the applicable subpart of the rules in this part. The separation between assignable frequencies in the various bands does not necessarily indicate the additional separation required for the operation of two or more systems within the same geographical area.
§ 11.103 Frequency stability. (a) A permittee or licensee in these services shall maintain the carrier frequency of each authorized transmitter within the tolerance prescribed in paragraph (a) of this section, and the calculation of the bandwidth allowed to be used on any frequency removed from the carrier frequency by at least 100 percent of the maximum authorized bandwidth shall be attenuated not less than the amount indicated in the following table:

<table>
<thead>
<tr>
<th>Frequency range</th>
<th>Tolerance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Below 50 Mc.</td>
<td>-0.05</td>
</tr>
<tr>
<td>From 50-220 Mc.</td>
<td>0.02</td>
</tr>
<tr>
<td>Above 220 Mc.</td>
<td>0.01</td>
</tr>
</tbody>
</table>

(2) Any spurious or harmonic emission appearing on any frequency removed from the carrier frequency by at least 100 percent of the maximum authorized bandwidth shall be attenuated below the unmodulated carrier by not less than the amount indicated in the following table:

<table>
<thead>
<tr>
<th>Frequency range</th>
<th>Attenuation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Below 50 Mc.</td>
<td>0.02</td>
</tr>
<tr>
<td>From 50-220 Mc.</td>
<td>0.05</td>
</tr>
<tr>
<td>Above 220 Mc.</td>
<td>0.10</td>
</tr>
</tbody>
</table>

§ 11.104 Emission limitations. (a) Each authorization issued to a station operating in these services will show, as the prefix to the emission classification, a figure specifying the maximum authorized bandwidth in kc to be occupied by the emission. The specified band shall contain those frequencies upon which a total of 99 percent of the radiated power appears, extended to include any discrete frequency upon which the power is not less than 0.25 percent of the total radiated power. Any radiation in excess of the limits specified in paragraph (a) of this section may be considered to be an unauthorized emission.

(b) The emission prefix figures referred to in paragraph (a) of this section for the types of emission covered by paragraph (a) of § 11.103 are as follows:

<table>
<thead>
<tr>
<th>Type of emission</th>
<th>Authorized bandwidth</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-3</td>
<td>8</td>
</tr>
<tr>
<td>P-3</td>
<td>40</td>
</tr>
</tbody>
</table>

(c) For purpose of demonstrating compliance with paragraph (a) of this section, the following limits apply:

<table>
<thead>
<tr>
<th>Frequency range</th>
<th>Power input to final stage (watts)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Below 50 Mc.</td>
<td>2.00</td>
</tr>
<tr>
<td>From 50-220 Mc.</td>
<td>6.00</td>
</tr>
<tr>
<td>Above 220 Mc.</td>
<td>20.00</td>
</tr>
</tbody>
</table>

Provided, however, that the provisions of this paragraph shall not apply to land-carried or pack-carried transmitters.

§ 11.106 Power and antenna height. (a) The power which may be used by a station in these services shall be no more than the maximum required for satisfactory technical operation commensurate with the size of the area to be served and local conditions which affect radio transmission and reception. In cases of harmful interference, the Commission may order a change in power, or antenna height, or both.

(b) Except where the power that may be used on a designated frequency is specifically limited to a lower value, plate input power in the final radio frequency stage in excess of the following tabulation will not be authorized:

<table>
<thead>
<tr>
<th>Frequency range</th>
<th>Maximum plate power input to the final radio frequency stage (watts)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Below 50 Mc.</td>
<td>2.00</td>
</tr>
<tr>
<td>From 50-220 Mc.</td>
<td>6.00</td>
</tr>
<tr>
<td>Above 220 Mc.</td>
<td>20.00</td>
</tr>
</tbody>
</table>

(To be specified in the authorization.)

§ 11.107 Transmitter control requirements. (a) Each transmitter shall be so installed and protected that it is not accessible to or capable of operation by persons other than those duly authorized by the licensee.

(b) A control point is an operating position which meets all of the following conditions:

<table>
<thead>
<tr>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) The position must be under the control and supervision of the licensee;</td>
</tr>
<tr>
<td>(2) It is a position at which the monitoring facilities required by this section are installed; and</td>
</tr>
<tr>
<td>(3) It is a position at which an operator responsible for the operation of the transmitter is stationed.</td>
</tr>
</tbody>
</table>

(c) Each station shall be provided with a control point, the location of which will be specified in the license. It will be assumed that the location of the control point is the same as that of the transmitting equipment unless the application includes a request for a different location. Authority must be obtained from the Commission for the installation of additional control points.

(d) A dispatch point is a position from which messages may be transmitted under supervision of a control point operator. Dispatch points may be installed without authorization from the Commission.

(e) At each control point, the following facilities shall be installed:

<table>
<thead>
<tr>
<th>Facility</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) A carrier operated device which will provide continuous visual indication when the transmitter is radiating; or, in lieu thereof, a pilot lamp or meter which will provide continuous visual indication when the transmitter control circuits have been placed in a condition to produce radiation: Provided, however, that the provisions of this subparagraph shall not apply to land-carried or pack-carried transmitters.</td>
</tr>
<tr>
<td>(2) Equipment to permit the operator to aurally monitor all transmissions originating at dispatch points under his supervision;</td>
</tr>
<tr>
<td>(3) Facilities which will permit the operator either to disconnect the dispatch point circuits from the transmitter or to render the transmitter inoperative from any dispatch point under his supervision;</td>
</tr>
<tr>
<td>(4) Facilities which will permit the operator to turn the transmitter carrier on and off at will.</td>
</tr>
</tbody>
</table>

§ 11.108 Transmitter measurements. (a) The licensee of each station shall employ a suitable procedure to determine that the carrier frequency of each transmitter, authorized to operate with a plate input power to the final radio frequency stage in excess of three watts, is maintained within the tolerance prescribed in the rules in this part. This determination shall be made, and the results...
the results thereof entered in the station records, in accordance with the following:
(1) When the transmitter is initially installed;
(2) When any change is made in the transmitter which may affect the carrier frequency or the stability thereof;
(3) At intervals not to exceed six months of each base station employing crystal-controlled oscillators;
(4) At intervals not to exceed one month for transmitters not employing crystal-controlled oscillators.

(a) Each station shall employ a suitable procedure to determine that the plate power input to the final radio frequency stage of each base station or fixed station transmitter, authorized to operate with a plate input power to the final radio frequency stage in excess of three watts, does not exceed the maximum figure specified on the current station authorization. Where the transmitter is so constructed that a direct measurement of plate current in the final radio frequency stage is not practicable, the plate input power may be determined from a measurement of the cathode current, the required test entry shall include clearly the quantities that were measured, the measured values thereof, and the method of determining the plate power input from the measured values.

(b) When the transmitter is initially installed; (c) When any change is made in the transmitter which may increase the transmitter power input; (d) At intervals not to exceed six months.

(c) The licensee of each station shall employ a suitable procedure to determine that the modulation of each transmitter, authorized to operate with a plate input power to the final radio frequency stage in excess of three watts, does not exceed the maximum figure specified in the rules in this section. This determination shall be made, and the results thereof entered in the station records, in accordance with the following:
(1) When the transmitter is initially installed;
(2) When any change is made in the transmitter which may affect the modulation characteristics;
(3) At intervals not to exceed six months.

(d) The determinations required by paragraphs (a), (b), and (c) of this section may, at the option of the licensee, be made by any qualified engineering measurement service, in which case the required requirements shall include the name and address of the engineering measurement service as well as the name of the person making the measurements.

(e) In the case of the frequency of the final stage oscillators, the determinations required by paragraphs (a) and (e) of this section may be made at a test or service bench: Provided, That the measurements are made under load conditions equivalent to actual operating conditions: Provided further, That after installation in the mobile unit the transmitter is given a routine check to determine that it is capable of being received satisfactorily by an appropriate receiver.

§ 11.152 Station identification
(a) Each station in this service which is capable of being identified by transmission of its assigned call signal shall transmit such call signal at the end of each transmission or exchange of transmission, and at intervals not to exceed one ten thousandth part of the actual operating period, but not less than once each five minutes of the actual operating period, except when necessary for test purposes, or when specifically authorized in writing by the Commission.
(b) In lieu of the requirement of paragraph (a) of this section, mobile units communicating with a Base Station which transmits on the same frequency shall transmit such call signal at the end of each transmission or exchange of transmission, or once each ten thousandth part of the actual operating period, but not less than once each minute of the actual operating period, except when necessary for test purposes, or when specifically authorized in writing by the Commission.
(c) In lieu of the requirement of paragraph (a) of this section, mobile units communicating with a Base Station which transmits on a different frequency shall transmit such call signal at the beginning of the actual operating period, but not less than once each twenty minutes of the actual operating period, except when necessary for test purposes, or when specifically authorized in writing by the Commission.
(d) A station which is transmitting for telemetering purposes or retransmitting by self-actuating means a radio signal received from another radio station or stations will be considered for exemption.
from the requirements of paragraph (a) of this section in specific instances, upon request.

§ 11.153 Suspension of transmissions required. The radiation of the trans­mitter, or any part thereof, for the purpose of determining the immediate safety of life or property, in which case the trans­missions shall be suspended as soon as the emergency is terminated.

§ 11.154 Operator requirements. (a) All transmitter adjustments or tests during or coincident with the installation, servicing, or maintenance of a radio station, which may affect the proper operation of such station, shall be made by or under the immediate supervision and responsibility of a person holding a first or second class commercial radio opera­tor license, either radiotelephone or radiotelegraph, who shall be responsible for the proper functioning of the station equipment.

(b) Except under the circumstances specified in paragraph (a) of this section, only a person holding a commercial radio operator license, either radiotelephone or radiotelegraph, who shall be responsible for the proper functioning of the station equipment, and persons holding a first or second class commercial radiotelegraph operator li­cense shall perform such functions at radiotelegraph stations transmitting by any of the Morse code.

§ 11.155 Posting of operator license. (a) The original license of each base or fixed station operator, other than an operator exclusively performing service and maintenance duties, shall be posted or kept immediately available at the station or in sight of the transmitter.

(b) Whenever a licensed operator is required for a Mobile Station, the original license of each mobile operator, other than an operator exclusively performing service and maintenance duties, shall be kept in his personal possession whenever he performs the duties of an operator at that station: Provided, however, that in lieu of an original license of the diploma form (as distinguished from such document of the card form) he may have in his personal possession a valid verification card attesting to the existence of any other valid commercial radio operator and responsibility: Provided, That in lieu of posting his license, he may have on his personal his license or a valid verification card.

§ 11.156 Transmitter identification card and posting of station license. (a) The current authorization for each station shall be posted at the control equipment as a permanent part of the station record, but need not be posted. An executed Transmitter Identification Card (FCC Form No. 452-C, Revised) shall be affixed to each mobile transmitter or associated control equipment. When the transmitter is not in view of and readily accessible to the operator, it is preferred that the identification card be affixed to the control equipment at the transmitter operating position. The following information shall be entered on the card by the permittee or licensee:

(1) Name of permittee or licensee;

(2) Station call signal assigned by the Commission;

(3) Exact location or locations of the transmitter record;

(4) Frequency or frequencies on which the transmitter to which attached is adjusted to operate; and

(5) Signature of the permittee or licensee, or a designated official thereof.

(b) The current authorization for each base or fixed station shall be posted at the station and kept in writing for the principal control position of that station. At all other control points listed on the station authorization, a photocopy of the

Rules and Regulations
authorization shall be posted. In addition, an executed Transmitter Identification Card (FCC Form No. 452-C, Revised) shall be affixed to each transmitter operated at a fixed location, when such transmitter is not in view of, and readily accessible to, the operator at the principal control position. (c) In lieu of the Transmitter Identification Card, FCC Form 452-C, Revised, as amended, each permittee or licensee may at his option employ a plate of metal or other substantial material which shall bear the title "Radio Transmitter Identification." and shall clearly display all the information required to be shown on the FCC Form 452-C, Revised, with the exception of the signature.

§ 11.157 Inspection of stations. All stations and records of stations in these services shall be made available for inspection by an authorized representative of the Commission at any time while the station is in operation, and, when not in operation, shall be made available for inspection except when a reasonable request of such representative.

§ 11.158 Inspection and maintenance of tower marking and associated control equipment. The licensee of any radio station which has an antenna structure required to be painted or illuminated in accordance with the provisions of section 303(q) of the Communications Act of 1934, as amended, and/or Part 17 of this chapter, shall operate and maintain the tower, marking and associated control equipment in accordance with the following:

(a) The tower lights shall be observed at least once each 24 hours, either visually or by observing an automatic and properly maintained indicator designed to register any failure of such lights, to insure that all such lights are functioning properly as required; or, alternatively, if provided and properly maintained an automatic alarm system designed to detect any failure of the tower lights and to provide indication of such failure to the licensee. No otherwise known failure of a code or rotating beacon light or top light not corrected within thirty minutes, regardless of the cause of such failure, shall be reported immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration. Further notification by telephone or telegraph shall be made only by the person originating the official notice within 3 days from such receipt, send a written notice to the office of the Commission if the failure is not corrected within the period of practical 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. The reply shall set forth the steps taken to prevent a recurrence of such lack of attention or improper operation.

(b) For all stations, the results and dates of the transmitter measurements required by § 11.158, and the name of the person or persons making the measurements. (c) For all stations, when service or maintenance duties are performed which require the attention of the responsible operator, the responsible operator shall sign and date each entry in the station record concerning giving:

1. Pertinent details of all duties performed by him or under his supervision;
2. His name and address; and
3. The class, serial number, and expiration date of his license: Provided, however, That the information under subparagraphs (2) and (3) of this paragraph, so long as it remains unchanged, is not required to be repeated in the case of a person who is regularly employed as operator on a full-time basis at the station.

(d) For Base Stations and Operational Fixed Stations only, the name or names of persons responsible for the operation of the transmitting equipment of each day, together with the period of their duty.

(e) For Base Stations only, when they communicate with other Base Stations or with Operational Fixed Stations:

1. Call sign of other stations; and
2. Date, time, and approximate duration of each transmission.

(f) When a Base Station or Operational Fixed Station has an antenna structure which is required to be illuminated, appropriate entries shall be made as follows:

1. The time the tower lights are turned on and off each day, if manually controlled.
2. The time the daily check of proper operation of the tower lights was made.
3. In the event of any observed or otherwise known failure of a tower light:
4. Nature of such failure.
5. Date and time the failure was observed or otherwise noted.

§ 11.159 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, 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 to the office of the Commission if the failure is not corrected within the thirty minutes, and the date and time such notice was given.

2. Date and time such notice was given to the Airways Communication Station (Civil Aeronautics Administration) that the required illumination was resumed.

4. Upon completion of the three-month periodic inspection required by § 11.158:

1. The date of the inspection and the condition of all tower lights and associated tower lighting control devices, indicators and alarm systems.

(i) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments, replacements, or repairs were made.

(j) The records shall be kept in an orderly manner, and in such detail that the data required are readily available. Key letters or abbreviations may be used if reasonable for the explanation is set forth in the record.

(g) Each entry in the records of each station shall be signed by a person qualified to do so, having actual knowledge of the facts to be recorded.

(b) No record or portion thereof shall be erased, obliterated, or willfully destroyed within the required retention period. Any necessary correction may be made only by the person originating the entry, who shall strike out the erroneous portion, initial the correction made and indicate the date of correction.

(h) No record or portion thereof shall be erased, obliterated, or willfully destroyed within the required retention period. Any necessary correction may be made only by the person originating the entry, who shall strike out the erroneous portion, initial the correction made and indicate the date of correction.

2. Each record or portion thereof shall be retained by the licensee for a period of at least one year.

§ 11.201 Eligibility. An authorization for developmental operation in any of the services under this part will be issued only to those persons who are eligible to operate stations in such service on a regular basis.

§ 11.202 Showing required. (a) Except as provided in paragraph (b) of this section, each application for developmental operation shall be accompanied by a showing that:

1. The applicant has an organized plan of development leading to a specific objective;
2. A point has been reached in the program where actual transmission by radio is essential to the further progress thereof;
3. The program has reasonable promise of substantial contribution to the expansion or extension of the radio art, or is on lines not already investigated;
4. The program will be conducted by qualified personnel;
5. The applicant is legally and financially responsible, and has adequate technical facilities for conduct of the program as proposed; and
6. The public interest, convenience, or necessity will be served by the proposed operation.
The report shall include comprehensive and detailed information on the following:

(a) The final objective.
(b) Results of operation to date.
(c) Analysis of the results obtained.
(d) Copies of any published reports.
(e) Need for continuation of the program.
(f) Number of hours of operation on each frequency.

SUBPART F—POWER RADIO SERVICE

§ 11.251 Eligibility. (a) The following persons are eligible to hold authorizations to operate radio stations in the Power Radio Service:

(1) A person who is engaged in generating, transmitting, collecting, purifying, storing, or distributing, by means of wire or pipe line, electrical energy, artificial or natural gas, water, or steam for use by the public, or by the members of a cooperative organization.

(b) Non-profit corporation or association, organized for the purpose of furnishing a radiocommunication service solely to persons who are actually engaged in one or more of the activities specified in paragraph (a) of this section. Such a corporation or association shall render service only on a non-profit cost-sharing basis, said costs to be prorated on an equitable basis among all persons to whom service is rendered. Records which reflect this cost-sharing non-profit basis shall be maintained and held available for inspection by Commission representatives.

(c) Each person who proposes to participate in the Power Radio Service shall be accompanied by a statement in detail sufficient to indicate clearly "the applicant's eligibility under paragraph (a) of this section. In addition, each person licensed under the provisions of paragraph (a) (2) of this section shall obtain prior approval from the Commission for each person who proposes to participate in the licensees service.

§ 11.252 Frequencies available for Base and Mobile Stations. (a) The following frequencies are available for assignment to Base and Mobile Stations in the Power Radio Service only:

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<thead>
<tr>
<th>Mo</th>
<th>Me</th>
<th>Mo</th>
<th>Me</th>
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</thead>
<tbody>
<tr>
<td>23.90</td>
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<td>25.50</td>
<td>26.30</td>
</tr>
<tr>
<td>23.98</td>
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<td>24.54</td>
<td>25.34</td>
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</tr>
</tbody>
</table>

(b) The following frequencies are available for assignment to Base Stations and Mobile Stations in the Power Radio Service on a shared basis with other services.

<table>
<thead>
<tr>
<th>Frequency (km)</th>
<th>Frequency (Mo)</th>
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<tbody>
<tr>
<td>2392</td>
<td>35.06</td>
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<tr>
<td>2393</td>
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<td>2437.5</td>
<td>35.14</td>
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<td>2437.5</td>
<td>35.18</td>
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</tbody>
</table>

*Use of this frequency by stations licensed in the Power Radio Service is on a shared basis with other stations in the Industrial Radio Services, but is subject to the condition that harmful interference shall not be caused to the service of any station not in these services which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused.

§ 11.253 Frequencies available for Operational Fixed Stations. (a) Subject to the condition that no harmful interference will be caused to reception of television, radio, or telegraph communications, the following frequencies are available for assignment to Operational Fixed Stations in the Power Radio Service on a shared basis with other services:

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<tr>
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<tbody>
<tr>
<td>23.95</td>
<td>24.75</td>
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<td>23.99</td>
<td>24.79</td>
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<td>24.15</td>
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<td>24.95</td>
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<td>24.99</td>
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</table>

(b) Frequencies in the bands listed below are available for assignment to Operational Fixed Stations in the Power Radio Service on a shared basis with other services, under the terms of a developmental grant only: the exact frequency and the authorized bandwidth will be specified in the authorization.

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</table>

*Use of frequencies in the bands 860-940, 2450-2500, and 1780-1800 Mc. is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequency 2450 Mc. (c) Frequencies in the bands listed below are available for assignment to Base and Mobile Stations in the Power Radio Service on a shared basis with other services, under the terms of a developmental grant only: the exact frequency and the authorized bandwidth will be specified in the authorization.

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<td>24.95</td>
<td>25.85</td>
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<tr>
<td>24.99</td>
<td>25.89</td>
</tr>
</tbody>
</table>

*Use of frequencies in the bands 860-940, 2450-2500, and 1780-1800 Mc. is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequencies 915, 2450 and 1800 Mc.
Pursuant to the provisions of § 11.8, and for the specific purpose of transmitting hydrological or meteorological data, the frequencies listed in this paragraph are available for assignment to fixed stations in this Service: Provided, however, That harmful interference shall not be caused to Federal Government stations: And provided further, That the hydrological or meteorological data is made available to interested government agencies. Notwithstanding the provisions of § 11.151, Operational Fixed Stations authorized to the frequencies listed in this paragraph shall not communicate with or accept communications from any Mobile Station or Base Station unless written authorization to do so has been obtained from the Commission. Persons who desire to operate stations in accordance with the provisions of this paragraph should communicate with the Commission prior to filing formal application for the required construction concerning the procedure to be followed. The following frequencies are available for assignment:

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<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>169.25</td>
<td>171.125</td>
<td>406.250</td>
<td>406.500</td>
</tr>
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<td>169.475</td>
<td>171.075</td>
<td>406.150</td>
<td>406.400</td>
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<td>169.575</td>
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<tr>
<td>170.375</td>
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</tr>
<tr>
<td>170.625</td>
<td>172.425</td>
<td>414.000</td>
<td>414.250</td>
</tr>
</tbody>
</table>

*Primarily for use by Fixed Relay Stations.

§ 11.24 Frequencies available for Base, Mobile, and Operational Fixed Stations. (a) The frequencies listed in paragraph (c) of this section are available for assignment to stations in the Petroleum Radio Service for Developmental Operation only (see Subpart E of this part), and are shared with other radio services.

(b) The frequencies listed in paragraph (c) of this section are primarily for assignment to Mobile and Base Stations operating in the mobile service. However, the frequencies also are available for assignment to Operational Fixed Stations under the following restrictions and limitations on assignment and use:

(1) All use by Operational Fixed Stations is subject to the condition that harmful interference shall not be caused to stations operating in the mobile service on frequencies in the 450-460 Mc. band, in accordance with the table of frequency allocations as set forth in Part 2 of this chapter.

(2) The frequencies are available for assignment only to those Operational Fixed Stations which function as integral and essential parts of a mobile service radio system. Such Operational Fixed Stations include only those which are operated as part of a radio circuit over which messages normally are sent to or from a Mobile Station or Base Station for interruption for manual relaying at intermediate points.

(3) Operational Fixed Relay Stations may be used to relay or transmit two automatic retransmissions of a mobile service message. Additional automatic retransmissions on these frequencies by means of such stations is prohibited.

(c) Frequencies available for assignment as provided in paragraphs (a) and (b) of this section are as follows:

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</thead>
<tbody>
<tr>
<td>456.05</td>
<td>456.55</td>
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<td>457.55</td>
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<tr>
<td>456.15</td>
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<tr>
<td>456.35</td>
<td>456.85</td>
<td>457.35</td>
<td>457.85</td>
</tr>
</tbody>
</table>

§ 11.301 Eligibility. (a) The following persons are eligible to hold authorizations to operate radio stations in the Petroleum Radio Service:

(1) A person who is engaged in prospecting for, producing, collecting, refining, or transporting by means of pipelines, petroleum or petroleum products (including natural gas).

(2) A non-profit corporation or association, for the purpose of furnishing a radio communication service solely to persons who are actually engaged in one or more of the activities set forth in paragraph (1) of this paragraph. Such a Corporation or association shall render service only on a non-profit cost-sharing basis, said costs to be prorated on an equitable basis among all persons to whom service is rendered. Records which reflect this cost-sharing non-profit basis shall be maintained and held available for inspection by Commission representatives.

(b) Each application for authority to operate in the Petroleum Radio Service shall be accompanied by a statement in detail sufficient to indicate clearly the applicant's eligibility under paragraph (a) of this section. In addition, each person licensed under the provisions of paragraph (a) (2) of this section shall obtain prior approval from the Commission for each person who desires to participate in the licensee's service.

§ 11.302 Frequencies available for Base and Mobile Stations in the Petroleum Radio Service only:

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<tr>
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</thead>
<tbody>
<tr>
<td>25.03</td>
<td>33.18</td>
<td>48.68</td>
<td>49.08</td>
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<tr>
<td>25.18</td>
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<tr>
<td>25.23</td>
<td>33.49</td>
<td>48.96</td>
<td>49.18</td>
</tr>
<tr>
<td>25.38</td>
<td>33.64</td>
<td>49.08</td>
<td>49.34</td>
</tr>
</tbody>
</table>

(b) The following frequencies are available for assignment to Base and Mobile Stations in the Petroleum Radio Service only:

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Frequency</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>1614</td>
<td>30.66</td>
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<tr>
<td>1629</td>
<td>30.70</td>
<td>1632</td>
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<td>1652</td>
<td>30.70</td>
<td>1654</td>
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<tr>
<td>1678</td>
<td>30.70</td>
<td>1680</td>
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<td>1700</td>
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<td>1692</td>
</tr>
<tr>
<td><em>4563.75</em></td>
<td>153.17</td>
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</tr>
</tbody>
</table>

*Use of this frequency by stations licensed in the Petroleum Radio Service is on a shared basis with other stations in the Industrial Radio Services, but is subject to the condition that harmful interference shall not be caused to the service assigned to fixed stations in these services which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused.

This frequency is limited to daytime use only, with a maximum plate power input to the radio frequency stage not to exceed 100 watts.

This frequency may be subject to change when the Atlantic City table of frequency allocations between 4 Mc. and 27.5 Mc. comes into force.

(c) In addition to the frequencies listed in paragraphs (a) and (b) of this section, petroleum stations operated in connection with natural gas pipeline lines, if licensed to the same person operating radio stations in the Power Radio Service, may use the same frequency being used by the power service radio station (a) Provided, That a showing is made to establish that the natural gas pipeline operation is an integral part of the natural gas distribution system which is licensed in the Power Radio Service and that the coordinated use of the stations is essential to the operation of the natural gas distribution system.

(d) Frequencies in the bands listed below are available for assignment to Base and Mobile Stations in the Petroleum Radio Service on a shared basis with other services, under the terms of a developmental grant only; the exact frequency and the authorized bandwidth will be specified in the authorization.

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Frequency</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>2450-2600</td>
<td>4625-4675</td>
<td>3500-3700</td>
</tr>
</tbody>
</table>

*Use of frequencies in the band 2450-2600 Mc. is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequency 2450 Mc.

§ 11.303 Frequencies available for Operational Fixed Stations. (a) Subject to the condition that no harmful interference will be caused to reception of television channel number 4 or 5, the following frequencies are available for assignment to fixed stations in the Petroleum Radio Service on a shared basis with other services:

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Frequency</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>72.03</td>
<td>72.33</td>
<td>72.63</td>
</tr>
<tr>
<td>72.06</td>
<td>72.36</td>
<td>72.66</td>
</tr>
<tr>
<td>72.10</td>
<td>72.40</td>
<td>72.70</td>
</tr>
<tr>
<td>72.14</td>
<td>72.44</td>
<td>72.74</td>
</tr>
<tr>
<td>72.18</td>
<td>72.54</td>
<td>72.84</td>
</tr>
<tr>
<td>72.22</td>
<td>72.56</td>
<td>72.86</td>
</tr>
</tbody>
</table>

(b) Frequencies in the bands listed below are available for assignment to Base and Mobile Stations in the Petroleum Radio Service on a shared basis with other services:

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Frequency</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>72.36</td>
<td>72.38</td>
<td>72.48</td>
</tr>
<tr>
<td>72.42</td>
<td>72.50</td>
<td>72.60</td>
</tr>
<tr>
<td>72.50</td>
<td>72.58</td>
<td>72.68</td>
</tr>
<tr>
<td>72.54</td>
<td>72.66</td>
<td>72.76</td>
</tr>
<tr>
<td>72.58</td>
<td>72.68</td>
<td>72.78</td>
</tr>
</tbody>
</table>

(c) In addition to the frequencies listed in paragraphs (a) and (b) of this section, petroleum stations operated in connection with natural gas pipeline lines, if licensed to the same person operating radio stations in the Power Radio Service, may use the same frequency being used by the power service radio station (a) Provided, That a showing is made to establish that the natural gas pipeline operation is an integral part of the natural gas distribution system which is licensed in the Power Radio Service and that the coordinated use of the stations is essential to the operation of the natural gas distribution system.
with other services, under the terms of a developmental grant only; the exact frequency and the authorized bandwidth will be specified in the authorization.

Mobile Stations in the Forest Products Radio Service on a shared basis with other services:

(b) Frequencies in the bands below are available for assignment to Base and Mobile Stations in the Forest Products Radio Service on a shared basis with other services, under the terms of a developmental grant only; the exact frequency and the authorized bandwidth will be specified in the authorization:

<table>
<thead>
<tr>
<th>Frequency (Mo.)</th>
<th>Frequency (Mo.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>12200-12700</td>
<td>16000-18000</td>
</tr>
<tr>
<td>3500-3700</td>
<td>11700-12200</td>
</tr>
</tbody>
</table>

1 Use of frequencies in the bands 900-940, 2450-2500, and 17800-18000 Mc. is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequencies 915, 2450 and 18300 Mc.

(c) Frequencies in the bands listed below are available for assignment to Base and Mobile Stations in the Forest Products Radio Service on a shared basis with other services, under the terms of a developmental grant only; the exact frequency and the authorized bandwidth will be specified in the authorization:

<table>
<thead>
<tr>
<th>Frequency (Mo.)</th>
<th>Frequency (Mo.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2450-3500</td>
<td>6425-6575</td>
</tr>
<tr>
<td>3500-3700</td>
<td>11700-12200</td>
</tr>
</tbody>
</table>

1 Use of frequencies in the band 2450-2500 Mc. is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequency 2450 Mc.

§ 11.353 Frequencies available for Operational Fixed Stations. (a) Subject to the condition that no harmful interference will be caused to reception of television channel number 4 or 5, the following frequencies are available for assignment to Operational Fixed Stations in the Forest Products Radio Service on a shared basis with other services:

<table>
<thead>
<tr>
<th>Frequency (Mo.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>72.02 72.06 72.10 72.14 72.18 72.22 72.26 72.30 72.34 72.38 72.42 72.46 72.50 72.54 72.58 72.62 72.66 72.70 72.74 72.78</td>
</tr>
</tbody>
</table>

(b) Frequencies in the bands below are available for assignment to Operational Fixed Stations in the Forest Products Radio Service on a shared basis with other services, under the terms of a developmental grant only; the exact frequency and the authorized bandwidth will be specified in the authorization:

<table>
<thead>
<tr>
<th>Frequency (Mo.)</th>
<th>Frequency (Mo.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>72.02 72.06 72.10 72.14 72.18 72.22 72.26 72.30 72.34 72.38 72.42 72.46 72.50 72.54 72.58 72.62 72.66 72.70 72.74 72.78</td>
<td></td>
</tr>
</tbody>
</table>

1 Use of frequency by stations licensed in the Forest Products Radio Service is on a shared basis with other stations in the Industrial Radio Services, but is subject to the condition that harmful interference shall not be caused to the service of any station not in these services which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service in question. Interference caused by the operation of industrial, scientific, and medical devices is prohibited.

1 Primarily for use by Fixed Relay Stations.

§ 11.304 Frequencies available for Base, Mobile, and Operational Fixed Stations. (a) The frequencies listed in paragraphs (c) of this section are available for assignment to stations in the Petroleum Radio Service for Developmental Operation only (see Subpart E of this part), and are shared with other radio services.

(b) The frequencies listed in paragraph (c) of this section are primarily for assignment to Mobile and Base Stations operating in the mobile service. However, the frequencies also are available for assignment to Operational Fixed Stations, subject to the following restrictions and limitations on assignment and use:

1 All use by Operational Fixed Stations is subject to the condition that harmful interference shall not be caused to stations operating in the mobile service on frequencies in the 450-490 Mc. band, in accordance with the table of frequency allocations as set forth in Part 2 of this chapter.

(2) The frequencies are available for assignment only to Operational Fixed Stations which function as integral and essential parts of a mobile service radio system. Such Operational Fixed Stations include only those which are operated as part of a radio circuit over which messages normally are sent or from a Mobile Station without interruption for manual relaying at intermediate points.

(3) Fixed Relay Stations may be used to provide two automatic retransmissions of a mobile service message. Additional automatic retransmissions on these frequencies, by means of such stations is prohibited.

(c) Frequencies available for assignment as provided in paragraphs (a) and (b) of this section are as follows:

<table>
<thead>
<tr>
<th>Frequency (Mc.)</th>
<th>Frequency (Mc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>450.05 450.55 452.05 452.55</td>
<td></td>
</tr>
<tr>
<td>450.15 450.65 452.15 452.65</td>
<td></td>
</tr>
<tr>
<td>450.25 450.75 452.25 452.75</td>
<td></td>
</tr>
<tr>
<td>450.35 450.85 452.35 452.85</td>
<td></td>
</tr>
<tr>
<td>450.45 450.95 452.45 452.95</td>
<td></td>
</tr>
</tbody>
</table>

SUBPART H—FOREST PRODUCTS RADIO SERVICE

§ 11.351 Eligibility. (a) The following persons are eligible to hold authorizations to operate radio stations in the Forest Products Radio Service:

1. A person who is engaged in tree logging, tree farming, or related wood operations.

2. A non-profit corporation or association, organized for the purpose of furnishing a radio communication service solely to persons who are actually engaged in one or more of the activities set forth in subparagraph (1) of this paragraph. Such a corporation or association shall render service only on a non-profit cost-sharing basis, said costs to be prorated on an equitable basis among all persons to whom service is rendered. Records which reflect this cost-sharing, non-profit basis shall be maintained and held available for inspection by Commission representatives.

(b) Each application for authority to operate in the Forest Products Radio Service shall be accompanied by a statement in detail sufficient to indicate clearly the applicant’s eligibility under subparagraph (a) of this section.

§ 11.352 Frequencies available for Base and Mobile Stations. (a) The following frequencies are available for assignment to Base and Mobile Stations in the Forest Products Radio Service only:

<table>
<thead>
<tr>
<th>Frequency (Mc.)</th>
<th>Frequency (Mc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>29.73 39.28 48.98 49.50</td>
<td></td>
</tr>
<tr>
<td>29.77 39.30 49.42 49.46</td>
<td></td>
</tr>
</tbody>
</table>

(b) The following frequencies are available for assignment to Base and Mobile Stations in the Forest Products Radio Service only:

<table>
<thead>
<tr>
<th>Frequency (Mc.)</th>
<th>Frequency (Mc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>29.73 39.28 48.98 49.50</td>
<td></td>
</tr>
<tr>
<td>29.77 39.30 49.42 49.46</td>
<td></td>
</tr>
</tbody>
</table>

1 Use of frequencies in the bands 900-940, 2450-2500, and 17800-18000 Mc. is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequencies 915, 2450 and 18300 Mc.


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Tuesday, August 4, 1953

Frequencies available for Base, Mobile, and Operational Fixed Stations. (a) The frequencies listed in paragraph (c) of this section are available for assignment only to those Operational Fixed Stations which function as integral and essential parts of a mobile service radio system. Such Operational Fixed Stations include only those which are operated as part of a radio circuit over which messages normally are sent to or from a Mobile Station without interruption for manual relaying at intermediate points.

(3) Fixed Relay Stations may be used to provide two automatic retransmissions of a mobile service message. Additional automatic retransmissions on these frequencies by means of such stations is prohibited.

(4) Frequency available for assignment as provided in paragraphs (a) and (b) of this section are as follows:

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Base Stations</th>
<th>Mobile Stations</th>
<th>Operational Fixed Stations</th>
</tr>
</thead>
<tbody>
<tr>
<td>169.45</td>
<td>456.75</td>
<td>456.75</td>
<td>456.75</td>
</tr>
<tr>
<td>169.50</td>
<td>456.80</td>
<td>456.80</td>
<td>456.80</td>
</tr>
<tr>
<td>169.55</td>
<td>456.85</td>
<td>456.85</td>
<td>456.85</td>
</tr>
<tr>
<td>169.60</td>
<td>456.90</td>
<td>456.90</td>
<td>456.90</td>
</tr>
</tbody>
</table>

SUBPART I—MOTION PICTURE RADIO SERVICE

§ 11.401 Eligibility. (a) The following persons are eligible to hold authorities to operate radio stations in the Motion Picture Radio Service:

(1) A person who is engaged in the production or filming of motion pictures.

(2) A non-profit corporation or association, organized for the purpose of furnishing a radiocommunication service solely to persons who are actually engaged in one or more of the activities set forth in subparagraph (1) of this paragraph. Such a corporation or association shall render service only on a non-profit cost-sharing basis among all persons to whom service is rendered. Records which reflect this cost-sharing non-profit basis shall be maintained and held available for inspection by Commission representatives.

(b) Each application for authority to operate in the Motion Picture Radio Service shall be accompanied by a statement in sufficient detail to indicate clearly the application of eligibility under paragraph (a) of this section. In addition, each person licensed under the provisions of paragraph (a) of this section shall obtain approval from the Commission for each person who proposes to participate in the licensee's service.

§ 11.402 Frequencies available for Base and Mobile Stations. (a) The following frequencies are available for assignment to Base Stations and Mobile Stations in the Motion Picture Radio Service on a shared basis with other services:

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Base Stations</th>
<th>Mobile Stations</th>
<th>Other Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>73.00</td>
<td>73.00</td>
<td>73.00</td>
<td>73.00</td>
</tr>
<tr>
<td>73.05</td>
<td>73.05</td>
<td>73.05</td>
<td>73.05</td>
</tr>
<tr>
<td>73.10</td>
<td>73.10</td>
<td>73.10</td>
<td>73.10</td>
</tr>
<tr>
<td>73.15</td>
<td>73.15</td>
<td>73.15</td>
<td>73.15</td>
</tr>
</tbody>
</table>

(b) Frequencies in the bands listed below are available for assignment to Operational Fixed Stations in the Motion Picture Radio Service on a shared basis with other services under the terms of a developmental grant only; the exact frequency and the authorized bandwidth will be specified in the authorization:

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Operational Fixed Stations</th>
</tr>
</thead>
<tbody>
<tr>
<td>73.20</td>
<td>73.20</td>
</tr>
<tr>
<td>73.25</td>
<td>73.25</td>
</tr>
<tr>
<td>73.30</td>
<td>73.30</td>
</tr>
<tr>
<td>73.35</td>
<td>73.35</td>
</tr>
</tbody>
</table>

*Use of frequencies in the bands 890-940, 2450-2500, and 17850-18000 MC, is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequencies 915, 2450 and 18000 MC.

§ 11.403 Frequencies available for Operational Fixed Stations. (a) Subject to the condition that no harmful interference will be caused by the operation of television channel number 4 or 5, the following frequencies are available for assignment to Operational Fixed Stations in the Motion Picture Radio Service on a shared basis with other services:

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Operational Fixed Stations</th>
</tr>
</thead>
<tbody>
<tr>
<td>73.40</td>
<td>73.40</td>
</tr>
<tr>
<td>73.45</td>
<td>73.45</td>
</tr>
<tr>
<td>73.50</td>
<td>73.50</td>
</tr>
<tr>
<td>73.55</td>
<td>73.55</td>
</tr>
</tbody>
</table>

(b) Frequencies in the bands listed below are available for assignment to Operational Fixed Stations in the Motion Picture Radio Service on a shared basis with other services under the terms of a developmental grant only; the exact frequency and the authorized bandwidth will be specified in the authorization:

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Operational Fixed Stations</th>
</tr>
</thead>
<tbody>
<tr>
<td>73.60</td>
<td>73.60</td>
</tr>
<tr>
<td>73.65</td>
<td>73.65</td>
</tr>
<tr>
<td>73.70</td>
<td>73.70</td>
</tr>
<tr>
<td>73.75</td>
<td>73.75</td>
</tr>
</tbody>
</table>

*Use of frequencies in the bands 890-940, 2450-2500, and 17850-18000 MC, is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequencies 915, 2450 and 18000 MC.

§ 11.404 Frequencies available for Base, Mobile, and Operational Fixed Stations. (a) The frequencies listed in paragraph (c) of this section are available for assignment to stations in the Motion Picture Radio Service.

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Base Stations</th>
<th>Mobile Stations</th>
<th>Operational Fixed Stations</th>
</tr>
</thead>
<tbody>
<tr>
<td>169.40</td>
<td>456.70</td>
<td>456.70</td>
<td>456.70</td>
</tr>
<tr>
<td>169.45</td>
<td>456.75</td>
<td>456.75</td>
<td>456.75</td>
</tr>
<tr>
<td>169.50</td>
<td>456.80</td>
<td>456.80</td>
<td>456.80</td>
</tr>
<tr>
<td>169.55</td>
<td>456.85</td>
<td>456.85</td>
<td>456.85</td>
</tr>
<tr>
<td>169.60</td>
<td>456.90</td>
<td>456.90</td>
<td>456.90</td>
</tr>
</tbody>
</table>

*Use of this frequency by stations licensed in the Motion Picture Radio Service is on a shared basis with other stations in the Industrial Radio Services, but is subject to the condition that no harmful interference shall not be caused to the service of any station not in these services which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused.
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Picture Radio Service for Developmental Operation only (see Subpart E of this part), and are shared with other radio services.

(b) The frequencies listed in paragraph (e) of this section are primarily for assignment to Mobile and Base Stations operating in the mobile service. However, the frequencies also are available for assignment to Operational Fixed Stations, subject to the following restrictions and limitations on assignment and use:

(1) All use by Operational Fixed Stations is subject to the condition that harmful interference shall not be caused to stations operating in the mobile service on frequencies in the 450–460 Mc. band, in accordance with the table of frequency allocations as set forth in Part 2 of this chapter.

The frequencies are available for assignment only to those Operational Fixed Stations which function as integral and essential parts of a Mobile Service radio system. Such Operational Fixed Stations include only those which are operated as part of a radio circuit over which messages normally are sent to or from a Mobile Station without interruption for manual relaying at intermediate points.

(3) Fixed Relay Stations may be used to provide two automatic retransmissions of a mobile service message. Additional automatic retransmissions on these frequencies by means of such stations is prohibited.

For frequencies available for assignment as provided in paragraphs (a) and (b) of this section, the following frequencies are available for assignment to Mobile and Base Stations, subject to the following restrictions and limitations on assignment and use:

(1) All use by Operational Fixed Stations is subject to the condition that harmful interference shall not be caused to stations operating in the mobile service on frequencies in the 450–460 Mc. band, in accordance with the table of frequency allocations as set forth in Part 2 of this chapter.

The frequencies are available for assignment only to those Operational Fixed Stations which function as integral and essential parts of a Mobile Service radio system. Such Operational Fixed Stations include only those which are operated as part of a radio circuit over which messages normally are sent to or from a Mobile Station without interruption for manual relaying at intermediate points.

(3) Fixed Relay Stations may be used to provide two automatic retransmissions of a mobile service message. Additional automatic retransmissions on these frequencies by means of such stations is prohibited.

(c) Frequencies available for assignment as provided in paragraphs (a) and (b) of this section are as follows:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>173.325</td>
<td>173.325</td>
<td>173.379</td>
<td>173.379</td>
</tr>
</tbody>
</table>

(b) Frequencies in the bands listed below are available for assignment to Base and Mobile Stations in the Relay Press Radio Service on a shared basis with other services:

<table>
<thead>
<tr>
<th>Mc.</th>
<th>Mc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2450–2500</td>
<td>6465–6575</td>
</tr>
</tbody>
</table>

Use of frequencies in the band 2450–2500 Mc. is subject to no protection from interference due to the operation of Industrial, scientific, and medical devices on the frequency 2450 Mc.

§ 11.453 Frequencies available for Operational Fixed Stations. (a) Subject to the condition that no harmful interference shall be caused to reception of television channel number 4 or 5, the following frequencies are available for assignment to Operational Fixed Stations in the Relay Press Radio Service on a shared basis with other services:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>72.02</td>
<td>72.32</td>
<td>73.62</td>
<td>74.42</td>
</tr>
<tr>
<td>73.06</td>
<td>73.96</td>
<td>75.46</td>
<td>76.46</td>
</tr>
<tr>
<td>73.20</td>
<td>73.90</td>
<td>75.70</td>
<td>76.70</td>
</tr>
<tr>
<td>73.24</td>
<td>73.94</td>
<td>75.74</td>
<td>76.74</td>
</tr>
<tr>
<td>73.28</td>
<td>73.98</td>
<td>75.82</td>
<td>76.82</td>
</tr>
<tr>
<td>73.32</td>
<td>73.92</td>
<td>75.86</td>
<td>76.86</td>
</tr>
<tr>
<td>73.36</td>
<td>73.96</td>
<td>75.96</td>
<td>76.96</td>
</tr>
<tr>
<td>73.39</td>
<td>73.95</td>
<td>75.98</td>
<td>76.98</td>
</tr>
</tbody>
</table>

(2) The frequencies are available for assignment only to those Operational Fixed Stations which function as integral and essential parts of a Mobile Service radio system. Such Operational Fixed Stations include only those which are operated as part of a radio circuit over which messages normally are sent to or from a Mobile Station without interruption for manual relaying at intermediate points.

(3) Fixed Relay Stations may be used to provide two automatic retransmissions of a mobile service message. Additional automatic retransmissions on these frequencies by means of such stations is prohibited.

(c) Frequencies available for assignment as provided in paragraphs (a) and (b) of this section are as follows:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>456.05</td>
<td>456.55</td>
<td>457.05</td>
<td>457.55</td>
</tr>
<tr>
<td>456.15</td>
<td>456.65</td>
<td>457.15</td>
<td>457.65</td>
</tr>
<tr>
<td>456.25</td>
<td>456.75</td>
<td>457.25</td>
<td>457.75</td>
</tr>
<tr>
<td>456.35</td>
<td>456.85</td>
<td>457.35</td>
<td>457.85</td>
</tr>
<tr>
<td>456.45</td>
<td>456.95</td>
<td>457.45</td>
<td>457.95</td>
</tr>
</tbody>
</table>

SUBPART J—RELAY PRESS RADIO SERVICE

§ 11.451 Eligibility. (a) The following persons are eligible to hold authorizations to operate radio stations in the Relay Press Radio Service:

(1) A person who is engaged in the publication of a newspaper or in the operation of an established press association.

(2) A non-profit corporation or association, organized for the purpose of furnishing a radiocommunication service solely to persons who are actually engaged in one or more of the activities set forth in subparagraph (1) of this paragraph. Such a corporation or association shall render service only on a non-profit cost-sharing basis, paid cost to be prorated on an equitable basis among all persons to whom service is rendered. Records which reflect this cost-sharing non-profit basis shall be maintained and held available for inspection by Commission representatives.

(b) Each application for authority to operate in the Relay Press Radio Service shall be accompanied by a statement in detail sufficient to indicate clearly the applicant's eligibility under paragraph (a) of this section. In addition, each person licensed under the provisions of paragraph (a) (2) of this section shall obtain prior approval from the Commission for each person who proposes to participate in the licensee's service.

§ 11.452 Frequencies available for Base and Mobile Stations. (a) The following frequencies are available for assignment to Base and Mobile Stations in the Relay Press Radio Service on a shared basis with other services:

<table>
<thead>
<tr>
<th>Mc.</th>
<th>Mc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>173.325</td>
<td>173.325</td>
</tr>
</tbody>
</table>

(b) Frequencies in the bands listed below are available for assignment to Base and Mobile Stations in the Relay Press Radio Service on a shared basis with other services, the exact frequency and the authorized bandwidth will be specified in the authorization:

<table>
<thead>
<tr>
<th>Mc.</th>
<th>Mc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2450–2500</td>
<td>6465–6575</td>
</tr>
</tbody>
</table>

Use of frequencies in the bands 2450–2500 Mc. is subject to no protection from interference due to the operation of Industrial, scientific, and medical devices on the frequencies 915, 2450 and 1890 Mc.

§ 11.453 Frequencies available for Operational Fixed Stations. (a) Subject to the condition that no harmful interference shall be caused to reception due to the operation of Industrial, scientific, and medical devices on the frequency 915 Mc., the following frequencies are available for assignment to Operational Fixed Stations in the Relay Press Radio Service on a shared basis with other services:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1890–1940</td>
<td>6575–6578</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1940</td>
<td>6600–6600</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1990</td>
<td>6660–6665</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2030</td>
<td>6700–6705</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Use of frequencies in the bands 990–990, 1890–1940, and 17600–18000 Mc. is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequencies 915, 2450 and 1890 Mc.

§ 11.454 Frequencies available for Base, Mobile, and Operational Fixed Stations. (a) The frequencies listed in paragraph (e) of this section are available for assignment to stations in the Relay Press Radio Service for Developmental Operation only (see Subpart E of this part), and are shared with other radio services.

(b) The frequencies listed in paragraphs (e) of this section are available for assignment to Mobile and Base Stations operating in the mobile service. However, the frequencies also are available for assignment to Operational Fixed Stations which function as integral and essential parts of a Mobile Service radio system. Such Operational Fixed Stations include only those which are operated as part of a radio circuit over which messages normally are sent to or from a Mobile Station without interruption for manual relaying at intermediate points.

(3) Fixed Relay Stations may be used to provide two automatic retransmissions of a mobile service message. Additional automatic retransmissions on these frequencies by means of such stations is prohibited.

(c) Frequencies available for assignment as provided in paragraphs (a) and (b) of this section are as follows:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>456.05</td>
<td>456.55</td>
<td>457.05</td>
<td>457.55</td>
</tr>
<tr>
<td>456.15</td>
<td>456.65</td>
<td>457.15</td>
<td>457.65</td>
</tr>
<tr>
<td>456.25</td>
<td>456.75</td>
<td>457.25</td>
<td>457.75</td>
</tr>
<tr>
<td>456.35</td>
<td>456.85</td>
<td>457.35</td>
<td>457.85</td>
</tr>
<tr>
<td>456.45</td>
<td>456.95</td>
<td>457.45</td>
<td>457.95</td>
</tr>
</tbody>
</table>

SUBPART K—SPECIAL INDUSTRIAL RADIO SERVICE

§ 11.501 Eligibility. (a) A person is eligible to hold an authorization to operate a radio station in the Special Industrial Radio Service when such person is engaged in an industrial activity, the primary function of which is devoted to production, construction, fabrication, manufacturing, or similar processes as distinguished from activities of a service or distribution nature, and, in addition, meets one or more of the following requirements:

(1) Each station will be located and/or operated at all times in areas other than Standard Metropolitan Areas of 500,000 or more population as that term is defined in the 1950 Census of Population, Series PC-9, No. 6, released November 24, 1952, by the Bureau of the Census, United States Department of Commerce.

(2) The industrial operation is a construction project of a public character.

(3) The use of radio is required within the yard area of a single plant for mobile service communications and the use of the Low-Power Industrial Service does not meet the operational requirements of the industry otherwise found eligible under
under this subparagraph. (Mobile units may be operated outside of the physical limits of the "yard area" for the purpose of maintaining plant security when authorized by the Commission in writing or by notation on the instrument of station authorization upon a showing that such operation is necessary in the interest of the national defense.)

(b) A subsidiary corporation organized for the sole purpose of furnishing a non-profit communication service to its parent corporation and/or its subsidiaries may be considered eligible for this service if the parent corporation and/or its subsidiaries meet the requirements of paragraph (a) of this section.

(c) Each application for authority to operate in the Special Industrial Radio Service shall be accompanied by a statement in detail sufficient to indicate clearly the applicant's eligibility under paragraph (a) of this section.

§ 11.502 Frequencies available for Base and Mobile Stations. (a) The following frequencies are available for assignment to Base and Mobile Stations in the Special Industrial Radio Service only:

<table>
<thead>
<tr>
<th>Mo.</th>
<th>Mo.</th>
<th>Mo.</th>
<th>Mo.</th>
</tr>
</thead>
<tbody>
<tr>
<td>27.31</td>
<td>27.35</td>
<td>27.39</td>
<td>27.47</td>
</tr>
<tr>
<td>27.41</td>
<td>27.42</td>
<td>27.46</td>
<td>27.50</td>
</tr>
<tr>
<td>27.54</td>
<td>27.58</td>
<td>27.62</td>
<td>27.65</td>
</tr>
<tr>
<td>27.74</td>
<td>27.78</td>
<td>27.82</td>
<td>27.86</td>
</tr>
</tbody>
</table>

(b) The following frequencies are available for assignment to Base and Mobile Stations in the Special Industrial Radio Service on a shared basis with other services:

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Frequency</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>900</td>
<td>940</td>
<td>2450-2500</td>
</tr>
<tr>
<td>1300</td>
<td>1350</td>
<td>2600-2700</td>
</tr>
<tr>
<td>1700</td>
<td>1750</td>
<td>2800-3000</td>
</tr>
</tbody>
</table>

(c) Pursuant to the provisions of § 11.8, and for the specific purpose of transmitting hydrological or meteorological data, the frequencies listed in this paragraph are available for assignment to Operational Fixed Stations in this Service: Provided, however, That harmful interference shall not be caused to Federal Government stations: And provided further, That the hydrological or meteorological data is made available to interested government agencies. Notwithstanding the provisions of § 11.501, Operational Fixed Stations authorized to operate on frequencies listed in this paragraph shall not communicate with or accept communications from any Mobile Station or Base Station unless written authorization to do so has been obtained from the Commission. Persons who desire to communicate in accordance with the provisions of this paragraph should communicate with the Commission prior to filing formal application and request instructions concerning the procedure to be followed. The following frequencies are available for assignment:

<table>
<thead>
<tr>
<th>Mo.</th>
<th>Mo.</th>
<th>Mo.</th>
</tr>
</thead>
<tbody>
<tr>
<td>456.05</td>
<td>456.55</td>
<td>457.05</td>
</tr>
<tr>
<td>456.15</td>
<td>456.65</td>
<td>457.15</td>
</tr>
<tr>
<td>456.25</td>
<td>456.75</td>
<td>457.25</td>
</tr>
<tr>
<td>456.35</td>
<td>456.85</td>
<td>457.35</td>
</tr>
<tr>
<td>456.45</td>
<td>456.95</td>
<td>457.45</td>
</tr>
</tbody>
</table>

SUBPART L—LOW-POWER INDUSTRIAL RADIO SERVICE

§ 11.551 Eligibility. Subject to the general restrictions of § 11.4, any person engaged in a commercial activity or an industrial enterprise is eligible for station authorizations in the Low Power Industrial Radio Service for radio facilities to be used in conjunction with such activity or enterprise. For purposes of establishing eligibility under the terms of this section only, persons in the following classifications also are considered to be qualified: Educational or philanthropic institutions; and instrumentalities of State or local governments when the radio facility is to be used primarily for the sole purpose of furnishing a non-commercial communication service.
RULES AND REGULATIONS

for purposes not directly related to public safety.

§ 11.552 Classification of stations. Each station authorized for operation in this Service will be classified and licensed as a Mobile Station: Provided, however, Any station so licensed shall not be used as a Base Station in the mobile service. Notwithstanding such possible dual use, the only rules in this part applicable to stations in this service are those applying to Mobile Stations.

§ 11.553 Frequencies available for Mobile Stations. (a) The following frequencies are available for assignment to Mobile Stations, other than those aboard aircraft, in the Low Power Industrial Radio Service only:

| Mc | 34.14 | 36.03 | 42.98 |

(b) The following frequency is available for assignment to Mobile Stations including those aboard aircraft, in the Low Power Industrial Radio Service only:

| Mc | 27.51 |

(c) The following frequency is available for assignment to Mobile Stations other than those aboard aircraft, in the Low Power Industrial Radio Service on a shared basis with other services:

| Mc | 154.57 |

(d) The following frequency is available for assignment to Mobile Stations including those aboard aircraft, in the Low Power Industrial Radio Service on a shared basis with other services:

| Mc | 27.255 |

§ 11.554 Special restrictions. Each radio station authorized in the Low Power Industrial Radio Service is subject to the applicable requirements appearing in other subparts of this part and on the station authorization, but also to the following:

(a) Plate power input to the final radiating portion of each transmitter shall not exceed three watts, nor shall the radio frequency power output of each transmitter exceed the same figure.

(b) Emission shall be confined to voice radiotelephony only, which is construed as including tone signals or signaling devices whose sole function is to establish or maintain communication between associated stations and receivers; Provided, however, That other types of emission may be authorized on the frequency 27.355 Mc upon compliance with the provisions of § 11.103;

(c) The maximum distance between the transmitter and the center of the radiating portion of the antenna shall not exceed twenty-five feet; Provided, however, That other maximums shall not be applicable to stations aboard aircraft;

(d) When a transmitter licensed in this Service is used as a Base Station, the distance from any transmitter control point to the center of the radiating portion of the antenna shall not exceed twenty-five feet; Provided, however, That dispatch points may be installed without regard to this limitation;

(e) An antenna having radiation in any direction greater than the maximum from a simple half wave dipole antenna shall not be used;

(f) No transmitter licensed in this Service shall be used as a Mobile Relay Station, nor shall such transmitter be used as a station in the fixed service for any purpose; and

(g) Except as provided in § 11.151 (e), no station licensed in this Service shall be used for communication with stations operating in another service; and

(h) Any station licensed in this Service shall not be used as an experimental or demonstration device.

§ 11.555 Exemption from technical standards. Transmitters licensed in this Service which have a plate power input to the final radio frequency stage of each transmitter under § 11.601 and 11.602 (c) are exempt from the technical requirements set out in Subpart C of this part: Provided, however, That the sum of the bandwidth occupied by the transmitted plus the bandwidth required for frequency tolerance shall be so adjusted that any emission appearing on a frequency 40 kc. or more removed from the assigned frequency is attenuated at least 30 db below the unmodulated carrier.

Subpart M—Industrial Radiolocation Service

§ 11.601 Nature of service. The rules in this subpart are designed to facilitate the eventual establishment, on a regular basis, of an Industrial Radiolocation Service to be used primarily in connection with geographical, geological, and geophysical activities. Since there does not appear to be any single radiolocation system which is satisfactory in all respects, all stations licensed under this subpart shall be authorized on development basis. To encourage further development of radiolocation techniques, deviation from the rules in this subpart may be authorized on request where it appears to the Commission that the public interest, convenience or necessity would be served thereby.

§ 11.602 Eligibility. The following persons are eligible to hold authorizations to operate radiolocation stations in the Industrial Radiolocation Service:

(a) Any person engaged in a commercial or industrial enterprise who has a substantial need in connection therewith to establish a position, distance, or direction by means of radiolocation devices for purposes other than navigation;

(b) A corporation or association organized for the purpose of furnishing a radiolocation service to persons eligible under paragraph (a) of this section.

§ 11.603 Service authorized. (a) Stations licensed under this subpart to operate on frequencies within the band 1750–1800 kc shall provide service without discrimination to all persons eligible under the provisions of § 11.602 (a).

(b) Stations licensed under this subpart to operate on frequencies in bands other than 1750–1800 kc. may be required by the Commission to provide service without discrimination to all persons eligible under the provisions of § 11.602 (a).

§ 11.604 Showing required for authorization. (a) Applications to operate stations in the Industrial Radiolocation Service will be granted only in those cases where it is shown: That the applicant is financially, legally and technically qualified to render the proposed service; and that a grant of the application would serve the public interest, convenience or necessity. A showing with respect to technical qualifications should include information which indicates the applicant's ability to construct and operate the proposed facilities; the availability of qualified operating and maintenance personnel; and complete details as to the manner in which the service will be made available to those seeking it under the provisions of § 11.603.

(b) Each application for a new station in this service shall be accompanied by:

(1) A functional description of the manner in which the system will operate, including the interrelationship and functions of each unit in the system;

(2) A complete description of the equipment to be used, including:

(a) Emission bandwidth;

(b) Modulation;

(c) Plate power input to final radio frequency stage of each transmitter;

(d) For equipment employing pulse modulation, the pulse width, pulse repetition rate, and peak power output;

(e) Physical and radiation characteristics of the antenna system;

(3) A map of the area which it is proposed to serve, showing location of each station.

§ 11.605 Report of operation. (a) A report of the results of the operation of developmental stations in this service shall be filed within 60 days of the expiration of such authorization. Matters which the licensee does not wish to disclose publicly may be so labeled and submitted as separate documents; they will be disclosed publicly without permission of the licensee.

The report shall include comprehensive and detailed information covering the system and equipment, including the following:

(a) Results of operation to date, including:

(1) Maximum and minimum usable range;

(2) Maximum and average accuracy in various parts of the service area;

(3) Approximate number of hours of operation;

(4) Approximate number of position readings taken;

(5) Emission bandwidth;

(6) Type(s) of modulation;

(7) Minimum practical operating power (input to final stage);

(8) For equipment employing pulse modulation, the pulse width, pulse repetition rate and peak power output;

(9) Physical and radiation characteristics of the antenna systems employed;

(10) Copies of any reports published by the licensee;

(c) Schedule of charges; reports of revenues received and sums disbursed.
§ 11.608 Policy governing assignment of frequencies in the band 1750-1800 kc. (a) Notwithstanding contrary provisions elsewhere in this part, each frequency assignment in the band 1750-1800 kc. will be made to facilitate coordination with the daytime primary service area of the station to which assigned. The normal minimum geographical separation between stations of two different radiolocation systems shall be not less than 360 miles when the stations are operated on the same frequency or on different frequencies separated by less than 5 kc. Any person desiring geographical separations in miles under these circumstances will be required to show that the desired separation will result in a protection ratio of at least 20 db throughout the daytime primary service area of such systems.

(b) For purposes of this section, the daytime primary service area of an Industrial Radiolocation Service station operating in the 1750-1800 kc. band is defined as the area within which signal intensities are adequate for satisfactory use by the petroleum industry for radiolocation purposes during the hours from sunrise to sunset from all stations in the radiolocation system of which the station in question is a part, i.e., the primary service area of the station coincides with the primary service area of the system.

(c) Where the number of applicants requesting authority to serve an area exceeds the number of frequencies available for assignment; or where it appears to the Commission that harmful interference would be caused to the fixed and mobile radiolocation service, the Commission may authorize stations in the Gulf of Mexico; and Mobile Radiopositioning Stations in the Gulf of Mexico.

§ 11.609 Special restrictions applicable to 1750-1800 kc. only. Each station authorized to operate in the Radiolocation Service in the band 1750-1800 kc. is subject to the following restrictions in addition to the other requirements in this part:

(a) Such stations shall be located within 150 miles of the shore line of the Gulf of Mexico.

(b) Such stations shall be used in connection with petroleum industry activities only.

(d) Plate power input to the final radio frequency stage shall not exceed 500 watts;

(d) In the absence of a satisfactory showing that the public interest, convenience, or necessity would be served thereby, stations in this band will be restricted to a maximum authorized band-width of 3 kc.; and

(e) Land Radiopositioning Stations will not be authorized for operation at temporary locations.

§ 11.609 Special exemptions. Stations licensed under this subpart are exempt from the requirements of §§ 11.8, 11.151, 11.201, 11.202, 11.207, and 11.208 of this part.

§ 11.610 License term. Each station authorized to operate in this Service will receive a license term of two years from the date of final action on the license application or until July 1, 1955, whichever date is earlier.

§ 11.611 Control of interference, 1750-1800 kc. only.—(a) Nighttime protection. Operation of stations in the Industrial Radiolocation Service on frequencies in the 1750-1800 kc. band is subject to the condition that during the hours from sunset to sunrise, no harmful interference be caused to any proper operation of frequencies in the same band under Part 20 of this chapter, Rules Governing Disaster Communications Service.

(b) Daytime protection. Operation of stations in the Industrial Radiolocation Service on frequencies in the 1750-1800 kc. band is subject to the condition that during the hours from sunrise to sunset, no harmful interference be caused to operation of stations licensed to operate in the same band under Part 20, Rules Governing Disaster Communications Service, when such stations are transposing during an imminent or actual disaster in any area in connection therewith. (Except during such an imminent or actual disaster, operation of stations in the Disaster Communications Service shall not cause harmful interference during the hours from sunrise to sunset to operation of stations in the Industrial Radiolocation Service. See Rules, Part 20 of this subchapter.)

(c) For purposes of this section, irrespective of the time zones involved, it shall be assumed that the times of sunrise and sunset at each actual station location are the monthly average Central Standard times of sunrise and sunset at New Orleans, Louisiana, as set forth in the following table:

<table>
<thead>
<tr>
<th>Month</th>
<th>Sunrise</th>
<th>Sunset</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan.</td>
<td>7:00</td>
<td>6:15</td>
</tr>
<tr>
<td>Feb.</td>
<td>5:45</td>
<td>6:15</td>
</tr>
<tr>
<td>Mar.</td>
<td>5:15</td>
<td>6:15</td>
</tr>
<tr>
<td>Apr.</td>
<td>5:00</td>
<td>6:15</td>
</tr>
<tr>
<td>May</td>
<td>5:00</td>
<td>6:15</td>
</tr>
<tr>
<td>Jun.</td>
<td>5:00</td>
<td>6:15</td>
</tr>
<tr>
<td>Jul.</td>
<td>5:00</td>
<td>6:15</td>
</tr>
<tr>
<td>Aug.</td>
<td>5:00</td>
<td>6:15</td>
</tr>
<tr>
<td>Sep.</td>
<td>5:00</td>
<td>6:15</td>
</tr>
<tr>
<td>Oct.</td>
<td>5:00</td>
<td>6:15</td>
</tr>
<tr>
<td>Nov.</td>
<td>5:00</td>
<td>6:15</td>
</tr>
<tr>
<td>Dec.</td>
<td>5:00</td>
<td>6:15</td>
</tr>
</tbody>
</table>

(d) To carry into effect the requirements of paragraphs (a) and (b) of this section, including a positive means whereby operation in this Service can be suspended to protect against harmful interference, there shall be established an adequate and reliable system of notification and liaison between licensees in this service and licensees in the Disaster Communications Service. The extent and duration of the system for various phases of the notification and liaison system shall be as follows:

(1) Organization and establishment of a system of liaison within the Industrial Radiolocation Service; the devising of a system for the receipt and distribution of notification information; and the installation, operation and maintenance of such a system shall be the responsibility of licensees in the Disaster Communications Service; and the devising of a method for the dispatch of notification information to the person or persons designated by licensees in the Industrial Radiolocation Service authorized to operate in the band 1750-1800 kc.

(2) Organization and establishment of a system of liaison within the Disaster Communications Service; the devising of a method for the dispatch of notification information to the person or persons designated by licensees in the Disaster Communications Service; and the receipt of notification information by licensees in the Industrial Radiolocation Service authorized to operate in the band 1750-1800 kc.

(3) The responsibility for the initiation of liaison between licensees in the Industrial Radiolocation Service and the licensees in the Disaster Communications Service shall be the responsibility of the former.

(4) Once initiated, the maintenance, review and improvement of liaison between licensees in the two Services shall be the joint responsibility of both licensees.

(5) Issuance of notification to suspend operation in the Industrial Radiolocation Service due to an impending or actual disaster shall be the responsibility of licensees in the Disaster Communications Service. Such notification shall be by those means which have been
mutually agreed upon as sufficiently ade-
quately, prompt and reliable to effectuate
the purpose of this section. Any desired
communication method or combination of
methods may be utilized.
(b) The suspension of operation of the
radiopositioning station or sta-
tions upon receipt of disaster notification
shall be the responsibility of licensees in
the Industrial Radiolocation Service.
(7) When stations in the Industrial
Radiolocation Service have discontinued
transmitting to protect disaster commu-
nications in connection with an im-
migrant or actual disaster, and when the
point has been reached where there is
no reasonable possibility that radiolocat-
ion transmissions will cause harmful
interference to the disaster commu-
nications, it shall be the responsibility of
licensees in the Disaster Communi-
cations Service to communicate this infor-
mation promptly to the licensees in the
Industrial Radiolocation Service so that
they may resume operation at will.
(8) Although the prearranged noti-
fication procedure required to be estab-
lished by the terms of this section shall
be the primary means by which licensees
in the Industrial Radiolocation Service
receive information necessary for com-
pilation with the requirements of this sec-
tion, it shall be the further responsibility
of licensees in this Service to suspend
operation upon receipt of any reliable in-
telligence which indicates a reasonable
possibility that harmful interference is
being caused to actual disaster transmis-
sions.
(9) The notification and liaison pro-
cedure hereby required to be established
shall be limited to that geographical area
within which there is a reasonable antici-
pation, determined by actual tests wher-
evailable, that harmful interference
may be caused by a licensee in the
Industrial Radiolocation Service to li-
censees in the Disaster Communications
Service.
(10) All construction permits for ra-
diopositioning stations in this band are
granted subject to the condition that the
permittee, at the time of filing for station
authorization, shall have delivered to the
Commission at such time prior to in-
surance as he shall require, a certificate
in form and content satisfactory to the
Commissioner, certifying that it has not
imposed upon or collected and will not
imposed upon or collect from the mort-
gagor, the builder, sponsor, broker, seller
or other interested parties any charges,
interest or fees in connection with the
financing of the construction or in con-
nection with the financing of the sale
of the property described in the appli-
cation other than (a) customary cost
of title search, recording fees and similar
out-of-pocket expenses of the mortgage,
as are approved by the Commissioner,
and the application fee, mortgage insur-
ance premiums and other fees and charges
which the mortgagee is required
to pay to the Commissioner under this part;
b) interest on the principal amount of any
construction loan at a rate not in excess of 5 percent
per annum; (c) fees and commissions aggre-
gating not in excess of 1 percent of the
original principal amount of such charge,
and if a construction loan was made by it an additional amount not
in excess of 2 1/2 percent of the principal
amount of such loan; and (d) an amount
of such loan; and (d) an amount
an amount of such loan; and (d) an amount
to cover any discount, warehousing fee
or similar financing charge to reim-
burse the mortgagee for any loss which
it may suffer in the bona fide sale or
pledge of or agreement to sell the mort-
gage: Provided, That if such mort-
gage loan is to finance the purchase of
the property the amount of such charge,
and if a construction loan was made by it an additional amount not
in excess of 2 1/2 percent of the principal
amount of such loan; and (d) an amount
to cover any discount, warehousing fee
or similar financing charge to reim-
burse the mortgagee for any loss which
it may suffer in the bona fide sale or
pledge of or agreement to sell the mort-
gage: Provided, That if such mort-
gage loan is to finance the purchase of
the property the amount of such charge,
and if a construction loan was made by it an additional amount not
in excess of 2 1/2 percent of the principal
amount of such loan; and (d) an amount
to cover any discount, warehousing fee
or similar financing charge to reim-
burse the mortgagee for any loss which
it may suffer in the bona fide sale or
pledge of or agreement to sell the mort-
gage: Provided, That if such mort-
gage loan is to finance the purchase of
the property the amount of such charge,
and if a construction loan was made by it an additional amount not
in excess of 2 1/2 percent of the principal
amount of such loan; and (d) an amount
to cover any discount, warehousing fee
or similar financing charge to reim-
burse the mortgagee for any loss which
it may suffer in the bona fide sale or
pledge of or agreement to sell the mort-
gage: Provided, That if such mort-
gage loan is to finance the purchase of
the property the amount of such charge,
and if a construction loan was made by it an additional amount not
in excess of 2 1/2 percent of the principal
amount of such loan; and (d) an amount
to cover any discount, warehousing fee
or similar financing charge to reim-
burse the mortgagee for any loss which
it may suffer in the bona fide sale or
pledge of or agreement to sell the mort-
gage: Provided, That if such mort-
gage loan is to finance the purchase of
the property the amount of such charge,
and if a construction loan was made by it an additional amount not
in excess of 2 1/2 percent of the principal
amount of such loan; and (d) an amount
to cover any discount, warehousing fee
or similar financing charge to reim-
burse the mortgagee for any loss which
it may suffer in the bona fide sale or
pledge of or agreement to sell the mort-
gage: Provided, That if such mort-
gage loan is to finance the purchase of
the property the amount of such charge,
and if a construction loan was made by it an additional amount not
in excess of 2 1/2 percent of the principal
amount of such loan; and (d) an amount
to cover any discount, warehousing fee
or similar financing charge to reim-
burse the mortgagee for any loss which
it may suffer in the bona fide sale or
pledge of or agreement to sell the mort-
gage: Provided, That if such mort-
gage loan is to finance the purchase of
the property the amount of such charge,
and if a construction loan was made by it an additional amount not
in excess of 2 1/2 percent of the principal
amount of such loan; and (d) an amount
to cover any discount, warehousing fee
or similar financing charge to reim-
burse the mortgagee for any loss which
it may suffer in the bona fide sale or
pledge of or agreement to sell the mort-
gage: Provided, That if such mort-
gage loan is to finance the purchase of
the property the amount of such charge,
and if a construction loan was made by it an additional amount not
in excess of 2 1/2 percent of the principal
amount of such loan; and (d) an amount
to cover any discount, warehousing fee
or similar financing charge to reim-
burse the mortgagee for any loss which
it may suffer in the bona fide sale or
pledge of or agreement to sell the mort-
gage: Provided, That if such mort-
gage loan is to finance the purchase of
the property the amount of such charge,
and if a construction loan was made by it an additional amount not
in excess of 2 1/2 percent of the principal
amount of such loan; and (d) an amount
to cover any discount, warehousing fee
or similar financing charge to reim-
burse the mortgagee for any loss which
it may suffer in the bona fide sale or
pledge of or agreement to sell the mort-
gage: Provided, That if such mort-
gage loan is to finance the purchase of
the property the amount of such charge,
and if a construction loan was made by it an additional amount not
in excess of 2 1/2 percent of the principal
amount of such loan; and (d) an amount
to cover any discount, warehousing fee
or similar financing charge to reim-
burse the mortgagee for any loss which
it may suffer in the bona fide sale or
pledge of or agreement to sell the mort-
gage: Provided, That if such mort-
gage loan is to finance the purchase of
the property the amount of such charge,
and if a construction loan was made by it an additional amount not
in excess of 2 1/2 percent of the principal
amount of such loan; and (d) an amount
to cover any discount, warehousing fee
or similar financing charge to reim-
burse the mortgagee for any loss which
it may suffer in the bona fide sale or
pledge of or agreement to sell the mort-
-
§ 276.26 Maximum charges and fees to be collected by mortgagees. No mortgage shall be insured unless the mortgagee shall have delivered to the Commissioner at such time prior to insurance as shall be required, a certificate in form and content satisfactory to the Commissioner, certifying that it has not imposed upon or collected and will not impose upon or collect from the mortgagor, broker, seller or other interested parties any charges, interest or fees in connection with the financing of the sale of the property described in the application other than (a) customary cost of title search, recording fees and similar out-of-pocket expenses of the mortgagee, as are approved by the Commissioner, and the application fee, mortgage insurance premiums and other fees and charges which the mortgagee is required to pay to the Commissioner under this part; (b) fees and commissions aggregating not in excess of 1 percent of the original principal amount of the mortgage; and (c) an amount to cover any discount, warehousing fee or similar financing charge to reimburse the mortgagee for any loss which it may suffer in the bona fide sale or pledge of or an agreement to sell the mortgage: Provided, That if such mortgage loan is to finance the purchase of the property the amount of such charge, if any, shall not be collected from or paid by the purchaser but may be collected from and absorbed by the seller, broker, or other interested party.


WALTER L. GREENE, Acting Federal Housing Commissioner.

[F. R. Doc. 53-6766; Filed, Aug. 3, 1953;
8:47 a.m.]
TITLE 26—INTERNAL REVENUE
Chapter I—Internal Revenue Service, Department of the Treasury
Subchapter A—Income and Excess Profits Taxes
[T. D. 6035, Regs. 111]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

CHANGE OF ACCOUNTING PERIOD

Section 29.46-1 as amended by Treasury Decision 5614, approved May 11, 1948, is further amended as follows:
(A) By adding a heading designated as "(a)" immediately following the section heading to read as follows:

§ 29.46-1 Change of accounting period—(a) Short taxable years ending prior to July 1, 1953.

(B) By revising the second and third sentences thereof to read as follows:

"(b) Short taxable years ending after June 30, 1953, shall be handled in a manner similar to that for the taxable years ending before June 30, 1953, but in the case of such years, the amount of such charges shall be found by annualizing in the manner provided in §29.47-2, so as to equal the amount which would have been found had the accounting period been a calendar year."
Subchapter B—Estate and Gift Taxes

T. D. 6054, Regs. 105

PART 81—REGULATIONS RELATING TO ESTATE TAX

FOREIGN ESTATE TAX CREDIT

On March 11, 1953, notice of proposed rule making with respect to amendments conforming the tax regulations to changes made in the Revenue Acts of 1951, approved October 20, 1951, was published in the Federal Register (18 F. R. 1389). After consideration of such relevant suggestions as were presented by interested persons, including the National Association of State Comptrollers, the final rule making, together with the final amendments to Regulations 105 (26 CFR Part 81) are hereby adopted:

PARAGRAPH 1, Section 81.2, as amended by Treasury Decision 5941, approved October 24, 1952 (26 CFR 81.2), relating to description of tax, is further amended by inserting immediately after paragraph (e) thereof (which paragraph commences "Credits for Federal gift taxes") the following new paragraph (f) and by redesignating present paragraph (f) as paragraph (g):

(f) Credits for death taxes paid for foreign countries by estates of certain decedents dying after October 20, 1951, are authorized and both the basic and additional taxes. See § 819 (b) as to conditions and limitations.

Par. 2, Section 81.7, as amended by Treasury Decision 5339, approved March 10, 1943, relating to rates and computation of tax, is further amended as follows:

(A) By inserting in the second sentence of paragraph (C) thereof, immedi-
RULES AND REGULATIONS

plying such ratio, the value of any property
described in clauses (i), (ii), and (iii)
thereof shall be reduced by such amount
as will properly reflect, in accordance with
regulations prescribed by the Secretary, the
definitions allowed in the estate of the prop-
eries under subsections (c), (d), (e) and (f)
of section 812.

(4) Proof of credit. For provisions relating
to proof of credit, see section 818 (c) (4).

(5) Period of limitation. For provisions
relating to period of limitation on claiming
of credits, see section 818 (c) (5).

(e) Effective date. The amendments made
by this section shall be applicable with re-
spect to estates of decedents dying after the
date of the enactment of this Act.

SEC. 615. TRUSTY Obligations (Revenue Act
of 1951, approved October 26, 1951).

No amendment made by this Act shall apply in any case where its application would
be contrary to any treaty obligation of the
United States.

Par. 4. Section 818, as amended by
Treasury Decision 5698, approved May
13, 1949, is further amended as to the
word "and" from the first sentence of paragraph (a)
thereof;

By striking the period at the end of
paragraph (b) thereof and inserting in lieu thereof the
following: "and, fourth, if the decedent
died after October 20, 1951, the credit under § 81.9 (b) for death taxes paid to
a foreign country;" and

By substituting "§ 81.9 (a)" for "§ 81.9" wherever "§ 81.9" appears in
such section.

Par. 5. Section 819, as amended by
Treasury Decision 8820, approved De-
ember 7, 1949, is further amended as follows:

(A) By amending the heading there-
of to read as follows: "Credit for death
taxes—(a) Taxes paid a State, Territory,
The District of Columbia, or a possession
of the United States;" (b) By deleting present paragraphs (b) and (c) thereof; and
(c) By inserting at the end thereof the
following new paragraphs (b) and (c):

(b) Foreign death taxes—(1) In gen-
eral.
(i) Subject to certain limitations
indicated hereinafter, sections 813 (c)
and 936 (c) of the Internal Revenue
Code, as added by section 605 of the
Revenue Act of 1951, approved October
20, 1951, authorize additional credits
against the basic and additional estate
taxes for any estate, inheritance, legacy,
or succession taxes imposed by the United
States on any resident or citizen of
any foreign country in respect of properly
situated in such foreign country and
included in the gross estate. Such taxes
are herein referred to as "foreign death
taxes." The decedent's ad
tax liability as available to taxes of
decedents dying after October 20,
1951, who were citizens of the United
States at death. Credit is also available
in the case of a decedent dying after
October 20, 1951, who was a resident but
not a citizen of the United States if the
country, of which the decedent was a
national, in imposing death taxes allows
a similar tax to tax liability of citizens of
the United States resident in such
country. For definition of resident see
§ 81.5.

(ii) The credit is allowable only as
to death taxes paid foreign countries
which are states in the international
sense, but also as to foreign legacy, or succession taxes paid to posses-
sions or political subdivisions of for-
ign states. However, the credit is
limited to estate, inheritance, legaty, or succession taxes imposed with respect
to the death of such a decedent and does
not apply to any such taxes paid with
respect to the estate of a person other
than the decedent. No credit is allow-
able as to property situated in the
foreign country in which is imposed
the tax in respect of which credit is
claimed. Whether particular property
of the decedent is situated in the foreign
country is determined in accordance with
the principles that would be applied in determining
whether similar property of a nonresi-
dent decedent not a citizen of the United
States is situated in the foreign
United States for Federal estate tax purposes.
See § 81.50. For example, under that
section, a bond for the payment of money
is not within the United States unless the
creditor of such bond is a citizen of the
United States; accordingly, a bond is
described in the foreign country imposing the tax only if the certificate therefor
is physically located in such for-
eign country. Similarly, under § 81.50,
stock of a domestic (United States) cor-
poration, irrespective of location of the
certificate, and stock of a foreign corpo-
ration, irrespective of location of the
certificate therefor, is deemed situated in the
United States, is deemed to be situated in the United States;
therefore, a share of corporate stock is
regarded as situated in the foreign
country imposing the tax if the issuing
corporation is incorporated in the
country, or if the certificate of stock (regard-
less of country of incorporation) is
physically located in such country.

Further, under the provisions of section
863 (b) and § 81.50, the certificates deposed
with any person carrying on the banking
business by or for a nonresident not a
citizen of the United States who was not
engaged in business in the United States
at time of death is not deemed to be
situated in the United States. Conse-
clusively, such an account with a foreign
bank in the country imposing the tax is
not considered to be situated in such
country.

(iii) The credit is limited to the for-
eign estate, inheritance, legacy, or suc-
cession tax attributable to property situ-
at ed in the foreign country in the
gross estate. Further, the credit cannot exceed the Federal estate tax.

Assume further that a succession duty was
imposed by the Province of Quebec on
the property of a citizen of the United
States, domiciled in France, who died
October 20, 1951, who was a resident but
not a citizen of the United States. The
credit is allowable for all such taxes, whether such
credit is allowed under a convention or un-
der the provisions of sections 813 and
936 (c) of the Internal Revenue
law. Further, under the provisions of section
876 (b) for death taxes paid to
foreign country with which the United
States has entered into a death duty
convention and one of its possessions or
political subdivisions, the credit author-
ized by such convention or by this section, whichever is the greater, shall be allowed.

For example, if a portion of the estate of a
citizen of the United States domiciled in
Canada is subjected to death taxes imposed by both the Dominion of Canada
and the Province of Quebec, credit is
allowable for the Dominion duty com-
mitted by the Province of Quebec, in-
cluded in Canada or for the combined
Dominion duty and the provincial duties under
this section, whichever is greater. Where
foreign death taxes are imposed in re-
spect of the same property by more than
one foreign country, credit shall be
allowed for all such taxes, whether such
credit is allowed under a convention or un-
der the provisions of sections 813 and
936 (c) of the Internal Revenue
law. These rules may be illustrated by the following
example:

Example (1). The decedent was a citizen
of and domiciled in the United States at
death. His estate consisted of bonds
of United States corporations, the certificates
for which were physically located in
Quebec. Further, under the provisions of sections 813 and 936 (c), the certificates for which were located in the
United States, $200,000, and bonds of Cana-
dian corporations, the certificates for which were located in the United States at death, $50,000. Debts and charges amounted to $40,000. The Federal estate tax attributable to the
foreign death taxes amounted to $257,740.
Assume that the net succession duty imposed by the Dominion of Canada on the
Canadian stock and bonds amounted to
$22,320. Under the Death Duty Conven-
tion between the United States and Canada, the
Federal estate tax attributable to such prop-
erty is $64,435. On the
basis of these facts alone, credit would be
allowable under the Canadian Convention for
the tax paid to the Dominion of Canada in
the amount of $22,320, since this amount is
less than the Federal estate tax attributable
to the property. No credit is allowable under
the Convention for the tax imposed by the
Province of Quebec.

Assume further that a succession duty was
imposed by the Province of Quebec on
the property of a citizen of the United
States, domiciled in France, who died
October 20, 1951, who was a resident but
not a citizen of the United States. The
credit is allowable for all such taxes, whether such
credit is allowed under a convention or un-
der the provisions of sections 813 and
936 (c) of the Internal Revenue
law. Further, the credit cannot exceed the Federal estate tax.

Since this limitation exceeds the foreign
tax attributable to the property according
to this section for both the taxes imposed by the
Dominion of Canada and the Province of Quebec is limited to $70,725. Credit may not be
another separately under the Convention
for the Dominion succession duty and under
this section for the Quebec succession duty.

Example (2). The decedent was a citizen
of the United States, domiciled in France
at death. It is assumed that death oc-
curred in November. Under the effective date of the supplementary conven-
tion between the United States and Canada. The

5450
The amount of the foreign inheritance tax attributable to personal property in the widow's inheritance is

\[
\$15,000 \times \frac{14,400}{75,000} \times 12,000 = \$2,400
\]

The amount of the foreign inheritance tax attributable to personal property in the son's inheritance is

\[
\$90,000 \times \frac{14,400}{75,000} \times 9,600 = \$2,400
\]

Total Country X Inheritance tax attributable to included

<table>
<thead>
<tr>
<th>Total</th>
<th>$14,400</th>
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</table>

(iii) Second limitation. For the purpose of subdivision (i) (b) of this subparagraph, the amount of the Federal estate tax attributable to property for which the credit is allowable is to be computed as follows:

The first limitation is to be determined the value of the foreign property which enters into the computation. In case no deduction is allowed under section 812(e) (relating to the deduction for property which was previously taxed), section 812(d) (relating to the so-called charitable deduction), or section 812(e) (relating to the so-called marital deduction), such value shall be the value of property situated in the foreign country, subject to the foreign death tax, and included in the gross estate. However, if any deduction is allowed under section 812(c), (d), or (e) such value shall be the value of property situated in the foreign country, subject to the foreign death tax, and included in the gross estate, reduced in accordance with the following rules:

(1) Where any such property is specifically bequeathed, devise, or transferred to an organization described in section 812(d), or passes to the surviving spouse within the meaning of section 812(e), such value shall be reduced by the amount of the deduction under section 812(d) or (e) attributable to such bequest, devise, or transfer, or to the passing of such property;

(2) Where any such property is property which bears the same ratio to A (the value of such property less the amount of all property specified in paragraphs (a) and (b) of this section) as B (the value of all property specified in paragraph (a) and (b) of this section) bears to C (such property less the amount of the so-called charitable deduction) such value shall be reduced by the amount of the deduction under section 812(c) (relating to the so-called marital deduction), or section 812(e) (relating to the so-called charitable deduction), or section 812(e) (relating to the so-called marital deduction), such value shall be the value of property situated in the foreign country, subject to the foreign death tax, and included in the gross estate, reduced in accordance with the following rules:

(i) First limitation. (a) The amount of the foreign death tax attributable to the property described in subdivision (a) of this subparagraph, is an amount A, which bears the same ratio to B (the amount of the foreign death tax which bears the same ratio to C (the value of the entire inheritance or succession subject to the foreign death tax) as the value of such property bears to the value of the entire inheritance or succession subject to the foreign death tax, and included in the gross estate. However, if any deduction is allowed under section 812(c), (d), or (e) such value shall be the value of property situated in the foreign country, subject to the foreign death tax, and included in the gross estate, reduced in accordance with the following rules:

(ii) Second limitation. For the purpose of subdivision (i) (b) of this subparagraph, the amount of the Federal estate tax attributable to property for which the credit is allowable is to be computed as follows:

The first limitation is to be determined the value of the foreign property which enters into the computation. In case no deduction is allowed under section 812(e) (relating to the deduction for property which was previously taxed), section 812(d) (relating to the so-called charitable deduction), or section 812(e) (relating to the so-called marital deduction), such value shall be the value of property situated in the foreign country, subject to the foreign death tax, and included in the gross estate. However, if any deduction is allowed under section 812(c), (d), or (e) such value shall be the value of property situated in the foreign country, subject to the foreign death tax, and included in the gross estate, reduced in accordance with the following rules:

(1) Where any such property is specifically bequeathed, devise, or transferred to an organization described in section 812(d), or passes to the surviving spouse within the meaning of section 812(e), such value shall be reduced by the amount of the deduction under section 812(d) or (e) attributable to such bequest, devise, or transfer, or to the passing of such property;
Finally bequeathed, devised, or transferred to an organization described in section 512, or specifically passing to the surviving spouse within the meaning of section 512(e), or specifically passing to a public charitable establishment in France.

The combined value shall not exceed the value at which such property was included in the gross estate for Federal estate tax purposes, unless the Dominion of Canada imposes a succession duty with respect to property A at 10 percent and with respect to property B at 20 percent, or property A is subject to the death taxes levied on the Dominions of Canada and property B by the Province of Quebec, the total value of properties A and B shall be combined in computing this limitation. For such a case, the foreign death taxes attributable to such property separately computed with respect to each tax or rate under the first limitation shall be combined when determining whether the foreign death tax is greater or smaller than the Federal estate tax attributable to such property.

See Part 1 of example (1) below.

(d) In case credits against the Federal estate tax are allowable under this section or under section 512(e), and in one or more death duty conventions in respect of death taxes paid to more than one country, such credits shall be combined and the aggregate credit allowed is the sum of the foreign death taxes attributable to such property, adjusted to give effect to the principles stated in subdivision (e) of this subparagraph. See Part 2 of example (1) below. The amount of the Federal estate tax attributable to such property shall be determined in accordance with the rules prescribed for computing the second limitation in this section.

Example (1). The decedent's estate consisted of properties A, B, and C, each valued at $100,000 for Federal estate tax purposes, and the total Federal estate tax with respect to such properties was $70,000. Assume that properties A and B qualify for the credit and that such properties were fully subjected to foreign death tax as follows:

Property A by the Dominion of Canada, $20,000
Property B by the Province of Quebec, $26,000
Property A by Country X, $20,000
Property B by Country Y, $10,000

Since properties A and B were fully subjected to foreign death tax, the amount of the foreign death tax attributable to such property (computed separately under the first limitation for each separate foreign death tax) is the full amount of such death taxes. The foreign death tax attributable to such property, thus computed separately under the first limitation, with respect to each separate foreign country, is to be compared with the Federal estate tax attributable to such property computed under the second limitation.

Part (1). In the case of the property subject to tax by the Dominion of Canada and the Province of Quebec, the amount of the Federal estate tax attributable to such property is not to be computed separately, under the second limitation with respect to each separate foreign tax, but properties A and B are combined as follows:

The adjusted gross estate is $500,000 less $40,000 debts and charges, or $460,000. The amount of the Federal estate tax, after the allowance for the marital deduction and the value of Federal estate tax attributable to such property, is $76,180. The property comprised in the marital deduction is $500,000 X $245,180 = $40,863.33. Since a charitable organization is entitled to a deduction for charitable contributions, the credit is allowable in the former amount, $40,863.33.

Example (2). The decedent was domiciled in the United States at death; his wife, son, daughter, and a charitable organization were beneficiaries, each taking one-half of the residue of the estate, and cash in the amount of $40,000 was bequeathed to a charitable organization in the United States. The estate consists of shares of stock of United States corporations, the certificates for which were physically located in the United States, $400,000; United States real estate, $100,000; shares of stocks of French corporations, the certificates for which were in France, $300,000; and debts and administration expenses, $200,000.

Property A by the Dominion of Canada, $20,000
Property B by the Province of Quebec, $26,000
Property A by Country X, $20,000
Property B by Country Y, $10,000

The adjusted gross estate is $560,000 less $40,000 debts and charges, or $520,000. The amount of the Federal estate tax, after the allowance for the marital deduction and the value of Federal estate tax attributable to property included in the gross estate, is $71,250. The credit, however, cannot exceed the amount of the Federal estate tax attributable to property included in the gross estate, which is $42,800 ($4,800 allocable to the bequest to charity and $38,000 to the shares passed to son and daughter).

The amount of the Federal estate tax is $245,180. The credit cannot exceed the amount of the Federal estate tax attributable to property included in the gross estate, which is $42,800 ($4,800 allocable to the bequest to charity and $38,000 to the shares passed to son and daughter). The amount of the Federal estate tax is $245,180. The credit cannot exceed the amount of the Federal estate tax attributable to property included in the gross estate, which is $42,800 ($4,800 allocable to the bequest to charity and $38,000 to the shares passed to son and daughter).

The amount of the Federal estate tax is $245,180. The credit cannot exceed the amount of the Federal estate tax attributable to property included in the gross estate, which is $42,800 ($4,800 allocable to the bequest to charity and $38,000 to the shares passed to son and daughter).

(c) For the purposes of this limitation, where a particular foreign country imposes more than one kind of death tax or imposes taxes at different rates upon the several shares of an estate or a particular country and its possession or political subdivision each impose a death tax, the foreign property entering into the computation (as determined under subdivision (a) of this subparagraph) which is subjected to such each tax or different rate shall be combined. The combined value shall not exceed the value at which such property was included in the gross estate for Federal estate tax purposes. In such a case, the Dominion of Canada imposes a succession duty with respect to property A at 10 percent and with respect to property B at 20 percent, or property A is subject to the death taxes levied on the Dominions of Canada and property B by the Province of Quebec, the total value of properties A and B shall be combined in computing this limitation. For such a case, the foreign death taxes attributable to such property separately computed with respect to each tax or rate under the first limitation shall be combined when determining whether the foreign death tax is greater or smaller than the Federal estate tax attributable to such property.

(c) For the purposes of this limitation, where a particular foreign country imposes more than one kind of death tax or imposes taxes at different rates upon the several shares of an estate or a particular country and its possession or political subdivision each impose a death tax, the foreign property entering into the computation (as determined under subdivision (a) of this subparagraph) which is subjected to such each tax or different rate shall be combined. The combined value shall not exceed the value at which such property was included in the gross estate for Federal estate tax purposes. In such a case, the Dominion of Canada imposes a succession duty with respect to property A at 10 percent and with respect to property B at 20 percent, or property A is subject to the death taxes levied on the Dominions of Canada and property B by the Province of Quebec, the total value of properties A and B shall be combined in computing this limitation. For such a case, the foreign death taxes attributable to such property separately computed with respect to each tax or rate under the first limitation shall be combined when determining whether the foreign death tax is greater or smaller than the Federal estate tax attributable to such property.

(c) For the purposes of this limitation, where a particular foreign country imposes more than one kind of death tax or imposes taxes at different rates upon the several shares of an estate or a particular country and its possession or political subdivision each impose a death tax, the foreign property entering into the computation (as determined under subdivision (a) of this subparagraph) which is subjected to such each tax or different rate shall be combined. The combined value shall not exceed the value at which such property was included in the gross estate for Federal estate tax purposes. In such a case, the Dominion of Canada imposes a succession duty with respect to property A at 10 percent and with respect to property B at 20 percent, or property A is subject to the death taxes levied on the Dominions of Canada and property B by the Province of Quebec, the total value of properties A and B shall be combined in computing this limitation. For such a case, the foreign death taxes attributable to such property separately computed with respect to each tax or rate under the first limitation shall be combined when determining whether the foreign death tax is greater or smaller than the Federal estate tax attributable to such property.

(c) For the purposes of this limitation, where a particular foreign country imposes more than one kind of death tax or imposes taxes at different rates upon the several shares of an estate or a particular country and its possession or political subdivision each impose a death tax, the foreign property entering into the computation (as determined under subdivision (a) of this subparagraph) which is subjected to such each tax or different rate shall be combined. The combined value shall not exceed the value at which such property was included in the gross estate for Federal estate tax purposes. In such a case, the Dominion of Canada imposes a succession duty with respect to property A at 10 percent and with respect to property B at 20 percent, or property A is subject to the death taxes levied on the Dominions of Canada and property B by the Province of Quebec, the total value of properties A and B shall be combined in computing this limitation. For such a case, the foreign death taxes attributable to such property separately computed with respect to each tax or rate under the first limitation shall be combined when determining whether the foreign death tax is greater or smaller than the Federal estate tax attributable to such property.

(c) For the purposes of this limitation, where a particular foreign country imposes more than one kind of death tax or imposes taxes at different rates upon the several shares of an estate or a particular country and its possession or political subdivision each impose a death tax, the foreign property entering into the computation (as determined under subdivision (a) of this subparagraph) which is subjected to such each tax or different rate shall be combined. The combined value shall not exceed the value at which such property was included in the gross estate for Federal estate tax purposes. In such a case, the Dominion of Canada imposes a succession duty with respect to property A at 10 percent and with respect to property B at 20 percent, or property A is subject to the death taxes levied on the Dominions of Canada and property B by the Province of Quebec, the total value of properties A and B shall be combined in computing this limitation. For such a case, the foreign death taxes attributable to such property separately computed with respect to each tax or rate under the first limitation shall be combined when determining whether the foreign death tax is greater or smaller than the Federal estate tax attributable to such property.

(c) For the purposes of this limitation, where a particular foreign country imposes more than one kind of death tax or imposes taxes at different rates upon the several shares of an estate or a particular country and its possession or political subdivision each impose a death tax, the foreign property entering into the computation (as determined under subdivision (a) of this subparagraph) which is subjected to such each tax or different rate shall be combined. The combined value shall not exceed the value at which such property was included in the gross estate for Federal estate tax purposes. In such a case, the Dominion of Canada imposes a succession duty with respect to property A at 10 percent and with respect to property B at 20 percent, or property A is subject to the death taxes levied on the Dominions of Canada and property B by the Province of Quebec, the total value of properties A and B shall be combined in computing this limitation. For such a case, the foreign death taxes attributable to such property separately computed with respect to each tax or rate under the first limitation shall be combined when determining whether the foreign death tax is greater or smaller than the Federal estate tax attributable to such property.
Further, the amounts of the Canadian and Quebec death taxes attributable to property A and B computed under the first limitation are combined ($46,000) for purposes of compar- ison with the Federal estate tax attributable to such property ($24,000). In determin- ing the allowable credit with respect to the foreign death taxes imposed by Canada and Quebec, it is permissible to allow the amount of $46,000 with respect to the taxes imposed by Canada and Quebec since this amount was computed under the second limitation.

Note: That if the second limitation were computed separately for properties A and B, the total credit allowable with respect to property B would be only $24,000 rather than $26,000.

Part (2). In the case of property A sub- jected to tax by Country X, the second limitation is computed as follows:

100,000 (Property subject to tax by X) x 0.04 = $4,000 ($24,000 credit allowed with respect to property A is $24,000.

Part (3). In the case of property B subject to tax by Country X, the second limitation is computed as follows:

$24,000 (Property subject to tax by X) x 0.04 = $960 ($24,000 credit allowed with respect to property B is $960.

Claim for credit or refund and interest on refund. (1) The credit is non-transferable.

(iv) Allocation of credit. The amount computed under the lesser of the two limita- tions is allocable to such property. The amount computed under both the limitations is allocable to such property, to the extent that the amount computed under the first limitation is the lower of (a) the amount computed under the "first limitation" or (b) the amount computed under the "second limitation".

If subsequent to the computation of the credit attributable to such property, any overpayment of such tax is made by the executor or other person recovering such overpayment in accordance with the provisions of sections 925, 926, and 927 of the Internal Revenue Code, credit shall be allowed for such overpayment.

(e) Effective date. The amendments made by this Act are effective with respect to estates of decedents dying after the date of the enactment of this Act.

Section 927. Credit for death taxes. (a) In case of recovery of taxes claimed as credit, the amount of credit contained in such sections as are applicable with respect to any such recovery shall be applicable with respect to the recovery to the Secretary at such time and in such manner as may be required by regulations prescribed by him.

(d) Recovery of taxes claimed as credit. If any tax credited as a credit under section 916 (b) or (c) is recovered from any foreign country, any State, or any political subdivision thereof, or any person or persons recovering such amount, shall give notice of such recovery to the Secretary and such recovery shall be made within three years after the return was filed.

(e) Effective date. The amendments made by this Act shall be applicable with respect to estates of decedents dying after the date of the enactment of this Act.

(e) Effective date. The amendments made by this Act shall be applicable with respect to estates of decedents dying after the date of the enactment of this Act.
TREASURY DECISION 5699

if such taxes are paid and credited therefor:

“An extension of time to pay the tax allowed (not to exceed the limitations in such sections) will be allowed for payment of $4,000 (the additional Federal estate tax of $55,000 attributable to property other than the reversionary or remainder interest, a credit claimed, minus the credit of $3,000). An extension will be allowed for payment of $4,000 (Federal basic tax of $5,000 minus credit for State inheritance tax of $1,000) and $47,500 (the portion of the additional Federal tax attributable to the reversionary or remainder interest). After expiration of the four-year period, but before expiration of 60 days after termination of the precedent interest, the estate pays additional State estate, inheritance, legacy or succession taxes, as described in paragraph (b) and inserting in lieu thereof the following: “or by any foreign country.”

In the preceding example except that, in addition to the respective portions of the Federal tax attributable to the same interests in property to which the estate, inheritance, legacy, or succession taxes are attributable. Estate, inheritance, legacy, or succession taxes are attributable.

If such taxes are paid and credit therefor is claimed prior to the expiration of 60 days after the termination of the preceding interest or interests in the property;

Example. The facts are the same as in the preceding example except that, in addition, the estate is entitled to a credit for foreign death taxes in the amount of $4,000. The additional Federal estate tax before allowance of such credit is $149,500, of which $47,500 is attributable to the reversionary or remainder interest and $92,000 is attributable to other property. Of the total credit of $4,000 for foreign death tax, $1,000 is attributable to the reversionary or remainder interest and $3,000 to other property. $500 of the credit is allowable against the Federal basic tax and $5,500 against the additional tax.

The foreign death tax paid within the four-year period amounts to $5,500 none of which is attributable to the reversionary or remainder interest. Of this payment, $500 will be credited against the Federal basic tax and $2,000 toward the additional tax. Accordingly, under these added facts, the estate will be required to pay at once $1,800 of the Federal basic tax attributable to property other than the reversionary or remainder interest and the credits of $8,500 and $500 for the additional Federal tax and $52,200 (the additional Federal estate tax of $55,000 attributable to property other than the reversionary or remainder interest, minus the credits of $3,000). An extension will be allowed for payment of $4,000 (Federal basic tax of $5,000 minus credit for State inheritance tax of $1,000) and $47,500 (the portion of the additional Federal tax attributable to the reversionary or remainder interest). After expiration of the four-year period, but before expiration of 60 days after termination of the precedent interest, the estate pays additional State estate, inheritance, legacy or succession taxes, as described in paragraph (b) and inserting in lieu thereof the following: “or by any foreign country.”

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

AIR NAVIGATION SITE WITHDRAWAL NO. 4, ENLARGEMENT

JULY 24, 1953.

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; U. S. C. 214), and pursuant to section 2.22 (2), of Delegation Order No. 427, of August 16, 1950 (15 F. A. Doc. 5641), it is ordered as follows:

Subject to valid existing rights, the tract described contains approximately 7.30 acres.

The tract described contains approximately 7.30 acres.

This order shall be subject to the right of the public to continue to use the existing road right-of-way crossing Lot 9 of Section 2, T. 31 S., R. 69 E., C. R. M.
It is intended that the public land described herein shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

LOWELL M. PUCKETT,
Regional Administrator, Region VII.

[F. R. Doc. 53-6778; Filed, Aug. 3, 1953; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE
Office of the Secretary
MISSISSIPPI
SALE OF MINERAL INTERESTS; REVISED AREA DESIGNATION

Schedule A, entitled Fair Market Value Areas, and Schedule B, entitled One Dollar Areas, accompanying the Secretary's order dated June 26, 1951 (16 F. R. 6316), are amended as follows:

In Schedule B, under Mississippi, delete the county "Bolivar."

In Schedule A, under Mississippi, in alphabetical order, add the county "Bolivar."

[Sec. 3, Pub. Law 790, 81st Cong.]

Done at Washington, D. C., this 31st day of July 1953.

[SEAL]
J. EARL COKE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-6847; Filed, Aug. 3, 1953; 8:09 a. m.]

FEDERAL POWER COMMISSION
ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING


The proposed rate increases by Home Gas Company (Home) which are involved in Docket Nos. G-1966 and G-2175 were set for hearing on August 17, 1953, by order of the Commission issued on June 10, 1953. The proposed rate increases by the Manufacturers Light and Heat Company (Manufacturers), which are involved in Docket Nos. G-1967 and G-2176 were consolidated and set for hearing on August 3, 1953, by Order Commission issued June 29, 1953.

On July 7, 1953, Central Hudson Gas and Electric Corporation (Central Hudson), filed a petition for consolidation of the above-docketed proceedings. In its petition, Central Hudson alleges that Manufacturers and Home constitute a single integrated system; that both Home and Manufacturers maintain a principal office in Pittsburgh, Pennsylvania, at which the books and records of both companies are kept; that both companies have common officers and employees; and that the rate for Home should be determined by combining and averaging the aggregate costs of Manufacturers and Home.

Central Hudson requests that the proceedings involving the two companies be consolidated so as to permit evidence in support of its allegations.

On July 10, 1953, the New York Public Service Commission filed an answer to Central Hudson's petition for consolidation.

On July 17, 1953, Rockland Light and Power Company (Rockland) filed with the Commission a statement in support of Central Hudson's petition for consolidation. Rockland states that it will be prepared at a consolidated hearing to present evidence in support of the principle that Home and Manufacturers are separate and distinct companies.

Federal Power Company (Rockland) further points out that the proposed rate increases by Home and Manufacturers involve numerous additional common questions of fact and law which may adversely affect its interests and that consolidation of these proceedings is desirable and necessary for the expeditious disposition of such issues.

On July 17, 1953, Home and Manufacturers filed answers opposing the combining and averaging of their respective costs for rate-making purposes.

The Commission finds:

1. The petition filed by Central Hudson raises issues of fact and law as to which parties interested should have an opportunity to present evidence.

2. The proceedings in Matters of Home Gas Company, Docket Nos. G-1967 and G-2176, now scheduled for hearing on August 3, 1953, should be postponed until August 17, 1953, and consolidated for purposes of hearing with Matters of Home Gas Company, Docket Nos. G-1966 and G-2175. In the consolidated proceedings, Home and Manufacturers should be permitted to present evidence in support of their respective proposed rate increases, and other parties permitted to present evidence as to the reasonableness of such rates, charges, services and classifications, including the question of whether, for rate-making purposes, Home and Manufacturers should be treated as a single integrated operating system.

The Commission orders:


(B) A public hearing be held in these consolidated proceedings commencing August 17, 1953, at 10 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington 25, D. C., concerning the issues heretofore specified in the Commission's orders issued June 10 and June 29, 1953 in Docket Nos. G-1967 and G-2176, and in Docket Nos. G-1966 and G-2175, and including the issue of whether, for rate-making purposes, Home and Manufacturers should be treated as a single integrated operating system.

(C) At the hearing, Manufacturers and Home shall go forward first and shall present and complete their cases-in-chief before cross-examination is undertaken.

(D) On or before August 11, 1953, Manufacturers and Home shall serve upon all parties copies of all prepared testimony and exhibits proposed to be offered at the hearing, and shall file three (3) copies of such testimony and exhibits with the Commission.

Adopted: July 28, 1953.
Issued: July 29, 1953.
By the Commission.

[SEAL]
LEON M. PUGNAY,
Secretary.

[F. R. Doc. 53-6771; Filed, Aug. 3, 1953; 8:48 a. m.]

TEXAS ILLINOIS NATURAL GAS PIPELINE CO.
ORDER SUSPENDING PROPOSED TARIFF SHEETS AND PROVIDING FOR HEARING

Texas Illinois Natural Gas Pipeline Company (Texas Illinois) on June 29, 1953, filed Second Revised Sheets Nos. 5, 6, 9 and 10 and First Revised Sheets Nos. 11 and 12-A to its FPC Gas Tariff, Original Volume No. 1, proposing to make effective as of August 1, 1953, increases in rates and charges for the sale of natural gas for resale.

Texas Illinois, a Delaware corporation having its principal office at Chicago, Illinois, owns and operates a natural gas transmission pipe-line system located in the States of Texas, Arkansas, Missouri and Illinois, and is engaged in the transportation of natural gas produced in Texas, and the sale of such natural gas for resale for ultimate public consumption.

Based on estimated sales for the year ending July 31, 1954, the proposed revised tariff sheets would result in an estimated increase of $5,857,591, or approximately 15.2 percent, in the presently effective rates and charges applicable to 15 customers of Texas Illinois.

The proposed increased rates, which are sought to be supported, in large part, upon estimates of future operations, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, and may place an undue burden upon the ultimate consumers of natural gas.

As required by § 154.16 of the Commission's regulations under the Natural Gas Act, copies of the proposed tariff sheets have been sent to each customer of Texas Illinois which would be affected thereby. At least two of the non-affiliated customers of Texas Illinois have stated their dissatisfaction with the proposed increases.

Unless suspended by order of the Commission, Second Revised Sheets Nos. 5, 6, 9 and 10 and First Revised Sheets Nos. 11 and 12-A to Texas Illinois' FPC Gas Tariff, Original Volume No. 1, will become effective as of August 1, 1953, pursuant to the provisions of the Natural Gas Act and the general rules and regulations thereunder.

The Commission finds: It is necessary and proper in the public interest and to
aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing, pursuant to the authority contained in section 4 (e) of the act, concerning the lawfulness of the rates and charges contained in Texas Illinois' FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by Second Revised Sheets Nos. 5, 6, 9, 10, and First Revised Sheets Nos. 11 and 12-A and that said proposed tariff sheets and the rates and charges contained therein be suspended as hereinafter provided, and the use thereof deferred pending hearing and decision herein.

The Commission orders:
(A) A public hearing be held at a date to be set by further order concerning the lawfulness of the rates and charges contained in 'Texas Illinois' FPC Gas Tariff, Original Volume No. 1 as proposed to be amended by Second Revised Sheets Nos. 5, 6, 9, 10, and First Revised Sheets Nos. 11 and 12-A.
(B) Pending such hearing and decision thereon, the proposed rates and charges contained in the revised tariff sheets, listed in (A) above, filed by Texas Illinois, hereby are suspended and their use deferred until January 1, 1954, unless otherwise ordered by the Commission, and until such further time thereafter as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 of the Commission's rules of practice and procedure.

Adopted: July 29, 1953.
Issued: July 29, 1953.
By the Commission.

[SEAL] LEON M. POGUAY, Secretary.

* * *

NOTICES

SECURITIES AND EXCHANGE COMMISSION

MEMORANDUM OPINION AND ORDER REVOKING BROKER-DEALER REGISTRATIONS

GLENN LOWELL CARMICHAEL ET AL.

MEMORANDUM OPINION AND ORDER REVOKING BROKER-DEALER REGISTRATIONS

JULY 27, 1953.

In the matter of Glenn Lowell Carmichael, Route No. 1, Lenexa, Kansas; Glyness B. Luce, d/b/a Luce & Company, 37 Bazincroft Street, Portland, Maine; and Alvin Oaksmith, 63 Park Avenue, New York 16, N. Y.

These are proceedings pursuant to section 15 (b) of the Securities Exchange Act of 1934 ("the act") to determine whether the registrants named above, each of whom is registered as a broker and/or dealer, willfully violated section 17 (a) of the act and Rule X-17A-5 thereunder and, if so, whether it is in the public interest to revoke their registrations.

The proceedings were instituted by the issuance of separate notices and orders for hearing, copies of which were sent by registered mail to the addresses last furnished us by the registrants in their registration applications or amendments thereto. The notices were returned to us by the Post Office Department with notations indicating that they could not be delivered to the registrants at the addresses given. None of the registrants appeared in person or by representative on the date set for hearing.

The registrations of the registrants have not been withdrawn, cancelled, revoked or suspended, and are in full force and effect. On November 28, 1942, we promulgated Rule X-17A-5 under section 17 (a) of the act which, among other things, that every registered broker or dealer must file with this Commission a report of financial condition during each calendar year. Registrants have not in general complied with the requirements of this rule.

Upon review of the records in the proceedings, we find that each of the registrants failed to file the required reports of financial condition and thereby violated section 17 (a) of the act and Rule X-17A-5 thereunder. We conclude also that such violations were willful within the meaning of section 15 (b).

On the basis of the foregoing, we are of the opinion that it is in the public interest to revoke the registration of each of the registrants.

The Commission ordered, That the registrations of Glenn Lowell Carmichael, Glyness B. Luce, d/b/a Luce & Company, and Alvin Oaksmith Steward be, and each of them hereby is, revoked.

By the Commission.

[SEAL] ORVAL L. DUBOIS, Secretary.

* * *

John J. Cunningham

MEMORANDUM OPINION AND ORDER PERMITTING WITHDRAWAL OF REGISTRATION AND DISCONTINUING PROCEEDING

JULY 27, 1953.

In the matter of John J. Cunningham, 173 West 81st Street, New York, New York.

This is a proceeding pursuant to section 15 (b) of the Securities Exchange Act of 1934 ("the act") to determine
whether John J. Cunningham, a registered dealer, willfully violated section 17(a) of the act and Rule X-17A-5 thereto, and thereby violated section 17(a) of the act and Rule X-17A-5 thereunder.

A copy of our notice and order for hearing was sent by registered mail to registrant, broker or dealer, and to the Commission, but no answer was received by counsel on the date set for hearing. Thereafter, we received from registrant a letter which stated that he has been inactive as a broker or dealer for approximately two years and requested withdrawal of his registration.

Registrant's registration became effective March 28, 1951, and is in full force and effect. On November 28, 1942, we promulgated Rule X-17A-5 under section 17(a) of the act, which provides, among other things, that every registered broker or dealer must file with this Commission a report of financial condition for the year 1952 and thereby be kept advised of the requirements of this rule. Registrants have been specifically notified of the requirements of this rule.

Upon review of the record in these proceedings, we find that registrant failed to file required reports of financial condition for the year 1952 and thereby violated section 17(a) of the act and Rule X-17A-5 thereunder. We also conclude his violation was willful within the meaning of section 17(b). However, in view of registrant's desire to withdraw his registration, we do not consider that under the facts of the case revocation is in the public interest. While the withdrawal of registration after the institution of revocation proceedings is not a matter of right, it may be permitted in our discretion if it appears to us that such withdrawal would be consistent with the public interest and the protection of investors.

As noted, registrant stated that he has not been actively engaged as a dealer for approximately two years. Under these circumstances and in view of the violation we have found, we are of the opinion that the public interest and the protection of investors are adequately served by permitting withdrawal of registrant's registration as a dealer.

Accordingly it is ordered, Pursuant to section 15(b) of the Securities Exchange Act of 1934, that the notice of withdrawal of the registration as a dealer of John J. Cunningham be, and it hereby is, permitted to become effective forthwith, and that this proceeding under section 15(b) of the act be, and it hereby is, discontinued.

By the Commission.

[SEAL] ORVAL L. DUBoIS, Secretary.

[F. R. Doc. 53-6770; Filed, July 31, 1953; 8:46 a. m.]
1, and each of them, and any and all security rights in and to any and all collateral for any and all such obligations, and the right to enforce and collect the same,

d. Real property situated in the Philippines more particularly described as follows:

(1) A parcel of agricultural land, known as Lot No. 280 of the Cadastral Survey of Davao, situated in Barrio Rapnaga, City of Davao, containing an area of 2,254 sq. m., covered by T. C. T. No. 153, Office of the Register of Deeds of Davao City, in the name of Tadeo Nanbu, and assessed under Tax Declaration No. 48333,

(2) A parcel of agricultural land, known as Lot No. 281 of the Cadastral Survey of Davao, situated in Barrio Rapnaga, City of Davao, containing an area of 14,531 sq. m., covered by T. C. T. No. 152, Office of the Register of Deeds, City of Davao, in the name of Tadeo Nanbu, and assessed under Tax Declaration No. 48334,

(3) A parcel of land, partly residential and partly agricultural, known as Lot No. 382 of the Cadastral Survey of Davao, situated in the Barrio of Matina, City of Davao, containing an area of 665,881 sq. m., covered by T. C. T. No. 1064, Office of the Register of Deeds, City of Davao, in the name of Tadeo Nanbu, and assessed under Tax Declaration No. 46026,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or which is evidence of ownership or control of the persons referred to in subparagraph 1 and 2 hereof, and/or represents an interest in Furukawa Plantation Company by the persons named in subparagraph 1 hereof; and it is hereby determined:

4. That Furukawa Plantation Company is controlled by the persons named in subparagraph 1 hereof or is acting for or on behalf of a designated enemy country (Japan) or persons within such country and is a national of a designated enemy country (Japan);

5. That to the extent that such nationals are persons 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 (Japan); and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

There is hereby vested the property described in subparagraph 3-a, 3-b, and 3-c hereof, together with all declared and unpaid dividends in said stock, and all right, title and interest of whatsoever kind or nature of any and all other nationals, whomsoever they may be, of Germany and Japan, in and to said property.

There is hereby vested the property described in subparagraph 3-d hereof, subject to recorded liens, encumbrances and other rights of record held by persons who are not nationals of designated enemy countries, other than those of Tadeo Nanbu.

All such property so vested to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

There is hereby undertaken the direction, management, supervision and control of said business enterprise and all property of any nature whatsoever situated in the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to said business enterprise, to the extent deemed necessary or advisable from time to time. This order shall not be deemed to limit the power to vary the extent of or terminate such direction, management, supervision or control.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein and in said Vesting Order P-2 shall have and had the meanings prescribed in section 10 of Executive Order No. 9095, as amended by Executive Order 9193.

Executed at Washington, D. C., on July 30, 1953.

[Seal] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 53-6783; Filed, Aug. 3, 1953: 8:52 a. m.]