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TITLE 7—AGRICULTURE

Chapter VI—Soil Conservation Service, Department of Agriculture

PART 600—FUNCTIONS AND PROCEDURES

WATER CONSERVATION AND UTILIZATION

Pursuant to the provisions of section 3 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 237, 238; 5 U. S. C. 1002), and the delegation of authority to me by the Secretary of Agriculture, effective January 2, 1954 (19 F. R. 74), § 600.6 of Chapter VI, Title 7, Code of Federal Regulations, is amended by addition of paragraph (e) to read as follows:

§ 600.6 Water conservation and utilization. * * *

(e) Farm units will be sold for cash or credit, at prices determined by appraisal on the basis of the normal earning capacity of the land, with quitclaim deed. In the case of credit sales, a promissory note and real estate mortgage must be executed by the purchaser. Deed, promissory note, and mortgage forms may be inspected at the project or State Office.

(Sec. 32, 50 Stat. 525, as amended; 7 U. S. C. 1011)

Done at Washington, D. C. this 4th day of September 1956.

[SEAL] D. A. WILLIAMS,
Administrator,
Soil Conservation Service.

[F. R. Doc. 56-7381; Filed, Sept. 12, 1956; 8:51 a. m.]

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

PART 970—IRISH POTATOES GROWN IN MAINE

LIMITATION OF SHIPMENTS

§ 970.303 Limitation of shipments—(a) Findings. (1) Pursuant to Marketing Agreement No. 122 and Order No. 70 (7 CFR Part 970), regulating the handling of Irish potatoes grown in the State of Maine, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7

U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Maine Potato Marketing Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted under the circumstances, for such preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

(b) Order. (1) During the period from September 17, 1956, through July 13, 1957, and except as otherwise provided in this section, no handler shall ship: (i) potatoes of the round white or red skin varieties unless at least 90 percent of such potatoes are "fairly clean" and such potatoes meet the requirements of the U. S. No. 1, or better, grade, 2 1/4 inches minimum diameter and 4 inches maximum diameter; or (ii) potatoes of the long varieties (including, but not being limited to, the Russet Burbank variety) unless such potatoes meet the requirements of (a) the U. S. No. 1, or better, grade, Size A, 2 inches minimum diameter or 4 ounces minimum weight, or (b) the U. S. No. 2, or better, grade, 5 ounces minimum weight.

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(2) No handler shall ship potatoes for chipping unless the potatoes meet the requirements of the U. S. No. 1, or better, grade, 2 inches minimum diameter and 4 inches maximum diameter, except that U. S. No. 1, Size B, potatoes may also be shipped: *Provided*, That each handler making any such shipments for chipping shall file an application for, and obtain, a Certificate of Privilege pursuant to §§ 970.56 and 970.130 and, at the same time, or at such time subsequent thereto as the Maine Potato Administrative Committee may require, provide the administrative committee with appropriate evidence that such potatoes were, or are being, treated and conditioned for use for potato chipping and that such potatoes, except for damage resulting from shriveling or sprouting, meet the applicable grade and size requirements set forth in this subparagraph.

(3) No handler shall ship potatoes for export unless such potatoes meet the requirements of the U. S. No. 1 grade.

(4) Pursuant to § 970.54, each handler may ship not in excess of thirty (30) hundredweight of potatoes per week free from regulations effective pursuant to §§ 970.45 and 970.65: *Provided*, That handlers making such shipments report such shipments to the administrative committee on the 16th and last day of each month.

(5) The limitations set forth in subparagraph (1) of this paragraph shall not be applicable to shipments of certified seed potatoes or to shipments of potatoes for the following purposes: (i) For grading or storing in the production area; (ii) for distribution by the Federal Government; (iii) for charitable purposes; (iv) for manufacture or conversion into starch, flour, or alcohol; (v) for canning or freezing; (vi) for livestock feed; (vii) for planting within the production area; and (viii) for dehydration.

(6) Each handler making shipments of potatoes for export, charitable purposes, dehydration, potato chipping, canning or freezing, or livestock feed shall: (i) File an application pursuant to § 970.56 with the administrative committee for a Certificate of Privilege for such shipments; (ii) pay assessments pursuant to § 970.45 with respect to the shipments of certified seed potatoes; and

(iii) pay assessments pursuant to § 970.45 and have inspection pursuant to § 970.65 with respect to each shipment for export, potato chipping, distribution by the Federal Government, and for charitable purposes. Further, each handler who ships potatoes for export, potato chipping, distribution by the Federal Government, charitable purposes, dehydration, canning, freezing (or livestock feed, shall furnish a record of such shipments to the administrative committee. In addition, each application for a Certificate of Privilege to ship potatoes for export, potato chipping, charitable purposes, dehydration, or canning or freezing shall be accompanied by the applicant handler's certification and the buyer's or receiver's certification that the potatoes to be shipped for the purpose stated in the application are to be used for such purpose. The buyer's or receiver's certification shall be furnished to the administrative committee within 10 days from the date of shipment by said applicant handler. Handlers making shipments of potatoes for export to Canada may furnish the administrative committee with a copy of the Freight Delivery Receipt issued by Canadian customs officials upon entry of such shipment into Canada in lieu of the buyer's or receiver's certification required in this subparagraph. The limitations set forth in this subparagraph shall not apply to shipments of potatoes of less than 15,000 pounds for canning or freezing, for dehydration, or for livestock feed when shipped in barrels, in bulk, or in unsewn 100-pound burlap bags within the production area.

(7) No handler shall ship potatoes under a Certificate of Exemption issued pursuant to §§ 970.70 to 970.75, inclusive, and which are exempted from the grade and size limitations set forth in subparagraph (1) of this paragraph, unless such potatoes are packed in 50-pound or larger packs.

(8) No handler shall ship any potatoes for which inspection is required unless an appropriate inspection certificate had been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part, each inspection certificate is hereby determined, pursuant to paragraph (c) of § 970.65, to be valid for a period not to exceed 48 hours following completion of inspection as shown in the certificate.

(9) The term "fairly clean" and the grades and sizes used in this section shall have the same meanings assigned these terms in the United States Standards for Potatoes (§§ 51.1540 to 51.1559 of this title), including the tolerances set forth therein; and all other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 122 and Order No. 70 (§§ 970.1 to 970.92).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 10, 1956.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 56-7380; Filed, Sept. 12, 1956;
8:50 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

HEDGING ANTICIPATED REQUIREMENTS FOR PROCESSING OR MANUFACTURING UNDER SECTION 4a (3) OF COMMODITY EXCHANGE ACT

By virtue of the authority vested in the Secretary of Agriculture under the Commodity Exchange Act (7 U. S. C. 1-17a), as amended by Public Law 778, 84th Congress, 2d session, approved July 24, 1956, and pursuant to notice published in the FEDERAL REGISTER of August 2, 1956 (21 F. R. 5780), Part 1 of Chapter I, Title 17, Code of Federal Regulations (17 CFR Part 1), is hereby amended by inserting the following section immediately after § 1.47:

§ 1.48 *Hedging anticipated requirements for processing or manufacturing under section 4a (3) (C) of the Commodity Exchange Act—(a) Form and manner of reporting.* Any person who desires to avail himself of the provisions of section 4a (3) (C) of the Commodity Exchange Act, and to acquire a long futures position in any commodity with respect to which trading and position limits established by the Commodity Exchange Commission, pursuant to section 4a of the act, shall be then in effect, shall, at least ten days prior to acquiring any position in excess of any such limit, file with the Commodity Exchange Authority, United States Department of Agriculture, Washington 25, D. C., a statement showing such person's unfilled anticipated requirements for processing or manufacturing for a specified operating period not in excess of one year. Such statement shall set forth in detail such person's unfilled anticipated requirements and explain the method of determination thereof, and shall include, but not be limited to, the following information:

(1) Annual requirements of such commodity for processing or manufacturing for the three fiscal years next preceding;

(2) Anticipated requirements of such commodity for processing or manufacturing for a specified operating period not in excess of one year;

(3) Inventory and forward purchases of such commodity, including quantity in process of manufacture and finished goods and byproducts (in terms of such commodity);

(4) Anticipated unfilled requirements of such commodity for processing or manufacturing for a specified period not in excess of one year.

(b) *Supplemental reports.* Whenever such person's anticipated requirements as set forth in paragraph (a) (2) of this section or any statement supplemental thereto shall change, such person shall immediately file with the Commodity Exchange Authority a supplemental state-

ment reporting and explaining such change. Such person shall also file with the Commodity Exchange Authority, at least once each year, a statement setting forth the information described in paragraph (a) of this section.

(c) *Purchases and liquidation.* All purchases of any commodity for future delivery pursuant to the provisions of section 4a (3) (C) of the act shall be made and liquidated in an orderly manner and in accordance with sound commercial practice. No such purchase shall be made or liquidated in a manner calculated to cause sudden or unreasonable fluctuations or unwarranted changes in the price of such commodity.

This regulation implements the amendment to section 4a of the Commodity Exchange Act approved July 24, 1956, which becomes effective September 22, 1956. It is being promulgated pursuant to the notice published in the FEDERAL REGISTER on August 2, 1956, affording interested persons an opportunity to present data, views, or arguments with reference thereto, and after consideration of all pertinent matters so presented. It is necessary that this regulation become effective on September 22, 1956, the effective date of Public Law 778, in order for it to be of maximum benefit to processors and manufacturers who trade in commodity futures on or subject to the rules of contract markets. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that other procedure with respect to the regulation is impracticable, unnecessary, and contrary to public interest, and good cause is found for making the regulation effective less than 30 days after publication in the FEDERAL REGISTER.

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

This regulation shall become effective September 22, 1956.

[SEAL] EARL L. BUTZ,
Acting Secretary.

[F. R. Doc. 56-7369; Filed, Sept. 12, 1956;
8:48 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54184]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

REIMPORTATION FREE OF DUTY OF CERTAIN DUTY-PAID ARTICLES

In order to consolidate more effectively the several provisions relating to duty-paid articles exported and reimported, § 8.2 of the Customs Regulations is amended by deleting all semicolons and adding at the end of paragraph (a) "(see § 10.17 (a) of this chapter);", by adding at the end of paragraph (b) "(see § 10.15 of this chapter);", by adding at the end of paragraph (c) "(see § 10.42 of this chapter);", by adding at the end

of paragraph (d) "(see § 10.7 (b), (c), (d) and (e) of this chapter);", by adding at the end of paragraph (e) "(see § 10.8 of this chapter);", by adding at the end of paragraph (f) "(see §§ 10.66 and 10.67 of this chapter);", by deleting "or" from paragraph (g) and adding at the end thereof "(see § 10.74 of this chapter);", by redesignating paragraph (h) as paragraph (i) and inserting a new paragraph (h) to read:

(h) Articles exported under lease to a foreign manufacturer (see § 10.108 of this chapter); or

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: September 5, 1956.

DAVID W. KENDALL,
Acting Secretary of the Treasury

[F. R. Doc. 56-7373; Filed, Sept. 12, 1956;
8:49 a. m.]

[T. D. 54183]

PART 10—ARTICLES CONDITIONALLY FREE,
SUBJECT TO REDUCED RATE, ETC.

PART 12—SPECIAL CLASSES OF
MERCHANDISE

PART 14—APPRAISEMENT

DECLARATIONS RELATING TO CERTAIN SPECIAL
CLASSES OF MERCHANDISE, ELIMINATION
OF CONSULAR CERTIFICATION; APPRAISE-
MENT OF MERCHANDISE

In order to ease the requirements under the Customs Regulations for the conditionally free-entry of certain merchandise, to conform a provision of such regulations with a recently amended provision of the Joint Regulations for the enforcement of the Federal Insecticide, Fungicide and Rodenticide Act, and to delete an obsolete provision of the Customs Regulations, the Customs Regulations are amended as follows:

1. Section 10.48 (b) (1) is amended by substituting "declaration in the following form by the artist who produced" for "certificate on foreign service Form 253 by the artist who executed", by changing the period to a colon, and by adding the following material after the colon:

I, _____, do hereby declare that I am the painter or producer of certain works of art, viz:

covered by the annexed invoice dated _____; that the said paintings, pastels, drawings and/or sketches are originals; that the said sculptures or statuary are originals or the first or second replicas; and that the said etchings, engravings, or woodcuts were printed by hand from hand-etched or hand-engraved plates or blocks and are artists' proofs _____

(Place and date) (Signature of artist)

2. Section 10.48 (b) (2) is amended by substituting "declaration" for "certificate".

3. Section 10.48 (c) is amended by substituting "declaration" for "certificate".

(Secs. 201 (par. 1807), 624, 46 Stat. 684, 759; 19 U. S. C. 1201 (par. 1807), 1624)

4. Section 10.50 is amended by substituting the following for all material after "importer shall file": "a declaration of the artist which shall be on or attached to the invoice and shall state:

I, _____, do hereby declare that I am a citizen of the United States of America, and by profession _____: (Artist or sculptor) that my place of residence in the United States is _____; that I departed from the United States of America on or about _____ 19____, to take up my temporary residence at _____; and that I have not given up, and that it is not my intention to give up, my residence in the United States, and I intend to return ultimately to the United States. I further declare that the _____ described (Briefly identify the works of art) in the invoice herewith were produced by me during my temporary residence abroad at _____, during the year 19____

The declaration may be made by the artist on customs Form 3307."

(Sec. 201 (par. 1810), 46 Stat. 685; 19 U. S. C. 1201 (par. 1810))

5. Section 10.66 (a) (2) is amended to read:

(2) A declaration by the foreign shipper, irrespective of the value of the shipment, stating:

I, _____, do hereby declare that the merchandise herein described was imported from the United States, and that it was sent to _____ for temporary use at the Exhibition entitled _____ held at _____ on _____ 19____

(Date and place of signing)

(Signature of exporter or authorized agent)
(29 Stat. 122, 30 Stat. 1372; 19 U. S. C. 194, 195)

6. Section 10.67 (a) (2) is amended to read:

(2) A declaration by the foreign shipper in the same form as that prescribed in § 10.66 (a) (2) but stating that such articles were sent from the United States solely for temporary scientific or educational use and describing the specific use to which they were put while abroad.

(Sec. 201 (par. 1815), 46 Stat. 672, as amended; 19 U. S. C. 1201 (par. 1815))

7. Section 12.2 is amended by placing a period after "shipper" and by deleting the remainder of the section.

(R. S. 161; 5 U. S. C. 22)

8. Section 14.3 is amended by deleting paragraph "(e)", and by redesignating paragraphs "(f)" and "(g)" as "(e)" and "(f)", respectively.

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: September 5, 1956.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56-7356; Filed, Sept. 12, 1956;
8:49 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 21—PUBLIC LANDS; MILITARY AND NAVAL RESERVATION

NAVAL RESERVATIONS IN CANAL ZONE

CROSS REFERENCE: For material establishing the United States Naval Reservation, Balboa, Canal Zone, and affecting the tabulation in § 21.4, see F. R. Document 56-7383, Canal Zone Order 44, *infra*.

Appendix—Canal Zone Orders

[Canal Zone Order 44]

ESTABLISHING UNITED STATES NAVAL RESERVATION, BALBOA, CANAL ZONE

By virtue of the authority vested in the President of the United States by section 5 of title 2 of the Canal Zone Code, as amended by section 1 of the Act of September 26, 1950, 64 Stat. 1038, and delegated to me by Executive Order No. 9746 of July 1, 1946, as amended by Executive Order No. 10101 of January 31, 1950, and after consultation with the Secretary of the Navy, it is ordered as follows:

SECTION 1. *Setting apart of reservation; boundary.* The area of land in the Canal Zone hereinafter described as United States Naval Reservation, Balboa, Canal Zone, is hereby set apart and assigned to the uses and purposes of a naval reservation and to be under the control and jurisdiction of the Secretary of the Navy, subject to the provisions of section 2 of this order:

UNITED STATES NAVAL RESERVATION, BALBOA CANAL ZONE

Beginning at monument "V", which is an iron rail set in concrete, located on the northwesterly side of a cyclone fence, on the northwesterly boundary of Ft. Amador Military Reservation. The geodetic position of monument "V", referred to the Panama-Colon datum of the Canal Zone triangulation system, is in latitude 8°56' N. plus 3,602.80 feet and longitude 79°33' W., plus 1,556.90 feet from Greenwich.

Thence from said initial point by metes and bounds:

S. 37°39'10" W., 1,314.31 feet, along the northwesterly boundary of the Ft. Amador Military Reservation, through monument "Z", which is an iron rail set in concrete, located on the southeasterly side of a cyclone fence, to monument No. 2, which is a 1½-inch iron pipe set in concrete, located on the northwesterly side of a cyclone fence, at the northeasterly corner of Panama Canal Post No. 1, the American Legion, License No. 756-A, the distances being 765.02 feet and 549.29 feet, successively, from beginning of the course;

Northwesterly and southwesterly, following the boundary of the American Legion, License No. 756-A, through monuments No. 1 and "A", and southwesterly, following the boundary of the Balboa Yacht Club, License No. 756-B, through monuments Nos. 3-A and 3, to unmarked point called "C", as follows:

N. 52°49'00" W., 441.68 feet, to monument No. 1, which is a 1½-inch iron pipe set in concrete;

S. 39°55'30" W., 91.3 feet, more or less, through monument "A", which is a ¾-inch

iron rod set in concrete, monuments Nos. 3-A and 3, which are 1½-inch iron pipes set in concrete, to an unmarked point called "C", located at the extreme high water mark on the shore of Balboa Harbor, the distances being 44.96 feet, 13.04 feet, 28.52 feet and 4.8 feet, more or less, successively, from beginning of the course;

Northwesterly, 1,450 feet, more or less, following the extreme high water mark along the shore of Balboa Harbor, to an unmarked point called "D", located 29.00 feet northwesterly and at right angles from the centerline of Navy Pier No. 2, and S. 47°02'30" W., 6.0 feet, more or less, from monument "E";

N. 47°02'30" 68.8 feet, more or less, through monument "E", which is a 2-inch iron pipe, to monument "F", which is a 2-inch iron pipe, located 2.0 feet southwesterly from the face of Balboa Tank Farm cyclone fence, the distances being 6.0 feet, more or less, and 63.79 feet, successively, from beginning of the course;

Southeasterly, northeasterly and northwesterly, along the outside of the Balboa Tank Farm cyclone fence, through monuments "G" to "P", inclusive, as follows:

S. 53°21'45" E., 505.16 feet, through monument "G", which is a 2-inch iron pipe, to monument "H", which is a 2-inch iron pipe, the distances being 86.42 feet and 418.74 feet, successively, from beginning of the course;

N. 45°52'00" E., 380.50 feet, to monument "I", which is a 2-inch iron pipe;

N. 52°06'30" E., 91.53 feet, to monument "J", which is a 2-inch iron pipe;

N. 33°11'30" E., 107.28 feet, to monument "K", which is a 2-inch iron pipe;

N. 11°09'30" E., 387.33 feet, to monument "L", which is a brass plug in a concrete monument;

N. 46°45'30" E., 99.67 feet, to monument "M", which is a 2-inch iron pipe;

N. 21°25'30" W., 1,083.69 feet, through monument "N", which is a bronze plug in a concrete monument, monument "O", which is a 2-inch iron pipe, to monument "P", which is a 1½-inch iron pipe, located on the northwesterly side of the Navy cyclone fence, the distances being 333.41 feet, 370.00 feet and 380.28 feet, successively, from beginning of the course;

N. 68°34'30" E., 400.00 feet, along the northwesterly side of the Navy cyclone fence to monument "Q", which is a brass plug in a concrete monument, located 11.9 feet southwesterly and at right angles from the face of the southwesterly curb of Amador Road;

S. 21°25'30" E., 1,120.33 feet, along the southwesterly side of Amador Road, to monument "R", which is a brass plug in a concrete monument, located 12.2 feet southwesterly and at right angles from the face of the southwesterly curb of Amador Road;

N. 68°34'00" E., 388.2 feet, more or less, through monument "S", which is an iron rail set in concrete, located on the northwesterly side of the Navy cyclone fence, to an unmarked point called "T", located at the extreme high water mark on the shore of Panama Bay, the distances being 353.18 feet and 35.0 feet, more or less, from beginning of the course;

S. 34°58'40" E., 1,080 feet, more or less, to an unmarked point called "U", located at the extreme high water mark on the shore of Panama Bay and N. 37°39'10" E., 63.8 feet, more or less, from monument "V";

S. 37°39'10" W., 63.8 feet, more or less, to monument "V", the point of beginning.

The directions of the lines refer to the true meridian.

The area of the above described tract is 60.50 acres, more or less, and is as shown on Canal Zone Government drawing M-6117-60, entitled "Map Showing United States Naval Reservation, Balboa, Canal Zone," scale 1:2000, dated March 2, 1956, on file in the

Office of the Governor of the Canal Zone, Balboa Heights.

GENERAL

The surveys of the boundary were made in February 1931, May 1946, July 1951 and February 1956, and are recorded in notebooks M-21, M-405 and M-478, and the geodetic positions of all points, referred to the Panama-Colon datum of the Canal Zone triangulation system, are on file in the office of the Surveys Branch, Engineering and Construction Bureau, Panama Canal Company.

Any discrepancies in bearings or distances between this and any previous order, are due to more accurate horizontal control rather than changes in positions of monuments.

SEC. 2. Conditions and limitations. The reservation established by section 1 of this order shall be subject to the following conditions and limitations:

(a) The area comprising this reservation shall continue to be subject to the civil jurisdiction of the Government of the Canal Zone in conformity with the provisions of the Canal Zone Code as amended and supplemented.

(b) The Canal Zone Government and the Panama Canal Company, their agents, employees, contractors, licensees, and permittees shall enjoy access to the reserved area in carrying out the operations of such agencies, subject, however, to necessary security measures.

SEC. 3. This order supersedes Executive Order No. 7387 of June 15, 1936 (1 F. R. 601), establishing reservation of Naval Station, Balboa, Canal Zone, as modified by Executive Order No. 7862 of April 7, 1938 (3 F. R. 734).

WILBER M. BRUCKER,
Secretary of the Army.

SEPTEMBER 7, 1956.

[F. R. Doc. 56-7383; Filed, Sept. 12, 1956; 8:51 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 31—PACIFIC REGION

SUBPART—TULE LAKE NATIONAL WILDLIFE REFUGE, CALIFORNIA

HUNTING

Basis and purpose. On the basis of observations and reports of representatives of the Fish and Wildlife Service, it has been determined that additional waterfowl hunting privileges can be authorized without interfering with the primary purpose for which the refuge was established. It has also been determined that there is need to clarify provisions relating to the use of boats, blinds, and decoys as well as certain other features that relate to public hunting.

Since the following amendments are in part relaxations of existing restrictions applicable to hunting on the Tule Lake National Wildlife Refuge and in part definitive of existing administrative control, notice and public procedure are not required (60 Stat. 237; U. S. C. 1001, et seq.).

Effective immediately upon publication in the FEDERAL REGISTER, §§ 31.346 to 31.350, inclusive, are added, and § 31.342 is revised to read as follows:

§ 31.342 *Shooting areas.* The following are the public hunting areas:

Area I. That part of the refuge, as posted by the refuge officer in charge, north of a line beginning on the east boundary of the refuge at the E¼ corner of section 20, T. 47 N., R. 5 E., M. D. M., thence west along the centerline of sections 20 and 19, T. 47 N., R. 5 E., and the centerline of sections 24, 23, 22, 21, 20, and 19, T. 47 N., R. 4 E., to the point of intersection with the west boundary of the refuge.

Area II. That part of the refuge known as the Panhandle buffer strip as posted by the refuge officer in charge, west of the west bank of the N Canal in the S½N½ Section 16, T. 46 N., R. 5 E., M. D. M., and east of the west perimeter road around the Panhandle area in the S½N½ Section 17.

§ 31.346 *Use of hunting blinds.* Any person may construct and use a hunting blind in the public hunting areas except that entry for the construction of such blind shall not be permitted during the period from September 16 to the opening day of the waterfowl hunting season. Any blind not removed from the refuge on or before January 15 shall be deemed to have been abandoned, and it shall become the property of the United States. Where a blind is constructed in open water, such blind shall be placed at least 200 yards from emergent vegetation. The construction of a blind shall not be deemed to establish priority of use by the person who constructs such blind except that the construction of a blind by any guide under a special permit issued by the refuge officer in charge shall entitle such guide to the exclusive use of such blind. The digging of a pit for use as a hunting blind or for any other purpose is prohibited except in such areas as may be designated by posting by the refuge officer in charge.

§ 31.347 *Use of boats.* The use of boats for the purpose of hunting subject to the provisions of the regulations under the Migratory Bird Treaty Act is permitted only during the period from 2½ hours before sunrise to one hour after sunset, provided that the use of air-thrust and scull boats is prohibited.

§ 31.348 *Use of artificial decoys.* Artificial decoys may be placed on and used in the public hunting areas only during the period from 1½ hours before sunrise to ½ hour after sunset.

§ 31.349 *Abandonment of personal property.* The abandonment of boats, decoys, or other items of personal property on the public hunting areas or elsewhere on the refuge is prohibited.

§ 31.350 *Access to the hunting areas.* Hunters may not enter the public hunting areas earlier than 2½ hours before sunrise.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 7151)

Dated: September 6, 1956.

ROBERT H. JOHNSON,
Acting Director.

[F. R. Doc. 56-7359; Filed, Sept. 12, 1956; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 11—INDUSTRIAL RADIO SERVICES

Because of the number of outstanding amendments to Part 11 since it was last published in the FEDERAL REGISTER (August 4, 1953, 18 F. R. 4558), Part 11 is recapitulated as of August 15, 1956, to read as set forth below.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] DEE W. PINCOCK,
Acting Secretary.

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AUTHORITY: §§ 11.1 to 11.611 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 48 Stat. 1061, 1082, as amended; 47 U. S. C. 301, 303.

SUBPART A—GENERAL INFORMATION

§ 11.1 *Basis and purpose.* (a) The basis for the rules following in this part is the Communications Act of 1934, as amended, and applicable treaties and agreements to which the United States is a party. The rules in this part are issued pursuant to the authority contained in Title III of the Communications Act of 1934, as amended, which vests authority in the Federal Communications Commission to regulate radio transmissions and to issue licenses for radio stations.

(b) The purpose of the rules in this part is to prescribe the manner in which parts of the radio spectrum may be made available for radio communication and control facilities to various industrial enterprises which, for safety purposes or other necessity, require radio transmitting facilities in order to function efficiently.

§ 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 to carry program material of 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, refer to Part 2 of this chapter, Frequency Allocations and Treaty Matters; General Rules and Regulations.

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

(b) *Mobile service.* A service of radio-communication between mobile and land stations, or between mobile stations.

(c) *Fixed service.* A service of radio-communication 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, paragraph (d) of this section.

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

(g) *Operational fixed station.* A Fixed 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 Transportation, Aviation or Marine Services. (This term includes all stations licensed in the fixed service under this part.)

(h) *Control station.* An Operational Fixed Station, the transmissions of 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 mobile service frequency communications 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 0.25 percent of the total radiated power.

(n) *Station authorization.* Any construction permit, license, or special temporary authorization issued by the Commission.

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

(p) *Public correspondence.* Any telecommunication which the offices and stations, by reason of their being at the disposal of the public, must accept for transmission.

(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 operating in accordance with the regulations in this part. (For purposes of this definition only, a safety service is any radio service whose operation is di-

rectly related, whether permanently or temporarily, to the safety of human life and the safeguarding of property.)

(r) *Telemetry.* 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) or intelligence by means 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 intermediate 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 filing of the application for radio facilities will be given only when proposed airport construction or improvement plans are on file with the CAA as of the filing date of the application for such radio facilities.

(u) *Antenna structures.* The term antenna structures includes the radiating system, its supporting structures and any surmounting appurtenances.

(v) *Land radiopositioning station.* A Station in the radiolocation service other than a radionavigation station, not intended for operation while in motion.

(w) *Mobile radiopositioning station.* A station in the radiolocation service other than a radionavigation station, intended to be used while in motion or during halts at unspecified points.

(x) *Standard Metropolitan Area.* Any or all of the areas within the continental limits of the United States described and enumerated as Standard Metropolitan Areas in the U. S. Census of Population, 1950; Vol. I, Number of Inhabitants; Chapter 1, U. S. Summary; Bureau of the Census, United States Department of Commerce. (The Standard Metropolitan Areas in the United States are listed in that publication in Table 26, beginning on page 1-66.) The publication is sold by the U. S. Government Printing Office, Washington 25, D. C.

§ 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;

(f) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens,

if the Commission finds that the public interest will be served by the refusal or revocation of such license; or

(g) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by: Aliens or their representatives; a foreign government or representatives thereof; or any corporation organized under the laws of a foreign government, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

§ 11.5 *Transfer and assignment of station authorization.* A station authorization, the frequencies authorized to be used by the grantee of such authorization, and the rights therein granted by such authorization shall not be transferred, assigned, or in any manner either voluntarily or involuntarily disposed of, or indirectly by transfer of control of any corporation holding such authorization, to any person, unless the Commission shall, after securing full information, decide that said transfer is in the public interest. Requests for authority to assign a station authorization may be submitted in accordance with § 11.56 (b) while a request for authority to transfer control of a corporation, as by sale of controlling stock interest, shall be submitted in accordance with § 11.56 (d).

§ 11.6 *Cooperative arrangements.* (a) Arrangements may be made between two or more persons for the cooperative use of radio station facilities, provided all such persons are eligible to hold station licenses in one of the radio services established under this part, and provided further that all such persons are eligible for the same radio service. Such arrangements shall be governed by the following:

(1) *Mobile service.* A group of persons eligible for a license in the same industrial radio service may share the use of a Base Station licensed to one member of that group in either of the following two ways:

(i) A person who is to receive service from a Base Station licensed to a person other than himself may obtain a license for his own mobile radio units: *Provided, however,* That the application for such license shall be accompanied by an application from the licensee of the base station, for modification of his license, to permit rendition of the desired service. The application for modification of the base station license shall name the persons to be served, shall be notarized, and may be filed either on FCC Form 400 or by letter, in duplicate; or

(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 station licensed 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) (1) (ii) 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 definitions 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 prompt mobile-to-mobile communication over ranges greater than 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 requirements of this subparagraph.)

(2) A Mobile Relay Station may be authorized to operate on any mobile service frequency available for assignment to base stations.

(3) Each Mobile Relay Station shall be so 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:

(i) The radio system is shown to be so designed that the Mobile Relay Station normally is capable of activation only by signals received on frequencies above 50 Mc; and

(ii) The applicant for a mobile relay station authorization either verifies that no person having equal rights to the frequency in question is operating on the mobile station frequency within a radius of seventy-five miles of the proposed mobile relay station location, or, alternatively, obtains and submits with the application the written consent of each such person to installation of the proposed mobile relay station and its operation on a regular basis for a trial period of one year from the date a station license is granted by the Commission.

In any event, a waiver granted under the provisions of this subparagraph may be cancelled after ninety days notice by the Commission if it develops that the mobile relay station is in fact consistently activated by undesired signals and thereby causes harmful interference to other licensees.

(4) Each Mobile Relay Station shall be so designed and installed that it will be deactivated automatically when its associated receivers are not receiving a signal on the frequency or frequencies which normally activate it.

(5) Each Mobile Relay Station required by the terms of subparagraph (3) of this paragraph to be activated by a coded signal shall be so designed and installed that it will be deactivated upon receipt or cessation of a coded signal or signals and, in addition, shall be provided with an automatic time-delay or clock device which will deactivate the station not more than three minutes after its activation.

(6) A Mobile Station associated with one or more mobile relay stations may be authorized to operate only on a mobile service frequency above 47.0 Mc which is available for assignment to mobile stations.

(7) An Operational Fixed (control) Station associated with one or more Mobile Relay Stations may be assigned any frequency available for assignment to Operational Fixed Stations or, at the option of the applicant, the mobile service frequency assigned to the associated Mobile Station. Use of the mobile service frequency by such operational fixed (control) stations is subject to the condition that harmful interference shall not be caused to stations of other licensees operating in the mobile service in accordance with the table of frequency allocations as set forth in Part 2 of this chapter.

(8) In any radio system which employs more than one Mobile Relay Station, where there is a requirement that stations in the vicinity of one Mobile Relay Station be able to communicate automatically with stations in the vicinity of other Mobile Relay Stations, any necessary circuits for interconnection of the Mobile Relay Stations shall be provided by means of wire lines or

radio stations operating on fixed service frequencies.

(9) Mobile Relay Stations will not be authorized in the low power industrial radio service.

(10) A Base Station which is used intermittently as an Operational Fixed (control) Station for one or more associated Mobile Relay Station of the same licensee will be authorized to operate only on the mobile service frequencies assigned to the associated Mobile Relay Station and/or Mobile Station. Special authority for such dual station classification and use must be shown in the instrument of station authorization.

(c) *Fixed Relay Stations.* Fixed Relay Stations will be authorized to operate only on frequencies available for use by Operational Fixed Stations.

§ 11.8 *Policy governing the assignment of frequencies.* (a) The frequencies which may be assigned 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 any one applicant; 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 land mobile radio systems as authorized under this part dictate that the single 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 a single 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, or bands of frequencies, to 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 Mc, listed elsewhere in this part as available for assignment to Base Stations or Mobile Stations in particular Services are also

available for assignment to Operational Fixed Stations in the same Service on condition that no harmful interference be caused to mobile service operations.

(f) Frequencies assigned to Federal Government radio stations under Executive order of the President may be authorized for use by stations licensed under this part upon appropriate showing by the applicant that such assignment is necessary for inter-communication with Federal Government stations or required for coordination with activities of the Federal Government, provided the Commission determines, after consultation with the appropriate government agency or agencies, that such assignment is necessary.

(g) The following criteria shall govern the authorization and use of frequencies within the band 72-76 Mc to and by fixed stations:

(1) All authorizations are subject to the condition that no harmful interference will be caused to television reception on Channels 4 and 5.

(2) The applicant agrees to eliminate any harmful interference caused by his operation to TV reception on either Channel 4 or 5 that might develop by whatever means are found necessary within 90 days of the time knowledge of said interference is first brought to his attention by the Commission. If said interference is not cleared up within the 90-day period, operation of the fixed station will be discontinued.

(3) Vertical polarization is used.

(4) Whenever it is proposed to locate a 72-76 Mc fixed station less than 80, but more than 10 miles from the site of a TV transmitter operating on either Channel 4 or 5, or from the post office of a community in which such channels are assigned but are not in operation, the fixed station shall be authorized only if:

(i) There are fewer than 100 family dwelling units¹ located within a circle centered at the location of the proposed fixed stations² the radius of which shall be determined by use of the chart entitled, "Chart for Determining Radius From Fixed Station in 72-76 Mc Band to Interference Contour Along Which 10 Percent of Service From Adjacent Channel Television Station Would be Destroyed." Two charts are provided, one for Channel 4 and one for Channel 5:

Provided, however, That the Commission may, in a particular case, authorize the location of a fixed station within a circle as determined under subdivision (i) of this subparagraph containing 100 or more family dwelling units upon a showing that:

(a) The proposed site is the only suitable location.

(b) It is not feasible, technically or otherwise, to use other available frequencies.

(c) The applicant has a plan to control any interference that might develop to TV reception from his operations.

(d) The applicant is financially able and agrees to make such adjustments in

the TV receivers affected as may be necessary to eliminate interference caused by his operations.

(5) All applications seeking authority to operate with a separation of less than 10 miles will be returned without action.

SUBPART B—APPLICATIONS, AUTHORIZATIONS AND NOTIFICATIONS

§ 11.51 *Station authorization required.* No radio transmitter shall be operated in the Industrial Radio Services except under and in accordance with a 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 should first submit an application for a radio station authorization in accordance with § 11.56.

(b) When 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 first 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 are issued simultaneously 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 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 event 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 involving danger to life 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. Requests for such temporary authorization 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 supplement 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 operation of an authorized 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

(3) 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.

(b) An application for special temporary authority other than that to which paragraph (a) (1) of this section applies may be filed as an informal application in the manner prescribed by § 11.56 and shall contain the following information:

(1) Name, address, and citizenship status of applicant.

(2) Need for special action.

(3) Type of operation to be conducted.

(4) Purpose of operation.

(5) Time and date of operation desired.

(6) Class of station and nature of service.

(7) Location of station.

(8) Equipment to be used, specifying manufacturer, model number, and number of units.

(9) Frequency(s) desired.

(10) Plate power input to final radio frequency stage.

(11) Type of emission.

¹ As defined by the U. S. Bureau of Census.
² Family dwelling units 70 or more miles distant from the TV antenna site are not to be counted.

§ 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 § 11.56, 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 commercial 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 defect in the application.

(e) Applications involving operation at temporary locations:

(1) When one or more individual transmitters are intended to be operated as a base station or as a fixed station at unspecified or temporary locations for indeterminate periods, such transmitters may be considered to comprise a single station intended to be operated at temporary locations. An application for authority to operate a base station or a fixed station 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, or a state or states. Sufficient data must be submitted to show the need for the proposed area of operation.

(2) When any unit or units of a base station or fixed station authorized to be operated at temporary locations actually remains or is intended to remain at the same location for a period of over a year, application for a separate authorization specifying the fixed location, shall be made as soon as possible but not later than 30 days after the expiration of the one year period.

§ 11.55 *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, by an officer if the applicant be a corporation, or by a member who is an 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 of his belief as to all matters not stated upon his knowledge and the reason why it is not made by the applicant. Applications filed on behalf of eligible governmental entities such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the law of the jurisdiction.

§ 11.56 *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 authorizations for any required number of mobile units (including hand-carried or pack-carried units) or any required number of units of a base station or fixed station to be operated at temporary locations 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 upon completion of 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 will, upon approval and authentication by the Commission, be returned to the applicant as a specifically-designated type of authorization.

(b) When 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 letter setting forth his desire to assign all right, title, and interest in and to such authorization, stating 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 Assignment of 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 703 whenever it is proposed to change, as by 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

under oath or affirmation. 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 due showing of sufficient reason for the delay in submitting the request. The information necessary for Commission action on requests for Special Temporary Authority 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 case in which the licensee has, 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.

§ 11.57 [Reserved.]

§ 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 subpart of this part, in connection with the use of the frequency requested.

(1) Each application for authority to operate on one of the frequencies in the range 1.6-6.0 Mc 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 to the public in the vicinity thereof; that the radiocommunication facilities requested will materially reduce such hazard; and that it is impossible to use a higher order of frequencies for accomplishment of the same purposes.

(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 "8A3" or "40F3" 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 structures proposed to be erected will exceed an over-all height of 170 feet above ground level.

except that where the antenna is mounted on top of an existing man-made structure, other than an antenna structure, and does not increase the overall height of such man-made structure by more than 20 feet, no Form 401-A need be filed; or

(2) The antenna structures proposed to be erected will exceed an over-all 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, except that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure, other than an antenna 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, no Form 401-A need be filed.

(e) A functional 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 proposed radio communication facilities.

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

(h) Description of any equipment, proposed to be used, which does not appear on the Commission's List of Equipments Acceptable for Licensing, and designated for use in the Public Safety, Industrial, and Land Transportation Radio Service.

(i) Any statements or other data required under special circumstances as set forth in the applicable subpart of this part, or required upon request by the Commission.

(j) Data required by the rules in connection with operation of base or fixed stations at temporary locations. See § 11.54 (e) (1).

§ 11.59 *Partial grant.* Where the Commission, without a hearing, grants an application in part, or with any privileges, terms or conditions other than those requested, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 20 days from the date on which public announcement of such grant is made, or from its effective date if a later date is specified, file with the Commission a written request, rejecting the grant as made. Upon receipt of such request, the Commission will vacate its original action upon the application and, if necessary, set the application for hearing.

§ 11.60 *Defective applications.* (a) An application which is not prepared in accordance with the Commission's rules or other requirements will be considered defective and will be returned to the applicant.

(b) If an applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to

comply with such request will constitute a defect in the application.

(c) When an application is considered to be incomplete or defective, the Secretary of the Commission will return it to the applicant, unless the Commission may otherwise direct.

§ 11.61 *Amendment or dismissal of application.* Any application may be amended or dismissed without prejudice upon request of the applicant prior to the time the application is granted or designated for hearing. Each amendment to, or request for dismissal of, an application shall be signed, authenticated, and submitted in the same manner and with the same number of copies as required for the original application. All related correspondence or other material which is to be considered as a part of an application already filed shall be submitted in the form of an amendment to the application concerned.

§ 11.62 *Construction period.* (a) Each radio station construction permit issued by the Commission will specify the date of grant as the earliest date of commencement of construction and installation, and a maximum of eight months thereafter as the time within which construction shall be completed and the station ready for operation, unless otherwise determined by the Commission in any particular case.

(b) In cases where the station is not ready for operational use on or before the expiration date of the construction permit, application for extension of time to construct shall be filed on FCC Form 400-A.

§ 11.63 *License term.* (a) For all stations in the Industrial Radio Services, except those engaged in developmental operation and those authorized under § 11.501 (a) (2), the license period shall be as follows:

(1) The initial station license will be issued 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 and those issued under § 11.501 (a) (2) 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 authorized stations must be obtained 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 li-

cence be submitted to the Commission and, except as set forth in paragraph (b) of this section, shall be on Form 400 and shall be accompanied by exhibits and supplementary statements as required by § 11.58.

(b) Any of the following changes to authorized stations may be made upon approval by the Commission of a "Request for Amendment of Radio 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 overall number of transmitters authorized for mobile use, or for use at base or fixed stations authorized to be operated at temporary locations.

(5) An increase in the overall number of transmitters authorized for mobile use, or for use at base stations or fixed stations to be operated at temporary locations within the authorized area of operation. This form may be used only when adding transmitters which are included in the Commission's "List of Equipment Acceptable for Licensing" and designated for use in the Industrial 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 licensee 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 is considered 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 § 11.8, 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 actual amount of separation required for the operation of two or more systems within the same geographical area.

§ 11.102 *Frequency stability.* (a) A permittee or licensee in these services shall maintain the carrier frequency of each authorized transmitter within the following percentage of the assigned frequency, except as provided in paragraph (b) of this section:

Frequency range:	Frequency tolerance (percent)
Below 50 Mc.....	0.01
From 50-220 Mc.....	.005
Above 220 Mc.....	(¹)

¹ To be specified in the authorization.

(b) For transmitters authorized to operate with a maximum plate power input to the final radio frequency stage of 3 watts or less, the frequency may be maintained as shown in the table below in lieu of the requirements in paragraph (a) of this section:

Frequency range:	Frequency tolerance (percent)
Below 50 Mc.....	0.02
From 50-220 Mc.....	.01

§ 11.103 *Types of emission.* (a) Except as provided in paragraph (b) of this section, stations in these services will be authorized to use only A3 or F3 emission for radiotelephony. The authorization to use A3 or F3 emission will be construed to include the use of tone signals or signaling devices whose sole function is to establish and maintain communication between stations.

(b) Other types of emission not described in paragraph (a) of this section may be authorized upon a satisfactory showing of need therefor. An application requesting such authorization shall fully describe the emission desired, shall indicate the bandwidth required for satisfactory communication, and shall state the purpose for which such emission is required. For information regarding the classification of emissions and the calculation of the bandwidth, reference should be made to Part 2 of this chapter.

§ 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 at least 0.25 percent of the

total radiated power. Any radiation in excess of the limits specified in paragraph (c) of this section is 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 § 11.103 (a) are listed in the table below:

Type of emission:	Authorized bandwidth (kc)
A-3.....	8
F-3.....	40

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

(1) Any emission appearing on any frequency removed from the carrier frequency by at least 50 percent, but not more than 100 percent, of the maximum authorized bandwidth shall be attenuated not less than 25 db below the unmodulated carrier.

(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:

Maximum authorized plate power input to the final radio frequency stage	Attenuation (db)
3 watts or less.....	40
Over 3 watts and including 150 watts.....	60
Over 150 watts and including 600 watts.....	70
Over 600 watts.....	80

(d) When an unauthorized emission results in harmful interference, the Commission may, in its discretion, require appropriate technical changes in equipment to alleviate the interference.

§ 11.105 *Modulation requirements.* (a) The maximum audio frequency required for satisfactory radiotelephone intelligibility in these services is considered to be 3000 cycles per second, and the transmission of higher frequencies is unauthorized.

(b) When amplitude modulation is used for telephony, the modulation percentage shall be sufficient to provide efficient communication and shall be normally maintained above 70 percent on peaks, but shall not exceed 100 percent on negative peaks.

(c) When phase or frequency modulation is used for telephony, the deviation arising from modulation shall not exceed plus or minus 15 kc from the unmodulated carrier.

(d) Each transmitter authorized or installed after July 1, 1950, shall be provided with a device which will automatically prevent modulation in excess of that specified in paragraphs (b) and (c) of this section which may be caused by greater than normal audio level: *Provided, however,* That this requirement shall not be applicable to transmitters authorized to operate with a maximum plate power input to the final radio frequency stage of 3 watts or less.

§ 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 minimum required for satisfactory technical operation commensu-

rate 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 power input to the final radio frequency stage in excess of the following tabulation will not be authorized:

Frequency:	Maximum plate power input to the final radio frequency stage (watts)
1.6-6.0 Mc.....	2,000
25-100 Mc.....	500
100-220 Mc.....	600
Above 220 Mc.....	(¹)

¹ To be specified in the authorization.

(c) The plate power input to the final r. f. stage under actual operation shall not exceed by more than 10 percent the plate power input shown in the Radio Equipment List, Part C, for transmitters included in this list, or the manufacturer's rated plate power input for the particular transmitter specifically listed on 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:

(1) The position must be under the control and supervision of the licensee;

(2) It is a position at which the monitoring facilities required by this section are installed; and

(3) It is a position at which an operator responsible for the operation of the transmitter is stationed.

(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:

(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 hand-carried or pack-carried transmitters;

(2) Equipment to permit the operator to aurally monitor all transmissions orig-

inating at dispatch points under his supervision;

(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; and

(4) Facilities which will permit the operator to turn the transmitter carrier on and off at will.

§ 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 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, for transmitters employing crystal-controlled oscillators;

(4) At intervals not to exceed one month, for transmitters not employing crystal-controlled oscillators.

(b) The licensee of 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 in the final radio frequency stage. When the plate input to the final radio frequency stage is determined from a measurement of the cathode current, the required record entry shall indicate clearly the quantities that were measured, the measured values thereof, and the method of determining the plate power input from the measured values. 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 increase the transmitter power input;

(3) 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 limits specified in the rules in this part. 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 record entries shall show 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 mobile transmitters, the determinations required by paragraphs (a) and (c) 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; *And 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.

§ 11.109 *Acceptability of transmitters for licensing.* (a) From time to time the Commission will publish a list of equipment entitled "Radio Equipment List, Part C, List of Equipment Acceptable for Licensing." Copies of this list are available for inspection at the Commission's Offices in Washington, D. C., and at each of its field offices. This list will include type approved and type accepted equipment and equipment which was included in this list on May 16, 1955. Such equipment will continue to be included on the list unless it is removed therefrom by Commission action.

(b) Except for transmitters used at developmental stations, each transmitter utilized by a station authorized for operation under these rules must be of a type which is included on the Commission's current "List of Equipment Acceptable for Licensing" and designated for use in this service or be of a type which has been type accepted by the Commission for use in this service. Until January 1, 1965, however, equipment presently in use may continue to be used by the licensee, his successors, or assigns in business provided the operation of such equipment does not result in harmful interference due to the failure of such equipment to comply with the current technical standards of the rules.

§ 11.110 *Type acceptance of equipment.* (a) Any manufacturer of a transmitter to be built for use in this service may request "type acceptance" for such transmitter following the type acceptance procedure set forth in Part 2 of this chapter.

(b) Type acceptance for an individual transmitter may also be requested by an applicant for a station authorization by following the type acceptance procedure set forth in Part 2 of this chapter. Such transmitters, if accepted, will not normally be included on the Commission's "Radio Equipment List, Part C, List of Equipment Acceptable for Licensing" but will be individually enumerated on the station authorization.

(c) Additional rules with respect to type acceptance are set forth in Part 2 of this chapter. These rules include information with respect to withdrawal of type acceptance, modification of type accepted equipment and limitations on the findings upon which type acceptance is based.

SUBPART D—STATION OPERATING REQUIREMENTS

§ 11.151 *Permissible communications.*

(a) Stations licensed under this part may transmit the following types of communications:

(1) Any communication related directly to the safety of life or the protection of property; and

(2) Communications considered essential to the efficient conduct of that portion of the enterprise for which the licensee is eligible to hold a station license under this part, subject to the condition that harmful interference is not caused to safety communications of stations licensed under this part.

(b) A station licensed under this part may communicate with other stations without restriction as to type, service, or licensee when the communications to be transmitted are of the type described in paragraph (a) (1) of this section.

(c) For transmission of all communications other than those described in paragraph (a) (1) of this section, a station licensed under this part shall communicate only as follows:

(1) Each unit of a Mobile Station is authorized primarily to communicate with other units of the Mobile Station, and with associated base stations. Secondly, each unit of a Mobile Station is authorized to communicate with associated Operational Fixed Stations.

(2) Each Base Station is authorized primarily to communicate with the units of an associated Mobile Station. Secondly, each Base Station may communicate with an associated Base Station, Operational Fixed Station, or fixed receiver when:

(i) The messages to be transmitted are of immediate importance to mobile units; or

(ii) Wireline communication facilities between such points are inoperative, economically impracticable or unavailable from communications common carrier sources; *Provided, however*, That temporary unavailability due to a busy wireline circuit is not considered to be within the provisions of this subparagraph.

(3) Each Operational Fixed Station is authorized primarily to communicate with associated Operational Fixed Stations and fixed receivers. Secondly, each Operational Fixed Station is authorized to communicate with units of an associated Mobile Station, and, subject to the limitations of subparagraph (2) of this paragraph, with associated Base Stations.

(4) Subject to the other conditions of this paragraph, stations licensed under this part may communicate with other licensed stations and with U. S. Government stations in those cases which require cooperation or co-ordination of activities; *Provided, however*, That where communication is desired with stations

authorized to operate under the authority of a foreign jurisdiction, prior approval of this Commission must be obtained: *And provided further*, That the authority under which such other stations operate does not prohibit the intercommunication.

(d) All communications, regardless of their nature, shall be restricted to the minimum practicable transmission time, and some type of standard operating procedure shall be employed by each licensee. Continuous radiation of an unmodulated carrier is prohibited, except when necessary for test purposes, or when specifically authorized in writing by the Commission.

(e) The licensee of any station in these services may, during a period of emergency in which the normal communication facilities are disrupted as a result of hurricane, flood, earthquake, or similar disaster, utilize such station for emergency communication without regard to provisions of this section other than the following:

(1) As soon as possible after the beginning of such emergency use, notice be sent to the Commission in Washington, D. C., and to the Engineer in Charge of the Radio District in which the station is located, stating the nature of the emergency and the use to which the station is being put;

(2) The emergency use of the station be discontinued as soon as substantially normal communication facilities are again available, and the Commission in Washington, D. C., and the Engineer in Charge be notified immediately when such special use of the station is terminated; and

(3) The Commission may at any time order discontinuance of such special use of the authorized facilities.

(f) Tests may be conducted by any licensed station as required for proper station and system maintenance, but such tests shall be kept to a minimum and precautions shall be taken "to avoid interference to other stations."

§ 11.152 Station identification. (a) Each station in these services 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 transmissions, or once each fifteen minutes of the operating period, as the licensee may prefer.

(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 may transmit, once during each exchange of transmissions, any unit identifier which is on file in the station records of such Base Station.

(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 may transmit, once during each exchange of transmissions, any unit identifier which is on file in the station records of such Base Station and the assigned call signal of either the Mobile Station or the Base Station.

(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.

(e) A unit designator may be used in addition to the station identification required by this section, to identify an individual unit or transmitter of a base station or a fixed station which is authorized to be operated at temporary locations.

§ 11.153 Suspension of transmissions required. The radiation of the transmitter shall be suspended immediately upon detection or notification of a deviation from the technical requirements of the station authorization until such deviation is corrected, except for transmissions concerning 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: *Provided, however*, That only persons holding a first or second class commercial radiotelegraph operator license shall perform such functions at radiotelegraph stations transmitting by any type of the Morse Code.

(b) Except under the circumstances specified in paragraph (a) of this section, only a person holding a commercial radiotelegraph operator license or permit of any class issued by the Commission shall operate a station during the course of normal rendition of service, when transmitting radiotelegraphy by any type of the Morse Code.

(c) Except under the circumstances specified in paragraphs (a) and (b) of this section, and except as limited by paragraphs (g) through (j) of this section, an unlicensed person may operate a Mobile Station during the course of normal rendition of service when transmitting on frequencies above 25 Mc. after being authorized to do so by the station licensee.

(d) Except under the circumstances specified in paragraphs (a) and (b) of this section, and except as limited by paragraphs (g) through (j) of this section, only a person holding a commercial radio operator license or permit of any class issued by the Commission shall operate a Mobile Station during the course of normal rendition of service when transmitting on frequencies below 25 Mc.: *Provided, however*, That an unlicensed person, after being authorized to do so by the station licensee, may operate such a Mobile Station during the course of normal rendition of service when transmitting on frequencies below 25 Mc. while it is associated with and under the operational control of a Base Station of the same station licensee.

(e) Except under the circumstances specified in paragraphs (a) and (b) of this section, and except as limited by paragraphs (g) through (j) of this section, Base Stations and Operational Fixed Stations shall be operated in accordance with the following when transmitting during the course of normal rendition of service:

(1) From a control point, only a person holding a commercial radio operator license or permit of any class issued by the Commission shall operate a base station or fixed station.

(2) From a dispatch point, an unlicensed person may operate a Base Station or Operational Fixed Station after being authorized to do so by the station licensee: *Provided, however*, That such operation shall be under the direct supervision and responsibility of a person who (i) holds a commercial radio operator license or permit of any class issued by the Commission, and who (ii) is on duty at a control point meeting the requirements of Subpart C of this part.

(f) Except under the circumstances specified in paragraph (a) of this section, and except as limited by paragraphs (g) through (j) of this section, no person, whether or not a licensed operator, is required to be in attendance at a station when transmitting during the course of normal rendition of service and when either: (1) transmitting for telemetering purposes or (2) retransmitting by self-actuating means a radio signal received from another radio station or stations.

(g) The provisions of this section, authorizing certain unlicensed persons to operate certain stations when transmitting during the course of normal rendition of service, shall be applicable only to stations in the domestic service except that the provisions of paragraph (e) (2) of this section shall be applicable to stations in either the domestic or international service. For the purpose of this section, a station in the domestic service is one which is located within the United States, its territories or possessions and which, when communicating with other stations, is in communication exclusively with one or more other United States stations which are also located in the United States, its territories or possessions; a station in the international service is one which is not in the domestic service as just defined.

(h) The provisions of this section authorizing certain unlicensed persons to operate mobile stations shall not be construed to change or diminish in any respect the responsibility of station licensees to have and to maintain control over the stations licensed to them (including all transmitter units thereof), or for the proper functioning and operation of those stations (including all transmitter units thereof) in accordance with the terms of the licenses of those stations.

(i) Notwithstanding any other provisions of this section, unless the transmitter is so designed that none of the operations necessary to be performed during the course of normal rendition of service may cause off-frequency operation or result in any unauthorized radiation, such transmitter shall be

operated by a person holding a first or second class commercial radio operator license (either radiotelephone or radiotelegraph as may be appropriate for the type of emission being used) issued by the Commission.

(j) Any reference in this section to a commercial radio operator license or permit of any class issued by the Commission shall not be construed to include Aircraft Radiotelephone Operator Authorizations.

§ 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 place where he is on duty as an operator: *Provided, however,* That if an operator who is on duty holds a restricted radiotelephone operator permit of the card form (as distinguished from such document of the diploma form) or holds a valid license verification card (FCC Form 758-F) attesting to the existence of any other valid commercial radio operator license, he may have such permit or verification card, as the case may be, in his personal possession.

(b) Whenever a licensed operator is required for a Mobile Station, the original license of each such 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 such station: *Provided,* 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 its existence.

(c) The original license of every station operator who exclusively performs service and maintenance duties at that station shall be posted at the transmitter involved whenever the transmitter is in actual operation while service or maintenance work is being performed by him or under his immediate supervision and responsibility: *Provided,* That in lieu of posting his license, he may have on his person his license or a valid verification card.

§ 11.156 Transmitter identification card and posting of station license.

(a) The current authorization for each mobile station and each base or fixed station authorized to be operated at temporary locations shall be retained as a permanent part of the station record, but need not be posted. An executed Transmitter Identification Card (FCC Form 452-C) shall be affixed to each mobile transmitter or associated control equipment and each transmitter of a base station or fixed station authorized to be used at temporary locations 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 records;

(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, except those authorized to be used at temporary locations, shall be posted at what the licensee considers to be the principal control position of that station. At all other control points listed on the station authorization, a photocopy of the authorization shall be posted. In addition, an executed Transmitter Identification Card (FCC Form 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 required by paragraphs (a) and (b) of this section, a 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 upon 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 pursuant to 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, there shall be 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.

(b) Any observed or 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 given immediately upon resumption of the required illumination.

(c) All automatic or mechanical control devices, indicators, and alarm systems associated with the tower lights

shall be inspected at intervals not to exceed three months, to insure that such apparatus is functioning properly.

(d) All lighting shall be exhibited from sunset to sunrise unless otherwise specified in the instrument of station authorization.

(e) A sufficient supply of spare lamps shall be maintained for immediate replacement purposes at all times.

(f) All towers shall be cleaned or repainted as often as is necessary to maintain good visibility.

§ 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 originating the official notice. If an answer cannot be sent, or an acknowledgment made within such 3-day period, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. The reply shall set forth the steps taken to prevent a recurrence of such lack of attention or improper operation.

§ 11.160 Station records. Each licensee of a station in these services shall maintain records as required elsewhere in this part and in accordance with the following:

(a) For all stations, the results and dates of the transmitter measurements required by § 11.108, and the name of the person or persons making the measurements.

(b) For all stations, when service or maintenance duties are performed which may affect their proper operation, the responsible operator shall sign and date an entry in the station record concerned, 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 called for 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.

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

(d) 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.

(e) When a Base Station or Operational Fixed Station has an antenna structure which is required to be illumi-

nated, 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:

(i) Nature of such failure.

(ii) Date and time the failure was observed or otherwise noted.

(iii) Date, time and nature of the adjustments, repairs, or replacements made.

(iv) Identification of Airways Communication Station (Civil Aeronautics Administration) notified of the failure of any code or rotating beacon light not corrected within thirty minutes, and the date and time such notice was given.

(v) Date and time 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:

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

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

(f) 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 proper meaning or 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.

(h) No record or portion thereof shall be erased, obliterated, or wilfully 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.

(i) Records required by this part shall be retained by the licensee for a period of at least one year.

SUBPART E—DEVELOPMENTAL OPERATION

§ 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 along lines not already investigated;

(4) The program will be conducted by qualified personnel;

(5) The applicant is legally and financially qualified, and possesses 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.

(b) The provisions of paragraph (a) of this section do not apply when an application is made for developmental operation solely for the reason that the frequency requested is restricted to such developmental use.

§ 11.203 *Limitations on use.* Stations used for developmental operation shall be constructed and used in such a manner as to conform with all of the technical and operating requirements of Subparts C and D of this part, unless deviation therefrom is specifically provided in the instrument of authorization.

§ 11.204 *Frequencies available for assignment.* Stations engaged in developmental operation may be authorized to use a frequency, or frequencies, available for the service in which they propose to operate. The number of channels assigned will depend upon the specific requirements of the developmental program itself, and the number of frequencies available in the particular area where the station will be operated.

§ 11.205 *Interference.* The operation of any station engaged in developmental work shall be subject to the condition that no harmful interference is caused to the operation of stations licensed on a regular basis under any part of the Commission's rules.

§ 11.206 *Special provisions.* (a) The developmental program as described by the applicant in the application for authorization shall be substantially followed unless the Commission shall otherwise direct.

(b) Where some phases of the developmental program are not covered by the general rules of the Commission and the rules in this part, the Commission may specify supplemental or additional requirements or conditions in each case, as deemed necessary in the public interest, convenience, or necessity.

(c) The Commission may, from time to time, require a station engaged in developmental work to conduct special tests which are reasonable and desirable to the authorized developmental program.

§ 11.207 *Required supplementary statement.* Every application for authority to engage in developmental operation shall be accompanied by a statement signed by the applicant in which it is agreed that any authorization issued pursuant thereto will be accepted with the express understanding of the applicant that it is subject to change in any of its terms or to cancellation in its entirety at any time, upon reasonable notice but without a hearing, if, in the

opinion of the Commission, circumstances should so require.

§ 11.208 *Report of operation.* A report on the results of the developmental program shall be filed with and made a part of each application for renewal of authorization or in cases where no renewal is requested, such report shall be filed within 60 days of the expiration of such authorization. Matters which the applicant does not wish to disclose publicly may be so labeled; they will be used solely for the Commission's information, and will not be publicly disclosed without permission of the applicant.

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) Persons primarily engaged in the generation, transmission or distribution of electrical energy, for use by the general public or by the members of a cooperative organization.

(2) Persons primarily engaged in the distribution of artificial or natural gas by means of pipe line, for use by the general public or by the members of a cooperative organization, or in a combination of that activity with the production, transmission or storage of artificial or natural gas preparatory to such distribution.

(3) Persons primarily engaged in the distribution of water or steam by means of pipe line or, in the case of water, by means of canal or open ditch, for use by the general public or by the members of a cooperative organization, or in a combination of that activity with the collection, transmission, storage, or purification of water or the generation of steam preparatory to such distribution.

(4) A non-profit corporation or association, organized for the purpose of furnishing a radio communication service to persons who are actually engaged in one or more of the activities set forth in the preceding subparagraphs. 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 the cost-sharing non-profit nature of the arrangement shall be maintained and held available for inspection by Commission representatives.

(b) Each application for authority to operate 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 para-

graph (a) (4) of this section shall obtain prior approval from the Commission for each person who proposes to participate in the licensee's 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:

Mc.	Mc.	Mc.	Mc.
37.46	47.70	48.14	153.41
37.50	47.74	48.18	153.47
37.54	47.78	48.22	153.53
37.58	47.82	48.26	153.59
37.62	47.86	48.30	153.65
37.66	47.90	48.34	153.71
37.70	47.94	48.38	153.77
37.74	47.98	48.42	153.83
37.78	48.02	48.46	153.89
37.82	48.06	48.50	153.95
37.86	48.10	48.54	154.01

(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:

Frequency (kc)	Frequency (Mc)
¹ 2292	² 35.06
¹ 2398	² 35.10
¹ 4637.5	² 35.14
	² 35.18

¹ Use of this frequency by stations licensed in the Power Radio Service is on a shared basis with other stations in the Industrial Radio Service, 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.

² The use of these frequencies by stations in the Power Radio Service is subject to causing no harmful interference to the Maritime Mobile Service.

³ This frequency is limited to daytime use only, with a maximum plate power input to the final radio frequency stage not to exceed 100 watts.

⁴ 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, a person eligible in the Power Radio Service who is engaged in the distribution of natural gas directly to consumers and who has a substantial requirement for mobile service communication with his gas supplier may be authorized to operate on the Petroleum Radio Service frequency or frequencies assigned to that supplier: *Provided, however,* That such operation shall be limited to communications in the local area common to both parties and shall relate only to gas supply and distribution activities. The application of any person seeking a frequency assignment under the provisions of this paragraph shall be accompanied by a written statement from the natural gas supplier which: (1) Concurs in the need for such intercommunication; and (2) consents to the use by the natural gas distributor of the frequency or frequencies involved.

(d) 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 develop-

mental grant only; the exact frequency and the authorized bandwidth will be specified in the authorization.

Mc.	Mc.
2450-2500 ¹	6425- 6575
3500-3700	11700-12200

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.

§ 11.253 *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 Power Radio Service on a shared basis with other services:

Mc.	Mc.	Mc.	Mc.
72.02	72.82	73.62	74.42
72.06	72.86	73.66	74.46
72.10	72.90	73.70	74.50
72.14	72.94	73.74	74.54
72.18	72.98	73.78	74.58
72.22	73.02	73.82	74.62
72.26	73.06	73.86	74.66
72.30	73.10	73.90	74.70
72.34	73.14	73.94	74.74
72.38	73.18	73.98	74.78
72.42	73.22	74.02	74.82
72.46	73.26	74.06	74.86
72.50	73.30	74.10	74.90
72.54	73.34	74.14	74.94
72.58	73.38	74.18	74.98
72.62	73.42	74.22	75.02
72.66	73.46	74.26	75.06
72.70	73.50	74.30	75.10
72.74	73.54	74.34	75.14
72.78	73.58	74.38	75.18

(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.

Mc.	Mc.
¹ 890- 940	6575- 6875
952- 960	9800- 9900
1850-1990	12200-12700
2110-2200	¹ 16000-18000
¹ 2450-2500	26000-30000
2600-2700	

¹ 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.

(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 § 11.151, 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 operate stations 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:

Mc.	Mc.	Mc.
¹ 40.68	171.025	¹ 406.150
169.425	171.075	¹ 406.250
169.475	171.125	¹ 406.350
169.525	171.175	¹ 412.450
169.575	171.225	¹ 412.550
170.225	171.875	¹ 412.650
170.275	171.925	¹ 412.750
170.325	171.975	
170.375	² 406.050	

¹ Primarily for use by Fixed Relay Stations.

² Use of the frequency 40.68 Mc is limited to stations located in the states of Pennsylvania and West Virginia only, and is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the same frequency.

§ 11.254 *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 Power 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 available primarily for assignment to Base and Mobile Stations, and secondarily for assignment to certain classes of Operational Fixed Stations (Fixed Relay and Control Stations only). Not more than one pair of those frequencies, to consist of one frequency in the band 451-452 Mc and one frequency in the band 456-457 Mc (normally to be separated by exactly 5.0 Mc), will be assigned for use by the stations of any single mobile service radio system, except upon adequate showing of need. Only one frequency of such pair will ordinarily be assigned to any Mobile Station, and the lower frequency of that pair will not be assigned to such Mobile Station unless the system is designed for the single frequency method of operation and the same frequency is also assigned to an associated Base Station. Base Stations in this service will not be assigned frequencies in the band 456-457 Mc. An Operational Fixed Station to be operated as a part of a mobile service radio system may be assigned either of the paired frequencies available to the Base or Mobile Stations of the same mobile service radio system, subject however, to the following additional 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

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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) Operational 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:

Base and Mobile (Mc)	Mobile (Mc)
451.05	456.05
451.15	456.15
451.25	456.25
451.35	456.35
451.45	456.45
451.55	456.55
451.65	456.65
451.75	456.75
451.85	456.85
451.95	456.95

(d) The frequency 27.255 Mc is available for assignment to Base, Mobile and Operational Fixed stations in this service, on a shared basis with other services, subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequency 27.12 Mc.

SUBPART G—PETROLEUM RADIO SERVICE

§ 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, 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, 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 proposes to participate in the licensee's service.

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

Mc.	Mc.	Mc.	Mc.
25.02	33.18	48.66	48.98
25.06	33.22	48.70	49.02
25.10	33.26	48.74	49.06
25.14	33.30	48.78	49.10
25.18	33.34	48.82	49.14
25.22	33.38	48.86	49.18
25.26	48.58	48.90	
25.30	48.62	48.94	

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

Frequency (Kc.)	Frequency (Mc.)	Frequency (Mc.)
1614	30.66	153.23
1628	30.70	153.29
1652	30.74	153.35
1676	30.78	153.41
1700	30.82	153.47
* 2292	153.05	158.43
* 2398	153.11	
** 4637.5	153.17	

* 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 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.

** This frequency is limited to daytime use only, with a maximum plate power input to the final 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, a person eligible in the Petroleum Radio Service who is engaged in the transportation of natural gas by pipeline and who has a substantial requirement for mobile service communication with a public utility company purchasing such gas for distribution to the consumer may be authorized to operate on the Power Radio Service frequency or frequencies assigned to such distributors: *Provided, however,* That such operation shall be limited to communications in the local area common to both parties and shall relate only to gas supply and distribution activities. The application of any person seeking a frequency assignment under the provisions of this paragraph shall be accompanied by a written statement from the natural gas distributor which: (1) Concurs in the need for such intercommunication; and (2) consents to the use by the natural gas supplier of the frequency or frequencies involved.

(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.

Mc.	Mc.
* 2450-2500	6425-6575
3500-3700	11700-12200

* 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.

§ 11.303 *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:

Mc.	Mc.	Mc.	Mc.
72.02	72.82	73.62	74.42
72.06	72.86	73.66	74.46
72.10	72.90	73.70	74.50
72.14	72.94	73.74	74.54
72.18	72.98	73.78	74.58
72.22	73.02	73.82	75.42
72.26	73.06	73.86	75.46
72.30	73.10	73.90	75.50
72.34	73.14	73.94	75.54
72.38	73.18	73.98	75.58
72.42	73.22	74.02	75.62
72.46	73.26	74.06	75.66
72.50	73.30	74.10	75.70
72.54	73.34	74.14	75.74
72.58	73.38	74.18	75.78
72.62	73.42	74.22	75.82
72.66	73.46	74.26	75.86
72.70	73.50	74.30	75.90
72.74	73.54	74.34	75.94
72.78	73.58	74.38	75.98

(b) Frequencies in the bands listed below are available for assignment to Operational Fixed 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.

Mc.	Mc.
* 890-940	6575-6875
952-960	9800-9900
1850-1990	12200-12700
2110-2200	* 15000-18000
* 2450-2500	26000-30000
2500-2700	

* 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.

(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 § 11.151, 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 operate stations 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:

Mc.	Mc.	Mc.
* 40.68	171.025	* 406.150
169.425	171.075	* 406.250
169.475	171.125	* 406.350
169.525	171.175	* 412.450
169.575	171.225	* 412.550
170.225	171.875	* 412.650
170.275	171.925	* 412.750
170.325	171.975	
170.375	* 406.050	

(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:

Base and Mobile (Mc)	Mobile (Mc)
451.05	456.05
451.15	456.15
451.25	456.25
451.35	456.35
451.45	456.45
451.55	456.55
451.65	456.65
451.75	456.75
451.85	456.85
451.95	456.95

(d) The frequency 27.255 Mc is available for assignment to Base, Mobile and Operational Fixed Stations in this service, on a shared basis with other services, subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequency 27.12 Mc.

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 woods 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 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.

§ 11.352 *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:

Mc.	Mc.	Mc.	Mc.
29.73	49.26	49.38	49.50
29.77	49.30	49.42	
49.22	49.34	49.46	

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

Frequency (kc.)	Frequency (Mc.)	Frequency (Mc.)
1676	49.54	153.05
1700	49.58	153.11
* 2398	49.62	153.17
	49.66	153.23
		153.29
		153.35
		158.31
		158.37
		158.43

* Use of this 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 to which interference is caused.

(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:

Mc.	Mc.
* 2450-2500	6425- 6575
3500-3700	11700-12300

* 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:

Mc.	Mc.	Mc.	Mc.
72.02	72.82	73.62	74.42
72.06	72.86	73.66	74.46
72.10	72.90	73.70	74.50
72.14	72.94	73.74	74.54
72.18	72.98	73.78	74.58
72.22	73.02	73.82	75.42
72.26	73.06	73.86	75.46
72.30	73.10	73.90	75.50
72.34	73.14	73.94	75.54
72.38	73.18	73.98	75.58
72.42	73.22	74.02	75.62
72.46	73.26	74.06	75.66
72.50	73.30	74.10	75.70
72.54	73.34	74.14	75.74
72.58	73.38	74.18	75.78
72.62	73.42	74.22	75.82
72.66	73.46	74.26	75.86
72.70	73.50	74.30	75.90
72.74	73.54	74.34	75.94
72.78	73.58	74.38	75.98

(b) Frequencies in the bands listed 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:

* Primarily for use by Fixed Relay Stations.
 * Use of the frequency 40.68 Mc is limited to stations located in the States of Pennsylvania and West Virginia only, and is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the same frequency.

§ 11.304 *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 available primarily for assignment to Base and Mobile Stations, and secondarily for assignment to certain classes of Operational Fixed Stations (Fixed Relay and Control Stations only). Not more than one pair of those frequencies, to consist of one frequency in the band 451-452 Mc and one frequency in the band 456-457 Mc (normally to be separated by exactly 5.0 Mc), will be assigned for use by the stations of any single mobile service radio system, except upon adequate showing of need. Only one frequency of such pair will ordinarily be assigned to any Mobile Station, and the lower frequency of that pair will not be assigned to such Mobile Station unless the system is designed for the single frequency method of operation and the same frequency is also assigned to an associated Base Station. Base Stations in this service will not be assigned frequencies in the band 456-457 Mc. An Operational Fixed Station to be operated as a part of a mobile service radio system may be assigned either of the paired frequencies available to the Base or Mobile Stations of the same mobile service radio system, subject however, to the following additional 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 without interruption for manual relaying at intermediate points.

Mc.	Mc.
890-940	6575-6875
952-960	9800-9900
1850-1990	12200-12700
2110-2200	18000-18000
2450-2500	28000-30000
2500-2700	

¹ 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.

(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 § 11.151, 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 operate stations 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:

Mc	Mc	Mc
40.68	171.025	406.150
169.425	171.075	406.250
169.475	171.125	406.350
169.525	171.175	412.450
169.575	171.225	412.550
170.225	171.875	412.650
170.275	171.925	412.750
170.325	171.975	
170.375	406.050	

¹ Primarily for use by Fixed Relay Stations.

² Use of the frequency 40.68 Mc is limited to stations located in the states of Pennsylvania and West Virginia only, and is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the same frequency.

§ 11.354 *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 Forest Products 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 available primarily for assignment to Base and Mobile Stations, and secondarily for assignment to certain classes of Operational Fixed Stations (Fixed Relay and Control Stations only). Not more than one pair of those frequencies, to consist of one frequency in the band 451-452 Mc and one frequency in the band 456-457 Mc (normally to be separated by exactly 5.0 Mc), will be assigned for use by the stations of any single mobile service radio system, except upon adequate

showing of need. Only one frequency of such pair will ordinarily be assigned to any Mobile Station, and the lower frequency of that pair will not be assigned to such Mobile Station unless the system is designed for the single frequency method of operation and the same frequency is also assigned to an associated Base Station. Base Stations in this service will not be assigned frequencies in the band 456-457 Mc. An Operational Fixed Station to be operated as a part of a mobile service radio system may be assigned either of the paired frequencies available to the Base or Mobile Stations of the same mobile service radio system, subject however, to the following additional 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 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:

Base and Mobile (Mc)	Mobile (Mc)
451.05	456.05
451.15	456.15
451.25	456.25
451.35	456.35
451.45	456.45
451.55	456.55
451.65	456.65
451.75	456.75
451.85	456.85
451.95	456.95

(d) The frequency 27.255 Mc is available for assignment to Base, Mobile and Operational Fixed Stations in this service, on a shared basis with other services, subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequency 27.12 Mc.

SUBPART I—MOTION PICTURE RADIO SERVICE

§ 11.401 *Eligibility.* (a) The following persons are eligible to hold authorizations 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 en-

gaged 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 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.

§ 11.402 *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:

Frequency (kc.)	Frequency (Mc.)	Frequency (Mc.)
1628	49.70	152.99
1652	49.74	173.225
2292	49.78	173.275
2398	49.82	173.325
4637.5	152.87	173.375
	152.93	

¹ 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 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.

² This frequency is limited to daytime use only, with a maximum plate power input to the final radio frequency stage not to exceed 100 watts.

³ 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.

(b) Frequencies in the bands listed below are available for assignment to Base and Mobile 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:

Mc.	Mc.
2450-2500	6425-6575
3500-3700	11700-12200

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.

§ 11.403 *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 Motion Picture Radio Service on a shared basis with other services:

Mc.	Mc.	Mc.	Mc.
73.02	72.82	73.62	74.42
72.06	72.86	73.66	74.46
72.10	72.90	73.70	74.50
72.14	72.94	73.74	74.54
72.18	72.98	73.78	74.58
72.22	73.02	73.82	75.42
72.26	73.06	73.86	75.46
72.30	73.10	73.90	75.50
72.34	73.14	73.94	75.54
72.38	73.18	73.98	75.58
72.42	73.22	74.02	75.62
72.46	73.26	74.06	75.66
72.50	73.30	74.10	75.70
72.54	73.34	74.14	75.74
72.58	73.38	74.18	75.78
72.62	73.42	74.22	75.82
72.66	73.46	74.26	75.86
72.70	73.50	74.30	75.90
72.74	73.54	74.34	75.94
72.78	73.58	74.38	75.98

(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:

Mc.	Mc.
890-940	6575-6875
952-960	9800-9900
1850-1990	12200-12700
2110-2200	16000-18000
2450-2500	26000-30000
2500-2700	

¹Use 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 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 available primarily for assignment to Base and Mobile Stations, and secondarily for assignment to certain classes of Operational Fixed Stations (Fixed Relay and Control Stations only). Not more than one pair of those frequencies, to consist of one frequency in the band 451-452 Mc and one frequency in the band 456-457 Mc (normally to be separated by exactly 5.0 Mc), will be assigned for use by the stations of any single mobile service radio system, except upon adequate showing of need. Only one frequency of such pair will ordinarily be assigned to any Mobile Station, and the lower frequency of that pair will not be assigned to such Mobile Station unless the system is designed for the single frequency method of operation and the same frequency is also assigned to an associated Base Station. Base Stations in this service will not be assigned frequencies in the band 456-457 Mc. An Operational Fixed Station to be operated as a part of a mobile service radio system may be assigned either of the paired frequencies available to the Base or Mobile Stations of the same mobile service radio system, subject however, to

the following additional 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 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:

Base and Mobile (Mc)	Mobile (Mc)
451.05	456.05
451.15	456.15
451.25	456.25
451.35	456.35
451.45	456.45
451.55	456.55
451.65	456.65
451.75	456.75
451.85	456.85
451.95	456.95

(d) The frequency 27,255 Mc is available for assignment to Base, Mobile and Operational Fixed Stations in this service, on a shared basis with other services, subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequency 27.12 Mc.

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, said 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:

Mc.	Mc.
173.225	173.325
173.275	173.375

(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, under the terms of a developmental grant only; the exact frequency and the authorized bandwidth will be specified in the authorization:

Mc.	Mc.
2450-2500	6425-6575
3500-3700	11700-12200

¹Use 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 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 Relay Press Radio Service on a shared basis with other services:

Mc.	Mc.	Mc.	Mc.
72.02	72.82	73.62	74.42
72.06	72.86	73.66	74.46
72.10	72.90	73.70	74.50
72.14	72.94	73.74	74.54
72.18	72.98	73.78	74.58
72.22	73.02	73.82	75.42
72.26	73.06	73.86	75.46
72.30	73.10	73.90	75.50
72.34	73.14	73.94	75.54
72.38	73.18	73.98	75.58
72.42	73.22	74.02	75.62
72.46	73.26	74.06	75.66
72.50	73.30	74.10	75.70
72.54	73.34	74.14	75.74
72.58	73.38	74.18	75.78
72.62	73.42	74.22	75.82
72.66	73.46	74.26	75.86
72.70	73.50	74.30	75.90
72.74	73.54	74.34	75.94
72.78	73.58	74.38	75.98

(b) Frequencies in the bands listed below are available for assignment to Operational Fixed Stations in the Relay Press 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:

Mc.	Mc.
890-940	6575-6875
952-960	9800-9900
1850-1990	12200-12700
2110-2200	16000-18000
2450-2500	26000-30000
2500-2700	

¹Use 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.

§ 11.454 *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 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 paragraph (c) of this section are available primarily for assignment to Base and Mobile Stations, and secondarily for assignment to certain classes of Operational Fixed Stations (Fixed Relay and Control Stations only). Not more than one pair of those frequencies, to consist of one frequency in the band 451-452 Mc and one frequency in the band 456-457 Mc (normally to be separated by exactly 5.0 Mc), will be assigned for use by the stations of any single mobile service radio system, except upon adequate showing of need. Only one frequency of such pair will ordinarily be assigned to any Mobile Station, and the lower frequency of that pair will not be assigned to such Mobile Station unless the system is designed for the single frequency method of operation and the same frequency is also assigned to an associated Base Station. Base Stations in this service will not be assigned frequencies in the band 456-457 Mc. An Operational Fixed Station to be operated as a part of a mobile service radio system may be assigned either of the paired frequencies available to the Base or Mobile Stations of the same mobile service radio system, subject however, to the following additional 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 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:

Base and Mobile (Mc)	Mobile (Mc)
451.05	456.05
451.15	456.15
451.25	456.25
451.35	456.35
451.45	456.45
451.55	456.55
451.65	456.65
451.75	456.75
451.85	456.85
451.95	456.95

(d) The frequency 27.255 Mc is available for assignment to Base, Mobile and Operational Fixed stations in this service, on a shared basis with other services, subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequency 27.12 Mc.

SUBPART K—SPECIAL INDUSTRIAL RADIO SERVICE

§ 11.501 *Scope of service.* (a) The rules set forth in this subpart are designed to make available to a variety of individual industrial enterprises mobile radiocommunication systems which can contribute materially to the safety and efficiency of the operations involved. The limited number of frequencies available for assignment in this service precludes making it available to all classes of persons who might have a need for mobile radiocommunication, particularly in or near large population centers. Accordingly, the Commission has been obliged to adopt strict eligibility limitations on industrial radio usage in such areas and, in addition, other limitations have been placed on the use of licensed stations. Nevertheless, those persons who do qualify for their own radio systems in this service are cautioned that a substantial amount of interference can be expected and are urged to cooperate in the solution of mutual interference problems.

(b) Certain frequencies are available for assignment for fixed service operations in this service on a limited basis; however, extensive licensing of point-to-point systems must await further development of the Commission's microwave program. Accordingly, requests for point-to-point facilities will be considered on a case-by-case basis. In general, requests for such point-to-point facilities should clearly establish either (1) that a number of Fixed Stations at permanent locations are required to provide communications between isolated establishments or from such establishments to points at which established communication facilities are available, or (2) that the use of a remotely located Base Station, with which a requested fixed control and fixed relay link is proposed to be used, is necessary to maintain communications with mobile units for the conduct of authorized communications. Point-to-point facilities will not be authorized for the transmission of any type of signal or communication between two locations within the same Standard Metropolitan Area except for the purpose of providing a fixed control and fixed relay link where the remote placement of a Base Station has been justified.

(c) The initial application from a person claiming eligibility under the provisions of this subpart shall be accompanied by a full description of the type, location and extent of the particular activity in which engaged and the proposed use of radio in connection therewith, together with a full description of any other activities in connection with which the radio-equipped vehicles will be used and the extent of such use.

§ 11.502 *Availability of service.* (a) Authorizations to operate stations in the

Special Industrial Radio Service are available only to the extent and for the purposes set forth in this subpart. To the extent that the provisions of this subpart may be at variance with those contained in Subpart A, B, C, D, or E of this part, the provisions of this subpart shall be controlling.

(b) Authorizations to operate stations in the Special Industrial Radio Service are not available to conduct operations for which specific provision is made elsewhere in this chapter.

(c) A subsidiary corporation furnishing a non-profit communications service to its parent corporation or its subsidiaries may be considered eligible in the Special Industrial Radio Service, if the parent or its subsidiaries are engaged in one of the activities set forth in this subpart. The use of any radio system authorized pursuant to this paragraph will be subject to all the limitations and conditions applicable to the particular activity upon which eligibility is predicated.

(d) The classification of certain industries and activities into specified categories for the purposes of this subpart is based upon the general classification of all industrial activities contained in the Standard Industrial Classification Manual (Executive Office of the President, Bureau of the Budget: Volume I, Manufacturing Industries, 1945; and Volume II, Nonmanufacturing Industries, 1949) with certain specific additions to and exclusions from the general categories for the purposes of these rules. To determine whether or not a particular industrial activity falls within one of the categories delineated in this subpart, reference to that manual is recommended. (The manual is available from the Superintendent of Documents, Government Printing Office, Washington 25, D. C.)

§ 11.503 *Agricultural activities—(a) Definition.* For the purposes of this part, agricultural activities are defined as the activities directly involved in the operation of farms or ranches for the production of crops or plants, vines or trees (excluding forestry operations), or for the keeping, grazing or feeding of livestock for animal products, animal increase, or value enhancement. Included as farms are such agricultural enterprises as orchards, vineyards, nurseries, greenhouses, hothouses, fur farms, mushroom cellars, apiaries, cranberry bogs, fish ponds, fish hatcheries, oyster farms and frog farms. The processing (curing, packing, canning, smoking, freezing, etc.) of food or other agricultural products on a farm is classed as an agricultural rather than a manufacturing activity if the raw materials are grown on that farm.

(b) *Eligibility.* Persons engaged in agricultural activities, as that term is defined in this section, are eligible in this service when it is shown that the use of radio will be exclusively in connection with the conduct of the agricultural activities involved.

(c) *Limitation on station locations.* Each station authorized in accordance with the provisions of this section shall be located and operated at all times in

areas other than Standard Metropolitan Areas of 500,000 or more population, unless otherwise authorized by the Commission upon a showing that transmitting equipment will in fact be used in an area of low population density removed from the urbanized sections of the standard metropolitan area involved.

§ 11.504 *Heavy construction activities*—(a) *Definition*. For the purposes of this part, heavy construction activities are defined as the activities directly involved in the construction of engineering projects, such as highways and streets, bridges, sewers, railroads, utility rights-of-way, irrigation projects, flood control projects and marine construction, and miscellaneous types of construction work other than buildings. Not included as heavy construction activities are the functions performed by general contractors engaged in the construction of residential, farm, industrial, commercial, public, or other similar building, or by establishments specializing in plumbing, painting, electrical work, masonry, plastering, carpentry, or other special construction trades. Although marine construction is included as a heavy construction activity, dredging solely for the recovery of sand, gravel, fuels, minerals or metals shall be classed as a mining activity.

(b) *Eligibility*. Persons engaged in heavy construction activities, as that term is defined in this section, are eligible in this service when it is shown that the use of the Low Power Industrial Radio Service does not meet their operational requirements and that the use of radio will be exclusively in connection with the conduct of the heavy construction activities involved and either (1) that all such activities take place exclusively in areas other than Standard Metropolitan Areas of 500,000 or more population, or (2) that the use of radio will be exclusively for on-the-job communications at the site of a particular heavy construction project within such Standard Metropolitan Area.

(c) *Limitation on station locations*. Each station authorized in accordance with the provisions of this section shall be located and operated at all times in areas other than Standard Metropolitan Areas of 500,000 or more population. Exceptions to the above may be made by the Commission in specific cases and for limited periods of time when it is shown that one or more Base Stations, to be associated with a specified heavy construction project and to be located within one-quarter mile thereof, will be used exclusively in the conduct of that project; however, each authorization so issued, for the operations of Base Stations or mobile units within such Standard Metropolitan Areas of 500,000 or more population, will be limited in term to one year, renewable on the same showing in the event the particular project continues beyond that period.

§ 11.505 *Building construction activities*—(a) *Definition*. For the purposes of this part, building construction activities are defined as the functions directly performed by general building contractors primarily engaged in construction (including new work, additions,

alterations, and repair) of buildings such as houses; apartment buildings; farm buildings; industrial, commercial, institutional, and public buildings; light and power plants; natural gas compressing stations; oil pumping stations; and refuse disposal plants. Not included as building construction activities are the functions performed by establishments specializing in plumbing, painting, electrical work, masonry, plastering, carpentry, or other special construction trades.

(b) *Eligibility*. Persons engaged in building construction activities, as that term is defined in this section, are eligible in this service when it is shown (1) that the use of radio will be exclusively in connection with the conduct of building construction activities, (2) that the use of radio will be exclusively for on-the-job communications at the site of and between members working on a single project, and (3) that the use of the Low Power Industrial Radio Service does not meet the operational requirements of the building construction activity involved.

(c) *Limitation on station locations*. No Base Station for operation at any location and no Operational Fixed Station of any class shall be authorized in accordance with the provisions of this section. Exceptions to the above may be made by the Commission in specific cases and for limited periods of time when it is shown that not more than one Base Station, to be associated with a specified building construction project and to be located within one quarter mile thereof, is necessary for the conduct of that project; however, each authorization so issued for the operation of a Base Station will be limited in term to one year renewable on the same showing in the event the particular project continues beyond that period.

§ 11.506 *Manufacturing activities*—(a) *Definition*. For the purposes of this part, manufacturing activities are defined as the activities directly involved in the mechanical or chemical transformation of organic or inorganic substances into new products within establishments usually described as plants, factories, shipyards, or mills and which employ, in that process, power-driven machines and materials-handling equipment. Establishments engaged in assembling components of manufactured products in plants, factories, shipyards or mills are also engaged in manufacturing activities if the new product is neither a new structure nor other fixed improvement. Establishments primarily engaged in the wholesale or retail trade, or in service activities, even though they fabricate or assemble any or all of the products or commodities handled, shall not be considered to be engaged in manufacturing activities.

(b) *Eligibility*. Persons engaged in manufacturing activities, as that term is defined in this section, are eligible in this service when it is shown that the use of radio will be exclusively in connection with the conduct of the manufacturing activities involved and either (1) that those activities take place exclusively in areas other than Standard Metropolitan Areas of 500,000 or more population, or

(2) that the use of radio will be within the yard area for mobile service communications within such Standard Metropolitan Area and that the use of the Low Power Industrial Radio Service does not meet the operational requirements of the manufacturing activity otherwise found eligible under this paragraph.

(c) *Limitation on station location*. (1) Each station authorized in accordance with the provisions of paragraph (b) (1) of this section shall be located and operated at all times in areas other than Standard Metropolitan Areas of 500,000 or more population.

(2) Each Base Station authorized in accordance with the provisions of paragraph (b) (2) of this section shall be permanently located at a point within the yard area to be served by it, and the mobile units associated therewith shall not be operated beyond the boundaries of that yard area except that, upon specific authorization by the Commission after adequate showing that such operation is necessary in the interest of national defense, mobile units may be operated outside of such yard area for the purpose of maintaining plant security only. The term "yard area" as used in this section may include one or more sites, whether contiguous or non-contiguous, on which plant or plants of the applicant are located, if the plant or plants are operated as an integrated manufacturing unit, and if the sites, when physically non-contiguous, lie within close proximity of each other. In determining whether non-contiguous areas lie within such close proximity of each other as to be considered a "yard area", the Commission will consider the extent to which such sites are separated by streets, highways, railroad tracks, rivers or similar obstacles. Where the "yard area" in which the applicant wishes to communicate includes more than one plant, each plant to be included shall be listed on the application and the instrument of authorization.

§ 11.507 *Mining activities*—(a) *Definition*. For the purposes of this part, mining activities are defined as the activities directly involved in the process of recovery of solid fuels, minerals or metals or water, from the earth or from the sea by means of mining, quarrying, dredging, chemical extraction, deep-well operation, or similar processes. The operations involved in the exploration for and development of mining properties are considered mining activities. The process of crushing, washing, sorting, grading, dressing, or other beneficiation or preparation for delivery as raw material to smelting, refining or other manufacturing processes or to the wholesale market is considered a part of the mining activity only when carried on by the same person who recovers the basic materials from the earth or from the sea. The operations involved in the drilling of disposal wells for the disposal of industrial waste materials are considered mining activities.

(b) *Eligibility*. Persons engaged in mining activities, as that term is defined in this section, are eligible in this service when it is shown that the use of radio

will be exclusively in connection with the conduct of the mining activities involved.

(c) *Limitation on station location.* Each station authorized in accordance with the provisions of this section shall be located and operated at all times in areas other than Standard Metropolitan Areas of 500,000 or more population, unless otherwise authorized by the Commission upon a showing that transmitting equipment will in fact be used in an area of low population density removed from the urbanized sections of the Standard Metropolitan Area involved.

§ 11.508 *Specialized industrial service and trade activities—(a) Definition.* For the purposes of this part, specialized industrial service and trade activities are defined as those commercial or industrial activities directly involved in providing specialized functions, services or materials, under contract, to persons who are themselves eligible in the Industrial Radio Services to use radio in connection with the performance of the same functions. Activities normally classed as building trade or special construction trade activities are not included. Only the following are recognized as specialized industrial service and trade activities in accordance with the foregoing:

(1) Plowing, spraying, dusting, soil conditioning, seeding, fertilizing, or harvesting for agricultural or forestry activities.

(2) Livestock breeding service.

(3) Cleaning and repair of oil, gas, water or other transmission pipe lines, or tank cars.

(4) Acidizing, cementing, logging, perforating, or shooting activities, and services of a similar nature incident to the drilling of new oil or gas wells, or the maintenance of production from established wells.

(5) Activities incident to the drilling of water or industrial waste disposal wells or the maintenance of such wells.

(6) Supplying of chemicals, mud, tools, pipe and other special materials or equipment to the petroleum production industry, other than to refining, cracking or processing plants.

(7) Clearing and maintaining rights-of-way for public utilities.

(8) Crushing, washing, sorting, grading, dressing or other beneficiation or preparation of ores, minerals or solid fuels, when performed by a person who is not engaged in either a mining or a manufacturing activity and when all such operations, including all use of radio in connection therewith, are confined to a single yard area.

(b) *Eligibility.* Persons engaged in specialized industrial service and trade activities, as that term is defined in this section, are eligible in this service when it is shown (1) that the use of radio will be exclusively in connection with the conduct of such specialized industrial service and trade activities, (2) that every basic industrial activity served would be eligible for a station authorization in the Industrial Radio Services at the station locations proposed by the applicants in this service, (3) that the persons engaged in the specialized industrial service and trade activities are

not otherwise eligible under this Part for the use of radio in connection with those activities except in the Low Power Industrial Radio Services, and (4) that the use of the Low Power Industrial Radio Service would not meet the operational requirements of these activities.

(c) *Limitation on station locations.* Except for stations which exclusively serve the Petroleum, Power, Forest Products or Motion Picture Industries, as defined in Subparts F, G, H, or I of this part, each station authorized in accordance with the provisions of this section shall be located and operated at all times in areas other than Standard Metropolitan Areas of 500,000 or more population, unless otherwise authorized by the Commission upon a showing that transmitting equipment will in fact be used in an area of low population density removed from the urbanized sections of the Standard Metropolitan Area involved.

§ 11.509 *General industrial service and trade activities—(a) Definition.* For the purposes of this part, general industrial service and trade activities are defined as those commercial or industrial activities directly involved in providing specialized functions, services or materials which are essential to the efficient conduct of miscellaneous industrial or agricultural processes. Only the following are recognized as general industrial service and trade activities in accordance with the foregoing.

(1) Servicing, repairing and maintaining heavy machinery (not including automobiles or trucks) exclusively in connection with agricultural, heavy construction, manufacturing or mining activities, as those terms are defined in this subpart, or in connection with activities conducted by persons who are eligible for license in the Power, Petroleum, Forest Products or Motion Picture Radio Services.

(2) Delivering and pouring ready-mixed concrete, hot asphalt mix, and similar perishable mixtures.

(b) *Eligibility.* Persons engaged in general industrial service and trade activities, or in a combination of general and specialized industrial service and trade activities, as those terms are defined in this subpart, are eligible in this service when it is shown that the use of radio will be exclusively in connection with the conduct of those activities.

(c) *Limitation on station locations.* Each station authorized in accordance with the provisions of this section shall be located and operated at all times in areas other than Standard Metropolitan Areas of 500,000 or more population, unless otherwise authorized by the Commission upon a showing that transmitting equipment will in fact be used in an area of low population density removed from the urbanized sections of the Standard Metropolitan Area involved.

§ 11.510 *Engineering service activities—(a) Definition.* For the purposes of this part, engineering service activities are defined as those activities directly involved in the conduct of certain engineering field activities by professional engineers or consulting engineering firms. Only the following are

recognized as engineering service activities in accordance with the foregoing:

(1) The conduct of geophysical, geomagnetic, natural resource, topographical, geological or similar surveys.

(2) Surveys and tests in connection with the siting, construction and adjustment of the antennas of commercial, educational, Federal, State or Local Government radio transmitting and receiving stations, including field intensity and proof of performance surveys of such stations.

(b) *Eligibility.* Persons engaged in engineering service activities, as that term is defined in this section, are eligible in this service when it is shown (1) that the use of radio will be exclusively in connection with the conduct of such engineering service activities, and (2) that the use of radio will be exclusively for on-the-job communications between members of the same engineering field party working on a single project.

(c) *Limitation on station locations.* Except in areas outside of the city limits of cities of 50,000 or more population, no Base Station or Operational Fixed Station shall be authorized in accordance with the provisions of this section for operation at any permanent location.

§ 11.511 *Miscellaneous public service activities—(a) Definition.* For the purposes of this part, miscellaneous public service activities are defined as those activities directly involved in the conduct of commercial or industrial enterprises which are considered essential to the health or immediate welfare of a large segment of the general public and are not classes among those commercial or industrial activities for which other specific provision has been made in the Commission's rules. Only the following are recognized as miscellaneous public service activities.

(1) The servicing and repair of heating or refrigerating equipment.

(2) The delivery of ice or fuel to the consumer in solid, liquid or gaseous form for heating, lighting, refrigerating or power generation purposes, by means other than pipelines or railroad.

(3) The spraying or dusting of insecticides, herbicides or fungicides but not including the fumigation or other treatment of buildings (or other structures) of their contents for the control of rodents, pests, parasites or plant diseases.

(b) *Eligibility.* Persons engaged in miscellaneous public service activities, or in a combination of those activities with general and specialized industrial service and trade activities, as those terms are defined in this subpart, are eligible in this service when it is shown that the use of radio will be exclusively in connection with the conduct of those activities which take place exclusively outside the city limits of cities of 50,000 or more population.

(c) *Limitation on station locations.* Each station authorized in accordance with the provisions of this section shall be located and operated at all times outside the city limits of cities of 50,000 or more population.

§ 11.512 *Permissible communications.* (a) Except for the transmission of com-

munications relating directly to the safety of life or to the protection of property, stations licensed to persons in the Special Industrial Radio Service may be used only for the transmission of communications relating to the specific activity or activities in connection with which eligibility has been established.

(b) Communications relating directly or indirectly to the following shall not be transmitted by any base or mobile stations licensed in the Special Industrial Radio Services:

(1) Sales reports, or the dispatch of salesmen;

(2) Payrolls, accounts, or inventory control; or

(3) Any message or information where the time element is not of immediate importance.

§ 11.513 Station limitations. (a) After November 1, 1955, Mobile Relay stations will not be licensed in the Special Industrial Radio Service within the continental limits of the United States, except when such stations and all associated base and mobile stations applied for are proposed to be operated exclusively on frequencies above 450 Mc; *Provided, however,* that the provision of this subsection shall not apply to Mobile Relay stations authorized prior to November 1, 1955.

(b) Where a radio station authorization in the Special Industrial Radio Service is held by a person or organization engaged in activities beyond those indicated in the eligibility provisions of this service, the operation of such station shall be confined to those activities on which eligibility has been established, except for messages relating to the safety of life or to the protection of property.

(c) Except for the transmission of communications relating directly to the safety of life or to the protection of property, or except upon specific authorization by the Commission, no base station in the Special Industrial Radio Service shall be used for the transmission of communications addressed to, or to be relayed by, any other base station. Requests for authority for such nonsafety interbase communications must show either (1) that the nature of the applicant's operations requires an occasional transmission of messages between base stations for the express purpose of communicating with mobile units beyond the communication range of the station originating the call and that such communications will be limited to those of an urgent nature requiring immediate transmission by radio, or (2) that, for each base station involved, the applicant has a need for base-to-base communications in accordance with the provisions of § 11.151 (c) (2) (ii) and that other communication facilities between the points involved are not available and are impractical to construct from an engineering standpoint.

§ 11.514 Mobile Service frequencies for use at temporary locations. (a) Subject to the applicable provisions of § 11.54 of this part, authorization to operate a Base Station in this Service at temporary locations will be granted only on the frequencies 27.31, 27.35, 27.39,

43.02, 43.06, 43.10, 43.14, 49.70, or 152.87 Mc; *Provided, however,* That this paragraph shall not be applicable in the case of such stations when they are to be operated only within direct communication range of one or more permanently located Base Stations operated by the same licensee.

(b) A Mobile Station not associated with one or more Base Stations installed at permanent locations will be authorized to operate on the frequencies 27.31, 27.35, 27.39, 43.02, 43.06, 43.10, 43.14, 49.70 or 152.87 Mc only.

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

Mc	Mc	Mc	Mc
27.31	30.62	35.94	49.86
27.35	35.74	43.02	49.90
27.39	35.78	43.06	49.94
27.43	35.82	43.10	49.98
27.47	35.86	43.14	154.49
30.58	35.90	43.18	

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

kc.	Mc	Mc
1229.2	49.54	49.78
1239.8	49.58	49.82
14637.5	49.62	152.87
	49.66	152.93
	49.70	152.99
	49.74	

¹ Use of this frequency by stations licensed in the Special Industrial 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.

² This frequency is limited to daytime use only, with a maximum plate power input to the final radio frequency stage not to exceed 100 watts.

³ 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) Frequencies in the bands listed below are available for assignment to Base and Mobile Stations in the Special Industrial 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:

Mc	Mc
12450-2500	6425-6575
3500-3700	11700-12200

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.

² Subject to the proceedings in Docket No. 10797.

(d) In addition to the frequencies listed in this section, mobile service frequencies above 152 Mc listed elsewhere in this part as available to the Petroleum, Forest Products, Motion Picture or Relay Press Radio Services

also are available for assignment in this Service for use outside the continental limits of the United States and waters adjacent thereto: *Provided, however,* That operation on such frequencies is subject to the condition that harmful interference shall not be caused to licensees operating in the other Services.

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

Mc	Mc	Mc	Mc
72.02	72.82	73.62	74.42
72.06	72.86	73.66	74.46
72.10	72.90	73.70	74.50
72.14	72.94	73.74	74.54
72.18	72.98	73.78	74.58
72.22	73.02	73.82	75.42
72.26	73.06	73.86	75.46
72.30	73.10	73.90	75.50
72.34	73.14	73.94	75.54
72.38	73.18	73.98	75.58
72.42	73.22	74.02	75.62
72.46	73.26	74.06	75.66
72.50	73.30	74.10	75.70
72.54	73.34	74.14	75.74
72.58	73.38	74.18	75.78
72.62	73.42	74.22	75.82
72.66	73.46	74.26	75.86
72.70	73.50	74.30	75.90
72.74	73.54	74.34	75.94
72.78	73.58	74.38	75.98

(b) Frequencies in the bands listed below are available for assignment to Operational Fixed Stations in the Special Industrial 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:

Mc	Mc
1890-940	6575-6875
952-960	9800-9900
1850-1990	12200-12700
2110-2200	16000-18000
2450-2500	26000-30000
2500-2700	

¹ 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.

² Subject to the proceedings in Docket No. 10797.

(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 § 11.151, 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 operate stations in accord-

ance 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:

Mc.	Mc.	Mc.	Mc.
169.425	171.025	406.050	40.68
169.475	171.075	406.150	
169.525	171.125	406.250	
169.575	171.175	406.350	
170.225	171.825	406.450	
170.275	171.875	406.550	
170.325	171.925	406.650	
170.375	171.975	406.750	

¹ Primarily for use by Fixed Relay Stations.

² Use of the frequency 40.68 Mc is limited to stations located in the states of Pennsylvania and West Virginia only, and is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the same frequency.

§ 11.517 *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 Special Industrial 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 available primarily for assignment to Base and Mobile Stations, and secondarily for assignment to certain classes of Operational Fixed Stations (Fixed Relay and Control Stations only). Not more than one pair of those frequencies, to consist of one frequency in the band 451-452 Mc and one frequency in the band 456-457 Mc (normally to be separated by exactly 5.0 Mc), will be assigned for use by the stations of any single mobile service radio system, except upon adequate showing of need. Only one frequency of such pair will ordinarily be assigned to any Mobile Station, and the lower frequency of that pair will not be assigned to such Mobile Station unless the system is designed for the single frequency method of operation and the same frequency is also assigned to an associated Base Station. Base Stations in this service will not be assigned frequencies in the band 456-457 Mc. An Operational Fixed Station to be operated as a part of a mobile service radio system may be assigned either of the paired frequencies available to the Base or Mobile Stations of the same mobile service radio system, subject however, to the following additional 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 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:

Base and Mobile Mc.		Mobile Mc.	
451.05	451.55	456.05	456.55
451.15	451.65	456.15	456.65
451.25	451.75	456.25	456.75
451.35	451.85	456.35	456.85
451.45	451.95	456.45	456.95

(d) The frequency 27.255 Mc is available for assignment to Base, Mobile and Operational Fixed stations in this service, on a shared basis with other services, subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequency 27.12 Mc.

§ 11.518 *License renewals, modifications, assignments and transfers.* No renewal or modification of license or consent to assignment or transfer shall be granted unless the applicant is able to establish eligibility under this subpart: *Provided, however,* That persons eligible and properly authorized to operate in this service prior to November 1, 1955, but unable to meet the eligibility provisions of this subpart, may continue to operate under the term of their current authorizations. All such valid authorizations shall be subject, upon proper application therefor, to renewal, modification and, in the event of a change in the ownership of the licensee's business, assignment or transfer with the business for which they were granted.

§ 11.519 *Modification of licenses to shift frequencies.* After November 1, 1956, or after the expiration date appearing in any authorization issued prior to November 1, 1955, whichever date occurs later, no licensee shall operate in the Special Industrial Radio Service, except on the frequencies specified in this Subpart for the type of operation involved. Applications for license modification and renewal shall be made not later than 60 days prior to the date on which this frequency change must be accomplished: *Provided, however,* That the provisions of this section shall not apply to Mobile Relay stations authorized prior to November 1, 1955. The licensees of such stations may continue to operate under the terms of their current authorizations. All such valid authorizations shall be subject, upon proper application therefor, to renewal, modification and, in the event of a change in the ownership of the licensee's business, assignment or transfer with the business for which they were granted.

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 sta-

tion 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 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 may 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.	Mc.	Mc.
33.14	35.02	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 authorization issued in the Low Power Industrial Radio Service is subject not only 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 radio frequency stage 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 27.255 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 this restriction 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;

(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) A transmitter 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 not exceeding 200 milliwatts 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 emitted signal 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, or 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 will be authorized only on a developmental 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 radio 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 op-

erate 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 these 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 function of each unit in the system;

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

(i) Emission bandwidth;

(ii) Modulation;

(iii) Plate power input to final radio frequency stage;

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

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

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

§ 11.605 *Report of operation.* 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 used solely for the Commission's information, and will not 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;

(b) Copies of any reports published by the licensee; and

(c) Schedule of charges; reports of revenues received and sums disbursed.

§ 11.606 *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 on an exclusive basis within 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 of less than 360 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 other stations.

(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 the 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 fewer applicants or licensees than the number before it should be given authority to serve a particular area; or where it appears that an applicant, either directly or indirectly, seeks to use more than 25 kc. of the available spectrum space in this band, the applications may be designated for hearing.

§ 11.607 *Frequencies available.* (a)

Land Radiopositioning Stations and Mobile Radiopositioning Stations in this service, excluding speed measuring devices, may be authorized to use frequencies in the band 1750-1800 kc. Such use shall be in connection with petroleum industry activities only and shall be at locations within 150 miles of the shore line of the Gulf of Mexico. These frequencies are shared with the Disaster Communications Service and are subject to a number of special restrictions set forth elsewhere in this subpart.

(b) Land Radiopositioning Stations and Mobile Radiopositioning Stations in this service, including speed measuring devices, may be authorized to use frequencies in the band 2450-2500 Mc. on the condition that harmful interference will not be caused to the fixed and mobile services. Stations in the Industrial Radiolocation Service operating in this

band also must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment operating in accordance with Part 18 of this chapter, Rules and Regulations Relating to Industrial, Scientific and Medical Service.

(c) Land Radiopositioning Stations and Mobile Radiopositioning Stations in this Service, excluding speed measuring devices, may be authorized to use frequencies in the following bands on the condition that harmful interference will not be caused to stations in the Radio-navigation Service:

2900-3246 Mc.	5460-5650 Mc.
3266-3300 Mc.	9000-9300 Mc.
5250-5440 Mc.	9320-9500 Mc.

(d) Land Radiopositioning Stations and Mobile Radiopositioning Stations in this service may be authorized on request to use frequencies allocated exclusively to Federal Government Stations in those instances where the Commission finds, after consultation with the appropriate Government agency or agencies, that such assignment is necessary or required for coordination with Government activities.

(e) Land Radiopositioning Stations (SHORAN) and Mobile Radiopositioning Stations (SHORAN) in this service may be authorized the use of the frequencies 230 Mc, 250 Mc and 310 Mc at locations within 150 miles of the shoreline of the Gulf of Mexico and the shoreline of the State of California for radiolocation operations of the petroleum industry only, provided that no harmful interference is caused to services operating in accordance with the Table of Frequency Allocations contained in Part 2 ("Rules Governing Frequency Allocations and Radio Treaty Matters") and provided that SHORAN operations are coordinated locally in advance with Federal Government authorities making use of frequencies in the band 225-328.6 Mc in the same area.

(f) Land Radiopositioning Stations and Mobile Radiopositioning Stations in this service, including speed measuring devices, may be authorized to use frequencies in the band 10500-10550 Mc, for CW emission only, on a shared basis with stations in other services.

§ 11.608 *Special restrictions applicable to 1750-1800 kc. only.* Each station authorized to operate in the Radiolocation Service on frequencies between 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;

(c) 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 bandwidth 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.

§ 11.610 *License term.* (a) The license for each station authorized to operate on frequencies below 1800 kc in this service will expire on July 1st of the calendar year following the year in which action is taken on the license application.

(b) The license for each station authorized to operate on frequencies above 1800 kc in this service will expire one year from the date of final action on the license application.

§ 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 stations licensed to operate 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 of this chapter, Disaster Communications Service, when such stations are transmitting 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 Part 20 of this chapter.)

(c) *Times of sunrise and sunset.* 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:

	Jan.	Feb.	Mar.	Apr.	May	June
Sunrise.....	7:00	6:45	6:15	5:30	5:15	5:00
Sunset.....	5:15	5:45	6:15	6:30	6:45	7:00
	July	Aug.	Sept.	Oct.	Nov.	Dec.
Sunrise.....	5:15	5:30	5:45	6:00	6:30	6:45
Sunset.....	7:00	6:45	6:00	5:30	5:00	5:00

(d) *Notification and liaison system.* 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 division of responsibility 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 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; 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 shall be the responsibility of licensees in the Disaster Communications 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 groups.

(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 adequate, prompt and reliable to effectuate the purpose of this section. Any desired communication method or combination of methods may be utilized.

(6) Prompt suspension of operation of the radiopositioning station or stations 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 communications in connection with an imminent or actual disaster, and when the point has been reached where there is no reasonable possibility that radiolocation transmissions will cause harmful interference to the disaster communications, it shall be the responsibility of licensees in the Disaster Communications Service to communicate this information promptly to the licensee in the Industrial Radiolocation Service so that they may resume operation at will.

(8) Although the prearranged notification procedure required to be established by the terms of this section shall be the primary means by which licensees in the Industrial Radiolocation Service receive information necessary for compliance with the requirements of this section, 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 transmissions.

(9) The notification and liaison procedure hereby required to be established shall be limited to that geographical area within which there is a reasonable anticipation, determined by actual tests wherever practicable, that harmful interference may be caused by a licensee in the Industrial Radiolocation Service to licensees in the Disaster Communications Service.

(10) All construction permits for radiopositioning stations in this band are granted subject to the condition that the permittee, at the time of filing for station licenses, accompany such applications with a comprehensive plan defining in detail the means of notification which have been agreed upon by the permittee and the licensees of Disaster Communications Service stations in the area. The notification plan shall be kept current by the licensee, through successive modifications as may be necessary, to incorporate stations in the Disaster Communications Service which subsequently may be au-

thorized to operate in the same interference area. A copy of this notification plan and of all subsequent modifications shall be filed at the following points: The Commission's offices at Washington 25, D. C.; the offices of the Engineer in Charge of the Radio District in which the radiopositioning station is located; and the offices of the Engineer in Charge of the Radio District or Districts in which are located the Disaster Communications Service stations involved in the plan.

[F. R. Doc. 56-7371; Filed, Sept. 12, 1956; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 909]

HANDLING OF ALMONDS GROWN IN CALIFORNIA

BUDGET OF EXPENSES OF ALMOND CONTROL BOARD AND RATE OF ASSESSMENT FOR CROP YEAR BEGINNING JULY 1, 1956

Notice is hereby given that the Department is considering the issuance of the proposed administrative rule herein set forth pursuant to the provisions of Marketing Agreement No. 119 and Order No. 9 regulating the handling of almonds grown in California (7 CFR Part 909), effective under the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C. 601 et seq.).

Prior to the issuance of such rule, consideration will be given to data, views, or arguments pertaining thereto which are submitted in writing to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., and which are received not later than the close of business on the tenth day after publication of this notice in the FEDERAL REGISTER, except that if such tenth day after publication should fall on a Saturday, Sunday, or holiday, such submission must be received by the Director not later than the close of business on the next following work day.

Pursuant to the aforesaid agreement and order, the Almond Control Board, which administers the program, transmitted to the Secretary of Agriculture its recommendations regarding the budget of expenses and rate of assessment for the crop year beginning July 1, 1956. The Board's recommendations and other pertinent information and data have been considered by the Department and on the basis of such consideration it is proposed that the budget of expenses be fixed at \$28,300. The proposed budget is more than expenses of about \$27,000 incurred during the 1955-56 crop year but somewhat less than the cost of program operations in the three preceding years. It is believed that the proposed budget is reasonable and that expenses in such amount are likely to be incurred by the Board.

The Board expects that the quantity of assessable almonds during the 1956-57 crop year will approximate 50 million pounds of edible kernels. An assessment rate of eight hundredths (0.08) of a cent per pound of edible kernels would result in the collection of sufficient funds to meet the budget and provide a reasonable excess to defray expenses during the first four months of the 1957-58 crop year. The proposed rate compares with a rate of twelve and one-half hundredths (0.125) of a cent per pound of edible kernels during the last crop year.

As is provided in the agreement and order, such funds as are collected in excess of expenditures for a crop year may

be used temporarily by the Board to defray expenses during the first four months of the succeeding crop year but must be refunded to handlers from whom collected within five months from the beginning of such crop year.

Therefore, the proposed rule is as follows:

§ 909.306 *Budget of expenses of the Almond Control Board and rate of assessment for the crop year beginning July 1, 1956—(a) Budget of expenses.* For the crop year beginning July 1, 1956, expenses in the amount of \$28,300 are reasonable and likely to be incurred by the Almond Control Board for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of the agreement and order, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for the crop year beginning July 1, 1956, shall be, in lieu of the rate of assessment specified in § 909.121 (a) of said agreement and order, eight hundredths (0.08) of a cent for each pound of edible almond kernels received by each handler for his own account, except as to receipts from other handlers on which assessments have been paid.

Issued at Washington, D. C., this 7th day of September 1956.

[SEAL]

S. R. SMITH,
Director,

Fruit and Vegetable Division.

[F. R. Doc. 56-7370; Filed, Sept. 12, 1956; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Doc. 139, Correction]

[Classification 53]

ARIZONA

SMALL TRACT CLASSIFICATION

SEPTEMBER 6, 1956.

1. Pursuant to authority delegated by Document No. 43, Arizona, effective May 19, 1955 (20 F. R. 3514-15), Document No. 139, Classification Order 53 opened

certain lands to application for lease and sale for residence and/or business purposes. Said classification order was published in the FEDERAL REGISTER on August 30, 1956 (21 F. R. 6548).

2. The last sentence in paragraph 6 should be corrected to read: "Disposal and sanitary facilities must be by underground septic tank and/or cesspool."

E. R. TRAGITT,
State Lands and Minerals,
Staff Officer.

[F. R. Doc. 56-7360; Filed, Sept. 12, 1956; 8:45 a. m.]

MINNESOTA

NOTICE OF FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

SEPTEMBER 7, 1956.

1. Plat of survey of omitted lands described will be officially filed in the Eastern States Land Office, Washington 25, D. C., effective at 10:00 a. m., on the 35th day after the date of this notice.

FIFTH PRINCIPAL MERIDIAN, MINNESOTA

T. 109 N., R. 24 W.,
Sec. 5, Lot 5;
Sec. 8, Lot 5.

The land described is an island in German Lake, containing 24.70 acres.

2. Available information indicates that the outer horseshoe shaped portion of the island is high sandy ground varying from a few feet above lake level on the west side to 30-40 feet above on the east side. The central and southern portion of the island is swamp and bog subject to overflow at times of high water. There is enough high ground present for several cottages. The tract is suitable as a Recreation area. The lake in which it is located is highly developed for recreational purposes.

3. The above-described land is hereby opened to disposal only under the Recreation Act of June 14, 1926 (44 Stat. 741), as amended by the Act of June 4, 1954 (68 Stat. 173; 43 U. S. C. 869).

4. Inquiries concerning the above-described land should be addressed to the Acting Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

H. K. SCHOLL,
Acting Manager.

[F. R. Doc. 56-7361; Filed, Sept. 12, 1956;
8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of the Air Force has filed an application, Serial No. Anchorage 032838, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws.

The applicant desires the land for military communications purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

ILIAMNA AREA

Parcel 1

Commencing at U. S. C. & G. S. Station "Big Mountain," Latitude 59°23'27.316" N., Longitude 155°13'29.204" W. (North America 1927 datum), East 160 feet to Point of Beginning; thence South 200 feet; thence West 1,100 feet; thence North 500 feet; thence East 1,100 feet; thence South 300 feet to Point of Beginning and containing 12.63 acres, more or less.

Parcel 2

Commencing at U. S. C. & G. S. Station "Big Mountain," Latitude 59°23'27.316" N., Longitude 155°13'29.204" W. (North America 1927 datum) thence West approximately 1,700 feet; thence South approximately 9,650 feet to Point of Beginning at air strip site;

thence S. 4° 45' W. 1,750 feet; thence N. 85° 15' W. 8,000 feet; thence N. 4° 45' E., 1,750 feet; thence S. 85° 15' E., 8,000 feet to Point of Beginning, and containing 321.40 acres, more or less.

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 56-7362; Filed, Sept. 12, 1956;
8:45 a. m.]

[Montana 022737]

MONTANA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

SEPTEMBER 7, 1956.

1. In exchanges of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272) as amended by section 3 of the Act of June 26, 1936 (49 Stat. 1976) the following described lands have been reconveyed to the United States:

MONTANA PRINCIPAL MERIDIAN

T. 26 N., R. 39 E.,
Sec. 7, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 18, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 4 N., R. 1 W.,
Sec. 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$,
W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 9, E $\frac{1}{2}$ NW $\frac{1}{4}$.
T. 13 N., R. 12 W.,
Sec. 9, lots 1, 2, 3, 4, SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 15, all;
Sec. 21, all;
Sec. 23, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 27, all;
Sec. 29, all;
Sec. 31, lots 1, 2, 3, 4, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 33, N $\frac{1}{2}$, SW $\frac{1}{4}$.

2. The areas described above total 4,707.74 acres of lands. The lands in T. 26 N., R. 39 E., and T. 4 N., R. 1 W., produce grass and other forage that are used for support of livestock and wildlife. The topography of these tracts is rolling to rough and broken. All the tracts in these two townships are classified as grazing lands and are unsuited to more intensive type of agricultural use. The lands in T. 13 N., R. 12 W., produce timber and grass. The topography is rolling to rough and steep. All the tracts in this township are classified as timber land suitable for sustained yield timber production and they are unsuited to intensive use.

3. No application for these lands will be allowed under the homestead, desert land, small tract, or other nonmineral public land law, unless the lands have already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. The lands described in Sections 4 and 9, T. 4 N., R. 1 W., have been open for location and entry under the general mining laws and mineral leasing laws. The minerals on lands in T. 13 N., R. 12 W., have been acquired by the United States through exchange and will be opened to entry under the general mining laws and mineral leasing laws as provided below in paragraph 5. On lands

in T. 26 N., R. 39 E., the minerals have been reserved to the former owner of the land.

5. Subject to any existing rights and the requirements of applicable law, the lands described in paragraph 1, above, are hereby opened to filing of applications and selections in accordance with the following:

(a) Applications and selections under the nonmineral public land laws on all lands described in paragraph 1 and offers under the mineral leasing laws as to lands in T. 13 N., R. 12 W., may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 474; 43 U. S. C. 279-284 as amended), presented prior to 10 a. m. on October 13, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10 a. m. on January 12, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10 a. m. on January 12, 1957, will be considered simultaneously filed at that hour.

(b) The lands in T. 13 N., R. 12 W. will be open to location under the United States Mining laws, beginning at 10 a. m. on January 12, 1957.

Persons claiming veterans' preference rights under paragraph (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photo-copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries regarding the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Montana.

THEO E. ANHDER,
Manager, Land Office.

[F. R. Doc. 56-7384; Filed, Sept. 12, 1956;
8:51 a. m.]

DEPARTMENT OF JUSTICE
Immigration and Naturalization
Service

STATEMENT OF ORGANIZATION
MISCELLANEOUS AMENDMENTS

Effective upon publication in the FEDERAL REGISTER, the following amendments to the Statement of Organization of the Immigration and Naturalization Service (19 F. R. 8071, December 8, 1954), as amended, are prescribed:

1. District 3, New York City, New York, of paragraph (b) *District Offices* of sec. 1.51 *Field Service* is amended by deleting the counties of "Columbia" and "Greene".

2. District No. 14, San Antonio, Tex., of subparagraph (3) *Ports of entry for aliens arriving by aircraft* of paragraph (c) *Suboffices* of sec. 1.51 *Field Service* is amended by adding "McAllen, Tex., Miller Municipal Airport".

Dated: September 5, 1956.

J. M. SWING,
Commissioner of
Immigration and Naturalization.

[F. R. Doc. 56-7363; Filed, Sept. 12, 1956; 8:46 a. m.]

Office of Alien Property

[Vesting Order SA-128]

GOVERNMENT OF RUMANIA

In re: Debt owing to the Government of Rumania. F-57-964.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The Chase Manhattan Bank, 18 Pine Street, New York 15, New York, arising out of an account entitled, "Wm. H. Muller & Co., Inc., Special Account," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by the Government of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for

the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on September 6, 1956.

For the Attorney General.

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

[F. R. Doc. 56-7338; Filed, Sept. 11, 1956; 8:49 a. m.]

[Vesting Order SA-129]

GOVERNMENT OF RUMANIA

In re: Debt owing to the Government of Rumania. F-57-964; F-57-871.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Wm. H. Muller & Co., Inc., 122 East 42nd Street, New York 17, New York, in the sum of \$20,532.36, arising out of an account payable entitled, "Servicul Maritim Roman," maintained by the aforesaid company, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by the Government of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on September 6, 1956.

For the Attorney General.

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

[F. R. Doc. 56-7339; Filed, Sept. 11, 1956; 8:49 a. m.]

[Vesting Order 8384, Amdt.]

LOUISE BARTELHEIMER

In re: Estate of Louise Bartelheimer, Deceased. File No. D-28-10823.

Vesting Order 8384, dated March 6, 1947, is amended as follows and not otherwise:

Paragraph 1 is amended by inserting after the word "That" the name "Henry Ebeler."

All other provisions of said Vesting Order 8384 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on September 7, 1956.

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

[F. R. Doc. 56-7340; Filed, Sept. 11, 1956; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

KANSAS, OKLAHOMA, AND TEXAS

DISASTER ASSISTANCE; DELINEATION OF DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress, the President determined on August 26, 1954, that a major disaster

occasioned by drought existed in the State of Kansas; the President determined on February 27, 1956, that major disasters occasioned by drought existed in the State of Oklahoma; and the President also determined on July 21, 1954, that a major disaster occasioned by drought existed in the State of Texas and extended that determination on September 19, 1955.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 C. F. R. 4609; 19 F. R. 2148, 5364; 20 F. R. 4664), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, the following counties were determined on the dates indicated to be affected by the above-mentioned major disasters.

KANSAS

Determined on September 5, 1956:
Barton. Stafford.

OKLAHOMA

Determined on September 5, 1956:
Beckham. Jefferson.
Caddo. Logan.
Cherokee. Mayes.

Determined on September 5, 1956:
Cleveland. Oklahoma.
Comanche. Rogers.
Grady. Stephens.
Hughes. Wagoner.

TEXAS

Determined on September 5, 1956:
Delta. Fannin.

Done at Washington, D. C., this 7th day of September 1956.

[SEAL]

EARL L. BUTZ,
Acting Secretary.

[F. R. Doc. 56-7368; Filed, Sept. 12, 1956;
8:47 a. m.]

Soil Conservation Service

STATE CONSERVATIONIST AND PROJECT SUPERVISOR

DELEGATION OF AUTHORITY WITH RESPECT TO ADMINISTRATION, DEVELOPMENT AND SALE OF LANDS IN EDEN VALLEY PROJECT, ROCK SPRINGS, WYOMING

Pursuant to the delegation of authority to me by the Secretary of Agriculture, effective January 2, 1954 (19 F. R. 74), the authorities listed below are hereby delegated to the State Conservationist, Soil Conservation Service, Casper, Wyoming, and the Project Supervisor, Soil Conservation Service, for the Eden Valley Project, Rock Springs, Wyoming.

The State Conservationist is delegated authority to:

1. Obtain and approve appraisals.
2. Approve the sale price of units and the terms of payment.
3. Execute leases, licenses, permits and other forms of contracts permitting the construction and maintenance of telephone lines, pipe lines, roads, irrigation and drainage ditches, and other rights of way (but not those power lines licenses for which are required by law to be granted by the Federal Power Commission).

4. Execute, on behalf of the United States of America, all deeds or other instruments necessary in the sale of project lands or interests therein.

5. Execute contracts for development work on private lands and irrigation distribution systems under \$20,000.

6. Exercise all rights and privileges of the United States under shares of stock in any company or association organized to provide water, irrigation, drainage, ditch, canal, reservoir, or similar facilities, provided such stock concerns lands of the United States under the administrative jurisdictions of the Soil Conservation Service.

7. Participate in negotiations, sign petitions, vote in elections, and take other action incident to the organization, operation, or dissolution of irrigation, drainage, soil conservation, and weed control districts, or similar types of organizations, insofar as they shall deem necessary for the successful administration of lands of the United States under the administrative jurisdictions of the Soil Conservation Service.

The Project Supervisor is delegated authority to:

1. Execute farm leases and permits.
2. Execute contracts for development and improvement work on private lands, costing \$5,000 or less, and paid for in cash upon contract completion, and \$500 or less, when payments are made in installments.

Issued at Washington, D. C. August 1, 1956.

[SEAL]

D. A. WILLIAMS,
Administrator,
Soil Conservation Service.

[F. R. Doc. 56-7382; Filed, Sept. 12, 1956;
8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6515]

REEVE ALEUTIAN AIRWAYS, INC.; ACQUISITION OF REEVE ALASKA AIRMOTIVE

NOTICE OF HEARING

In the matter of interlocking and control relationships involving Reeve Aleutian Airways, Inc. and Reeve Alaska Airmotive.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding will be held on September 25, 1956, at 10 a. m., e. d. t., in Room No. 1851, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Paul N. Pfeiffer.

Without limiting the scope of the issues presented in this proceeding attention will be directed to the following matters:

1. Whether the acquisition of Reeve Alaska Airmotive by Reeve Aleutian Airways, Inc., would result in creating a monopoly or monopolies and thereby restrain competition or jeopardize a third air carrier and would not be consistent with the public interest pursuant to section 408 of the act?

2. Whether the interlocking relationships that will remain, if any, after the

proposed acquisition will not adversely affect the public interest within the meaning of section 409 (a) of the act?

For further details of the issues involved in this proceeding interested persons are referred to the material in Docket No. 6515 on file with the Docket Section of the Civil Aeronautics Board.

Notice is further given that any person, other than parties of record desiring to be heard in this proceeding should file with the Board on or before September 25, 1956, a statement setting forth the issues of fact or law which he desires to controvert.

Dated at Washington, D. C., September 7, 1956.

[SEAL]

FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-7370; Filed, Sept. 12, 1956;
8:50 a. m.]

[Docket No. 7887 et al.]

CITY OF PORTSMOUTH SERVICE INVESTIGATION

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on October 3, 1956, at 10 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between 14th and 15th Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 10, 1956.

[SEAL]

FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-7378; Filed, Sept. 12, 1956;
8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10056; FCC 56M-812]

MACKAY RADIO AND TELEGRAPH CO., INC. AND ALL AMERICA CABLES AND RADIO, INC.

ORDER SCHEDULING HEARING CONFERENCE

In the matter of Mackay Radio and Telegraph Company, Inc. and All America Cables and Radio, Inc., Docket No. 10056; application for modification of license to delete certain conditional provisions relating to communication between New York, New York and San Juan, Puerto Rico.

It is ordered, This 7th day of September 1956, on the Hearing Examiner's own motion, that a hearing conference in the above-entitled proceeding will be held in the offices of the Commission, Washington, D. C., commencing at 2 p. m., Thursday, September 13, 1956.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL]

MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7376; Filed, Sept. 12, 1956;
8:50 a. m.]

[Docket Nos. 11697, 11698; FCC 56M-813]

VOICE OF BERRIEN COUNTY AND LAKE BROADCASTERS

ORDER CONTINUING HEARING

In re applications of E. Harold Munn, Jr., and E. Harold Munn, Sr., d/b as Voice of Berrien County, Niles, Michigan, Docket No. 11697, File No. BP-9617, and Maurice Humphrey, Carl L. Benson, Richard W. Lee, and Ralph W. Newland, d/b as Lake Broadcasters, St. Joseph, Michigan, Docket No. 11698, File No. BP-9967; for construction permits.

Pursuant to "Petition of Voice of Berrien County To Dismiss Application" filed herein on September 7, 1956, which matter now is awaiting Commission action: *It is ordered*, This 7th day of September 1956, that the hearing now scheduled herein for September 10, 1956, be, and the same is hereby, continued without date.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, Secretary.

[F. R. Doc. 56-7375; Filed, Sept. 12, 1956; 8:50 a. m.]

[Docket No. 11762; FCC 56M-811]

O. R. MITCHELL MOTORS ET AL.

ORDER CONTINUING HEARING

In re applications of O. R. Mitchell Motors, San Antonio, Texas, Docket No. 11762, File No. BTC-2203; for transfer of control to McLendon Investment Corporation, Dallas, Texas of Sunshine Broadcasting Company (KTSA), San Antonio, Texas.

It is ordered, This 7th day of September 1956, on the Hearing Examiner's own motion, that the hearing of the protest scheduled to begin on September 10, 1956, is continued indefinitely, pending action upon protestant's "Notice of Desire to Withdraw," filed on September 6, 1956.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, Secretary.

[F. R. Doc. 56-7374; Filed, Sept. 12, 1956; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-5780 etc.]

CONTINENTAL OIL CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that each of the Applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such Applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as

promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

The dockets, Applicants and material averments in applications to which reference is made above are as follows:

Docket No.; Name; Gas Field; and Purchaser

- G-5780,¹ G-5781; Continental Oil Company; Hobbs, Lea County, N. Mex.; Phillips Petroleum Company.
- G-5782, G-5783; Continental Oil Company; Hobbs, Lea County, N. Mex.; Phillips Petroleum Company.
- G-5784,¹ G-5785; Continental Oil Company; Panhandle, Gray County, Tex.; Phillips Petroleum Company.
- G-5786,¹ G-5787; Continental Oil Company; Fullerton, Andrews County, Tex.; Phillips Petroleum Company.
- G-5789,¹ G-5790; Continental Oil Company; Goldsmith, Ector County, Tex.; Phillips Petroleum Company.
- G-5791,¹ G-5792; Continental Oil Company; Goldsmith, Ector County, Tex.; Phillips Petroleum Company.
- G-5793,¹ G-5794; Continental Oil Company; Vacuum, Lea County, N. Mex.; Phillips Petroleum Company.
- G-5797,¹ G-5798; Continental Oil Company; Camp, Carter County, Okla.; Skelly Oil Company.
- G-5803,¹ G-5804; Continental Oil Company; Keystone, Winkler County, Tex.; Sid Richardson Gasoline Company.
- G-5821,¹ G-5822; Continental Oil Company; Various fields, Lea County, N. Mex.; Skelly Oil Company.
- G-5823,¹ G-5824; Continental Oil Company; Drinkard, Lea County, N. Mex.; Skelly Oil Company.
- G-5825,¹ G-5826; Continental Oil Company; Brunson, Lea County, N. Mex.; Skelly Oil Company.
- G-5827,¹ G-5828; Continental Oil Company; Hastings, Brazoria County, N. Mex.; Stanolind Oil and Gas Company.
- G-5829,¹ G-5830; Continental Oil Company; Arrowhead, Brunson, Drinkard, Hare and Wantz-ABO; Lea County, N. Mex.; Skelly Oil Company.
- G-5831,¹ G-5832; Continental Oil Company; Camp, Carter County, Okla.; Skelly Oil Company.

¹ All dockets so marked contain petitions for Declaratory Orders.

- G-5835,¹ G-8536; Continental Oil Company; Slaughter, Cochran County, Texas; Stanolind Oil & Gas Company.
- G-5841,¹ G-5842; Continental Oil Company; Carson-Hutchinson, Hutchinson County, Texas; Shamrock Oil & Gas Corporation.
- G-5849,¹ G-5850; Continental Oil Company; Camp, Carter and Stephens counties, Okla.; Eason-Harris, Harris and Fletcher Counties, Okla.; Skelly Oil Company.
- G-5851,¹ G-5852; Continental Oil Company; Camp, Carter County, Okla.; Skelly Oil Company.
- G-5853,¹ G-5854; Continental Oil Company; Camp, Carter County, Okla.; Skelly Oil Company.
- G-5855,¹ G-5856; Continental Oil Company; Camp, Carter County, Okla.; Skelly Oil Company.
- G-5885,¹ G-5886; Continental Oil Company; Camp, Carter County Okla.; Skelly Oil Company.
- G-5887,¹ G-5888; Continental Oil Company; Eunice, Cass, Monument & Weir, Lea County, N. M.; Phillips Petroleum Company.
- G-5889; Continental Oil Company; La Gloria, Jim Wells and Brooks Counties, Tex.; Transcontinental Gas Pipe Line Company.
- G-5890; Continental Oil Company; Conoco-Driscoll, Duval County, Tex.; Transcontinental Gas Pipe Line Company.
- G-5891; Continental Oil Company; Cold Springs, San Jacinto County, Tex.; Tennessee Gas Transmission Company.
- G-5892; Continental Oil Company; North Pettus, Karnes, Gee, and Goliad Counties, Tex.; United Gas Pipe Line Company.
- G-5893; Continental Oil Company; St. Martinville, St. Martinville Parish, La.; United Gas Pipe Line Company.
- G-5894; Continental Oil Company; Carthage, Panola County, Texas; Texas Gas Transmission Corporation.
- G-5895,¹ G-5896; Continental Oil Company; West Panhandle, Moore and Hutchinson Counties, Tex.; Shamrock Oil & Gas Corporation.
- G-5897,¹ G-5898; Continental Oil Company; Weiner (Colby), Winkler County, Tex.; C. V. Lyman.
- G-5899,¹ G-5900; Continental Oil Company; Waskom, Harrison County, Tex.; Arkansas-Louisiana Gas Company.
- G-5902; Continental Oil Company; Kittle West, and five other fields in Live Oak County, Tex.; Transcontinental Gas Pipe Line Company.
- G-5907; Continental Oil Company; Salt Wells Unit Area, Sweetwater County, Wyo; Mountain Fuel Supply Company.
- G-5908,¹ G-5909; Continental Oil Company; Hugoton, Finney County, Kans.; Kansas-Nebraska Natural Gas Company Inc.
- G-5910, G-5911; Continental Oil Company; Meyersville, DeWitt and Victoria Counties, Tex.; Texas Eastern Transmission Corporation.
- G-5912,¹ G-5913; Continental Oil Company; Willow Springs, Gregg County, Tex.; Arkansas Fuel Oil Corporation.
- G-5914; Continental Oil Company; Beckville-Carthage, Panola County, Tex.; Arkansas-Louisiana Gas Company.
- G-5915,¹ G-5916; Continental Oil Company; Carthage, Panola County, Tex.; Lyons, McCord & Logan.
- G-6211; Continental Oil Company; South La Gloria Unit, Lagloria, Brooks and Jim Wells Counties, Tex.; Texas-Illinois Natural Gas Pipeline Company.
- G-5766, G-5767,¹ Continental Oil Company; Langlie-Mattix and Cooper Jal, Lea County, N. Mex.; El Paso Natural Gas Company.
- G-6338, G-6340; Continental Oil Company; Milroy and Sholem, Alechem, Stephens and Ceter Counties, Okla.; Fox Gasoline Company.
- G-6585, G-6586, G-6587; Continental Oil Company; Milroy, Stephens County, Okla.;

Fox Gasoline Company, Wheeler, Carter County, Okla.; Fox Gasoline Company.

G-6588; Continental Oil Company; Carthage, Panola County, Tex.; Tennessee Gas Transmission Company.

G-6591; Continental Oil Company; Rincon Area, Starr County, Tex.; Tennessee Gas Transmission Company.

G-6948; Continental Oil Company; Woodlawn, Harrison County, Tex.; Mississippi River Fuel Corporation.

A public hearing will be held on the 3d day of October 1956, beginning at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above applications.

[SEAL] LEON M. FUQUAY,
Secretary.

SEPTEMBER 7, 1956.

[F. R. Doc. 56-7364; Filed, Sept. 12, 1956; 8:46 a. m.]

[Docket No. G-7348]

BARNES TRANSPORTATION CO., INC.

NOTICE OF RECONVENING OF HEARING

SEPTEMBER 7, 1956.

By its order issued June 28, 1956, the Commission ordered that the record herein be reopened for further hearings at a time to be fixed by Notice of the Secretary for the purpose of receiving further evidence pertinent to the subject matter of the application and to enable the Presiding Examiner to determine the jurisdictional status of the Applicant. The jurisdictional status of the Applicant was specifically raised by the Applicant by its filing, on June 29, 1956, of a "Notice of Withdrawal of Application" on the ground that it "makes no sales and performs no transportation subject to the Commission's jurisdiction."

Due notice of the application filed herein was published in the FEDERAL REGISTER on May 10, 1956 (21 F. R. 3135-36). The last day for filing protests or petitions to intervene in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) was May 22, 1956.

On August 27, 1956, counsel for Applicant filed a request for resumption of the hearings herein at the same general time as hearings are reconvened on November 27, 1956, in the related case of its parent company, United Carbon Company, Docket No. G-9572.

Take notice that pursuant to the provisions of said Order issued June 28, 1956, and to the authority contained in the Natural Gas Act and to the Commission's rules of practice and procedure, a hearing will be held on Tuesday, November 27, 1956, at 10 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., for the presentation of further evidence pertinent to the subject matter of the application and to the jurisdictional status of the Applicant.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-7365; Filed, Sept. 12, 1956; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 10, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32607: *Sulphuric acid—New Orleans, La., to Albany Ga.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on sulphuric acid, tank-car loads from New Orleans, La., to Albany, Ga.

Grounds for relief: Circuitous routes. Tariff: Supplement 128 to Agent Spaninger's tariff I. C. C. 1357.

FSA No. 32608: *Sugar—Gulf ports to Florence, Ala.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on sugar, carloads from Gramercy, New Orleans, Reserve, and Three Oaks, La., Mobile, Ala., and Gulfport, Miss., to Florence, Ala.

Grounds for relief: Circuitous routes. FSA No. 32609: *Pipe and tubing—northern and western points to Kansas and Missouri.* Filed by W. J. Pruetter, Agent, for interested rail carriers. Rates on pipe and tubing, wrought iron or steel, carloads from specified points in Illinois, Indiana, Iowa, Missouri, and Wisconsin to Atchison and Leavenworth, Kans., and St. Joseph, Mo.

Grounds for relief: Barge competition and circuitous routes. Tariff: Supplement 67 to Agent Pruetter's tariff I. C. C. A-4038.

FSA No. 32610: *Gypsum rock—southwest to southeast.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on gypsum, crude or crushed (not ground), in bulk carloads from specified points in Arkansas, Louisiana, Oklahoma, and Texas to specified points in Alabama, Florida, Georgia, Kentucky, Mississippi, and Tennessee.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 18 to Agent Kratzmeir's tariff I. C. C. 4142.

FSA No. 32611: *Paper and paper articles—Bogalusa, La., to Texas points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on paper, paper articles, pulpboard or fibreboard, and wallboard, carloads from Bogalusa, La., to Amarillo, Lubbock, and Wichita Falls, Tex.

Grounds for relief: Circuitous routes. Tariff: Supplement 20 to Agent Kratzmeir's I. C. C. 4198.

FSA No. 32612: *Invert molasses in southern territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on invert molasses, tank-car loads from unspecified points in southern territory to unspecified points in southern territory.

Grounds for relief: Competition between applicants.

Tariffs: Supplement 28 to Agent C. A. Spaninger's tariff I. C. C. 1494. Supplement 58 to Alternate Agent J. H. Marque's tariff I. C. C. 435.

FSA No. 32613: *Sugar from, to and between points in official territory.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on sugar, beet or cane, including liquid or invert sugar, carloads between points in official territory, including Illinois and zone C in Wisconsin. Grounds for relief: Short-line distance formula and circuitous routes.

By the Commission:

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56-7367; Filed, Sept. 12, 1956; 8:47 a. m.]

HOMER C. KING

STATEMENT OF APPOINTMENT AND BUSINESS INTERESTS

Pursuant to subsection 302 (a), Part III, Executive Order No. 10647 (20 F. R. 8769), "Providing for the Appointment of Certain Persons Under the Defense Production Act of 1950, as amended", the following information is furnished for publication in the FEDERAL REGISTER.

1. Name of appointee: Homer C. King.
2. Name of employing agency: Interstate Commerce Commission.
3. Date of appointment: August 10, 1956.
4. Title of appointee's position: Consultant.
5. Name of appointee's private employer or employers: Retired government employee.

Dated at Washington, D. C. this 6th day of September 1956.

[SEAL] ANTHONY F. ARPAIA,
Chairman,
Interstate Commerce Commission.

Statement of Business Interests

Pursuant to subsection 302 (b), Part III, Executive Order No. 10647, dated November 28, 1955 (20 F. R. 8769), "Providing For the Appointment of Certain Persons Under the Defense Production Act of 1950, as Amended", I hereby furnish the following information for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER:

(1) The names of each corporation of which I was, or within sixty days preceding my said appointment had been, an officer or director, are as follows:

None.

(2) The names of each corporation in which I owned, or within sixty days preceding my said appointment had owned, stocks, bonds, or other financial interests, are as follows:

Commonwealth Natural Gas Company.
Woodward and Lothrop.
United Stockyards Company.
United Asbestos Corporation.

(3) The names of each partnership of which I was, or within sixty days preceding my said appointment had been, a partner, are as follows:

None.

(4) The names of other businesses in which I own, or within sixty days pre-

ceding my said appointment had owned, any similar interest as follows:

None.

Dated at Washington, D. C. this sixth day of September 1956.

HOMER C. KING.

[F. R. Doc. 56-7366; Filed, Sept. 12, 1956; 8:47 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 116]

DECLARATION OF DISASTER AREA

UTAH

Whereas it has been reported that on or about July 23, 1956, because of the

disastrous effects of a cloudburst, damage resulted to residences and business property located in certain areas in the State of Utah;

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Office below indicated from

persons or firms whose property situated in the county of San Juan (including any areas adjacent to said county) suffered damage or other destruction as a result of the catastrophe above referred to:

Small Business Administration Regional Office, New Customhouse, Room 235, 19th and Stout Streets, Denver 2, Colo.

2. No special field office will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to March 31, 1957.

Dated: September 5, 1956.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 56-7377; Filed, Sept. 12, 1956; 8:50 a. m.]

