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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10436

RESERVING KAHOO LAWE ISLAND, TERRITORY OF HAWAII, FOR THE USE OF THE UNITED STATES FOR NAVAL PURPOSES AND PLACING IT UNDER THE JURISDICTION OF THE SECRETARY OF THE NAVY

WHEREAS it appears necessary and in the public interest that the Island of Kahoolawe, Territory of Hawaii, which comprises an area of approximately forty-five square miles, and which forms a part of the public lands ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of annexation of July 7, 1898, 30 Stat. 750, be taken and reserved for the use of the United States for naval purposes, except that portion comprising an area of 23.3 acres, more or less, heretofore taken for lighthouse purposes by Proclamation No. 1827 of the President of the United States dated February 3, 1928 (45 Stat. 2937) and

WHEREAS it is deemed desirable and in the public interest that provision be made for the conducting of a program of soil conservation on the island while the reservation made hereby is in force, and that the area within such reservation be restored to a condition reasonably safe for human habitation when it is no longer needed for naval purposes:

NOW, THEREFORE, by virtue of the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 447, it is ordered as follows:

1. The Island of Kahoolawe, Territory of Hawaii, except that portion taken by the United States for lighthouse purposes by Proclamation No. 1827 of February 3, 1928, is hereby taken and reserved for the use of the United States for naval purposes, and is placed under the jurisdiction of the Secretary of the Navy.

2. The Secretary of the Navy shall, within a reasonable period following the date of this order, eradicate from the island all cloven-hooved animals, or shall within such period and at all times thereafter while the area hereby reserved or any portion thereof is under his jurisdiction take such steps as may be neces-

sary to assure that the number of such animals on the island at any given time shall not exceed two hundred.

3. The Territory of Hawaii shall have the right, at its expense and risk, at reasonable intervals to enter and inspect the island to ascertain the extent of forest cover, erosion, and animal life thereon, and to sow or plant suitable grasses and plants under a program of soil conservation: *Provided*, that such entrance and inspection shall not interfere unreasonably with activities of the Department of the Navy or of the United States Coast Guard.

4. When there is no longer a need for the use of the area hereby reserved, or any portion thereof, for naval purposes of the United States, the Department of the Navy shall so notify the Territory of Hawaii, and shall, upon reasonable request of the Territory, render such area, or such portion thereof, reasonably safe for human habitation, without cost to the Territory.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
February 20, 1953.

[F. R. Doc. 53-1827; Filed, Feb. 20, 1953;
5:14 p. m.]

EXECUTIVE ORDER 10437

DESIGNATING THE HONORABLE BENJAMIN ORTIZ TO ACT, UNDER CERTAIN CIRCUMSTANCES, AS JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO DURING THE YEAR 1953

By virtue of the authority vested in me by section 41 of the act entitled "An Act to provide a civil government for Puerto Rico, and for other purposes", approved March 2, 1917, as amended by section 20 of the act entitled "An Act to revise, codify, and enact into law title 28 of the United States Code entitled 'Judicial Code and Judiciary'", approved June 25, 1948 (62 Stat. 989), I hereby designate and authorize the Honorable Benjamin Ortiz, Associate Justice of the Supreme Court of Puerto Rico, to perform and discharge the duties of the

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(For use during 1953)

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office of Judge of the United States District Court for the District of Puerto Rico, and to sign all necessary papers and records as acting judge of the said district court, without extra compensation, in case of vacancy in the office of judge of the said district court, or in case of the death, absence, illness, or other legal disability of the judge thereof, during the year 1953.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
February 20, 1953.

[F. R. Doc. 53-1836; Filed, Feb. 24, 1953; 9:57 a. m.]

RULES AND REGULATIONS

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 34, Supplementary Regulation 44]

CPR 34—SERVICES

SR 44—DRY CLEANING IN THE CITY OF SPOKANE, WASHINGTON

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 44 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Supplementary Regulation 44 to Ceiling Price Regulation 34 permits an increase in ceiling prices for dry cleaning services furnished at wholesale and retail by sellers located in the City of Spokane, Washington. A previous ceiling price increase granted to power laundries in the City of Spokane did not include dry cleaning services.

An OPS study of operating costs and profit margins of a representative number of dry cleaning service sellers in the City of Spokane, Washington accounting for approximately 80% of the total volume of sales of these services, which amounted to \$1,500,000 in 1951, reveals that they are suffering an impairment of their pre-Korean earnings as a result of increased labor and material costs.

The action taken herein gives effect to the standards for individual price adjustment contained in section 20 (a) of Ceiling Price Regulation 34 and permits the minimum increase necessary to maintain the financial stability of these dry cleaning service sellers and assure continued supply of these essential services.

Under the provisions of this supplementary regulation, ceiling prices of sellers of dry cleaning services may be increased by 5 percent, such adjustment to be applied to the total amount of each invoice rendered to the customer and identified as the "OPS permitted price increase" If this method is used to ap-

ply the amount of the increase, the seller need not make the supplementary filing required by section 18 (c) of Ceiling Price Regulation 34. At the option of the dry cleaning service seller, however, the flat ceiling price for each article may be increased by 5 percent. Adjusted flat ceiling prices must, within 10 days after their determination, be filed with the appropriate OPS district office as required by section 18, as amended, of Ceiling Price Regulation 34. Express authority is granted to make necessary changes in OPS posters.

In the future, sellers subject to this supplementary regulation may not obtain an adjustment of their ceiling prices for dry cleaning services at wholesale and retail under section 20 of Ceiling Price Regulation 34. Any adjustment of ceiling prices under section 20 of Ceiling Price Regulation 34 heretofore granted is automatically revoked as of the effective date of this supplementary regulation.

In the formulation of this supplementary regulation, the Director has consulted insofar as practicable with representative suppliers of these services, including representatives of trade associations, and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization the increases permitted by this supplementary regulation are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

- Sec.
- 1. Purpose.
- 2. Relationship to Ceiling Price Regulation 34.
- 3. Adjustment of ceiling prices.
- 4. Application of section 20 of Ceiling Price Regulation 34.
- 5. Definitions.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 810, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR 1950 Sup.

SECTION 1. Purpose. This supplementary regulation permits sellers of dry cleaning services furnished at wholesale and retail located in the City of Spokane,

Washington to increase their ceiling prices for wholesale and retail dry cleaning services by 5 percent.

SEC. 2. Relationship to Ceiling Price Regulation 34. All provisions of Ceiling Price Regulation 34 except as affected by the provisions of this supplementary regulation shall remain in effect.

SEC. 3. Adjustment of ceiling prices. You may, to the extent you supply dry cleaning services at wholesale or retail from locations in the City of Spokane, Washington increase your ceiling prices for the dry cleaning services thus supplied by 5 percent, by either of the following methods:

(a) You may apply such an adjustment to the total amount of each invoice rendered to the customer provided you shall clearly write or stamp on each such invoice beside the adjustment the words "OPS permitted price increase" If you use this method of applying your price increase, you need not make the supplementary filing required by section 18 (c) of Ceiling Price Regulation 34.

(b) You may, in lieu of the method provided in paragraph (a) of this section, increase by 5 percent the ceiling price of each dry cleaning service article. Within 10 days after your prices are established under this paragraph you must prepare and file with your district office of the Office of Price Stabilization a supplemental statement as required under section 18, as amended, of Ceiling Price Regulation 34 and must change your OPS poster prices or prepare and display a new poster to reflect the price increase permitted by this supplementary regulation. You may not establish prices under paragraph (a) of this section once you have elected to establish prices under this paragraph.

(c) If the price increase computed in paragraph (a) or (b) of this section results in a fraction of a cent, the price increase must be decreased to the next lower cent if the fractional cent is less than one-half cent, or may be increased to the next higher cent if the fraction is one-half cent or more.

SEC. 4. Application of section 20 of Ceiling Price Regulation 34. No seller of dry cleaning services at wholesale or retail subject to this supplementary regu-

ulation may, after the effective date of this regulation, obtain an increase in his ceiling prices for such dry cleaning services under either section 20 (a) (b) or (c) of Ceiling Price Regulation 34. All orders establishing ceiling prices of any seller of dry cleaning services subject to this supplementary regulation issued under either section 20 (a) (b) or (c) of Ceiling Price Regulation 34 are hereby revoked upon the effective date of this regulation.

SEC. 5. Definitions. (a) "Dry cleaning services" as used in this supplementary regulation means services rendered in the cleaning of garments and other items primarily with fluids other than water and includes pressing.

Effective date. This Supplementary Regulation 44 to Ceiling Price Regulation 34 shall become effective February 24, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 24, 1953.

[F. R. Doc. 53-1849; Filed, Feb. 24, 1953;
11:54 a. m.]

[Ceiling Price Regulation 156, Amdt. 2]

CPR 156—FABRICATED STRUCTURAL STEEL, MISCELLANEOUS AND ORNAMENTAL IRON, AND VESSEL SHOP PRODUCTS FOR FIELD ASSEMBLY OR ERECTION

CLARIFYING AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 2 to Ceiling Price Regulation 156 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation (CPR) 156 clarifies the coverage of that regulation in certain respects.

Pursuant to its-section 1 (b) (1) CPR 156 covers all sales by a fabricator of fabricated structural steel, miscellaneous and ornamental iron, and vessel shop products for field assembly or erection. The term "fabricated structural steel, miscellaneous and ornamental iron and vessel shop products," is defined in the initial paragraph of Appendix A. As amended by Amendment 1, that definition specifically excludes "any standardized product lines, or any products made to the fabricator's specifications, sold from established price lists, or made on a production line basis." Information received by OPS indicates that the quoted exclusory clause created some confusion in the industry. Therefore, it is amended and amplified by this amendment.

One class of products covered by CPR 156 is listed in Appendix A as "Structural steel, light, architectural and miscellaneous iron work * * *". It was not intended to exclude from that class products made of non-ferrous metals, nor was it intended to exclude ornamental metal work which does not qualify as architectural metal work. The description of that class of products is amended accordingly.

After the description of the class of products quoted above, Appendix A lists certain specific products included in that class. To eliminate confusion, that list of specific products is supplemented by this amendment by the addition of other products such as metal joists (open and solid web) studding, partitions, metal roof deck, siding, and windows.

Of course, all these products are covered by CPR 156 only if they meet the requirements of the initial paragraph of Appendix A, that is, if they are custom-engineered and custom-fabricated for field assembly or erection. The fabrication may be performed by independent fabricators, or by producers of mill products or standardized product lines. In the latter case it is necessary to determine (under the applicable OPS regulation) the ceiling price of the mill product or standardized product for sale to an independent fabricator and in determining the current costs of the fabricated product under CPR 156 the fabricator may not employ, as cost of the mill product or standardized product, a figure in excess of that ceiling price. This requirement follows from the intended meaning of the second sentence of section 3 (b) (2) of CPR 156 which reads: "If you use material obtained from your own production facilities, you may not employ, in determining your current costs, a price in excess of the ceiling price applicable to the sale of such material to an independent fabricator." To remove any possible doubt, this amendment indicates by way of an explanatory insertion that the word "material" in the quoted provision includes mill products and standardized products.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 156 is amended in the following respects:

1. Section 3 (b) (2) is amended by inserting in the second sentence between the words "material" and "obtained" the words: "(including any mill product or standardized product)". That sentence will read: "If you use material (including any mill product or standardized product) obtained from your own production facilities, you may not employ in determining your current costs, a price in excess of the ceiling price applicable to the sale of such material to an independent fabricator."

2. The last sentence of the first paragraph of Appendix A, as amended, is deleted and the following is added in its place:

Also not included are standard products made to the fabricator's specifications, usually sold from established price lists and made on a production line basis.

(1) The term "standard products made to the fabricator's specification" refers to products built on a repetitive basis to the fabricator's designs without respect to any specific application, the fabricator determining all requirements

for production, including selection of materials, the design formula and allowable stresses; such products can be fabricated in advance of sale without necessity of approval of the design or engineering details by the purchaser before sale.

(2) The term "sold from established price lists" refers to sales on the basis of established price lists which are made available through distribution to prospective buyers for their use in purchasing the products listed.

(3) The term "made on a production line basis" refers to quantity production of products which do not have job identification, as opposed to products made on job orders.

3. The item in Appendix A beginning "Structural steel, light, architectural and miscellaneous iron work * * *" is amended to read as follows:

Structural steel, light, ornamental and other metal work. This includes angle irons, fire escapes, balconies, marquees, stairs, bank fixtures, expansion joint or load transferring devices, ladders, walkways and platforms, railings, metal joists (open and solid web), open metal flooring, studding, partitions, metal roof deck and siding, and windows, excluding mill products and standardized product lines.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 2 to Ceiling Price Regulation 156 is effective February 24, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 24, 1953.

[F. R. Doc. 53-1850; Filed, Feb. 24, 1953;
11:54 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-46, Amendment 1 of
February 24, 1953]

M-46—PRIORITIES ASSISTANCE FOR THE PETROLEUM AND GAS INDUSTRIES IN THE UNITED STATES AND CANADA

AMENDMENT OF DELIVERY ORDER FILING REQUIREMENT

This amendment to NPA Order M-46 is found necessary and appropriate to promote the national defense and is issued under the authority of the Defense Production Act of 1950, as amended. Consultation with industry representatives in advance of issuance of this amendment has been rendered impracticable due to the fact that it applies to all branches of the petroleum and gas industries.

AMENDATORY PROVISIONS

This amendment affects NPA Order M-46 as last amended September 30, 1952, by removing the requirement that delivery orders must be filed for information and by reducing the number of delivery orders for materials other than controlled materials which must be filed for approval. These changes are made by revising section 8 and Schedule E.

1. Section 8 is amended to read as follows:

SEC. 8. Filing of delivery orders—(a) Introductory. To obtain priorities assistance, certain delivery orders must be filed for approval. Where a delivery order must be filed for approval, the order must be submitted in duplicate, and an operator may not use any of the priority assistance of this order until there has been returned to him an approved copy of the order. In every instance where a delivery order is submitted for approval, an operator shall prepare a statement of the reasons why assistance is required, containing the following information: (1) the price, quantity, and a detailed description of the material required, including the weight, if controlled material (carbon and alloy-steel in tons; copper, aluminum, and stainless steel in pounds) (2) the branch of industry in which the material will be used (see section 2 (e) of this order) (3) the number and date of the delivery order; (4) the date at which delivery must be made or has been promised by the suppliers; (5) the reasons why timely delivery cannot be effected without the assistance requested; (6) the relationship of the materials to operations (specific or actual end use) and (7) the circumstances which justify assistance in the interests of national defense. This statement in duplicate should be submitted with, or as part of, the delivery order. A delivery order need not be filed for approval if priority assistance has been authorized on Forms PAD 15, 17, 17 DP 26, or 26 LP.

(b) *Filing for approval.* The following delivery orders must be filed for approval: (1) Any delivery order for controlled material if it is in a total amount specified in Item I of Schedule E of this order; and (2) any delivery order for other than controlled material if it is in a total amount specified in Item II of Schedule E.

(c) *Limitation on use of self-authorization for construction operations.* Delivery orders not listed in paragraph (b) of this section need not be filed for approval. Notwithstanding this privilege of self-authorization, no petroleum or gas operator may obtain by self-authorization, for any small construction operation, more than 25 tons of carbon and alloy steel including all types of structural shapes (but not to include more than 2½ tons of alloy steel and no stainless steel) per project per quarter.

2. Schedule E is amended to read as follows:

SCHEDULE E OF NPA ORDER M-46—DOLLAR AMOUNTS OF DELIVERY ORDERS TO BE FILED AS PROVIDED IN SECTION 8

Item I: \$500 or more.

Item II: \$7,500 or more, or \$2,500 or more for any line item, as defined in this order.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect February 24, 1953.

NATIONAL PRODUCTION AUTHORITY,
By **GEORGE W. AUXIER,**
Executive Secretary.

[F. R. Doc. 53-1837; Filed, Feb. 24, 1953; 10:45 a. m.]

[NPA Order M-46, Direction 5 as Amended February 24, 1953]

M-46—PRIORITIES ASSISTANCE FOR THE PETROLEUM AND GAS INDUSTRIES IN THE UNITED STATES AND CANADA

DIR. 5—RULES FOR ACQUIRING CARBON CONVERSION STEEL BY PETROLEUM AND GAS OPERATORS IN THE UNITED STATES AND CANADA

This direction as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

EXPLANATORY

NPA Order M-46, Direction 5 of September 5, 1952, is amended to extend the provisions of the direction to include the second calendar quarter of 1953, in addition to the third and fourth calendar quarters of 1952 and the first calendar quarter of 1953.

REGULATORY PROVISIONS

Sec.

1. What this direction does.
2. Applicability of other orders.
3. Carbon conversion steel for construction operations.
4. Orders for carbon conversion steel.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, Pub. Law 423, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 789, Pub. Law 423, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp., sec. 2, E. O. 10260, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; sec. 402, 405, E. O. 10281, Aug. 23, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. What this direction does. The purpose of this direction is to provide rules for the acquisition and use of carbon conversion steel without allotments. The direction provides that the only finished carbon conversion steel which may be obtained by petroleum and gas operators without allotments is finished carbon conversion steel for use in approved construction projects. The effect of this is to require that finished carbon conversion steel in the form and shape of oil country tubular goods continue to be acquired only by allotments. "Finished carbon conversion steel" has the same meaning as in CMP Regulation No. 1, Direction 19.

SEC. 2. Applicability of other orders. No operator shall acquire any finished carbon conversion steel, including such steel in the form and shape of oil country tubular goods, pursuant to the provisions of Direction 19 to CMP Regulation No. 1, as amended, or Direction 7 to Revised CMP Regulation No. 6, as amended.

SEC. 3. Carbon conversion steel for construction operations. (a) Any operator who has received authorization from the Petroleum Administration for Defense to commence construction of a petroleum or gas project on Form PAD-26 together with a related allotment of carbon steel for the third calendar quarter of 1952, the fourth calendar quarter of 1952, the first calendar quarter of

1953, or the second calendar quarter of 1953, may use the allotment symbol identifying such allotment to order for delivery in each of such quarters, for each such approved project, up to 500 tons of finished carbon conversion steel without charging the related allotment, and use such steel in such project.

(b) To obtain authorization to acquire in excess of 500 tons of finished carbon conversion steel in any such calendar quarter for any such project, as provided in paragraph (a) of this section, without charging the related allotment, or to obtain authorization to acquire finished carbon conversion steel in any amount for any other construction project without charging the related allotment, a domestic operator shall make application to the Petroleum Administration for Defense, Washington 25, D. C., and a Canadian operator shall make application to the Petroleum Division, Department of Defence Production, Toronto, Canada. Such application shall describe and state the tonnage of the semifinished and finished conversion product and the name and address of the supplier and the finishing plant.

SEC. 4. Orders for carbon conversion steel. Any person who is authorized to acquire and use finished carbon conversion steel pursuant to section 3 of this direction, may place authorized controlled material orders for such steel with the finished conversion steel producer, and such producer may accept and fill such orders if they will not interfere with production directives and other directives which may be issued from time to time to such steel producer by NPA, or with the acceptance and filling of orders which such steel producer is required to accept pursuant to any regulation or order of NPA. The person ordering such steel shall make his own arrangements for obtaining the semifinished carbon conversion steel with the original ingot producer, or the finished conversion steel producer. In arranging to purchase the semifinished carbon conversion steel from an original ingot producer or an intermediate producer, such person shall furnish to such original ingot producer or intermediate producer a certification in the following form:

Certified Under Direction 5 to NPA Order M-46

which shall be signed as provided in section 8 of NPA Reg. 2. This certification shall constitute a representation to the original ingot producer or intermediate producer and to NPA that such person is authorized to place such order under the provisions of this direction to obtain the quantity of semifinished conversion steel covered by the delivery order, for conversion into finished conversion steel, and that he will furnish an authorized controlled material order to the finished conversion steel production. Notwithstanding the provisions of any NPA regulation or order, a producer of semifinished carbon conversion steel may deliver semifinished carbon conversion steel pursuant to such a certification: *Provided, however,* That such delivery shall not interfere with production directives and other directives which may

be issued from time to time to such steel producer by NPA, or with delivery on orders which such steel producer is required to accept pursuant to any regulation or order of NPA.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This direction as amended shall take effect February 24, 1953.

NATIONAL PRODUCTION
AUTHORITY,
By GEORGE W AUXIER,
Executive Secretary.

[F. R. Doc. 53-1839; Filed, Feb. 24, 1953;
10:45 a. m.]

[NPA Order M-46A, Direction 3 as Amended
February 24, 1953]

M-46A—PRIORITIES ASSISTANCE FOR
FOREIGN PETROLEUM OPERATIONS

DIR. 3—RULES FOR ACQUIRING CARBON CON-
VERSION STEEL BY PETROLEUM AND GAS
OPERATORS FOR FOREIGN OPERATIONS

This direction as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

EXPLANATORY

NPA Order M-46A, Direction 3 of September 5, 1952, is amended to extend the provisions of the direction to include the second calendar quarter of 1953, in addition to the third and fourth calendar quarters of 1952 and the first calendar quarter of 1953.

REGULATORY PROVISIONS

Sec.

1. What this direction does.
2. Applicability of other orders.
3. Carbon conversion steel for construction operations.
4. Orders for carbon conversion steel.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong., 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong., 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp., sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp., secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* The purpose of this direction is to provide rules for the acquisition and use of carbon conversion steel without allotments. The direction provides that the only finished carbon conversion steel which may be obtained by petroleum and gas operators without allotments is finished carbon conversion steel for use in approved construction projects. The effect of this is to require that finished carbon conversion steel in the form and shape of oil country tubular goods continue to be acquired only by allotments. "Finished carbon conversion steel" has

the same meaning as in CMP Regulation No. 1, Direction 19.

SEC. 2. *Applicability of other orders.* No operator shall acquire any finished carbon conversion steel, including such steel in the form and shape of oil country tubular goods, pursuant to the provisions of Direction 19 to CMP Regulation No. 1, as amended, or Direction 7 to Revised CMP Regulation No. 6, as amended.

SEC. 3. *Carbon conversion steel for construction operations.* (a) Any operator who has received an allotment of carbon steel for a construction project on Form PAD-26A for the third calendar quarter of 1952, the fourth calendar quarter of 1952, the first calendar quarter of 1953, or the second calendar quarter of 1953, may use the allotment symbol identifying such allotment to order for delivery in each of such quarters, for each such project, up to 500 tons of finished carbon conversion steel without charging the related allotment, and use such steel in such project.

(b) To obtain authorization to acquire in excess of 500 tons of finished carbon conversion steel in any such calendar quarter for any such project, as provided in paragraph (a) of this section, without charging the related allotment, or to obtain authorization to acquire finished carbon conversion steel in any amount for any other construction project without charging the related allotment, an operator shall make application by filing an original and three copies with the Office of International Trade. Such application shall describe and state the tonnage of the semifinished and finished conversion product and the name and address of the supplier and the finishing plant.

SEC. 4. *Orders for carbon conversion steel.* Any person who is authorized to acquire and use finished carbon conversion steel pursuant to section 3 of this direction, may place authorized controlled material orders for such steel with the finished conversion steel producer, and such producer may accept and fill such orders if they will not interfere with production directives, and other directives which may be issued from time to time to such steel producer by NPA, or with the acceptance and filling of orders which such steel producer is required to accept pursuant to any regulation or order of NPA. The person ordering such steel shall make his own arrangements for obtaining the semifinished carbon conversion steel with the original ingot producer, or the finished conversion steel producer. In arranging to purchase the semifinished carbon conversion steel from an original ingot producer or an intermediate producer, such person shall furnish to such original ingot producer or intermediate producer a certification in the following form:

Certified under Direction 3 to NPA Order
M-46A

which shall be signed as provided in section 8 of NPA Reg. 2. This certification shall constitute a representation to the original ingot producer or intermediate producer and to NPA that such person is

authorized to place such order under the provisions of this direction to obtain the quantity of semifinished conversion steel covered by the delivery order, for conversion into finished conversion steel, and that he will furnish an authorized controlled material order to the finished conversion steel producer. Notwithstanding the provisions of any NPA regulation or order, a producer of semifinished carbon conversion steel may deliver semifinished carbon conversion steel pursuant to such a certification: *Provided, however* That such delivery shall not interfere with production directives and other directives which may be issued from time to time to such steel producer by NPA, or with delivery on orders which such steel producer is required to accept pursuant to any regulation or order of NPA.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This direction as amended shall take effect February 24, 1953.

NATIONAL PRODUCTION
AUTHORITY,
By GEORGE W AUXIER,
Executive Secretary.

[F. R. Doc. 53-1838; Filed, Feb. 24, 1953;
10:45 a. m.]

Chapter XXI—Office of Rent Stabiliza-
tion, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 123 to
Schedule A]

[Rent Regulation 2, Amdt. 120 to
Schedule A]

R.R. 1—HOUSING

R.R. 2—ROOMS IN ROOMING HOUSES AND
OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS
VIRGINIA

Effective October 1, 1952, Item 339 of Schedules A of Rent Regulation 1 and Rent Regulation 2 is changed to read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 20th day of February 1953.

WILLIAM G. BARR,
Acting Director of Rent Stabilization,
(339) Arlington County [Revoked].

This deletes item 339 from Schedules A of Rent Regulation 1 and Rent Regulation 2, as a result of a decision of the Emergency Court of Appeals, issued February 10, 1953, in the case of Colonial Apartments, Inc., et al. v. James McI. Henderson, Director of Rent Stabilization, which adjudged that "the provisions of Title II of the Housing and Rent Act of 1947, as amended, and any valid regulations or orders issued thereunder, ceased to be in effect, as applied to Arlington County, Virginia, at the close of September 30, 1952."

[F. R. Doc. 53-1803; Filed, Feb. 20, 1953;
2:19 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

Subchapter C—Personnel

PART 710—ADMISSION OF CANDIDATES INTO THE NAVAL ACADEMY AS MIDSHIPMEN

Part 710 is revised to read as follows:

GENERAL

- Sec. 710.1 Nomenclatures.
- 710.2 Engagement to serve.

NOMINATIONS AND APPOINTMENTS

- 710.3 Allowance of nominations. Additional appointments.
- 710.4 Selection of candidates by Members of Congress; by Secretary of the Navy.
- 710.5 Residence of candidates.
- 710.6 Inquiries relative to appointments and competitive examinations.

COURSE OF INSTRUCTION AND DISPOSITION OF MIDSHIPMEN AFTER GRADUATION

- 710.8 Course of instruction.
- 710.9 Disposition after graduation.

AGE, MORAL, AND CITIZENSHIP REQUIREMENTS; MARRIAGE

- 710.10 Age limits; citizenship.
- 710.11 Moral character.
- 710.12 Marital status.

METHODS OF ADMISSION

- 710.13 When candidates may be mentally examined.
- 710.14 Time and place of examination.
- 710.15 Separate methods for mental qualifications.
- 710.16 College certificate method.
- 710.17 Review work where candidate has failed.
- 710.18 Preparation of examination papers.
- 710.19 Limitation upon reexamination.
- 710.20 Renomination.
- 710.21 Requirements for second examination.
- 710.22 Correspondence relative to examinations.
- 710.23 Time of entrance.
- 710.24 No annual leave granted first year students.
- 710.25 Submission of high school or college records.

METHODS OF QUALIFYING MENTALLY FOR ADMISSION; BASED ON CERTIFICATE ONLY

- 710.26 When admission is based on certificate only.
- 710.27 Evaluation of courses.
- 710.28 Length of college attendance.
- 710.29 Accredited colleges, universities, and technical schools.
- 710.30 Requirements for admission by qualifying certificates.

METHODS OF QUALIFYING MENTALLY FOR ADMISSION; BASED ON CERTIFICATE AND SUBSTANTIATING EXAMINATION

- 710.31 When admission is based on certificate and substantiating examination.
- 710.32 Rejection of certificate.
- 710.33 Secondary schools to stand as sponsor when certifying a candidate.
- 710.34 Definition of units.
- 710.35 Necessary requirements for acceptance of a certificate.
- 710.36 Submission of certificate in advance of graduation.
- 710.37 Decision as to which examination candidate will take.
- 710.38 Responsibility of nominees.
- 710.39 Admission by certificate considered a privilege.

METHODS OF QUALIFYING MENTALLY FOR ADMISSION; BASED ON REGULAR EXAMINATION

- Sec. 710.40 When admission is based on regular examination.
- 710.41 List of secondary school subjects which can be used for certification (Form II).
- 710.42 Definition of unit and of ground covered.

DEFINITION OF CERTAIN OF THE SUBJECTS LISTED IN THE CERTIFICATE

- 710.43 Definition of mathematics.
- 710.44 Definition of English.
- 710.45 Definition of history.

SCOPE OF THE SUBJECTS COVERED IN THE ENTRANCE EXAMINATIONS

- 710.46 Scope of subjects covered.
- 710.47 Scope of algebra examination.
- 710.48 Scope of plane geometry examination.
- 710.49 Scope of English examination.
- 710.50 Scope of history examination.

TIME SCHEDULE

- 710.51 Time schedule; mental examinations.

PHYSICAL REQUIREMENTS

- 710.52 Introduction.
- 710.53 Physical standards and disqualifying defects.
- 710.54 Preliminary physical examination.
- 710.55 Formal physical examination.
- 710.56 Physical reexamination.

ENTRANCE PROCEDURE AND EQUIPMENT

- 710.57 Appointments as midshipmen.
- 710.58 Execution of loyalty certificate.
- 710.59 Execution of oath of office.
- 710.60 Course of training; standing in class.
- 710.61 Pay of midshipmen.
- 710.62 Insurance.
- 710.63 Personal effects.
- 710.64 Deposit required.
- 710.65 Credit allowance.
- 710.66 Mileage allowance.
- 710.67 Available accommodations for candidates taking formal physical examination.

Appendix A—Course of Instruction 1951-52.

AUTHORITY: §§ 710.1 to 710.67 issued under R. S. 1547; 34 U. S. C. 591. Interpret or apply R. S. 1511-1528, as amended; 34 U. S. C. 1021-1120.

GENERAL

§ 710.1 *Nomenclatures.* The students of the Naval Academy are called Midshipmen. Upon acceptance and execution of the required oath of office, they are issued appointments as Midshipmen in the United States Navy which are signed by the Secretary of the Navy by direction of the President of the United States. All of the sources of nomination for appointment are established by law and no one can be appointed unless duly nominated by or from an authorized source. Furthermore, candidates may not participate in the Naval Academy scholastic entrance examinations normally held beginning on the last Wednesday in March of each year unless they have been duly nominated and are authorized to do so by the Bureau of Naval Personnel, Navy Department, Washington, D. C.

§ 710.2 *Engagement to serve.* (a) Section 3 of Public Law 586, Eighty-first Congress (act of Congress approved 30 June 1950), reads as follows:

Sec. 3. Hereafter, each cadet appointed to the United States Military Academy and each midshipman appointed to the United States Naval Academy shall, if a citizen or national of the United States, sign articles, with the consent of his parents or guardian if he be a minor, and if any he have, by which he shall engage, unless sooner discharged by competent authority—

(1) To complete the course of instruction at said Academy; and

(2) If tendered an appointment as a commissioned officer in the Regular Army or Regular Air Force upon graduation from the United States Military Academy, or in the Regular Navy or Regular Marine Corps or Regular Air Force upon graduation from the United States Naval Academy, to accept such appointment and to serve under such appointment for not less than three consecutive years immediately following the date of graduation; and

(3) In the event of the acceptance of his resignation from a commissioned status in the Regular component of such armed service prior to the sixth anniversary of his graduation, or in the event of an appointment in such Regular service not being tendered, to accept a commission which may be tendered him in the Reserve component of such Regular service and not to resign from such Reserve component prior to such sixth anniversary.

NOMINATIONS AND APPOINTMENTS

§ 710.3 *Allowance of nominations.* The Vice President and each Senator, Representative, and Delegate in Congress are allowed a maximum of 5 midshipmen at the Naval Academy at any one time. A maximum of 5 midshipmen is allowed for the District of Columbia and each year 75 may be appointed from the United States at large. The appointments from the District of Columbia and 75 each year at large are made by the President. The appointments of midshipmen at large are given by the President to the sons and adopted sons of officers and enlisted personnel of the Regular Army, Navy, Marine Corps, Air Force and Coast Guard for the reason that officers and enlisted personnel, owing to the nature of their duties, are unable to establish permanent residence and thus be in a position to secure nominations for their sons from their Senators and Representatives. Stepsons are not eligible for these appointments. Adopted sons must have been adopted prior to having reached the age of 15 years in order to be eligible. All these candidates are required to take either the substantiating examination or the regular mental examination in competition with each other, the 75 passing highest in the examination receiving the appointments. Applications should be addressed to the Bureau of Naval Personnel, and should give the full name, date of birth, home address, and present address of the candidate, the full name and rank or rating of his parent, and in case of an adopted son evidence should be submitted as to date of adoption. In the event that the quota of midshipmen authorized by law to be appointed annually to the Naval Academy from (a) enlisted men of the United States Navy and Marine Corps, (b) enlisted men of the Naval Reserve or Marine Corps Reserve, or (c) by the President at large, is not filled, the Secretary of the Navy

may fill the vacancies in such quota by appointing other candidates, from any other of such sources, who were found best qualified on examination for admission into the Academy and not otherwise appointed. The vacancies from the District of Columbia are filled by competitive examination of candidates residing in the District. The selection of candidates, by competitive examination or otherwise for nomination for vacancies in the quota of Senators, Representatives, and Delegates in Congress is entirely in the hands of each Senator, Representative, and Delegate in Congress having a vacancy and all applications for appointments or inquiries relative to competitive examinations should be addressed accordingly.

§ 710.4 *Additional appointments*—(a) *Appointments by competitive examination from the regular Navy and Marine Corps.* (1) The law authorizes the appointment of 160 enlisted men each year, to be selected as a result of a competitive examination given enlisted men of the regular Navy and Marine Corps who are not more than 22 years of age on July 1 of the year it is desired to enter and who were enlisted in the Navy or Marine Corps on or before July 1 of the preceding year. The mental and physical requirements for these candidates are the same as for other candidates for midshipmen. Briefly, the service requirements are: That the applicant must have enlisted on or before July 1 of the year preceding his possible admission to the Academy. The competitive examinations will commence the last Wednesday in March of each year and will consist of either the substantiating examination or the regular entrance examination, eligibility for the substantiating examination being contingent upon the candidate's presenting an acceptable secondary school certificate. Enlisted men who can fulfill the requirements as to age and length of service should make known to their commanding officers early in their enlistments their desire to become candidates for admission to the Naval Academy. The initial selection steps directed by the Bureau of Naval Personnel usually begin in the spring of each year to determine eligibility for assignment to the United States Naval Preparatory School convening in September. Only men assigned to this school are eligible to compete for appointment to the Naval Academy by the Secretary of the Navy. In the event that the quota of midshipmen authorized by law to be appointed annually to the Naval Academy from (i) enlisted men of the United States Navy and Marine Corps, (ii) enlisted men of the Naval Reserve or Marine Corps Reserve, or (iii) by the President at large, is not filled, the Secretary of the Navy may fill the vacancies in such quota by appointing other candidates, from any other of such sources, who were found best qualified on examination for admission into the Academy and not otherwise appointed. Enlisted men failing in the examinations for midshipmen will be required to serve out their terms of enlistment.

(2) For further information in regard to enlisting in the Navy, candidates should apply to the nearest Navy Recruiting Station.

(b) *Appointments from the enlisted men of the Naval Reserve and the Marine Corps Reserve.* (1) The law authorizes the Secretary of the Navy to appoint each year not more than 160 midshipmen, to be selected as a result of competitive examination of enlisted men of the Naval Reserve and the Marine Corps Reserve, hereinafter referred to as the Reserve. In the event that the quota of midshipmen authorized by law to be appointed annually to the Naval Academy from (i) enlisted men of the United States Navy and Marine Corps, (ii) enlisted men of the Naval Reserve or Marine Corps Reserve, or (iii) by the President at large, is not filled, the Secretary of the Navy may fill the vacancies in such quota by appointing other candidates, from any other of such sources, who were found best qualified on examination for admission into the Academy and not otherwise appointed.

(2) Candidates must be citizens of the United States, must not be more than 22 years of age and have been members of the Reserve for one year by July 1, of the year of entrance to the Naval Academy. In addition, candidates must be members of a unit of the Organized Reserve or members of the Volunteer Reserve in drill status, be recommended by their commanding officers, have maintained efficiency in drill attendance with their Reserve units, and must meet the same mental and physical requirements as other candidates for appointment to the Naval Academy.

(3) Men in Reserve classes NROTC, NACP and aviation cadet program, are not eligible to enter from the enlisted quotas.

(4) For further information regarding details of enlistment and service thereafter, candidate should apply to the nearest Navy Recruiting Station.

(c) *Appointments from among the sons of deceased officers, soldiers, sailors, and marines of the World War.* (1) An act of Congress approved November 24, 1945 (59 Stat. 586; 34 U. S. C. 1036a) authorizes that the number of midshipmen now authorized by law at the United States Naval Academy be increased by 40 from the United States at large, to be appointed by the President from among the sons of members of the land or naval forces (including male and female members of the Army, Navy, Marine Corps, and Coast Guard, and of all components thereof) of the United States, who were killed in action, or have died, or may hereafter die, of wounds or injuries received, or disease contracted, or preexisting injury or disease aggravated, in active service during World War I or World War II (as each is defined by laws providing service-connected compensation or pension benefits for veterans of World War I and World War II and their dependents) *Provided*, That the determination of the Veterans' Administration as to service connection of the cause of death shall be binding upon the Secretary of the Navy. *Provided, further* That all such appointees are otherwise qualified

for admission: *And provided further*, That the appointees under this act shall be selected in order of merit as established by competitive examination. (This law enacted while U. S. Air Force was part of U. S. Army. Therefore, it is construed to include U. S. Air Force.)

(2) No recommendation or endorsement from any source is necessary. All applications for appointment or for further information should be addressed to the Chief of Naval Personnel, Navy Department, Washington, D. C. Full name and date of birth of applicant should be given; also full name, rank, and date of death of his parent.

(d) *Appointments from Puerto Rico.* One midshipman is allowed from Puerto Rico, who must be a native of that island. The appointment is made by the President, on the recommendation of the Governor of Puerto Rico. At present, five midshipmen are also allowed from Puerto Rico, appointed on the nomination of the Resident Commissioner.

(e) *Appointments from among the honor graduates of educational institutions which are designated as "honor schools" by the War Department, or by the Navy Department, and the members of the Naval Reserve Officers' Training Corps.* (1) An act of Congress approved June 6, 1941 (55 Stat. 246; 34 U. S. C. 1033a) authorizes the Secretary of the Navy to appoint not more than 20 midshipmen annually to the Naval Academy from among the honor graduates of educational institutions which are designated as "honor schools" by the War Department or by the Navy Department in accordance with regulations established by the Secretary of the Navy, and from among members of the Naval Reserve Officers' Training Corps.

(2) The 20 appointments authorized in the act of June 6, 1941, will be made as a result of competitive examinations to commence the last Wednesday in March of each year. These examinations will be open to candidates selected in accordance with subparagraph (3) of this paragraph. The Secretary of the Navy has approved the establishing of separate competing groups with a maximum of 10 appointments being allowed from the honor military school nominees and 10 from the Naval Reserve Officers' Training Corps nominees except that in the event less than 10 qualify for appointment from either group the quota of that group may be filled by appointment of excess qualified nominees from the other group. The examinations will consist of either the substantiating examination or the regular entrance examination, eligibility for the substantiating examination being contingent upon the candidate's presenting an acceptable secondary school certificate.

(3) The candidates for the competitive examination outlined in subparagraph (2) of this paragraph will be selected in accordance with the following:

(i) The Navy Department will obtain a list of "honor schools" from the War Department each year, and three honor graduates as defined by the Army Regulations may be designated each year by the head of each such school; similar action will be taken in the case of the

three honor graduates designated by the head of each "honor school" selected by the Navy Department. The candidates from these "honor schools" whose standing indicates that they will be honor graduates of said schools in June of the year in which the examination will be held will also be eligible to be nominated as candidates from such schools to compete in the examination, but will not be considered for appointment in case they do not fulfill the requirements which would entitle them to be honor graduates at the time of their graduation.

(ii) Three candidates may be nominated each year by the president of each of the educational institutions in which a Naval Reserve Officers' Training Corps unit is established. Each such candidate must be a regularly enrolled contract student in the Naval Reserve Officers' Training Corps and must have completed a minimum of 1 year's scholastic work in that corps at the time of entrance to the Naval Academy.

(iii) All students nominated as candidates in accordance with subdivisions (i) and (ii) of this subparagraph must meet the requirements as to age, moral qualifications, etc., as set forth in this part.

(iv) The examinations outlined in subparagraph (2) of this paragraph are the only mental examinations required for entrance into the United States Naval Academy, and examination papers will be marked on a competitive basis. The 10 candidates in each group passing this mental examination with the highest rating will, if physically qualified, be appointed in order of their standing on the list. In case of failure of any of these candidates to pass physically, the candidates passing the examination with a standing below that of the first 10 on each competitive list will be called for physical examination in the order of their mental standing to fill the vacancies caused by physical failure or rejection for any other reason of candidates who have qualified mentally above them on the list.

(f) *Appointment from Canal Zone.* An act of Congress approved June 8, 1939 (53 Stat. 814; 34 U. S. C. 1035a) provides that there shall be at the United States Naval Academy one midshipman to be selected from among the sons of civilians residing in the Canal Zone and the sons of civilian employees of the United States Government and the Panama Railroad Co. residing in the Republic of Panama, whose appointment shall be made by the Secretary of the Navy on the recommendation of the Governor of the Panama Canal.

(g) *Qualified alternates and qualified competitors.* An act of Congress approved June 30, 1950 (64 Stat. 305; 34 U. S. C. 1049) provides that when upon determination that upon the admission of a new class to the United States Naval Academy, the total number of midshipmen will be less than the number authorized, the Secretary of the Navy may within his discretion and within the capacity of the Academy nominate additional midshipmen to be admitted in such class in such number to meet the needs of the armed services, but not to exceed the authorized strength of the brigade of midshipmen, from qualified

candidates holding alternate appointments and other qualified candidates holding competitive appointments from the remaining sources of admission authorized by law recommended and found to be qualified by the Academic Board of the Academy, at least two-thirds of those so appointed to be from among qualified alternate candidates nominated by the Vice President, Members of the Senate and House of Representatives of the United States, Delegates and Resident Commissioners, the Commissioners of the District of Columbia, and the Governor of the Panama Canal, and not more than one-third of those so appointed to be from among qualified candidates holding competitive appointments from sources authorized by law other than those holding such alternate appointments. This law provides that these appointments shall be in addition to and not in lieu of appointments otherwise authorized by law. The only candidates eligible for consideration under this law are those who were found mentally and physically qualified for admission under alternate or competitive nominations from authorized sources in the year for which they are being considered under the provisions of this act. Special application for consideration is unnecessary because the Academic Board at the Naval Academy will automatically review and classify in order of merit the available records of all candidates in this category in each year that additional admissions are possible.

(h) *Appointments from among the sons of persons who have been or shall hereafter be awarded the Congressional Medal of Honor.* (1) An act of Congress approved November 24, 1945 (59 Stat. 586; 34 U. S. C. 1038), provides that the number of midshipmen authorized by law enacted prior to the enactment of this act at the United States Naval Academy, be increased by such number as may be appointed by the President from the United States at large from among the sons of persons who have been or shall hereafter be awarded a Medal of Honor in the name of Congress for acts performed while in any of the armed forces of the United States; *Provided*, That all such appointees are otherwise qualified for admission.

(2) No recommendation or endorsement from any source is necessary. All applications for appointment or for further information should be addressed to the Chief of Naval Personnel, Navy Department, Washington, D. C. Full name and date of birth of applicant should be given; also full name and rank of person awarded medal.

(i) *Appointments from American Republics (other than the United States) and Canada.* An act of Congress approved July 14, 1941 (55 Stat. 589; 34 U. S. C. 1036-1), as amended by an act approved June 1, 1948 (Pub. Law 564, 80th Cong., 62 Stat. 279), provides that the Secretary of the Navy is authorized to permit, upon designation of the President of the United States, not exceeding 20 persons at a time from the American Republics (other than the United States) and Canada to receive instruction at the United States Naval Academy at Annapolis, Md. Not more than three

persons from any one of such Republics, or Canada, shall receive instruction under authority of this act at the same time. The persons receiving instruction under authority of this act shall receive the same pay, allowances, and emoluments, to be paid from the same appropriations, and subject to such exceptions as may be determined by the Secretary of the Navy, shall be subject to the same rules and regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation as midshipmen at the Naval Academy appointed from the United States; but such persons shall not be entitled to appointment to any office or position in the United States Navy by reason of their graduation from the Naval Academy. Application for appointment under the provisions of this law must be addressed to the appropriate naval official of the applicant's country. The following regulations are established for candidates from American Republics (other than the United States) and Canada:

(1) Each such candidate must:

(i) Be an unmarried, bona fide male citizen of the country transmitting the request, be not less than 17 years of age nor more than 22 years of age on July 1 of the calendar year in which he enters the Naval Academy.

(ii) Possess physical qualifications as specified in this part. All candidates must undergo a physical examination and a physical aptitude examination by a board of medical examiners designated by the Chief of Naval Personnel. The formal physical examination of candidates from other American Republics and the Dominion of Canada will be conducted by the Permanent Medical Examining Board at the United States Naval Academy at the time of reporting for admission. Such candidates are therefore urged to undergo careful preliminary examination by qualified medical personnel informed of the physical requirements set forth in §§ 710.53 and 710.54 before leaving their homes for the Naval Academy. Those with obviously disqualifying defects may be spared the needless expense of the trip to Annapolis. However, in case of reasonable doubt as to whether defects are disqualifying it is recommended that telegraphic inquiry be addressed to the Superintendent, United States Naval Academy, Annapolis, Md., U. S. A.

(iii) Be proficient in reading, writing, and speaking idiomatic English and meet the same mental entrance requirements as are required of citizens of the United States except as noted under subparagraph 3 of this paragraph. The requirements for citizens of the United States are contained in §§ 710.26 to 710.50.

(2) Candidates may qualify for admission under any of the following three methods:

(i) Certificates from accredited secondary schools and colleges of the United States of America.

(ii) Certificates from accredited secondary schools of the United States of America and on substantiating examination.

(iii) Regular entrance examination.

RULES AND REGULATIONS

(3) The regular entrance examination will be modified as follows with respect to English and history:

(i) Candidates from the American Republics will be given an examination in English similar to that required of a citizen of the United States except that no questions will be asked on English and American literature. These candidates will not be given the examination in United States history. In lieu of the examinations in English and American literature and in United States history, the candidate shall submit a certificate from his Government that he is conversant with the literature and history of his native country and that he has:

(a) In literature, completed a course in the literature of his native language equivalent in general to 2 years of secondary school work in literature in the United States.

(b) In history, completed a course in the history of his native country equivalent in general to a 1-year history course in the secondary schools of the United States.

(c) In lieu of these two certifications, a candidate from an American Republic may produce evidence of having acquired the units for literature and/or United States history from accredited schools of the United States.

(ii) Candidates from Canada will not be examined in United States history but must meet the same requirement in English as a citizen of the United States. In lieu of the examination in United States history, a candidate from Canada will be required to submit a certificate of equivalent study (a 1-year secondary school course) of the history of Canada, or produce evidence of having acquired the unit for United States history from accredited schools of the United States.

(4) Regular or substantiating examinations for entrance into the United States Naval Academy may be taken either in the United States or in the candidates' respective native countries. In the latter case, the mental examinations will be taken under the supervision of the naval attaché or, in the event no naval attaché is accredited to the country, a diplomatic representative of the United States, and he shall in the cases of all candidates from other American Republics furnish a report as to the candidates' proficiency in the use of idiomatic English.

(5) Each Government concerned should submit the names of candidates as early as possible in order that they may qualify for entrance during the month of March and enter the Naval Academy in July except in the cases of candidates attending secondary schools and college in the United States whose school records for the current year are essential to fulfillment of admission requirements. In this case candidates may be granted until June 25 in order to permit completion of the required certificates. The nomination of the candidate should contain a statement of the method of admission under which he wishes to qualify.

(6) In lieu of the oath of allegiance to the United States, a substitute oath will be required, in substance as follows:

I, _____, a citizen of _____, age _____ years _____ months, having been appointed a midshipman at the United States Naval Academy, do solemnly swear to comply with all regulations for the police and discipline of the Academy, and to give my utmost efforts to accomplish satisfactorily the required curriculum; do swear not to divulge any information of military value which I may obtain, directly or indirectly, in consequence of my presence at the United States Naval Academy, to any alien government; and do agree that I shall be withdrawn from the United States Naval Academy if deficient in conduct, health, or studies.

(7) Notification shall be made to each foreign government concerned that students found by proper authority to be unsatisfactory in conduct, studies, or health would be accorded the same consideration given other midshipmen regarding withdrawal from the Academy, or repetition of a year's work.

(j) *Appointments from the Republic of the Philippines.* An act of Congress approved June 24, 1948 (Pub. Law 752, 80th Cong., 62 Stat. 583) provides that the Secretary of the Navy is authorized to permit, upon designation of the President of the United States, not exceeding four Filipinos at a time to receive instruction at the United States Naval Academy at Annapolis, Md. The Filipinos receiving instruction under authority of this act shall receive the same pay, allowances, and emoluments, to be paid from the same appropriations, and, subject to such exceptions as may be determined by the Secretary of the Navy, shall be subject to the same rules and regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation, as midshipmen at the Naval Academy appointed from the United States; but such persons shall not be entitled to appointment to any office or position in the United States Navy by reason of their graduation from the Naval Academy. The following regulations are established for candidates from the Republic of the Philippines:

(1) Each such candidate must:

(i) Be an unmarried, bona fide male citizen of the Republic of the Philippines, be not less than 17 years of age nor more than 22 years of age on July 1 of the calendar year in which he enters the Naval Academy.

(ii) Possess physical qualifications as specified in this part. All candidates must undergo a physical examination and a physical aptitude examination by a board of medical examiners designated by the Chief of Naval Personnel. The formal physical examination of candidates from the Republic of the Philippines will be conducted by the Permanent Medical Examining Board at the United States Naval Academy at the time of reporting for admission. Such candidates are therefore urged to undergo careful preliminary examination by qualified medical personnel informed of the physical requirements set forth in §§ 710.53 and 710.54 before leaving their homes for the Naval Academy. Those with obviously disqualifying defects may be spared the needless expense of the trip to Annapolis. However, in case of reasonable doubt as to whether defects are disqualifying, it is recommended that

telegraphic inquiry be addressed to the Superintendent, U. S. Naval Academy, Annapolis, Md., U. S. A.

(iii) Be proficient in reading, writing, and speaking idiomatic English and meet the same mental entrance requirements as are required of citizens of the United States except as noted under subparagraph 3 of this paragraph. The requirements for citizens of the United States are contained in §§ 710.26 to 710.50.

(2) Candidates may qualify for admission under any of the following three methods:

(i) Certificates from accredited secondary schools and colleges of the United States of America.

(ii) Certificates from accredited secondary schools of the United States of America and on substantiating examination.

(iii) Regular entrance examination.

(3) The regular entrance examination will be modified as follows with respect to English and history:

(i) Candidates from the Republic of the Philippines will be given an examination in English similar to that required of a citizen of the United States except that no questions will be asked on English and American literature. These candidates will not be given the examination in United States history. In lieu of the examinations in English and American literature and in United States history, the candidate shall submit a certificate from his government that he is conversant with the literature and history of his native country and that he has:

(a) In literature, completed a course in the literature of his native language equivalent in general to 2 years of secondary school work in literature in the United States.

(b) In history, completed a course in the history of his native country equivalent in general to a 1-year history course in the secondary schools of the United States.

(c) In lieu of these two certificates, a candidate from the Republic of the Philippines may produce evidence of having acquired the units for literature and/or United States history from accredited schools of the United States or of the Republic of the Philippines.

(4) Regular or substantiating examinations for entrance into the United States Naval Academy may be taken either in the United States or in the Philippines. In the latter case, the mental examination will be taken under the supervision of a naval representative or, in the event no naval representative is accredited to the country, a diplomatic representative of the United States, and he shall in the case of each candidate furnish a report as to the candidate's proficiency in the use of idiomatic English.

(5) The Philippine Government should submit the names of candidates as early as possible in order that they may qualify for entrance during the month of March and enter the Naval Academy in July except in the cases of candidates attending secondary schools and colleges in the United States whose school records for the current year are essential to fulfillment of admission re-

quirements. In this case, candidates may be granted until June 25 in order to permit completion of the required certificates. The nomination of the candidate should contain a statement of the method of admission under which he wishes to qualify.

(6) In lieu of the oath of allegiance to the United States, a substitute oath will be required, in substance as follows:

I, _____, a citizen of _____, aged _____ years _____ months, having been appointed a midshipman at the United States Naval Academy, do solemnly swear to comply with all regulations for the police and discipline of the Academy, and to give my utmost efforts to accomplish satisfactorily the required curriculum; do swear not to divulge any information of military value which I may obtain, directly or indirectly, in consequence of my presence at the United States Naval Academy, to any alien government; and do agree that I shall be withdrawn from the United States Naval Academy if deficient in conduct, health, or studies.

(7) Notification shall be made to the Philippine Government that students found by proper authority to be unsatisfactory in conduct, studies, or health would be accorded the same consideration given other midshipmen regarding withdrawal from the Academy, or repetition of a year's work.

§ 710.5 *Selection of candidates by Members of Congress; by Secretary of the Navy.* "Hereafter the Secretary of the Navy shall, as soon as possible after the 1st day of June of each year preceding the graduation of midshipmen in the succeeding year, notify in writing each Senator, Representative, and Delegate in Congress of any vacancy that will exist at the Naval Academy because of such graduation, or that may occur for other reasons, and which he shall be entitled to fill by nomination of a candidate and one or more alternates therefor. The nomination of a candidate and alternate or alternates to fill said vacancy shall be made upon the recommendation of the Senator, Representative, or Delegate, if said recommendation is made by the 4th day of March of the year following that in which said notice in writing is given, but if it is not made by that time the Secretary of the Navy shall fill the vacancy by appointment of an actual resident of the State, congressional district, or Territory, as the case may be, in which the vacancy will exist, who shall have been for at least two years immediately preceding the date of his appointment an actual and bona fide resident of the State, congressional district, or Territory in which the vacancy will exist and of the legal qualification under the law as now provided. In cases where by reason of a vacancy in the membership of the Senate or House of Representatives, or by the death or declination of a candidate for admission to the academy, there occurs or is about to occur at the Academy a vacancy for any State, district, or Territory that cannot be filled by nomination as herein provided, the same may be filled as soon thereafter and before the final entrance examination for the year as the Secretary of the Navy may determine." (Act approved June 29, 1906, 34 Stat. 578; 34 U. S. C. 1041.)

§ 710.6 *Residence of candidates.* (a) Candidates allowed for States, congressional districts, Territories, and the District of Columbia must be actual residents of such States, congressional districts, Territories, or District of Columbia, respectively, from which they are nominated. (R. S. 1517, as amended; 34 U. S. C. 1045.)

(b) The number of alternates that may be nominated for any one vacancy for midshipman shall be restricted to three. Alternates are given the privilege of reporting for mental examination at the same time with the principal. In lieu of a principal and three alternates, four candidates may be nominated to take the regular entrance examination on a competitive basis, the one passing highest to receive the principal appointment. Regardless of method of qualifying mentally the number of candidates designated for any one vacancy must be limited to four.

§ 710.7 *Inquiries relative to appointments and competitive examinations.*

(a) The selection of candidates, by competitive examination or otherwise, for nomination from any congressional district, is entirely in the hands of the Member of Congress entitled to make the nomination, and all applications for appointment or inquiries relative to competitive examinations should be addressed to the Congressman representing the congressional district in which the vacancy exists.

(b) As soon as nominated, a copy of these entrance regulations will be forwarded direct to each candidate in order that he may be fully informed regarding service requirements and the mental and physical qualifications of candidates. A syllabus of the first year's work at the Naval Academy is shown in Appendix A, following § 710.67, to enable each candidate to spend his time profitably at his local school and thus be better prepared to pursue the course at the Naval Academy after appointment.

(c) The Naval Academy entrance examinations, both substantiating and regular, are held commencing the last Wednesday in March of each year. The United States Naval Academy aptitude test, which is required of all candidates, is given on the first day of the entrance examinations. (See § 710.51.) However, it is the policy of some Senators and Representatives to have the United States Civil Service Commission hold special competitive examinations at times other than as stated, for the purpose of enabling them to select their nominees. These special competitive examinations have no bearing upon the candidates' mental qualifications for admission as midshipmen, as the Naval Academy requirements must also be met. All of the details concerning the special competitive examinations are handled by the Senator or Representative concerned and the United States Civil Service Commission in Washington, and correspondence relative thereto should be addressed accordingly.

COURSE OF INSTRUCTION AND DISPOSITION OF MIDSHIPMEN AFTER GRADUATION

§ 710.8 *Course of instruction.* The course for midshipmen is of 4 years' du-

ration. Instruction, drills, and exercises are designed to provide them with a basic education and knowledge of the naval profession and to prepare them for the duties of a junior line officer of the Navy. High and exacting academic standards prevail. Only candidates who are equipped to assimilate rapidly, who possess retentive memories, and are capable of intense application may reasonably expect to complete the course.

§ 710.9 *Disposition after graduation.* Graduates of the Naval Academy who at graduation meet all requirements are commissioned as ensigns in the Navy and from each graduating class a limited number may be commissioned as second lieutenants in the Marine Corps and in the United States Air Force. Their commissions may be revoked at any time during the first 3 years following graduation from the Naval Academy. On successful completion of the probationary period, officers are permanently commissioned. Officers whose commissions are revoked shall be discharged from the service, without advance pay or allowances.

AGE, MORAL, AND CITIZENSHIP REQUIREMENTS; MARRIAGE

§ 710.10 *Age limits; citizenship.* (a) All candidates are required to be citizens of the United States and must be not less than 17 years of age nor more than 22 years of age on July 1 of the calendar year in which they enter the Naval Academy. (64 Stat. 304, 34 U. S. C. 1047.)

(b) If the candidate has not reached his seventeenth birthday on or before July 1, or if he will have reached his twenty-second birthday on or before July 1 of the calendar year in which he expects to enter the Naval Academy, he will be ineligible for admission.

§ 710.11 *Moral character.* Candidates must be of good moral character. No candidate who has been dismissed in accordance with the act of Congress of April 9, 1906, (34 Stat. 104; 34 U. S. C. 1062) or who is permitted to resign in lieu of dismissal, shall be reappointed or allowed to reenter the Naval Academy.

§ 710.12 *Marital status.* No person who is married, or who has been married, shall be admitted as a midshipman to the Naval Academy. Midshipmen shall not marry, and any midshipman who becomes married or who is found to be married shall be recommended for discharge.

METHODS OF ADMISSION

§ 710.13 *When candidates may be mentally examined.* "All candidates for admission into the Academy shall be examined according to such regulations and at such stated times as the Secretary of the Navy may prescribe. Candidates rejected at such examination shall not have the privilege of another examination for admission to the same class unless recommended by the board of examiners." (Rev. Stat., sec. 1515; 34 U. S. C. 1043.) (This refers to mental examinations.)

§ 710.14 *Time and place of examination.* (a) Mental examinations for ad-

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mission to the Naval Academy will be held only in March of each year. The examinations will begin on the last Wednesday in that month. The substantiating examination will be completed in 2 days whereas the regular entrance examination will require 2½ days. A United States Naval Academy aptitude test, which requires no special preparation, will be included with each type of examination. Those candidates who intend to qualify for admission by the college certificate method will be required to take the United States Naval Academy aptitude test on the last Wednesday in March. (College certificate candidates who do not receive nominations in time to take the aptitude test on the last Wednesday in March will be given the test after their arrival at the Naval Academy if otherwise qualified for admission as midshipmen.) The examinations will be under the supervision of the United States Civil Service Commission, at points named in the accompanying list. All those qualifying mentally and physically, who are entitled to appointment, in order of nomination, will be notified by the Bureau of Naval Personnel when to report to the Academy for appointment as midshipman.

(b) Candidates may be examined at any of the places named in the accompanying list. If a candidate has been authorized to report for mental examination at any one of the points given below, the place may be changed to any other point on the list at the request of the candidate.

Alabama: Anniston, Birmingham, Decatur, Demopolis, Dothan, Eufaula, Florence, Gadsden, Huntsville, Marion, Mobile, Montgomery, Opelika, Selma, Tuscaloosa, Tuskegee Institute.

Alaska: Anchorage, Cordova, Fairbanks, Juneau, Ketchikan, Nome, Steward, Sitka.

Arizona: Douglas, Flagstaff, Globe, Holbrook, Kingman, Nogales, Phoenix, Prescott, Safford, Tucson, Yuma.

Arkansas: Camden, Fayetteville, Fort Smith, Harrison, Helena, Hot Springs, Jonesboro, Little Rock, Mena, Newport, Pine Bluff, Russellville, Texarkana.

California: Alturas, Bakersfield, Bishop, Chico, China Lake, El Centro, Eureka, Fresno, Indio, King City, Long Beach, Los Angeles, Merced, Monterey, Oakland, Pasadena, Pomona, Port Hueneme, Redding, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Jose, San Luis Obispo, Santa Ana, Santa Barbara, Santa Cruz, Santa Monica, Santa Rosa, Stockton, Ukiah, Vallejo, Canal Zone: Balboa Heights.

Colorado: Boulder, Canon City, Colorado Springs, Denver, Durango, Fort Collins, Fort Morgan, Glenwood Springs, Grand Junction, Greeley, La Junta, Leadville, Monte Vista, Montrose, Pueblo, Sterling, Trinidad.

Connecticut: Bridgeport, Danbury, Hartford, Middletown, New Haven, New London, Waterbury, Willimantic.

Delaware: Dover, Wilmington.

District of Columbia: Washington.

Florida: Daytona Beach, Fort Myers, Gainesville, Jacksonville, Key West, Lake City, Lakeland, Miami, Ocala, Orlando, Pensacola, Tallahassee, Tampa, West Palm Beach.

Georgia: Albany, Americus, Athens, Atlanta, Augusta, Brunswick, Columbus, Dublin, Fitzgerald, Gainesville, Macon, Rome, Savannah, Thomasville, Valdosta, Waycross.

Hawaii: Hilo, Honolulu.

Idaho: Boise, Couer d'Alene, Orangeville, Idaho Falls, Lewiston, Moscow, Pocatello, Sandpoint, St. Anthony, Twin Falls, Weiser.

Illinois: Alton, Aurora, Belleville, Bloomington, Cairo, Carbondale, Centralia, Chicago, Danville, Decatur, East St. Louis, Effingham, Freeport, Galena, Galesburg, Harrisburg, Jacksonville, Joliet, Kankakee, Mount Carmel, Peoria, Quincy, Rockford, Rock Island, Savannah, Springfield, Staunton, Streator, Urbana, Waukegan.

Indiana: Angola, Bloomington, Evansville, Fort Wayne, Hammond, Indianapolis, Jeffersonville, La Fayette, Marion, Muncie, Richmond, South Bend, Terre Haute, Valparaiso, Vincennes.

Iowa: Ames, Atlantic, Burlington, Cedar Rapids, Cherokee, Clinton, Council Bluffs, Creston, Davenport, Decorah, Denison, Des Moines, Dubuque, Fort Dodge, Iowa City, Knoxville, Marshalltown, Mason City, Mount Pleasant, Ottumwa, Shenandoah, Sioux City, Spencer, Waterloo.

Kansas: Concordia, Dodge City, Emporia, Fort Scott, Garden City, Goodland, Great Bend, Hayes, Junction City, Kansas City, Lawrence, Leavenworth, Liberal, Manhattan, Norton, Parsons, Pittsburg, Pratt, Salina, Topeka, Wichita.

Kentucky: Ashland, Bowling Green, Covington, Hopkinsville, Lebanon, Lexington, London, Louisville, Madisonville, Middlesboro, Owensboro, Paducah, Paintsville, Somerset.

Louisiana: Alexandria, Baton Rouge, Lafayette, Lake Charles, Monroe, New Orleans, Shreveport.

Maine: Augusta, Bangor, Bath, Calais, Caribou, Fort Kent, Houlton, Lewiston, Portland, Rockland, Waterville.

Maryland: Annapolis, Baltimore, Cumberland, Easton, Hagerstown, Salisbury.

Massachusetts: Boston, Brockton, Fall River, Fitchburg, Greenfield, Haverhill, Holyoke, Hyannis, Lawrence, Lowell, New Bedford, Northampton, Pittsfield, Salem, Springfield, Worcester.

Michigan: Alpena, Ann Arbor, Battle Creek, Big Rapids, Cadillac, Cheboygan, Detroit, Escanaba, Flint, Grand Rapids, Houghton, Ironwood, Jackson, Kalamazoo, Lansing, Manistee, Marquette, Muskegon, Petoskey, Port Huron, Saginaw, St. Joseph, Sault Ste. Marie, Traverse City.

Minnesota: Austin, Bemidji, Brainerd, Crookston, Duluth, Ely, Fairmont, Fergus Falls, Glenwood, Grand Rapids, Hibbing, International Falls, Menkato, Minneapolis, Montevideo, Northfield, Pipestone, Rochester, St. Cloud, St. Paul, Thief River Falls, Virginia, Wilmar, Winona.

Mississippi: Biloxi, Brookhaven, Clarksdale, Columbus, Corinth, Greenville, Greenwood, Grenada, Gulfport, Hattiesburg, Jackson, Laurel, Meridian, Natchez, Oxford, Starkville, Tupelo, Vicksburg, West Point.

Missouri: Cape Girardeau, Chillicothe, Columbia, Farmington, Hannibal, Jefferson City, Joplin, Kansas City, Kirksville, Maryville, Moberly, Nevada, Poplar Bluff, Rolla, St. Joseph, St. Louis, Sedalia, Springfield, Warrensburg, West Plains.

Montana: Billings, Bozeman, Butte, Glasgow, Glendive, Great Falls, Havre, Helena, Kalispell, Lewistown, Miles City, Missoula, Plentywood.

Nebraska: Alliance, Beatrice, Broken Bow, Chadron, Columbus, Fremont, Grand Island, Hastings, Kearney, Lincoln, McCook, Nebraska City, Norfolk, North Platte, Omaha, O'Neill, Scottsbluff, Sidney, Superior, Valentine, York.

Nevada: Elko, Ely, Fallon, Las Vegas, Reno, Tonopah, Winnemucca.

New Hampshire: Berlin, Claremont, Concord, Durham, Hanover, Keene, Laconia, Manchester, Plymouth, Portsmouth.

New Jersey: Asbury Park, Atlantic City, Camden, Elizabeth, Lakewood, Long Branch, Newark, New Brunswick, Paterson, Trenton.

New Mexico: Albuquerque, Clayton, Clovis, Deming, Gallup, Las Cruces, Las Vegas, Raton, Roswell, Santa Fe, Silver City, Tucumcari.

New York: Albany, Batavia, Binghamton, Buffalo, Dunkirk, Elmira, Glens Falls, Hempstead, Hornell, Ithaca, Jamestown, Kingston, Malone, Middletown, Newburgh, New York, Ogdensburg, Olean, Oneonta, Oswego, Plattsburg, Poughkeepsie, Riverhead, Rochester, Saranac Lake, Schenectady, Syracuse, Troy, Utica, Watertown, Yonkers.

North Carolina: Asheville, Chapel Hill, Charlotte, Durham, Gastonia, Goldsboro, Greensboro, Hickory, New Bern, Raleigh, Rocky Mount, Salisbury, Washington, Wilmington, Winston-Salem.

North Dakota: Bismarck, Devils Lake, Dickinson, Fargo, Grand Forks, Harvey, Jamestown, Kenmore, Mandan, Minot, New Rockford, Oakes, Valley City, Wahpeton, Williston.

Ohio: Akron, Ashtabula, Athens, Canton, Chillicothe, Cincinnati, Cleveland, Columbus, Dayton, Ironton, Lima, Mansfield, Marietta, Portsmouth, Sandusky, Stouboville, Toledo, Youngstown, Zanesville.

Oklahoma: Ada, Altus, Ardmore, Bartlesville, Chickasha, Enid, Guthrie, Hobart, Hugo, Lawton, McAlester, Muskogee, Oklahoma City, Okmulgee, Ponca City, Shawnee, Stillwater, Tulsa, Vinita, Watonga, Woodward.

Oregon: Astoria, Baker, Bend, Coos Bay, Corvallis, Eugene, Klamath Falls, La Grande, Medford, Pendleton, Portland, Roseburg, Salem, The Dalles.

Pennsylvania: Altoona, Bethlehem, Chambersburg, Dubois, Easton, Erie, Harrisburg, Johnstown, Kittanning, Lancaster, Oil City, Philadelphia, Pittsburgh, Pottsville, Reading, Scranton, State College, Sunbury, Uniontown, Warren, Wellsboro, Wilkes-Barre, Williamsport, York.

Puerto Rico: Mayaguez, Ponce, San Juan.

Rhode Island: Narragansett, Newport, Providence, West Warwick.

South Carolina: Aiken, Anderson, Beaufort, Camden, Charleston, Cheraw, Chester, Clemson, Columbia, Florence, Georgetown, Greenville, Greenwood, Orangeburg, Rock Hill, Spartanburg, Sumter, Union.

South Dakota: Aberdeen, Brookings, Chamberlain, Deadwood, Hot Springs, Huron, Lemmon, Madison, Milbank, Mitchell, Mobridge, Pierre, Rapid City, Redfield, Sioux Falls, Sturgis, Watertown, Winner, Yankton.

Tennessee: Athens, Bristol, Chattanooga, Clarksville, Columbia, Elizabethton, Jackson, Johnson City, Knoxville, Memphis, Nashville, Paris, Union City.

Texas: Abilene, Amarillo, Austin, Beaumont, Big Spring, Brownsville, Brownwood, Bryan, Cameron, Childress, Cisco, Clarendon, Corpus Christi, Corsicana, Dalha, Dallas, Del Rio, El Paso, Fort Worth, Galveston, Greenville, Houston, Huntsville, Laredo, Longview, Lubbock, Lufkin, Marfa, McKinney, Palestine, Pampa, Paris, Pecos, Perryton, San Angelo, San Antonio, San Benito, Shamrock, Sherman, Tyler, Waco, Wichita Falls.

Utah: Cedar City, Logan, Ogden, Provo, Salt Lake City.

Vermont: Brattleboro, Burlington, Middlebury, Montpelier, Newport, Rutland, St. Albans, St. Johnsbury.

Virginia: Abingdon, Alexandria, Blacksburg, Bristol, Charlottesville, Clifton Forge, Harrisonburg, Lynchburg, Norfolk, Richmond, Roanoke, Staunton, Winchester.

Washington: Aberdeen, Bellingham, Chahalls, Everett, Longview, Olympia, Pasco, Port Angeles, Port Townsend, Pullman, Raymond, Seattle, Spokane, Tacoma, Vancouver, Walla Walla, Wenatchee, Yakima.

West Virginia: Bluefield, Charleston, Clarksburg, Elkins, Grafton, Hinton, Huntington, Martinsburg, Morgantown, Parkersburg, Wheeling.

Wisconsin: Appleton, Ashland, Eau Claire, Fond du Lac, Green Bay, Janesville, La Crosse, Madison, Marinette, Milwaukee, Rhinelander, Sheboygan, Stevens Point, Superior, Wausau.

Wyoming: Casper, Cheyenne, Cody, Evans-ton, Jackson, Lander, Laramie, Rawlins, Rock Springs, Sheridan.

§ 710.15 *Separate methods for mental qualifications.* There are three separate and distinct methods of qualifying mentally for admission to the Naval Academy and candidates are required to indicate the method by which they propose to qualify on a special form which will be provided by the Bureau of Naval Personnel. This information is essential as it is necessary that arrangements be made for mental examinations when required.

(a) Certificate only. §§ 710.26 to 710.30.

(b) Certificate and substantiating examination. §§ 710.31 to 710.39.

(c) Regular entrance examination. § 710.40.

§ 710.16 *College certificate method.* Only noncompetitive candidates can utilize the college certificate method (certificate only) of qualifying. All candidates, however, must take the United States Naval Academy Aptitude Test—a test that requires no special preparation. There is no prescribed passing score on the aptitude test but a candidate who does not present acceptable secondary school or college credit in physics or chemistry will be required to demonstrate by performance in the "U. S. Naval Academy Aptitude Test" his capacity to pursue studies along engineering and scientific lines. This test will be given at the same time and at the same places it is given to candidates taking the regular and substantiating examinations. (See § 710.14 and § 710.51.) Candidates accepted for admission to the Naval Academy under the college certificate method whose appointments were made too late to take the "United States Naval Academy Aptitude Test" in March will take it after admission. Any other candidate, regardless of the source of his nomination, who can present an acceptable secondary school certificate, the requirements for which are outlined elsewhere in this part, will be eligible to take the substantiating examination in algebra, plane geometry, and English. The only exception to this statement would occur in case a Member of Congress specified that his nominees take the full regular entrance examination. Those candidates who cannot present acceptable secondary school certificates may qualify only by passing the regular entrance examinations in all of the subjects listed in § 710.40. Secondary school and college credits may be combined to establish an acceptable secondary certificate. In determining the order of merit of successful candidates from any of the purely competitive sources such as Presidential nominees, those from the Navy and Marine Corps, those from the Naval and Marine Corps Reserves, those from honor military schools and Naval Reserve Officers' Training Corps units, etc., and those who are specifically required by the Member of Congress nominating them to take the Naval Academy entrance examinations on a competitive basis, the arithmetic average of the three marks received in algebra, plane geome-

try, and English will be used. Candidates who must also submit to examination in United States History must receive at least a passing mark in that subject but it will not be used in determining relative standing in competitive lists.

§ 710.17 *Review work where candidate has failed.* (a) In case a candidate has failed on either the regular examination or the substantiating examination and submits a certificate subsequent to such failure, the following determines the consideration of such certificates: "Credits claimed for subjects on a certificate by a candidate who has registered a failure in those subjects on a regular or substantiating examination cannot be allowed. To overcome the certain disallowance of such credits the submitted certificate must show that the subjects on which he failed have been reviewed at some duly accredited school subsequent to such failure. Such review work must be done in regular school course and the marks assigned must meet the requirements of the academic board." Postgraduate work in secondary school or college work in advanced related branches of the failed subject or subjects may be offered in lieu of review work.

(b) The academic board has established 60 clock hours of classroom work as its minimum for a half year's work in secondary school and 120 clock hours as its minimum for a full year's work. In regard to college work, the board requires approximately 50 clock hours, or 3 semester hours of credit, for a half year's work and 100 clock hours, or 6 semester hours, for a full year's work.

§ 710.18 *Preparation of examination papers.* The examination questions used in all examinations are prepared by the Educational Testing Service under the direction of the Naval Academy and the result for each candidate is finally passed upon by the academic board. No candidate shall be admitted unless in the opinion of the academic board, he shows the requisite mental qualifications. To aid the academic board in evaluating the candidate's demonstration of these requisite mental qualifications a United States Naval Academy aptitude test will be given to each candidate participating in the entrance examinations. There is no passing or failing score for the United States Naval Academy aptitude test and no one will be disqualified because of this test score alone unless he has failed to offer acceptable secondary school or college credit in physics or chemistry. Certification of such credit or of evidence that an acceptable course in either science is being pursued and scheduled for completion at the end of the current regular school year must be submitted to the Naval Academy on or before the last Wednesday in March.

§ 710.19 *Limitation upon reexamination.* A candidate who fails either the substantiating examination or the regular entrance examination and who is renominated for admission in a subsequent year must take the full regular entrance examination unless all require-

ments for the reestablishment of certificate credits are fulfilled.

§ 710.20 *Renomination.* Candidates who have successfully passed the regular entrance examination or who have qualified for admission by either of the certificate methods of qualifying mentally will not be required again to qualify mentally in the event of renomination. The only exceptions to this rule are as stated in § 710.21 and in cases in which candidates are required to compete for appointments.

§ 710.21 *Requirements for second examination.* Former midshipmen who may be nominated for readmission to the Naval Academy, and who were deficient in the academic work of the first year of the course at the time of separation, must take the United States Naval Academy aptitude test and requalify scholastically by passing the substantiating entrance examinations in English and mathematics.

§ 710.22 *Correspondence relative to examinations.* The Civil Service Commission merely conducts the examination of candidates whose names have been furnished by the Navy Department. All correspondence relative to the nomination and examination of candidates should be addressed to the Bureau of Naval Personnel, Navy Department, Washington, D. C.

§ 710.23 *Time of entrance.* Candidates will be required to enter the academy immediately after passing the prescribed mental and physical examinations, or at such times as the Secretary of the Navy may designate. Normally, candidates are required to report for admission the first week in July. Notification of the date and hour of reporting will be issued each eligible candidate by the Bureau of Naval Personnel, Navy Department, Washington, D. C.

§ 710.24 *No annual leave granted first year students.* Annual leave of absence during the summer will not be granted to midshipmen of the fourth class (first year students).

§ 710.25 *Submission of high school or college records.* Immediately upon its acceptance of the nomination of a candidate, the Bureau of Naval Personnel will send him the Naval Academy certificate forms and other pertinent papers. The high school record, and college record, if any, should be submitted to the Naval Academy at the earliest practicable date on the appropriate certificate forms. Certificates should include all entries required by the form covering work that has been completed and should list subjects scheduled for completion in the current school year with information to indicate the ultimate credit value of each incomplete or proposed course. Regardless of whether or not a candidate is a high school graduate or whether or not he wishes to qualify by one or the other of the certificate methods, he should have his school records submitted. Such certificates will establish whether or not the candidate has or will have acceptable credit in physics or chemistry and will thus enable the academic board to determine the measure of perform-

ance to be required on the United States Naval Academy aptitude test. Acceptable evidence of credit in physics or chemistry must reach the Superintendent, United States Naval Academy, Annapolis, Md., on or before the last Wednesday in March in order for the candidate to be exempted from the requirement that he achieve the required level of performance on the aptitude test. This exemption may also be granted when it is shown that an acceptable course in physics or chemistry is in progress and is scheduled for completion at the end of the regular school year in which the entrance examination is taken.

METHODS OF QUALIFYING MENTALLY FOR ADMISSION; BASED ON CERTIFICATE ONLY

§ 710.26 *When admission is based on certificate only.* The academic board will consider and may admit without mental examination (except for the United States Naval Academy aptitude test, § 710.16) a candidate who presents a properly attested certificate (Form I) that he is or has been a regularly enrolled student in good standing without condition in a university college, or technological school accredited by the United States Naval Academy, *Provided, That:*

(a) He submits also a properly attested certificate (Form II) that he has been graduated from an accredited secondary school, indicating that he has shown proficiency in 7 units of certain required subjects and in at least 8 units of optional subjects. These subjects are listed in § 710.41. If some of the necessary 15 units are lacking from the candidate's secondary school record, the deficiency may be made up by showing completion of acceptable college work in the lacking subject or subjects. College credits used for the purpose of making up deficiencies in the secondary school certificate must, however, be in excess of the minimum requirements for an acceptable college certificate.

(b) At the time of entry into the Naval Academy he will have satisfactorily completed a year's work in the university, college or technological school, with a minimum of 24 semester hours in English, natural science, social science, or languages, at least 6 of which shall be in college English and/or history and 6 shall be in college mathematics, selected from such subjects as college algebra, plane trigonometry, analytical geometry, calculus, differential equations, etc.

(c) He has taken the United States Naval Academy aptitude test. (College certificate candidates who do not receive nominations in time to take the aptitude test on the last Wednesday in March may be given the test after their arrival at the Naval Academy if otherwise qualified for admission as midshipmen.)

(d) (1) If Form I shows low or barely passing grades, the candidate may be required to take the substantiating examination in mathematics and English.

(2) In the event that Form II is also unacceptable, the candidate will be required to take the regular entrance examination.

§ 710.27 *Evaluation of courses.* It is the policy of the Naval Academy to evaluate the courses offered in the college certificate in terms of semester hours. A semester hour of credit implies that, in addition to outside preparation, the subject has required one classroom recitation of approximately 1 hour in length each week for a semester of not less than 16 weeks; or one double-length laboratory or practical work period for the same length of time. In general, where this definition is approximated, it is the policy to abide by the credit values indicated by the certifying institutions.

§ 710.28 *Length of college attendance.* The length of college attendance prescribed is defined as requiring actual full-time attendance for one regular school year during which the candidate pursues courses constituting a normal year load. Deficiencies not in excess of nine semester hours of credit may be made up as the result of regular class work in extension classes of fully accredited colleges and universities provided such work is in excess of the normal year of college work. Extension classes are defined as classes which meet beyond regular day school hours. Under no circumstances will credit be allowed for correspondence or tutoring work or for a subject for which credit has been established as the result of an examination alone.

§ 710.29 *Accredited colleges, universities, and technical schools.* The Naval Academy does not maintain a restricted list of accredited colleges, universities, and technological schools. It accredits, for certification purposes, any of the standard colleges, universities, technological schools of collegiate rank and 2-year junior colleges that are fully and unqualifiedly accredited by the various State boards of education which prescribe collegiate standards in their respective states, or by any of the recognized accrediting agencies such as the Association of American Universities, the New England Association of Colleges and Secondary Schools, the Association of Colleges and Secondary Schools of the Middle States and Maryland, the Association of Colleges and Secondary Schools of the Southern States, the North Central Association of Colleges and Secondary Schools, and the Northwest Association of Secondary and Higher Schools. In case of doubt as to the accredited status of the institution under consideration, specific inquiry should be addressed to the Superintendent, United States Naval Academy, Annapolis, Md., giving the name of the institution.

§ 710.30 *Requirements for admission by qualifying certificates.* (a) A nominee who contemplates qualifying by certificate only but who has not completed the required year of college work at the time of receipt of nomination for appointment should submit his high school record on the prescribed form and should have a preliminary college certificate (Form I) submitted showing the courses contemplated or in progress and the amount of credit in semester hours to be assigned for each course. For in-

stance, a college certificate submitted at the end of the first semester should show the first semester grade for each course and should indicate the courses to be pursued during the second semester and the amount of credit to be assigned eventually for each. A certificate submitted prior to the receipt of any grades should indicate the courses to be pursued during the full school year and the credit value of each course.

(b) When review of a nominee's secondary school and college certificates discloses that the secondary record is acceptable and that the college record through the first semester or first two quarters meets requirements as to subjects studied and grades received with formal acceptance dependent only upon satisfactory completion of the final term's courses, tentative acceptance will be reported. Acceptance of the college certificate will become final upon receipt of a supplementary statement from the college registrar or other authorized official attesting satisfactory standing in studies and conduct during the final term. Further, it is not required that the college certificate be formally accepted by the academic board before the examination date of the last Wednesday in March.

(c) If an informal opinion is rendered which involves modification of the nominee's schedule of courses, or if the quality of his work is such that special additional requirements must be imposed, it will be the responsibility of the nominee to decide whether he is to take any mental examination other than the United States Naval Academy aptitude test. The decision of the nominee should depend upon his ability to effect such changes as may be necessary in his courses or, as the case may be, upon his own estimate of his ability to meet such other specific requirements as may have been imposed.

(d) If the supplementary statement cannot be mailed to the Naval Academy by June 25 and if the nominee receives from the Chief of Naval Personnel an authorization to report at the Naval Academy for admission before it is mailed, he must bring it with him and present it when he reports.

(e) It is the specific responsibility of each nominee to insure compliance with this limiting date, and failure to do so can conceivably result in cancellation of the nomination. A nominee who is an alternate has no ready means of knowing when he may become eligible for admission and should not be deterred from taking every possible step to insure submission of essential certificate papers. An incomplete record when a nominee becomes eligible for call can result in the conclusion that the individual has abandoned his candidacy.

(f) The nominee is encouraged to submit certificates prior to completion of the first term of the school year immediately preceding entrance to the Naval Academy. An early review of the record of completed work and of courses proposed for completion may reveal defects which can be offset by slight changes in the final semester schedule.

METHODS OF QUALIFYING MENTALLY FOR ADMISSION; BASED ON CERTIFICATE AND SUBSTANTIATING EXAMINATION

§ 710.31 *When admission is based on certificate and substantiating examination.* The academic board will consider and may admit a candidate: *Provided*, That:

(a) He submits a properly attested certificate (Form II) that he has been graduated from an accredited secondary school, indicating that he has shown proficiency in 7 units of certain required subjects and in at least 8 units of optional subjects. These subjects are listed in § 710.41. However, if some of the necessary 15 units are lacking from the candidate's secondary school record, the deficiency may be made up by transferring credits assigned for acceptable college work in the lacking subject or subjects to the secondary school record.

(b) The certificate is accepted by the academic board as evidenced that the candidate can pursue successfully the course at the Naval Academy.

(c) This evidence is further substantiated by the candidate's passing the entrance examinations in algebra, plane geometry, and English. The examination in these three subjects is known as the substantiating examination. The United States Naval Academy aptitude test will also be included with the substantiating examination. The scope of the subjects covered in the substantiating examination is given in §§ 710.46 to 710.49.

(d) Candidates whose certificates are rejected because of low grades or who for reasons mentioned in § 710.32 cannot qualify for admission to the Naval Academy by passing the substantiating examination have the right to demonstrate their qualifications by passing the regular entrance examination.

§ 710.32 *Rejection of certificate.* (a) If the certificate (Form II) submitted shows evidence of low grades, or of grades below the standards of acceptance set by higher institutions to which the certifying school is accredited, the certificate will be rejected.

(b) A certificate showing graduation at an irregular date will be rejected; that is, at a date other than the regular date set for the graduation of a class of which the applicant is a member.

(c) When the credits submitted have been obtained in more than one secondary school, it is advisable to have the credits and marks obtained at the previous school reported to the later school for incorporation in the final certificate. If this is impracticable, the candidate will be permitted to forward certificates from each institution to be judged together.

§ 710.33 *Secondary school to stand as sponsor when certifying a candidate.* The secondary school certifying a candidate stands sponsor for his success under conditions explained on the official Form II certificate, and it is expected that the responsible school authority will recommend only those candidates who, in his or her opinion, have the scholastic background needed to pursue successfully a difficult college

course in which the emphasis is placed principally on engineering subjects; and who have those qualities of character necessary for success in an institution where training for effective leadership is of paramount importance.

§ 710.34 *Definition of unit.* In order to facilitate the comparison of credits submitted by various institutions, in fulfillment of admission requirements with one another, the academic board has given its approval to the following statement formulated by the National Conference Committee on Standards of Colleges and Secondary Schools descriptive of a unit of admission requirements:

A unit represents a year's study in any subject in a secondary school, constituting approximately a quarter of a full year's work. A 4-year secondary school curriculum should be regarded as representing not more than 16 units of work.

This statement is designed to afford a standard of measurement for the work done in secondary schools. It takes the 4-year high school course as a basis and assumes that the length of the school year is from 36 to 40 weeks, that a period is from 40 to 60 minutes in length and that the study is pursued for 4 or 5 periods a week; but under ordinary circumstances a satisfactory year's work in any subject cannot be accomplished in less than one hundred and twenty 60-minute periods or their equivalent. Schools organized on any other than a 4-year basis can, nevertheless, estimate their work in terms of this unit. Not more than 1½ units of credit can be allowed for work done in fully accredited night high schools or in fully accredited schools of comparable character where the classes meet other than in regular day school hours. No credit will be allowed in a certificate, or as evidence of review to offset low grades or a failure on the entrance examinations, for work done in correspondence courses, under a tutor, or in nonaccredited schools.

§ 710.35 *Necessary requirements for acceptance of a certificate.* The acceptance or rejection of a certificate will depend on the evidence it shows as to the thorough completion of the work submitted. The records made in the Academy by midshipmen admitted by certificate will influence the academic board in its future consideration of certificates submitted by the schools or colleges from which these midshipmen come. Final decision as to the acceptance or rejection of any certificate rests with the academic board. A certificate will not be formally considered unless submitted on one of the appropriate forms, except that official college transcript forms may be used for record of academic work when attached to Form I certificate. All work essential to the acceptance of the certificate or certificates must have been completed by the end of the regular school year in order to establish eligibility for admission to the Naval Academy in that year. Summer School work will not be accepted for entry in the year in which it is completed. High school and college certificates should be submitted to the Superintendent of the Naval Academy as early as practicable, and not later than June

25 for the class entering that year (§ 710.36). As soon as nominated each candidate will receive copies of the certificate forms from the Bureau of Naval Personnel. For additional forms, address the Bureau of Naval Personnel, Navy Department, Washington, D. C.

§ 710.36 *Submission of certificate in advance of graduation.* (a) Certificate or certificates covering high school work still uncompleted will be reviewed informally and the nominee will be furnished a report of the academic board's action in his case. This report will indicate clearly necessary further steps, if any, on his part to complete his certificate papers. If certificates are fully acceptable and require no further evidence of school work, no other action on his part will be necessary with regard to school records and he will be so informed.

(b) A certificate submitted for a nominee who has additional subjects in a course for which final marks have not been assigned should indicate clearly the subjects that are still being pursued together with an average of the marks assigned in each subject in course at the time of the submission of the certificate.

§ 710.37 *Decision as to which examination candidate will take.* (a) If an informal opinion is rendered which involves modification of his schedule of courses or if the quality of his work is such that special additional requirements must be imposed, it will be the nominee's responsibility to decide whether to take the full regular entrance examination. The nominee's decision, naturally, should depend upon his ability to effect such changes as may be necessary in his courses or, as the case may be, upon his own estimate of his ability to meet such other specific requirements as may have been imposed.

(b) When review of the secondary school record reveals that subjects studied and grades received fulfill requirements and that formal acceptance of the certificate is dependent only upon successful completion of courses in progress in the final semester, tentative acceptance will be reported. In such case, acceptance of the certificate will become final upon receipt of a supplementary statement from the school attesting satisfactory standing in studies and conduct during the final semester. The statement must also include indication of eligibility for graduation and the secondary school diploma unless evidence of graduation was presented previously.

(c) If the supplementary statement cannot be mailed to the Naval Academy by June 25 and if the nominee receives from the Chief of Naval Personnel his authorization to report at the Naval Academy for admission before it is mailed, he must bring it with him and present it upon reporting.

§ 710.38 *Responsibility of nominees.* (a) It is the specific responsibility of each nominee to insure compliance with this limiting date, and failure to do so can conceivably result in cancellation of the nomination. A nominee who is an alternate has no ready means of knowing when he may become eligible for ad-

mission and should not be deterred from taking every possible step to insure submission of essential certificate papers. An incomplete record when a nominee becomes eligible for call can result in the conclusion that the individual has abandoned his candidacy.

(b) The nominee is encouraged to submit certificates prior to completion of the first term of the school year immediately preceding entrance to the Naval Academy. An early review of the record of completed work and of courses proposed for completion may reveal defects which can be offset by slight changes in the final semester schedule.

(c) As stated in § 710.37, the certificate action reports issued by the Naval Academy state clearly such ensuing steps on the nominee's part as may be necessary to complete his case. When in doubt, however, communications addressed to the Superintendent, United States Naval Academy, Annapolis, Maryland, will be answered as promptly as possible.

§ 710.39 *Admission by certificate considered a privilege.* Admission by either of the certificate methods is a privilege which the academic board may accord to those whom it considers, on the basis of school records presented, to be worthy of the exemptions allowed and to be capable of pursuing successfully the Naval Academy course.

METHODS OF QUALIFYING MENTALLY FOR ADMISSION; BASED ON REGULAR EXAMINATION

§ 710.40 *When admission is based on regular examination.* A candidate who cannot qualify under either of the methods described in §§ 710.26 to 710.39, that is, who cannot submit an acceptable certificate as required by one of those methods, can qualify mentally for admission to the Naval Academy if he passes an examination in each of the following subjects: Algebra, plane geometry, English and United States history. The examination in these four subjects is known as the regular examination. Deficiency in any one of these subjects will be sufficient to insure rejection of the candidate. The United States Naval Academy aptitude test will also be included with the regular examination. The scope of the subjects covered in the regular examination is described in §§ 710.46 to 710.50.

§ 710.41 *List of secondary school subjects which can be used for certification (Form II)* (a) The list of subjects and of the corresponding weights in units is as follows:

Required subjects.....	7
Optional subjects.....	8
Total units needed for an acceptable certificate.....	15

Candidates are not admitted on condition.

(b) Required and optional subjects. Every certificate must show evidence of proficiency in seven units of required subjects and at least eight units of optional subjects chosen from the following:

	Designation	Maximum units allowed
Group I		
English (maximum of three units allowed and required)—		
English I.....	I	3
English II.....	II	
English III.....	III	
English IV.....	IV	
Group II		
Mathematics (three units required of which at least two must be algebra and one plane geometry; units in excess of three count as optional. Three semesters of algebra will be acceptable for the algebra requirement if the school certifies that the candidate has covered satisfactorily the material listed under mathematics A1 and A2 as described in § 710.45 (a) and (b). In such case two units of algebra will be allowed toward certification)—		
Algebra to quadratics.....	A1	1
Algebra, quadratics and beyond.....	A2	1
Algebra, advanced.....	B	1/2
Plane geometry.....	C	1
Solid geometry.....	D	1/2
Plane trigonometry.....	E	1/2
Higher mathematics.....		
Group III		
History (one unit of United States history required; other units count as optional)—		
History, ancient.....	A	1
History, European.....	B	1
History, English.....	C	1
History, United States.....	D	1
History, modern European.....	E	1
History, World.....	F	1
Group IV		
Sciences, drawing, and languages (all units count as optional. A candidate who does not present acceptable school or college credit in physics or chemistry will be required to demonstrate by performance in the U. S. Naval Academy Aptitude Test his capacity to pursue studies along engineering and scientific lines)—		
Physics (recitation, laboratory) first year.....	I	1
Physics (recitation, laboratory) second year.....	II	1
Chemistry (recitation, laboratory) first year.....	I	1
Chemistry (recitation, laboratory) second year.....	II	1
Biology (recitation, laboratory).....	I	1
General Science (recitation, laboratory).....	I	1
Psychology.....	I	1
Mechanical drawing, first year.....	I	1
Mechanical drawing, second year.....	II	1
French, first year.....	I	1
French, second year.....	II	1
French, third year.....	III	1
Spanish, first year.....	I	1
Spanish, second year.....	II	1
Spanish, third year.....	III	1
German, first year.....	I	1
German, second year.....	II	1
German, third year.....	III	1
Italian, first year.....	I	1
Italian, second year.....	II	1
Italian, third year.....	III	1
Latin, first year.....	I	1
Latin, second year.....	II	1
Latin, third year.....	III	1
Latin, fourth year.....	IV	1
Group V		
Miscellaneous (all units count as optional)—		
Physical geography (recitation, laboratory).....		1
Botany (recitation, laboratory).....		1
Zoology (recitation, laboratory).....		1
Geology.....		1
Astronomy.....		1
Physiology.....		1
Civics.....		1
Problems of democracy.....		1
American problems.....		1
Citizenship.....		1
Sociology.....		1
Social science.....		1
Current events.....		1/2
Commercial law.....		1/2
Commercial history.....		1/2
Commercial arithmetic.....		1/2

	Designation	Maximum units allowed
Group V—Continued		
Miscellaneous (all units count as optional)—Continued		
Commercial geography.....		1/2
Economics.....		1
Economic history.....		1
Economic geography.....		1/2
Industrial problems.....		1/2
Public speaking.....		1/2
Elementary law.....		1/2
Advanced arithmetic.....		1/2
Manual training.....		1

(c) Other subjects: Such other standard subjects as are included in the usual high-school or college courses under the general divisions of language, mathematics, philosophy science, economics, and law will be allowed. Subjects such as penmanship, stenography, typewriting, music, drill, agriculture, teacher training, and student activities will not be allowed.

§ 710.42 *Definition of unit and of ground covered.* The definition of unit and of the ground covered by the designated subjects is given in § 710.34. Credits must correspond to the unit values of the respective subjects. Greater credit than indicated will not be allowed; less credit will be understood as evidence that the entire subject has not been completed.

DEFINITION OF CERTAIN OF THE SUBJECTS LISTED IN THE CERTIFICATE

§ 710.43 *Definition of mathematics—*

(a) *Algebra to quadratics (one unit)*

- (1) The four fundamental operations for rational algebraic expressions.
- (2) Factoring, determination of highest common factor and lowest common multiple by factoring.
- (3) Fractions, including complex fractions, and ratio and proportion.
- (4) Meaning, use, and evaluation of formulas.
- (5) Graphical representation.
- (6) Linear equations, both numerical and literal, containing one or two unknown quantities.
- (7) Problems depending on linear equations.
- (8) Radicals, including the extraction of the square root of polynomials and of numbers.
- (9) Exponents, including fractional and negative.
- (10) Numerical trigonometry—the use of the sine, cosine, and tangent in solving right triangles.

(b) *Quadratics and beyond (one unit)*

- (1) Quadratic equations, both numerical and literal.
- (2) Simple cases of equations with one or more unknown quantities that can be solved by the methods of linear or quadratic equations.
- (3) Problems depending on quadratic equations.
- (4) Graphical solution of quadratic equations.
- (5) Simultaneous equations in three unknowns.

(6) The solution of simple cases of equations of degree higher than the second.

(7) Elementary theory and use of logarithms. Variation.

(8) The binomial theorem for positive integral exponents.

(9) The formulas for the n th term and the sum of the terms of arithmetic and geometric progressions, with applications.

It is assumed that pupils will be required throughout the course to solve numerous problems which involve putting questions into equations. Some of these problems should be chosen from mensuration, from physics, and from commercial life. The use of graphical methods and illustrations, particularly in connection with the solution of equations, is also expected.

(b) *Advanced algebra (one-half unit)*

(1) Permutations and combinations, limited to simple cases.

(2) Complex numbers, with graphical representation of sums and differences.

(3) Determinants, chiefly of the second, third, and fourth orders, including the use of minors and the solution of linear equations.

(4) Numerical equations of higher degree, and as much of the theory of equations, with graphical methods, as is necessary for their treatment, including Descartes' rule of signs and Horner's method, but not Sturm's functions or multiple roots.

(c) *Plane geometry (one unit)*. (1) The usual theorems and constructions of good textbooks, including the general properties of plane rectilinear figures; the circle and the measurement of angles; similar polygons; areas; regular polygons, and the measurement of the circle.

(2) The solution of numerous original exercises.

(3) Application to the mensuration of lines and plane surfaces.

(d) *Solid geometry (one-half unit)*

(1) The usual theorems and constructions of good textbooks, including the relations of planes and lines in space; the properties and measurement of prisms, pyramids, cylinders, and cones; the sphere and the spherical triangle.

(2) The solution of numerous original exercises.

(3) Applications to the mensuration of lines, surfaces, and solids.

(e) *Plane trigonometry (one-half unit)* (1) Definitions and relations of the six trigonometric functions as ratios; circular measurements of angles.

(2) Proofs of principal formulas, in particular for the sine, cosine, and tangent of the sum and the difference of two angles, of the double angle and the half angle, the product expressions for the sum or the difference of two sines or of two cosines, etc., the transformation of trigonometric expressions by means of these formulas.

(3) Solutions of trigonometric equations of a simple character.

(4) Theory and use of logarithms (without the introduction of work involving infinite series)

(5) The solution of right and oblique triangles and practical applications.

§ 710.44 *Definition of English*. The study of English in school has two main objects: (a) Command of correct and clear English, spoken and written; (b) ability to read with accuracy, intelligence, and appreciation; familiarity with a few masterpieces.

(a) *Grammar and composition (one and one-half units)* The first object requires instruction in grammar and composition. English grammar should ordinarily be reviewed in the secondary school; and correct spelling and grammatical accuracy should be rigorously exacted in all written work during the four years. The principles of English composition governing punctuation, the use of words, sentences, and paragraphs should be thoroughly mastered; and practice in composition, oral as well as written, should extend throughout the secondary school period. Written exercises should include letter writing, narration, description, and simple exposition and argument. It is advisable that subjects for this work be taken from the student's personal experience, general knowledge, and studies other than English, as well as from his reading in literature. Finally, special instruction in language and composition should be accompanied by concerted effort of teachers in all branches to cultivate in the student the habit of using good English in his recitations and various exercises, whether oral or written.

(b) *Literature (one and one-half units)* The second object is sought by the reading and study of English and American literature in a progressive course covering four years. The student should be trained to read aloud with expression and clarity and to read silently with swift comprehension. He should be encouraged to commit to memory some of the more notable passages both in verse and in prose. As an aid to literary appreciation he should be further advised to acquaint himself with the most important facts in the lives of the authors whose works he reads and with their place in literary history. The aim is to foster in the student the habit of intelligent reading and to develop a taste for good literature, by giving him a first-hand knowledge of some of its best specimens. He should read the books carefully, but his attention should not be so fixed upon details that he fails to appreciate the main purpose and charm of what he reads.

§ 710.45 *Definition of history*. (a) Ancient history, comprising the history of the ancient world and of Greece and Rome to the year 476 A. D. (One unit.)

(b) European history, including both medieval and modern. (One unit.)

(c) English history. (One unit.)

(d) United States history. (One unit required. The standard year course in United States history, or a year course embracing both United States history and civil government, will fulfill this requirement.)

(e) Modern European history. (One unit.)

(f) World history. (One unit.)

SCOPE OF THE SUBJECTS COVERED IN THE ENTRANCE EXAMINATIONS

§ 710.46 *Scope of subjects covered*. The substantiating examination consists of an examination in algebra, plane geometry, and English. The regular examination consists of an examination in algebra, plane geometry, English, and United States history. Those parts of the substantiating and regular examinations which cover the same subjects are identical.

§ 710.47 *Scope of algebra examination*. This examination is designed to test the candidate's knowledge of the topics given in § 710.43 (a) and (b). These topics are adequately covered by—

(a) Wells and Hart, *Modern High School Algebra*, D. C. Heath & Co.

(b) Hawkes, Luby, and Touton, *First and Second Year Algebra (combined)*, Ginn & Co.

(c) Schorling, Clark, and Smith, *Second Year Algebra*, World Book Co., and other standard high-school texts in algebra.

§ 710.48 *Scope of plane geometry examination*. This examination is designed to test the candidate's knowledge of the topics given in § 710.43 (c). These topics are adequately covered by—

(a) Hawkes, Luby, and Touton, *New Plane Geometry*, Ginn & Co.

(b) Wentworth and Smith, *Plane Geometry*, Ginn & Co.

(c) Wells and Hart, *Plane Geometry*, D. C. Heath & Co. and other standard high school texts in plane geometry.

§ 710.49 *Scope of English examination*. (a) The examination presupposes 4 years of study (3 units of credit) of English in a secondary school. The questions of one portion are designed to test grammatical usage, capitalization, punctuation, spelling, vocabulary, reading ability, sentence style and structure, and a general knowledge of English and American literature.

(b) the other portion will consist of exercises in theme writing designed to measure the candidate's ability in English composition.

(c) For questions in literature, the Naval Academy recommends that the candidates read and study works of recognized excellence in each of the following groups: (1) Drama, (2) prose narrative, (3) poetry, (4) essays, biographies, and miscellaneous prose. It is important that he have an acquaintance with traditionally great literature and with recognized literature types.

§ 710.50 *Scope of history examination*. (a) This is an examination designed to cover: (1) American history from the colonial beginnings to the present, as generally taught in standard secondary school history courses; and (2) the major events of current American and world history. The usual current events complement of an American history course should prepare a student for the questions on this subparagraph. Map questions may be used where suitable.

(b) The following outline is suggestive of the material to be covered: The sources of colonial American population;

the founding of American institutions, the effect of our European background on the formation of these institutions; causes and results of the Revolution; creation of the Federal Republic; American democracy and the frontier; post-revolutionary conditions, national and international; growth of internationalism; development of American ideas of government as reflected in the national Government; expansion toward the West; causes, military and naval aspects, and results of the Civil War; the growth of the Nation, disappearance of the frontier; development of railroads; expanding economy and national markets; growth of industrialism, the effects of industrialism on the farmer and on capital and labor; reform movements; the

Spanish American War; the United States as a world power. The rise of Fascism and Nazism and their growing threat to world peace; America's defense program; the causes and events of World War II.

TIME SCHEDULE

§ 710.51 *Time schedule; mental examinations.* The following time schedule is published for the information and guidance of those concerned: All candidates report at 9 a. m. The time until 9:45 will be utilized in making out the declaration sheet and in reading the instructions on the Preliminary Sheet. The subjects comprising each type of examination and the time allowed are as indicated in the following table:

Subject No.	Subject	Time allowed	Required for candidates entering by—		
			Regular examination	Substantiating examination	College certificate
FIRST DAY					
1	U. S. Naval Academy Aptitude Test.	9:45 a. m. to 12:45 p. m. (180 minutes) — (Intermission, 1½ hours.)	Yes.....	Yes.....	Yes.
2	English.....	2 p. m. to 4:15 p. m. (135 minutes).....	Yes.....	Yes.....	No.
SECOND DAY					
3	Plane Geometry.....	9:30 a. m. to 11:00 a. m. (90 minutes)..... (Intermission, 2 hours.)	Yes.....	Yes.....	No.
4	Algebra.....	1 p. m. to 3 p. m. (120 minutes).....	Yes.....	Yes.....	No.
THIRD DAY					
5	United States History.....	9 a. m. to 10:15 a. m. (75 minutes).....	Yes.....	No.....	No.

PHYSICAL REQUIREMENTS

§ 710.52 *Introduction.* (a) All candidates for the Naval Academy must meet the physical standards established by the Secretary of the Navy. These standards are outlined in detail herein under the heading "Physical Standards and Disqualifying Defects."

(b) Physical examinations are divided into three categories: (1) Preliminary physical examination, (2) formal physical examination; and (3) physical re-examination. Each of these is discussed herein under the appropriate heading.

§ 710.53 *Physical Standards and Disqualifying Defects—(a) General.* Candidates are required to meet the physical standards outlined in the following paragraphs. Physical standards are established to secure uniformity in conducting physical examinations and in interpreting physical fitness of candidates for, and persons in, the naval service. The object is to procure and retain personnel who are physically fit and temperamentally adaptable to the conditions of military life. This is intended to preclude from acceptance, those individuals who present contagious or infectious disease which would be likely to endanger the health of other personnel, those who are likely to require repeated admissions to the sick list, prolonged hospitalization, or invaliding from service, and those who present any condition which would be likely to form the basis of a claim for

physical retirement benefits. In order to eliminate preferential treatment to any individual or group of individuals, defects which are listed as disqualifying will not be waived and requests or recommendations that physical defects be waived shall not be submitted.

(1) Candidates will save valuable time and money (see paragraph on preliminary examinations) for themselves and the Government by procuring careful complete physical and dental examinations prior to reporting for their formal physical examinations in order that disqualifying defects such as cavities in teeth (cause for 90 percent of temporary rejection) hernia, etc., can be repaired.

(2) The candidate should insist that his medical and dental examiner fully inform him of all his physical defects and whether or not such defects are considered disqualifying for entrance to the U. S. Naval Academy.

(3) Since a history of having had certain illnesses which are recurrent and/or progressive in nature is disqualifying for entrance to the U. S. Naval Academy it is of paramount importance that the candidate inform the medical and dental examiner in detail of his past medical record. The candidate who fails to inform his examiner of his past medical record in order to gain entrance into the U. S. Naval Academy has not accomplished his goal if he must be discharged because of a recurrent or progressive disease subsequent to his

entrance there. A number of examples of diseases which fall into the category under discussion are (i) allergies (asthma, severe hay fever, food allergy, contact allergy, urticaria, angioneurotic edema, bacterial allergy), (ii) abnormal sensitivity to physical agents (heat, cold, light), (iii) tuberculosis, (iv) diabetes, (v) dental diseases (advanced gingival diseases, rampant dental caries, marked malocclusion) (vi) psychic disturbances (psychoneuroses, psychoses, personality or behavior disorders) (vii) disease, derangement, or injury to major or weight-bearing bones or joints or their actuating and supportive musculature and its innervation, (viii) cardiovascular disorders (rheumatic fever or sequelae, hypertensive vascular disease, organic heart disease) (ix) chronic disease or absence of a thoracic or abdominal viscus, (x) carcinoma, et cetera.

(b) *Medical history.* In order to assist the examiner in conducting the physical examination, it is required that a careful history be obtained. An applicant for entry into the U. S. Naval Academy, upon reporting for examination, shall first be required to complete Standard Form 89 (Report of Medical History). The use of this form is not required in case of a candidate appearing before his own family physician and dentist. When used, the data on the completed form shall be reviewed, and elaborated upon by the examiner whenever it is necessary to present a more complete picture of the individual's medical history.

(c) *Psychiatric disorders.* The following conditions are causes for rejections:

- (1) Psychotic disorders:
 - (i) Schizophrenic reactions.
 - (ii) Affective reactions.
 - (iii) Paranoid reactions.
- (2) Psychiatric disorders with demonstrable physical etiology or associated structural changes in the brain:
 - (i) Psychotic disorders with demonstrable physical etiology or associated structural changes in the brain.
 - (ii) Nonpsychotic mental disorders with demonstrable physical etiology or associated structural changes in the brain.
- (3) Psychoneurotic disorders:
 - (i) Anxiety reaction.
 - (ii) Dissociative reaction.
 - (iii) Conversion reaction.
 - (iv) Phobic reaction.
 - (v) Obsessive-compulsive reaction.
 - (vi) Neurotic-depressive reaction.
 - (vii) Somatization reaction.
 - (viii) Hypochondriacal reaction.
- (4) Character and behavior disorders:
 - (i) Pathological personality types:
 - (a) Schizoid personality.
 - (b) Paranoid personality.
 - (c) Cyclothymic personality.
 - (d) Inadequate personality.
 - (e) Antisocial personality.
 - (f) Asocial (amoral) personality.
 - (g) Sexual deviate.
 - (ii) Immaturity reactions:
 - (a) Emotional-instability reaction.
 - (b) Passive-dependency reaction.
 - (c) Passive-aggression reaction.
 - (d) Aggressive reaction.

(e) Immaturity with symptomatic habit reaction.

(5) Disorders of intelligence:

- (i) Mental deficiency, primary.
- (ii) Mental deficiency, secondary.
- (iii) Specific learning defect.

(d) *Weight, height, and miscellaneous considerations.* (1) The applicant's weight should be well distributed and in proportion to age, height, and skeletal structure. The following table shall be used as a general guide.

Height (inches)	66	67	68	69	70	71	72	73	74	75	76
Weight (pounds):											
Minimum	129	124	123	122	123	140	144	148	152	155	160
Maximum	170	175	180	185	190	195	201	208	214	220	228

NOTE. The figures in the table above are for growing youths and are for the guidance of medical officers in connection with the other data obtained at the examination, a consideration of which will determine the candidate's physical eligibility.

(2) The applicant's height shall be measured in inches to the nearest one-half inch, without shoes. The table below sets forth the minimum and maximum heights acceptable for candidates for the U. S. Naval Academy.

Minimum (inches)	Maximum (inches)
66	76 (74 if under 18 years of age).

(3) The following miscellaneous conditions are causes for rejection:

(i) Any deformity which is repulsive or which prevents the proper functioning of any part to a degree interfering with military efficiency.

(ii) Deficient muscular development or deficient nutrition.

(iii) Evidences of physical characteristics of congenital asthenia, such as slender bones, a weak ill-developed thorax, nephroptosis, gastropnoxis, constipation, and "drop" heart, with its peculiar attenuation and weak and easily fatigued musculature.

(iv) All acute communicable diseases.

(v) All diseases and conditions which are not easily remediable or that tend physically to incapacitate the individual, such as: chronic malaria or malarial cachexia; tuberculosis; leprosy; actinomycosis; recurrent attacks of rheumatic fever, chronic articular rheumatism, or chronic arthritis; cellulitis; osteomyelitis; malignant diseases of all kinds in any location; hemophilia; purpura; leukemia of all types; pernicious anemia; splenic anemia; trypanosomiasis; filariasis which has produced permanent disability or deformity, history of an acute attack of filariasis within 6 months of date of examination, or the finding of microfilaria in the blood stream; chronic metallic poisoning; any of the allergic manifestations such as hay fever, asthma, allergic conjunctivitis, allergic dermatoses, allergic rhinitis, or a history thereof when, in the opinion of the medical officer, the condition is of present or future clinical significance.

(e) *The endocrine glands and metabolism.* The following conditions are causes for rejection:

(1) Toxic goiter; thyroid adenoma with pressure symptoms or of such size as to interfere with wearing a uniform.

(2) Cretinism; hypothyroidism; myxedema, spontaneous or postoperative (with clinical manifestations and diagnosis not based solely on low basal metabolic rate)

(3) Gigantism or acromegaly; diabetes insipidus; Simmonds's disease; Cushing's

syndrome; other diseases because of a disorder of the pituitary gland.

(4) Frohlich's syndrome, if severe.

(5) Hyperparathyroidism and hypoparathyroidism when the diagnosis is supported by adequate laboratory studies.

(6) Addison's disease.

(7) Glycosuria if persisting; diabetes mellitus. If sugar is found in the urine, further specimens, voided in the presence of the physician or authorized assistant, should be examined. In doubtful cases the fasting blood sugar and glucose tolerance tests should be obtained.

(8) Nutritional deficiency diseases (including sprue, beriberi, pellagra, and scurvy) which are severe or not readily remediable or in which permanent pathological changes have been established.

(9) Gout.

(10) Hyperinsulinism when established by adequate investigation and if regarded by the examiners as of sufficient degree to disqualify for military service.

(f) *The eyes.* (1) For enrollment in the U. S. Naval Academy a minimum visual acuity of 20/20 each eye is required. No squinting or visual aids are allowed and the test letters should be read correctly and promptly. Refraction is not required for entrance into any component of the naval service unless medically indicated; after entrance, each midshipman at the U. S. Naval Academy shall submit to refraction under a cycloplegic (homatropine 4 percent) for record purposes only.

(2) Defective vision due to disease of the eye grounds shall be cause for rejection at any time.

(3) Both eyes must be free from any disfiguring or incapacitating abnormality and from acute or chronic disease.

(4) Any student in the U. S. Naval Academy whose vision in either eye during his period of service falls below 20/40 (10/20) may be recommended for discharge, except those specifically designated for staff corps. Where the student's vision has dropped below 20/100 (4/20) he shall be recommended for discharge.

(5) These requirements as given above are considered necessary in order to graduate midshipmen with vision sufficiently serviceable to enable them to carry out their duties at sea in inclement weather, without the aid of glasses or when the wearing of glasses would prove a handicap. During late adolescence it is quite common for developmental myopia to become manifest to such an extent that the resulting myopic visual defect is sufficient to disqualify the stu-

dent. It is therefore imperative that a careful examination for visual acuity be performed. Visual performance resulting from "corrective eye exercises" is misleading in that the apparent improvement in vision is not maintained. Following such corrective eye exercises the candidate may be able to pass successfully the 20/20 visual requirements, but when the candidate is required to study for considerable periods of time the true visual acuity becomes evident. Through inability of the student to pass the required visual test subsequent to entrance, it may become necessary to recommend him for discharge. For this reason, "corrective eye exercises" prior to entrance physical examinations are not recommended.

(6) The following conditions are causes for rejection:

(i) Trachoma.

(ii) Chronic conjunctivitis, or xerophthalmia.

(iii) Pterygium encroaching upon the cornea.

(iv) Complete or extensive destruction of the eyelids, disfiguring cicatrices, adhesions of the lids to each other or to the eyeball.

(v) Inversion or eversion of the eyelids, or lagophthalmus.

(vi) Trichiasis, ptosis, blepharospasm, or chronic blepharitis.

(vii) Epiphora, chronic dacryocystitis, or lachrymal fistula.

(viii) Chronic keratitis, ulcers of the cornea, staphyloma, or corneal opacities encroaching on the pupillary area and reducing the acuity of vision below the standard.

(ix) Irregularities in the form of the iris, or anterior or posterior synechiae sufficient to reduce the visual acuity below the standard.

(x) Opacities of the lens or its capsule sufficient to reduce the acuity of vision below the standard, or progressive cataract of any degree.

(xi) Extensive coloboma of the choroid or iris, absence of pigment (albino) glaucoma, iritis, or extensive or progressive choroiditis of any degree.

(xii) Retinitis, detachment of the retina, neuroretinitis, optic neuritis, or atrophy of the optic nerve.

(xiii) Loss or disorganization of either eye, or pronounced exophthalmos.

(xiv) Pronounced nystagmus or well-marked strabismus.

(xv) Diplopia, or night blindness.

(xvi) Abnormal condition of the eye due to disease of the brain.

(xvii) Malignant tumors of lids or eyeballs.

(xviii) Asthenopia accompanying any ocular defect.

(xix) Any organic disease of either eye.

(g) *Color perception.* It is essential that all candidates for the Naval Academy have normal color perception. The numerals on the plates must be read promptly and the candidate not allowed to trace them. Candidates shall be required to read correctly any 17 of the 20 plates of the revised first edition, AOC Chart Book 1940 (demonstration plates excluded)

(h) *The ears.* The following conditions are causes for rejection:

(1) The total loss of an external ear, marked hypertrophy or atrophy, or disfiguring deformity of the organ.

(2) Atresia of the external auditory canal, or tumors of this part.

(3) Acute or chronic suppurative otitis media, or chronic catarrhal otitis media.

(4) Mastoiditis, acute or chronic.

(5) Existing perforation of either membrana tympani.

(6) Deafness of one or both ears.

(7) Any diminution of auditory acuity in either ear below 15/15 by whispered voice, 40/40 by standard clock, or 20/20 by acoumeter or coin click.

(8) Any acute or chronic disease of the external, middle, or internal ear.

(i) *The skin.* The following conditions are causes for rejection:

(1) Eczema of long standing or which is resistant to treatment; allergic dermatosis, if severe.

(2) Chronic impetigo; sycosis; carbuncle; acne upon face or neck which is so pronounced as to amount to positive deformity.

(3) Actinomycosis; dermatitis herpetiformis; mycosis fungoides.

(4) Extensive psoriasis ichthyosis; chronic lichen planus.

(5) Elephantiasis.

(6) Scabies; pediculosis (if indicative of unhygienic habits)

(7) Ulcerations of the skin not amenable to treatment, or those of long standing or of considerable extent, or of syphilitic or malignant origin.

(8) Extensive, deep, or adherent scars that interfere with muscular movements, or that show a tendency to break down and ulcerate.

(9) Naevi and other erectile tumors if extensive, disfiguring, or exposed to constant pressure.

(10) Obscene, offensive, or indecent tattooing.

(11) Pilonidal cyst or sinus if evidenced by presence of readily palpable tumor mass or of a sinus with sufficient serous discharge to soil clothing, or if there is a history of inflammation or of purulent discharge.

(12) Lupus vulgaris; other tuberculous skin lesions.

(13) Lupus erythematosus; solero-derma.

(14) Epidermolysis bullosa, pemphigus.

(15) Plantar warts on weight-bearing areas.

(j) *The head and face.* The following conditions are causes for rejection:

(1) Tinea in any form.

(2) All benign tumors which are of sufficient size to interfere with the wearing of military headgear, or subject to chronic irritation.

(3) Imperfect ossification of the cranial bones or persistence of the anterior fontanelle.

(4) Extensive cicatrices, especially such adherent scars as show a tendency to break down and ulcerate.

(5) Depressed fractures or other depressions, or loss of bony substance of the skull, unless the examiner is certain the defect is slight and will cause no future trouble.

(6) Monstrosity of the head, or hydrocephalus.

(7) Hernia of the brain.

(8) Deformities of the skull of any degree associated with evidence of disease of the brain, spinal cord, or peripheral nerves.

(9) Extreme ugliness.

(10) Unpleasant deformities, such as large birthmarks, large hairy moles, extensive cicatrices, mutilations due to injuries or surgical operations, tumors, ulcerations, fistulae, atrophy of a part of the face, or lack of symmetrical development.

(11) Persistent neuralgia, tic douloureux, or paralyses of central nervous origin.

(12) Ununited fractures of the maxillary bones, deformities of either maxillary bones interfering with mastication or speech, extensive exostosis, necrosis, or osseous cysts.

(13) Chronic arthritis of the temporomandibular articulation, badly reduced or recurrent dislocations of this joint, or ankylosis, complete or partial.

(k) *The mouth, nose, pharynx, larynx, trachea, and esophagus.* The following conditions are causes for rejection:

(1) Harelip, unless adequately repaired, loss of the whole or a large part of either lip, unsightly mutilations of the lips from wounds, burns, or disease.

(2) Malformation, partial loss, atrophy, or hypertrophy of the tongue, split or bifid tongue, or adhesions of the tongue to the sides of the mouth, provided these conditions interfere with mastication, speech, or swallowing, or appear to be progressive.

(3) Malignant tumors of the tongue, or benign tumors that interfere with its functions.

(4) Marked stomatitis, or ulcerations, or severe leukoplakia.

(5) Ranula if at all extensive, or salivary fistula.

(6) Perforation or extensive loss of substance or ulceration of the hard or soft palate, extensive adhesions of the soft palate to the pharynx, or paralysis of the soft palate.

(7) Loss of the nose, malformation, or deformities thereof that interfere with speech or breathing, or extensive ulcerations.

(8) Perforated nasal septum if considered causative of symptoms or local pathology or likely to do so.

(9) Nasal obstruction due to septal deviation, hypertrophic rhinitis, or other causes, and particularly if sufficient to produce mouth breathing.

(10) Acute or chronic inflammation of the accessory sinuses of the nose, hay fever, or allergic rhinitis.

(11) Chronic atrophic rhinitis.

(12) Malformations or deformities of the pharynx of sufficient degree to interfere with function.

(13) Postnasal adenoids interfering with respiration or associated with middle-ear disease.

(14) Marked enlargement of the tonsils or markedly diseased tonsils.

(15) Laryngitis from any cause.

(16) Paralysis of the vocal cords, or aphonia.

(l) *The neck.* The following conditions are causes for rejection:

(1) Cervical adenitis of other than benign origin, including cancer, Hodg-

kin's disease, leukemia, tuberculosis, syphilis, etc.

(2) Adherent or disfiguring scars from disease, injuries or burns.

(3) Thyroid adenoma interfering with breathing or with the wearing of clothing; exophthalmic goiter or thyroid enlargement from any cause associated with toxic symptoms or which is disfiguring.

(4) Benign tumors or cysts which are so large as to interfere with the wearing of a uniform or military equipment.

(5) Torticollis.

(6) Tracheal openings, thyroglossal or cervical fistulae.

(7) Restricted motility sufficient to limit the normal range of motion.

(m) *The spine.* The following conditions are causes for rejection:

(1) Lateral deviation of the spine from the normal midline of such degree that it impairs normal function or is likely to do so.

(2) Curvature of the spine of such degree that function is interfered with or is likely to be interfered with, or in which there is noticeable deformity when the applicant is dressed (scoliosis, hypophosis, or lordosis)

(3) Fracture or dislocation of the vertebrae.

(4) Vertebral caries (Pott's disease)

(5) Abscess of the spinal column or its vicinity.

(6) Osteo-arthritis of the spinal column, partial or complete.

(7) Fracture of the coccyx; spina bifida; spondylolisthesis; cervical rib.

(8) Active arthritic processes from any cause.

(9) Herniation of intervertebral disc (nucleus pulposus) or history of operation for this condition.

(n) *The thorax.* The following conditions are causes for rejection:

(1) Congenital malformations or acquired deformities which result in reducing the chest capacity and diminishing the respiratory function to such a degree as to interfere with vigorous physical exertion or to produce disfigurement when the applicant is dressed.

(2) Pronounced contractions or markedly limited mobility of the chest wall following pleurisy or empyema.

(3) Deformities of the scapulae sufficient to interfere with the carrying of equipment.

(4) Absence or faulty development of the clavicle.

(5) Old fracture of the clavicle where there is much deformity or interference with the carrying of equipment; ununited fractures, or partial or complete dislocation of either end of the clavicle.

(6) Suppurative periostitis or caries or necrosis of the ribs, the sternum, the clavicles, or the scapulae.

(7) Old fractures of the ribs with faulty union, if interfering with function.

(8) Benign tumors or cysts of the breast or chest wall which are so large as to interfere with the wearing of a uniform or of equipment.

(9) Unhealed sinuses of the chest wall.

(10) Scars of old operations for empyema unless the examiner is assured

that the respiratory function is entirely normal.

(11) Pneumoconiosis, extensive pulmonary fibrosis or pulmonary emphysema.

(12) Acute or chronic pleurisy or empyema.

(13) Pneumothorax, hydrothorax, or hemothorax.

(14) Tumors of the lung, pleura or mediastinum.

(15) Chronic bronchitis, bronchiectasis, abscess of the lung, pulmonary infiltration of undetermined origin, asthma, cystic disease of the lung.

(16) Actinomycosis, nocardiosis, blastomycosis, coccidioidomycosis, aspergillosis or histoplasmosis if there is reason to suspect recent activity of the disease process.

(17) Sarcoidosis.

(18) Hydatid or echinococcus cysts of the lung.

(19) Disqualifying defects demonstrable by a roentgenographic examination of the chest, such as:

(i) Evidence of refection (adult) type tuberculosis, active or inactive, other than slight thickening of the apical pleura or thin solitary fibroid strands.

(ii) Evidence of active primary (childhood) type tuberculosis.

(iii) Extensive calcification of the pleura, lung parenchyma or hilum, if of questionable stability or of such size and extent as to interfere with pulmonary function.

(iv) Evidence of fibrous or serofibrinous pleuritis, except moderate diaphragmatic adhesions with or without blunting or obliteration of the costophrenic sinus.

(o) *The heart and blood vessels.* The following conditions are causes for rejection:

(1) All diastolic murmurs.

(2) Apical systolic murmurs, when persistent in both the recumbent and upright positions, when moderate in intensity, when transmitted to the axilla, and when not abolished nor significantly diminished in intensity by forced breathing.

(3) Harsh systolic murmurs, heard at aortic area, even of less than moderate intensity with diminished or absent second sound.

(4) Pulmonic systolic murmurs, blowing or rough, low pitched, of more than moderate intensity.

(5) All valvular diseases of the heart, congenital heart disease, or pathological murmurs.

(6) Hypertrophy or dilation of the heart.

(7) History of evidence of pericarditis, endocarditis, myocarditis, angina pectoris, coronary occlusion, or coronary atherosclerosis.

(8) A heart rate of 100 or over, or of 50 or under, when these are proved to be persistent in the recumbent posture and on observation and reexamination over a sufficient period of time.

(9) Marked cardiac arrhythmia or irregularity, or an authenticated history of paroxysmal tachycardia, or auricular fibrillation or flutter.

(10) Arteriosclerosis.

(11) Arterial hypertension, essential hypertension (hypertensive vascular dis-

ease). In general, a persistent systolic blood pressure above 130, or a persistent diastolic blood pressure above 84, is cause for rejection.

(12) Aneurysm of any variety in any situation.

(13) Intermittent claudication.

(14) Raynaud's disease, acrocyanosis.

(15) Thrombophlebitis of one or more extremities, if there is a persistence of the thrombus or any evidence of obstruction to circulation in the involved vein or veins.

(16) An authenticated history of rheumatic fever or chorea within the past 5 years, or a history of more than one attack of rheumatic fever.

(17) Arterial hypotension if it is causing, or has caused, symptoms.

(p) *The abdomen.* The following conditions are causes for rejection:

(1) Wounds, injuries, cicatrices, or muscular ruptures of the abdominal walls sufficient to interfere with function.

(2) Fistulae or sinuses from visceral or other lesions or following operation.

(3) Hernia of any variety.

(4) Large tumors of the abdominal wall.

(5) Scar pain, if severe or causing persistent or recurring complaints.

(6) Chronic diseases of the stomach or intestine or a history thereof, including such diseases as peptic ulcer, regional ileitis, ulcerative colitis and diverticulitis.

(7) Gastric resection, gastro-enterotomy, or bowel resection.

(8) Chronic appendicitis.

(9) Ptosis of the stomach or intestines.

(10) Acute or chronic disease of the liver, gall bladder, pancreas, or spleen.

(11) Chronic peritonitis or peritoneal adhesions.

(12) Chronic enlargement of the liver.

(13) Chronic enlargement of the spleen if marked.

(14) Jaundice.

(q) *The pelvis and the pelvis including the sacroiliac and lumbosacral joints.* The following conditions are causes for rejection:

(1) Malformation and deformities of the pelvis sufficient to interfere with function.

(2) Disease of the sacroiliac or lumbosacral joints.

(3) Urinary fistula.

(4) Stricture or prolapse of the rectum.

(5) Fissure of the anus or pruritus ani.

(6) Fistula in ano or ischioanal abscess.

(7) External hemorrhoids sufficient in size to produce marked symptoms; internal hemorrhoids, if large or accompanied by hemorrhage, or protruding intermittently or constantly.

(8) Incontinence of feces.

(r) *The genito-urinary system and venereal disease.*

(1) All candidates for the U. S. Naval Academy shall receive a serologic test for syphilis. This test shall be conducted at the time of the final physical examination.

(i) When albumin, casts, hemoglobin, or red blood cells are found in the urine, the applicant shall not be accepted unless further study proves such findings

to be of no significance. Such further study, if desired, should include daily complete examinations of the urine for at least 3 days and such other tests as are necessary, unless the presence of albumin and casts is associated with enlargement of the heart, high blood pressure, or other evidence of cardiovascular disease of such degree that a diagnosis of renal disease may be made immediately. When albumin is constantly or intermittently present, the underlying pathological condition should, if possible, be determined and stated as the cause for rejection; but if albuminuria be present daily during a period of 3 days, it should be regarded as reason for rejection, even if the origin cannot be determined.

(ii) If glucose is found in the urine, further observation is indicated, including an estimation of the 24-hour amount of urine and the employment of other tests to demonstrate the possible existence of diabetes. Blood-sugar values and blood-sugar tolerance tests must be normal if such an applicant is to be found qualified; the glycosuria must be shown to have been transient and not a persistent condition.

(iii) When the specific gravity of the specimen first examined is under 1.010, further observation of the applicant and repeated complete urinary examinations are indicated.

(iv) When serological test for syphilis is positive, the possibility of a false positive test should be considered. In view of the possibility of error in such a test, the candidate giving a positive reaction will have the opportunity for a physical reexamination subject to the conditions set forth herein under the heading "Physical Reexamination."

(2) The following conditions are causes for rejection:

(i) Acute or chronic nephritis; diabetes mellitus or insipidus, or glycosuria if accompanied by abnormal response to bloodsugar tests.

(ii) Blood, pus, or albumin in the urine, if persistent.

(iii) Floating kidney, hydronephrosis, pyonephrosis, pyelitis, tumor of the kidney, renal calculi, or absence of one kidney.

(iv) Acute or chronic cystitis.

(v) Vesical calculi, tumors of the bladder, incontinence of urine, enuresis, or retention of urine.

(vi) Hypertrophy, abscess, or chronic infection of the prostate gland.

(vii) Urethral stricture or urinary fistula.

(viii) Epispadias or hypospadias, except for minor displacements of the urethral orifice with no impairment in function of micturition, and no symptoms of irritation.

(ix) Phimosi when prepuce is adherent in whole or in part to the glans.

(x) Hermaphroditism.

(xi) Amputation of the penis.

(xii) Varicocele, if large and painful, or hydrocele upon original appointment.

(xiii) Atrophy of both testicles or loss of both.

(xiv) Undescended testicle (acceptable if unilateral, abdominal and unassociated with hernia), infantile genital organs.

(xv) Chronic orchitis or epididymitis.

(xvi) A persistently positive serologic test for syphilis.

(xvii) Syphilis in any stage, or a clearly defined history thereof.

(xviii) Any active venereal infection, acute or chronic, or any active infectious process resulting therefrom.

(xix) Reiter's disease.

(s) *The extremities.* The following conditions are causes for rejection:

(1) All anomalies in the number, the form, the proportion, and the movements of the extremities which produce noticeable deformity or interfere with function.

(2) Atrophy of the muscles of any part, if progressive or if sufficient to interfere with function.

(3) Benign tumors if sufficiently large to interfere with function.

(4) Ununited fracture, fractures with shortening or callus formation sufficient to interfere with function, old dislocations unreduced or partially reduced, complete or partial ankylosis of a joint, or relaxed articular ligaments permitting of frequent voluntary or involuntary displacement.

(5) Reduced dislocation or united fractures with incomplete restoration of function.

(6) Amputation of any portion of a limb (except fingers or toes if there is no interference with military activities), or resection of a joint.

(7) Excessive curvature of a long bone or extensive, deep, or adherent scars interfering with motion.

(8) Severe sprains.

(9) Disease of the bones or joints.

(10) Chronic synovitis, or floating cartilage, or other internal derangement in a joint (particularly of knee joint with history of disability)

(11) Varicose veins in an extremity when they cover a large area or are markedly tortuous or much dilated, or are associated with edema or hemorrhoids, or are accompanied by subjective symptoms

(12) Varices of any kind situated in the leg below the knee, if associated with varicose ulcers or scars from old ulcerations; chronic edema of a limb.

(13) Chronic or obstinate neuralgias, particularly sciatica.

(14) Adherent or united fingers (web fingers)

(15) Deviation of the normal axis of the forearm to such a degree as to interfere with the proper execution of the manual of arms.

(16) (i) Permanent flexion or extension of one or more fingers, as well as irremediable loss of motion of these parts, if sufficient to interfere with proper execution of duties.

(ii) Total loss of either thumb.

(iii) Mutilation of either thumb to such an extent as to produce material loss of flexion or strength of the member.

(iv) Loss of more than one phalanx of the right index finger.

(v) Loss of the terminal and middle phalanges of any two fingers on the same hand.

(vi) Entire loss of any finger except the little finger of either hand or the ring finger of the hand not used in writing.

(17) Perceptible lameness or limping.

(18) Knock-knee, when the gait is clumsy or ungainly, or when subjective symptoms of weakness are present; bow-legs if so marked as to produce noticeable deformity when the applicant is dressed.

(19) (i) Clubfoot unless the defect is so slight as to produce no symptoms during vigorous exercise.

(ii) Pes cavus if extreme and causing symptoms.

(iii) Flatfoot when accompanied with symptoms of weak foot or when the foot is weak on test. Pronounced cases of flatfoot attended with decided eversion of the foot and marked bulging of the inner boarder, due to inward rotation of the astragalus, are disqualifying, regardless of the presence or absence of subjective symptoms.

(20) Loss of either great toe or loss of any two toes on the same foot.

(21) Overriding or superposition of any of the toes to such a degree as will produce pain when wearing the military shoe.

(22) Ingrowing toenails when marked or painful.

(23) (i) Hallux valgus when sufficiently marked to interfere with locomotion or when accompanied by a painful bunion.

(ii) Bunions sufficiently pronounced to interfere with function.

(iii) Hammertoes when existing to such a degree as to interfere with function when wearing shoes.

(iv) Webbing of all the toes.

(v) Corns or calluses on the sole of the foot when they are tender or painful.

(24) (i) Hyperidrosis or bromidrosis when present to a marked degree.

(ii) Habitually sodden feet with blistered skin.

(iii) Unusually large or deformed feet for which proper shoes cannot be readily obtained.

(25) Severe fungoid infection of nailbeds.

(t) *The nervous system.* The following conditions are causes for rejection:

(1) Neurosyphilis of any form (general paresis, tabes dorsalis, meningo-vascular syphilis)

(2) Degenerative disorders (multiple sclerosis, encephalomyelitis, cerebellar and Friedreich's ataxia, athetoses, Huntington's chorea, muscular atrophies and dystrophies of any type, cerebral arterio-sclerosis)

(3) Residuals of infection (moderate and severe residuals of poliomyelitis, meningitis and abscesses, paralysis agitans, postencephalitic syndromes, Sydenham's chorea)

(4) Peripheral nerve disorder (chronic or recurrent neuritis or neuralgia of an intensity which is periodically incapacitating, multiple neuritis, neurofibromatosis)

(5) Residuals of trauma (residuals of concussion or severe cerebral trauma, post-traumatic cerebral syndrome, incapacitating severe injuries to peripheral nerves)

(6) Paroxysmal convulsive disorders and disturbances of consciousness

(grand mal, petit mal, and psychomotor attacks, syncope, narcolepsy, migraine)

(7) Miscellaneous disorders (tics, spasmodic torticollis, spasms, brain and spinal cord tumors, whether operated upon or not, cerebrovascular disease, congenital malformations, including spina bifida if associated with neurological manifestations and meningocelo even if uncomplicated, Meniere's disease)

(u) *Dental*—(1) *Standards.* (i) Every candidate shall be examined clinically and by dental roentgenography by a dental officer of the military services who shall make a separate report in each case of his findings and recommendations to the President of the Board of Medical Examiners.

(ii) A candidate for appointment as midshipman must have a minimum of 20 vital serviceable permanent teeth including (a) 4 molars. Of this number, 1 upper and 1 lower molar on the right side, and 1 upper and 1 lower molar on the left side must be in functional occlusion; (b) 4 incisors. Of this number, 2 should be in the maxillae and 2 should be in the mandible in such position as to enable the applicant to incise satisfactorily. A candidate should not be accepted who has teeth missing in the anterior part of the mouth which have not been replaced and which result in an unsightly space. Any deviation from normal occlusion should be minor, and good functional occlusion as well as absence of interference with speech must be demonstrable. Candidates should not be considered qualified for appointment when orthodontic appliances are attached to teeth for the purpose of continued treatment. Orthodontic retaining appliances such as are used after the completion of treatment are acceptable provided they are not an oral health hazard.

(iii) The teeth must be free from dental caries, restorations must be of high quality, and the peridental tissues must be free from disease. A "Type 2" examination is necessary for the detection of interproximal caries. Definition of a "Type 2" examination is: Mouth mirror and explorer examination; adequate natural or artificial illumination; posterior bite-wing roentgenograms; periapical roentgenograms, when indicated.

(iv) Teeth should be free from calculus, all restorations of the highest standard, the oral soft tissue in a state of normal health, and the general appearance of the mouth indicative of the practice of strict personal hygiene. All required dental treatment, restorations, and replacements must be obtained prior to entrance to the Naval Academy.

(2) *Explanation of standards.* (i) A vital tooth is a tooth containing a vital dental pulp.

(ii) A serviceable tooth is one which is free from disease, or if carious, can be restored satisfactorily without endangering the pulp; is adequately supported by normal tissue; does not have a faulty restoration or bridge attachment; and is fully effective functionally.

(iii) An opposed tooth is one that comes into functional contact with one or more teeth of the opposite arch.

(iv) Appointees as midshipmen must have had all carious teeth restored or extracted.

(v) A bicuspid may not be counted as a molar nor may a cuspid be counted as an incisor.

(vi) An abutment tooth (a natural tooth to which a bridge is attached) may be counted as serviceable only when the pulp is vital, the tooth is sound, supported by healthy tissue, is in useful occlusion, and the bridge attachment is well designed and in good condition.

(3) *Disqualifying defects.* (i) Edentulous spaces in the dental arch causing wide separation of the continuity of the incisive and masticating surfaces shall cause rejection. Prosthetic appliances are not considered as substitutions for natural sound teeth, unless in excess of the 20 vital sound serviceable permanent teeth required. Unerupted teeth will not be included in the 20 vital sound serviceable permanent teeth required. Natural teeth supporting fixed or removable prosthetic appliances (crowns or dentures) will be considered as sound and serviceable only when they are vital, in normal healthy condition and supported by healthy tissue. Extraction is indicated for all carious teeth incapable of receiving treatment and restoration.

(ii) The loss of teeth in excess of the standards noted in above paragraph.

(iii) Marked protrusion or retrusion of the mandible.

(iv) Marked deformity of the maxillae or mandible.

(v) Marked malocclusion.

(vi) Dento-facial deformity.

(vii) Lack of serviceable occlusion.

(viii) Impingement of teeth of one jaw upon gingiva of the opposing jaw.

(ix) Numerous or wide spaces that are edentulous (without natural teeth).

(x) Extensive or numerous unsatisfactory restorations by fillings, inlays, crowns, bridges, or dentures.

(xi) Teeth generally unserviceable because of insufficient size or poor formation.

(xii) Teeth generally involved with caries.

(xiii) Teeth generally unsound or unsightly because of faulty calcification.

(xiv) Pulpless teeth with defective or no pulp canal fillings.

(xv) Apical or extensive pericemental areas of infection.

(xvi) Teeth carious beyond restoration.

(xvii) Large deposits of salivary calculus.

(xviii) Advanced or extensive periodontoclasia.

(xix) Infectious disease of the soft tissues, including Vincent's stomatitis.

(xx) Syphilitic lesions.

(xxi) Malignant tumors.

(xxii) Benign tumors or cysts likely to enlarge.

(xxiii) Pathologically involved impacted or unerupted teeth, particularly those which have been responsible for recurrent episodes of pericoronitis and which constitute definite sources of oral infection.

§ 710.54 *Preliminary physical examination.* (a) The Departments of the Navy, Army, and Air Force have made available to all candidates for the Naval

Academy places where a careful preliminary physical examination can be obtained at no expense to the candidate other than the cost of such travel and subsistence as may be necessary. The preliminary physical examinations are conducted by medical specialists under conditions approximating as closely as possible those of the formal physical examinations given by the medical examining boards authorized to conduct formal examinations.

(b) The preliminary examinations are authorized primarily for the convenience of candidates and prospective candidates. They serve to reveal obviously disqualifying defects which may preclude admission as midshipman and may reveal defects which can be remedied prior to appearance for the formal physical examination. Candidates are urged to avail themselves of this opportunity and thus spare themselves the needless expense and disappointment which may result from the late discovery of disqualifying defects.

(c) Preliminary physical examinations are conducted at any of the places in the list which follows and will be given to any candidate who presents a request from the Bureau of Naval Personnel, or from a member of Congress, or who is a son or dependent relative of a member of the Armed Forces and presents a request signed by the member concerned. It is advisable to communicate with the activity selected for physical examination to arrange an appointment.

INSTALLATIONS CONDUCTING PRELIMINARY PHYSICAL EXAMINATIONS FOR THE U. S. NAVAL ACADEMY

- Alabama:
 - Daleville—Camp Rucker.
 - Mobile—Brookley AFB.
 - Montgomery—Maxwell AFB.
 - Seima—Craig AFB.
- Arizona:
 - Chandler—Williams AFB.
 - Tucson—Davis Monthan AFB.
- Arkansas:
 - Fort Smith—Camp Chaffee.
 - Hot Springs—Army and Navy GH.
 - Pine Bluff—Pine Bluff Arsenal.
- California:
 - Corona USNH.
 - Fairfield—Travis AFB.
 - Lompoc—Camp Cooke.
 - Los Angeles—Recruiting Main Station.
 - Merced—Castle AFB.
 - Monterey—Fort Ord.
 - Muroc—Edwards AFB.
 - Oakland—Oakland Army Base, USNH, 8760 Mountain Boulevard.
 - Oceanside—USNH, Santa Margarita Ranch, Camp Pendleton.
 - Pittsburg—Camp Stoneman.
 - Riverside—March AFB.
 - Sacramento—Mather AFB.
 - San Diego—Recruiting Main Station, USNH.
- San Francisco:
 - Fort Mason:
 - Letterman AH.
 - Recruiting Main Station.
 - U. S. Army Dispensary, Presidio.
 - San Miguel—Camp Roberts.
 - San Pedro—Fort MacArthur.
 - San Rafael—Hamilton AFB.
 - Vallejo—USNH, Mare Island.
 - Victorville—George AFB.

- Colorado:
 - Colorado Springs CP Carton.
- Denver:
 - Fitzsimmons AH.
 - Lowry AFB.

- Florida:
 - Cocoa—Patrick AFB.
 - Jacksonville—USNH, Naval Air Station.
 - Key West—USNH.
 - Panama City—Tyndall AFB.
 - Pensacola—USNH.
 - Valparaiso—Eglin AFB.
 - Tampa—MacDill AFB.
- Georgia:
 - Albany—Turner AFB.
 - Atlanta—Fort McPherson.
 - Augusta—Camp Gordon.
 - Columbus—Fort Benning.
 - Hinesville—Camp Stewart.
 - Macon—Robins AFB.
 - Savannah—Hunter AFB.
- Illinois:
 - Belleville—Scott AFB.
 - Chicago—U. S. Army Dispensary, 1600 East Hyde Park Boulevard.
 - Great Lakes—USNH, Naval Training Center.
 - Highwood—Fort Sheridan.
 - Rantoul—Chanute AFB.
- Indiana:
 - Edinburg—Camp Atterbury.
 - Indianapolis—Fort Benjamin Harrison.
- Kansas:
 - Junction City—Fort Riley.
 - Fort Leavenworth.
- Kentucky:
 - Fort Knox.
 - Hopkinsville—Fort Campbell.
 - Morganfield—Camp Breckinridge.
- Louisiana:
 - Leesville—Camp Polk.
 - New Orleans—Camp LeRoy Johnson.
 - Shreveport—Barksdale AFB.
- Maine:
 - Portland—Recruiting Main Station, Fort Williams.
 - Presque Isle—Presque Isle AFB.
- Maryland:
 - Aberdeen—Aberdeen Proving Ground.
 - Annapolis—USNH.
 - Army Chemical Center.
 - Bainbridge—USNH.
 - Baltimore—Fort Holabird.
 - Bethesda—USNH, National Naval Medical Center.
 - Fort George G. Meade.
- Massachusetts:
 - Ayer—Fort Devens.
- Boston:
 - Recruiting Main Station, Boston Army Base.
 - U. S. Army Dispensary, Boston Army Base.
- Chelsea—USNH.
- Chicopee Falls—Westover AFB.
- Falmouth—Camp Edwards.
- Waltham—Murphy AH.

- Michigan:
 - Battle Creek—Fort Custer.
 - Mount Clemens—Selfridge AFB.
 - Sault Ste. Marie—Camp Lucas.
 - Battle Creek—Percy Jones AH.
- Mississippi:
 - Biloxi—Keesler AFB.
- Missouri:
 - McElhany—Camp Crowder.
 - Newbury—Fort Leonard Wood.
 - St. Louis—U. S. Army Dispensary, Twelfth and Spruce Streets.
- Montana:
 - Great Falls—Great Falls AFB.
- Nebraska:
 - Omaha—Offutt AFB.
- Nevada:
 - Las Vegas—Nellis AFB.
- New Jersey:
 - Camden—Recruiting Main Station.
 - New Brunswick—Camp Kilmer.
 - Newark—Recruiting Main Station.
 - Red Bank—Fort Monmouth.
 - Trenton—Fort Dix.
- New Hampshire:
 - Portsmouth—USNH.
- New Mexico:
 - Alamogordo—Holloman AFB.
 - Roswell—Walker AFB.

New York:

Bayside, L. I.—Fort Totten.
Binghamton—Recruiting Main Station.

Brooklyn:

Fort Hamilton, U. S. Army Dispensary,
Nyep, Fifty-eighth Street and First
Avenue.

Buffalo—Recruiting Main Station.

Fort Jay, Governors Island.

Hempstead, Long Island—Mitchel AFB.

Geneva—Sampson AFB.

New York City:

Recruiting Main Station, 39 Whitehall
Street.

U. S. Army Dispensary, 90 Church Street.

New Rochelle—Fort Slocum.

Rome—Griffis AFB.

Romulus—Seneca Ordnance Depot.

St. Albans, Long Island, USNH.

Schenectady—U. S. Army Dispensary,
Schenectady General Depot.

Syracuse—Recruiting Main Station.

Watertown—INE Camp.

West Point—U. S. Army Hospital, U. S.
Military Academy.

North Carolina:

Camp Lejeune—USNH.

Fayetteville—Fort Bragg.

Ohio:

Dayton—Wright-Patterson AFB.

Oklahoma:

Enid—Vance AFB.

Lawton—Fort Sill.

Oklahoma City—Tinker AFB.

Pennsylvania:

Carlisle—Carlisle Barracks.

Middletown—Olmsted AFB.

Philadelphia:

U. S. Army Dispensary, Philadelphia
Quartermaster Depot, 2800 South
Twentieth Street.

USNH, Seventeenth Street and Patter-
son Avenue.

Phoenixville—Valley Forge AH.

Rhode Island:

Newport—USNH.

South Carolina:

Beaufort—USNH.

Charleston—USNH, Naval Base.

Columbia—Fort Jackson.

Greenville—Donaldson AFB.

Sumter—Shaw AFB.

South Dakota:

Rapid City—Rapid City AFB.

Tennessee:

Memphis—USNH.

Smryna—Stewart AFB.

Texas:

Austin—Bergstrom AFB.

Corpus Christi—USNH.

El Paso:

Fort Bliss.

William Beaumont AH.

Fort Sam Houston—Brooke Army Medical
Center.

Fort Worth—Carswell AFB.

Houston—Ellington AFB.

Killeen—Fort Hood.

Lubbock—Reese AFB.

San Angelo—Goodfellow AFB.

San Antonio:

Fort Sam Houston.

Lackland AFB.

Randolph AFB.

Sherman—Perrin AFB.

Texarkana—Red River Arsenal.

Waco—James Connally AFB.

Wichita Falls—Sheppard AFB.

Utah:

Ogden—Hill AFB.

Salt Lake City:

Recruiting Main Station, Fort Douglas.

U. S. Army Dispensary, Fort Douglas.

Virginia:

Accotink—Fort Belvoir.

Blackstone—Camp Pickett.

Hampton: Langley AFB and Fort Monroe.

Lee Hall—Fort Eustis.

Petersburg—Fort Lee.

Portsmouth—USNH.

Quantico—USNH.

Washington:

Bremerton—USNH, Naval Base.

Moses Lake—Larson AFB.

Seattle—Fort Lawton and Recruiting Main
Station.

Spokane: Fairfield AFB and Recruiting
Main Station.

Tacoma: Fort Lewis, Madigan AH and
McChord AFB.

Wisconsin:

Sparta—Camp McCoy.

Wyoming:

Cheyenne—Francis E. Warren AFB.

Washington, D. C.:

Bolling AFB.

Fort McNair.

U. S. Army Dispensary, the Pentagon.

Walter Reed AH—Physical Examining Sec-
tion (Outpatient Clinic).

Hospital Ships:

U. S. S. "Consolation"

U. S. S. "Haven"

U. S. S. "Repose"

§ 710.55 Formal physical examina-

tion. (a) Each candidate who receives an official notification from the Bureau of Naval Personnel, Navy Department, Washington 25, D. C., authorizing him to report for formal physical examination must bear all expenses for travel and subsistence incident this examination. The formal physical examinations will be conducted usually during the period from May 1 to May 10 each year and every duly nominated candidate will be notified by the Bureau of Naval Personnel when and where to report for the examination. Normally, it will require only 1 day. In case of urgent necessity for change in the place or date of examination, within the 10-day period, written or telegraphic request should be addressed to the Bureau of Naval Personnel, address as above.

(b) In order to assist in the determination of muscular coordination, strength, and endurance, a physical aptitude examination will be given in conjunction with the formal physical examination. The physical aptitude examination will consist of a series of tests such as push-ups, pull-ups, Burpee, sit-ups, and one arm hang. Failure to obtain a passing grade in this examination may be cause for rejection.

(c) When reporting for the formal physical examination, candidates should take with them clothing and shoes suitable for use when undergoing the required physical exercises.

INSTALLATIONS CONDUCTING FORMAL PHYSICAL EXAMINATIONS FOR THE U. S. NAVAL ACADEMY

U. S. Naval Hospital, Chelsea, Mass.

U. S. Naval Hospital, St. Albans, Long Island,
N. Y.

U. S. Naval Hospital, Philadelphia, Pa.

Permanent Board of Medical Examiners, U. S.
Naval Academy, Annapolis, Md.

U. S. Naval Hospital, Portsmouth, Va.

U. S. Naval Hospital, Charleston, S. C.

U. S. Naval Hospital, Memphis, Tenn.

U. S. Naval Hospital, Pensacola, Fla.

U. S. Naval Hospital, Key West, Fla.

U. S. Naval Hospital, Jacksonville, Fla.

U. S. Naval Hospital, Corpus Christi, Tex.

U. S. Naval Air Station, Dallas, Tex.

U. S. Naval Hospital, Great Lakes, Ill.

U. S. Naval Air Station, Olathe, Kan.

U. S. Naval Air Station, Denver, Colo.

U. S. Naval Hospital, San Diego, Calif.

U. S. Naval Hospital, Oakland, Calif.

U. S. Naval Hospital, Bremerton, Wash.

Naval Unit, Tripler General Hospital, Hono-
lulu, T. H.

U. S. Naval Hospital, Coco Solo, C. Z.

(d) The U. S. Naval Hospital, Bainbridge, Md., will provide similar service to the enlisted candidates at the U. S. Naval Preparatory School, U. S. Naval Training Center, Bainbridge, Md., upon completion of the scholastic entrance examinations.

§ 710.56 *Physical reexamination.* Candidates rejected by a medical examining board because of defects which can be corrected promptly, or who desire reexamination for other reasons, may be given a reexamination by the Board of Medical Review at the United States Naval Academy Annapolis, Md., upon authorization by the Bureau of Naval Personnel. The findings of the Board of Medical Review will be final. Candidates desiring to avail themselves of this privilege must make written request to the Bureau of Naval Personnel by June 1. The physical reexaminations will be conducted late in June. The cost of travel to and from Annapolis, and subsistence, must be borne by the candidate. Those who are found qualified by the Board of Medical Review and who are otherwise eligible for appointment may remain at Annapolis for the brief period prior to actual admission as midshipman.

ENTRANCE PROCEDURE AND EQUIPMENT

§ 710.57 *Appointments as midshipmen.* (a) Candidates for whom there are vacancies, who have subscribed the "Engagement to Serve" and who have met the mental, moral, and physical requirements will receive appointments as midshipmen and be admitted as such to the Naval Academy.

(b) Each candidate will be required to certify on honor his exact age.

§ 710.58 *Execution of loyalty certificate.* (a) In keeping with the national policy announced by the President of the United States in Executive Order 9835, approved 21 March 1947, and as directed by the Secretary of the Navy, candidates for appointment as midshipman are required to execute a loyalty certificate. The purpose of this certificate is to aid in determining whether the candidate's conduct or associations, past or present, have been such as to cast any doubt whatever upon his loyalty to the Government of the United States.

(b) The loyalty certificate includes a list of those agencies, groups, etc., designated by the Attorney General of the United States to be totalitarian, fascist, communist or subversive, or as having adopted a policy of advocating or approving the commission of acts of force or violence to deny persons their rights under the Constitution of the United States, or as seeking to alter the form of government of the United States by unconstitutional means.

(c) The admission of conduct or association, past or present, within the purview of acts as defined in the certificate, or association with any of the groups or organizations designated by the Attorney General, shall preclude appointment pending investigation and determination of eligibility by the Department of the Navy.

(d) False representation, or failure fully to disclose conduct or associations

defined in the certificate shall constitute grounds for trial before a general court martial with possible consequent conviction and imprisonment, or for separation from the naval service under conditions other than honorable, with or without any precedent court-martial procedure.

§ 710.59 *Execution of oath of office.* (a) Each candidate for midshipman upon entrance will be required to take oath of office as follows:

I, _____, of the State of _____, aged _____ years _____ months, having been appointed a midshipman in the United States Navy, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter; So HELP ME GOD.

(b) He will also be required to subscribe to the following under oath:

For and in consideration of the privileges, opportunities, and benefits afforded me during the continuance of my service as a midshipman, I agree to and with the Superintendent of the United States Naval Academy, as follows:

First: To enter the service of the Navy of the United States and to the utmost of my power and ability to be in everything conformable and obedient to the several requirements and lawful commands of the officers who may be placed over me.

Second: I oblige myself, during such service, to comply with and be subject to the Uniform Code of Military Justice and such other laws and regulations as are or shall be established by the Congress of the United States or other competent authority.

Third: To submit to treatment for the prevention of smallpox, typhoid (typhoid prophylaxis), and to such other preventive measures as may be considered necessary by naval authorities.

§ 710.60 *Course of training; standing in class.* All midshipmen at the Naval Academy take the same course of instruction except in Foreign Languages. The course is of 4 years' duration and is designed for the purpose of training students to become officers in the Navy. The word "officers" as used in the foregoing sentence means officers of the line and does not include officers of the Medical Corps, Dental Corps, etc. No special courses are offered. No midshipman, regardless of his special qualifications or advanced education, can be given advanced standing upon his admission to the Naval Academy. However, these factors should be especially beneficial in that they should enable a midshipman to stand near the top of his class. His relative standing in his class upon graduation has an important bearing on promotions after being commissioned an officer in the Navy.

§ 710.61 *Pay of midshipmen.* The pay of a midshipman is \$973.44 a year, commencing at the date of his admission, and is designed to meet all his expenses while at the Naval Academy.

§ 710.62 *Insurance.* Midshipmen are covered under the provisions of the Servicemen's Indemnity and Insurance Acts of 1951, i. e., Public Law No. 23—82d Congress.

§ 710.63 *Personal effects.* Midshipmen, immediately upon entrance, will be required to purchase from the midshipmen's storekeeper a regulation entrance outfit. Slide rules and drawing sets are furnished as part of the outfit. Candidates are advised, therefore, not to purchase these items for use at the Academy prior to entering.

§ 710.64 *Deposit required.* Each candidate who has qualified mentally and physically must, before being admitted as a midshipman, deposit with the midshipmen's storekeeper the sum of \$100, to be used in part payment to cover cost of uniforms, clothing, textbooks, etc. The amount deposited is not refunded, but is expended for clothing and textbooks, which become the property of the midshipman. This deposit should be made in the form of cash, cashier's check, certified check, traveler's check, or postal or telegraph money order and must not be made payable to the order of the Superintendent of the United States Naval Academy but should be made payable to the candidate's own order and presented to the midshipmen's storekeeper at the Naval Academy at the time of entrance. Commercial paper made payable in any other form causes needless delay and inconvenience.

§ 710.65 *Credit allowance.* The required regulation entrance outfit, plus the additional uniforms, clothing, and textbooks required the first year, are valued at approximately \$965. Candidates are required to deposit a minimum of \$100 as a prerequisite to appointment as midshipman. This \$100 deposit is supplemented by an entrance credit of \$600 upon first admission to the Naval Academy. The \$600 credit is a loan advanced by the Government to be subsequently repaid by deductions from the midshipman's pay. Thus the sum of \$700 is available toward defraying the cost of the uniforms and equipment essential during the first year. Repayment of the indebtedness is accomplished by monthly deductions of \$20 from the midshipman's pay, beginning in October of the second year at the Naval Academy and continuing until the indebtedness is liquidated. By thrift during the progress of the 4-year course at the Naval Academy, it is still possible for midshipmen to accumulate a modest surplus of funds, to aid in the purchase of graduation outfit and equipment upon being commissioned in any of the armed services. The amount of this surplus is seriously reduced due to repayment of the entrance credit and is further dependent upon the degree of thriftiness which the individual exercises in expending for optional and incidental items. Any midshipman desiring to do so may repay this \$600 entrance credit from personal funds immediately after appointment as mid-

shipman. Midshipmen who are involuntarily separated from the Naval Academy prior to repayment of the entrance credit, are required to turn in all articles of uniform and equipment deemed suitable for reissue, to an amount sufficient to liquidate the indebtedness. If reclaimed articles are insufficient to cover the indebtedness, the remainder of the debt is canceled. Midshipmen applying for voluntary separation for their own convenience are required to repay in full the amount of indebtedness prior to such separation and here also articles acceptable for reissue may be turned in toward repayment of indebtedness.

§ 710.66 *Mileage allowance.* Upon being admitted to the Naval Academy, midshipmen receive the travel and transportation allowances prescribed in paragraph 5001, Joint Travel Regulations. A mileage allowance of 6 cents per mile is payable for all authorized travel within the United States. A monetary allowance of 5 cents per mile is payable for all authorized land travel outside the United States. In addition, reimbursement will be made for the actual cost of passage fares on commercial vessels if sea travel is involved and provided no Government transportation is available. In the event travel originates outside the United States, candidates must contact the nearest naval activity for information as to the availability of Government transportation before endeavoring to procure commercial transportation. The money to which entitled is credited to their accounts after they have actually become midshipmen. This money usually is retained on the midshipman's account to his credit, and his account is thereby in much better condition when he desires money for leave on the practice cruise or during his first September leave. If parents desire to be reimbursed for the money advanced their sons to make the trip to Annapolis, the mileage allowance may be sent to them, providing the midshipman makes written request to the Commandant of Midshipmen.

§ 710.67 *Available accommodations for candidates taking formal physical examination.* Candidates are usually sworn in as midshipmen on the day they are accepted for admission, i. e., the date of reporting at the Naval Academy as designated in the authorization to report issued by the Bureau of Naval Personnel. Due to limited living accommodations in the city of Annapolis candidates are urged to time their arrival at Annapolis to coincide as closely as possible with the reporting date, keeping in mind, however, that transportation facilities between Washington and Baltimore and Annapolis are not unlimited. Those arriving in Annapolis a day or two prior to actual reporting date may take advantage of berthing and messing facilities made available in Bancroft Hall, the midshipmen's dormitory. The cost for bed and meals per day is equal to the cost of a midshipman's daily ration allowance.

RULES AND REGULATIONS

APPENDIX A—COURSE OF INSTRUCTION 1951-1952—Continued

FIRST YEAR—FOURTH CLASS—Continued

First Term—Continued

Departments	Periods each week		Subjects	Textbooks
	Rec	Prac. work (lab, etc)		
Weeks ¹	10 8	10 8		
Electrical Engineering	3	2	Chemistry	Brinkley's Principles of General Chemistry, fourth edition (1951), Laboratory Department's Chemistry Laboratory Manual and Department Notes 1950 edition
English, History and Government	2 4		Composition and Literature	Weber's New Collegiate Dictionary Factual Prose, by Blair and Garber Better College English, by Boyser et al Handbook for Writers, by Leggett, Mead and Charvat Giant's in the Earth, by Rolvaag Spanish for Conversation, by Leslie Appleton's New English Spanish and Spanish English Dictionary, by Chuvás Same as Third Class Beginning French, by Hendrik and Meiden Concise French and English Dictionary, by Mansion. Pronunciation Pamphlet (Departmental Transcription), A first Review of French Grammar, by Funderburg, Tovaritch, by Ernest and Harvitt. Intermediate Readings in French Prose, by Galpin and Milligan. Concise French and English Dictionary by Mansion Phonetics Pamphlet (Departmental Transcription) German Reading Grammar, by Sharp and Strobbman. Auf Dem Dorfe by Meyer (top sections only) In Der Stadt, by Meyer (top only), Heath's New German Dictionary, by Brel Pamphlet on Portuguese Pronunciation (Departmental Transcription). First Brazilian Grammar, by Williams. Anedotas Fácels, by Hamilton and Fats, Modern Portuguese English and English Portuguese Dictionary, by Richardson and Sá Pereira Russian Conversation and Grammar (U. S. N. I.) Russian English Dictionary, by Smirutzky. Present Day Italian, by Russo Italian English and English Italian Dictionary, by Edgren Primer Curso de Ingles, by Sparkman.
Foreign Languages	3		Spanish Spanish (Advanced) French French (Advanced) German Portuguese	Physical Training Drill Manual 1951-52
Physical Training	---	2 1 1	Reverse Spanish/Portuguese boxing, wres- tling, gymnastics, stimulating agility test	

¹ This class had assigned classwork in the Departments of Marine Engineering and Mathematics for a total of 19 weeks during this term. In all other departments, the term was 18 weeks in length.

APPENDIX A—COURSE OF INSTRUCTION 1951-52

FIRST YEAR—FOURTH CLASS

Summer Term

Departments	Total hours	Subjects	Textbooks
Executive	23	Orientation	U. S. Naval Academy Regulations Orientation Movies
Seamanship and Navigation	53 56	Infantry drill Practical seamanship	Elementary Seamanship. Bluebook's Manual Knight's Modern Seamanship
Ordnance and Gunnery Marine Engineering	49 32	Small arms General machine engineering and basic shop practices	Department's Measurements and Mathematical Operations (mimeo) Book of the Navy by Roberts and Brown Naval Orientation
Electrical Engineering	2	Library and Museum orientation	
English History and Government	35	Readings in naval history Lectures in naval history Examinations	
Foreign Languages	1	Language interviews and placement tests	Physical Training Plobo Summer Drill Manual (revised)
Physical Training	30	Basic instruction in swimming, boxing and wrestling. Orientation in 5 additional sports.	No textbook is required. Moving pictures are employed
Hygiene	4	Personal hygiene, including social and mental hygiene, oral hygiene, care of the eyes, preventable diseases, and rules for maintaining health	

The total hours shown above represent the maximum. The admission of the new fourth class began on July 2 and continued through the early part of the summer. The extent of individual participation depended upon the date of entrance

First Term

Departments	Periods each week		Subjects	Textbooks
	Rec	Prac. work (lab, etc)		
Weeks ¹	10 8	10 8		
Marine Engineering	6		Engineering drawing	Fundamentals of Descriptive Geometry by Department of Marine Engineering Fundamentals of Engineering Drawing, Warren J. Luzzadder revised edition 1949 Plane Trigonometry revised 1946, by Sparks and Rees. Manual of Mathematics and Mechanics, second edition, by Clements and Wilson. Fickett's Slide Rule No. 500 with Manual. Bridg's College Algebra revised edition by Hart. Analytic Geometry revised edition by Koscoe Woods
Mathematics	5		Plane trigonometry Algebra Plane Analytic Geometry	

¹ This class had assigned classwork in the Departments of Marine Engineering and Mathematics for a total of 19 weeks during this term. In all other departments the term was 18 weeks in length.

APPENDIX A—COURSE OF INSTRUCTION 1951-1952—Continued

FIRST YEAR—FOURTH CLASS—continued

Second Term

Departments	Periods each week				Subjects	Textbooks
	Rec.		Prac. work (lab., etc.)			
	8	9	8	9		
Marine Engineering			16		Engineering drawing	Fundamentals of Engineering Drawing, by Warren J. Luzadler, revised edition 1949.
					Naval boilers	Naval Boilers, 1949, by Department of Marine Engineering.
Mathematics	3				General marine engineering. Solid Analytic Geometry.	General Marine Engineering, by Department of Marine Engineering. Analytic Geometry, revised edition, by Roscoe Woods.
					Calculus	Unified Calculus, by Smith, Salkover and Justice. Slide Rule. Manual of Mathematics and Mechanics.
Electrical Engineering	3	2		2	Chemistry	Drinkley's Principles of General Chemistry, fourth edition (1931). Department's Chemistry Laboratory Manual and Department Notes, 1950 edition.
English, History and Government	3				Composition and literature	A College Book of American Literature, by Ellis, Pound, Spahn and Hoffman. The English Heritage, Part II, by Weatherly, Moffett, Preuty, and Noyes. King Henry IV, by Shakespeare.
Foreign Languages	3				Spanish	Same as first term plus: Lecturas Escozidas, by Kasten and Neals-Silva.
					Spanish (Advanced)	Same as Third Class.
					French	Same as first term plus: Lectures Françaises, Elementary, by Ernst and Schwarz.
					French (Advanced)	Same as first term plus: Carmen Et Autres Nouvelles, by Mitranda. New Naval Phraseology (U. S. N. I.).
					German	Same as first term plus: Himmel, Meiza Schuhe, by Froschel. Genialische Jugend, by Meyer (top sections only). Say It in German, by Evans and Rüsler (top sections only).
					Portuguese	Same as first term plus: Artigos E Contos Portugueses, by Dale.
					Russian	Same as first term.
					Italian	Same as first term plus: Nel Paese Dal Sole, by Rusca.
Physical Training			2		Swimming, volleyball, basketball, wrestling, handball, safety training, applied strength test.	Physical Training Manual, 1031-32.

¹ Eight weeks of engineering drawing and 9 weeks of naval boilers and general marine engineering.

R. B. ANDERSON,
Secretary of the Navy.

FEBRUARY 16, 1953.

[F. R. Doc. 53-1757; Filed, Feb. 24, 1953; 8:45 a. m.]

emergence of strains of pathogenic micro-organisms resistant to these drugs.

(b) The presence of antibiotic drugs in foods intended for human consumption, or the direct or indirect addition of such drugs to such foods, may be deemed an adulteration within the meaning of section 402 of the Federal Food, Drug, and Cosmetic Act (sec. 402, 52 Stat. 1046; 21 U. S. C. 342)

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Dated: February 18, 1953.

[SEAL] OVETA CULP HOBEY,
Administrator.

[F. R. Doc. 53-1784; Filed, Feb. 24, 1953; 8:53 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

REVISION OF FCC FORM 323

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of February 1953;

The Commission having before it for consideration its revised FCC Form 323 (Ownership Report) adopted December 12, 1952; and

It appearing, that paragraph 8, lines 7 and 8, requires that licensees report annually the total consideration paid by each stockholder for the stock and the date of acquisition of such stock; and

It further appearing, that the foregoing information is not needed by the Commission and that the requirement for its submission imposes an unnecessary burden on licensees.

It is ordered, That, effective immediately, pursuant to authority under sections 4 (i) and 303 (r) of the Communications Act of 1934, as amended, FCC Form 323 (Rev. 12-52) Ownership Report is revised so as to delete therefrom the requirement that lines 7 and 8 of paragraph 8 must be filled out for each stockholder when the form is used to render an annual ownership report;

It is further ordered, That FCC Form 323, Ownership Report is amended by the deletion of the Note appearing at top of page 3 and the substitution of the following:

NOTE: (Read carefully) The numbered items below refer to line numbers in the following table. Lines 1 thru 17 should be filled out completely when this form is filed to report stock transactions pursuant to Instruction 1 (c). Lines 1 thru 8, inclusive, should be filled out when the form is used to report ownership after receipt of original construction permit, or consummation, pursuant to Commission consent, of a transfer of control, or assignment of license, pursuant to Instruction 1 (b). Lines 1 thru 6, inclusive, should be filled out when the form is used to report annually pursuant to Instruction 1 (a). Use one column per stockholder. (Attach additional pages if necessary.)

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 25—FEDERAL EMPLOYEES' PAY REGULATIONS

SUBPART A—STEP INCREASES

DEFINITIONS; WAITING PERIOD

1. Effective upon publication in the FEDERAL REGISTER, § 25.11 (e) (2) is amended to read as follows:

§ 25.11 Definitions. * * *

(e) Waiting period. * * *

(2) Leave without pay, furlough, or suspension not in excess of two work weeks.

(Sec. 1101, 63 Stat. 971; 5 U. S. C. 1072)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] C. L. EDWARDS,
Executive Director

[F. R. Doc. 53-1777; Filed, Feb. 24, 1953; 8:51 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

DIRECT OR INDIRECT ADDITION OF ANTIBIOTIC DRUGS TO FOODS FOR HUMAN CONSUMPTION

Pursuant to section 3 of the Administrative Procedure Act (60 Stat. 237, 238; 5 U. S. C. 1002), the following statement of policy is issued:

§ 3.29 Direct or indirect addition of antibiotic drugs to foods for human consumption. (a) The Food and Drug Administration has received inquiries concerning the use of antibiotic drugs as food preservatives. Careful consideration has been given to this question and the conclusion has been reached that such use constitutes a public-health hazard. Consumption of food so treated may cause sensitization of the consumer to such antibiotics and may result in the

RULES AND REGULATIONS

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, as amended, 307, 48 Stat. 1081, 1082, 1084; 47 U. S. C. 301, 303, 307)

Released: February 13, 1953.

Adopted: February 11, 1953.

FEDERAL COMMUNICATIONS COMMISSION,

Released: February 12, 1953.

[SEAL] T. J. SLOWIE, Secretary.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, Secretary.

[F. R. Doc. 53-1767; Filed, Feb. 24, 1953; 8:48 a. m.]

[F. R. Doc. 53-1768; Filed, Feb. 24, 1953; 8:48 a. m.]

[Docket No. 10373]

[Docket No. 9751]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS*

PART 5—EXPERIMENTAL RADIO SERVICES

REVISION OF PART

In the matter of amendment of § 3.606 (b) *Table of assignments*, rules governing television broadcast stations; Docket No. 10373.

In the matter of revision of Part 5 of the Commission's rules governing Experimental Radio Services; Docket No. 9751.

1. The Commission has under consideration its notice of proposed rule making issued January 9, 1953 (FCC 53-19) and published in the FEDERAL REGISTER on January 15, 1953 (18 F. R. 322) proposing to assign UHF Channel 65+ to Newton, Iowa, in lieu of UHF Channel 29— and UHF Channel 69 to Bogalusa, Louisiana, in lieu of UHF Channel 39 in order to correct substandard assignment spacings in the Table of Assignments:

On August 2, 1950, the Commission issued a notice of proposed rule making in the above-entitled matter. Interested persons were given until September 15, 1950, to file comments thereon. Five comments from interested parties were received. These comments appear to be in general agreement with the proposed rules. Certain specific recommendations were made ranging from editorial modifications of the text to the deletion of certain portions of the proposed rules. The Commission has made many of these changes in the final rules.

2. In accordance with the provisions of paragraph 4 of the aforesaid notice of proposed rule making, the time for filing comments therein expired January 26, 1953. No comments opposing the proposed amendment in Newton, Iowa, were filed. Miss-Lou, Inc., an applicant for a new television station to be operated on Channel 39 in Bogalusa, Louisiana, opposed the proposal to substitute Channel 69 for Channel 39 in Bogalusa. Miss-Lou, Inc., urged that the change in assignment to Bogalusa would result in an inferior service in Bogalusa due to the higher frequency involved. Miss-Lou, Inc., did not offer any counterproposal to the Commission's proposal. Supreme Broadcasting Company, Inc., New Orleans, Louisiana, filed an opposition to the comments of Miss-Lou, Inc.

Several of the comments received recommended various changes in the rules which would permit "greater latitude on the part of those performing the experimental activities" These range from the suggestion made by the American Telephone and Telegraph Company that Subparts C and D which relate to technical standards and operating requirements not be applied to the research classes of experimental authorizations, to the suggestion made by Motorola, Inc. that certain specific frequencies above 25 Mc be assigned to an applicant for experimentation with no limitation on the use of those frequencies. The proposed rules have been modified to permit waiver of the technical operating standards in instances where the applicant makes a showing that such provisions are impractical or undesirable in view of the nature of the proposed operation. It has been the experience of the Commission that in most instances experimental operations can comply with the technical standards and operating conditions set forth in the proposed rules. It is believed that with provision for waiver of particular provisions upon showing by the applicant that those provisions are inapplicable or impractical in view of the operation proposed, adequate latitude will be afforded.

3. In the Sixth Report and Order in Docket 8736 et al., paragraph 337, the Commission found that "The record contains no basis for distinguishing between channels in the UHF band for the purpose of establishing a Table of Assignments." Miss-Lou, Inc., has not advanced any arguments as to why the Commission should deviate from this position nor has it advanced any other proposal which would remove the deficiency in the assignment of Channel 39 in Bogalusa and Channel 32 in New Orleans.

4. In view of the foregoing: *It is ordered*, That effective 30 days from the publication in the FEDERAL REGISTER, the table of assignments contained in § 3.606 of the Commission's rules and regulations is amended as follows:

City	Channel No.	
	Delete	Add
Newton, Iowa.....	29—	65+
Bogalusa, La.....	39	69

The proposal that a number of frequencies above 25 Mc be made available exclusively for experimental use is not possible within this proceeding since all of the usable frequencies in that portion have already been allocated to the use of particular services. Any change in this allocation scheme would require a separate rule-making proceeding to

determine the relative need for the frequencies among experimental users and the various services to which the frequencies are already allocated. The Commission will give consideration to any request to institute such separate proceedings but sees no reason to delay finalization of these rules.

The proposed rules have been modified by deleting certain portions relating to information concerning experimental operations performed under governmental contracts. This deletion was made at the suggestion of the military agencies who have agreed to supply such justification as might be necessary with respect to these operations.

All of the comments have received careful consideration and it appears that no new issues or facts which would require oral argument or hearing are raised by said comments, and it is not believed oral argument or hearing would contribute to a decision in this matter. *Accordingly, it is ordered*, This 11th day of February 1953, that Part 5 of the Commission's rules and regulations relating to Experimental Radio Services shall become effective March 17, 1953, as set forth below.

It is further ordered, That all references to sections of Part 5 of the Commission's rules included in outstanding experimental authorizations shall be construed to mean the corresponding sections of revised Part 5 when such revision becomes effective.

Released: February 16, 1953.

FEDERAL COMMUNICATIONS COMMISSION,¹

[SEAL] T. J. SLOWIE, Secretary.

SUBPART A—GENERAL

- 5.1 Basis and purpose.
- 5.2 Services available.
- 5.3 Definition of terms.
- 5.4 General citizenship restrictions.
- 5.5 Transfer and assignment of station authorization.

SUBPART B—APPLICATIONS AND LICENSES

- 5.51 Station authorization required.
- 5.52 Procedure for obtaining a radio station license.
- 5.53 Filing of applications.
- 5.54 Who may sign applications.
- 5.55 Forms to be used.
- 5.56 Procedure for obtaining a special temporary authorization.
- 5.57 Supplementary statements required.
- 5.58 Partial grant.
- 5.59 Defective applications.
- 5.60 Amendment or dismissal of applications.
- 5.61 Construction period.
- 5.62 Licenses required for separate experimental projects.
- 5.63 License period.
- 5.64 Change in equipment.
- 5.65 Operation at a temporary location.
- 5.66 Discontinuance of station operation.
- 5.67 Policy governing the assignment of frequencies.
- 5.68 Cancellation provisions.

SUBPART C—TECHNICAL STANDARDS

- 5.101 Frequency stability.
- 5.102 Types of emission.
- 5.103 Emission limitations.

¹ Commissioner Merrill's concurring statement filed as part of original document.

- Sec. 5.104 Modulation requirements.
- 5.105 Power and antenna height.
- 5.106 Transmitter control requirements.
- 5.107 Transmitter measurements.

SUBPART D—OPERATING REQUIREMENTS

- 5.151 General limitations on use.
- 5.152 Station identification.
- 5.153 Suspension of transmission required.
- 5.154 Mobile installations in vehicles not under the continuous control of the licensee.
- 5.155 Operator requirements.
- 5.156 Evidence of operator license.
- 5.157 Transmitter identification card and posting of station license.
- 5.158 Authorized points of communication.
- 5.159 Operation during an emergency.
- 5.160 Inspection of stations.
- 5.161 Inspection and maintenance of tower marking and associated control equipment.
- 5.162 Answers to notice of violations.
- 5.163 Content of station records.
- 5.164 Form of station records.
- 5.165 Retention of station records.
- 5.166 Adherence to program of research.

SUBPART E—EXPERIMENTAL SERVICE (RESEARCH)

- 5.201 Eligibility for license.
- 5.202 Scope of service.
- 5.203 Frequencies available for assignment to stations operating in the Experimental Service (Research).
- 5.204 Experimental report.

SUBPART F—EXPERIMENTAL SERVICE (DEVELOPMENTAL)

- 5.251 Eligibility for license.
- 5.252 Scope of service.
- 5.253 Frequencies available for assignment to stations operating in the Experimental Service (Developmental).
- 5.254 Special procedure for the development of a new service or for the use of frequencies not in accordance with the Table of Frequency Allocations.
- 5.255 Experimental report.

AUTHORITY: §§ 5.1 to 5.255 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.

CROSS REFERENCE TABLE TO REVISED PART 5

Old No.	New No.
5.1	Revised; 5.2, 5.3 (c).
5.2	Revised; 5.3 (d), 5.3 (e).
5.3	Revised; 5.3 (d), 5.3 (e).
5.4	Deleted.
5.11	5.201, 5.251.
5.12	5.57.
5.13	5.62.
5.14	5.151, 5.202, 5.202.
5.15	5.67.
5.16	Deleted.
5.17	5.166 (a).
5.18	Deleted.
5.19	5.166 (b).
5.20	5.57.
5.21	5.67, 5.203, 5.253.
5.22	5.101.
5.23	5.107.
5.24	5.105.
5.25	5.64.
5.26	5.155.
5.27	Deleted.
5.28	5.163.
5.29	5.157.
5.30	5.156.
5.31	5.204, 5.255.
5.32	5.55 (g), 5.63.
5.33	5.56.
5.51	Revised; 5.201, 5.251.
5.52	5.57.
5.53	Revised; 5.202, 5.252.
5.54	5.68.
5.55	Revised; 5.204.
5.71	Revised; 5.251.
5.72	5.57.

CROSS REFERENCE TABLE TO REVISED PART 5—Continued

Old No.	New No.
5.73	Deleted.
5.74	Revised; 5.252.
5.75	5.255.
5.91	Deleted.
5.92	Do.
5.93	Do.
5.94	Do.
5.95	Do.
5.96	Do.
5.97	Do.

SUBPART A—GENERAL

§ 5.1 *Basis and purpose.* (a) The rules following in this part are promulgated pursuant to the provisions of 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 this part is to prescribe the manner in which parts of the radio frequency spectrum may be made available for experimentation as defined in this part and provided for.

§ 5.2 *Services available.* (a) Experimental services are classified, according to the type of experimentations permitted, into two categories as follows:

- (1) Experimental Service (Research)—Subpart E.
- (2) Experimental Service (Developmental)—Subpart F.

§ 5.3 *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) *Authorized frequency.* The frequency assigned to a station by the Commission and specified in the instrument of authorization.

(b) *Authorized power.* The power assigned to a radio station by the Commission and specified in the instrument of authorization. The authorized power does not necessarily correspond to the power used by the Commission for purposes of its Master Frequency Record (MFR) and notification to the Bureau of the International Telecommunications Union.

(c) *Experimental service.* A service in which Hertzian waves are employed for purposes of experimentation in the radio art or for purposes of providing essential communications for research projects which could not be conducted without the benefit of such communications.

(d) *Experimental service (research).* An Experimental Service (1) for research in the radio art not related to the development of an established or proposed new service, or (2) for providing essential communications for research projects which could not be conducted without the benefit of such communications.

(e) *Experimental service (developmental).* An Experimental Radio Service for the development of equipment, engineering or operational data, or techniques for an existing or proposed radio service.

(f) *Fixed service.* A service of radio-communication between specified fixed points.

(g) *Fixed station.* A station in the fixed service.

(h) *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 Table of Frequency Allocations and other provisions of Part 2 of this chapter.

(i) *Landing area.* As defined by Title I, section I (22) of the Civil Aeronautics Act of 1938, as amended, landing area means any locality, either of land or water, including airdromes and intermediate landing fields, which is used, or intended to be used, 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.

(j) *Land station.* A station in the mobile service not intended for operation while in motion.

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

(l) *Mobile station.* A station in a mobile service intended to be used while in motion or during halts at unspecified points.

(m) *Mean power of radio transmitter.* The power supplied to the antenna during normal operation, averaged over a time sufficiently long compared to the period corresponding to the lowest frequency encountered in actual modulation.

(n) *Peak power of a radio transmitter.* The mean power supplied to the antenna during one radio frequency cycle at the highest crest of the modulation envelope, taken under conditions of normal operation.

(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) *Radio service.* An administrative subdivision of the field of radio-communication. 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.

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

§ 5.4 *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 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.

(e) Any corporation of which any officer or director is an alien.

(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 representative; a foreign government or representative thereof; or any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

§ 5.5 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, and shall give its consent in writing. Requests for authority to transfer or assign a station authorization shall be submitted on the forms prescribed by § 5.55.

SUBPART B—APPLICATIONS AND LICENSES

§ 5.51 Station authorization required. No radio transmitter shall be operated in the Experimental Radio Services except under and in accordance with a proper station authorization granted by the Federal Communications Commission.

§ 5.52 Procedure for obtaining a radio station license. (a) The first step toward obtaining a station license is the filing of an application for a construction permit in accordance with this part. After the construction and installation are completed, an application for station license may be submitted in accordance with § 5.55.

(b) In the case of complete transmitters which are to be used without modification and the installation of which requires only the interconnection of the transmitter units, the application for license may be submitted simultaneously with the application for construction permit, except in those instances in which the filing of Form 401-A is required under § 5.55.

(c) When the design and construction of the transmitting equipment is an integral part of the experimental program, the application for license may be submitted simultaneously with the application for construction permit, except in those instances when the filing of Form 401-A is required under § 5.55.

§ 5.53 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 Experimental Services are discussed in § 5.55 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 § 5.55 (k) 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, 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) Each application for station authorization shall be specific and complete with regard to station location, proposed equipment, power, antenna height, and operating frequency and other information required by the application form and this part.

(e) Applications involving operation at temporary locations:

(1) When a land station or a fixed station is to remain at a single location for less than six months, the location is considered to be temporary and the procedure outlined in § 5.65 shall apply.

(2) When a land station or fixed station authorized to operate at temporary locations remains at a single location for more than six months, an application for modification of the station authorization to specify the permanent location shall be filed within thirty days after expiration of the six-month period.

(f) Unless otherwise specified in a particular case or for a particular form, each application shall be filed in duplicate.

§ 5.54 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, by 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.

§ 5.55 Forms to be used. (a) Application for construction permit for land stations and fixed stations. A separate application for construction permit shall be submitted on FCC Form 401 for each base station and each fixed station. Such applications shall be accompanied by FCC Form 401-A in triplicate in all cases when:

(1) The antenna structure proposed to be erected will exceed an over-all height of 170 feet above ground level: *Provided, however* That FCC Form 401-A is not required when the antenna is mounted on top of an existing man-made structure and does not increase

the over-all height of such man-made structure by more than 20 feet; or

(2) The antenna structure proposed to be erected will exceed an over-all height of one foot above the established airport (landing area) elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area. *Provided, however* That FCC Form 401-A is not required when the antenna does not exceed 20 feet above the ground or is mounted on top of an existing man-made structure or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet.

(b) *Description of antenna structure.* When required to be submitted, by the terms of paragraph (a) of this section, FCC Form 401-A shall be submitted in triplicate. There shall be attached to each copy of the form a sketch showing the antenna and supporting structure as well as a map showing the location of the antenna, landing areas in the vicinity thereof, and all tall structures that may affect the requirement for marking the antenna or supporting structure.

(c) *Application for construction permit for mobile station.* Application for construction permit for each mobile station comprising any specified number of mobile units to be operated in the same service, including hand-carried or pack-carried units, may be combined into one application and shall be submitted on FCC Form 401.

(d) *Application for station license.* Application for station license shall be filed on FCC Form 403 upon completion of construction or installation in accordance with the terms and conditions set forth in the construction permit.

(e) *Application for modification of construction permit.* Separate application for modification of construction permit shall be submitted on FCC Form 401 for each station to be located at a fixed point. Application for modification of construction permit for any number of mobile units to be operated in the same service, including hand-carried or pack-carried units, may be combined into one application and shall be submitted on FCC Form 401.

(f) *Application for modification of station license.* Application for modification of station license shall be submitted on FCC Form 403. A blanket application for modification of a group of station licenses of the same class may be submitted in those cases where the modification requested is the same for all stations covered by the application. The individual stations covered by such application shall be clearly identified thereon.

(g) *Application for renewal of station license.* Application for renewal of station license shall be submitted on FCC Form 405. A blanket application may be submitted for renewal of a group of station licenses in the same class in those cases where the renewal requested is in exact accordance with the terms of the previous authorizations. The individual stations covered by such applications shall be clearly identified thereon. Unless otherwise directed by the Com-

mission, each application for renewal of license shall be filed at least 60 days prior to the expiration date of the license to be renewed.

(h) *Application for additional time to construct radio station.* FCC Form 701 shall be submitted in duplicate, whenever it is necessary to request an extension of the time limit specified on a valid construction permit.

(i) *Application for consent to assignment of radio station construction permit or license.* Application on FCC Form 702 shall be submitted when the legal right to construct or to control the use and operation of a station is to be transferred as a result of a voluntary act (contract or other agreement) or an involuntary act (death or legal disability) of the grantee of a station authorization or by involuntary assignment of the physical property constituting the station under a court decree in bankruptcy proceedings, or other court order, or by operation of law in any other manner. Such application must be accompanied by statements signed by the proposed assignee which supply information required of an original licensee by § 5.57.

(j) *Application for consent to transfer of control of corporation holding construction permit or station license.* Application for consent to transfer of control shall be submitted on FCC Form 703 whenever it is proposed to change the control of a corporation holding a station authorization.

(k) *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) An informal application for authority to operate transmitting equipment will be accepted only under the conditions set forth in § 5.56.

§ 5.56 *Procedure for obtaining a special temporary authorization.* (a) The Commission may issue a special temporary authorization under this part in cases where a 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.

(b) An application for special temporary authorization may be filed as an informal application in the manner prescribed by § 5.55 (k) and shall contain the following information:

- (1) Name and address.
- (2) Need for special action.
- (3) Type of operation to be conducted.
- (4) Purpose of operation.
- (5) Time and date of proposed operation.
- (6) Class of station, call sign of station, and nature of service.
- (7) Location of proposed operation.
- (8) Equipment to be used, including name of manufacturer, model and number of units.

(9) Frequency(s) desired.

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

(11) Type of emission.

(12) Antenna height. FCC Form 401-A shall be filed if required by § 5.55 (b).

(c) No request for special temporary authorization will be considered unless full particulars as to the purpose for which the request is made are stated.

§ 5.57 *Supplementary statements required—(a) Showing.* Each applicant for an authorization in the Experimental Radio Service must enclose with his application for construction permit a factual showing in regard to the following:

(1) That the applicant is a person qualified to carry forward the proposed program of experimentation;

(2) That the program of experimentation will be conducted by qualified personnel, and the applicant possesses adequate technical facilities to carry forward the program and has made adequate financial appropriations toward this end;

(3) That the applicant has an organized plan of experimentation leading to a specific objective;

(4) That the program of experimentation has reasonable promise of contribution to the development, extension, or expansion or utilization of the radio art, or is along lines not already investigated;

(5) That the applicant has a program of experimentation that has reached a stage in the laboratory where actual transmission by radio is essential to its further progress;

(6) That the station(s) shall be operated in accordance with the applicable Commission's rules and regulations and only in such a manner and at such times as to preclude harmful interference with established stations or services.

(b) *Confirmation clauses.* In addition to the showing required by paragraph (a) of this section, a statement shall be filed with and made a part of each application for construction permit for a station in these services confirming the applicant's understanding:

(1) That all operations on the frequencies assigned will be on an experimental basis, and conducted in accordance with the provisions of this part and as specified in the station instrument of authorization;

(2) That the granting of the authority requested shall not be construed as a finding on the part of the Commission;

(i) That the frequencies authorized are the best suited to the particular purpose to be served by the station;

(ii) That the applicant is qualified to operate a station in a service on any basis other than experimental;

(iii) That the applicant will be authorized to operate on any basis other than experimental;

(iv) That the Commission is obligated by the results of the experimental program to make provision in the service-allocation plan for the applicant's type of operation.

(3) That the applicant desires and is willing to conduct and finance the experimental program with full knowl-

edge and understanding of the provisions of this section.

(c) *Applications involving government contracts.* The provisions of paragraphs (a) and (b) of this section shall not be applicable to applicants for an authorization in the Experimental Service (Research) to be used for the purpose of fulfilling the requirements of a contract with an agency of the United States Government. Such applicants shall include as a part of the application for construction permit the following information:

(1) The contract number and name of the government agency concerned.

(2) The nature of the program of experimentation, security regulations permitting.

(3) The daily hours of operation and the estimated dates of the beginning and end of the specific time period for which the requested authorization is required.

(d) *Applications involving development of equipment for export purposes.* In addition to the information required by paragraphs (a) and (b) of this section, in the case of experimentation for the purpose of developing equipment for export purposes to be employed by stations under the jurisdiction of a foreign government, the application shall include:

(1) The contract number and the name of the foreign government concerned.

(2) The daily hours of operation and the estimated date of the beginning and end of the specific time period for which the authorization is required.

(e) *Applications involving communications essential to a research project.* The provisions of paragraphs (a) and (b) of this section shall not be applicable to applications for an authorization in the Experimental Service (Research) to be used for communications essential to a research project. Applicants in this service shall include as a part of the application for construction permit the following:

(1) A description of the nature of the research project being conducted.

(2) A showing that communication facilities are necessary for the research project involved.

(3) A showing that existing communication facilities are inadequate.

§ 5.58 *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 of such grant, or from its effective date if a later effective 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 and set the application for hearing.

§ 5.59 *Defective applications.* (a) Applications which are defective with respect to completeness of answers to required questions, execution or other matters of a purely formal character will not

be received for filing by the Commission, and will be returned to the applicant with a brief statement as to the omissions.

(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) Applications which are not in accordance with the Commission's rules, regulations or other requirements will be considered defective unless accompanied either (1) by a petition to amend any rule or regulation with which the application is in conflict, or (2) by a request of the applicant for waiver of, or an exception to, any rule, regulation or requirement with which the application is in conflict. Such request shall show the nature of the waiver or exception desired and set forth the reasons in support thereof.

§ 5.60 *Amendment or dismissal of applications.* 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 subsequent correspondence or other material which the applicant desires to have incorporated as a part of an application already filed shall be submitted in the form of an amendment to the application.

§ 5.61 *Construction period.* 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.

§ 5.62 *License required for separate experimental projects.* A separate station license will be required for each class of station in the experimental radio services. Application for a class of station embracing widely divergent and unrelated experimentations normally will require a separate license for each phase of the experimental program: *Provided, however* That the Commission may, when circumstances warrant, issue a single license embracing the entire project.

§ 5.63 *License period.* (a) Licenses for stations in the Experimental Radio Services will be issued normally for a period of one year unless otherwise stated in the instrument of authorization, and each respective class of station license shall expire each year at 3:00 a. m., e. s. t., on the first day of the following months:

(1) Experimental Service (Research) October.

(2) Experimental Service (Developmental) November.

(b) Unless otherwise ordered, when an application for a new station license

is granted within three months of the expiration date of the license, term of the particular class of station involved, the license shall be issued for the unexpired period of the current license term and for the full succeeding term. If granted more than three months from the normal expiration date, the license will be issued for the unexpired period of the current license term only.

(c) If the Commission approves a modification of a license, a modified license will be issued for the unexpired license period. If such period is 30 days or less, the application will also be treated as an application for renewal and, if approved, a new authorization will be issued to indicate this unexpired period plus the full succeeding term of the license as designated in paragraph (a) of this section.

§ 5.64 *Change in equipment.* (a) A change may be made in a licensed transmitter without specific authorization from the Commission provided: (1) The change does not result in operation inconsistent with any term of the outstanding authorization for the station involved; and (2) a description of the change is incorporated in the next application for renewal or modification of license.

(b) Prior authorization from the Commission is required before the following antenna changes may be made at a station at a fixed location:

(1) Any change which will either increase the height of a structure supporting the radiating portion of the antenna or decrease the height of a lighted antenna structure.

(2) Any change in the location of an antenna when such relocation involves a change in the geographic coordinates of latitude or longitude by as much as one second, or when such relocation involves a change in street address.

§ 5.65 *Operation at a temporary location.* (a) An application for authority to operate at temporary locations shall specify the general geographical area within which the operation will be confined.

(b) When a station is authorized to operate at temporary locations, the following notification procedure shall be followed:

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

(2) When the station is moved from one location to another, the Engineer in Charge of the Radio District(s) involved shall be notified.

§ 5.66 *Discontinuance of station operation.* In case of permanent discontinuance of operation of a fixed or land station in the experimental services, or in case of permanent discontinuance of operation of all transmitter units listed in the license for a mobile station in the experimental services, 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 radio district in which the station is located.

§ 5.67 *Policy governing the assignment of frequencies.* (a) Each frequency or band of frequencies, available for assignment to stations in the experimental services is available on a shared basis only, and will not be assigned for the exclusive use of any one applicant, and such use may also be restricted to one or more specified geographical areas. Normally not more than one frequency in a band of frequencies will be assigned for the use of a single applicant unless a showing is made demonstrating that need for the assignment of additional frequencies is essential to the proposed program of experimentation.

(b) Frequency assignments will be made only on the condition that harmful interference will not be caused to any station operating in accordance with the Table of Frequency Allocation of Part 2 of this chapter.

(c) The frequencies available for use in these services are set forth in §§ 5.203 and 5.253.

§ 5.68 *Cancellation provisions.* The applicant for a station in the experimental services accepts the license with the express understanding: (1) That the authority to use the frequency or frequencies assigned is granted upon an experimental basis only and does not confer any right to conduct an activity of a continuing nature; and (2) that said grant is subject to change or cancellation by the Commission at any time without hearing if in its discretion the need for such action arises.

SUBPART C—TECHNICAL STANDARDS

§ 5.101 *Frequency stability.* The frequencies assigned in accordance with the provisions of §§ 5.203 and 5.253 shall be maintained to within the tolerance set forth in the rules governing the service to which the frequencies are assigned in the Table of Frequency Allocations of Part 2 of this chapter unless otherwise designated in the station authorization.

(b) Less restrictive tolerances than those specified in paragraphs (a) and (b) of this section may be authorized for stations in the experimental services provided the applicant presents satisfactory evidence of the need for such tolerances and that the program of research can and will be conducted without causing harmful interference to any other radio service operating in accordance with the Table of Frequency Allocations set forth in Part 2 of this chapter.

§ 5.102 *Types of emission.* (a) Stations in the Experimental Radio Services may be authorized to use any of the classification of emissions covered in Part 2 of this chapter. A request for a specific type of emission not included in paragraph (b) of this section shall be accompanied by a showing of need therefor, which shall include a statement of the band width required for the proposed operations, a full and complete description of the emission specified and the purpose for which such emission is desired.

(b) The following systems of designating emissions, modulation and transmission may be employed:

Type of modulation or emission	Type of transmission	Supplementary characteristics	Symbol	
1. Amplitude	Absence of any modulation		A0	
	Telegraphy without the use of modulating audio frequency (on-off keying)		A1	
	Telegraphy by the keying of a modulating audio frequency or audio frequencies or by the keying of the modulated emission (special case: an unkeyed modulated emission)		A2	
	Telephony		(Double sideband, full carrier)	A3
			(Single sideband, reduced carrier)	A3a
			(Two independent sidebands, reduced carrier)	A3b
	Facsimile		A4	
	Television		A5	
	Composite transmissions and cases not covered by the above		A9	
	2. Frequency (or phase) modulated	Composite transmissions	Reduced carrier	Ac3
Absence of any modulation			F0	
Telegraphy without the use of modulating audio frequency (frequency shift keying)			F1	
Telegraphy by the keying of a modulating audio frequency or audio frequencies or by the keying of the modulated emission (special case: an unkeyed emission modulated by audio frequency)			F2	
Telephony			F3	
Facsimile			F4	
Television			F5	
Composite transmissions and cases not covered by the above			F9	
3. Pulsed-emissions		Absence of any modulation intended to carry information		P0
		Telegraph without the use of modulating audio frequency		P1
	Telegraphy by the keying of a modulating audio frequency or audio frequencies, or by the keying of the modulated pulse (special case: an unkeyed modulated pulse)		(Audio frequency or audio frequencies modulating the pulse in amplitude)	P2a
			(Audio frequency or audio frequencies modulating the width of the pulse)	P2b
			(Audio frequency or audio frequencies modulating the phase (or position) of the pulse)	P2c
	Telephony		(Amplitude modulated pulse)	P2d
			(Width modulated pulse)	P2e
			(Phase (or position) modulated pulse)	P2f
	Composite transmissions and cases not covered by the above		P9	

(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) Except where unattended operation is authorized in accordance with § 5.155 (b) (4) 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 the 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, or other dependable device, 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 originating at dispatch points under his supervision; and capable of receiving transmissions from stations to which harmful interference might be caused.

(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.

(5) In cases in which the applicant makes a satisfactory showing that one or more of the requirements set forth in subparagraphs (1) through (4) of this paragraph would be inappropriate and requests that such requirements be eliminated or others substituted, the Commission will consider such requests.

§ 5.107 *Transmitter measurements.* (a) Except as provided in paragraph (c) of this section, the licensee of each station in the Experimental Radio Services shall employ suitable procedures to determine that the carrier frequency, power, and modulation do not exceed the limits prescribed in the station authorization.

(b) The transmitter operating characteristics shall be checked and necessary adjustments made when the equipment is originally installed, when any changes are made which might result in operation outside the limits specified

§ 5.103 *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 kilocycles 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 (b) of this section is considered to be an unauthorized emission.

(b) For the purpose of demonstrating compliance with paragraph (a) of this section, the following limits shall 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 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 25 watts	50
Over 25 watts and including 150 watts	60
Over 150 watts and including 600 watts	70
Over 600 watts	80

(c) When an unauthorized emission results in harmful interference, the Commission may, at its discretion, require appropriate technical changes in equipment to eliminate such interference.

(d) The Commission may, at its discretion, designate limits other than those set forth in paragraph (b) of this section after a proper showing of the need therefor.

§ 5.104 *Modulation requirements.* Modulation requirements of stations in the Experimental Radio Services shall not be in excess of that necessary for the conduct of the authorized program of experimentation nor shall the emissions exceed the limitations imposed by § 5.103, unless specifically authorized by the Commission.

§ 5.105 *Power and antenna height.*

(a) The effective radiated power and antenna height which may be used by a station in this service shall be no more than the minimum necessary to satisfactorily carry on the authorized program of experimentation. No station shall operate at any time with power in excess of that authorized in the station instrument of authorization.

(b) The maximum power requested by an applicant shall not be in excess of the maximum obtainable power of the transmitter consistent with satisfactory technical operation.

§ 5.106 *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.

in the instrument of authorization, and as often as necessary to maintain the transmitter operation within the limits specified in the instrument of authorization.

(c) Exceptions to these provisions may be made, provided the applicant makes a satisfactory showing that the nature of the proposed program of experimentation precludes compliance therewith.

SUBPART D—OPERATING REQUIREMENTS

§ 5.151 *General limitations on use.*

(a) The following transmission limitations are applicable to all classes of stations in the experimental services and are in addition to the specific requirements applicable to each respective class of service as covered under Subparts E and F of this part:

(1) Stations may make only such transmissions as are necessary and directly related to the conduct of the licensee's stated program of experimentation as specified in his application for construction permit and license and the related station instrument of authorization, and as governed by the provisions of the rules and regulations contained in this part. All transmissions shall be limited to the minimum practical transmission time.

(2) When transmitting, the licensee must use every precaution to insure that the radio frequency energy emitted will not cause harmful interference to the services carried on by stations operating in accordance with the Table of Frequency Allocations of Part 2 of this chapter and, further, that the power radiated is reduced to the lowest practical value consistent with the program of experimentation for which the station authorization is granted. If harmful interference to an established radio service develops, the licensee shall cease transmissions and such transmissions shall not be resumed until it is certain that harmful interference will not be caused.

(b) Unless expressly permitted in the instrument of authorization, experimental stations shall not be used:

(1) To retransmit signals of any other station, except in conjunction with the authorized program of experimentation.

(2) To transmit programs intended for public reception or render any communication service.

§ 5.152 *Station identification.* Each class of station in the experimental services shall, unless specifically exempted by the terms of the station authorization, transmit its assigned call sign at the end of each complete transmission: *Provided, however* That the transmission of the call sign at the end of each transmission is not required for projects requiring continuous, frequent, or extended use of the transmitting apparatus, if, during such periods and in connection with such use, the call sign is transmitted at least once every thirty minutes.

§ 5.153 *Suspension of transmission required.* The radiations 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.

§ 5.154 *Mobile installations in vehicles not under the continuous control of the licensee.* A mobile radio station licensed in the experimental services may not be installed or maintained in a vehicle, aircraft, or vessel, which is not at all times controlled exclusively by the licensee, unless precautions have been taken to eliminate effectively the possibility of the licensed transmitter being operated during the period that the vehicle, aircraft, or vessel is not under the control of the licensee.

§ 5.155 *Operator requirements.* (a) All transmitter adjustments which may affect the proper operation of a station shall be made by or under the immediate supervision and responsibility of a person holding a radiotelephone or radiotelegraph first or second class operator license: *Provided, however* That only a person holding a radiotelegraph first or second class operator license shall perform such functions at a radiotelegraph station transmitting by any type of the Morse code.

(b) A person holding a radiotelephone or radiotelegraph first or second class operator license, as may be appropriate for the type of emission being used, shall be on duty and in charge of the transmitter during the normal rendition of service: *Provided, however* That if the transmitter is so designed that none of the operations necessary to be performed during the normal rendition of service may cause off-frequency operation or result in any unauthorized radiation, an operator holding any class of commercial radio operator license except Aircraft Radiotelephone Operator Authorization or Temporary Limited Radiotelegraph Second Class Operator License shall be on duty and in charge of the transmitter except:

(1) Only a person holding a commercial radiotelegraph operator license of any class except Temporary Limited Radiotelegraph Second Class shall operate a station when transmitting radiotelegraphy by any type of Morse code: *Provided, however* That a person holding a commercial radiotelephone operator license of any class except Aircraft Radiotelephone Operator Authorization may operate such station when telegraphy is transmitted by automatic means for identification, testing, or actuating an automatic signalling device.

(2) An unlicensed person may operate a mobile station when transmitting radiotelephony on frequencies above 25 Mc.

(3) An unlicensed person may operate a mobile station when transmitting radiotelephony on frequencies below 25 Mc when such mobile station is under the operational control of a land station of the same licensee.

(4) No person is required to be in attendance at a station when transmitting on frequencies above 50 Mc for telemeasuring purposes or when serving as a

relay station for the purpose of retransmitting by self-actuating means signals from another station or stations.

(c) The provisions of this section authorizing unlicensed persons to operate certain stations shall be applicable only to stations located within the United States, its territories or possessions and which communicate exclusively with one or more stations located in the United States, its territories or possessions.

(d) The provisions of this section authorizing 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, or for the proper functioning and operation of those stations in accordance with the terms of the licenses of those stations.

§ 5.156 *Evidence of operator license.* Whenever a licensed operator is required by § 5.155, the original license or verification card of such operator shall be immediately available at the place where the operator is on duty.

§ 5.157 *Transmitter identification card and posting of station license.* (a) The current authorization of each station in these services authorized at a fixed location shall be posted in a conspicuous place in 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 No. 452-C, Revised) shall be affixed to each transmitter operated at a fixed location, when such transmitter is not in view of, and readily accessible to, the operator at the principal control position. The following information shall be entered on the card by the permittee or licensee:

(1) Name of permittee or licensee.

(2) Station call sign assigned by the Commission.

(3) Exact location or locations of the station's records of operation.

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

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

(b) The current station authorization for each station authorized for mobile operation shall be retained as a permanent part of the station record but need not be posted. In addition, a transmitter Identification Card (FCC Form No. 452-C, Revised) executed in accordance with paragraph (a) of this section, shall be affixed to each mobile transmitter or associated control equipment. When the transmitter is not in view of, and readily accessible to, the operator, it is preferred that the Identification Card be affixed to the control equipment at the transmitter operating position.

§ 5.158 *Authorized points of communication.* Stations in the experimental services may communicate only with other stations licensed in the experimental services: *Provided, however*, That upon a satisfactory showing that the proposed communications are essen-

tial to the conduct of the research project, authority may be granted to communicate with stations in other services and U. S. Government stations.

§ 5.159 *Operation during an emergency.* The licensee of any station in the Experimental Radio 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 service by communicating in a manner other than that specified in the station license: *Provided,*

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

(2) That the emergency use of the station shall be discontinued as soon as substantially normal communication facilities are again available, and

(3) That the Commission at Washington, D. C., and the Engineer in Charge shall be notified immediately when such special use of the station is terminated: *Provided further*

(4) That in no event shall any station engage in emergency transmission on frequencies other than, or with power in excess of, that specified in the instrument of authorization or as otherwise expressly provided by the Commission, or by law: *And provided further*

(5) That the Commission may, at any time, order the discontinuance of any such emergency communication undertaken under this section.

§ 5.160 *Inspection of stations.* All stations and records of stations in the Experimental Services shall be made available for inspection at any time while the station is in operation or shall be made available for inspection upon reasonable request of an authorized representative of the Commission.

§ 5.161 *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 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.

§ 5.162 *Answers to notices of violations.* Any person 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 an 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 violation.

§ 5.163 *Content of station records.*

(a) The licensee of each station in the experimental services shall maintain adequate records of the station's operations, including:

(1) Dates and hours of operation.
(2) All measurements of the frequency(s) including the name of the person making the measurements, the exact frequency measured or the observed deviations from the assigned frequency(s) expressed in cycles, kilocycles or percent plus or minus, and a statement of any corrective action taken.

(3) Power.
(4) Types of emission.
(5) Chronological record of experimentation conducted.

(6) The name of the operator on duty.

(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 subparagraph (2) of this paragraph and this subparagraph, 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 stations.

(c) For stations whose antenna or antenna supporting structure is required to be illuminated, a record in accordance with the following:

(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 § 5.161.

(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.

§ 5.164 *Form of station records.* (a) The records shall be kept in an orderly manner, in suitable form, 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.

(b) Each entry in the record shall be signed by a person having actual knowledge of the facts to be recorded.

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

(d) A copy of this part shall be maintained in the records of each fixed or land station licensed under this part.

§ 5.165 *Retention of station records.* Records required to be kept by this part shall be retained by the licensee for a period of at least one year.

§ 5.166 *Adherence to program of research.* (a) The program of experimentation as stated by an applicant in its application for construction permit or license or in the station instrument of authorization, shall be substantially adhered to unless the licensee is authorized to do otherwise by the Commission.

(b) Where some phases of the experimental program are not covered by the general rules of the Commission or by the rules of 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.

**SUBPART E—EXPERIMENTAL SERVICE
(RESEARCH)**

§ 5.201 *Eligibility for license.* Authorizations for stations in the Experimental Service (Research) will be issued only to persons qualified to conduct experimentations utilizing hertzian waves for scientific or technical radio research not related to an existing service or proposed service, or for communications in connection with research projects when existing communication facilities are inadequate.

§ 5.202 *Scope of service.* Stations operating in the Experimental Service (Research) will be permitted to conduct the following types of operations:

(a) Experimentations in scientific or technical radio research.

(b) Development of radio technique, equipment or engineering data not relating to an existing or proposed service, including field or factory testing or calibration of equipment.

(c) Experimentations under contractual agreement with the United States Government, or for export purposes.

(d) Communications essential to research projects.

(e) Technical demonstrations of equipment or techniques.

§ 5.203 *Frequencies available for assignment to stations operating in the Experimental Service (Research)* Stations operating in the Experimental Service (Research) may be authorized to use any government or non-government frequency designated in the table of frequency allocation set forth in Part 2 of this chapter as available for assignment to this service: *Provided*, That the need of the specific frequency(s) requested is fully justified by the applicant.

§ 5.204 *Experimental report.* (a) Except in the case of those stations providing essential communications for research projects, a report on the results of the experimental program carried on under this subpart shall be filed with and made a part of each application for renewal of license: *Provided, however* That the licensee shall, upon request, forward experimental reports at such times during the term of the station authorization as the Commission may deem necessary to evaluate the progress of the experimental program.

(b) An applicant may request that the Commission withhold from the public certain reports and associated material, and the Commission will withhold the same unless the public interest requires otherwise.

(c) The experimental report shall include comprehensive information on the following items:

(1) Detailed analysis of the results obtained.

(2) Report on the experimentation conducted.

(3) Total number of hours of operation on each frequency assigned.

(4) Copies of publications covering the experimental work.

(5) A list of patents issued as a result of the experimental work.

(6) Any other pertinent information.

Provided, That, in the case of experimentations which are under contractual agreement with the United States, such reports shall include the information in subparagraphs (1) through (6) of this paragraph in so far as security regulations permit.

(d) A showing of continued need shall be included with the application for renewal of an authorization to provide communications essential to a research project.

**SUBPART F—EXPERIMENTAL SERVICE
(DEVELOPMENTAL)**

§ 5.251 *Eligibility for license.* (a) Authorizations for stations in the Experimental Service (Developmental) will be issued only to persons qualified to conduct experimentations utilizing hertzian waves for the development of equipment for use in an existing service or for the development of equipment or technical operational data directly related to a use of radio not provided by existing rules.

(b) Applicants eligible for authorizations in an established service, and seeking to develop operational data or techniques directed toward the improvement or extension of that service, shall conduct such projects under the developmental rules of the established service.

§ 5.252 *Scope of service.* Stations operating in the Experimental Service (Developmental) will be permitted to conduct the following types of operations:

(a) Development of radio equipment, operational or engineering data related to an existing or proposed radio service.

(b) Field strength surveys by persons not eligible for authorization in any other service or the demonstration of equipment by manufacturers to prospective purchasers for proposed stations in existing services. Transmission shall be limited to test messages essential to the installation, extension or development of a radio communication facility and the procedure set forth in § 5.253 (c) shall apply.

(c) Testing of equipment in connection with production or type approval of such equipment.

§ 5.253 *Frequencies available for assignment to stations operating in the Experimental Service (Developmental)*

(a) Any frequency allocated in Part 2 of this chapter to a particular service may be assigned for the purposes set forth in § 5.252 provided the proposed operation is in accordance with the rules governing the service involved.

(b) Frequencies which have been allocated in Part 2 of this chapter rules to a shared government and non-government service for which rules governing non-government stations have not been promulgated may be assigned for the purpose indicated in column 8 of the table of frequency allocations contained in § 2.104 of this chapter.

(c) Frequencies which have been allocated in Part 2 of this chapter to a non-government service for which rules have not been promulgated may be assigned to the class of stations indicated in column 9 of the table of allocations for the purpose indicated in column 8 of that table.

(d) Except as provided in paragraph (f) of this section, no developmental authorization for experimentation related to an established service will be made which involves the assignment of frequencies not included in the rules governing such service or the use of allocated frequencies in a manner contrary to the rules governing that service until the Commission has made a determination that such frequency assignment or use is in the public interest. Each application requesting the use of frequencies not allocated to an established service for which a developmental program is planned or which is contrary to the rules governing that service must be accompanied by a petition requesting the amendment of the rules governing the service involved to provide for the proposed operation.

(e) Except as provided in paragraph (f) of this section, frequencies will not be assigned for the development of a service for which no frequencies have been allocated until the Commission has made a preliminary determination that the public interest, convenience, or necessity would be served by the establishment of the service. Such applications must be accompanied by a petition requesting the allocation of frequencies for the proposed service and setting forth the reasons in support of the petition.

(f) Where circumstances require and permit, the Commission may defer action on any petition required by paragraphs (d) and (e) of this section and authorize a grant of limited duration for the sole purpose of developing data which the Commission finds to be necessary to make the determinations with respect to such petitions. Such grants shall in no way be construed as a finding by the Commission with respect to the matters set forth in the petitions or that the operation of any radio station thereunder will serve the public interest, convenience, or necessity beyond the express terms of the particular grant. The terms of such grant, including frequency, power, emission, etc., will be specified in the instrument of authorization.

§ 5.254 *Frequencies available for field strength surveys or equipment demonstration.* (a) Specific frequencies will not normally be designated in a station license issued for the purpose of conducting field strength surveys or equipment demonstrations. Prior to the commencement of a survey, the licensee will request a specific frequency assignment and submit the following information:

(1) Time, date and duration of survey.

(2) Frequency to be used.

(3) Location of transmitter and geographical area to be covered.

(4) Purpose of survey.

(5) Method and equipment to be used.
 (6) Names and addresses of persons for whom the survey is conducted.

(b) Upon receipt of authority from the Commission to conduct a particular survey, the licensee shall furnish the Engineer in Charge of the radio district in which the survey is to be conducted, sufficiently in advance to assure receipt before the commencement thereof, the following information: Time, date, duration, frequency, location of transmitter, area to be covered, and purpose of survey.

§ 5.255 *Experimental report.* (a) A report on the results of the experimental program carried on under this subpart shall be filed with and made a part of each application for renewal of license: *Provided, however* That the licensee shall, upon request, forward experimental reports at such time during the term of the station authorization as the Commission may deem necessary to evaluate the progress of the experimental program.

(b) An applicant may request that the Commission withhold from the public certain reports and associated material, and the Commission will withhold the same unless the public interest requires disclosures.

(c) The experimental report of stations operating in this service for the development of existing services shall include comprehensive information on the following items in the order designated:

(1) Detailed analysis of the results obtained.

(2) Report on the experimental work conducted.

(3) The total number of hours of operation on each frequency.

(4) Copies of any published reports on the program of experimentation.

(5) Any other pertinent information that may be useful to the Commission in evaluating the merits of the proposed operations.

(d) In addition to the information included in paragraph (c) of this section, the experimental report of a station authorized for the development of a new service shall include comprehensive information on the following items:

(1) Probable public support and methods of its determination.

(2) Practicability of service operations.

(3) Interference encountered.

(4) Pertinent information relative to merits of the proposed service.

(5) Propagation characteristics of frequencies used, particularly with respect to service objective.

(6) Frequencies believed to be more suitable and reasons therefor.

(7) Type of signals or communications employed in the experimental work.

[F. R. Doc. 53-1779; Filed, Feb. 24, 1953; 8:52 a. m.]

[Docket No. 10174]

PART 10—PUBLIC SAFETY RADIO SERVICES
 SPECIAL EMERGENCY RADIO SERVICE

In the matter of amendment of Subpart J of Part 10—Public Safety Radio Services; Docket No. 10174.

1. The Commission heretofore, on April 17, 1952, adopted a notice of proposed rule making in the above-entitled matter which was published in the FEDERAL REGISTER on April 26, 1952 (17 F. R. 3750). The amendments proposed to state more clearly the terms and conditions of eligibility for authorizations in the Special Emergency Radio Service; to describe the manner and extent of permissible use of facilities in this service in greater detail and in respect to each type of eligible; and to provide standby facilities for use of persons who operate wire line communication circuits for transmission of messages of a nature that any disruption thereof would endanger life or public property. Experience under the existing rules indicated a need for the proposed changes, if the most efficient administration of the service was to be obtained. For example, considerable difficulty has been encountered in interpretation of the phrases "remote areas" and "where other communication facilities are not available" in connection with the eligibility of physicians under the present rules. Similar difficulties were experienced in regard to the permissible communications and the number and classes of stations for each eligible group.

2. Written comments were received from ten interested parties and organizations. No general opposition to the proposed amendments was expressed in any of the comments, but there was some disagreement concerning certain portions of the amendments proposed. To the extent feasible, suggestions were adopted, and §§ 10.462 (d) and (e), 10.452 (a), (b) and (d), and 10.457 were changed in whole or in part to conform with the views expressed. The bulk of unfavorable comment was directed toward the proposal to revise the eligibility of rural area physicians, veterinarians and school bus operators in a manner which would delete the requirement that other communication facilities be unavailable. These comments, received from several licensees of miscellaneous common carrier communication systems, appear to object to the proposed rule changes on the basis that physicians, veterinarians and school bus operators in rural areas are potential users of public communication facilities.

3. While some of these rural area users may employ common carrier facilities where available, it is thought that the limited number of such users would be insufficient to generate any substantial demand for common carrier service. Further, experience in administering the Special Emergency Radio Service rules since these rural area users were first made eligible, on July 1, 1949, indicates that, from a frequency loading standpoint, it is feasible to remove the restriction relating to unavailability of other communication facilities. Conversely, however, the number of frequencies available to this service does not appear to be sufficient to permit a complete delimitation of the eligibility of physicians or other restricted users. Adoption of the rules as proposed in this regard also will simplify and expedite the administration of the Special Emergency Radio

Service, since determinations of availability and adequacy of common carrier facilities no longer will be necessary in processing applications submitted by this limited group of eligibles.

4. On the other hand, one physician regularly practicing on Long Island, New York, objected to the proposed amendment on the ground that the eligibility provided for physicians was too limited and that such eligibility should be further extended to include physicians in urban areas who are under contract to render emergency medical service to public agencies. He asked that oral argument be granted on this proposal. However, this request is denied, since (1) there was no other request for oral argument and the physician's proposal appears to relate only to his own personal desire to operate a radio station in the Special Emergency Radio Service; (2) the substance of this proposal has been previously denied (Petition of Dr. Eugene Rodin to amend Special Emergency Radio Service Rules—denied by the Commission April 17, 1952) and (3) the physician's pending application has been the subject of a public hearing to determine, among other things, his eligibility under the existing rules governing the Special Emergency Radio Service.

5. The subject of providing an unlimited radio communication service for physicians was under study by the Commission over a period of several years prior to the formulation of rules establishing a number of new radio services, effective July 1, 1949, which grew out of the general mobile experimental program. While the advantages of private system operation for all physicians were recognized, it became apparent, as a result of the frequency demands generated during the experimental period, that many potential radio users would have to rely on common carrier systems. In this regard, the Commission, in its Report and Order in Docket 9018, et al. (General Mobile Hearing) dated April 27, 1949, stated in part—

As a result of a consideration of the experimental data compiled in relation to this service, the comments submitted and the arguments presented, the Commission has concluded that many of the miscellaneous types of users who have been authorized to operate these Special Industrial and private general mobile experimental systems, particularly in urban areas, must, in the future, obtain their mobile radio communication service from common carrier systems, and from the Citizens Radio Service.

6. In general, it appears that public communication facilities available in urban areas are superior to those provided in rural areas, and therefore, the need for unrestricted eligibility seems to be greater in the rural areas. Further, since it has been determined in prior proceedings that there is a recognizable difference between urban and nonurban radio users in regard to the use of common carrier facilities, and since the proposed amendments do not disturb this determination, but rather provide a convenient and easily interpreted norm for determining the eligibility of rural area mobile users in the Special Emergency Radio Service, it appears reasonable and

practicable to adopt the rule amendments in this regard as proposed.

7. In view of the foregoing: *It is ordered*, This 13th day of February 1953, that the amendments to Part 10 of the Commission's rules as set forth below are adopted, effective March 27, 1953.

Released: February 17, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

- Sec.
10.451 Availability of service.
10.452 Disaster relief organizations.
10.453 Physicians and veterinarians.
10.454 Ambulances and rescue organizations.
10.455 Beach patrols.
10.456 School buses.
10.457 Communication standby facilities.
10.458 Establishments in isolated areas.
10.459 Emergency repair of public communication facilities.
10.460 Points of communication.
10.461 Station limitations.
10.462 Frequencies available to the Special Emergency Radio Service.

AUTHORITY: §§ 10.451 to 10.462 Issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.

SUBPART J—SPECIAL EMERGENCY RADIO
SERVICE

§ 10.451 *Availability of service.* Special Emergency Radio Service is available only to the extent and for the purposes described in succeeding sections of this subpart. The eligibility requirements, classes of stations available to each eligible group, permissible communications in accordance with eligibility, and other applicable conditions of use are set forth as separate sections of this subpart.

§ 10.452 *Disaster relief organizations—(a) Eligibility.* Organizations established for disaster relief purposes and which have an emergency communications plan involving the use of radio are eligible in this service.

(b) *Eligibility showing.* The initial application from a disaster relief organization shall be accompanied by a copy of the charter or other authority under which the organization was established and a copy of the communications plan with a full explanation as to how the requested radio facilities would be used under such plan and integrated into any other communication facilities which normally would be available to assist in the alleviation of the emergency condition.

(c) *Class and number of stations available.* Disaster relief organizations may be authorized to operate an unlimited number of base, mobile and fixed stations.

(d) *Permissible communications.* Except for transmissions which are necessary for drills and tests as permitted by § 10.151 (e) stations licensed to disaster relief organizations may be used only for the transmission of communications relating to the safety of life or property, the establishment and maintenance of temporary relief facilities, and the alleviation of the emergency situation during periods of actual or

impending emergency, or disaster, and until substantially normal conditions are restored.

§ 10.453 *Physicians and veterinarians—(a) Eligibility.* Physicians and veterinarians are eligible in this service: *Provided*, That the applicant can qualify under the following conditions:

(1) The applicant is a physician or veterinarian having a regular practice in a rural area.

(2) For the purpose of this part a rural area is considered to be any area outside of the established or accepted boundaries of towns or communities having a population in excess of 2,500 inhabitants.

(b) *Eligibility showing.* The initial application from a physician or veterinarian shall be accompanied by a statement in sufficient detail to permit a ready determination of the applicant's eligibility. Any subsequent application may refer to information previously filed if there has been no change in the status of the applicant's eligibility. In the event changes have occurred which affect the original eligibility statements, a new showing must accompany the application. The initial eligibility showing must contain as a minimum the information indicated below:

(1) A physician or veterinarian desiring to establish eligibility based on a rural area practice shall describe the radio communication facilities desired and the rural area to be served.

(c) *Class and number of stations available.* Each physician or veterinarian normally may be authorized to operate not more than one base station and two mobile units. Additional base stations or mobile units will be authorized only in exceptional circumstances when the applicant can show a specific need therefor.

(d) *Permissible communications.* Except for test transmissions as permitted by § 10.151 (e) stations licensed to physicians or veterinarians may be used only for the transmission of messages pertaining to the safety of life or property and urgent messages relating to the medical duties of the licensee.

§ 10.454 *Ambulance operators and rescue organizations—(a) Eligibility.* Persons or organizations operating an emergency ambulance service or rescue squad are eligible in this service.

(b) *Eligibility showing.* The initial application from a person or organization operating an ambulance service or rescue squad shall be accompanied by a statement describing the radio communication facilities desired and indicating how they would be used to enhance the safety of human life in the service being rendered. The statements also shall indicate the number of vehicles actually engaged in the emergency operation.

(c) *Class and number of stations available.* Each ambulance operator or rescue squad normally may be authorized to operate not more than one base station and a number of mobile units, excluding mobile units of the hand or pack carried type, not in excess of the number of vehicles actually engaged in the emergency operation. Mobile units of the hand carried or pack carried type

may be authorized to an extent not to exceed two such units for each radio equipped ambulance or rescue squad vehicle. Additional base stations or mobile units will be authorized only in exceptional circumstances when the applicant can show a specific need therefor.

(d) *Permissible communications.* Except for test transmissions as permitted by § 10.151 (e) stations licensed to ambulance operators or rescue squads may be used only for the transmission of messages pertaining to the safety of life or property and urgent messages necessary for the rendition of an efficient ambulance or emergency rescue service.

§ 10.455 *Beach patrols—(a) Eligibility.* Persons or organizations operating beach patrols having responsibility for life-saving activities are eligible in this service.

(b) *Eligibility showing.* The initial application from a person or organization operating a beach patrol shall be accompanied by a statement describing the radio communication facilities desired and the area served by the beach patrol. The statement shall also clearly indicate the proposed method of operation and the number and classes of stations required.

(c) *Class and number of stations available.* Eligibles in this category will be authorized to operate base, mobile, and fixed stations in the stated area served by the beach patrol. The number of such stations requested shall be fully justified in the eligibility showing.

(d) *Permissible communications.* Except for test transmissions as permitted by § 10.151 (e) stations licensed to persons or organizations operating beach patrols may be used only for the transmission of messages pertaining to the safety of life or property.

§ 10.456 *School buses—(a) Eligibility.* Persons or organizations operating school buses having regular routes into rural areas are eligible in this service.

(b) *Eligibility showing.* The initial application from a person or organization operating a school bus service shall be accompanied by a statement describing the radio communication facilities desired. The statement shall also indicate the school or schools being served and describe the area in which the service is operated. If the applicant is not a government sub-division the statement shall indicate the authority under which the school buses are being operated and the tenure of any contractual agreement in effect.

(c) *Class and number of stations available.* Each school bus operator normally may be authorized to operate not more than one base station and a number of mobile units not in excess of the total of the number of buses and maintenance vehicles regularly engaged in the school bus operation. Additional base stations or mobile units will be authorized only in exceptional circumstances when the applicant can show a specific need therefor.

(d) *Permissible communications.* Except for test transmissions as permitted by § 10.151 (e) stations licensed to school bus operators may be used only

for the transmission of messages pertaining to the safety of life or property or urgent messages relating to buses which have become inoperative on regular runs.

§ 10.457 *Communication standby facilities*—(a) *Eligibility*. Persons or organizations operating communication circuits are eligible for standby radio facilities in this service: *Provided*, That the applicant can qualify under either of the following conditions:

(1) The applicant is a communications common carrier.

(2) The applicant is a person or organization operating communications circuits which normally carry essential communications of such a nature that any disruption thereof will endanger life or public property.

(b) *Eligibility showing*. The initial application from an eligible in this category proposing to operate a radio standby facility for other normal communication circuits shall be accompanied by a statement describing the radio communication facilities desired and the proposed method of operation. When appropriate, the statement shall include a description of the messages normally being carried and explain how a disruption thereof will endanger life or public property.

(c) *Class and number of stations available*. Eligibles in this category may be authorized to operate an unlimited number of fixed stations as standby radio facilities. Any such fixed station may be licensed for operation either at a specified location or at any temporary location within a specified area. In the latter case the area of desired operation must be specified by the applicant.

(d) *Permissible communications*. Except for test transmission as permitted by § 10.151 (e), stations licensed for communication circuit standby facilities may be used only during periods when the normal circuits are inoperative due to circumstances beyond the control of the user. During such periods the radio facilities may be used to transmit any communication which would normally be carried by the regular circuits.

§ 10.458 *Establishments in isolated areas*—(a) *Eligibility*. Persons or organizations maintaining establishments in isolated areas where public communication facilities are not available and where the use of radio is the only feasible means of establishing communication with a center of population, or other point from which emergency assistance might be obtained if needed, are eligible in this service.

(b) *Eligibility showing*. The initial application requesting a station authorization for an establishment in an isolated area shall be accompanied by a statement describing the radio communication facilities desired, the applicant's need therefor, and the proposed method of operation, including the location, class of station and name of licensee of the station with which communication is requested. The statement shall also describe the status of public communication facilities in the area of the applicant's establishment and indicate the

results of any attempts the applicant may have made to obtain public communication service. In the event radio communications service is to be furnished the proposed station by another station which is not licensed to the applicant, a statement shall be submitted from the licensee of the station involved indicating that the proposed service will be rendered.

(c) *Class and number of stations available*. Persons or organizations in this category may be authorized to operate not more than one fixed station at any isolated establishment and in addition not more than one fixed station in a center of population.

(d) *Permissible communications*. Except for test transmissions as permitted by § 10.151 (e) stations licensed for use at establishments in isolated areas may be used only during an actual or impending emergency endangering life, health or property for the transmission of essential communications arising from the emergency. The transmission of routine or non-emergency communications is strictly prohibited.

(e) *Communication service rendered and received*. (1) The licensee of a fixed station at an establishment in an isolated area shall make the communication facilities of such station available at no charge to any person desiring the transmission of any communication permitted by paragraph (d) of this section.

(2) For the purpose of providing the communications link desired the licensee of a fixed station at an establishment in an isolated area either may be the licensee of a similar station at another location or may obtain communication service under a mutual agreement from the licensee of any station in the Public Safety Radio Services or any other station which is authorized to communicate with the special emergency fixed station.

§ 10.459 *Emergency repair of public communications facilities*. (a) Communications common carriers are eligible in this service for radio facilities to be used in effecting expeditious repairs to interruptions of public communications facilities where such interruptions have resulted in disabling intercity circuits or service to a multiplicity of subscribers in a general area.

(b) *Eligibility showing*. The initial application from a communications common carrier under the provisions of this section shall be accompanied by a statement describing the radio communication facilities desired and the proposed method of use under such emergency conditions as the applicant expects to arise. The statement shall also clearly indicate the number and classes of stations required in the proposed operation.

(c) *Class and number of stations available*. Eligibles in this category may be authorized to operate base, mobile and fixed stations. The number of such stations requested shall be fully justified in the eligibility showing.

(d) *Permissible communications*. Except for test transmissions as permitted by § 10.151 (e) stations authorized under

the eligibility provisions of this section may be used only, when no other means of communication is readily available, for the transmission of messages relating to the safety of life and property and messages which are necessary for the efficient restoration of the public communication facilities which have been disrupted.

§ 10.460 *Points of communication*.

(a) Special emergency base stations are primarily authorized to intercommunicate with special emergency mobile stations. Special emergency mobile stations are primarily authorized to intercommunicate with base and other special emergency mobile stations.

(b) Special emergency base and mobile stations are secondarily authorized to intercommunicate with other stations in the Public Safety Radio Services and to transmit to receivers at fixed locations: *Provided*, That no harmful interference will be caused to the service of any station transmitting to a point of communication for which that station is primarily authorized.

(c) Special emergency fixed stations are authorized to intercommunicate with other stations in the Public Safety Radio Services and to transmit to receivers at fixed locations. Such stations are also authorized to intercommunicate with any other station which is authorized to communicate with the special emergency fixed station.

§ 10.461 *Station limitations*. (a) Mobile relay stations will not be authorized in the Special Emergency Radio Service.

(b) Except for fixed stations operating on frequencies assigned under the provisions of limitation note 10 of § 10.462 (f) each operator of a station in the Special Emergency Radio Service shall listen on the licensed frequency of the station prior to transmitting and shall not transmit until it has been reasonably determined that harmful interference will not be caused to any authorized communication in progress on the frequency.

(c) Where a radio station authorization in the Special Emergency Radio Service is held by a person or organization engaging in activities beyond the scope of those indicated in the eligibility provisions of this service the operation of such station shall be strictly confined to those activities on which the eligibility was established except for messages relating to the safety of life.

§ 10.462 *Frequencies available to the Special Emergency Radio Service*. (a) The frequencies or bands of frequencies listed herein are available for assignment to stations in the Special Emergency Radio Service subject to the conditions and limitations of this section.

(b) The amount of separation between assignable frequencies listed in this section does not necessarily indicate the amount of frequency separation required for systems operation; accordingly, grants of adjacent channel assignments in all bands shall be in the discretion of the Commission.

(c) The operation of mobile systems in the Special Emergency Radio Service will

be restricted to the use of only one frequency per system.

(d) Frequencies indicated normally for base and mobile stations in the Special Emergency Radio Service will be authorized to fixed stations also subject to the condition that harmful interference will not be caused to the mobile service.

(e) The following tabulation indicates the frequency or bands of frequencies, the class of station(s) to which they are normally available, and the specific assignment limitations, which are developed in paragraph (f) of this section:

Frequency or band	Class of station(s)	Limitations
Kilocycles		
2726.....	Base and mobile.....	9, 11
3100.....	do.....	9
2000 to 3000.....	Fixed.....	10
Megacycles		
33.02.....	Base and mobile.....	6
33.06.....	do.....	6
33.10.....	do.....	6
37.90.....	do.....	6
37.94.....	do.....	6
37.98.....	do.....	6
47.42.....	do.....	7
47.46.....	do.....	7
47.50.....	do.....	7
47.54.....	do.....	7
47.58.....	do.....	7
47.62.....	do.....	7
47.66.....	do.....	7
72.02 to 74.63.....	Operational fixed.....	3
75.42 to 75.98.....	do.....	3
167.47.....	Base and mobile.....	5, 8
169.51 to 161.79.....	do.....	4
161.85.....	do.....	5, 8
161.91.....	do.....	5, 8
161.97.....	do.....	5, 8
454.05 to 455.95.....	do.....	1
952 to 960.....	Operational fixed.....	1
1850 to 1950.....	do.....	1
2110 to 2200.....	do.....	1
2450 to 2500.....	Base and mobile and operational fixed.....	1, 2
2500 to 2700.....	Operational fixed.....	1
3500 to 3700.....	Base and mobile.....	1
6425 to 6575.....	do.....	1
6575 to 6875.....	Operational fixed.....	1
11,700 to 12,200.....	Base and mobile.....	1
12,200 to 12,700.....	Operational fixed.....	1
16,000 to 18,000.....	do.....	1
26,000 to 30,000.....	do.....	1

(f) Explanation of assignment limitations appearing in the frequency tabulation of paragraph (e) of this section:

(1) Limited to developmental operation only with assigned frequency and particulars of operation specified in each authorization.

(2) Subject to no protection from interference due to the operation of industrial, scientific and medical devices in this band.

(3) Assignable frequencies spaced by 40 kc beginning with the frequencies 72.02 and 75.42 Mc and ending with the frequencies 74.58 and 75.98 Mc, respectively, are available on a shared basis to operational fixed stations in the Special Emergency Radio Service on the condition that no harmful interference will be caused to the reception of television stations on Channels 4 or 5.

(4) Assignable frequencies spaced by 60 kc beginning with the frequency 159.51 Mc and ending with the frequency 161.79 Mc are available on a shared basis to base and mobile stations in the Special Emergency Radio Service upon an adequate showing of need and upon the condition that no harmful interference will be caused to the service of any existing or future station operating in the Railroad Radio Service.

(5) The use of this frequency may be authorized to base and mobile stations in the Special Emergency Radio Service on the condition that no harmful interference will be caused to the Maritime Mobile Service. Special emergency operations at points within 150 miles of coastal areas and navigable gulfs, bays, rivers, and lakes may be authorized only after a factual finding indicates that, on an engineering basis, no harmful interference will be caused to the Maritime Mobile Service.

(6) This frequency is shared with the Highway Maintenance Radio Service.

(7) This frequency is reserved for assignment only to National organizations established for disaster relief purposes.

(8) This frequency will not be assigned to stations in the Special Emergency Radio Service at any point within 150 miles of Chicago, Illinois.

(9) This frequency may be subject to change when the Atlantic City table of frequency allocations below 27.50 Mc comes into force.

(10) Appropriate frequencies in the band 2000-3000 kilocycles which are designated in Part 8 of this chapter as available to Public Ship Stations for telephone communication with Public Coast Stations may be assigned on a secondary basis to special emergency fixed stations for communication with Public Coast Stations only, provided such stations are located in the United States and the following conditions are met:

(i) That such fixed station is established pursuant to the eligibility provisions of § 10.458 and that the isolated area involved is an island or other location not more than 300 statute miles removed from the desired point of communication and isolated from that point by water.

(ii) That evidence is submitted showing that an arrangement has been made with the coast station licensee for the handling of emergency communications permitted by § 7.302 (b) of this chapter and § 10.458 (d)

(iii) That operation of the special emergency fixed station shall at no time conflict with any provision of Part 8 of this chapter and further, that such operation in general shall conform to the practices employed by Public Ship Stations for radiotelephone communication with the same Public Coast Station.

(11) This frequency is shared with the State Guard Radio Service.

[F. R. Doc. 53-1778; Filed, Feb. 24, 1953; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 928]

[Docket No. AO 227-A2]

HANDLING OF MILK IN NEOSHO VALLEY MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) notice is hereby given of a public hearing to be held in the Hotel Besse, Pittsburg, Kansas, beginning at 10:00 a. m., c. s. t., March 6,

1953, for the purpose of receiving evidence with respect to emergency and other economic conditions which relate to the handling of milk in the Neosho Valley marketing area and to the proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Neosho Valley marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order for the Neosho Valley marketing area have been proposed as follows:

By the KMO Producers Association and by the Neosho Valley Cooperative Creamery Association:

1. Amend the order to provide that the price for Class II milk more accu-

rately reflect the value of milk in excess of Class I requirements in the area.

By the Dairy Branch, Production and Marketing Administration:

2. Make such changes as may be required to make the entire order conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing, and the order now in effect, may be procured from the Market Administrator, 523 1/2 North Broadway Pittsburg, Kansas, or the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington 25, D. C., or may be there inspected.

Dated: February 19, 1953.

[SEAL] ROY W LENNARTSON,
Assistant Administrator

[F. R. Doc. 53-1790; Filed, Feb. 24, 1953; 8:54 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 20, 21, 22, 24, 25, 26, 27, 33, 34, 35, 51]

CITIZENSHIP REQUIREMENTS FOR ISSUANCE OF AIRMAN CERTIFICATES

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board amendments of Parts 20, 21, 22, 24, 25, 26, 27, 33, 34, 35, and 51 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by March 24, 1953. Copies of such communications will be available after March 26, 1953, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Currently effective Civil Air Regulations prescribe that an applicant for an airman certificate shall be a citizen of the United States or of a foreign government which grants or has undertaken to grant reciprocal privileges to citizens of the United States on equal terms and conditions with citizens of such foreign government. Provision is also made for the issuance to a citizen of a foreign government of a Limited Pilot Certificate appropriate to his pilot time and aeronautical experience upon a showing that he holds a currently effective certificate or license issued by his foreign government. The issuance of this certificate does not require the existence of a reciprocal agreement. Current regulations further prescribe that an airman certificate issued to other than a United States citizen shall remain in effect no longer than 12 months after the date of issuance.

As a result of the Bureau's studies of the necessity for reciprocity provisions in connection with the issuance of airman certificates, it appears desirable that aliens who have immigrated to the United States on a permanent residence visa should, as prospective citizens, be included in the classification of United States citizens for the purpose of obtaining airman certificates. In addition, with regard to those classes of airman certificates which cannot be used for remuneration or hire, namely, student, private pilot, and free balloon pilot certificates, no realistic purpose was found to exist for requiring reciprocity to be considered as an element precedent to their issuance.

The studies, however, did indicate that it is desirable that a reciprocity requirement be retained for those classes

of certificates which qualify the holder to engage in commercial enterprise. However, with regard to these classes of certificates an exception to the reciprocity requirement appears desirable for those involving "ground duties" when the holder uses the certificate outside the United States and renders service thereunder which would be of benefit to the operation of United States aircraft.

In view of the foregoing it is proposed to amend the citizenship requirements of Parts 20, 21, 22, 24, 25, 26, 27, 33, 34, 35, and 51 as follows:

a. Student, Private Pilot, and Free Balloon Pilot (Parts 20 and 22)

Applicant may be a citizen of any country or a person without nationality.

b. Commercial Pilot, Airline Transport Pilot, Flight Radio Operator, Flight Navigator, Flight Engineer (Parts 20, 21, 22, 33, 34, 35)

Applicant shall be:

1. A citizen of the United States or an individual who has been admitted to the United States for permanent residence, or

2. A citizen of any other country whose government grants or has undertaken to grant to citizens of the United States _____ (Insert here commercial pilot, airline transport pilot, etc., as appropriate) privileges equivalent to those which such government grants to its own citizens.

c. Mechanic, Repairman, Parachute Rigger, Air-Traffic Control-Tower Operator, Aircraft Dispatcher, Ground Instructor (Parts 24, 25, 26, 27, 51)

Applicant shall be:

1. A citizen of the United States or an individual who has been admitted to the United States for permanent residence, or

2. A citizen of any other country whose government grants or has undertaken to grant to citizens of the United States _____ (Insert here mechanic, parachute rigger, etc., as appropriate) privileges equivalent to those which such government grants to its own citizens, or

3. A citizen of any country or a person without nationality who:

(a) Is in the employ of a United States air carrier; or

(b) Is in the employ of a holder of an air agency certificate issued pursuant to the Civil Air Regulations; or

(c) Does not meet the requirements of (a) or (b) but will, in the opinion of the Administrator, perform duties under his certificate which will benefit the operation of United States aircraft.

Provided, That the holder of a certificate issued under the provisions of this paragraph (3) shall not exercise within the United States the privileges conferred by the certificate.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601-610, 53 Stat. 1007-1012; 49 U. S. C. 551-560; 62 Stat. 1216)

Dated: February 18, 1953, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 53-1785; Filed, Feb. 24, 1953; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 11]

[Docket No. 9703]

SPECIAL INDUSTRIAL RADIO SERVICE

FURTHER NOTICE OF PROPOSED RULE MAKING

In the matter of revision of Subpart K of Part 11, rules governing the Special Industrial Radio Service.

1. The Commission has had under consideration a notice of proposed rule making in the above entitled matter and comments filed relative thereto. It is apparent from these comments and the experience gained in the administration of the Special Industrial Service since these rules were originally proposed that the public interest would best be served by the withdrawal of the original proposal and the substitution of a new one. Accordingly, the outstanding notice of proposed rule making is hereby withdrawn and the rules set forth below are substituted in lieu thereof.

2. The Commission has been confronted with a difficult situation in the interpretation of present §11.501 (a) (1) with respect to what is "a remote or sparsely settled region." A more realistic approach would appear to be the establishment of a definite criterion which may be used as a yardstick in determining a particular applicant's eligibility. The Commission believes the term Standard Metropolitan Area as recently promulgated by the Bureau of Census may be used as such a criterion.

It will be noted that these areas are defined not as to a particular city alone, but in terms of one or more contiguous counties surrounding the city, thereby giving a much truer picture of the area involved. This would eliminate much of the uncertainty contained in the present rule. The new rule, § 11.502 (a) (1), has been built around this standard.

3. It will be noted that the phrase "activities of a service or distribution nature" which are excluded in the present § 11.501 (a) has been changed in § 11.502 (a) to read "activities of a maintenance, repair, sales or distribution nature." This change is designed to remove some of the ambiguity connected with the term "service" under which there was some doubt concerning the eligibility of persons who performed work of a productive nature for others under contract. We have in mind the harrower, harvester, cropduster, oil well acidizer and the like who while not engaged in producing for himself performs an integral step in the production of the final product. We intend that these persons be considered as meeting the basic eligibility requirements contained in § 11.502 (a).

4. Attention is also directed to the fact that the current revision is designed to meet the problem of mobile service communications only. No policy concerning eligibility for fixed point-to-point systems in the Special Industrial Radio Service has as yet been promulgated. Accordingly, for the present,

except for fixed station auxiliaries to be used as part of a mobile service system, all requests for point-to-point facilities will be handled on a case by case basis.

5. There is pending before the Commission, a petition filed December 30, 1952, by the National Ready Mixed Concrete Association and the National Sand and Gravel Association for the Allocation of Industrial Radio Facilities to be used by contractors and subcontractors. This petition raises, among other things, certain allocation questions which may not be disposed of at this time. Its disposition, therefore, will be the subject of another proceeding. This is the reason why the present § 11.504 (a) (2) is being carried over into the new rules without change. For the time being, those contractors seeking radio authorizations will have to qualify under current regulations.

6. At the time the rules are finalized, it is proposed to adopt the following policy with respect to existing licensees in the Special Industrial Radio Service:

a. Each licensee of a station operating under the provisions of § 11.501 (a) (1) and (2) any part of whose operations take place within a Standard Metropolitan Area who desires to have his license renewed or modified shall submit with his application for renewal or modification details sufficiently complete to determine the applicant's eligibility under the new rules. In the event any such person can not qualify under the new standards for a Special Industrial Service authorization, he will be given an amortization period of 3 years from date of expiration of his current license, during which time he may continue to operate under the same terms and conditions as are contained in his current instrument of authorization.

7. The proposed rules are issued under the authority of sections 4 (i) and 303 of the Communications Act of 1934, as amended.

8. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file on or before March 16, 1953, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

9. In accordance with the provisions of § 1.784 of the Commission rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: February 11, 1953.

Released: February 13, 1953.

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

Proposed amendments to Subpart K of Part 11, rules governing Special Industrial Radio Services:

1. Renumber present §§ 11.502, 11.503, and 11.504 to be new §§ 11.504, 11.505, and 11.506, respectively.

2. Delete present § 11.501 and substitute new §§ 11.501, 11.502, and 11.503 in lieu thereof, as follows:

§ 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 radio communication systems which can contribute materially to the safety and efficiency of the operations involved. The 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 radio communication, particularly in or near large population centers. Accordingly, strict eligibility limitations have been placed on industrial radio usage in such areas. Furthermore, those persons who do qualify for their own radio systems in such areas are cautioned that a substantial amount of interference can be expected.

(b) While certain frequencies are listed as available for assignment for fixed operations in this service, this should not be construed to mean that any policy concerning their use has, as yet, been formulated. The extent to which point-to-point systems will be authorized must await further development of the microwave program. Except, therefore, for fixed station auxiliaries to be used as part of a mobile service system, requests for point-to-point facilities will be considered on a case by case basis.

§ 11.502 *Eligibility for mobile service facilities.* (a) A person is eligible to hold an authorization to operate a radio station in the Special Industrial Radio Service when such person is engaged in an industrial activity the primary function of which is devoted to agriculture, construction, fabrication, manufacturing, production, or similar processes, as distinguished from activities of a maintenance, repair, sales or distribution na-

ture, and, in addition, meets one or more of the following requirements:

(1) At least seventy-five percent of the average daily hours of operation of the vehicles in connection with which radio is to be used takes place in areas not forming part of any Standard Metropolitan Area, as that term is defined in 1950 Census of Population, Advance Reports, Series PC-9, No. 6, released by the Bureau of the Census, U. S. Department of Commerce, November 24, 1952; or

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

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

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

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

§ 11.503 *Mobile service frequencies for use at temporary locations.* (a) Subject to the applicable provisions of § 11.54, 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.

[F. R. Doc. 53-1769; Filed, Feb. 24, 1953; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA, SEWARD TOWNSHIP

NOTICE OF SALE

Notice is hereby given that there will be offered at public sale to the highest

bidder at 2:00 p. m. on Wednesday March 18, 1953, in the Council Chambers of the City Hall, Seward, Alaska, the tract listed below. This tract will not be sold for less than the appraised price, also shown below. No bid exceeding that amount will be accepted unless made in multiples of five dollars. Bids may be

offered by all who may care to do so, and when there will be no further offers, the tract will be declared sold to the last and highest bidder. The successful bidder is required to make full payment at the time of sale.

The officer conducting the sale is authorized to reject any and all bids, to

suspend, adjourn or postpone the sale of the tract, and to reappraise the tract at the time of the sale or after the sale has been adjourned or closed. If the tract remains unsold it may, at the discretion of the Superintendent of Sales, be sold at private entry for the appraised price. Patent for this tract when issued will contain a reservation of fissionable materials. All persons are warned against violation of the provisions of 18 U. S. C. 1860, prohibiting unlawful combination or intimidation of bidders.

Following is the tract being offered for sale and the minimum acceptable bid for this tract:

Tract "C" of U. S. Survey No. 242: \$300.00.

LOWELL M. PUCKETT,
Regional Administrator and
Superintendent of Sales,
Alaska Railroad Townsites.

[F. R. Doc. 53-1758; Filed, Feb. 24, 1953;
8:45 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 34, as Amended,
Supplementary Regulation 3, as Amended,
Section 5, Special Order 28]

NASH KELVINATOR

APPROVAL OF ADDITIONS ATTACHED TO LETTER
TO DEALERS, DATED FEBRUARY 9, 1953

Statement of consideration. This Special Order, pursuant to section 5 of Supplementary Regulation 3 to Ceiling Price Regulation 34, approves certain supplements to Supplemental Time Allowances USZ 53-2P USD 53-2P and EN-24 Cylinder Head—L Head—R & R of Nash Kelvinator for approval for Supplemental Time Allowances USZ 53-2P USD 53-2P and EN-24 Cylinder Head—L Head—R & R.

The Director of Price Stabilization has determined from the data submitted by Nash Kelvinator approval of Supplemental Time Allowances USZ 53-2P USD 53-2P and EN-24 Cylinder Head—L Head—R & R that the approval of these supplements would not be inconsistent with the purposes of the Defense Production Act of 1950, as amended.

1. On and after the effective date of this order, the application for approval for Supplemental Time Allowances USZ 53-2P USD 53-2P and EN-24 Cylinder Head—L Head—R & R dated February 9, 1953, as covered in the Nash Kelvinator application is authorized for use in establishing the time allowances for the operations described therein.

2. The following notice must be printed or stamped in a prominent position in the publication "Approved by OPS February 17, 1953, by Special Order No. 28 issued under section 5 of SR 3 to CPR 34."

3. All provisions of Ceiling Price Regulation 34, as amended, and Supplementary Regulation 3, as amended, except as changed by this Special Order shall remain in full force and effect.

4. This Special Order or any provision thereof may be revoked, suspended or

amended at any time by the Director of Price Stabilization.

Effective date. This order shall become effective February 17, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 16, 1953.

[F. R. Doc. 53-1689; Filed, Feb. 17, 1953;
11:55 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined, Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951, 16 F. R. 12043 and June 2, 1952; 17 F. R. 3818).

American Modes, Inc., White Hall, Ill., effective 2-12-53 to 8-11-53; 30 learners for expansion purposes (cotton and rayon dresses).

American Modes, Inc., Roodhouse, Ill., effective 2-12-53 to 8-11-53; 30 learners for expansion purposes (cotton and rayon dresses).

B & F Manufacturing Co., Mocksville, N. C., effective 2-16-53 to 2-15-54; five learners (sport shirts).

Ball Brassiere Manufacturing Co., Bedford Street, Getstown, Pa., effective 2-16-53 to 8-15-53; 40 learners for expansion purposes (brassieres).

Biltmore Manufacturing Co., Inc., Glendale Avenue, Biltmore, N. C., effective 2-16-53 to 2-15-54; 10 percent of the productive factory force (children's and women's sportswear).

Blue Ridge Manufacturers, Inc., Laurel, Del., effective 2-13-53 to 2-12-54; 10 percent of the productive factory forces or 10 learners, whichever is greater (blue denim cotton kiddies' dungarees).

Brooks Uniform Co., Clarksville, Tex., effective 2-16-53 to 8-15-53; 15 learners for expansion purposes (women's cotton uniforms).

Burch Manufacturing Co., 7931 Seventh Avenue South, Birmingham, Ala., effective 2-16-53 to 8-15-53; 15 learners for expansion

purposes (sport shirts, uniform shirts, formal shirts, etc.).

Fashion Frocks, Inc., of Tennessee, Greenville, Tenn., effective 2-16-53 to 2-15-54; 10 percent of the productive factory force (street dresses).

Frackville Manufacturing Co., Schaeffers-town, Pa., effective 2-11-53 to 2-10-54; 10 percent of the productive factory force (pajamas, night shirts, operating gowns, jean drawers).

Grafton Manufacturing Co., 912-914 West Main Street, Grafton, W. Va., effective 2-9-53 to 2-8-54; 10 percent of the productive factory force (sport shirts).

Grafton Manufacturing Co., 912-914 West Main Street, Grafton, W. Va., effective 2-9-53 to 8-8-53; 45 learners for expansion purposes (sport shirts).

Hartwell Garment Co., Hartwell, Ga., effective 2-12-53 to 2-11-54; 10 percent of the productive factory force (cotton work pants and shirts).

Honea Path Shirt Co., Honea Path, S. C., effective 2-12-53 to 2-11-54; 10 percent of the productive factory force (men's sport shirts and pajamas).

Hyde Park Foundations, 1234 Bryn Mawr Street, Scranton, Pa., effective 2-15-53 to 2-14-54; 10 learners (brassieres and girdles).

Keystone Coat & Apron Manufacturing Corp., 315-23 North Twelfth Street, Philadelphia 7, Pa., effective 2-13-53 to 2-12-54; 10 percent of the productive factory force (washable service apparel).

David Lee Sportswear, Inc., Wayne Street and Clay Avenue, West Hazleton, Pa., effective 2-11-53 to 2-10-54; 10 percent of the productive factory force (ladies' dresses).

The H. D. Lee Co., Inc., 615 North Good Street, Dallas, Tex., effective 2-11-53 to 2-10-54; 10 percent of the productive factory force (men's and boys' play and work clothes).

Madison Dress Co., Wyoming and Green Streets, Hazleton, Pa., effective 2-13-53 to 2-12-54; 10 learners (women's dresses).

Mode O'Day Corp., Fremont, Nebr., effective 2-16-53 to 8-15-53; 20 learners for expansion purposes (cotton and rayon wash dresses).

Mode O'Day Corp., 401 West Twenty-third Street, Fremont, Nebr., effective 2-11-53 to 2-10-54; 10 percent of the productive factory force (cotton and rayon wash dresses).

Mount Vernon Garment Co., Sixteenth and Herbert Streets, Mount Vernon, Ill., effective 2-11-53 to 2-10-54; 10 percent of the productive factory force (house dresses and moderately priced dresses).

Oberman Manufacturing Co., Morrilton, Ark., effective 2-11-53 to 2-10-54; 10 percent of the productive factory force (men's and boys' single pants).

Pan-Miami Clothing, Inc., 1636 Northwest Seventh Avenue, Miami, Fla., effective 2-16-53 to 2-15-54; five learners (men's trousers).

Patterson Manufacturing Co., Checotah, Okla., effective 2-16-53 to 8-15-53; 50 learners for expansion purposes (men's and boys' overalls).

Public Shirt Corp., Mechanicsburg, Pa., effective 2-12-53 to 2-11-54; 10 percent of the productive factory force (sport shirts).

Rencello Co., Inc., Delaware Avenue and Lewis Street, Minersville, Schuylkill County, Pa., effective 2-16-53 to 2-15-54; 10 percent of the productive factory force (men's cotton and rayon pajamas).

Roanoke Manufacturing Co., West Point Street, Roanoke, Ala., effective 2-16-53 to 8-15-53; 25 learners for expansion purposes (sport shirts).

Rob Roy Co., Inc., Ridgely, Md., effective 2-13-53 to 2-12-54; 10 percent of the productive factory force or 10 learners, whichever is greater (boys' shirts).

Rocette Manufacturing Co., 625 LaSalle Street, Berwick, Pa., effective 2-16-53 to 2-15-54; five learners. This certificate does not authorize the employment of learners at

subminimum wage rates in the manufacture of women's and children's skirts (ladies' sportswear).

Roymon Wear, Inc., McRae, Ga., effective 2-12-53 to 8-11-53; 20 learners for expansion purposes (children's clothing).

The Seaford Garment Co., Phillips Street, Seaford, Del., effective 2-13-53 to 2-12-54; 10 percent of the productive factory force (men's and boys' sport shirts).

Snelbaker Manufacturing Co., 17-19 East Simpson Street, Mechanicsburg, Pa., effective 2-11-53 to 2-10-54; 10 percent of the productive factory force or 10 learners, whichever is greater (work shirts and work pants).

Southeastern Shirt Corp., 1110 Indiana Avenue, LaFollette, Tenn., effective 2-13-53 to 2-12-54; 10 percent of the productive factory force (dress and sport shirts).

Tidewater Garment Co., Inc., 2309 Washington Avenue, Newport News, Va., effective 2-11-53 to 8-10-53; 40 learners for expansion purposes (cotton dresses and cotton and rayon gowns).

Wilmer Fashion, Leighton, Pa., effective 2-20-53 to 2-19-54; 10 percent of the productive factory force (dresses).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951, 16 F. R. 10733)

Ashburn Hosiery Mills, South Street, Mount Airy, N. C., effective 2-22-53 to 2-21-54; five learners.

Charles H. Bacon Co., Lenoir City, Tenn., effective 2-13-53 to 2-12-54; 5 percent of the productive factory force.

Charles H. Bacon Co., Loudon, Tenn., effective 2-13-53 to 2-12-54; 5 percent of the productive factory force.

J. A. Cline and Son, Inc., Hildebran, N. C., effective 2-28-53 to 2-27-54; 5 percent of the productive factory force.

Glen Raven Knitting Mills, Inc., Altamaha, N. C., effective 2-13-53 to 2-12-54; 5 percent of the productive factory force.

Newland Knitting Mills, Newland, N. C., effective 2-10-53 to 2-9-54; three learners.

Orange Knitting Mills, Inc., Orange, Va., effective 2-13-53 to 2-12-54; five learners.

Skyland Hosiery Mills, Inc., P. O. Box 6188, Asheville, N. C., effective 2-17-53 to 10-16-53; 14 learners for expansion purposes.

Skyland Textile Co., West Jefferson, N. C., effective 3-1-53 to 10-31-53; 50 learners for expansion purposes.

Triangle Hosiery Co., High Point, N. C., effective 2-16-53 to 2-15-54; 5 percent of the productive factory force.

Veitel Hosiery Co., 26 West Main Street, LeRoy, N. Y., effective 2-17-53 to 2-16-54; three learners.

Walnut Hosiery Mills, Inc., Fifth and Walnut Streets, Shamokin, Pa., effective 2-18-53 to 2-17-54; five learners.

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950; 15 F. R. 398)

The Cass County Telephone Co., Pleasant Hill, Mo., effective 3-2-53 to 3-1-54.

Mount Pulaski Telephone & Electric Co., Mount Pulaski, Ill., effective 2-13-53 to 2-12-54.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866)

Dixie Belle Textiles, Inc., Gibsonville, N. C., effective 2-13-53 to 2-12-54; five learners (knitted underwear).

Mullins Textile Mills, Inc., Cypress Street, Mullins, S. C., effective 2-20-53 to 8-19-53; 10 learners for expansion purposes (cotton knitted underwear and outerwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14)

Bear Brand Hosiery Co., Fayetteville, Ark., effective 2-12-53 to 10-12-53; 15 high school students only for part-time employment; looping only; 960 hours; 63 cents per hour for the first 480 hours and not less than 68 cents per hour for the remaining 480 hours (looping seamless hosiery).

Bear Brand Hosiery Co., Siloam Springs, Ark., effective 2-12-53 to 10-12-53; 20 high school students only for part-time employment; looping only; 960 hours; 63 cents per hour for the first 480 hours and not less than 68 cents per hour for the remaining 480 hours (looping seamless hosiery).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Corporation De Caleado, Caribe, Manati, P. R., effective 2-5-53 to 8-4-53; 120 learners; 240 hours at 30 cents per hour, 240 hours at 32½ cents per hour (shoes).

Fonda Gauge (Puerto Rico) Inc., Ponce, P. R., effective 2-11-53 to 6-7-53; 33 learners; grinding, beveling and sanding, heat treating, rough lapping, finish lapping, etching, inspecting; each 320 hours at 35 cents per hour, 320 hours at 40 cents per hour, 320 hours at 45 cents per hour (steel and carbide gauge blocks) (replacement certificate).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 16th day of February 1953.

MILTON BROOKE,
Authorized Representative
of the Administrator

[F. R. Doc. 53-1735; Filed, Feb. 20, 1953; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10286, 10287, 10288]

ENTERPRISE CO. ET AL

ORDER ENLARGING ISSUES

In re applications of The Enterprise Company, Beaumont, Texas, Docket No. 10286, File No. BPCT-743; Beaumont Broadcasting Corporation, Beaumont, Texas, Docket No. 10287, File No. BPCT-762; KTRM, Inc., Beaumont, Texas, Docket No. 10288, File No. BPCT-971, for television construction permits.

At a session of the Federal Communications Commission held at its offices in

Washington, D. C., on the 11th day of February 1953;

The Commission having under consideration a petition to enlarge the issues in the above-entitled proceeding filed by the Chief of the Broadcast Bureau on November 12, 1952; and

It appearing, that the Chief of the Broadcast Bureau alleges that the tower proposed in the above-entitled application of KTRM, Inc., would be located in the vicinity of the directional array of standard broadcast Station KTRM, Beaumont, Texas; that the proximity of the proposed television tower might impair the ability of the standard broadcast station to operate in accordance with the terms of its license; that the impairment (a) may result in changes in the radiation characteristics of the AM antenna system to the extent that interference to other stations is caused, or in a manner that will adversely affect AM service in the Beaumont area, or (b) may have an effect on the potential assignment of foreign stations authorized under existing and proposed international agreements; that inadequate consideration is given to this problem in the application of KTRM, Inc., and that in view of the aforesaid, the Commission should enlarge the issues in the above-entitled proceeding so as to require a determination as to whether the construction of the tower proposed by KTRM, Inc., will adversely affect the operations of Station KTRM, and

It further appearing, that the Commission has consistently granted similar petitions by the Chief of the Broadcast Bureau;

It is ordered, That the above-described petition of the Chief of the Broadcast Bureau is granted; and

It is further ordered, That the Commission's order of July 11, 1952, designating the above-entitled applications for hearing is amended, so that Issue No. 5 is renumbered as Issue No. 6, and a new Issue No. 5 is added as follows:

5. To determine whether the erection of the television antenna proposed in the application of KTRM, Inc. will adversely affect the ability of standard broadcast Station KTRM to operate in accordance with the terms of its license and the construction permit pursuant to which its license was issued, particularly with respect to the operation of its radiating system, and whether corrective measures for such effect are possible and feasible.

Released: February 13, 1953.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-1771; Filed, Feb. 24, 1953; 8:50 a. m.]

[Docket No. 8380]

OZARKS BROADCASTING CO. (KWTO)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR FURTHER HEARING ON STATED ISSUES

In re application of Ozarks Broadcasting Company (KWTO), Springfield, Mis-

souri, Docket No. 8380, File No. BP-5259, BMP-5650, for construction permit; Ozarks Broadcasting Company (KWTO), Springfield, Missouri, File No. BMP-5930, for modification of construction permit.

1. The above-entitled application for construction permit (BP-5259) was granted by the Commission in a decision released December 21, 1950, authorizing Ozarks Broadcasting Company (KWTO), to increase its nighttime power to 5 kw on 560 kc. This decision was the subject of an appeal by Beaumont Broadcasting Corporation, licensee of Station KFDM, Beaumont, Texas. During the pendency of the appeal the construction permit issued to KWTO was modified by the grant of application BMP-5650 on October 4, 1951, the effect of which was to reduce the interference caused Station KFDM. The Court of Appeals for the District of Columbia Circuit reversed the decision granting the application of Ozarks and remanded the matter to this Commission for further proceedings in accordance with its opinion. *Beaumont Broadcasting Corporation v. Federal Communications Commission*, 7 Pike & Fischer R. R. 2149.¹

2. The Court of Appeals held that the Commission had committed error in two respects in arriving at the decision to grant Ozarks' application. At the hearing Ozarks' engineering expert had been permitted to testify that he was unable to design a practicable directional array which would afford protection to all stations operating on 560 kc. The Court decided that under the facts of this case the Commission had improperly excluded cross examination by Beaumont and the other intervenors of this witness, and their proffer of evidence of alternative antenna arrays. The second error found by the Court of Appeals was that no findings were made in the Commission's decision concerning whether there is an actual disparity between the amount of interference found by the Commission in the present proceedings, and the amount which the Commission, in 1947, found would be suffered by Beaumont when it authorized Beaumont to increase its nighttime power subject to any interference which might result from a subsequent grant of Ozarks' application which was then pending.

3. On January 6, 1953, Ozarks filed with the Commission a Petition to Issue an Amended Decision Consistent With the Court of Appeals Decision. Ozarks, addressing itself to each of the errors found by the Court, asserts that an amended decision consistent with the Court's mandate may be issued without holding a further hearing in this matter. With respect to consideration by the Commission of alternative antenna proposals, Ozarks contends that the Commission has before it a sufficient record from which to spell out the fact that the Beaumont alternative proposal was "not proper." In this connection Ozarks argues that the issues of the proceeding did not contemplate consideration of al-

ternative antenna proposals; that Beaumont should have moved to enlarge the issues if it desired to introduce such evidence, and cannot now complain of its failure in this regard; and that the Beaumont proposal was not proper because it deprived the other parties to the hearing of proper and timely notice. With respect to the second finding of error, Ozarks asserts that the record already compiled in this proceeding contains sufficient evidence so that the Commission may properly find that the interference resulting to Station KFDM from the operation of Station KWTO as the result of the grant made in this proceeding occurs in that area which is reached by the KFDM signal only so long as Station KWTO is not operating with a nighttime power of 5 kw. It is further asserted by Ozarks that the Commission decided at the time of the conditional grant to Beaumont that the public interest required that this "expanded area" be lost by Beaumont in order that Ozarks render expanded service.

4. On January 12, 1953, Beaumont filed with the Commission a Motion to Dismiss Ozarks' petition which is in effect, and will be considered, as an opposition thereto. In this motion Beaumont relies upon a quotation from the Court's opinion in which the error of the Commission in refusing to allow cross examination or the introduction of evidence by Beaumont on the subject of possible directional antenna arrays which might protect all licensees on 560 kc was discussed. Beaumont asserts in this motion that it had filed with the Commission on November 12, 1952,² a suggested antenna design for Ozarks' operation, and contends that the Court's opinion requires that a hearing be held on "alternative directive antennas."

5. Insofar as Ozarks' petition requests that this proceeding be terminated by the issuance of an amended decision without further hearing, it must be denied. The opinion of the Court of Appeals in *Beaumont Broadcasting Corporation v. Federal Communications Commission* cited above, quite clearly holds that in the circumstances of this particular case legal error was committed by refusing to allow cross examination and the introduction of evidence by the parties to the hearing upon the subject of the possibility of designing and utilizing a directional antenna other than that proposed by Ozarks, which would protect all other licensees on 560 kc. This error cannot be rectified as the Court's mandate requires without reopening the record for the reception of such evidence. Accordingly, this matter must be designated for further hearing upon this question.

6. It is unnecessary to decide the correctness of Ozarks' assertion that further hearing is not required in order to determine the precise extent of the interference which would be caused Beaumont under Ozarks' proposal. It is true that Ozarks' proposal had not changed between the time of the condi-

tional grant to Beaumont and the time that the hearing was held in this matter and that the record contains sufficient information on which to base a finding that there is no disparity in the amount of such interference predicted and the amount shown at the hearing. It is to be noted that in its motion to dismiss the Ozarks' petition, Beaumont did not refer to that portion of the opinion of the Court of Appeals in which this question was discussed. However, the subject of the further hearing in this case will be Ozarks' original application (BP-5259) as amended (BMP-5650) subsequent to the hearing which was held. Accordingly, the effects of the changes in Ozarks' proposal must be considered at such further hearing. Any showing upon the question of disparity between the interference accepted by Beaumont and that it would receive under Ozarks' present proposal may be made under the issue designated by the Commission in this connection.

7. The opinion of the Court of Appeals recognized that advance submission of the technical data involved in the proposal of an alternative directional antenna would promote efficiency and expedition of the administrative hearing. Any party to this proceeding who wishes to submit a proposal for an alternative directional antenna for consideration in the further hearing will be required to file such proposal within 30 days of the release date of this order. The proposal must be set forth in full detail, supported by the affidavit of a radio engineer, and include a specific showing of the respect in which the alternative proposal constitutes a more efficient use of the radio spectrum than that proposed in the application. The burden of proceeding with the introduction of evidence and the burden of proof that the alternative proposal constitutes a more efficient use of the radio spectrum than the facilities applied for shall be on the party making the alternative proposal.

8. In view of the fact that Ozarks' construction permit (BP 5259) as modified (BMP-5650) must be vacated in order for the Commission to comply with the mandate of the Court of Appeals, Ozarks' application for extension of time within which to complete construction (BMP-5930) must be dismissed as moot.

9. For the foregoing reasons, *It is ordered*, That the Petition to Issue an Amended Decision Consistent With the Court of Appeals Decision, filed by Ozarks Broadcasting Company on January 6, 1953, is, with the exceptions heretofore stated, denied; and

It is further ordered, That the construction permit issued to Ozarks Broadcasting Company, dated December 20, 1950, and the modification of said construction permit to provide a change in the directional antenna system specified therein, dated October 4, 1951, are vacated; the application (BMP 5930) of Ozarks Broadcasting Company for modification of construction permit to extend the completion date is dismissed as moot; and the above-entitled application for construction permit (BP-5259) as amended by BMP-5650 is designated for further hearing to be held at Washington, D. C., before Examiner J. D. Bond

¹ A petition for amendment of the Court's opinion filed by the Commission, and a petition for rehearing filed by Ozarks were denied by the Court. Its mandate was received by the Commission on October 21, 1952.

² A copy of a letter of transmittal to Ozarks and of the alternative proposal was sent to the Commission on November 21, 1952, but has not been filed in this proceeding.

upon a date to be hereafter determined upon the following issues:

1. To determine what changes, if any, are required in the findings herein as a result of the amendment of the Ozarks' application BP-5259 by BMP-5650.

2. To determine whether a grant of the subject application, as amended, would be in the public interest in the light of any alternative proposals submitted by parties to this proceeding under which Ozarks could render substantially the same service proposed by Ozarks, but eliminate or reduce the objectionable interference to other stations.

3. To determine, on the basis of the above issues and the record heretofore had in these proceedings, whether a grant of application BP-5259 as amended by BMP-5650 is in the public interest.

It is further ordered, That Johnson-Kennedy Radio Corporation licensee of Station WIND, Chicago, Illinois, Beaumont Broadcasting Corporation, licensee of Station KFDM, Beaumont, Texas, and KLZ Broadcasting Company, licensee of Station KLZ, Denver, Colorado, be, and they are hereby, made parties to this further proceeding; and

It is further ordered, That any party to this proceeding may, if it so desires, submit for consideration in connection with issue number 2, above, an alternative antenna proposal to that set forth in the subject application, but said alternative proposal will only receive consideration if filed with the Commission and served upon each of the parties within thirty days of the date of release of this order, and if said proposal is submitted in full detail, supported by the affidavit of a radio engineer, and includes a specific showing of the respect in which the alternative proposal constitutes a more efficient use of the radio spectrum than that proposed in the subject application as amended; and

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof that an alternative proposal constitutes a more efficient use of the radio spectrum than the facilities applied for shall be on the party introducing the alternative proposal.

Adopted: February 11, 1953.

Released: February 13, 1953.

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

[F. R. Doc. 53-1770; Filed, Feb. 24, 1953;
8:49 a. m.]

[Docket Nos. 9227, 9228, 9515]

MATHESON RADIO CO. INC. (WHDH) ET AL.
ORDER POSTPONING ORAL ARGUMENT

In re petitions of Matheson Radio Company, Inc., (WHDH) Boston, Massachusetts, Docket No. 9227 and Metropolitan Television Company, (KOA) Denver, Colorado, Docket No. 9228; and Champlain Valley Broadcasting Corporation (WXKW), Albany, New York,

Docket No. 9515 File No. BMP-4580; for modification of CP.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of February 1953;

The Commission having under consideration a petition filed February 5, 1953, by Mr. Robert W. Oliver, Counsel for Metropolitan Television Company, licensee of Station KOA in Denver, Colorado, requesting that the oral argument herein now scheduled for February 16, 1953, be postponed for a period of approximately three weeks due to his illness; and

It appearing, that the other participants in the proceeding have informally indicated that they do not oppose the requested postponement; and

It further appearing, that this proceeding has on two previous occasions been scheduled for oral argument to be held on June 23, 1952, and December 22, 1952, and that on each occasion counsel for Champlain Valley Broadcasting Corporation (WXKW) or counsel for Metropolitan Television Company have requested postponements, with the consent of the other parties; that the grant of the instant request will constitute the third postponement of oral argument in this proceeding; that under these circumstances the Commission would not ordinarily postpone the now scheduled argument on February 16, 1953, but, in view of Mr. Oliver's illness and the consent of the other parties to a continuance, the Commission will grant the subject petition insofar as a postponement is requested; and

It further appearing, that the Commission is unable at this time in view of the schedule of other work to set a specific date for the oral argument herein;

It is ordered, That the above described petition is granted to the extent that a postponement is requested with the consent of the other parties; and that the oral argument herein now scheduled for February 16, 1953, is postponed until such time as the Commission issues a new calendar for oral arguments on adjudicatory hearing proceedings.

Released: February 13, 1953.

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

[F. R. Doc. 53-1772; Filed, Feb. 24, 1953;
8:50 a. m.]

[Docket Nos. 10122, 10123]

JOHN BLAKE ET AL.

ORDER CONTINUING HEARING

In re applications of John Blake and Charles R. Wolfe, Killeen, Texas, Docket No. 10122, File No. BP-8173; W. A. Lee, A. W. Stewart and Franklin T. Wilson, d/b as the Highlite Broadcasting Company, Killeen, Texas, Docket No. 10123, File No. BP-8288; for construction permits.

A petition having been filed by John Blake and Charles R. Wolfe, through their attorneys, on February 12, 1953,

requesting a continuance of the hearing in the above-captioned proceeding from February 18, 1953, to March 2, 1953, or later;

It appearing that counsel for the other party and the Commission's Broadcast Bureau have expressed consent to such continuance and that good cause has been shown for granting the request;

It is ordered, This 13th day of February 1953, that said petition is granted and the hearing is continued to March 2, 1953.

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

[F. R. Doc. 53-1782; Filed, Feb. 24, 1953;
8:52 a. m.]

[Docket Nos. 10126, 10127]

MID-STATE BROADCASTING CO. AND
LEROY E. PARSONS

ORDER SCHEDULING HEARING

In re applications of Mid-State Broadcasting Co., Chehalis, Washington, Docket No. 10126, File No. BP-8187; Leroy E. Parsons, Chehalis, Washington, Docket No. 10127, File No. BP-8354; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of February 1953;

The Commission having under consideration the above-entitled applications which were designated for hearing on February 13, 1952; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., March 5, 1953, in Washington, D. C.

Released: February 16, 1953.

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

[F. R. Doc. 53-1781; Filed, Feb. 24, 1953;
8:52 a. m.]

[Docket No. 10406]

MERCHANTS AND FARMERS STATION
ORDER DESIGNATING APPLICATION FOR
HEARING ON STATED ISSUES

In re application of Merchants & Farmers Station, Raleigh, North Carolina, Docket No. 10406, File No. BP-8379; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 11th day of February 1953;

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station to operate on 1440 kc, 500 watts, day, at Raleigh, North Carolina;

It appearing, that the applicant is legally, technically, financially and

otherwise qualified to operate the proposed station; but that the proposed operation may involve interference with Radio Station WFVG, Fuquay Springs, North Carolina, and

It further appearing, that by letter dated October 23, 1952, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applicant was advised of the foregoing deficiency and that the Commission was unable to conclude that a grant was in the public interest; and

It further appearing, that the applicant has filed no reply to the above-mentioned letter; that the Commission is of the opinion that under section 316 of the Communications Act of 1934, as amended, a hearing is mandatory.

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing at a time and place to be specified in a subsequent order upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the availability of other primary service to such areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with Radio Station WFVG, Fuquay Springs, North Carolina, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

It is further ordered, That Radio Station WFVG, Fuquay Springs, North Carolina, is made a party to this proceeding.

Released: February 16, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-1780; Filed, Feb. 24, 1953;
8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-1484-7-1489]

ATLANTIC REFINING CO. ET AL.

NOTICE OF APPLICATION FOR UNLISTED
TRADING PRIVILEGES, AND OF OPPORTUNITY
FOR HEARING

FEBRUARY 18, 1953.

In the matter of applications by the San Francisco Stock Exchange for unlisted trading privileges in the Atlantic Refining Company, Common Stock, \$10 Par Value, 7-1484; Homestake Mining Company, Capital Stock, \$12.50 Par Value, 7-1485; Jones & Laughlin Steel Corporation, Common Stock, \$10 Par Value, 7-1486; National Gypsum Company, Common Stock, \$1 Par Value, 7-1487; Raytheon Manufacturing Company, Common Stock, \$5 Par Value, 7-1488; Union Electric Company of Missouri, Common Stock, \$10 Par Value, 7-1489.

The San Francisco Stock Exchange, pursuant to section 12 (f) (2) of the

Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application to extend unlisted trading privileges to each of the above-mentioned securities, each of which is registered and listed on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of each application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. Each application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to March 11, 1953, the Commission will set the matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on these applications by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing, these applications will be determined by order of the Commission on the basis of the facts stated in the applications, and other information contained in the official files of the Commission.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 53-1766; Filed, Feb. 24, 1953;
8:47 a. m.]

[File No. 7-1490]

UNION ELECTRIC CO. OF MISSOURI

NOTICE OF APPLICATION FOR UNLISTED TRADING
PRIVILEGES, AND OF OPPORTUNITY FOR
HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 18th day of February A. D. 1953.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, \$10 Par Value, of Union Electric Company of Missouri, a security registered and listed on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to March 16, 1953, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order

of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 53-1765; Filed, Feb. 24, 1953;
8:47 a. m.]

[File Nos. 54-142, 59-84]

AMERICAN WATER WORKS AND ELECTRIC
CO., INC., ET AL.

NOTICE OF FILING AND ORDER FOR HEARING
ON APPLICATION FOR ALLOWANCE OF
FEES AND EXPENSES

FEBRUARY 18, 1953.

In the matter of American Water Works and Electric Company, Incorporated, and subsidiary companies, etc., File No. 59-84; the West Penn Electric Company, et al., File No. 54-142.

During February of 1946 American Water Works and Electric Company, Incorporated ("American") a registered holding company, filed with the Securities and Exchange Commission ("Commission") under section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") Plans I and II providing for a comprehensive reorganization of its holding company system. Such Plans provided, among other things, for (a) the reorganization of American's water company system, the transfer of control thereof to a subsidiary, American Water Works Company, Inc., and the disposition of such water companies through the sale of the securities of such subsidiary to the common stockholders of American and the public, and (b) the elimination of one tier of holding companies in the system through the dissolution of American, the payment in cash of its outstanding senior securities, the transfer to its subsidiary, the West Penn Electric Company ("West Penn Electric") of its remaining assets and the distribution of all of the common stock of West Penn Electric to the common stockholders of American.

The Plans were approved by order of the Commission dated February 17, 1947, were ordered enforced by the United States District Court for the District of Delaware by order entered on March 19, 1947, and were substantially carried out in October of 1947, the final liquidation of American being effected in January of 1948.

At the time such Plans were filed American had outstanding 199,863 shares of \$6 Series, First Preferred Stock (the "Preferred Stock") all of which were held by the public. The terms and provisions of such stock, as set forth in American's charter, provided for payment to it upon "any liquidation, dissolution, or winding up of the affairs of the corporation whether voluntary or involuntary" of the sum of \$100 per share plus accrued and unpaid dividends. By the terms of the charter, all other assets of American remaining after such speci-

fied payment were to be distributed to the common stock.

In accordance with the charter provision, the Plans as filed provided for payment to the Preferred Stock upon the dissolution of American pursuant to the Plans of the specified preferential amount. However, prior to final approval of the Plans by the Commission, and in accordance with its findings and opinion, dated December 23, 1947, this provision was modified so as to provide for payment in cash of such specified amount at the time of the liquidation of American under the Plans, together with the issue to the holders of the Preferred Stock of Certificates ("Escrow Certificates") entitling them to receive such additional amount, if any, as might finally be determined to be due them on such dissolution by the Commission or by a Court of competent jurisdiction. The Plans also provided for an escrow fund in the amount of \$2,200,000 to secure such payment and the payment of expenses incurred in connection therewith, such fund to be represented by promissory notes of West Penn Electric. Accordingly, when the Plans were consummated as of October 15, 1947, the American Preferred stockholders received \$100.25 in cash (constituting the charter liquidation price of \$100 and accrued and unpaid dividends to the date of payment) together with appropriate Escrow Certificates, and such escrow fund was established with City Bank Farmers Trust Company, as Distribution Agent. Upon the dissolution of American, its liabilities (including those under the Escrow Certificates) were assumed by West Penn Electric up to the amount of the capital contribution received by it from American under the Plans.

American had committed itself to pay all fees and expenses to whomsoever incurred in connection with the Plans or the proceedings in respect thereto, to the extent approved by the Commission, but had reserved the right to contend before the Commission or any appropriate Court that any particular fees or expenses claimed or allowed are unreasonable in amount or are of a character not properly payable.

On October 12, 1949 the Commission issued its memorandum opinion and order (Holding Company Act Release No. 9410) allowing fees and expenses relating to the transactions approved in the Commission's order dated February 17, 1947.

On March 17, 1952 the Commission issued its supplemental findings and opinion (Holding Company Act Release No. 11095) determining that the Escrow Certificate Holders were entitled to receive an additional amount of \$10 per share plus compensation for delay computed at 5.45 percent per annum from October 15, 1947. This determination was upheld by the United States District Court for the District of Delaware on September 17, 1952. Subsequent to November 12, 1952 payments pursuant to such determination have been and are being made to the holders of the Escrow Certificates.

Notice is hereby given that applications for the payment of fees and reim-

bursement for expenses for services and expenditures in connection with the determination of the amounts payable in respect of the Escrow Certificates have been filed by the following persons and in the indicated amounts:

	Fees	Expenses	Total
The West Penn Electric Co. (successor to American):			
Printing		\$8,920.57	\$8,920.57
City Bank Farmers Trust Co. for escrow services		4,259.22	4,259.22
Advertising		248.44	248.44
Joel Dean for statistical service		600.06	600.06
W. C. Gilman & Co. for statistical research		2,038.36	2,038.36
Sullivan & Cromwell	\$55,000	566.16	55,566.16
The First Boston Corp.—Fees requested for services of George L. Perin	10,000	456.17	10,456.17
Protective committee of the escrow certificate holders of American Water Works & Electric Co., Inc. (Hiatt committee):			
Nemser & Nemser, attorneys	75,000	3,610.28	78,610.28
Theodore R. Mackoul, financial expert	35,000	(¹)	35,000.00
Committee members:			
M. Tyndall Hiatt	1,000		1,000.00
William S. Coffey	1,000		1,000.00
William A. Trschett	1,000		1,000.00
American Water Works & Electric Co., 6 percent cumulative preferred stock committee (Galdi committee):			
Bernard S. Kanton, counsel	80,000	3,651.22	83,651.22
Dr. Ralph E. Badger, expert	13,750		13,750.00
Joseph C. Galdi, committee member	2,000		2,000.00
Total	273,750	24,350.48	298,100.48

¹ To be supplied by amendment.

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said applications:

It is ordered, Pursuant to section 11 (e) and 18 of the act, that the hearings herein be reconvened for the purpose of taking evidence on said applications, said hearing to commence on April 8, 1953, at 11:00 a. m., e. s. t., at the office of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 193 will advise as to the room in which such hearing will be held. Any person who is not already a party, or who has not already filed an application for allowance for fees or expenses, or who has not been granted leave to participate herein, who desires to be heard or otherwise wishes to participate, shall file with the Secretary of the Commission, on or before April 3, 1953, a request or application relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Edward C. Johnson or any other officer or officers of the Commission designated by it for the purpose, shall preside at the hearing on such matters. The officer so designated to preside at such hearing is hereby empowered to exercise all such powers granted to the Commission under section 18 (c) of the act and to a hear-

ing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of said applications and that, upon the basis thereof, the following matters and questions are presented for consideration by the Commission, without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the requested amounts for fees and expenses were incurred in rendering services which were necessary in connection with the reorganization plan and whether the requested amounts are reasonable.

(2) Whether there are any other factors apart from the nature and value of the services rendered and the capacity in which rendered, which would make any of the requests for compensation and reimbursement improper.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That a copy of this notice shall be mailed by registered mail to the West Penn Electric Company and the applicants herein, that notice shall be given to all other persons by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases under the act, and that further notice shall be given to all persons by publication of this notice in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F R. Doc. 53-1763; Filed, Feb. 24, 1953; 8:47 a. m.]

[File No. 70-2987]

NIAGARA MOHAWK POWER CORP

SUPPLEMENTAL ORDER CONCERNING ISSUANCE AND SALE OF BONDS AT COMPETITIVE BIDDING

FEBRUARY 18, 1953.

Niagara Mohawk Power Corporation ("Niagara Mohawk"), a public utility company and an exempt holding company, of which the United Corporation, a registered holding company, owned, as of January 15, 1953, 9.48 percent of the outstanding voting securities, having filed an application and amendments thereto, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") with respect to the issue and sale by Niagara Mohawk, pursuant to the competitive bidding requirements of Rule U-50, of \$25,000,000 principal amount of General Mortgage Bonds, -- Percent Series, due February 1, 1983, and 1,000,000 shares of its common capital stock without par value; and

The Commission having, by order dated February 9, 1953, granted said application, as amended, subject to the conditions, among others, that the proposed sale of bonds and common stock shall not be consummated until the results of competitive bidding and a final order of the

Public Service Commission of the State of New York approving the issue and sale of said bonds and stock shall have been made a matter of record in this proceeding, and a further order shall have been entered in the light of the record so completed; and jurisdiction having been reserved over the payment of all fees and expenses to be incurred in connection with the proposed transactions; and

The Commission by order dated February 16, 1953 having released jurisdiction with respect to the sale of the common stock; and

Niagara Mohawk having on February 18, 1953, filed a further amendment to said application in which it is stated that it has offered the bonds for sale pursuant to the competitive bidding requirements of Rule U-50 and has received the following bids:

Bidding group headed by—	Annual interest rate (percent)	Price to Niagara Mohawk (percent of principal) 1	Annual cost to Niagara Mohawk (percent)
Morgan Stanley & Co., Halsey, Stuart & Co., Inc.	3½	101.10	3.440922
The First Boston Corporation	3½	101.02999	3.444657
Kuhn, Loeb & Co.	3½	100.9199	3.450535
	3½	100.8899	3.453210

1 Exclusive of accrued interest from February 1, 1953.

The amendment further stating Niagara Mohawk has accepted the bid of Morgan Stanley & Co. for the bonds as set forth above and that the bonds will be offered to the public at a price of 101.75 percent of principal amount thereof, resulting in an underwriters' spread of 0.65 percent of principal amount; and

The Public Service Commission of the State of New York having entered its order dated February 5, 1953 approving the issue and sale of the bonds subject to conditions subsequent which have been satisfied, and the record not having been completed with respect to the fees and expenses to be incurred in connection with the proposed sale of the bonds, which under the order of the State Commission may not exceed \$235,000 for the bonds; and

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be received for the bonds, redemption prices of the bonds and the interest rate thereon, and the underwriters' spread with respect thereto:

It is hereby ordered, That jurisdiction heretofore reserved in connection with the sale of said bonds be, and the same hereby is, released, and that the said application, as further amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations under the act.

It is further ordered, That jurisdiction heretofore reserved over the payment of

all fees and expenses be, and hereby is, continued.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 53-1764; Filed, Feb. 24, 1953; 8:47 a. m.]

[File No. 70-2988]

APPALACHIAN ELECTRIC POWER CO. ET AL.
ORDER AUTHORIZING ISSUANCE AND SALE BY
SUBSIDIARY AND ACQUISITION BY PARENT
COMPANIES OF CAPITAL STOCK

FEBRUARY 18, 1953.

In the matter of Appalachian Electric Power Company, the Ohio Power Company, Central Operating Company; File No. 70-2988.

Appalachian Electric Power Company ("Appalachian"), and the Ohio Power Company ("Ohio Power") both electric utility subsidiaries of American Gas and Electric Company, a registered holding company, and Central Operating Company ("Operating Company"), an electric utility subsidiary of both Appalachian and Ohio Power, having filed a joint application-declaration pursuant to sections 6, 7 and 10 of the Public Utility Holding Company Act of 1935, with respect to the following proposed transactions:

Operating Company proposes the issuance and sale, from time to time prior to December 31, 1954, of 16,000 shares of its capital stock, par value \$100 per share, and Appalachian and Ohio Power propose to acquire such shares in equal amounts for \$100 per share in cash. Appalachian and Ohio Power each owns 50 percent of the 40,000 shares of outstanding capital stock of Operating Company, and as a result of the proposed transactions, each will acquire 8,000 shares of the capital stock proposed to be issued by Operating Company. Such shares will be made available by an amendment of the Charter of Operating Company to increase its authorized capital stock from 40,000 to 80,000 shares.

Operating Company, which operates the Philip Sporn generating plant for the account of Appalachian and Ohio Power, will use the proceeds from the proposed issuance and sale of its capital stock for additional working capital required to increase its coal stock and other materials and supplies and to meet necessary operating expenses.

It is stated that the State Corporation Commission of Virginia has jurisdiction over the acquisition by Appalachian of capital stock of Operating Company and has approved such acquisition.

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

The Commission finding that the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied and that no adverse

findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said joint application-declaration be granted and permitted to become effective forthwith:

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

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 53-1762; Filed, Feb. 24, 1953; 8:46 a. m.]

[File No. 70-2992]

HAVERHILL ELECTRIC CO. ET AL.

NOTICE OF FILING OF PROPOSED NOTE ISSUES

FEBRUARY 18, 1953.

In the matter of Haverhill Electric Company, Lawrence Gas and Electric Company, the Lowell Electric Light Corporation, Malden Electric Company, New England Power Company, Salem Electric Lighting Company, Suburban Gas and Electric Company, Worcester County Electric Company; File No. 70-2992.

Notice is hereby given that declarations have been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 (the "act") by the above named companies, hereinafter individually referred to as "Haverhill", "Lawrence", "Lowell", "Malden", "NEPCO", "Salem Electric", "Suburban" and "Worcester", and collectively referred to as the "borrowing companies," all public-utility subsidiary companies of New England Electric System ("NEES") a registered holding company. The borrowing companies have designated sections 6 (a) and 7 of the act and Rules U-23 and U-42 (b) (2) thereunder as applicable to the proposed transactions, which are summarized as follows:

The borrowing companies propose to issue to banks, from time to time but not later than June 30, 1953, unsecured six-months promissory notes in the maximum aggregate principal amount of \$23,840,000. Each of the proposed notes will be due six months after the respective issue date thereof and each will bear interest at the prime rate of interest at the time of the issuance. It is stated that said interest rate for such notes at the present time is 3 percent per annum. In the event that such interest rate is in excess of 3¼ percent per annum at the time any of said additional promissory notes are to be issued, the borrowing company will file an amendment to its declaration at least five days prior to the issuance of said note or notes setting forth the name of the bank or banks, the terms of the note or notes, and the rate of interest. Each of the borrowing companies requests that such amendment become effective at the end of such five

day period unless the Commission notifies it to the contrary within said period.

The following table shows the amount of promissory notes proposed to be issued by each of the borrowing companies and the use of the proceeds derived from such notes.

Company	Notes proposed to be issued prior to June 30, 1953	Use of proceeds	
		Payment of notes payable to banks	Construction expenditures
Haverhill.....	\$900,000	\$700,000	\$200,000
Lawrence.....	1,815,000	1,415,000	400,000
Lowell.....	3,400,000	3,100,000	300,000
Malden.....	2,050,000	1,500,000	550,000
NEPCO.....	9,400,000	9,400,000	-----
Salem Electric.....	200,000	200,000	-----
Suburban.....	1,375,000	1,275,000	100,000
Worcester.....	4,700,000	3,000,000	1,700,000
Total.....	23,840,000	20,590,000	3,250,000

Each of the borrowing companies states that the proceeds from any permanent financing will be applied in reduction of, or in total payment of, promissory notes then outstanding, and the amount of authorized but unissued notes, if any, will be reduced by the amount, if any, by which such permanent financing exceeds the notes at the time outstanding.

The declarations state that incidental services in connection with the proposed note issues will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed \$200 for each of the borrowing companies or an aggregate of \$1,600. The declarations further state that, except for an exemption by the Public Utilities Commission of New Hampshire with respect to notes proposed to be issued by NEPCO, no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

The borrowing companies request that the Commission's order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than February 26, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the declarations, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 53-1760; Filed, Feb. 24, 1953; 8:46 a. m.]

[File No. 70-2997]

NARRAGANSETT ELECTRIC CO.

NOTICE OF PROPOSED ISSUANCE AND SALE OF SERIES D BONDS

FEBRUARY 18, 1953.

Notice is hereby given that the Narragansett Electric Company ("Narragansett") an electric utility subsidiary of New England Electric System ("NEES") a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935 ("act") and has designated section 6 (b) of the act and Rule U-50 thereunder as applicable to the proposed transaction which may be described as follows:

Narragansett proposes to issue and sell, subject to the competitive bidding requirements of Rule U-50, \$10,000,000 principal amount of First Mortgage Bonds, Series D, -- percent, due 1983, to be issued under and secured by Narragansett's First Mortgage Indenture and Deed of Trust dated as of September 1, 1944, as supplemented and to be supplemented by an indenture to be dated as of March 1, 1953. The interest rate (which will be a multiple of $\frac{1}{8}$ of 1 percent and the price (exclusive of accrued interest) to be paid to Narragansett (which will not be less than 100 percent nor more than 102 $\frac{3}{4}$ percent of the principal amount) are to be determined by the competitive bidding.

Narragansett states that the proceeds, exclusive of accrued interest and expenses of issuance, will be used to pay short-term bank borrowings incurred to finance construction, which borrowings the company estimates will aggregate \$3,500,000 at the time of the proposed sale; and to reimburse the treasury for funds expended for construction.

The filing states that the issue and sale of the bonds are solely for the purpose of financing the business of Narragansett, and have been expressly authorized by the Public Utility Administrator of Rhode Island, in which state Narragansett is organized and doing business. The filing also states that total expenses of Narragansett in connection with the proposed transaction are estimated not to exceed \$72,000, including \$18,000 for services to be performed at cost by New England Power Company, an affiliated service company. It requests that the Commission's order become effective upon issuance and that the ten-day period for inviting bids with respect to the bonds, as provided in Rule U-50, be shortened to a period of not less than six days.

Notice is further given that any interested person may, not later than February 27, 1953, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, said appli-

cation, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 53-1759; Filed, Feb. 24, 1953; 8:46 a. m.]

[File No. 70-2998]

NARRAGANSETT ELECTRIC CO. AND NEW ENGLAND ELECTRIC SYSTEM

NOTICE OF FILING REGARDING SALE OF ADDITIONAL COMMON STOCK BY SUBSIDIARY TO PARENT

FEBRUARY 18, 1953.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company and Narragansett Electric Company ("Narragansett") a public utility subsidiary of NEES, have filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), and have designated sections 6 (b), 9 (a) and 10 of the act and Rules U-50 (a) (1) U-50 (a) (3) and U-42 (b) (2) thereunder as applicable to the proposed transactions which are summarized as follows:

Narragansett has authorized and outstanding 582,487 shares of \$50 par value common stock, all of which is owned by NEES. Narragansett proposes to issue and sell an additional 100,000 shares of its common stock to NEES for a cash consideration of \$5,000,000. Narragansett also proposes, prior to the issuance of any additional common stock, to take all steps necessary to increase the authorized number of shares of its common stock from 582,487 shares to 682,487 shares.

The filing states that the proceeds of the sale of the additional common stock will be applied toward the payment of short-term notes payable to banks evidencing borrowings made for construction which Narragansett anticipates will aggregate \$8,500,000 prior to the issuance of the additional common stock.

The filing also states that the issue and sale of the additional common stock are solely for the purpose of financing the business of Narragansett, and that such issue and sale have been expressly authorized by the Public Utility Administrator of Rhode Island, in which state Narragansett is organized and doing business. The filing further states that total expenses of Narragansett and NEES in connection with the proposed transactions are estimated not to exceed \$8,000 and \$300, respectively including \$2,000 and \$300, respectively for services performed at cost by New England Power Company an affiliated service company. It requests that the Commission's order become effective upon issuance.

Notice is further given that any interested person may, not later than February 27, 1953, at 5:30 p. m., request

the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-1761; Filed, Feb. 24, 1953;
8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19181]

PHOENIX BUILDING AND LOAN ASSN.

In re: In the matter of Phoenix Building and Loan Association of the city of Newark, New Jersey. File No. F-28-32026.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40) Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp., 3 CFR 1945 Supp.) Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.) and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Mary Finn whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany)

2. That the property described as follows: The sum of \$1,845.24 with all accretions thereto and interest thereon in the possession, custody or under the control of the Supervisor of Trust Funds, Superior Court of New Jersey, Chancery Division, being the sum deposited to the credit of Mary Finn in the Matter of the Voluntary Dissolution and Liquidation of the Phoenix Building and Loan Association of the City of Newark, New Jersey, less lawful fees and disbursements, is property which is and prior to January 1, 1947 was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the person named in subparagraph 1 hereof, a national of a designated enemy country (Germany)

and it is hereby determined:

3. That the national interest of the United States requires that the person

named in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on February 18, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-1783; Filed, Feb. 24, 1953;
8:52 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF AGRICULTURE

DELEGATION OF AUTHORITY TO NEGOTIATE A CONTRACT WITHOUT ADVERTISING

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, as amended, hereinafter called the act, authority is hereby delegated to the Secretary of Agriculture to negotiate a contract for the furnishing of certain materials in connection with a research project, Contract No. DA 18-108-CML-2487, pursuant to the provisions of section 302 (c) (10) of the act.

2. This authority shall be exercised strictly in accordance with Title III of the act, particularly section 307, which requires written findings, the submission of a copy of such findings to the General Accounting Office with the Contract, and the preservation of data with respect to the negotiation.

3. The authority herein delegated may be redelegated to any officer or employee of the Department of Agriculture within the limitations of section 307 (b) of the act.

4. The information specified in section 302 (c) (10) of the act shall be furnished to the General Services Administration as provided in the Regulations of General Services Administration, Title I, Chapter II, section 212, and the exhibits referred to in that section, for incorporation in the General Services Administration report to Congress.

5. This delegation shall be effective as of the date hereof.

Dated: February 19, 1953.

RUSSELL FORBES,
Acting Administrator.

[F. R. Doc. 53-1819; Filed, Feb. 20, 1953;
5:15 p. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27209]

MOTOR-RAIL-MOTOR RATES BETWEEN POINTS IN MASSACHUSETTS, CONNECTICUT, AND RHODE ISLAND, AND HARLEM RIVER, N. Y.

APPLICATION FOR RELIEF

FEBRUARY 19, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and The Connecticut Motor Lines, Inc.

Commodities involved: Semi-trailers, loaded and empty, on flat cars.

Between: Boston, Springfield, and Worcester, Mass., Hartford and New Haven, Conn., and Providence, R. I., on the one hand, and Harlem River, N. Y., on the other.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1773; Filed, Feb. 24, 1953;
8:50 a. m.]

[4th Sec. Application 27810]

COMMODITY RATES BETWEEN VEE, OHIO AND PORTS IN THE U. S. AND CANADA

APPLICATION FOR RELIEF

FEBRUARY 19, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to Consolidated Freight Classification No. 20, Agent W. S. Flint's I. C. C. O. C. No. 64.

Commodities involved: Various commodities.

Between: Vee, Ohio, on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: Rail competition, circuitous routes, and to maintain

grouping, also newly established station.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-1774; Filed, Feb. 24, 1953;
8:50 a. m.]

[4th Sec. Application 27811]

PAPER, COATED, FROM ALGOMA AND
MENASHA, WIS., TO CANTON, OHIO,
TRENTON, N. J., AND ROCHESTER, N. Y.

APPLICATION FOR RELIEF

FEBRUARY 19, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by C. J. Hennings, Alternate Agent, for carriers parties to his tariffs I. C. C. Nos. A-3715 and A-3940, pursuant to fourth-section order No. 17220.

Commodities involved: Paper, coated or impregnated with synthetic resin, etc., carloads.

From: Algoma and Menasha, Wis.

To: Canton, Ohio, Trenton, N. J., and Rochester, N. Y.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such

application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-1775; Filed, Feb. 24, 1953;
8:50 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 11]

SOUTHERN PACIFIC CO.

REROUTING AND DIVERSION OF TRAFFIC

In the opinion of Charles W Taylor, Agent, the Southern Pacific Company, because of fire-damaged bridge at Yuma, Arizona, is unable to transport traffic over its line: *It is ordered*, That:

(a) Rerouting traffic: The Southern Pacific Company, being unable to transport traffic routed over its line because of fire-damaged bridge at Yuma, Arizona, is hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concur-

rence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 12:01 p. m., February 17, 1953.

(g) Expiration date: This order shall expire at 11:59 p. m., February 27, 1953, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., February 17, 1953.

INTERSTATE COMMERCE
COMMISSION,
CHARLES W TAYLOR,
Agent.

[F. R. Doc. 53-1776; Filed, Feb. 24, 1953;
8:51 a. m.]