



FEDERAL REGISTER

VOLUME 18

NUMBER 246

Washington, Friday, December 18, 1953

TITLE 3—THE PRESIDENT EXECUTIVE ORDER 10509

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE RAILWAY EXPRESS AGENCY, INC., AND CERTAIN OF ITS EMPLOYEES

WHEREAS a dispute exists between the Railway Express Agency, Inc., a carrier, and certain of its employees represented by the Brotherhood of Railway and Steamship Clerks, Freight Handlers and Station Employees, a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U. S. C. 160), I hereby create a board of three members, to be appointed by me, to investigate the said dispute. No member of the said board shall be pecuniarily or otherwise interested in any organization of railway employees or any carrier.

The board shall report its findings to the President with respect to the said dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the Railway Express Agency, Inc., or by its employees, in the conditions out of which the said dispute arose.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
December 16, 1953.

[F. R. Doc. 53-10596; Filed, Dec. 17, 1953; 10:56 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF JUSTICE

Effective upon publication in the FEDERAL REGISTER, subparagraph (4) is added to § 6.108 (f) as set out below.

§ 6.108 *Department of Justice.* * * *
(f) *Immigration and Naturalization Service.* * * *

(4) Sixteen positions of District Directors.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] Wm. C. HULL,
Executive Assistant.

[F. R. Doc. 53-10537; Filed, Dec. 17, 1953; 8:56 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

[Amdt. 1]

PART 664—TOBACCO

SUBPART—1953 TOBACCO LOAN PROGRAM

Sections 664.516 and 664.517 published October 22, 1953 (18 F. R. 6695), are amended as follows:

Insert the following sentence at the end of the first sentence of footnote 2: "The advance rate on any lot of tobacco graded B1M through B7M and marked with the special factor 'MOIST' and 'DAMP' will be supported at the advance rate minus \$9.00 and \$12.00 per hundred pounds, respectively."

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interprets or applies sec. 5, 63 Stat. 1072, secs. 101, 401, 63 Stat. 1051, as

(Continued on p. 8473)

CONTENTS

THE PRESIDENT

Executive Order	Page
Creating an emergency board to investigate a dispute between the Railway Express Agency, Inc., and certain of its employees.....	8471

EXECUTIVE AGENCIES

Agriculture Department	
See Commodity Credit Corporation; Production and Marketing Administration.	
Alien Property Office	
Rules and regulations:	
Claims, rules of procedure for; references to "Chief of Claims Section".....	8476

Army Department	
Rules and regulations:	
Relief assistance; miscellaneous amendments.....	8490

Civil Aeronautics Board	
Notices:	
Trans-Pacific Airlines, Ltd., prehearing conference.....	8522

Civil Service Commission	
Rules and regulations:	
Competitive service, exceptions from; Department of Justice.....	8471

Coast Guard	
Rules and regulations:	
Fire extinguishing equipment required for motorboats.....	8511

Commodity Credit Corporation	
Notices:	
Export and domestic price lists for December 1953; sale of certain commodities at fixed prices.....	8520

Rules and regulations:	
Tobacco, 1953 loan program; advance rate.....	8471

Defense Department	
See also Army Department.	
Notices:	
Military Assistance Advisory Groups; settlement of claims arising from activities of groups.....	8513



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

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

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CONTENTS—Continued

	Page
Federal Credit Unions Bureau	
Proposed rule making:	
Organization and operation of Federal Credit Unions; volun- tary liquidation.....	8512
Federal Power Commission	
Notices:	
Hearings, etc..	
Alabama Power Co.....	8520
Amere Gas Utilities Co.....	8518
Pacific Gas and Electric Co....	8520
Southern Natural Gas Co.....	8519
Tennessee Gas Transmission Co. et al.....	8519
Washington Water Power Co....	8520

CONTENTS—Continued

Federal Trade Commission	Page
Rules and regulations:	
Photoengraving industry of the Southeastern States (Vir- ginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, and Mississippi).....	8508
Food and Drug Administration	
Rules and regulations:	
Antibiotic and antibiotic-con- taining drugs, certification of batches:	
Definitions and interpreta- tions.....	8476
Procaine penicillin in oil....	8477
Federal Communications Com- mission	
Notices:	
Hearings, etc..	
Hampton Roads Broadcasting Corp. et al.....	8517
Hilltop Management Corp. and Northern Allegheny Broadcasting Co.....	8516
Lorain Journal Co. and Elyria-Lorain Broadcasting Co.....	8516
Loyola University and Times- Picayune Publishing Co....	8515
Radio Diablo, Inc., and KXOB, Inc.....	8515
Radio Wisconsin, Inc., and Badger Television Co., Inc....	8516
Veri-Trum Products Co.....	8518
Rules and regulations:	
Public safety radio services; re- vision of rules.....	8491
General Services Administration	
Notices:	
President, Virgin Islands Corp., delegation of authority with respect to disposal of distillery property located in St. Croix, Virgin Islands.....	8522
Health, Education, and Welfare Department	
See Federal Credit Unions Bureau; Food and Drug Administration.	
Home Loan Bank Board	
Rules and regulations:	
Operations; withdrawable shares not to be issued with- out approval while deposits are outstanding.....	8511
Housing and Home Finance Agency	
See Home Loan Bank Board.	
Interior Department	
See also Land Management Bu- reau.	
Notices:	
Federal Indian liquor laws:	
Quartz Valley Indian Com- munity of California.....	8514
Shoshone and Arapahoe Tribes of Wyoming.....	8514
Upper Lake Pomo Indian Community of California....	8514
Internal Revenue Service	
Rules and regulations:	
Vinegar, production of by va- porizing process.....	8478

CONTENTS—Continued

Interstate Commerce Commis- sion	Page
Notices:	
Applications for relief:	
Aluminum billets from La Fayette, Ind., to St. Louis, Mo.....	8523
Animal and poultry feed from Chicago and Rockford, Ill., to southern territory.....	8524
Class and commodity rates from Vinson, Tex., and be- tween southwestern, south- ern, official, western trunk- line, Illinois territories and adjacent points.....	8522
Ground limestone from Illi- nois and Missouri to south- ern points.....	8522
Gums and resins from Charleston, W Va., group to Detroit, Mich., and To- ledo, Ohio.....	8523
Liquefied chlorine gas from Perkins, W Va., to points in southern territory.....	8523
Mill cinder and scale from Atlanta, Ga., group to Gads- den, Ord, Alabama City, and Attalla, Ala.....	8524
Motor-rail rates in the East; substituted service.....	8523
Petroleum coke from Port Arthur, Tex., to the South..	8524
Soap and related articles from St. Louis, Mo., to Memphis, Tenn.....	8524
Vermiculite from Franklin, N. C., to points in official and Illinois territories.....	8523
Utah and Wyoming; order amending order to include provisions for transportation and return of livestock.....	8525
Justice Department	
See Alien Property Office.	
Labor Department	
See Public Contracts Division.	
Land Management Bureau	
Rules and regulations:	
Rights-of-way other than for railroad purposes and for log- ging roads on the Oregon and California and Coos Bay re- vested lands; statutory au- thority common carrier stip- ulation.....	8477
Production and Marketing Ad- ministration	
Rules and regulations:	
Committees, County and Com- munity PMA, selection and functions; leave.....	8473
Lemons grown in California and Arizona; limitation of ship- ments; correction.....	8476
Oranges, grapefruit and tan- gerines grown in Florida, lim- itation of shipments.....	8475
Tobacco; proclamation of re- sults of marketing quota referenda.	
Cigar-filler and cigar-filler and binder.....	8474
Maryland.....	8473

CONTENTS—Continued

Production and Marketing Administration—Continued	Page
Rules and regulations—Con.	
Sugar beets, 1954 crop; California, southwestern Arizona, southern Oregon and western Nevada; fair and reasonable wage rates	8474
Public Contracts Division	
Notices:	
Employment of handicapped clients by sheltered workshops; issuance of special certificates	8514
Securities and Exchange Commission	
Notices:	
New York State Natural Gas Corp., order dismissing application	8522
Social Security Administration	
See Federal Credit Unions Bureau.	
State Department	
Rules and regulations:	
Ocean shipment of supplies by voluntary non-relief agencies and registration of agencies for voluntary foreign aid; withdrawal	8477
Treasury Department	
See Coast Guard; Internal Revenue Service.	

CODIFICATION GUIDE—Con.

Title 24	Page
Chapter I.	
Part 163	8511
Title 26	
Chapter I:	
Part 195	8478
Title 32	
Chapter V:	
Part 502	8490
Chapter VII.	
Part 802 (see Part 502).	
Title 43	
Chapter I.	
Part 244	8477
Title 45	
Chapter III.	
Part 301 (proposed)	8512
Part 310 (proposed)	8512
Title 46	
Chapter I.	
Part 25	8511
Title 47	
Chapter I.	
Part 10	8491

amended, 1054; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1441, 1421)

Issued this 14th day of December 1953.

[SEAL] HOWARD H. GORDON,
President,
Commodity Credit Corporation.

[F. R. Doc. 53-10503; Filed, Dec. 17, 1953; 8:48 a. m.]

employment and leave records, and shall make such records available, upon request, to the PMA State Committee or the PMA Administrator or any representative of such committee or officer.

(a) *Annual leave.* Leave of absence with pay shall not be granted until earned and shall be earned at the rate of one and one quarter days for each 29 days of service rendered. An employee may be credited on January 1 with any unused leave which may have been earned by him during the preceding year, provided that in no case shall the amount of leave so credited exceed 12 days. The amount of leave so credited may be used by the employee in addition to the leave earned by him during the year.

(b) *Sick leave.* Leave of absence with pay because of illness shall be earned at the rate of one day for each 20 days of service rendered. Leave of absence with pay because of illness may at the discretion of the county committee be granted prior to its having been earned in an amount not to exceed 12 days during any one calendar year. Any leave which has been advanced shall be deducted from sick leave which may be earned at a later date. An employee may be credited on January 1 with any unused sick leave which may have been earned by him during preceding years, provided that in no case shall the amount to leave so credited exceed 36 days.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 530d. Interpret or apply: 49 Stat. 1143, as amended; 16 U. S. C. 530h)

Done at Washington, D. C., this 15th day of December 1953. Witness my hand and the seal of the Department of Agriculture.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 53-10538; Filed, Dec. 17, 1953; 8:56 a. m.]

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3	Page
Chapter II (Executive orders)	
10509	8471
Title 5	
Chapter I.	
Part 6	8471
Title 6	
Chapter IV	
Part 664	8471
Title 7	
Chapter VII:	
Part 713	8473
Part 723	8474
Part 727	8473
Chapter VIII.	
Part 861	8474
Chapter IX.	
Part 933	8475
Part 953	8476
Title 8	
Chapter II:	
Part 502	8476
Title 16	
Chapter I.	
Part 218	8508
Title 21	
Chapter I.	
Part 146 (2 documents)	8476, 8477
Title 22	
Chapter I:	
Part 97	8477
Part 98	8477

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture
[Amdt. 1]

PART 713—COUNTY AND COMMUNITY COMMITTEES

SUBPART—SELECTION AND FUNCTIONS OF PRODUCTION AND MARKETING ADMINISTRATION COUNTY AND COMMUNITY COMMITTEES

LEAVE

By virtue of the authority vested in the Secretary of Agriculture by the Soil Conservation and Domestic Allotment Act, as amended, the regulations pertaining to the Selection and Functions of Production and Marketing Administration County and Community Committees, as published in 18 F. R. 1639, are hereby amended by changing § 713.32, effective January 1, 1954, to read as follows:

§ 713.32 *Leave.* All employees of a county office who have a regular tour of duty established in advance, except temporary employees, shall be granted annual and sick leave with pay. A temporary employee, for the purposes of this section, is defined as one who serves during a continuous period of less than 90 days, on either a full-time or a part-time basis. Leave with pay shall not be granted to members of county or community committees. The county committee shall provide for the maintenance in the county office of accurate

PART 727—MARYLAND TOBACCO

PROCLAMATION OF THE RESULTS OF MARKETING QUOTA REFERENDUM

§ 727.503 *Basis and purpose.* Sections 727.503 and 727.504 are issued to announce the results of the Maryland tobacco marketing quota referendum for the marketing year beginning October 1, 1954, and for the three-year period beginning October 1, 1954. Under the provisions of the Agricultural Adjustment Act of 1938, as amended, the Secretary proclaimed a national marketing quota for Maryland tobacco for the 1954-55 marketing year (18 F. R. 6446). The Secretary announced (18 F. R. 6502) that a referendum would be held on October 29, 1953, to determine whether Maryland tobacco producers were in favor of or opposed to marketing quotas for the marketing year beginning October 1, 1954, and to determine whether Maryland tobacco producers were in favor of or opposed to marketing quotas for the three-year period beginning October 1, 1954. Since the only purpose of this proclamation is to announce the results of the referendum, it is hereby found and determined that with respect

to this proclamation, application of the notice and procedure provisions of the Administrative Procedure Act (5 U. S. C. 1003) is unnecessary.

§ 727.504 *Proclamation of the results of the Maryland tobacco marketing quota referendum for the marketing year beginning October 1, 1954, and for the three-year period beginning October 1, 1954.* In a referendum of farmers engaged in the production of the 1953 crop of Maryland tobacco held on October 29, 1953, 5,171 farmers voted. Of those voting, 2,655 or 51.3 percent favored quotas for a period of three years beginning October 1, 1954, 659 or 12.8 percent favored quotas for only the one year beginning October 1, 1954; and 1,857 or 35.9 percent were opposed to quotas. Since more than one-third of the farmers voting opposed quotas, the national marketing quota for Maryland tobacco for the marketing year beginning October 1, 1954, proclaimed on October 7, 1953 (18 F. R. 6446) becomes ineffective. Therefore, marketing quotas will not be in effect on Maryland tobacco for the marketing year beginning October 1, 1954.

(Sec. 375, 52 Stat. 66, 7 U. S. C. 1375. Interpret or apply Sec. 312, 52 Stat. 46, as amended; 7 U. S. C. 1312)

Done at Washington, D. C., this 15th day of December 1953. Witness my hand and the seal of the Department of Agriculture.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 53-10539; Filed, Dec. 17, 1953;
8:56 a. m.]

PART 723—CIGAR-FILLER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

PROCLAMATION OF THE RESULTS OF MARKETING QUOTA REFERENDA

Sec.

- 723.504 Basis and purpose.
723.505 Proclamation of the results of the cigar-filler tobacco marketing quota referendum for the marketing year beginning October 1, 1954, and for the three-year period beginning October 1, 1954.
723.506 Proclamation of the results of the cigar-filler and cigar-binder tobacco marketing quota referendum for the marketing year beginning October 1, 1954, and for the three-year period beginning October 1, 1954.

AUTHORITY: §§ 723.504 to 723.506 issued under sec. 375, 52 Stat. 66, 7 U. S. C. 1375. Interpret or apply sec. 312, 52 Stat. 46, as amended; 7 U. S. C. 1312.

§ 723.504 *Basis and purpose.* Sections 723.504 to 723.506 are issued to announce the results of the cigar-filler tobacco and cigar-filler and cigar-binder tobacco marketing quota referenda for the marketing year beginning October 1, 1954, and for the three-year period beginning October 1, 1954. Under the provisions of the Agricultural Adjustment Act of 1938, as amended, the Secretary proclaimed a national marketing quota for cigar-filler tobacco and for cigar-filler and cigar-binder tobacco for the 1954-55 marketing year (18 F. R. 6443)

The Secretary announced (18 F. R. 6502) that referenda would be held on October 29, 1953, to determine whether cigar-filler tobacco producers and cigar-filler and cigar-binder tobacco producers were in favor of or opposed to marketing quotas for the marketing year beginning October 1, 1954, and to determine whether cigar-filler tobacco producers and cigar-filler and cigar-binder tobacco producers were in favor of or opposed to marketing quotas for the three-year period beginning October 1, 1954. Since the only purpose of this proclamation is to announce the results of the referenda, it is hereby found and determined that with respect to this proclamation, application of the notice and procedure provisions of the Administrative Procedure Act (5 U. S. C. 1003) is unnecessary.

§ 723.505 *Proclamation of the results of the cigar-filler tobacco marketing quota referendum for the marketing year beginning October 1, 1954, and for the three-year period beginning October 1, 1954.* In a referendum of farmers engaged in the production of the 1953 crop of cigar-filler tobacco held on October 29, 1953, 1,479 farmers voted. Of those voting, 258 or 17.4 percent favored quotas for a period of three years beginning October 1, 1954; 103 or 7.0 percent favored quotas for only the one year beginning October 1, 1954; and 1,118 or 75.6 percent were opposed to quotas. Since more than one-third of the farmers voting opposed quotas, the national marketing quota for cigar-filler tobacco for the marketing year beginning October 1, 1954, proclaimed on October 7, 1953 (18 F. R. 6443) becomes ineffective. Therefore, marketing quotas will not be in effect on cigar-filler tobacco for the marketing year beginning October 1, 1954.

§ 723.506 *Proclamation of the results of the cigar-filler and cigar-binder tobacco marketing quota referendum for the marketing year beginning October 1, 1954, and for the three-year period beginning October 1, 1954.* In a referendum of farmers engaged in the production of the 1953 crop of cigar-filler and cigar-binder tobacco held on October 29, 1953, 3,896 farmers voted. Of those voting, 3,000 or 77.0 percent favored quotas for a period of three years beginning October 1, 1954, 492 or 12.6 percent favored quotas for only the one year beginning October 1, 1954; and 404 or 10.4 percent were opposed to quotas. Therefore, the national marketing quota of 74,600,000 pounds proclaimed on October 7, 1953 (18 F. R. 6443) for cigar-filler and cigar-binder tobacco for the 1954-55 marketing year will be in effect for such year and marketing quotas on cigar-filler and cigar-binder tobacco will be in effect for three marketing years beginning October 1, 1954.

Done at Washington, D. C., this 15th day of December 1953. Witness my hand and the seal of the Department of Agriculture.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 53-10540; Filed, Dec. 17, 1953;
8:57 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter H—Determination of Wage Rates [Sugar Det. 861.7]

PART 861—SUGAR BEETS: CALIFORNIA, SOUTHWESTERN ARIZONA, SOUTHERN OREGON AND WESTERN NEVADA. 1954 CROP

FAIR AND REASONABLE WAGE RATES

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948, as amended (herein referred to as "act") after investigation, and consideration of the evidence obtained at the public hearing held in Oakland, California, on October 6, 1953, the following determination is hereby issued.

§ 861.7 *Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of the 1954 crop of sugar beets in California, southwestern Arizona, southern Oregon and western Nevada—(a) Requirements.* The requirements of section 301 (c) (1) of the act shall be deemed to have been met with respect to the production, cultivation, or harvesting of the 1954 crop of sugar beets in California, southwestern Arizona, southern Oregon and western Nevada if the producer complies with the following:

(1) *Wage rates.* All persons employed on the farm, or part of the farm covered by a separate labor agreement, shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the laborer but, after the beginning of work on the 1954 crop of sugar beets or the date of issuance of this determination, whichever is later, not less than the following:

(i) *When employed on a time basis.*
(a) For thinning, hoeing, or weeding: 70 cents per hour.

(b) For pulling, topping or loading: 75 cents per hour.

(c) For the operations specified above performed by workers certified by the local County Production and Marketing Administration Committee to be handicapped because of age or physical or mental deficiency, or by workers between 14 and 16 years of age, the above rates may be reduced by not more than one-third. Maximum employment per day for workers between 14 and 16 years of age, without deduction from Sugar Act payments to the producer, is 8 hours.

(d) For operating mechanical equipment, irrigating and all other operations in the production, cultivation, or harvesting of sugar beets for which a rate is not specified herein, the rate shall be as agreed upon between the producer and laborer.

(ii) *When employed on a piecework basis.* For work performed on a piecework basis the rate shall be as agreed upon between the producer and the laborer. *Provided,* That for the operations of thinning, hoeing, weeding, pulling, topping or loading, the average hourly rate of earnings for each worker for the time involved on each separate unit of work for which a piecework rate

is agreed upon shall be not less than the applicable hourly rate provided under subdivision (1) of this subparagraph.

(2) *Perquisites.* In addition to the foregoing, the producer shall furnish to the laborer, without charge, the perquisites customarily furnished by him, such as a house, garden plot, and similar items.

(b) *Subterfuge.* The producer shall not reduce the wage rates to laborers below those determined herein through any subterfuge or device whatsoever.

(c) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this determination may file a wage claim with the local County Production and Marketing Administration Committee against the producer on whose farm the work was performed. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Detailed information and wage claim forms are available at the offices of the local County PMA Committees. Upon receipt of a wage claim the County PMA Committee shall thereupon notify the producer against whom the claim is made concerning the representation made by the laborer, and, after making such investigation as it deems necessary, notify the producer and laborer in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement an appeal may be made to the State Committee of the Production and Marketing Administration in which is located the farm where the work was performed. The address of the State Committee will be furnished by the office of the local-County Committee. Upon receipt of the appeal the State Committee shall likewise consider the facts and notify the producer and laborer in writing of its recommendation for settlement of the claim. If the recommendation of the State Committee is not acceptable, either party may file an appeal with the Director of the Sugar Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C. All such appeals shall be filed within 15 days after receipt of the recommended settlement of the respective committee, otherwise such recommended settlement will be applied in making payment under the act. If a claim is appealed to the Director of the Sugar Branch, his decision shall be binding on all parties insofar as payments under the act are concerned.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable wage rates which a producer must pay, as a minimum, for work performed by persons employed on the farm in the production, cultivation, or harvesting of the 1954 crop of sugar beets in California, southwestern Arizona, southern Oregon and western Nevada, as one of the conditions for payment under the act.

(b) *Requirements of the act and standards employed.* In determining fair and reasonable wage rates, it is required under the act that a public hear-

ing be held, that investigations be made and that consideration be given to (1) the standards formerly established by the Secretary of Agriculture under the Agricultural Adjustment Act, as amended, and (2) the differences in conditions among various sugar producing areas.

A public hearing was held in Oakland, California, October 6, 1953, at which interested persons presented testimony with respect to fair and reasonable wage rates for the production, cultivation or harvesting of the 1954 crop of sugar beets in California, southwestern Arizona, southern Oregon and western Nevada. In addition, investigations have been made of conditions affecting wage rates in this region. In this determination the primary factors which have been considered are (1) cost of living; (2) prices of sugar and by-products; (3) income from sugar beets; and (4) cost of production. Other economic influences also have been considered.

(c) *1954 wage determination.* The 1954 wage determination continues unchanged the wage rates and other provisions of the 1953 determination.

At the public hearing a representative of the sugar beet growers' association recommended (1) no change in wage rates for the 1954 crop; (2) the continuance of the provision permitting the payment of a reduced rate to workers 14 to 16 years of age and, under certain conditions, to handicapped workers; and (3) through a supplementary brief that the wage determination not include specifications suggested in the notice of hearing with respect to compensable working time or the furnishing of equipment necessary to perform work assignments. A representative of a sugar beet harvesting machine operators' association at the hearing and by supplemental brief recommended the inclusion in the wage determination of specific rates for custom harvesting machine operators who, as a condition of their employment, furnish necessary machinery and equipment. There was no direct testimony by workers or their representatives.

In this determination, consideration has been given to recommendations made at the public hearing, to data reflecting the returns, costs and profits of sugar beet producers and to other factors customarily considered in wage determinations. An examination of the several factors does not indicate a basis for altering the wage rate structure of the prior wage determination. Provisions for compensable working time and the furnishing to workers of tools and apparel necessary to work assignments are not included in this determination since there has been no evidence or testimony introduced which indicates a current need for either of these provisions in this region. The recommendation for the specific inclusion of machine harvester contractors has not been accepted because it is considered that persons furnishing to one or more growers heavy equipment, such as harvesting machines, on a fee or price basis are independent contractors and not wage earners furnishing principally their personal services as employees.

After consideration of all factors, the wage rates and other provisions in this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the act.

(Sec. 463, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 923; 7 U. S. C. Sup. 1131)

Issued this 15th day of December 1953.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 53-10541; Filed, Dec. 17, 1953; 8:57 a. m.]

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

[Tangerine Reg. 142]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.654 *Tangerine Regulation 142—(a) Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than December 18, 1953. Shipments of tangerines grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and, unless sooner terminated, will so continue until December 21, 1953; the recommendation and supporting information for regulation subsequent to December 17, 1953, and in the manner herein provided, was promptly submitted to the Department after an open meeting of the Grow-

ers Administrative Committee on December 15; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time hereof.

(b) *Order* (1) Tangerine Regulation 141 (7 CFR 933.651, 18 F. R. 7583) is hereby terminated as of the effective time of this section.

(2) During the period beginning at 12:01 a. m., e. s. t., December 18, 1953, and ending at 12:01 a. m., e. s. t., January 4, 1954, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1, or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than $2\frac{1}{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of tangerines, smaller than such minimum size shall be permitted; which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title)

(3) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1," shall have the same meaning as when used in the revised United States Standards for Florida Tangerines (51.1810-1836) (§§ 51.1810 to 51.1836 of this title)

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

Done at Washington, D. C., this 16th day of December 1953.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

[F. R. Doc. 53-10554; Filed, Dec. 17, 1953;
8:57 a. m.]

[Lemon Reg. 515]

PART 953—LEMONS GROWN IN CALIFORNIA
AND ARIZONA

LIMITATION OF SHIPMENTS

Correction

In Federal Register Document 53-
10425, published at page 8172 of the

issue for Saturday, December 12, 1953,
§ 953.626 should have been designated
"§ 953.622"

TITLE 8—ALIENS AND
NATIONALITY

Chapter II—Office of Alien Property,
Department of Justice

PART 502—RULES OF PROCEDURE FOR
CLAIMS

REFERENCES TO "CHIEF OF CLAIMS SECTION"

Part 502 contains certain rules which require amendment to conform to the current organization of the Office of Alien Property. Since no additional requirements are imposed, it is hereby found that notice, hearing and suspension of applicability are unnecessary.

The Claims Branch of the Office of Alien Property has been redesignated as the Claims Section of that office. The Claims Section is under the supervision of the Chief of the Claims Section whose functions are the same as those of the former Chief of the Claims Branch. Accordingly—

Sections 502.2 (j) and (n) 502.3, 502.6 (b) 502.7 (a) 502.21 (a) 502.25 (a) (c) and (i) 502.26 (b) 502.29, 502.102 (a) (d) and (e) 502.201 (a) and (d) and 502.202 (b) (c) and (d) are hereby amended by deleting reference therein to the "Chief of the Claims Branch" and substituting therefor reference to the "Chief of the Claims Section."

(40 Stat. 411, 55 Stat. 839, 60 Stat. 50, 925, 64 Stat. 1079, 50 U. S. C. App. and Sup. 1-40; 60 Stat. 418, 64 Stat. 1116, 22 U. S. C. and Sup. 1382; E. O. 8389, April 10, 1940, 5 F. R. 1400, as amended, 3 CFR, 1943 Cum. Supp., E. O. 9142, April 21, 1942, 7 F. R. 2985, 3 CFR, 1943 Cum. Supp., E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, 1943-Cum. Supp., E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR, 1945 Supp., E. O. 9725, May 16, 1946, 11 F. R. 5381, 3 CFR, 1946, Supp., E. O. 9788, October 14, 1946, 11 F. R. 11981, 3 CFR, 1946 Supp., E. O. 9818, January 1, 1947, 12 F. R. 133, 3 CFR, 1947 Supp., E. O. 9921, January 10, 1948, 13 F. R. 171, 3 CFR, 1948 Supp., E. O. 9989, August 20, 1948, 13 F. R. 4981, 3 CFR, 1948 Supp., Proc. 2914, December 16, 1950, 15 F. R. 9029, 3 CFR, 1950 Supp., E. O. 10244, May 17, 1951, 16 F. R. 4639, 3 CFR, 1951 Supp., E. O. 10254, June 15, 1951, 16 F. R. 5829, 3 CFR, 1951 Supp., E. O. 10348, April 26, 1952, 17 F. R. 3769, 3 CFR, 1952 Supp.)

Executed at Washington, D. C., on
December 11, 1953.

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

[F. R. Doc. 53-10525; Filed, Dec. 17, 1953;
8:51 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Admin-
istration, Department of Health,
Education, and Welfare

PART 146—CERTIFICATION OF BATCHES OF
ANTIBIOTIC AND ANTIBIOTIC-CONTAINING
DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in
the Secretary by the provisions of the

Federal Food, Drug, and Cosmetic Act
(sec. 507, 59 Stat. 463, as amended by 61
Stat. 11, 63 Stat. 409, 67 Stat. 389; sec.
701, 52 Stat. 1055; 21 U. S. C. 357, 371, 67
Stat. 18) the regulations for certifica-
tion of batches of antibiotic and antibi-
otic-containing drugs (21 CFR, 1952
Supp., Part 146; 18 F. R. 6773) are
amended as indicated below—

Section 146.1 *Definitions and interpreta-
tions* is amended as follows:

1. The following new paragraph, num-
bered (b-1) is inserted after the second
sentence in paragraph (b)

(b-1) Each of the antibiotic sub-
stances produced by hydrogenation of
streptomycin and each of the same sub-
stances produced by any other means is
a kind of dihydrostreptomycin.

2. The third sentence in paragraph
(b) beginning "Wherever the term 'di-
hydrostreptomycin' appears * * *" is
transposed to the new paragraph (b-1),
and becomes the second sentence in that
paragraph.

3. The following new paragraph, num-
bered (c-1) is inserted following para-
graph (c)

(c-1) Each of the several antibiotic
substances produced by the hydrogenation
of chlortetracycline and each of the
same substances produced by any other
means is a kind of tetracycline.

4. The following new paragraph, num-
bered (j-1), is inserted after paragraph
(j)

(j-1) The term "tetracycline master
standard" means a specific lot of crystal-
line tetracycline hydrochloride which is
designated by the Commissioner as the
standard of comparison in determining
the potency of the tetracycline working
standard.

5. Paragraph (n) is amended by in-
serting after the third sentence the fol-
lowing new sentence: "The term 'micro-
gram' applied to tetracycline means the
tetracycline activity (potency) con-
tained in 1.0 microgram of the tetracy-
cline master standard."

6. Paragraph (o) is amended by in-
serting the following new clause following
the clause beginning "the term 'chlor-
tetracycline working standard' means
* * *": "the term 'tetracycline working
standard' means a specific lot of a ho-
mogeneous preparation of one or more
tetracycline salts;"

Notice and public procedure are not
necessary prerequisites to the promul-
gation of this order, and I so find, since
it was drawn in collaboration with inter-
ested members of the affected industry
and since it would be against public
interest to delay providing for the amend-
ments set forth above.

This order shall become effective upon
publication in the FEDERAL REGISTER,
since both the public and the affected
industry will benefit by the earliest ef-
fective date, and I so find.

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

Dated: December 14, 1953.

[SEAL] OVETA CULP HOBBS,
Secretary.

[F. R. Doc. 53-10519; Filed, Dec. 17, 1953;
8:51 a. m.]

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PROCAINE PENICILLIN IN OIL

By virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371, 67 Stat. 18) the regulations for certification of batches of antibiotic and antibiotic-containing drugs (21 CFR, 1952 Supp., Part 146; 18 F. R. 6773) are amended as indicated below:

Section 146.45 *Procaine penicillin in oil* is amended as follows:

1. Paragraph (a) *Standards of identity* * * * is amended by deleting the period at the end of the second sentence and adding the words "or adrenocorticotrophic hormone (ACTH)"

2a. In paragraph (c) *Labeling*, subparagraph (1) (v) is amended by inserting the words "or adrenocorticotrophic hormone" between the words "nitrofurazone" and "is used"

b. Paragraph (c) (2) is amended by renumbering subdivision (ii) as (iii) and inserting the following new subdivision (ii) between subdivision (i) and renumbered subdivision (iii)

(ii) If it is intended solely for veterinary use and contains adrenocorticotrophic hormone, the statement "Caution: Federal law restricts this drug to sale by or on the order of a licensed veterinarian."

c. Paragraph (c) (3) is amended to read:

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled:

(i) If it contains adrenocorticotrophic hormone, adequate directions and warnings for its use by veterinarians licensed by law to administer such drug.

(ii) If it does not contain adrenocorticotrophic hormone, adequate directions and warnings for the veterinary use of such drug by the laity.

Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

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

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected

industry will benefit by the earliest effective date, and I so find.

Dated: December 14, 1953.

[SEAL] OVETA CULP HOBBY,
Secretary.

[F. R. Doc. 53-10521; Filed, Dec. 17, 1953; 8:51 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.205]

PART 97—OCEAN SHIPMENT OF SUPPLIES BY VOLUNTARY NON-RELIEF AGENCIES

PART 98—REGISTRATION OF AGENCIES FOR VOLUNTARY FOREIGN AID

WITHDRAWAL

The following parts in Chapter I, Title 22, Code of Federal Regulations, are withdrawn from publication:

Part 97—Ocean Shipment of Supplies by Voluntary Non-Relief Agencies which was superseded by regulations prescribed in 22 CFR 202 (18 F. R. 5382) by the Director, Foreign Operations Administration.

Part 98—Registration of Agencies for Voluntary Foreign Aid which was superseded by regulations prescribed in 22 CFR 203 (18 F. R. 5383) by the Director, Foreign Operations Administration.

Dated: December 14, 1953.

For the Secretary of State.

EDWARD T. WALES,
Assistant Secretary.

[F. R. Doc. 53-10523; Filed, Dec. 17, 1953; 8:52 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter 5—Rights-of-Way

[Circular 1856]

PART 244—RIGHTS-OF-WAY OTHER THAN FOR RAILROAD PURPOSES AND FOR LOGGING ROADS ON THE OREGON AND CALIFORNIA AND COOS BAY REVESTED LANDS

SUBPART I—RIGHTS-OF-WAY THROUGH PUBLIC LANDS AND RESERVATIONS FOR OIL AND NATURAL GAS PIPELINES AND PUMPING PLANT SITES UNDER THE MINERAL LEASING ACT

STATUTORY AUTHORITY; COMMON CARRIER STIPULATION

By the act of August 12, 1953 (67 Stat. 557, Pub. Law 253, 83d Cong.) section 28 of the act of February 25, 1920, as amended (41 Stat. 449, 49 U. S. C. 678; 30 U. S. C. 185) was further amended so as to except certain natural gas pipeline rights-of-way from the operation of the common carrier provisions of that section. In order to show such amendment, §§ 244.60 and 244.62 are amended to read as follows:

§ 244.60 *Statutory authority.* (a) Section 28 of the act of February 25, 1920 (41 Stat. 449), as amended by the acts

of August 21, 1935 and August 12, 1953 (49 Stat. 678; 67 Stat. 557; 30 U. S. C. 185), authorizes the Secretary to grant rights-of-way through public lands, including the forest reserves of the United States, for pipeline purposes for the transportation of oil or natural gas to any applicant possessing the qualifications provided in section 1 of the act (41 Stat. 437; 30 U. S. C. 22, 48, 181) to the extent of the ground occupied by the said pipeline and 25 feet on each side of the same under such regulations and conditions as to survey, location, application, and use as may be prescribed by him, and upon the express conditions that such pipeline, if for oil, or for natural gas and not excepted from the common carrier provisions of section 28 of the act of February 25, 1920, as amended, as stated in paragraph (b) of this section, shall be constructed, operated and maintained as a common carrier and that every pipeline holder shall accept, convey, transport, or purchase without discrimination oil or natural gas produced from Government lands in the vicinity of the pipeline in such proportionate amount as the Secretary of the Interior may, after a full hearing, with due notice thereof to the interested parties, and a proper finding of facts, determine to be reasonable.²

(b) The amendatory act of August 12, 1953, cited in paragraph (a) of this section provides that the common carrier provisions of section 28 of the act of February 25, 1920, shall not apply to any natural gas pipeline operated by any person subject to regulation under the Natural Gas Act (52 Stat. 821; 15 U. S. C. 717w) or by any public utility subject to regulation by a State or municipal regulatory agency having jurisdiction to regulate the rates and charges for the sale of natural gas to consumers within the State or municipality.

§ 244.62 *Common carrier stipulation.* Each application for a pipeline right-of-way, if for oil, or for natural gas and the pipeline has not been excepted from the common carrier provisions of section 28 of the act of February 25, 1920, as amended, as stated in § 244.60 (b), must include the following stipulation:

The applicant agrees to operate the pipeline as a common carrier in accordance with the provisions of the Mineral Leasing Act, and, within 30 days after the request of the Secretary of the Interior, to file rate schedule and tariff for the transportation of oil or gas, as the case may be, as such common carrier with any regulatory agency having jurisdiction over such transportation, as the Secretary may prescribe.

(R. S. 161, 453, 2478; 5 U. S. C. 22, 43 U. S. C. 2, 1201. Interpret or apply sec. 28, 41 Stat. 449, 67 Stat. 557; 30 U. S. C. 185)

DOUGLAS MCKAY,
Secretary of the Interior.

DECEMBER 11, 1953.

[F. R. Doc. 53-10490; Filed, Dec. 17, 1953; 8:45 a. m.]

²By opinion of the Attorney General of January 3, 1941 (40 Op. Atty. Gen. 9), and departmental decision, Charles P. Flummer, A-23988, February 24, 1945, this statute was construed as not applying to purchased or acquired lands as they are not considered public lands within the meaning of the act.

TITLE 26—INTERNAL REVENUE**Chapter I—Internal Revenue Service,
Department of the Treasury****Subchapter C—Miscellaneous Excise Taxes
[Regulations 19]****PART 195—PRODUCTION OF VINEGAR BY THE
VAPORIZING PROCESS**

Preamble. 1. These regulations, Regulations 19, "Production of Vinegar by the Vaporizing Process" (26 CFR Part 195) are a republication of Regulations 19, 1940 edition (26 CFR Part 195), as amended to date by approved Treasury decisions.

2. These regulations, except for the addition of several new definitions and the revision of several sections to conform with the delegation of authority made in IR-Mimeograph No. 232, dated July 6, 1953, consist only of previously approved material but the text has been rearranged and renumbered to conform to the Federal Register Regulations (13 F. R. 5929)

3. This republication of these regulations shall not affect or limit any act done or any liability previously incurred, or any suit, action, or proceeding had or commenced in any civil, administrative, or criminal cause and proceeding prior to the date of republication, nor shall this republication release, acquit, affect, or limit any offense committed in violation of these regulations prior to republication, or any penalty, liability or forfeiture incurred prior to such date.

4. It is found that compliance with notice and public rule making procedure of section 4 (a) and the effective date limitations of section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1001 et seq.) is unnecessary in connection with the republication of the regulations in this part for the reason that the changes made relate merely to form and not substance.

Sec.	Statutory provisions.
195.0-1	Departmental regulations.
195.0-2	Registry of stills.
195.0-3	Notice of manufacture of and permit to set up still.
195.0-4	Entry and examination of distillery.
195.0-5	Distillers and rectifiers to furnish facilities and give assistance for examination of premises.
195.0-6	Installation of meters, tanks, and other apparatus.
195.0-7	Officer's authority to break up grounds or walls.
195.0-8	Mash, wort, and vinegar; vinegar factories.
195.0-9	Vinegar factories operated prior to March 1, 1879.
195.0-10	Transfer and delegation of powers.
195.0-11	Rules and regulations.
195.0-12	Issue of instructions, regulations, and forms.

Subpart A—Scope of Regulations

195.1	Production of vinegar by the vaporizing process.
195.2	Instruments and papers.

Subpart B—Definitions

195.5	Meaning of terms.
195.6	Assistant Regional Commissioner.
195.7	Commissioner.
195.8	Distilling materials.
195.9	District Director.
195.10	Gallon.
195.11	Including.

Sec.	Inclusive language.
195.12	I. R. C.
195.13	Person, proprietor, vinegar maker.
195.14	Proof.
195.15	Proof gallon.
195.16	Secretary.
195.17	U. S. C.
195.18	Vinegar factory.

Subpart C—Location and Use

195.30	Restrictions.
195.31	Use of premises.
Subpart D—Construction	
195.35	Buildings or rooms.
195.36	Means of ingress or egress.
195.37	Doors, windows, and other openings.
195.38	Distilling department.

Subpart E—Sign

195.45	Posting of sign.
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Subpart F—Equipment

195.50	Fermenting, material storage tanks.
195.51	Mash tubs and fermenters.
195.52	Mash tub coils.
195.53	Stills.
195.54	Pipes for conveying vapor.
195.55	Presence of worm forbidden.
195.56	Spray tanks or condensers.
195.57	Closed condensers.
195.58	Artificial means of condensing vapors.
195.59	Contrivance for cooling liquid.
195.60	Low wine receiving tanks.
195.61	Low wine storage tanks.
195.62	Pipe lines.
195.63	Colors for pipe lines.
195.64	Details of construction and equipment not specified.
195.65	Vinegar factories heretofore established.

Subpart G—Qualifying Documents

195.75	Notice, Form 27-F.
195.76	Description of premises.
195.77	Description of distilling department.
195.78	Description of apparatus and equipment.
195.79	Capacity.
195.80	Amended and supplemental notices.
195.81	Corporate documents.
195.82	Power of attorney, Form 1534.
195.83	Execution of power of attorney.
195.84	Duration of power of attorney.
195.85	Registry of stills, Form 26.
195.86	Plat and plans.
195.87	Additional information.

Subpart H—Plats and Plans

195.95	Plat and plans required.
195.96	Preparation.
195.97	Depiction of premises.
195.98	Contiguous premises.
195.99	Floor plan of distilling department.
195.100	Elevation plans of distilling equipment.
195.101	Pipe lines and colors.
195.102	Location of valves, flanges, etc.
195.103	Direction of flow.
195.104	Certificate of accuracy.
195.105	Supplemental, superseding, and additional plats and plans.

Subpart I—Requirements Governing Changes in Name, Proprietorship, Control, Location, Premises and Equipment

195.110	General requirement.
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CHANGE IN INDIVIDUAL, FIRM, OR CORPORATE NAME

195.111	Amended notice, Form 27-F.
195.112	Sign.
195.113	Records.

CHANGE IN PROPRIETORSHIP, SUSPENSION

195.114	General.
195.115	Notice, Form 27-F.
195.116	Registry of stills.
195.117	Notice of suspension.
195.118	Records.

CHANGE IN PROPRIETORSHIP, QUALIFICATION OF SUCCESSOR

Sec.	General.
195.119	General.
195.120	Nonfiduciary successor.
195.121	Fiduciary.
195.122	Adoption of plat and plans.
195.123	Sign.
195.124	Materials and low wines.

OTHER CHANGES IN PROPRIETORSHIP OR CONTROL

195.125	Changes in partnership.
195.126	Changes in stockholders, officers, and directors of corporation.
195.127	Reincorporation.

CHANGES IN LOCATION, PREMISES, AND EQUIPMENT

195.128	Change in location.
195.129	Changes in premises.
195.130	Changes in equipment.

Subpart J—Action by Assistant Regional Commissioner**ORIGINAL ESTABLISHMENT**

195.140	Examination of qualifying documents.
195.141	Inspection of premises.
195.142	Report of inspection.
195.143	Inaccurate documents.
195.144	Defective construction.
195.145	Approval of qualifying documents.
195.146	Disapproval of qualifying documents.
195.147	Disposition of qualifying documents.

CHANGES SUBSEQUENT TO ORIGINAL ESTABLISHMENT

195.148	Procedure applicable.
195.149	Applications and reports covering changes.

Subpart K—Action by Commissioner ORIGINAL ESTABLISHMENT

195.155	Review of documents.
195.156	Registry numbers.

CHANGES SUBSEQUENT TO ORIGINAL ESTABLISHMENT

195.157	Procedure applicable.
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Subpart L—Plant Operation GENERAL

195.165	Compliance with requirements of law and this part.
195.166	Inspection of premises and records.

COMMENCEMENT OF OPERATIONS

195.167	Fermenting and distilling materials.
195.168	Removal of fermenting material from premises.

MASHING AND FERMENTING

195.169	Production of mash.
195.170	Quantity of mash and beer determined.

DISTILLATION

195.171	Production of low wines.
195.172	Conversion of vapor into distilled spirits forbidden.
195.173	Test of condensing material.
195.174	Deposit of low wines in receiving tanks.
195.175	Gauge prior to removal.

LOSSES

195.176	In receiving or storage tanks.
195.177	Allowance for loss.
195.178	Losses not cumulative.
195.179	Time for filing application.
195.180	Tax must be paid on illegally diverted low wines.

REMOVAL AND TESTING OF VINEGAR

195.181	Removal.
195.182	Test of vinegar.

Subpart M—Proprietor's Records and Reports
Sec.

- 195.190 General.
- 195.191 Execution.
- 195.192 Permanent record.
- 195.193 Monthly report, Form 1623.

Subpart N—Suspension and Resumption of
Operations

- 195.200 Suspension.
- 195.201 Registry of stills, Form 26.
- 195.202 Resumption.

Subpart O—Registry of Stills "For Use" and
"Not for Use"

- 195.210 Registry on Form 26.
- 195.211 Alternate use of stills.

Subpart P—Change of Persons Interested in
Business

- 195.220 Completion of operations required.
- 195.221 Requirements as to predecessor.
- 195.222 Reports and records.
- 195.223 Succession by fiduciary.

Subpart Q—Discontinuance of Business

- 195.230 Discontinuance.
- 195.231 Notice, Form 27-F.
- 195.232 Registry of stills, Form 26.

Subpart R—General Provisions Relating to
Vinegar Factories

- 195.240 Production of mash, wort, or wash.
- 195.241 Sale or removal of mash, wort, or wash; distillation.
- 195.242 Inspection of records and premises.
- 195.243 Samples may be taken by officers.

Subpart S—Instructions Concerning Government
Officers

INSPECTION OF VINEGAR FACTORIES

- 195.250 Entry of vinegar factory or premises used in connection therewith.
- 195.251 Authority to break up grounds or walls.
- 195.252 Proprietors to furnish assistance.
- 195.253 Officers to keep themselves informed.
- 195.254 Frequency of inspection.
- 195.255 Scope of inspection.
- 195.256 Examination of records.
- 195.257 Examination of distilling equipment.
- 195.258 Materials.
- 195.259 Test of low wines and vinegar.
- 195.260 Storage of low wines.
- 195.261 Additional inquiries.
- 195.262 Inspection reports.

Subpart T—Instructions to Assistant Regional
Commissioners

LOSSES

- 195.270 Investigation by Assistant Regional Commissioners.
- 195.271 Examination of reports of proprietors.
- 195.272 Use of materials not reported.
- 195.273 Determining low wines produced.
- 195.274 Notice to proprietor.
- 195.275 Nature of evidence.
- 195.276 Consideration of response.
- 195.277 Evidence of loss.
- 195.278 Proprietor's failure to respond.
- 195.279 Examination of evidence.
- 195.280 Assistant Regional Commissioner's credit for losses.

AUDIT OF REPORTS

- 195.281 Audit of reports of vinegar manufacturers.

ASSISTANT REGIONAL COMMISSIONER'S REPORT

- 195.282 Assistant Regional Commissioner's report, Form 1624.

Subpart U—Rules for Computing Capacity of
Stills

- 195.290 Pot or kettle stills.
- 195.291 Charge chamber stills.
- 195.292 Continuous stills.

AUTHORITY: §§ 195.1 to 195.292 issued under 53 Stat. 375; 26 U. S. C. 3170. Other statutory provisions interpreted or applied are cited to the text in parentheses.

§ 195.0 *Statutory provisions.* The provisions of law having more common application to the production of vinegar by the vaporizing process are contained in §§ 195.0-1 to 195.0-12.

§ 195.0-1 *Departmental regulations.*

5 U. S. C. 22 DEPARTMENTAL REGULATIONS. The head of each department is authorized to prescribe regulations, not inconsistent with law, for the government of his department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it.

§ 195.0-2 *Registry of stills.*

26 U. S. C. 2810 REGISTRY OF STILLS.

(a) *Requirement.* Every person having in his possession or custody, or under his control, any still or distilling apparatus set up, shall register the same with the collector of the district in which it is, by subscribing and filing with him duplicate statements, in writing, setting forth the particular place where such still or distilling apparatus is set up, the kind of still and its cubic contents, the owner thereof, his place of residence, and the purpose for which said still or distilling apparatus has been or is intended to be used; one of which statements shall be retained and preserved by the collector, and the other transmitted by him to the Commissioner. Stills and distilling apparatus shall be registered immediately upon their being set up.

Every still or distilling apparatus not so registered, together with all personal property in the possession or custody, or under the control of such person, and found in the building, or in any yard or inclosure connected with the building in which the same may be set up, shall be forfeited.

And every person having in his possession or custody, or under his control, any still or distilling apparatus set up which is not so registered, shall pay a penalty of \$500, and shall be fined not less than \$100, nor more than \$1,000, and imprisoned for not less than one month, nor more than two years.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

§ 195.0-3 *Notice of manufacture of
and permit to set up still.*

26 U. S. C. 2818 NOTICE OF MANUFACTURE OF AND PERMIT TO SET UP STILL.

(a) *Requirement.* Any person who manufactures any still, boiler, or other vessel to be used for the purpose of distilling, shall, before the same is removed from the place of manufacture, notify in writing the collector of the district in which such still, boiler, or other vessel is to be used or set up, by whom it is to be used, its capacity, and the time when the same is to be removed from the place of manufacture; and no such still, boiler, or other vessel shall be set up without the permit in writing of the said collector for that purpose; and

(b) *Penalty for setting up still without permit.* Any person who sets up any such still, boiler, or other vessel, without first obtaining a permit from the said collector of the district in which such still, boiler, or other vessel is intended to be used, or who fails to give such notice, shall pay in either case the sum of \$500, and shall forfeit the distilling apparatus thus removed or set up in violation of law.

(c) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

§ 195.0-4 *Entry and examination of
distillery.*

26 U. S. C. 2827 ENTRY AND EXAMINATION OF DISTILLERY.

(a) *Power of revenue officers.* It shall be lawful for any revenue officer at all times, as well by night as by day, to enter into any distillery or building or place used for the business of distilling, or used in connection therewith for storage or other purposes, and to examine, gauge, measure, and take an account of every still or other vessel or utensil of any kind, and of all low-wines, and of the quantity and gravity of all mash, wort, or beer, and of all yeast, or other compositions for exciting or producing fermentation in any mash or beer, of all spirits and of all materials for making or distilling spirits, which may be in any such distillery or premises, or in possession of the distiller.

And whenever any internal revenue officer, or any person called by him to his aid, is hindered, obstructed, or prevented by any distiller or by any workman, or other person acting for such distiller, or in his employ, from entering into any such distillery or building or place as aforesaid; or any such officer is by the distiller, or his workman, or any person in his employ, prevented or hindered from, or opposed, or obstructed, or molested in the performance of his duty under the internal revenue laws, in any respect, the distiller shall forfeit the sum of not exceeding \$1,000.

And whenever any officer, having demanded admittance into a distillery or distillery premises, and having declared his name and office, is not admitted into such distillery or premises by the distiller or other person having charge thereof, it shall be lawful for such officer at all times, as well by night as by day, to break open by force any of the doors or windows, or to break through any of the walls of such distillery or premises necessary to be broken open or through, to enable him to enter the said distillery or premises; and the distiller shall forfeit the sum of not exceeding \$1,000.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

§ 195.0-5 *Distillers and rectifiers to
furnish facilities and give assistance for
examination of premises.*

26 U. S. C. 2828 DISTILLERS AND RECTIFIERS TO FURNISH FACILITIES AND GIVE ASSISTANCE FOR EXAMINATION OF PREMISES.

(a) *Power of revenue officers.* On the demand of any internal revenue officer or agent, every distiller or rectifier shall furnish strong, safe, and convenient ladders of sufficient length to enable the officer or agent to examine and gauge any vessel or utensil in such distillery or premises; and shall, at all times when required, supply all assistance, lights, ladders, tools, staging, or other things necessary for inspecting the premises, stock, tools, and apparatus belonging to such person, and shall open all doors, and open for examination all boxes, packages, and all casks, barrels, and other vessels not under the control of the revenue officer in charge, under a penalty of \$500 for every refusal or neglect so to do.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

§ 195.0-6 *Installation of meters,
tanks, and other apparatus.*

26 U. S. C. 2829 INSTALLATION OF METERS, TANKS, AND OTHER APPARATUS.

(a) *Power of the Commissioner.* The Commissioner, with the approval of the Secretary, is authorized to require at distilleries, breweries, rectifying houses, and wherever else in his judgment such action may be deemed advisable, the installation of meters, tanks, pipes, or any other apparatus for the purpose of protecting the revenue, and such

meters, tanks, and pipes and all necessary labor incident thereto shall be at the expense of the person on whose premises the installation is required. Any such person refusing or neglecting to install such apparatus when so required by the Commissioner shall not be permitted to conduct business on such premises.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

§ 195.0-7 *Officer's authority to break up grounds or walls.*

26 U. S. C. 2830 OFFICER'S AUTHORITY TO BREAK UP GROUNDS OR WALLS.

(a) *Power of revenue agent.* It shall be lawful for any revenue officer, and any person acting in his aid, to break up the ground on any part of a distillery, or premises of a distiller or rectifier, or any ground adjoining or near to such distillery or premises, or any wall or partition thereof, or belonging thereto, or other place, to search for any pipe, cock, private conveyance, or utensil; and, upon finding any such pipe or conveyance leading therefrom or thereto, to break up any ground, house, wall, or other place through or into which such pipe or other conveyance leads, and to break or cut away such pipe or other conveyance, and turn any cock, or to examine whether such pipe or other conveyance conveys or conceals any mash, wort, or beer, or other liquor, which may be used for the distillation of low-wines or spirits, from the sight or view of the officer, so as to prevent or hinder him from taking a true account thereof.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

§ 195.0-8 *Mash, wort, and vinegar; vinegar factories.*

26 U. S. C. 2834 MASH, WORT, AND VINEGAR; VINEGAR FACTORIES.

No mash, wort, or wash, fit for distillation or for the production of spirits or alcohol, shall be made or fermented in any building or on any premises other than a distillery duly authorized according to law; and no mash, wort, or wash so made and fermented shall be sold or removed from any distillery before being distilled; and no person, other than an authorized distiller, shall, by distillation, or by any other process, separate the alcoholic spirits from any fermented mash, wort, or wash; and no person shall use spirits or alcohol in manufacturing vinegar or any other article, or in any process of manufacture whatever, unless the spirits or alcohol so used shall have been produced in an authorized distillery and (except in the case of vinegar) the tax thereon paid. Every person who violates any provision of this section shall be fined for each offense not less than \$500 nor more than \$5,000, and be imprisoned not less than six months nor more than two years. Nothing in this section shall be construed to apply to fermented liquors, or to fermented liquids used for the manufacture of vinegar exclusively. But no worm, goose-neck, pipe, conductor, or contrivance of any description whatsoever whereby vapor might in any manner be conveyed away and converted into distilled spirits, shall be used or employed or be fastened to or connected with any vaporizing apparatus used for the manufacture of vinegar; nor shall any worm be permitted on or near the premises where such vaporizing process is carried on.

Nor shall any vinegar factory, for the manufacture of vinegar as aforesaid, be permitted, except as provided in section 2835, within six hundred feet of any distillery or rectifying house. But it shall be lawful for manufacturers of vinegar to separate, by a vaporizing process, the alcoholic property from the mash produced by them, and condense the same by introducing it into the

water or other liquid used in making vinegar.

No person, however, shall remove, or cause to be removed, from any vinegar factory or place where vinegar is made, any vinegar or other fluid or material containing a greater proportion than 2 per centum of proof spirits. Any violation of this provision shall incur a forfeiture of the vinegar, fluid, or material containing such proof spirits, and shall subject the person or persons guilty of removing the same to the punishment provided for any violation of this section.

And sections 2827, 2828, and 2830 shall apply to all premises whereon vinegar is manufactured, to all manufacturers of vinegar and their workmen or other persons employed by them.

§ 195.0-9 *Vinegar factories operated prior to March 1, 1879.*

26 U. S. C. 2835 VINEGAR FACTORIES OPERATED PRIOR TO MARCH 1, 1879.

(a) *Regulations.* Any vinegar factory for the manufacture of vinegar, established and operated as a vinegar factory prior to March 1, 1879, may be operated for the manufacture of vinegar by the use of alcoholic vapor within such distance less than six hundred feet of any distillery or rectifying house under such regulations as the Commissioner may prescribe with the approval of the Secretary.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

§ 195.0-10 *Transfer and delegation of powers.*

26 U. S. C. 3170 TRANSFER AND DELEGATION OF POWERS.

The Secretary is authorized to confer and impose upon the Commissioner and any of his assistants, agents, or employees, and upon any other officer, employee, or agent of the Treasury Department, any of the rights, privileges, powers, duties, and protection conferred or imposed upon the Secretary, or any officer or employee of the Treasury Department, or by any law now or hereafter in force relating to the taxation, exportation, transportation, manufacture, possession, or use of, or traffic in, distilled spirits, wine, fermented liquors, or denatured alcohol.

§ 195.0-11 *Rules and regulations.*

26 U. S. C. 3176 RULES AND REGULATIONS.

(a) *Power of Commissioner.* The Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this chapter.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

§ 195.0-12 *Issue of instructions, regulations, and forms.*

26 U. S. C. 4041 ISSUE OF INSTRUCTIONS, REGULATIONS, AND FORMS.

(a) *In general.* The Secretary shall prescribe forms of entries, oaths, bonds, and other papers, and rules and regulations, not inconsistent with law, to be used under and in the execution and enforcement of the various provisions of the internal revenue laws; and he shall give such directions to collectors and prescribe such rules and forms to be observed by them as may be necessary for the proper execution of the law.

Subpart A—Scope of Regulations

§ 195.1 *Production of vinegar by the vaporizing process.* These regulations, Regulations 19, "Production of Vinegar by the Vaporizing Process" (26 CFR Part 195) contain the procedural and substantive requirements relative to the production of vinegar by the vaporizing process. The regulations cover requirements governing the location, construc-

tion, equipment, qualifying documents, and changes in premises, equipment and proprietorship; action by Assistant Regional Commissioner and Commissioner; plant operations; and records and reports of operations at vinegar plants.

§ 195.2 *Instruments and papers.* The terms, conditions, and instructions contained in instruments and papers required to be furnished by law or regulations are hereby made a part as fully and to the same extent as if incorporated in this part.

(55 Stat. 495; 26 U. S. C. 4041)

Subpart B—Definitions

§ 195.5 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart.

§ 195.6 *Assistant Regional Commissioner.* "Assistant Regional Commissioner" shall mean the Assistant Regional Commissioner, Alcohol and Tobacco Tax.

§ 195.7 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 195.8 *Distilling materials.* "Distilling materials" shall mean the fermented mash of grain, molasses, or other materials produced for distillation.

§ 195.9 *District Director.* "District Director" shall mean the District Director of Internal Revenue.

§ 195.10 *Gallon.* "Gallon" or "wine gallon" shall mean a United States gallon of liquid measure equivalent to the volume of 231 cubic inches.

§ 195.11 *Including.* The term "including" shall not be deemed to exclude things other than those enumerated which are in the same general class.

§ 195.12 *Inclusive language.* Words in the plural form shall include the singular, and vice versa, and words in the masculine gender shall include females, a trust or estate, associations, copartnerships, and corporations.

§ 195.13 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code.

§ 195.14 *Person, proprietor, vinegar maker.* "Person," "proprietor," or "vinegar maker," shall include natural persons, associations, copartnerships, and corporations.

§ 195.15 *Proof.* "Proof" shall mean the ethyl alcohol content of a liquid at 60 degrees Fahrenheit, stated as twice the percent of ethyl alcohol by volume.

§ 195.16 *Proof gallon.* "Proof gallon" shall mean the alcoholic equivalent of a United States gallon at 60 degrees Fahrenheit, containing 50 percent of ethyl alcohol by volume.

§ 195.17 *Secretary.* "Secretary" shall mean Secretary of the Treasury.

§ 195.18 *U. S. C.* "U. S. C." shall mean the United States Code.

§ 195.19 *Vinegar factory.* "Vinegar factory" shall mean a vinegar factory using the vaporizing process in the manufacture of vinegar, established or oper-

ated under this part, and as described in the notice, Form 27-F.

Subpart C—Location and Use

§ 195.30 *Restrictions.* Vinegar factories producing vinegar by the vaporizing process may not be located on board of any vessel or boat, or in any building or on any premises where beer, lager beer, ale, porter, or other fermented liquors, or ether, are manufactured or produced, or sugars or syrups are refined, or where any liquors of any description are stored or retailed, or where any other business is carried on, or within 600 feet in a direct line of a registered distillery, fruit distillery, industrial alcohol plant, or rectifying plant. If the vinegar factory is in the same building in which is located a taxpaid bottling house, or in which denatured alcohol is produced, stored, or used, there must be no means of communication within the building between the vinegar factory and such premises.

§ 195.31 *Use of premises.* The premises of a vinegar factory using the vaporizing process shall be used exclusively for the manufacture of vinegar by the use of an alcoholic vapor separated from a fermented mash on such premises. The production at vinegar factories of low wines exceeding 30 degrees in proof will not be permitted.

Subpart D—Construction

§ 195.35 *Buildings or rooms.* The vinegar factory must be so constructed and equipped as to be suitable for the production of vinegar by the use of the vaporizing process, and must be completely separated from contiguous buildings or rooms, which are not used in conjunction with the vinegar factory, by solid, unbroken, partitions or floors of substantial construction. Such partitions shall extend from the ground to the roof, or from the floor to the ceiling if a room is used: *Provided*, That necessary openings for the passage of approved water, steam, fuel, or similar lines may be permitted in the walls or partitions.

§ 195.36 *Means of ingress or egress.* Except as provided in § 195.35, the doors and other openings must lead into the yard connected with the vinegar factory or a public street: *Provided*, That where a room or floor is used, the door may open into an elevator shaft, or a common passageway partitioned off from other businesses, leading either directly or through another elevator shaft or similar passageway to the street or yard. Where the door of the vinegar factory opens into a common passageway, as provided above, the partitions forming the common passageway shall be substantially constructed of solid materials or expanded metal or woven wire of not less than 9 gauge nor more than 2-inch mesh, and shall extend from the floor to the ceiling or roof, but doors may be permitted therein. Common passageways must be used exclusively as means of communication.

§ 195.37 *Doors, windows, and other openings.* The doors, windows, or other openings in the room or building com-

prising the distilling department must be so arranged and constructed that they may be securely fastened. No door, window, or other opening will be permitted in the walls or floors leading into another room or building which is not a part of the vinegar factory.

§ 195.38 *Distilling department.* A room or rooms must be provided in which will be located the stills and low wine tanks. Such room or rooms shall be known as the distilling department and shall be used exclusively for the production and storage of low wines. A sign must be posted over the door to the distilling department bearing the words "Distilling Department," and if more than one room is used, such rooms shall be given alphabetical designations, as "A," "B," "C," etc.

Subpart E—Sign

§ 195.45 *Posting of sign.* The proprietor shall place and keep conspicuously on the outside and at the front of the vinegar factory or over the front entrance thereto, where it can be plainly seen, a sign exhibiting, in plain and legible letters, not less than 3 inches in height and of a proper and proportionate width, the name of the proprietor and the words "Vinegar Factory No. ——" followed by the registry number assigned by the Commissioner.

Subpart F—Equipment

§ 195.50 *Fermenting material storage tanks.* Each fermenting material storage tank shall have plainly and legibly painted thereon the words "Fermenting Material Storage Tank," followed by its serial number and capacity in gallons.

(53 Stat. 318; 26 U. S. C. 2829)

§ 195.51 *Mash tubs and fermenters.* Mash tubs and fermenters shall be located in the distilling department or in a separate room or building and must be so placed as to be accessible to examination by Government officers. Each such mash tub or fermenter must have painted thereon its designated use, as "Mash Tub" or "Fermenter," followed by its serial number and capacity in gallons.

(53 Stat. 318; 26 U. S. C. 2829)

§ 195.52 *Mash tub coils.* A closed coil cannot be maintained in a mash tub on the premises of a vinegar factory using the vaporizing process except under the following conditions: If a coil is employed for the conveyance of water for the purpose of cooling the mash, the upper portion of the coil must be open, with flanges projecting upward, so as to prevent overflow making the upper ring of the coil, in effect, an open trough; or the coil within the tub may be closed on condition that the pipe is left open for a distance of several feet immediately after it leaves the tub and is properly protected by flanges so as to form, in effect, an open trough several feet in length.

(53 Stat. 318; 26 U. S. C. 2829)

§ 195.53 *Stills.* The stills must have a clear space of not less than 1 foot around them. Every still must be numbered, commencing with number 1, and

shall have painted thereon the word "Still," followed by its serial number and spirit-producing capacity in proof gallons in 24 hours, computed in accordance with the rules set forth in Subpart U of this part. Where the still is insulated or the manufacturer's serial number is otherwise obscured, such number will likewise be painted on the covering of the still. No reflux line, worm, gooseneck, pipe, conductor, or contrivance of any description whatever whereby vapor might in any manner be conveyed away and converted into distilled spirits, shall be used or employed or be fastened to or connected with any vaporizing apparatus used for the manufacture of vinegar.

(53 Stat. 318, 319; 26 U. S. C. 2829, 2834)

§ 195.54 *Pipes for conveying vapor.* The alcoholic vapor which the vinegar maker is authorized to separate from the mash shall be conducted to the liquid receiving it by the shortest and most direct line practicable. The pipes used for this purpose must be constructed of metal and exposed to view throughout their entire lengths and must not be surrounded with water.

(53 Stat. 318; 26 U. S. C. 2829)

§ 195.55 *Presence of worm forbidden.* The law specifically provides that no worm shall be permitted on or near premises used for the manufacture of vinegar by the vaporizing process.

(53 Stat. 319; 26 U. S. C. 2834)

§ 195.56 *Spray tanks or condensers.* The spray tanks or condensers must be so constructed that the alcoholic vapor cannot be condensed by itself and so become distilled spirits. Spray tanks are to be so constructed that the vapors will be conveyed into the water or other liquid used in making vinegar for condensation. The alcoholic vapor must be mingled with the water or other liquid used in the manufacture of vinegar. The spray tank or condenser shall be so constructed that the water or other liquid used in the manufacture of vinegar is sprayed through the top of the tank to condense the alcoholic vapors, or a constant level of water of such liquid must be maintained in the tank or condenser at all times so that the end of the vapor pipe will be completely immersed therein. The vapors must not be condensed before or without infusion into such water or other liquid.

(53 Stat. 318, 319; 26 U. S. C. 2829, 2834)

§ 195.57 *Closed condensers.* Closed or covered condensers may be used only where the alcoholic vapor is condensed simply by being introduced into the water or other liquid used in the production of vinegar without the use of artificial means for cooling the liquid. The condensers in such cases must be provided with a manhole which will permit ready examination of the whole interior of the condensing vessel.

(53 Stat. 318, 319; 26 U. S. C. 2829, 2834)

§ 195.58 *Artificial means of condensing vapors.* Where artificial means are employed for condensing alcoholic vapor at vinegar factories, the condensing ves-

sels shall be open and uncovered and the condensing apparatus shall be simple in construction.

(53 Stat. 318, 319; 26 U. S. C. 2829, 2834)

§ 195.59 *Contrivance for cooling liquid.* No contrivance may be used for cooling the liquid which receives the vapors to such a degree that a small or limited quantity of water or liquid would be enabled to receive and condense an unlimited quantity of alcohol.

(53 Stat. 318, 319; 26 U. S. C. 2829, 2834)

§ 195.60 *Low wine receiving tanks.* The proprietor must provide one or more low wine receiving tanks which shall be equipped with a suitable measuring device whereby the actual contents will be correctly indicated. The tanks must be so constructed as to permit examination of every part thereof, and so arranged as to leave an open space of not less than 3 feet between the top and the roof or floor above. All openings in tanks and other distilling apparatus and equipment, which are not absolutely necessary, and which can be permanently closed without interference with operations, shall be closed by brazing, welding, or otherwise securely fastening and sealing. Each such tank shall have painted thereon the words "Low Wine Receiving Tank," followed by its serial number and capacity in gallons. The pipe lines connecting the tanks with stills or other apparatus must be constructed in accordance with § 195.62. The receiving tanks must be located in the distilling department.

(53 Stat. 318; 26 U. S. C. 2829)

§ 195.61 *Low wine storage tanks.* If it is desired to store low wines prior to the use thereof in the manufacture of vinegar, storage tanks for such purpose must be provided in the distilling department. Each such tank shall be constructed and equipped as provided in § 195.60 for receiving tanks, and shall have painted thereon the words "Low Wine Storage Tank," followed by its serial number and capacity in gallons.

(53 Stat. 318; 26 U. S. C. 2829)

§ 195.62 *Pipe lines.* The distilling apparatus and equipment must be closed and continuous (except as otherwise provided in this part) and commencing with the still in which the vapors rise and continuing with securely closed pipes to the low wine receiving tanks in which the product is deposited. All such pipe lines must be of a fixed and permanent character, constructed of metal, and so arranged as to be exposed to view throughout their entire lengths. All valves, unions, flanges, and other detachable connections in the pipe lines of the distilling equipment from the point where the vapors rise in the still to the receiving tanks and from the receiving tanks to storage tanks (if provided) must be so secured by brazing, welding, fastening, and sealing as to effectually prevent disconnection and access to the low wines.

(53 Stat. 318; 26 U. S. C. 2829)

§ 195.63 *Colors for pipe lines.* The pipe lines connected with the stills and

low wine tanks used for conveying the following substances shall be kept painted in the colors indicated:

Black-----	Low wines.
Blue-----	Vapor.
Red-----	Mash, beer, or other distilling material.
Brown-----	Spent beer or slop.
White-----	Water.
Aluminum-----	Steam.

These colors are intended for such pipe lines only, and are prescribed for the purpose of distinguishing such pipe lines from each other and from all other pipe lines on the premises which are painted but for which colors are not prescribed. The painting of one of the pipe lines indicated above in a color other than prescribed for it, or the painting in one of the prescribed colors, or a color similar thereto, of a pipe line for which a color is not prescribed is prohibited. Pipe lines for which colors are not prescribed may be painted in other colors or in sections of not more than 3 feet in contrasting colors.

(53 Stat. 318; 26 U. S. C. 2829)

§ 195.64 *Details of construction and equipment not specified.* Where details of construction and equipment are not covered by this part, such construction and equipment must afford adequate supervision and control. The Commissioner may approve details of construction and equipment in lieu of those specified in this part where it is shown that it is impracticable to conform to the prescribed specifications, and the proposed construction and equipment will afford adequate supervision and control. Where it is proposed to substitute construction and equipment for that for which specifications are prescribed, approval of the Commissioner should be first obtained.

(53 Stat. 318, 319; 26 U. S. C. 2829, 2834)

§ 195.65 *Vinegar factories heretofore established.* Vinegar factories heretofore established may continue to operate if the equipment and method used for condensing the alcoholic vapors from the stills conform to that prescribed in this part, and the other construction and equipment afford adequate security and protection to the revenue. The Commissioner or Assistant Regional Commissioner may at any time require the proprietor to make changes in construction and equipment conforming to the provisions of this part, if deemed necessary to safeguard the revenue or to permit more economical and efficient supervision and control by Government officers. All vinegar factories hereafter established, and changes in existing vinegar factories, must be in conformity with this part.

(53 Stat. 318, 319; 26 U. S. C. 2829, 2834)

Subpart G—Qualifying Documents

§ 195.75 *Notice, Form 27-F.* Every person desiring to establish a vinegar factory must, before engaging in the business, file notice on Form 27-F in triplicate, with the Assistant Regional Commissioner. Except as provided in section 195.80, in the case of amended and supplemental notices, all of the in-

formation indicated by the lines of the form and instructions printed thereon, or issued in respect thereto, and as required by this part, shall be furnished. Notices on Form 27-F must be signed in accordance with the instructions printed on the form and sworn to before an officer authorized to administer oaths. Such notices must be numbered serially, commencing with number 1 and continuing in regular sequence for all notices thereafter filed, whether amended or supplemental.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.76 *Description of premises.* The notice, Form 27-F, shall contain a complete description of the building constituting the vinegar factory, including the height, width, and length, the materials of which constructed, and the number of stories.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.77 *Description of distilling department.* All rooms comprising the distilling department of the vinegar factory shall be described on Form 27-F. The description shall include the designated name of each room which shall be according to its use, such as, still room, fermenting room, etc., and the dimensions thereof. If more than one room is used for the same purpose, the same shall include an alphabetical designation to distinguish them, as "Still Room A," "Still Room B," etc.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.78 *Description of apparatus and equipment.* There must be described on Form 27-F in the space provided therefor the number of fermenting material storage tanks (if any), mash tubs, fermenters, stills, spray tanks, condensers, low wine receiving tanks, and low wine storage tanks which shall be listed separately as to serial number and capacity in gallons. All other regular and permanent equipment must be described on Form 27-F.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.79 *Capacity.* The kind of fermenting materials to be used, the maximum quantity of low wines, in proof gallons, that can be produced in 24 hours, and the proof at which the low wines will be produced, must be stated on Form 27-F.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.80 *Amended and supplemental notices.* Amended and supplemental notices on Form 27-F may be executed in skeleton form, except as to the items amended or supplemented. All other items which are correctly set forth in prior notices, and in which there has been no change since the last preceding notice, may be incorporated in the amended or supplemental notice by reference to the respective notice previously filed. Such incorporation by reference shall be made by entering for each such item in the space provided therefor the statement, "No change since filing Form 27-F Serial No. -----" (the number being inserted), and the date of such form.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.81 *Corporate documents.* There must be submitted with, and made a part of, the original or initial notice on Form 27-F, given by a corporation to engage in the business of manufacturing vinegar by the vaporizing process, properly certified copies, in triplicate, of the following documents:

(a) Extracts of the minutes of meetings of the board of directors authorizing certain officers or other persons to sign for the corporation.

(b) List of the names and addresses of the officers and directors.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.82 *Power of attorney, Form 1534.* If the notice or other qualifying documents are signed by an attorney in fact for an individual, partnership, association, or corporation, or by one of the members for a copartnership or association, or, in the case of a corporation, by an officer or other person not authorized to sign by the corporate documents described in § 195.81, such notice or other qualifying documents must be supported by a duly authenticated copy of the power of attorney conferring authority upon the person signing the document to execute the same. Such powers of attorney will be executed on Form 1534, in triplicate, and submitted to the Assistant Regional Commissioner.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.83 *Execution of power of attorney.* Where the principal giving the power of attorney is an individual, it must be executed by him in person, and not by an agent. In the case of a copartnership or association, powers of attorney authorizing one or more of the members, or another person, to execute documents on behalf of the copartnership or association must be executed by all of the members constituting the copartnership or association. However, if one or more members less than the whole number constituting the copartnership or association have been delegated the authority to appoint agents or attorneys in fact, the power of attorney may be executed by such member or members, provided it is supported by a duly authenticated copy, in triplicate, of the document conferring authority upon the member or members to execute the same. Where, in the case of a corporation, powers of attorney are executed by an officer thereof, such documents must be supported by triplicate copies of the authorization of such officer so to do, certified by the secretary or assistant secretary of the corporation, under the corporate seal, if any, to be true copies.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.84 *Duration of power of attorney.* Powers of attorney authorizing the execution of documents on behalf of a person engaged in, or intending to engage in, the business of a vinegar maker shall continue in effect until written notice, in triplicate, of the revocation of such authority is received by the Assistant Regional Commissioner, unless terminated by operation of law.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.85 *Registry of stills, Form 26.* Every person having in his possession or custody, or under his control, any still or distilling apparatus set up must register the same with the Assistant Regional Commissioner for the region in which the still is located, on Form 26, immediately it is set up. The Form 26 shall be executed in triplicate in accordance with the headings of the various columns and lines, and the instructions printed thereon or issued in respect thereto and as required by this part.

(53 Stat. 308 as amended; 26 U. S. C. 2810)

§ 195.86 *Plat and plans.* Every person intending to engage in the business of manufacturing vinegar by the use of the vaporizing process must submit to the Assistant Regional Commissioner with his notice, Form 27-F, an accurate plat of the vinegar factory premises and accurate plans of the distilling apparatus and equipment, in triplicate, conforming to the requirements of Subpart H of this part.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.87 *Additional information.* The Commissioner or the Assistant Regional Commissioner may at any time, in his discretion, require the proprietor to furnish such additional information as he may deem necessary.

(53 Stat. 495; 26 U. S. C. 4041)

Subpart H—Plats and Plans

§ 195.95 *Plat and plans required.* Every person intending to engage in the business of manufacturing vinegar by the use of the vaporizing process must, as provided in § 195.86, file an accurate plat of the vinegar factory premises, and accurate plans of the distilling apparatus and equipment, in triplicate, with the Assistant Regional Commissioner.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.96 *Preparation.* Each sheet of the plat and plan shall bear a distinctive title, and the complete name and address of the proprietor, enabling ready identification. Each sheet of the original plat and plans shall be numbered, the first being designated number 1 and the other sheets numbered in consecutive order. The dimensions of plats and plans shall be 15 by 20 inches, outside measurement, with a clear margin of at least 1 inch on each side of the drawing, lettering, and writing. Plats and plans may be original drawings, or reproductions made by the "Ditto Process" or by blue or brown line lithoprint, if such reproductions are clear and distinct.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.97 *Depiction of premises.* Plats must show the outer boundaries of the vinegar factory premises, in feet and inches, in a color contrasting with these used for other drawings on the plat, and must contain an accurate depiction of the building or buildings comprising the premises. The depiction of the premises should agree with the description in the notice, Form 27-F. If two or more buildings are to be used, they must be shown in their relative positions and the designated name or use of each indicated. Where two or more buildings are used

for the same purpose, the name of each such building shall include an alphabetical designation, beginning with "A" All first floor openings of each building on the premises will be shown on the plat. If the vinegar factory consists of a room or a floor of a building, an outline of the building, the precise location and dimensions of the room or floor, and the means of ingress from and egress to a public street or yard shall be shown.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.98 *Contiguous premises.* The plat must show the relative location of any distillery, internal revenue bonded warehouse, industrial alcohol plant, industrial alcohol bonded warehouse or denaturing plant, rectifying plant, or taxpaid bottling house, or other premises on which beer, lager beer, ale, porter, or other fermented liquors, or ether or denatured alcohol are manufactured or produced, stored, used, or sold, contiguous to the vinegar factory premises, and all pipe lines and other connections, if any, between them, and the distance they are from each other. The outlines of such contiguous premises and the vinegar factory premises must be shown in contrasting colors.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.99 *Floor plan of distilling department.* A floor plan of the distilling department shall be submitted, showing the location of all apparatus and equipment and pipe lines therein. The serial number and capacity of each still and tank shall be indicated on the plan.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.100 *Elevational plans of distilling equipment.* Vertical, sectional, or elevational plans of the distilling apparatus and equipment shall be submitted, and such plans shall clearly depict the construction of all equipment and all pipe lines and other connections of the distilling equipment and the location of valves, flanges (except as provided in § 195.102) measuring devices, etc. The plans must be so drawn that all such pipe lines may be traced from beginning to end.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.101 *Pipe lines and colors.* The fixed pipe lines connected with the stills and low wine tanks must be shown on the plans in the colors in which they are required to be painted, as follows:

Black	Low wines.
Blue	Vapor.
Brown	Spent beer and slop.
Red	Distilling material.
White	Water.
Aluminum	Steam.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.102 *Location of valves, flanges, etc.* All valves, flanges, and other connections and pipe lines in the distilling equipment must be properly indicated on the plans: *Provided*, That where flanges, unions, or other connections in pipe lines are brazed, welded, or otherwise permanently secured in such a manner as to constitute a continuous single pipe line, the location of such flanges, unions, or other connections, and the manner of se-

curing the same, need not be shown on the plans.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.103 *Direction of flow.* The direction of the flow of the distilling material, vapor, low wines, etc., through pipe lines connected with the stills and low wine tanks must be indicated on the plans by arrows.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.104 *Certificate of accuracy.* Every sheet of every plat and plan, whether original, supplemental, or superseding, shall bear a certificate of accuracy dated and signed by the draftsman, proprietor, and Assistant Regional Commissioner. The certificate shall be placed in the lower right hand corner of each sheet and shall be in the following form:

----- region, -----, 19-----
It is hereby certified that this is an accurate ----- sheet No. -----
(Original, supplemental, or superseding)
----- of the ----- of Vinegar
(Plat or plan)
Factory No. -----, of -----
(Name of proprietor)

(Street and number) (City and State)
in this region.

(Draftsman)

(Proprietor)

(Assistant Regional Commissioner)
Date of Assistant Regional Commissioner's approval.
-----, 19-----
(Date)

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.105 *Supplemental, superseding, and additional plats and plans.* The sheets of superseding plats or plans shall bear the same numbers as the sheets superseded. The sheets of supplemental plats or plans shall bear the same numbers as the sheets supplemented, and will be further identified by letter designations, as "1-A," "5-B," etc. Additional sheets of plans, filed to cover extensions of the vinegar factory premises, will be given the next number in sequence to the last sheet of the plan on file. Additional sheets of plats, filed to cover extensions of the vinegar factory premises, will be given the same number as the last sheet of the plat on file, further identified by an additional number, as 1-1, 2-1, etc.

(53 Stat. 495; 26 U. S. C. 4041)

Subpart I—Requirements Governing Changes in Name, Proprietorship, Control, Location, Premises and Equipment

§ 195.110 *General requirement.* Notice in writing must be given, in the form prescribed in this subpart, to the Assistant Regional Commissioner in case of any change in the location, form, capacity, ownership, agency, superintendency, or in the persons interested in the business of the vinegar factory.

(53 Stat. 495; 26 U. S. C. 4041)

CHANGE IN INDIVIDUAL, FIRM, OR CORPORATE NAME

§ 195.111 *Amended notice, Form 27-F* Where there is a change in the

individual, firm, or corporate name, the proprietor must submit to the Assistant Regional Commissioner an amended notice on Form 27-F in triplicate, covering the new name, which notice must be approved before operations may be commenced under the new name.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.112 *Sign.* Where there is a change in the individual, firm, or corporate name, the proprietor must change the vinegar factory sign to conform to the provisions of § 195.45.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.113 *Records.* Where there is a change in the individual, firm, or corporate name, the proprietor must keep records and submit reports covering operations under the new name as provided in Subpart M of this part.

(53 Stat. 495; 26 U. S. C. 4041)

CHANGE IN PROPRIETORSHIP, SUSPENSION

§ 195.114 *General.* Where there is to be a change in the proprietorship of the vinegar factory, the outgoing proprietor must, preparatory to transfer of the business to the successor, comply with the requirements of §§ 195.115-195.118.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.115 *Notice, Form 27-F* If the outgoing proprietor is to discontinue permanently the business of manufacturing vinegar by the vaporizing process, he must file with the Assistant Regional Commissioner Form 27-F, in triplicate, stating thereon the purpose to be "Discontinuance of business," and giving the date of the discontinuance.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.116 *Registry of stills.* Where there is to be a change in proprietorship, the outgoing proprietor must register the stills "Not for use" on Form 26, in triplicate, in accordance with § 195.210.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.117 *Notice of suspension.* Where there is to be a change in proprietorship, the outgoing proprietor must file with the Assistant Regional Commissioner a written notice, in triplicate, in accordance with Subpart N of this part.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.118 *Records.* Where there is to be a change in proprietorship, the outgoing proprietor must make appropriate entries in the vinegar factory records and submit reports in accordance with the provisions of Subpart P of this part.

(53 Stat. 495; 26 U. S. C. 4041)

CHANGE IN PROPRIETORSHIP, QUALIFICATION OF SUCCESSOR

§ 195.119 *General.* Where there is a change in proprietorship, and the successor intends to continue the operation of the premises as a vinegar factory, he must comply with the requirements of §§ 195.120-195.124.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.120 *Nonfiduciary successor* If the change in proprietorship is brought about by any means, except by the ap-

pointment of an administrator, executor, receiver, trustee, assignee, or other fiduciary, the successor must qualify in the same manner as the proprietor of a new vinegar factory, except that he may adopt the plat and plans of his predecessor as provided in § 195.122.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.121 *Fiduciary.* If the successor is an administrator, executor, receiver, trustee, assignee, or other fiduciary, and intends to produce low wines, or to possess or dispose of low wines on hand in the vinegar factory, he must comply with the provisions of Subpart G of this part to the extent that such provisions are applicable, except that in lieu of filing a new plat and plans, the fiduciary may adopt the plat and plans of such predecessor in accordance with § 195.122. The fiduciary must also furnish certified copies, in triplicate, of the order of the court or other pertinent documents showing his qualification as such fiduciary. The effective date of the qualifying documents filed by a fiduciary must be the same as the date of the court order, or the date specified therein, for him to assume control.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.122 *Adoption of plat and plans.* The plat and plans of the vinegar factory may be adopted by a successor where they correctly describe and depict the premises and the buildings, apparatus, and equipment thereon, to be taken over by the successor. The adoption by a successor of the plat and plans of a predecessor shall be in the form of a certificate, in triplicate, in which shall be set forth the name of the predecessor, the address and number of the vinegar factory, a description of the vinegar factory premises, the number of each sheet comprising each plat and plan covered by such certificate, and a statement that the vinegar factory premises, and the buildings, apparatus, and equipment thereon, are correctly described and depicted on such plat and plans.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.123 *Sign.* The successor, if other than a fiduciary temporarily operating the vinegar factory, must change the vinegar factory sign to conform to the requirements of § 195.45.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.124 *Materials and low wines.* If distilling materials and low wines are received by transfer from the predecessor, the successor must comply with the requirements of Subpart P of this part.

(53 Stat. 495; 26 U. S. C. 4041)

OTHER CHANGES IN PROPRIETORSHIP OR CONTROL

§ 195.125 *Changes in partnership.* The withdrawal of one or more members of a partnership or the taking in of a new partner, whether active or silent, shall constitute a change in proprietorship. Likewise, the death, bankruptcy or adjudicated insolvency of one or more of the copartners results in a dissolution of the partnership and, consequently a change in proprietorship. Where such a change in proprietorship of the vinegar factory occurs, the successor must qual-

ify in the same manner as a new proprietor of a vinegar factory, except that the successor may adopt the plat and plans of the predecessor as provided in § 195.122.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.126 *Changes in stockholders, officers, and directors of corporation.* The sale or transfer of the capital stock of a corporation operating a vinegar factory does not constitute a change in the proprietorship of the vinegar factory. However, where the sale or transfer of capital stock results in a change in the control or management of the business, or where there is a change in the officers or directors, the proprietor must give notice thereof, in triplicate, to the Assistant Regional Commissioner. Mere changes in stockholders of corporations not constituting a change in control need not be so reported.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.127 *Reincorporation.* Where a corporation operating a vinegar factory is reorganized and a new charter or certificate of incorporation is secured, the new corporation must qualify in the same manner as a new proprietor of the vinegar factory, except that the new corporation may adopt the plat and plans of the predecessor as provided in § 195.122.

CHANGES IN LOCATION, PREMISES, AND EQUIPMENT

§ 195.128 *Change in location.* Where there is a change in the location of the vinegar factory, the proprietor must comply with all applicable provisions of Subparts C-H of this part.

§ 195.129 *Changes in premises.* Where the vinegar factory premises are to be extended or curtailed, the proprietor must file with the Assistant Regional Commissioner an amended notice, Form 27-F, and an amended plat of the premises as extended or curtailed. If the plans are affected by the extension or curtailment, they must also be amended.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.130 *Changes in equipment.* Where changes are to be made in the apparatus and equipment of the distilling department, the proprietor shall first secure approval thereof by the Assistant Regional Commissioner pursuant to application, in triplicate, setting forth specifically the proposed changes: *Provided*, That emergency repairs may be made without prior approval of the Assistant Regional Commissioner. Where such emergency repairs are made, the proprietor shall file immediately a report thereof, in triplicate, with the Assistant Regional Commissioner. Upon completion of changes in equipment, the proprietor must file an amended notice and amended plans, except that in the case of minor changes, such as general repairs, changes in pipe lines, or the addition or removal of a tank, an amended notice and amended plans need not be filed immediately. *Provided further* That the Commissioner or the Assistant Regional Commissioner may, at any time, in his discretion, require the filing of an amended notice and amended

plans covering such minor changes. Where an amended notice and amended plans are not filed immediately upon completion of minor changes in equipment, the proprietor must include such changes in the next amended notice and plans filed by him.

(53 Stat. 495; 26 U. S. C. 4041)

Subpart J—Action by Assistant Regional Commissioner

ORIGINAL ESTABLISHMENT

§ 195.140 *Examination of qualifying documents.* Upon receipt of notice, plat, plans, and other documents required by this part of persons now engaged, or intending to engage, in the business of manufacturing vinegar by the vaporizing process, the Assistant Regional Commissioner will examine the same to determine whether they have been properly executed, and whether they reflect compliance with the requirements of the law and this part. Where any required document has not been filed, or where errors or discrepancies are found in those filed, or where the documents filed do not reflect compliance with this part, action thereon will be held in abeyance until the omission, or error, or discrepancy, has been rectified, and there has been full compliance with all requirements.

§ 195.141 *Inspection of premises.* When the required documents have been filed in proper form, the Assistant Regional Commissioner will assign an inspector to examine the premises, building, apparatus, and equipment, and determine whether they conform with the description thereof in the notice, plat and plans, and whether the apparatus and equipment and measures of protection afforded meet the requirements of the law and this part. The inspector will observe particularly the manner in which the rooms or buildings on the premises are separated from other premises, means of communication, ingress and egress, and the construction of the distilling apparatus and equipment. Where the inspection discloses minor irregularities in the qualifying documents or in the construction, the inspector will, at the time of their discovery, direct the attention of the proprietor to the same in order that the proprietor may correct the defects before completion of the inspection. Upon completion of the inspection, a report thereof will be submitted to the Assistant Regional Commissioner.

§ 195.142 *Report of inspection.* The report of the inspection shall describe separately all irregularities and discrepancies found during the course of the inspection, and shall include a complete statement describing all unusual or special conditions. Where irregularities are corrected during the inspection, the report will indicate the corrections so made. The report need not describe in detail each description as set forth in the notice, plat, and plans. The description of buildings and equipment in the report should be general and brief. However, construction, equipment, signs, etc., which are not in conformity with this part, will be completely described. If there are any pipe lines or other connec-

tions or openings between the vinegar factory premises and other premises, the same shall be described in detail. There shall be further embodied in the report a statement as to whether or not another business is being conducted, or is intended to be conducted, on the vinegar factory premises or in buildings thereon.

§ 195.143 *Inaccurate documents.* Where the Assistant Regional Commissioner's examination, or the inspector's report, discloses discrepancies in the qualifying documents, the inaccurate or incomplete documents will be returned to the proprietor for correction.

§ 195.144 *Defective construction.* Where it is found that the construction of the distilling apparatus and equipment does not conform to the requirements of the law and this part, the Assistant Regional Commissioner will inform the proprietor concerning the defects, and further action will be held in abeyance pending correction thereof.

§ 195.145 *Approval of qualifying documents.* If the Assistant Regional Commissioner finds, upon examination of the inspection report and the qualifying documents, that the person seeking to qualify as proprietor of the vinegar factory has complied in all respects with the requirements of the law and this part, he will note his recommendation for approval on all copies of the notice, and his approval on all copies of the plat and plans, and will forward all copies of the notice, and the original copy of the plat, plans, and other documents, together with a copy of all inspection reports, to the Commissioner for final action.

§ 195.146 *Disapproval of qualifying documents.* If the Assistant Regional Commissioner finds that the applicant has not complied in all respects with the requirements of the law and this part, or that the situation of the vinegar factory is such as would enable the proprietor to defraud the United States, he will not recommend approval of the notice, or approve the plat and plans, and will forward to the Commissioner for final action such copies of the qualifying documents as are required to be so forwarded by the preceding section in the case of recommendation of approval, together with a copy of all inspection reports. Where a notice is not recommended for approval, the Assistant Regional Commissioner will furnish the Commissioner with a full statement of the reasons therefor.

§ 195.147 *Disposition of qualifying documents.* Where the notice, Form 27-F, is approved by the Commissioner, the Assistant Regional Commissioner will, upon receipt of approved copies thereof from the Commissioner, as provided in Subpart K of this part, forward one copy of the notice, plat, plans, and other qualifying documents to the proprietor and will retain one copy of such qualifying documents for the file of the proprietor. If the notice is disapproved, the Assistant Regional Commissioner will, upon receipt from the Commissioner of the disapproved copies thereof and

other qualifying documents submitted therewith, return all copies of the qualifying documents to the proprietor, with advice as to the reasons for disapproval.

CHANGES SUBSEQUENT TO ESTABLISHMENT

§ 195.148 *Procedure applicable.* The provisions of §§ 195.140–195.147 respecting the action required of Assistant Regional Commissioners in connection with the establishment of vinegar factories will be followed, to the extent applicable, where there is a change in the individual, firm, or corporate name of the proprietor, or where there is a change in the proprietorship, location, premises, distilling apparatus and equipment, of the vinegar factory, or where operations are permanently discontinued.

§ 195.149 *Applications and reports covering changes.* Where an application covering changes in the distilling apparatus or equipment is approved by the Assistant Regional Commissioner, he will retain one copy of the application and forward one copy to the proprietor and one copy to the Commissioner. Similar disposition will be made of reports received from the proprietor covering emergency repairs of the apparatus and equipment in the distilling department.

Subpart K—Action by Commissioner

ORIGINAL ESTABLISHMENT

§ 195.155 *Examination of qualifying documents.* The Commissioner will review the notice, plat, plans, and other qualifying documents upon their receipt from the Assistant Regional Commissioner. If the Commissioner approves the vinegar factory construction and equipment, and the notice, plat, plans, and other qualifying documents, he will assign a registry number to the vinegar factory, in accordance with § 195.156, note his approval on all copies of the notice, retain the original copy of the notice, and plat, plans, and other qualifying documents, and will return two copies of the approved notice to the Assistant Regional Commissioner with advice as to his action on the qualifying documents. If the Commissioner disapproves the notice, he will note his disapproval thereon and will return all copies thereof to the Assistant Regional Commissioner, accompanied by the other qualifying documents submitted therewith, and a statement of the reasons for disapproval of the notice.

§ 195.156 *Registry numbers.* Vinegar factories will be numbered serially in the order of their establishment. A separate series will be used for each State. Registry numbers heretofore assigned will be retained and new vinegar factories will be assigned numbers in sequence thereto. Registry numbers previously assigned to discontinued vinegar factories will not be reassigned to other vinegar factories. In the case of a successor taking over the vinegar factory, the same registry number will be retained. In the case of a change in location of the vinegar factory within the same State, the same registry number may be retained.

CHANGES SUBSEQUENT TO ORIGINAL ESTABLISHMENT

§ 195.157 *Procedure applicable.* The provisions of §§ 195.155–195.156 respecting the action of the Commissioner in connection with the establishment of vinegar factories will be followed, to the extent applicable, where there is a change in the individual, firm, or corporate name, or where there is a change in the proprietorship, location, premises, or distilling apparatus and equipment, of the vinegar factory.

Subpart L—Plant Operation

GENERAL

§ 195.165 *Compliance with requirements of law and this part.* Under no circumstances will a person conduct any operations in connection with the production of low wines to be used in the manufacture of vinegar until compliance with all the requirements of law and this part, and the required notice, Form 27–F and supporting documents have been approved in accordance with the provisions of this part.

§ 195.166 *Inspection of premises and records.* All persons manufacturing vinegar by use of the vaporizing process shall permit any internal revenue officer to inspect at any reasonable hour the premises, equipment, stocks and records, as required by law and this part.

COMMENCEMENT OF OPERATIONS

§ 195.167 *Fermenting and distilling materials.* Low wines may be produced at a vinegar factory using the vaporizing process under the provisions of this part from any kind of raw materials suitable for the production of low wines. Fermenting and distilling materials must be weighed or, in the case of liquids, weighed or measured, when brought upon the premises, and when used. The receipt and use of the materials will be recorded by the proprietor on Form 1623.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.168 *Removal of fermenting material from premises.* If fermenting material is stored on the premises, and it is desired to remove the same, or any portion thereof, from the premises for any purpose whatsoever, the proprietor will enter on Form 1623 the kind and quantity to be removed, and the reasons therefor.

(53 Stat. 495; 26 U. S. C. 4041)

MASHING AND FERMENTING

§ 195.169 *Production of mash.* Proprietors at vinegar factories may, under the provisions of law, produce on such premises fermented mash or fermented liquors to be used for the manufacture of vinegar exclusively. The proprietor may mash molasses, grain, or other fermentable material, in any quantity, proportion, or strength that he may desire.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.170 *Quantity of mash and beer determined.* The proprietor will determine the number of gallons of mash in each fermenter at the time of filling, and the quantity of beer in each fermenter

after fermentation is complete, and will enter the same on Form 1623.

(53 Stat. 495; 26 U. S. C. 4041)

DISTILLATION

§ 195.171 *Production of low wines.* All processes of distillation shall be conducted in the distilling department of the vinegar factory. The alcoholic vapor separated from the mash produced must be condensed by introducing the vapor into the water or other liquid used in making vinegar. The vapor must not be condensed before or without infusion into such water or other liquid. Under no circumstances will the low wines be used as a condensing medium.

(53 Stat. 319; 26 U. S. C. 2834)

§ 195.172 *Conversion of vapor into distilled spirits forbidden.* No worm, goose-neck, pipe, reflux line, conductor, or contrivance of any description whatever, whereby vapor might in any manner be conveyed away and converted into distilled spirits, shall be used or employed, or be fastened to, or connected with, any vaporizing apparatus used for the manufacture of vinegar. The alcoholic vapor shall not be conducted in any manner, or by any contrivance, into a receptacle where it could be condensed by itself or with a small or limited quantity of water and so become distilled spirits.

(53 Stat. 319; 26 U. S. C. 2834)

§ 195.173 *Test of condensing material.* The water or other liquid used as the recipient of the alcoholic vapor should be frequently tested to see that the proof of the liquid is not raised above 30 degrees.

§ 195.174 *Deposit of low wines in receiving tanks.* All low wines produced shall be promptly conveyed to the receiving tanks. The receiving tanks must be so arranged that each day's production may be ascertained, and the amount shall be recorded daily on Form 1623, as indicated by the headings of the columns and the instructions printed on the form. Where the production of more than one day is run into the same tank the operation must be so conducted that the production of a full day or more may be measured. The quantity noted as the production of a particular date must be the quantity actually produced on that date.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.175 *Gauge prior to removal.* The low wines may be transferred by pipe line from the receiving tanks to low wine storage tanks, or direct to the vinegar factory proper for use in the manufacture of vinegar. *Provided,* That the quantity thus removed or used is first accurately ascertained, and recorded on Form 1623.

(53 Stat. 495; 26 U. S. C. 4041)

LOSSES

§ 195.176 *In receiving or storage tanks.* The quantity of low wines lost in receiving or storage tanks must be determined and reported monthly. The extent of the losses for each month shall be established by comparison of the

quantity shown by inventory with the amount carried in the receiving or storage tank accounts as remaining therein at the end of the month. The actual quantity in the tanks must be ascertained.

§ 195.177 *Allowance for loss.* Where the loss of low wines during any calendar month does not exceed 1 percent of the aggregate quantity of low wines on hand the 1st of the month and produced during the month, application for the allowance of such loss will not be required to be filed by the proprietor, provided there are no circumstances indicating that the low wines lost, or any part thereof, were unlawfully used or were unlawfully removed. Where such loss exceeds 1 percent, application under oath for remission of tax on the total losses during the month shall be filed by the proprietor with the Assistant Regional Commissioner. Such allowance of 1 percent shall apply to the losses for each month, which must be determined separately.

§ 195.178 *Losses not cumulative.* The allowance of 1 percent during any one month on account of losses of low wines in receiving and storage tanks shall not be cumulative.

§ 195.179 *Time for filing application.* Application for allowance on account of losses must be made within 10 days after the end of the month during which the losses occurred for which allowance is requested. Each application for allowance of losses must set out all the material facts relating to the loss, and must state particularly the nature and cause thereof; i. e., whether by leakage, evaporation, theft, casualty, or other unavoidable cause, as well as the extent of the loss. The application must be accompanied by affidavits of persons having personal knowledge of the facts.

§ 195.180 *Tax must be paid on illegally diverted low wines.* The internal revenue tax must be paid on all low wines diverted to illegal uses on the premises of the vinegar factory and on all low wines removed therefrom contrary to law or this part.

REMOVAL AND TESTING OF VINEGAR

§ 195.181 *Removal.* No person shall remove, or cause to be removed, from any vinegar factory any vinegar or other fluid or material containing a greater proportion than 2 percent of proof spirits.

(53 Stat. 319; 26 U. S. C. 2834)

§ 195.182 *Test of vinegar.* The vinegar removed from vinegar factories should be tested from time to time to ascertain if it contains any greater proportion of proof spirits than is permitted by law.

Subpart M—Proprietor's Records and Reports

§ 195.190 *General.* The proprietor of every vinegar factory shall keep monthly records and render reports on Form 1623 as provided in § 195.193. Entries shall be made as indicated by the headings of the various columns and lines of the form, and in accordance with the instructions printed thereon or issued in respect thereto, and as required by this part.

No. 246—3

The entries shall be made before the close of the business day next succeeding the day on which the transactions occur. Where the making of the entries is deferred to the next business day, as authorized in this section, appropriate memoranda shall be maintained for the purpose of making the entries correctly. At the close of the month, but in no case later than the fifth day of the succeeding month, the proprietor shall prepare and forward two copies of Form 1623 to the Assistant Regional Commissioner.

(53 Stat. 495; 26 U. S. C. 4041)

DERIVATION: T. D. 5722.

§ 195.191 *Execution.* The monthly report, Form 1623, must be subscribed and sworn to before an officer authorized to administer oaths by the proprietor or his authorized agent at the vinegar factory. Where the reports are signed by an agent, proper power of attorney authorizing the agent to execute the reports for the proprietor must be filed, in triplicate, with the Assistant Regional Commissioner.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.192 *Permanent record.* One copy of Form 1623 will be retained by the proprietor as a permanent record, in bound form, and such bound record shall be kept on the premises available for inspection by Government officers at all reasonable hours.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.193 *Monthly report, Form 1623.* The kind and quantity of materials received, and fermented or mashed, each day will be entered separately on the Form 1623, and the saccharine content of molasses mashed must be entered when the same is available. The quantity of low wines produced, and the quantity used in the manufacture of vinegar daily, will be entered on the Form 1623. The quantity of vinegar produced, and the quantity removed from the vinegar factory, must also be reported daily. The summaries of the form will be completed at the end of the month, and the losses and other information as required by the headings and lines of the summaries will be correctly indicated on the form.

(53 Stat. 495; 26 U. S. C. 4041)

Subpart N—Suspension and Resumption of Operations

§ 195.200 *Suspension.* Any proprietor of a vinegar factory desiring to suspend operations in connection with the production and use of low wines for an indefinite period, or for a definite period exceeding 15 days, shall give notice to such effect, in triplicate, to the Assistant Regional Commissioner, stating when he will suspend operations. The giving of such notice will not be required where operations are temporarily suspended. The proprietor will fix in the notice the time when all fermented distilling material will be distilled and all low wines will be used.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.201 *Registry of stills, Form 26.* When operations are suspended, the stills used for the production of low wines must be registered on Form 26, in tripli-

cate, "Not for use" in accordance with the provisions of § 195.210.

(53 Stat. 303, as amended, 495; 26 U. S. C. 2810, 4041)

§ 195.202 *Resumption.* No proprietor of a vinegar factory may carry on the business of distilling low wines after the time stated in his notice of suspension until he shall have given another notice, in triplicate, to the Assistant Regional Commissioner, stating the time when he will resume work. The stills must be registered "For use" in conformity with § 195.210.

Subpart O—Registry of Stills "for Use" and "Not for Use"

§ 195.210 *Registry on Form 26.* Every person having in his possession or custody or under his control any still set up, must register the same with the Assistant Regional Commissioner for the region in which it is located. The registry must be made on Form 26, in triplicate, immediately the still is set up. When the proprietor intends to use the still, he must register it "For use" and when he intends to discontinue the use of the still he must register it "Not for use." This registry will be made on Form 26, in triplicate, with the Assistant Regional Commissioner, as in the case of original registry. The Assistant Regional Commissioner will, upon approval of the form, retain one copy, forward the original copy to the Commissioner, and return the remaining copy to the proprietor. The proprietor will retain his copy on the premises available for inspection by Government officers.

(53 Stat. 308, as amended; 26 U. S. C. 2810)

§ 195.211 *Alternate use of stills.* Where the proprietor has two or more stills, and intends to discontinue the use of one or more of them, and to continue the use of one or more stills, he must immediately register as "Not for use" the still or stills he does not intend to use. It will not be necessary to register the still or stills "Not for use" because of temporary suspension.

(53 Stat. 303, as amended; 26 U. S. C. 2810)

Subpart P—Change of Persons Interested in Business

§ 195.220 *Completion of operations required.* When a succession, or actual change, in the person or persons operating the vinegar factory shall take place, other than a change brought about by operation of law, as by the appointment of an administrator, executor, receiver, trustee, assignee, or other fiduciary, the business of producing and using low wines must be completely finished by the person or persons who have been carrying on the business, and the operations suspended before the business shall be undertaken or begun by the successor, unless by agreement of the predecessor and the successor it shall be arranged to transfer from the former to the latter at midnight on a certain day all low wines and all materials to be used in the manufacture of low wines in the vinegar factory at that hour; and provided that in either case the notice and other qualifying documents of the successor prescribed by this part have been approved,

to take effect on the day next succeeding that at the close of which the transfer is made. Such documents should, therefore, be submitted to the Assistant Regional Commissioner in sufficient time to permit such approval for the date desired. The successor shall not commence operations until all documents required for his qualification have been approved by the Commissioner.

§ 195.221 *Requirements as to predecessor* In accordance with the provisions of Subpart Q of this part the predecessor must file Form 27-F notice of suspension, and Form 26, registering the stills "Not for use" in his name, and there shall be stated the name of the successor in proprietorship in accordance with the instructions printed on the forms.

(53 Stat. 308, as amended; 26 U. S. C. 2810)

§ 195.222 *Reports and records.* The predecessor shall enter on his record, Form 1623, all fermenting or distilling materials, materials in process and low wines, transferred to his successor, who shall in turn enter such items on his record, Form 1623, as received from his predecessor. The predecessor will make appropriate notation on all forms and records required to be kept by him showing the change in proprietorship of the vinegar factory and the date thereof.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.223 *Succession by fiduciary.* Where a change in proprietorship is brought about by operation of law, the administrator, executor, receiver, trustee, assignee, or other fiduciary, may not commence or complete operations until the required qualifying documents have been filed and approved. In the case of such change, the fiduciary will make appropriate notation on Form 1623 of his succession, and the date thereof.

(53 Stat. 495; 26 U. S. C. 4041)

Subpart Q—Discontinuance of Business

§ 195.230 *Discontinuance.* Upon permanent discontinuance of business, and prior to the filing of Form 27-F Form 26, and notice of suspension, as prescribed in §§ 195.200-195.201, all distilling materials, low wines, and vinegar must have been disposed of. All fermenting and distilling materials, low wines, and vinegar must be accounted for on Form 1623, which must be submitted to the Assistant Regional Commissioner, in triplicate, and be marked "Final report, permanent discontinuance of business."

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.231 *Notice, Form 27-F* When all distilling materials, low wines, and vinegar have been lawfully disposed of, the proprietor shall file Form 27-F in triplicate, with the Assistant Regional Commissioner, stating the purpose of the filing thereof to be "Permanent discontinuance of business." The Assistant Regional Commissioner will forward the original of the Form 27-F to the Commissioner.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.232 *Registry of stills, Form 26.* All distilling apparatus must be regis-

tered on Form 26 "Not for use" with an explanatory note that the proprietor is permanently discontinuing business. Some essential portion of the distilling apparatus shall be removed to a safe place of storage pending the final dismantling and disposition of the apparatus.

(53 Stat. 308, as amended; 26 U. S. C. 2810)

Subpart R—General Provisions Relating to Vinegar Factories

§ 195.240 *Production of mash, wort, or wash.* No mash, wort, or wash fit for distillation or for the production of spirits or alcohol shall be made or fermented in any building or on any premises other than a distillery or industrial alcohol plant duly authorized according to law, except for the manufacture of fermented liquors or for the manufacture of vinegar.

(53 Stat. 319; 26 U. S. C. 2834)

§ 195.241 *Sale or removal of mash, wort, or wash, distillation.* No mash, wort, or wash made and fermented in any distillery, industrial alcohol plant, or vinegar factory shall be sold or removed therefrom before being distilled; and no person other than an authorized distiller or proprietor of an industrial alcohol plant shall by distillation or by any other process separate the alcoholic spirits from any fermented mash, wort, or wash, except for the manufacture of vinegar.

(53 Stat. 319; 26 U. S. C. 2834)

§ 195.242 *Inspection of records and premises.* All records and reports kept and filed under the provisions of this part and all liquid or property to which such records or reports relate shall be subject to inspection at any reasonable hour by any official or officer of the Internal Revenue Service.

§ 195.243 *Samples may be taken by officers.* Officers of the Internal Revenue Service may take samples of low wines and vinegar, or of products manufactured with vinegar, whether at the place of manufacture or on trucks or other conveyances leaving the place of manufacture.

Subpart S—Instructions Concerning Government Officers

INSPECTION OF VINEGAR FACTORIES

§ 195.250 *Entry of vinegar factory or premises used in connection therewith.* Under the law, any internal revenue officer may at all times, as well by night as by day, enter any vinegar factory or building or place used for the business of distilling or used in connection therewith for storage or other purposes, and, if not admitted upon demand, having declared his name and office, he may break open any doors or windows or break through any of the walls of such premises necessary to be broken to enable him to enter.

(53 Stat. 317; 26 U. S. C. 2827)

§ 195.251 *Authority to break up grounds or walls.* Under the law, any internal revenue officer, and any persons acting in his aid, may break up the ground on any part of the vinegar fac-

tory or premises of a vinegar maker, or any wall or partition thereof or belonging thereto, or other place, to search for any pipe, cock, private conveyance, or utensil, and upon finding any pipe or conveyance leading from or to the vinegar factory premises, to break up any ground, house, wall, or other place through or into which such pipe or conveyance leads, and to break or cut away such pipe or other conveyance.

(53 Stat. 318; 26 U. S. C. 2830)

§ 195.252 *Proprietors to furnish assistance.* Under the law, on demand of any internal revenue officer, every vinegar maker shall furnish convenient ladders to enable the officer to examine any vessel or utensil in his vinegar factory, and shall furnish all assistance, lights, tools, or other things necessary for inspecting the premises and apparatus, and shall open all doors, boxes, packages, and all casks, barrels, tanks, and other vessels.

(53 Stat. 317; 26 U. S. C. 2828)

§ 195.253 *Officers to keep themselves informed.* Inspectors must inform themselves fully of the limitations and requirements of the internal revenue laws and this part. They should familiarize themselves with the theory and practice of fermentation and distillation, the making of such simple chemical determinations as are requisite for a check of the yield of low wines at vinegar factories, the proper use of instruments, the gauging and testing of low wines and vinegar, the records that proprietors are required to keep, and the reports they are required to render.

§ 195.254 *Frequency of inspection.* Assistant Regional Commissioners will cause the premises of vinegar factories to be inspected at irregular and unexpected intervals, in accordance with the prevailing inspection policy as determined by the Commissioner from time to time.

§ 195.255 *Scope of inspection.* The scope of the inspection will likewise be in accordance with the prevailing inspection policy as determined by the Commissioner from time to time. It is not intended that all of the following provisions respecting points to be covered shall necessarily apply in the case of each inspection. Such provisions are set forth for the guidance of the inspectors when within the scope of the inspection required by their assignments.

§ 195.256 *Examination of records.* The inspectors will see that the records of the proprietor are properly kept, but will not audit such records, or take an inventory, unless conditions indicate the necessity for a complete inspection. When a record is checked the inspector will note such fact on the margin thereof with the date of checking and his initials so that other officers on subsequent visits need not verify the record for the period covered by such inspection.

§ 195.257 *Examination of distilling equipment.* The inspectors will ascertain whether the distilling equipment in vinegar factories conforms to the plans and will trace the equipment, including

pipe lines, to determine whether the flow of alcoholic vapor and low wines conform to the requirements of this part, and whether the low wines on storage are adequately protected against diversion. The inspector will require correction of any unsafe condition discovered by him.

§ 195.258 *Materials.* The inspectors should inquire into the kind and quantities of distilling materials used, and any abnormal differences between the actual yield and the normal yield of low wines therefrom.

§ 195.259 *Test of low wines and vinegar.* The inspecting officer will examine the process of manufacture, test the low wines in the spray tank or condenser to see to what proof it is raised, and the proof of the low wines in the receiving tanks and storage tanks. He will also determine the proof at which the low wines are acetified. The inspector shall also test vinegar and other fluids or materials to be removed from the vinegar factory premises to determine that such material does not contain a greater proportion than 2 percent of proof spirits, which is the maximum proportion permitted by law.

§ 195.260 *Storage of low wines.* The means of storing the low wines and the security thereof should be ascertained by inspectors. When low wines are stored in storage tanks the officer should ascertain the contents of the tanks and compare the same with the quantity carried in the records as on hand in the tanks. Any deficiency found should be thoroughly inquired into at the time. The proprietor should be called upon for an explanation of any shortage, unless the inspectors deem it advisable to inquire further into the matter before advising him of their discovery of the shortage.

§ 195.261 *Additional inquiries.* The inspectors will make such further inquiries as may be necessary to determine whether the mode of operations followed by the proprietor, particularly in respect to the receipt, storage, and use of fermenting or distilling materials, the distilling process employed, the transfer of low wines to receiving tanks, and from such tanks to storage tanks, and to the vinegar factory proper to be used in the manufacture of vinegar, is in conformity with the intentment of the law and this part.

§ 195.262 *Inspection reports.* Inspectors will promptly render reports of their inspection to Assistant Regional Commissioners. They will call the attention of the proprietor to any condition or mode of operation which is unsatisfactory or irregular, and will describe fully the unsatisfactory or irregular condition or mode of operation in their reports, and state what steps have been taken or ought to be taken to remedy the same. Any unusual conditions discovered in the course of inspection should be noted by the inspectors and covered fully by their reports. Any cases of irregular removal of low wines, or other unlawful acts coming to the knowledge of inspectors, should be im-

mediately reported to the Assistant Regional Commissioner.

Subpart T—Instructions to Assistant Regional Commissioners

LOSSES

§ 195.270 *Investigation by Assistant Regional Commissioners.* Where large losses of low wines are reported by the proprietors of vinegar factories, the Assistant Regional Commissioner will immediately make such investigation and require such evidence to be submitted as he may deem necessary, and will allow or disallow the loss in accordance with existing law and regulations.

§ 195.271 *Examination of reports of proprietors.* Upon receipt of a report rendered by a proprietor of a vinegar factory for the month the Assistant Regional Commissioner will examine such report to determine whether the proprietor has accounted for all the low wines produced by him during the month. If the Assistant Regional Commissioner finds that the proprietor apparently has not accounted for all the low wines produced by him, he shall make such investigation as he may deem necessary and determine, from all the evidence he can obtain, the quantity of low wines actually produced by the proprietor.

§ 195.272 *Use of materials not reported.* If the Assistant Regional Commissioner should find that the proprietor has received on his premises materials which have not been accounted for, or has used materials which have not been reported as used, and has produced low wines which have not been reported, the quantity of low wines produced and not reported should be determined from all the evidence that can be obtained, including evidence of the normal actual yield of low wines from such materials at the particular vinegar factory.

§ 195.273 *Determining low wines produced.* If it is determined that all materials received have been accounted for and all materials used have been reported, but that the proprietor has not accounted for all the low wines produced, the quantity actually produced should be determined from all the evidence that can be obtained. The evidence that low wines have been produced from materials reported used and that have not been accounted for by the proprietor should be direct and positive. The fraudulent removal of low wines will not be assumed from the mere fact that the quantity of low wines reported is not equal to the number of gallons which the materials reported used will ordinarily produce.

§ 195.274 *Notice to proprietor.* If it is determined that the proprietor has not accounted for all the low wines produced by him, the Assistant Regional Commissioner will, unless the interests of the Government require an immediate assessment, notify the proprietor of the proposed assessment and afford him an opportunity to submit within 30 days, or such further time as the Assistant Regional Commissioner may consider reasonable, evidence showing why the proposed assessment should not be made.

§ 195.275 *Nature of evidence.* The evidence submitted by the proprietor should be in the form of affidavits and certified documents.

§ 195.276 *Consideration of response.* If the proprietor responds to the notice and submits evidence bearing on the merits of the proposed assessment, the Assistant Regional Commissioner will give due consideration thereto and make such further investigation as he may deem advisable. If, after consideration of all the facts, the Assistant Regional Commissioner finds that the tax is due, an assessment will be made in accordance with prescribed procedure.

§ 195.277 *Evidence of loss.* Where the proprietor claims, pursuant to notice of proposed assessment, that the low wines produced and not accounted for were actually lost, without any fraud or collusion on his part, and were not illegally used or removed from the premises, he will submit evidence in support thereof.

§ 195.278 *Proprietor's failure to respond.* If the proprietor fails to respond to the notice of proposed assessment within the time specified, an assessment will be made for the amount found due in accordance with the prescribed procedure.

§ 195.279 *Examination of evidence.* When such evidence of loss is received by the Assistant Regional Commissioner, he will carefully examine the same to see that all the required information has been furnished, and will cause such investigation to be made, or require such additional evidence to be submitted, as he may deem necessary. Upon completion of his investigation, if any, the Assistant Regional Commissioner will allow or disallow the loss in accordance with existing law and regulations.

§ 195.280 *Assistant Regional Commissioner's credit for losses.* Upon receipt of Forms 1623 the Assistant Regional Commissioner will take credit on his Form 1624 for the quantity of low wines reported lost in receiving and storage tanks within the 1 percent allowance provided for in this part. Losses in excess of the authorized allowance will be reported as unaccounted for on the first and last of the month on Form 1624 until it is determined what disposition has been made of the low wines, or until the loss is tax-paid or is allowed.

AUDIT OF REPORTS

§ 195.281 *Audit of reports of vinegar manufacturers.* The Assistant Regional Commissioner will, after audit and not later than the last day of the month succeeding that for which the reports are rendered, forward one copy of Form 1623 to the Commissioner and retain the remaining copy.

ASSISTANT REGIONAL COMMISSIONER'S REPORT

§ 195.282 *Assistant Regional Commissioner's report, Form 1624.* Assistant Regional Commissioners will prepare Form 1624, in duplicate, from the monthly returns rendered in their reports on Form 1623. A separate report

will be made for each State in the region. Entries shall be made as indicated by the headings of the various columns and lines and in accordance with the instructions printed on the form, and as set forth in this part. One copy will be retained by the Assistant Regional Commissioner for his files and the other copy will be forwarded to the Commissioner not later than the last day of the month succeeding that for which the form is rendered.

Subpart U—Rules for Computing Capacity of Stills

§ 195.290 *Pot or kettle stills.* The estimated maximum quantity in proof gallons of distilled spirits capable of being produced every 24 hours, which is required to be shown on the proprietor's notice, will be computed as follows for pot or kettle stills:

The working capacity of pot or kettle stills will be determined by multiplying 80 percent of the cubic capacity of the still by the maximum number of boilings that can be made in 24 hours and then multiplying this result by the percent of alcohol by volume contained in the highest yielding material to be used in distillation. This result will represent the quantity of wine gallons of absolute alcohol that can be distilled in 24 hours. This quantity, when multiplied by 2, will represent the number of proof gallons. For example, if a pot still having a cubic capacity of 2,000 gallons is used, and such still can be charged three times in eight hours, and the highest percentage of alcohol by volume in the distilling material to be used is 8 percent, the spirit-producing capacity of the still will be computed as follows: $2,000 \times 0.8 \times 9 \times 0.08 \times 2 = 2,304$ proof gallons. (The quantity that can be distilled in 24 hours.)

§ 195.291 *Charge chamber stills.* The estimated maximum quantity in proof gallons of distilled spirits capable of being produced every 24 hours, which is required to be shown on the proprietor's notice, will be computed as follows for charge chamber stills:

Where a charge chamber still is used, the estimated maximum quantity of distilled spirits in proof gallons capable of being produced will be determined by multiplying 80 percent of the cubic capacity of the top or charge chamber of the still by the number of times the same can be filled and emptied in 24 hours. This result will represent the total number of gallons of distilling material that can be distilled in 24 hours, which quantity will be multiplied by the percent of alcohol by volume contained in the highest yielding material to be used. The result of such computation will represent the number of wine gallons of absolute alcohol that can be distilled in 24 hours. This quantity, when multiplied by 2, will represent the number of proof gallons. For example, if a charge still is used having a charge chamber of a cubic capacity of 600 gallons which can be charged three times in one hour, and the highest percentage of alcohol by volume in the distilling material to be used is 8 percent, the spirit-producing capacity will be computed as follows:

$600 \times 0.8 \times 3 \times 24 \times 0.08 \times 2 = 5,529.6$ proof gallons. (The quantity that can be distilled in 24 hours.)

§ 195.292 *Continuous stills.* The estimated maximum quantity in proof gallons of distilled spirits capable of being produced every 24 hours, which is required to be shown on the proprietor's notice, will be computed as follows for continuous stills:

If continuous stills are used, the maximum spirit-producing capacity in proof gallons of such stills will be computed on the area of the column in square feet. The first step will be to determine the inside diameter of the still at its base and the diameter will then be divided by 2 to ascertain the radius. The diameter may be determined (1) by accurately measuring the inside width of the still with a rod or tape, or (2) by measuring the outside circumference of the still and dividing the same by 3.1416 and deducting from the quotient twice the thickness of the sides of the still. The radius (in feet) will be squared and then multiplied by 3.1416 (Pi) to ascertain the area of the column in square feet. The area in square feet will be multiplied by the factor, 40 (the number of gallons of 100 proof spirits that can be distilled in one hour per square foot of plate area) and the result will represent the total number of gallons of 100 proof spirits that can be distilled in one hour. This quantity will be multiplied by 24 to determine the number of gallons of 100 proof spirits that can be distilled in one day. For example, if a continuous still having a diameter of 4 feet is used, the spirit-producing capacity will be computed as follows: $2 \times 2 \times 3.1416 \times 40 \times 24 = 12,063.74$ proof gallons. (The quantity that can be produced in 24 hours.)

Effect. These regulations shall be effective as of December 1, 1953.

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Approved: December 14, 1953.

M. B. FOLSOM,

Acting Secretary of the Treasury.

[F. R. Doc. 53-10518; Filed, Dec. 17, 1953;
8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter A—Aid of Civil Authorities and Public Relations

PART 502—RELIEF ASSISTANCE

MISCELLANEOUS AMENDMENTS

1. In § 502.2, the opening statement and paragraph (b) are rescinded and the following substituted therefor:

§ 502.2 *Responsibility of armed forces.* Over a number of years, the Army among the military services has been employed most often by the President to render aid to the States and local Governments in disasters and similar emergencies which have assumed such proportions as to be beyond the capabilities of local authorities. However, the capabilities of the Navy and the Air Force have similarly been utilized in rendering disaster assistance and, in some

instances, they are more appropriately organized and equipped for particular types of operations. The Department of the Army has primary responsibility among the services for provision of disaster relief, with the Navy and the Air Force having collateral responsibility. The Department of the Army is also charged with the responsibility for coordination of disaster relief activities of the military services.

(b) *Corps of Engineers.* (1) The prevention and control of floods is by statute the responsibility of the Corps of Engineers. When a flood of dangerous proportions is foreseen, district engineers will keep the Department of the Army and army commanders informed of developments, including the Corps of Engineers statutory flood fighting activities as conditions warrant. The closest cooperation between district and division engineers, continental army commanders, the Red Cross, and other relief agencies is necessary to mitigate the results of disastrous floods. Efforts incident to the repair, restoration, and maintenance of flood control works and rescue of flood victims are performed by the Corps of Engineers. Army assistance in the relief of human suffering is the responsibility of the continental army commander.

(2) Whenever, in connection with flood disasters, assistance beyond the statutory authority of the Corps of Engineers is requested of the Corps of Engineers by the Federal agency designated to coordinate Federal relief activities (§ 502.1 (a)) the continental army commander concerned will be informed by the division or district engineer and his concurrence will be obtained before such assistance is furnished. Request for an allotment of funds required therefor, will be made simultaneously by the division or district engineer to the army commander, who will make the allotment provided such funds are available. In any case where funds from military appropriations cannot be made available by the army commander and where the Federal agency designated to coordinate Federal relief activities certifies that funds therefor are available under the provisions of the act of September 30, 1950, the Corps of Engineers may provide the requested assistance using any available civil funds pending reimbursement.

2. In § 502.3, paragraph (a) (1) is amended to read as follows:

§ 502.3 *Department of the Army policies.* (a) * * *

(1) The overruling demands of humanity compel immediate action to prevent starvation and extreme suffering, in which event continental army commanders will use personnel, supplies, and equipment under their control within their own discretion, and notify the Department of the Army, and

[C1, AR 500-60, December 4, 1953] (R. S. 101;
5 U. S. C. 22)

[SEAL] WM. E. BERGIN,
Major General, U S. Army,
The Adjutant General.

[F. R. Doc. 53-10524; Filed, Dec. 17, 1953;
8:52 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 10—PUBLIC SAFETY RADIO SERVICES
REVISION OF RULES

Pursuant to authority contained in sections 4 (i) 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and paragraph F-6 of the Commission's Order Defining the Functions and Establishing the Organizational Structure of the Office of the Secretary, dated February 14, 1952, as amended, the following editorial changes are made in Part 10, "Rules Governing Public Safety Radio Services;"

1. The table of contents is amended to reflect the revision of the text:

2. Amend § 10.3 to read as follows:

§ 10.3 *Organization and applicability of rules.* The rules in this part are divided into eleven subparts, of which Subparts A through E, inclusive, contain general rules which apply to every station authorized under this part, while Subparts F through K, inclusive, are specific and apply only to the stations authorized under the particular subject.

3. Amend last sentence of § 10.6 to read as follows: "Requests for authority to transfer or assign a station authorization may be submitted in accordance with § 10.55 (b) or (d), whichever is applicable."

4. Amend § 10.7 by changing the title to "Cooperative arrangements."

5. Amend last sentence of § 10.68 to read as follows: "If authorized, such international communication must be conducted in accordance with Article 5 of the Inter-American Radio Agreement—Washington, D. C., 1949 (see Appendix A)."

6. Amend §§ 10.255 (g), 10.305 (f) 10.355 (d) 10.405 (e) and 10.462 (e), to delete the frequency band entry of 454.05 to 455.95 Mc, and substitute therefor, for base and mobile stations, subject to limitation 1, the following frequencies:

453.05	453.55	458.05	458.55
453.15	453.65	458.15	458.65
453.25	453.75	458.25	458.75
453.35	453.85	458.35	458.85
453.45	453.95	458.45	458.95

7. Amend § 10.355 (d) to delete limitation note 8 opposite the frequencies 171.475 and 172.275 Mc and to add limitation note 15 to these same frequencies.

8. Amend § 10.355 (e) to add limitation note 15 to read as follows:

15. In addition to agencies responsible for forest fire prevention, detection and suppression this frequency may be assigned to conservation agencies which do not have forest fire responsibilities: *Provided*, That such assignment is necessary to permit mobile relay operation by such agencies: *And provided*, That such operation will cause no harmful interference to any U. S. Government station.

9. Amend Section 10.404 (c) to read as follows:

§ 10.404 *Station limitations.* * * *

(c) Each operator of a station in the Highway Maintenance Radio Service

when employing a frequency shared with the Special Emergency Radio Service and designated by limitation note 6 in § 10.405 (e) 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.

10. Amend Appendix A to delete Article 7 Inter-American Radio Agreement—Santiago, Chile 1940. Substitute therefor Article 5 Inter-American Radio Agreement—Washington, D. C., 1949.

In view of the fact that the amendments adopted herein are editorial in nature, prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary.

It is noted that since Part 10 was last published in the FEDERAL REGISTER (April 27, 1949) a large number of amendments have been made to these provisions. Accordingly, for administrative convenience, *It is ordered*, This 14th day of December 1953, that effective December 18, 1953, Part 10, "Rules Governing Public Safety Radio Services," is revised to include the foregoing editorial changes, and all outstanding amendments adopted as of this date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] Wm. P. MASSING,
Acting Secretary.

SUBPART A—GENERAL INFORMATION

Sec. 10.1	Basis and purpose.
10.2	Definitions.
10.3	Organization and applicability of rules.
10.4	General limitation on use.
10.5	General citizenship restrictions.
10.6	General restrictions on transfer and assignment of station authorization.
10.7	Cooperative arrangements.
10.8	Frequency coordination.

SUBPART B—APPLICATIONS AND LICENSES

10.51	Station authorization required.
10.52	Procedure for obtaining a radio station license.
10.53	Filing of applications.
10.54	Who may sign applications.
10.55	Standard forms to be used.
10.56	Request for special temporary authority.
10.57	Deleted.
10.58	Supplementary information to be submitted with application.
	[Reserved].
10.59	Partial grant.
10.60	Defective applications.
10.61	Amendment or dismissal of applications.
10.62	Construction period.
10.63	License term.
10.64	Changes in authorized stations.
10.65	Discontinuance of station operation.
10.66	[Reserved].
10.67	International police radio communication.
10.68	

SUBPART C—TECHNICAL STANDARDS

10.101	Frequencies.
10.102	Frequency stability.
10.103	Types or emission.
10.104	Emission limitations.
10.105	Modulation requirements.
10.106	Power and antenna height.

Sec. 10.107	Transmitter control requirements.
10.108	Transmitter measurements.
10.109	[Reserved].

SUBPART D—OPERATING REQUIREMENTS

10.151	Operating procedure.
10.152	Station identification.
10.153	Suspension of transmission required.
10.154	Mobile installations in vehicles not under the continuous control of the licensee.
10.155	Operator requirements.
10.156	Posting of operator license.
10.157	Transmitter identification card and posting of station license.
10.158	Inspection of stations.
10.159	Inspection of tower lights and associated control equipment.
10.160	Answers to notices of violations.
10.161	Content of station records.
10.162	Form of station records.
10.163	Retention of station records.
10.164	Emergency operation of mobile stations at fixed locations.
10.165	Communication with other stations.

Subpart E—Developmental Operation

10.201	Eligibility.
10.202	Showing required.
10.203	Limitations on use.
10.204	Frequencies available for assignment.
10.205	Interference.
10.206	Special provisions.
10.207	Change or cancellation of authorization without hearing.
10.208	Report of operation.

SUBPART F—POLICE RADIO SERVICE

10.251	Eligibility.
10.252	Permissible communications.
10.253	Points of communication.
10.254	Station limitations.
10.255	Frequencies available to the Police Radio Service.

SUBPART G—FIRE RADIO SERVICE

10.301	Eligibility.
10.302	Permissible communications.
10.303	Points of communication.
10.304	Station limitations.
10.305	Frequencies available to the Fire Radio Service.

SUBPART H—FORESTRY-CONSERVATION RADIO SERVICE

10.351	Eligibility.
10.352	Permissible communications.
10.353	Points of communication.
10.354	Station limitations.
10.355	Frequencies available to the Forestry-Conservation Radio Service.

SUBPART I—HIGHWAY MAINTENANCE RADIO SERVICE

10.401	Eligibility.
10.402	Permissible communications.
10.403	Points of communication.
10.404	Station limitations.
10.405	Frequencies available to the Highway Maintenance Radio Service.

SUBPART J—SPECIAL EMERGENCY RADIO SERVICE

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.

SUBPART K—STATE GUARD RADIO SERVICE

Sec.	
10.501	Eligibility.
10.502	Permissible communications.
10.503	Points of communication.
10.504	Station limitations.
10.505	Frequencies available to the State Guard Radio Service.

Appendix A—Article 5, Inter-American Radio Agreement (Washington, 1949).

AUTHORITY: §§ 10.1 to 10.505 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended, sec. 5, 66 Stat. 713; 47 U. S. C. 303, 155.

SUBPART A—GENERAL INFORMATION

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

(b) This part is designed to provide a service of radiocommunication essential either to the discharge of non-federal governmental functions relating to the public safety or the alleviation of an emergency endangering life or property.

§ 10.2 *Definitions.* For the purpose of this part the following definitions shall be applicable. (For other definitions, refer to Part 2 of this chapter.)

(a) *Public Safety Radio Services.* Any service of radiocommunication, essential either to the discharge of non-federal governmental functions relating to public safety responsibilities or to the alleviation of an emergency endangering life or property, the radio transmitting facilities of which are defined as fixed, land, or mobile stations.

(b) *Police Radio Service.* A Public Safety service of radiocommunication essential to official police activities.

(c) *Fire Radio Service.* A Public Safety service of radiocommunication essential to official fire activities.

(d) *Forestry-Conservation Radio Service.* A Public Safety service of radiocommunication essential to official forestry-conservation activities.

(e) *Highway Maintenance Radio Service.* A Public Safety service of radiocommunication essential to official highway maintenance activities.

(f) *Special Emergency Radio Service.* A Public Safety service of radiocommunication essential to the alleviation of an emergency endangering life or property

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

(h) *Fixed service.* A service of radiocommunication between specified fixed points.

(i) *Mobile service.* A service of radiocommunication between mobile and land stations, or between mobile stations.

(j) *Fixed stations.* A station in the fixed service.

(k) *Operational fixed station.* A fixed station, not open to public correspondence, operated by and for the sole use of those agencies operating their own radiocommunication facilities in the Public Safety, Industrial, Land Transportation, Marine, or Aviation Service.

(l) *Control station.* An operational fixed station the transmissions of which are used to control, automatically, the emissions or operation of another radio station at a specified location.

(m) *Repeater station.* An operational fixed station established for the automatic retransmission of radiocommunications received from one or more mobile stations and directed to a specified location.

(n) *Fixed relay station.* An operational fixed station established for the automatic retransmission of radiocommunications received from either one or more fixed stations or from a combination of fixed and mobile stations and directed to a specified location.

(o) *Zone station.* A fixed station in the police radio service using radiotelegraphy (A1 emission) for communication with other similar stations in the same zone and with an interzone station.

(p) *Interzone station.* A fixed station in the police radio service using radiotelegraphy (A1 emission) for communication with zone stations within the zone and with interzone stations in other zones.

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

(r) *Base station.* See "Land Station."

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

(t) *Mobile relay station.* A base station established for the automatic retransmission of mobile service communications which originate on the transmitting frequency of the mobile stations and which are retransmitted on the receiving frequency of the mobile stations.

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

(v) *Landing area.* A landing area means any locality, either of land or water, including airports and intermediate landing fields, which is used, or approved for use,¹ for the landing and

¹ Consideration to aeronautical facilities not in existence at the time of the filing of the application for radio facilities will be given only when proposed airport construction or improvement plans are on file with the CAA as of the filing date of the application for such radio facilities.

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.

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

(x) *Carrier frequency.* The frequency of the carrier.

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

(z) *Authorized bandwidth.* The frequency band, specified in kilocycles and centered on the carrier frequency, containing those frequencies upon which a total of 99 percent of the radiated power appears, extended to include any discrete frequency upon which the power is at least 0.25 percent of the total radiated power.

(aa) *Antenna structures.* The term "antenna structures" includes the radiating system and its supporting structures.

§ 10.3 *Organization and applicability of rules.* The rules in this part are divided into eleven subparts, of which Subparts A through E, inclusive, contain general rules which apply to every station authorized under this part, while Subparts F through K, inclusive, are specific and apply only to the stations authorized under the particular subject.

§ 10.4 *General limitation on use.* The radio facilities authorized under this part shall not be used to carry program material of any kind for use in connection with radio broadcasting and shall not be used to render a communications common carrier service except for stations in the Special Emergency Radio Service while being used to bridge gaps in common carrier wire facilities.

§ 10.5 *General citizenship restrictions.* A station license shall not be granted to or held by

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

(b) Any foreign government or the representative thereof;

(c) Any corporation organized under the laws of any foreign government;

(d) Any corporation of which any officer or director is an alien;

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

(f) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, if the Commission finds that the public interest will be served by the refusal or revocation of such license; or

(g) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by Aliens or their representatives; a foreign government or representative

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

§ 10.6 *General restrictions on 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 assign or transfer control of a station authorization may be submitted in accordance with § 10.55 (b) or (d) whichever is applicable.

§ 10.7 *Cooperative arrangements.* Arrangements may be made between two or more persons for the cooperative use of radio station facilities provided all persons sharing in the use of a station are eligible to hold licenses to operate the particular type of station shared. Such cooperative arrangements shall be governed by the following.

(a) *Agreements relating to control.* (1) A group of persons eligible for a license in the same public safety radio service may share the use of a base station or a base and mobile station licensed to one member of the group provided there is on file with the Commission, and maintained with the records of the station, a copy of the agreement under which such shared operation shall take place. Such agreement should provide that the licensee of the station shall be in control of the operation of the station and that all use of its facilities shall take place only under the direction and supervision of an employee of the licensee.

(2) Subscribers to such service may either obtain a separate license to cover the mobile transmitters which they use or the mobile transmitters may be included in the license of the base station from which service is rendered. In the latter case the coordinated service agreement should specifically cover use of such mobile units and indicate that the licensee would be in control of such units.

(b) *Contributions to operating costs.* Coordinated service may be rendered without cost to subscribers or contributions to capital and operating expenses may be accepted by the licensee. Such contributions must be on a cost-sharing basis and pro-rated on an equitable basis among all persons who are parties to the cooperative arrangement. Records which reflect the cost of the service and its non-profit, cost-sharing nature shall be maintained by the base station licensee and held available for inspection by a Commission representative.

(c) Each application for a mobile station proposing to receive coordinated service shall be accompanied by a letter from the licensee of the base station concerned indicating that the proposed coordinated service will be rendered.

§ 10.8 *Frequency coordination procedures.* (a) Except for application in the Special Emergency Radio Service, each application requesting assignment of a frequency not previously authorized for use by the applicant shall be accompanied by information in the form required by either paragraph (b) or (c) of this section.

(b) (1) A statement under oath that all existing licensees in the same service located within a radius of 75 miles of the proposed station and operating on frequencies within the band proposed to be used by the applicant have been notified of the applicant's intention to request the particular frequency and

(2) A report based on a field study covering an area within a radius of 75 miles of the proposed station, indicating the probable interference to existing stations operating in the same service in the band requested.

(c) In lieu of the statement and report described in paragraph (b) of this section, the applicant may submit a statement from a frequency advisory committee commenting upon the frequency requested and giving the opinion of the committee regarding the probable interference to existing stations. The frequency advisory committee must be so organized that it is representative of all persons involved who are eligible for radio facilities in the service concerned in the area the committee purports to represent and for which recommendations are made. The functions of such committees are purely advisory in character and their comments and recommendations are not binding upon the Commission.

SUBPART B—APPLICATIONS, AUTHORIZATIONS AND NOTIFICATIONS

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

§ 10.52 *Procedure for obtaining a radio station authorization and for commencement of operation.* (a) Persons desiring to install and operate radio transmitting equipment should first submit an application for a radio station authorization in accordance with § 10.55 (a)

(b) When construction permit only has been issued for a base, fixed or mobile station and installation has been completed in accordance with the terms of the construction permit and the applicable rules of the Commission, the permittee shall proceed further as follows:

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

district office is necessary before the tests are begun.

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

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

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

§ 10.53 *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 Public Safety Radio Services are discussed in § 10.55, 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 procedure outlined in § 10.56 should be followed.

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

(c) Unless otherwise specified, an application shall be filed at least sixty days prior to the date on which it is desired that Commission action thereon be completed. In particular, applications involving the installation of new equipment shall be filed at least sixty days prior to the contemplated installation.

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

(e) Applications involving operation at temporary locations:

(1) When a base station or a fixed station is to remain at a single location for

less than one year, the location is considered to be temporary. An application for authority to operate at temporary locations shall specify the general geographic area within which the operation will be confined. The area specified may be a city, a county or counties, a state or states, "Gulf Coast area," "Eastern U. S.," etc.

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

§ 10.54 Who may sign applications.

(a) One copy of each application for an authorization shall be signed under oath or affirmation in accordance with the following:

(1) Applications filed on behalf of eligible governmental entities such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the law of the jurisdiction.

(2) Applications filed on behalf of applicants other than governmental entities shall be signed by the individual, or any one of the partners if the applicant be a partnership, or by an officer if the applicant be a corporation, or by a member who is an officer if the applicant be an unincorporated association.

§ 10.55 Standard forms to be used.

(a) A separate application shall be submitted on FCC Form 400 for the following:

(1) New station authorization for a base or fixed station.

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

NOTE: An application for mobile units may be combined with an application for a single base station in those cases where the mobile units will operate with that base station in a single radio communication system.

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

(4) Modification of combined construction permit and station license for changes outlined in § 10.65 (a)

(5) Modification of construction permit.

(6) Modification of station license.

Any of the foregoing applications will, upon approval and authentication by the Commission, be returned to the applicant as a specifically designated type of authorization.

(b) When the holder of a station authorization desires to assign to another person the privilege to construct or use a radio station, he shall submit to the Commission a notarized letter setting forth his desire to assign all right, title, and interest in and to such authorization, stating the file number and expiration

date of his authorization and the call sign and location of station. This letter shall also include a statement that the assignor will submit his current station authorization for cancellation upon completion of the assignment. Enclosed with this letter shall be an application for Assignment of Authorization on FCC Form 400 prepared by and in the name of the person to whom the station is being assigned.

(c) A separate application may be submitted on FCC Form 400-A for certain changes to authorized stations as specified in § 10.65 (b)

(d) A separate application shall be submitted on FCC Form 703 whenever it is proposed to change, as by transfer of stock-ownership, the control of a corporate permittee or licensee.

(e) 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.

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

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

§ 10.56 Request for special temporary authority. (a) In circumstances requiring immediate or temporary use of facilities, request may be made for special temporary authority to install and operate new equipment or to operate licensed equipment in a manner different from that authorized in the station license. Any such request may be in letter form, submitted in duplicate, and signed under oath: *Provided*, That in cases of emergency involving danger to life or property or due to damage to equipment, such request may be made by telephone or telegraph, and in the event that the Commission finds that such an emergency exists temporary authorization may be granted for the duration of the emergency. Any such request shall be clear and complete within itself as to the facts presented and the action desired.

(b) Special temporary authority may also be requested for the purpose of conducting a field survey to determine necessary data in connection with the filing of formal applications for installation of a radio system under this part. In this case, the authority, if issued, will

be for developmental operation only and the applicable sections of Subpart E hereof shall also apply to the grant.

(c) Request for special temporary authority shall contain the following information:

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

(2) Need for special action, including a description of any emergency or damage to equipment.

(3) Type of operation to be conducted.

(4) Purpose of operation.

(5) Time and date of operation desired.

(6) Class of station and nature of service.

(7) Location of station.

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

(9) Frequency(s) desired.

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

(11) Type of emission.

(12) Description of antenna to be used, including height.

(d) Except in emergencies involving safety of life or property or due to damage to equipment, request for special temporary authority shall be submitted to the Commission at least ten days prior to the date of proposed operation, or it must be accompanied by a statement of reasons for the delay in submitting such request.

§ 10.57 [Reserved].

§ 10.58 Supplementary information to be submitted with application. Each application for station authorization shall be accompanied by such supplementary information listed below as may be required:

(a) Statement with respect to frequency selection and coordination:

(1) Any statements or showings, required by the applicable subpart of these rules, in connection with the use of the frequency requested.

(2) Evidence of frequency coordination as required by § 10.8.

(b) Statements justifying the need when more frequencies are desired than are normally assigned to a single applicant under the applicable subpart of this part.

(c) Statement describing the type of emission to be used if it cannot be described as "8A3" or "40F3" pursuant to Subpart C of this part.

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

(1) The antenna 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.

(e) A functional system diagram and a detailed description of the manner in which the interrelated stations will operate when the station is, or will be, part of a system involving two or more stations at different fixed locations, in accordance with the instructions accompanying Form 400.

(f) Copies of all agreements and statements which may be required under § 10.7 if operation is desired in connection with any cooperative use of the proposed radio communication facilities.

(g) Statements required by the rules in this part in connection with developmental operations. See §§ 10.202, 10.203, 10.207.

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

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

§ 10.59 [Reserved].

§ 10.60 *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 date on which grant is made, or from its effective date if a later date is specified, file with the Commission a written request, rejecting the grant as made. Upon receipt of such request, the Commission will vacate its original action upon the application and set the application for hearing in the same manner as other applications are set for hearing.

§ 10.61 *Defective applications.* (a) An application which is not prepared in accordance with the Commission's Rules or other requirements will be considered defective.

(b) If an applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

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

§ 10.62 *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 related correspondence or other material which is to be considered as a part of an application already filed shall be submitted in the form of an amendment to the application concerned.

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

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

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

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

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

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

§ 10.65 *Changes in authorized stations.* Authority for certain changes in authorized stations must be obtained from the Commission before these changes are made, while other changes do not require prior Commission approval. The following paragraphs describe the conditions under which prior Commission approval is or is not necessary.

(a) Proposed changes which will result in operation inconsistent with any of the terms of the current authorization require that an application for modification of construction permit and/or license be submitted to the Commission and, except as set forth in paragraph (b) of this section, shall be on Form 400 and shall be accompanied by exhibits and supplementary statements as required by § 10.58.

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

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

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

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

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

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

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

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

§ 10.66 *Discontinuance of station operation.* In case of discontinuance of operation for a period of one year or more of a base or fixed station in these services, or in case of discontinuance for a period of one year or more of operation of all transmitter units listed in the license for a mobile station in these 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 district in which the station is located.

§ 10.67 [Reserved].

§ 10.68 *International police radio communication.* Police radio licensees which are located in close proximity to the borders of the United States may be authorized to communicate internationally. Request for such authority shall be submitted in duplicate and be signed under oath. The request shall include information as to the station with which communication will be conducted, frequency, power, emission, etc., that will be used. If authorized, such international communication must be conducted in accordance with Article 5 of the Inter-American Radio Agreement, Washington, D. C., 1949 (see Appendix A).

SUBPART C—TECHNICAL STANDARDS

§ 10.101 *Frequencies.* (a) The frequencies available for assignment are listed in the applicable subpart of this part. All applicants for, and licensees of, stations in these services shall cooperate in the selection and use of the designated frequencies to minimize interference and to make effective use of the frequencies assigned. Frequencies listed in this part will not be assigned exclusively to any one applicant. The use of any frequency may be restricted to one or more specified geographical areas.

(b) Frequencies assigned to government radio stations under Executive Or-

RULES AND REGULATIONS

der of the President may be authorized for use of stations in these services upon appropriate showing by the applicant that such assignment is necessary for inter-communication with government stations or required for coordination with activities of Federal Government, and where the Commission finds, after consultation with the appropriate government agency or agencies, that such assignment is necessary.

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

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

¹To be specified in the authorization.

(b) Licensees of mobile units using amplitude modulation may, until July 1, 1950, maintain the carrier frequency of such units within the following percentage of the assigned frequency in lieu of the requirements of paragraph (a) of this section:

Frequency range:	Frequency tolerance (percent)
Below 30 Mc.....	0.02
30-40 Mc.....	.03

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

Frequency range:	Frequency tolerance (percent)
Below 50 Mc.....	0.02
50-220 Mc.....	.01
Above 220 Mc.....	(¹)

¹To be specified in the authorization.

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

(b) The use of F3 emission in these services will be authorized only on frequencies above 30 Mc.

(c) Zone and interzone stations will be authorized to use only A1 emission.

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

§ 10.104 *Emission limitations.* (a) Each authorization issued to a station operating in these services will show, as the prefix to the emission classification, a figure specifying the maximum authorized bandwidth in 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 (c) of this section is considered to be an unauthorized emission.

(b) The emission prefix figures referred to in paragraph (a) of this section for the types of emission covered by § 10.103 (a) and (c) are listed in the table below:

Type of emission:	Authorized bandwidth (Kc)
A1.....	0.1
A3.....	8
F3.....	40

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

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

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

Maximum authorized plate power input to the final radio frequency stage:	Attenuation (db)
3 watts or less.....	40
Over 3 watts and including 25 watts.....	50
Over 25 watts and including 150 watts.....	60
Over 150 watts and including 600 watts.....	70
Over 600 watts.....	80

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

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

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

(c) Each transmitter first authorized or installed after July 1, 1950, shall be provided with a device which will automatically prevent modulation in excess of that specified in paragraphs (a) and (b) of this section which may be caused by greater than normal audio level: *Provided, however* That this requirement shall not be applicable to trans-

mitters authorized to operate as mobile stations with a maximum plate power input to the final radio frequency stage of 3 watts or less.

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

(b) Except where the maximum power that may be used on a particular frequency is specifically designated in connection with the use of such frequency, plate power input to the final radio frequency stage in excess of the following tabulation will not be authorized:

Frequency range:	Maximum plate power input to the final radio frequency stage (watts)
1.6 to 3 Mc.....	2,000
3 to 25 Mc.....	1,000
25 to 100 Mc.....	500
100 to 450 Mc.....	600
Above 450 Mc.....	(¹)

¹In accordance with developmental authorization.

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

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

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

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

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

(c) Each station which is not authorized for unattended operation shall be provided with a control point, the location of which will be specified in the license. Unattended stations may be provided with a control point if authorized by the Commission. In urban areas the location will be specified "same as transmitter" unless the control point is at a street address different from that of the transmitter. In rural areas the location will be specified "same as transmitter" unless the control point is more than 500 feet from the transmitter, in which case the approximate location will be specified in distance and direction from the transmitter in terms of feet and geographical quadrant, respectively. It will be assumed that the location of the control point is the same as the location of the transmitter unless the application includes a request for a different location described in appropriate terms as indicated in this paragraph. 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.

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

(1) A carrier operated device which will provide continuous visual indication when the transmitter is radiating; or, in lieu thereof, a pilot lamp or meter which will provide continuous visual indication when the transmitter control circuits have been placed in a condition to produce radiation: *Provided however*, That the provisions of this subparagraph shall not apply to hand-carried or pack-carried transmitters or to transmitters installed on motorcycles.

(2) Equipment to permit the operator to aurally monitor all transmissions originating at dispatch points under his supervision;

(3) Facilities which will permit the operator either to disconnect the dispatch point circuits from the transmitter or to render the transmitter inoperative from any dispatch point under his supervision; and

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

§ 10.108 Transmitter measurements.

(a) The licensee of each station shall employ a suitable procedure to determine that the carrier frequency of each transmitter, authorized to operate with a plate input power to the final radio frequency stage in excess of 3 watts, is maintained within the tolerance prescribed in this part. This determination shall be made, and the results thereof entered in the station records, in accordance with the following:

(1) When the transmitter is initially installed;

(2) When any change is made in the transmitter which may affect the carrier frequency or the stability thereof;

(3) At intervals not to exceed six months, for transmitters employing crystal-controlled oscillators;

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

(b) The licensee of each station shall employ a suitable procedure to determine that the plate power input to the final radio frequency stage of each base station or fixed station transmitter, authorized to operate with a plate input power to the final radio frequency stage in excess of 3 watts, does not exceed the maximum figure specified on the current station authorization. Where the transmitter is so constructed that a direct measurement of plate current in the final radio frequency stage is not practicable, the plate input power may be determined from a measurement of the cathode current in the final radio frequency stage. When the plate input to the final radio frequency stage is determined from a measurement of the cathode current, the required entry shall indicate clearly the quantities that were measured, the measured values thereof, and the method of determining the plate power input from the measured values. This determination shall be made, and the results

thereof entered in the station records, in accordance with the following:

(1) When the transmitter is initially installed;

(2) When any change is made in the transmitter which may increase the transmitter power input;

(3) At intervals not to exceed six months.

(c) The licensee of each station shall employ a suitable procedure to determine that the modulation of each transmitter, authorized to operate with a plate input power to the final radio frequency stage in excess of 3 watts, does not exceed the limits specified in this part. This determination shall be made and the results thereof entered in the station records, in accordance with the following:

(1) When the transmitter is initially installed;

(2) When any change is made in the transmitter which may affect the modulation characteristics;

(3) At intervals not to exceed six months.

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

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

§ 10.109 [Reserved].

SUBPART D—OPERATING REQUIREMENTS

§ 10.151 Operating procedure. (a)

All communications, regardless of their nature, shall be restricted to the minimum practical transmission time.

(b) Continuous radiation of an unmodulated carrier is prohibited except when required for test purposes.

(c) Zone and interzone stations shall employ the standard operating procedure prescribed by the Commission. Copies of such procedure are available for distribution to persons having a legitimate need therefor. Requests for copies should be addressed to the Secretary, Federal Communications Commission, Washington, 25, D. C.

(d) The Commission expects each licensee to take reasonable precautions to prevent unnecessary interference. If harmful interference develops, the Commission may require any or all stations to monitor the transmitting frequency prior to transmission.

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

§ 10.152 Station identification. (a)

The required identification for stations

in these services shall be the assigned call signal.

(b) Nothing in this section shall be construed as prohibiting the transmission of additional station or unit identifiers which may be necessary for systems operation: *Provided, however*, Such additional identifiers shall not be composed of letters or letters and digits arranged in a manner which could be confused with an assigned radio station call signal.

(c) Except as indicated in paragraphs (d), (e), and (f) of this section, each station in these services shall transmit the required identification at the end of each transmission or exchange of transmissions, or once each thirty minutes of the operating period, as the licensee may prefer.

(d) A mobile station authorized to the licensee of the associated base station and which transmits only on the transmitting frequency of the associated base station is not required to transmit any identification.

(e) A mobile station which is either separately licensed to a different licensee, transmits on any frequency other than the transmitting frequency of the associated base station, or which has no associated base station shall transmit the required identification at the end of each transmission or exchange of transmissions, or once each thirty minutes of the operating period, as the licensee may prefer. Where election is made to transmit the required identification at thirty-minute intervals, a single mobile unit in each general geographic area may be assigned the responsibility for such transmission and thereby eliminate any necessity for every unit of the mobile station to transmit the required identification. For the purpose of this paragraph, the term "each general geographic area" means an area not smaller than a single city or county and not larger than a single district of a State where the district is administratively established for the service in which the radio system operates.

(f) Stations which are entirely automatic in their operation will be considered for exemption from the requirements of paragraph (c) of this section.

§ 10.153 *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.

§ 10.154 *Mobile installations in vehicles not under the continuous control of the licensee.* A mobile radio station licensed in these 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.

§ 10.155 *Operator requirements.* (a) All transmitter adjustments or tests during or coincident with the installation, servicing, or maintenance of a radio station, which may affect the proper operation of such station, shall be made by or under the immediate supervision and responsibility of a person holding a first or second class commercial radio operator license, either radiotelephone or radiotelegraph, who shall be responsible for the proper functioning of the station equipment: *Provided, however* That only persons holding a first or second class commercial radiotelegraph operator license shall perform such functions at radiotelegraph stations transmitting by any type of the Morse Code.

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

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

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

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

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

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

(f) Except under the circumstances specified in paragraph (a) of this section, and except as limited by paragraphs (g) through (j) of this section, no person, whether or not a licensed operator, is required to be in attendance at a station when transmitting during the course of normal rendition of service and when either:

(1) Transmitting for telemetering purposes or

(2) Retransmitting by self-actuating means a radio signal received from another radio station or stations.

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

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

(i) Notwithstanding any other provisions of this section, unless the transmitter is so designed that none of the operations necessary to be performed during the course of normal rendition of service may cause off-frequency operation or result in any unauthorized radiation, such transmitter shall be operated by a person holding a first or second class commercial radio operator license (either radiotelephone or radiotelegraph as may be appropriate for the type of emission being used) issued by the Commission.

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

§ 10.156 *Posting of operator license.*

(a) The original license of each base or fixed station operator, other than an operator exclusively performing service and maintenance duties, shall be posted or kept immediately available at the place where he is on duty as an operator: *Provided, however* That if an operator who is on duty holds a restricted radiotelephone operator permit of the card form (as distinguished from such document of the diploma form) or holds a valid license verification card (FCC Form 758-F) attesting to the existence of any other

valid commercial radio operator license, he may have such permit or verification card, as the case may be, in his personal possession.

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

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

§ 10.157 *Transmitter identification card and posting of station license.*

(a) The current authorization for each mobile station shall be retained as a permanent part of the station record, but need not be posted. An executed Transmitter Identification Card (FCC Form 452-C) shall be affixed to each mobile transmitter or associated control equipment. When the transmitter is not in view of and readily accessible to the operator, it is preferred that the Identification Card be affixed to the control equipment at the transmitter operating position. The following information shall be entered on the card by the permittee or licensee:

- (1) Name of permittee or licensee;
- (2) Station call signal assigned by the Commission;
- (3) Exact location or locations of the transmitter records;
- (4) Frequency or frequencies on which the transmitter to which attached is adjusted to operate; and
- (5) Signature of the permittee or licensee, or a designated official thereof.

(b) The current authorization for each base or fixed station at a fixed location shall be posted at the principal control point of that station. At all other control points listed on the station authorization, a photocopy of the authorization shall be posted. In addition, an executed Transmitter Identification Card (FCC Form 452-C) shall be affixed to each transmitter operated at a fixed location, when such transmitter is not in view of, and readily accessible to, the operator at the principal control position.

(c) The current authorization for each base or fixed station authorized to operate at temporary locations, shall be either posted at the control point of the station or retained in an envelope or other container affixed to the transmitting apparatus, either inside or outside of the transmitter cabinet.

(d) In lieu of the Transmitter Identification Card, FCC Form 452-C, Revised,

as required by paragraphs (a) and (b) of this section, a permittee or licensee may at his option employ a plate of metal or other substantial material which shall bear the title "Radio Transmitter Identification," and shall clearly display all the information required to be shown on the FCC Form 452-C, Revised, with the exception of the signature.

§ 10.158 *Inspection of stations.* All stations and records of stations in these 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.

§ 10.159 *Inspection and maintenance of tower marking and associated control equipment.* The licensee of any radio station which has an antenna structure required to be painted or illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended, and/or Part 17¹ of this chapter shall comply with the provisions of this section in the operation and maintenance of such tower marking as follows:

(a) Shall make an observation of the tower lights 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,

(b) Shall provide and properly maintain an automatic alarm system designed to detect any failure of such lights and to provide indication of such failure to the licensee.

(c) Shall report immediately by telephone or telegraph to the nearest Airways Communication Station or office of Civil Aeronautics Administration 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. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(d) Shall inspect at intervals not to exceed three months all automatic or mechanical control devices, indicators and alarm systems associated with the tower lighting to insure that such apparatus is functioning properly.

(e) Shall exhibit all lighting from sunset to sunrise unless otherwise specified.

(f) Shall maintain a supply of spare bulbs sufficient for immediate replacement purposes at all times.

(g) Shall clean and repaint all towers as often as necessary to maintain good visibility.

§ 10.160 *Answers to notices of violations.* Any licensee receiving official notice of a violation of the terms of the Communications Act of 1934, as amended, any legislative act, treaty to which the United States is a party, or the rules and regulations of the Federal Communications Commission, shall, within 3 days from such receipt, send a written answer to the office of the Commission originating the official notice. If an answer cannot be sent, or an acknowledgment made within such 3-day period, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. The reply shall set forth the steps taken to prevent a recurrence of such lack of attention or improper operation.

§ 10.161 *Content of station records.* Each licensee of a station in these services shall maintain records in accordance with the following:

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

(b) For all stations, when service or maintenance duties are performed, the responsible operator shall sign and date an entry in the station record 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*, That the information called for by subparagraphs (2) and (3) of this paragraph, so long as it remains the same, need be entered only once in the station record at any station where the responsible operator is regularly employed on a full time basis and at which his license is properly posted.

(c) For all base and fixed stations, the name or names of persons responsible for the operation of the transmitting equipment each day, together with the period of their duty. Each such person shall sign, not initial, the record both when coming on and when going off duty.

(d) For stations in the special emergency service a record showing the nature and time of each communication: *Provided, however*, That such stations, when operated by communications common carriers for line break bridging purposes, need merely record the hours of operation and the purpose for which used.

(e) 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 that were made.

(iv) Identification of Airways Communication Station (CAA) 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 (CAA) that the required illumination was resumed.

(4) Upon the completion of the periodic inspection required at least once each three months:

(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.

§ 10.162 *Form of station records.* (a) The records shall be kept in an orderly manner and in such detail that the data required are readily available. Key letters or abbreviations may be used if proper meaning or explanation is set forth in the record.

(b) Each entry in the records shall be signed by a person qualified to do so 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 the correction.

§ 10.163 *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.

§ 10.164 *Emergency operation of mobile stations at fixed locations.* During an emergency requiring a local communication center, any authorized mobile transmitter may be operated temporarily as a base station at a fixed location for a period not to exceed ten days. If operation for a longer period is required, such operation must be specifically authorized.

§ 10.165 *Communication with other stations.* In those cases which require cooperation or coordination of activities, stations in the Public Safety Radio Services may communicate with stations in other services and with U. S. Government stations.

SUBPART E—DEVELOPMENTAL OPERATION

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

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

¹ Section 303 (q) of the Communications Act of 1934, as amended, and Part 17 of this chapter contain, respectively, the Commission's authority and basic rules concerning the construction, marking or lighting of antenna towers or their supporting structures. Reference should be made to Part 17 for prescribed procedures and standards with respect to the Commission's consideration of proposed antenna structures.

(1) The applicant has an organized plan of development leading to a specific objective;

(2) A point has been reached in the program where actual transmission by radio is essential to the further progress thereof;

(3) The program has reasonable promise of substantial contribution to the expansion or extension of the radio art, or is along lines not already investigated;

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

(5) The applicant is legally and financially qualified, and possesses adequate technical facilities for conduct of the program as proposed; and

(6) The public interest, convenience, or necessity will be served by the proposed operation.

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

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

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

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

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

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

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

§ 10.207 *Change or cancellation of authorization without hearing.* Every application for authority to engage in developmental operation shall be accompanied by a statement signed by the applicant in which it is agreed that any authorization issued pursuant thereto

will be accepted with the express understanding of the applicant that it is subject to change in any of its terms or to cancellation in its entirety at any time, upon reasonable notice but without a hearing, if, in the opinion of the Commission, circumstances should so require.

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

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

SUBPART F—POLICE RADIO SERVICE

§ 10.251 *Eligibility.* (a) Authorizations for stations in the Police Radio Service will be issued only to states, territories, possessions and other governmental subdivisions including counties, cities, towns and similar governmental entities.

(b) The eligibility set forth in paragraph (a) of this section includes governmental institutions in those cases where such institution is authorized by law to provide its own police protection.

§ 10.252 *Permissible communications.* (a) Stations in the Police Radio Service are primarily authorized to transmit:

- (1) Communications directly relating to public safety and the protection of life or property.
- (2) Communications essential to official police activities.

(b) Stations in the Police Radio Service are secondarily authorized to transmit communications essential to other official activities of the licensee pertaining to the public safety.

§ 10.253 *Points of communication.*

(a) Police base stations are primarily authorized to intercommunicate with police mobile stations. Police mobile stations are primarily authorized to intercommunicate with base and other police mobile stations.

(b) Police 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) Police fixed stations are authorized to intercommunicate with other fixed stations in the Public Safety Radio Services and to transmit to receivers at fixed locations.

(d) Police zone and interzone stations are authorized to intercommunicate in

accordance with the operating procedure prescribed by the Commission. Copies of such procedure are available for distribution to persons having a legitimate need therefor. Requests for copies should be addressed to the Secretary, Federal Communications Commission, Washington, D. C.

§ 10.254 *Station limitations.* (a) Mobile relay stations in the Police Radio Service will be authorized only on frequencies above 152 Mc. and only where a showing of need can be made in accordance with either or both of the following conditions:

(1) Where a police radio system cannot function satisfactorily without communication between mobile units over a distance in excess of that which can be obtained by direct car-to-car communication.

(2) Where an integrated system of radiocommunication is desirable between two or more police licensees and where by the use of a mobile relay station, the integrated system provides an actual reduction in the number of frequencies needed in the area as compared to the number of frequencies which would be required if the same number of licensees operate separate systems.

(b) Subject to the provisions of § 10.154, communication units of a licensed police mobile station may be installed in any vehicle which in an emergency would require cooperation or coordination with police activities. This provision includes fire department vehicles, ambulances, emergency units of public utilities, lifeguard emergency units and rural school buses.

(c) Authorizations for interzone stations in the Police Radio Service will not be issued for more than one station within a zone. A zone is normally considered to be a single state. Any request for the rezoning of any state for the purpose of providing more than one interzone station shall be accompanied by a showing of need based either upon the volume of traffic or upon the necessity for more expeditious handling of traffic. In either event such a request shall be accompanied by comments thereon from all zone stations affected.

§ 10.255 *Frequencies available to the Police Radio Service.* (a) The frequencies or bands of frequencies listed herein are available for assignment to stations in the Police Radio Service subject to the conditions and limitations of this section.

(b) The frequencies listed in this section for mobile stations may be authorized for use at base stations only after coordination with other licensees in the area is effected and subject to the condition that no harmful interference will be caused to the service of any mobile station using the particular frequency. Evidence of the required coordination shall be submitted with any request for such use.

(c) Normally only one base and one mobile station frequency will be assigned to a licensee for mobile service operations. Additional frequencies may be assigned provided the request therefor is adequately supported by a satisfactory showing of need.

(d) 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.

(e) In addition to the frequencies assigned for mobile service operation, one base station frequency above 152 Mc. may be assigned as a common frequency to all licensees in a particular area to permit intersystem communication between base stations or mobile stations or both. This frequency use will not be authorized in any area where all available frequencies are required for independent systems.

(f) Control and repeater stations in the Police Radio Service may be authorized on a temporary basis to operate on frequencies available for base and mobile stations above 152 Mc., provided an adequate showing is made why such operations cannot be conducted on frequencies allocated to the Operational Fixed Service. Such operation on base or mobile frequencies will not be authorized initially nor renewed for periods in excess of one year. Any such authorization shall be subject to immediate termination if harmful interference is caused to the Mobile Service, or if the particular frequency is required for mobile service operations in the area concerned.

(g) 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 (h) of this section.

Frequency or band	Class of station(s)	Limitations
Kc.		
1610	Base and mobile	6, 7, 12, 13
1618	do	6, 7, 12, 13
1626	do	6, 7, 12, 13
1634	do	6, 7, 12, 13
1642	do	6, 7, 12, 13
1650	do	7, 12, 13
1658	do	7, 12, 13
1666	do	7, 12, 13
1674	do	7, 12, 13
1682	do	7, 12, 13
1690	do	6, 7, 12, 13
1698	do	6, 7, 12, 13
1706	do	6, 7, 12, 13
1714	do	7, 12, 13
1722	do	7, 12, 13
1730	do	7, 12, 13
2226	do	6, 7, 12
2266	do	6, 7, 12
2282	do	7, 12
2290	do	6, 7, 12
2406	do	7, 12
2414	do	7, 12
2422	do	7, 12
2430	do	7, 12
2442	do	7, 12
2450	do	7, 12
2458	do	7, 12
2466	do	7, 12
2474	do	7, 12
2482	do	7, 12
2490	do	7, 12, 13
2804	Zone and interzone	9, 12
2808	do	9, 12
2812	do	9, 12
5135	do	9, 12, 15
5140	do	9, 12
5195	do	9, 10, 12
7480	do	9, 11, 12, 14
7805	do	9, 11, 12
7935	do	9, 11, 12
Mc.		
37.02	Mobile	
37.06	Base and mobile	
37.10	do	
37.14	do	
37.18	do	
37.22	do	

Frequency or band	Class of station(s)	Limitations
37.26	Base and mobile	
37.30	do	
37.34	Mobile	
37.38	do	
37.42	do	
39.02	Base and mobile	
39.06	do	
39.10	do	
39.14	do	
39.18	do	
39.22	do	
39.26	Mobile	
39.30	do	
39.34	do	
39.38	do	
39.42	Base and mobile	
39.46	do	
39.50	do	
39.54	do	
39.58	do	
39.62	Mobile	
39.66	do	
39.70	do	
39.74	do	
39.78	do	
39.82	Base and mobile	
39.86	do	
39.90	do	
39.94	do	
39.98	do	
42.02	do	7, 8, 13
42.06	do	7, 8, 13
42.10	do	7, 8, 13
42.14	do	7, 8, 13
42.18	Mobile	7, 8
42.22	do	7, 8
42.26	do	7, 8
42.30	do	7, 8
42.34	Base and mobile	7, 8, 13
42.38	do	7, 8, 13
42.42	do	7, 8, 13
42.46	do	7, 8, 13
42.50	do	7, 8, 13
42.54	do	7, 8, 13
42.58	do	7, 8, 13
42.62	do	7, 8, 13
42.66	Mobile	7, 8
42.70	do	7, 8
42.74	do	7, 8
42.78	do	7, 8
42.82	Base and mobile	7, 8, 13
42.86	do	7, 8, 13
42.90	do	7, 8, 13
42.94	do	7, 8, 13
44.02	do	7, 8, 13
44.06	do	7, 8, 13
44.10	do	7, 8, 13
44.14	do	7, 8, 13
44.18	do	7, 8, 13
44.22	do	7, 8, 13
44.26	do	7, 8, 13
44.30	do	7, 8, 13
44.34	Mobile	7, 8
44.38	do	7, 8
44.42	do	7, 8
44.46	do	7, 8
44.50	do	7, 8
44.54	do	7, 8
44.58	do	7, 8
44.62	do	7, 8
44.66	do	7, 8
44.70	do	7, 8
44.74	do	7, 8
44.78	do	7, 8
44.82	do	7, 8
44.86	do	7, 8
44.90	do	7, 8
44.94	do	7, 8
45.02	do	7, 8, 13
45.06	do	7, 8, 13
45.10	do	7, 8, 13
45.14	do	7, 8, 13
45.18	do	7, 8, 13
45.22	do	7, 8, 13
45.26	do	7, 8, 13
45.30	Mobile	7, 8, 13
45.34	do	7, 8, 13
45.38	do	7, 8, 13
45.42	do	7, 8, 13
45.46	do	7, 8, 13
45.50	do	7, 8, 13
45.54	do	7, 8, 13
45.58	do	7, 8, 13
45.62	do	7, 8, 13
45.66	do	7, 8, 13
45.70	do	7, 8, 13
45.74	do	7, 8, 13
45.78	do	7, 8, 13
45.82	do	7, 8, 13
45.86	do	7, 8, 13
45.90	do	7, 8, 13
45.94	do	7, 8, 13
45.98	do	7, 8, 13
46.02	do	7, 8, 13
72.02 to 74.68	Operational fixed	3
75.42 to 75.98	do	3
154.65	Mobile	
154.71	do	
154.77	do	
154.83	do	
154.89	do	
154.95	do	
155.01	Base and mobile	
155.07	do	
155.13	do	
155.19	do	
155.25	do	
155.31	do	
155.37	do	
155.43	do	
155.49	do	
155.55	do	
155.61	do	

Frequency or band	Class of station(s)	Limitations
155.67	Base and mobile	
155.73	do	
155.79	do	
155.85	Mobile	
155.91	do	
155.97	do	
156.03	do	
156.09	do	
156.15	do	
156.21	Base and mobile	
156.27	do	5
156.33	do	5
156.39	do	5
156.45	do	5
156.51	do	5
156.57	do	5
156.63	do	5
156.69	do	5
156.75	do	5
156.81	do	5
156.87	do	5
156.93	do	5
156.99	Base and mobile	
157.05	do	
157.11	do	
157.17	do	
157.23	do	
157.29 to 161.79	do	
423.05	do	1
423.15	do	1
423.25	do	1
423.35	do	1
423.45	do	1
423.55	do	1
423.65	do	1
423.75	do	1
423.85	do	1
423.95	do	1
424.05	do	1
424.15	do	1
424.25	do	1
424.35	do	1
424.45	do	1
424.55	do	1
424.65	do	1
424.75	do	1
424.85	do	1
424.95	do	1
425.05	do	1
425.15	do	1
425.25	do	1
425.35	do	1
425.45	do	1
425.55	do	1
425.65	do	1
425.75	do	1
425.85	do	1
425.95	do	1
839-843	Operational fixed	1, 2
852 to 859	do	1
1830 to 1839	do	1
2110 to 2209	do	1
2450 to 2559	Base and mobile and operational fixed	1, 2
2600 to 2700	Operational fixed	1
3500 to 3700	Base and mobile	1
4425 to 4575	do	1
6275 to 6375	Operational fixed	1
6810 to 6900	do	1
11700 to 12300	Base and mobile	1
12200 to 12700	Operational fixed	1
16000 to 18000	do	1, 2
20000 to 20600	do	1

(h) Explanation of assignment limitations appearing in the frequency tabulation of paragraph (g) of this section:

(1) Limited to developmental operation only with the 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 Police 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 Police 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 Police Radio Service on the condition that no harmful interference will be caused to the Maritime Mobile Service. Police 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) The use of this frequency is subject to the condition that no harmful interference will be caused to the service of any Canadian station.

(7) This frequency is available for assignment only in accordance with a geographical assignment plan.

(8) This frequency is reserved primarily for assignment to state police licensees. Assignment to other police licensees will be made only where the frequency is required for coordinated operation with the state police system to which the frequency is assigned. Any request for such assignment must be supported by a statement from the state police system concerned indicating that the assignment is necessary for coordination of police activities.

(9) This frequency is available for assignment to zone and interzone stations in the Police Radio Service for use with type A1 emission only and a maximum plate input power of 1000 watts to the final radio frequency stage of the transmitter.

(10) This frequency is authorized for use as a calling frequency; however, the transmission of operating signals or a single short radio telegram is permissible provided no harmful interference will be caused to any calling signals.

(11) This frequency may be used only during that period of time between 2 hours after local sunrise and 2 hours before local sunset.

(12) This frequency may be subject to change when the Atlantic City table of frequency allocations below 27.50 Mc. comes into force.

(13) Subject to the restrictions contained in paragraph (a) of § 10.106, base stations operating on this frequency and rendering service to state police mobile units may be authorized to use a maximum plate input power to the final radio frequency stage in excess of the maximum indicated in paragraph (b) of § 10.106 but, not in excess of 10,000 watts: *Provided*, That such operation will cause no harmful interference to the service of other stations.

(14) This frequency may be assigned to fixed stations in the Police Radio Service in Alaska for point to point radiotelephone communication, using type A3 emission and a maximum plate input power of 1000 watts to the final radio frequency stage of the transmitter.

(15) This frequency may be assigned to fixed stations in the Police Radio Service in Alaska for point-to-point radiotelephone communications, using type A3 emission with a maximum plate input power of 1,000 watts to the final radio frequency stage of the transmitter, sub-

ject to the condition that no harmful interference is caused to the service of any police station employing type A1 emission on this frequency including any operations conducted in accordance with outstanding regional agreements and further subject to the condition that no harmful interference is caused to the service of any station, which in the discretion of the Commission may have priority on the frequency with which interference results.

SUBPART G—FIRE RADIO SERVICE

§ 10.301 *Eligibility.* (a) Authorizations for stations in the Fire Radio Service will be issued only to states, territories, possessions and other governmental subdivisions including counties, cities, towns and similar governmental entities, and persons or organizations charged with specific fire protection activities.

(b) Applications from persons or organizations other than governmental subdivisions must be accompanied by a statement from the governmental subdivision having legal jurisdiction over the area to be served, supporting the request.

§ 10.302 *Permissible communications.* Stations in the Fire Radio Service are authorized to transmit:

(a) Communications directly relating to public safety and the protection of life or property.

(b) Communications essential to official Fire Department activities.

§ 10.303 *Points of communication.*

(a) Fire base stations are primarily authorized to intercommunicate with fire mobile stations. Fire mobile stations are primarily authorized to intercommunicate with base and other fire mobile stations.

(b) Fire 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) Fire fixed stations are authorized to intercommunicate with other fixed stations in the Public Safety Radio Services and to transmit to receivers at fixed locations.

§ 10.304 *Station limitations.* (a) Mobile relay stations in the Fire Radio Service will be authorized only on frequencies above 152 Mc. and only where a showing of need can be made in accordance with either or both of the following conditions:

(1) Where a fire radio system cannot function satisfactorily without communication between mobile units over a distance in excess of that which can be obtained by direct car-to-car communication.

(2) Where an integrated system of radiocommunication is desirable between two or more fire licensees and where, by the use of a mobile relay station, the integrated system provides an actual reduction in the number of frequencies needed in the area as compared to the number of frequencies which would be required if the same number of licensees operate separate systems.

(b) Subject to the provisions of § 10.154 communication units of a licensed fire mobile station may be installed in emergency vehicles, other than fire department vehicles, which may be alerted during a fire emergency. This provision includes emergency units of public utilities and water departments.

§ 10.305 *Frequencies available to the Fire Radio Service.* (a) The frequencies or bands of frequencies listed in this section are available for assignment to stations in the Fire Radio Service subject to the conditions and limitations of this section.

(b) The frequencies listed in this section for mobile stations may be authorized for use at base stations only after coordination with other licensees in the area is effected and subject to the condition that no harmful interference will be caused to the service of any mobile station using the particular frequency. Evidence of the required coordination shall be submitted with any request for such use.

(c) Normally, only one base and one mobile station frequency will be assigned to a licensee for mobile service operations. Additional frequencies may be assigned provided the request therefor is adequately supported by a satisfactory showing of need.

(d) 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.

(e) Control and repeater stations in the Fire Radio Service may be authorized on a temporary basis to operate on frequencies available for base and mobile stations above 152 Mc., provided an adequate showing is made why such operation cannot be conducted on frequencies allocated to the Operational Fixed Service. Such operation on base or mobile frequencies will not be authorized initially nor renewed for periods in excess of one year. Any such authorization shall be subject to immediate termination if harmful interference is caused to the Mobile Service or if the particular frequency is required for mobile service operations in the area concerned.

(f) 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 (g) of this section:

Frequency or band	Class of station(s)	Limitations
Kc		
1630.....	Base and mobile.....	7
Mc		
33.42.....	Mobile and fixed.....	0
33.46.....	Mobile.....	
33.50.....	do.....	
33.54.....	do.....	
33.58.....	do.....	
33.62.....	do.....	
33.66.....	do.....	
33.70.....	Base and mobile.....	
33.74.....	do.....	
33.78.....	do.....	
33.82.....	do.....	
33.86.....	do.....	
33.90.....	do.....	
33.94.....	do.....	

Frequency or band	Class of station(s)	Limitations
<i>Mc.</i>		
33.98	Base and mobile	
46.06	do	
46.10	do	
46.14	do	
46.18	do	
46.22	Mobile	
46.26	do	
46.30	Mobile and fixed	6
46.34	Mobile	
46.38	Base and mobile	
46.42	do	
46.46	do	
46.50	do	
72.02 to 74.58	Operational fixed	3
75.42 to 75.98	do	3
153.77	Mobile	
153.83	Mobile and fixed	6
153.89	Mobile	
153.95	do	
154.01	do	
154.07	do	
154.13	Base and mobile	
154.19	do	
154.25	do	
154.31	do	
154.37	do	
154.43	do	
159.51 to 161.79	do	4
166.25	do	5
170.15	do	5
453.05	do	1
453.15	do	1
453.25	do	1
453.35	do	1
453.45	do	1
453.55	do	1
453.65	do	1
453.75	do	1
453.85	do	1
453.95	do	1
453.05	do	1
453.15	do	1
453.25	do	1
453.35	do	1
453.45	do	1
453.55	do	1
453.65	do	1
453.75	do	1
453.85	do	1
453.95	do	1
890-940	Operational fixed	1,2
952 to 960	do	1
1850 to 1930	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
9800 to 9900	do	1
11700 to 12200	Base and mobile	1
12200 to 12700	Operational fixed	1
16000 to 18000	do	1,2
26000 to 30000	do	1

caused to the service of any existing or future station in the Railroad Radio Service.

(5) This frequency may be assigned to stations in the Fire Radio Service, only at points within 150 miles of New York, N. Y.

(6) The maximum plate power input to the final radio frequency stage of any transmitter authorized to operate on this frequency shall not exceed 3 watts.

(7) This frequency may be subject to change when the Atlantic City table of frequency allocations below 27.50 Mc. comes into force.

SUBPART H—FORESTRY-CONSERVATION RADIO SERVICE

§ 10.351 Eligibility. (a) Authorizations for stations in the Forestry-Conservation Radio Service will be issued only to states, territories, possessions and other governmental subdivisions including counties, cities, towns and similar governmental entities and persons or organizations charged with specific forestry-conservation activities.

(b) Applications from persons or organizations other than governmental subdivisions must be accompanied by a statement from the governmental subdivision having legal jurisdiction over the area to be served, supporting the request.

§ 10.352 Permissible communications. Stations in the Forestry-Conservation Radio Service are authorized to transmit:

(a) Communications directly relating to public safety and the protection of life or property including communications essential to the prevention, detection and suppression of forest fires.

(b) Communications essential to official forestry-conservation activities.

§ 10.353 Points of communication.

(a) Forestry-Conservation base stations are primarily authorized to intercommunicate with forestry-conservation mobile stations. Forestry-conservation mobile stations are primarily authorized to intercommunicate with base and other forestry-conservation mobile stations.

(b) Forestry-Conservation 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) Forestry-Conservation fixed stations are authorized to intercommunicate with other fixed stations in the Public Safety Radio Services and to transmit to receivers at fixed locations.

§ 10.354 Station limitations. (a) Mobile relay stations in the Forestry-Conservation Radio Service will be authorized only on frequencies above 152 megacycles and only where a showing of need can be made in accordance with either or both of the following conditions:

(1) Where a forestry-conservation radio system cannot function satisfactorily without communication between mobile units over a distance in excess of that which can be obtained by direct car-to-car communication.

(2) Where an integrated system of radiocommunication is desirable between two or more forestry-conservation licenses and where by the use of a mobile relay station, the integrated system provides an actual reduction in the number of frequencies needed in the area as compared to the number of frequencies which would be required if the same number of licensees operate separate systems.

(b) Subject to the provisions of § 10.154 communications units of a licensed forestry-conservation mobile station may be installed in vehicles of forestry cooperators, or other persons having a direct responsibility in the prevention, detection and suppression of forest fires.

§ 10.355 Frequencies available to the Forestry-Conservation Radio Service.

(a) The frequencies or bands of frequencies listed in this section are available for assignment to stations in the Forestry-Conservation 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) Control and repeater stations in the Forestry-Conservation Radio Service may be authorized on a temporary basis to operate on frequencies available for base and mobile stations above 152 Mc., provided an adequate showing is made why such operation cannot be conducted on frequencies allocated to the Operational Fixed Service. Such operation on base or mobile frequencies will not be authorized initially nor renewed for periods in excess of one year. Any such authorization shall be subject to immediate termination if harmful interference is caused to the Mobile Service or if the particular frequency is required for mobile service operations in the area concerned.

(d) The following tabulation indicates the frequency or bands of frequencies, the class of stations to which they are normally available, and the specific assignment limitations, which are developed in paragraph (e) of this section:

Frequency or band	Class of station(s)	Limitations
<i>Kc.</i>		
2212	Base and mobile	6, 12
2226	do	6, 12
2235	do	6, 12
2244	do	6, 12
<i>Mc.</i>		
7083	do	11
7090	do	11
7091	do	11
7093	do	11
7102	do	7, 9, 10, 11
7105	do	7, 9, 10, 11
7110	do	7, 9, 10, 11
7114	do	7, 9, 10, 11
7115	do	7, 9, 10
7122	do	7, 9, 10
7123	do	7, 9, 10
7124	do	7, 9, 10
7125	do	7, 9, 10
7126	do	7, 9, 10
7127	do	7, 9, 10
7128	do	7, 9, 10
7129	do	7, 9, 10
7130	do	7, 9, 10
7131	do	7, 9, 10
7132	do	7, 9, 10
7133	do	7, 9, 10
7134	do	7, 9, 10
7135	do	7, 9, 10
7136	do	7, 9, 10
7137	do	7, 9, 10
7138	do	7, 9, 10
7139	do	7, 9, 10
7140	do	7, 9, 10

(g) Explanation of assignment limitations appearing in the frequency tabulation of paragraph (f) of this section:

(1) Limited to developmental operation only with the 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 frequencies 74.58 and 75.98 Mc., respectively, are available on a shared basis to operational fixed stations in the Fire 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 Fire Radio Service, upon an adequate showing of need and upon the condition that no harmful interference will be

Frequency or band	Class of station(s)	Limitations
<i>Mc.</i>		
31.70	Base and mobile	7, 9, 10
31.74	do	7, 9, 10
31.78	do	7, 9, 10
31.82	do	7, 9, 10
31.86	do	7, 9, 10
31.90	do	7, 9, 10
31.94	do	7, 9, 10
31.98	do	7, 9, 10
46.64	do	
46.68	do	
46.62	do	
46.66	do	
46.70	do	
46.74	do	
46.78	do	
46.82	do	
72.02 to 74.58	Operational fixed	3
75.42 to 75.98	do	3
156.87	Base and mobile	5
156.93	do	5
159.27	do	
159.33	do	
159.39	do	
159.45	do	
159.51 to 161.79	do	4
170.425	do	8, 10, 14
170.475	do	8, 10, 13
170.575	do	8, 10, 14
171.425	do	8, 10, 13
171.475	do	10, 14, 15
171.575	do	8, 10, 13
172.225	do	8, 10, 14
172.275	do	10, 13, 15
172.375	do	8, 10, 14
453.05	do	1
453.15	do	1
453.25	do	1
453.35	do	1
453.45	do	1
453.55	do	1
453.65	do	1
453.75	do	1
453.85	do	1
453.95	do	1
458.05	do	1
458.15	do	1
458.25	do	1
458.35	do	1
458.45	do	1
458.55	do	1
458.65	do	1
458.75	do	1
458.85	do	1
458.95	do	1
890 to 940	Operational fixed	1, 2
952 to 960	do	1
1850 to 1930	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
9300 to 9500	do	1
11700 to 12200	Base and mobile	1
12200 to 12700	Operational fixed	1
16000 to 18000	do	1, 2
20000 to 30000	do	1

5. The use of this frequency may be authorized to base and mobile stations in the Forestry Conservation Radio Service on the condition that no harmful interference will be caused to the Maritime Mobile Service. Forestry-Conservation 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. The use of this frequency is subject to the condition that no harmful interference will be caused to the service of any Canadian station.

7. This frequency is available for assignment only in accordance with a geographical assignment plan.

8. This frequency will be assigned only to licensees directly responsible for the prevention, detection, and suppression of forest fires, subject to the condition that no harmful interference will be caused to the service of any U. S. Government station.

9. This frequency may be used for conservation activities upon the condition that no harmful interference will be caused to the service of any station using the frequency for forest fire prevention, detection and suppression.

10. This frequency is reserved primarily for assignment to state licensees. Assignments to other licensees will be made only where the frequency is required for coordinated operation with the state system to which the frequency is assigned. Any request for such assignment must be supported by a statement from the state system concerned, indicating that the assignment is necessary for coordination of activities.

11. This frequency is shared with the Urban Transit Radio Service.

12. This frequency may be subject to change when the Atlantic City table of frequency allocations below 27.50 Mc. comes into force.

13. This frequency will be assigned for use only in areas east of the Mississippi River.

14. This frequency will be assigned for use only in areas west of the Mississippi River.

15. In addition to agencies responsible for forest fire prevention, detection and suppression, this frequency may be assigned to conservation agencies which do not have forest fire responsibilities: *Provided*, That such assignment is necessary to permit mobile relay operation by such agencies: *And provided*, That such operation will cause no harmful interference to any U. S. Government station.

mobile stations are primarily authorized to intercommunicate with base and other Highway Maintenance mobile stations.

(b) Highway Maintenance 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) Highway Maintenance fixed stations are authorized to intercommunicate with other fixed stations in the Public Safety Radio Services and to transmit to receivers at fixed locations.

§ 10.404 *Station limitations.* (a) Mobile relay stations in the Highway Maintenance Radio Service will be authorized only on frequencies above 152 megacycles and only where a showing of need can be made in accordance with either or both of the following conditions:

(1) Where a Highway Maintenance radio system cannot function satisfactorily without communication between mobile units over a distance in excess of that which can be obtained by direct car-to-car communication.

(2) Where an integrated system of radio-communication is desirable between two or more Highway Maintenance licensees and where by the use of a mobile relay station, the integrated system provides an actual reduction in the number of frequencies needed in the area as compared to the number of frequencies which would be required if the same number of licensees operate separate systems.

(b) Subject to the provisions of § 10.154, communication units of a licensed Highway Maintenance mobile station may be installed in vehicles of contractors or other persons having a direct responsibility for maintenance, supervision or operation of public highways.

(c) Each operator of a station in the Highway Maintenance Radio Service when employing a frequency shared with the Special Emergency Radio Service and designated by limitation note 6 in § 10.405 (e) 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.

§ 10.405 *Frequencies available to the Highway Maintenance Radio Service.* (a) The frequencies or bands of frequencies listed in this section are available for assignment to stations in the Highway Maintenance 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) Normally, not more than two frequencies will be assigned to a licensee for mobile service operations. Additional

(e) Explanation of assignment limitations appearing in the frequency tabulation of paragraph (d) of this section:

1. Limited to developmental operation only with the 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 Forestry-Conservation 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 Forestry-Conservation 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.

SUBPART I—HIGHWAY MAINTENANCE RADIO SERVICE

§ 10.401 *Eligibility.* Authorizations for stations in the Highway Maintenance Radio Service will be issued only to states, territories, possessions, and other governmental subdivisions including counties, cities, towns and similar governmental entities.

§ 10.402 *Permissible communications.* Stations in the Highway Maintenance Radio Service are authorized to transmit:

(a) Communications directly relating to public safety and the protection of life or property.

(b) Communications essential to official activities directly relating to the maintenance, supervision and operation of public highways.

§ 10.403 *Points of communication.* (a) Highway Maintenance base stations are primarily authorized to intercommunicate with Highway Maintenance mobile stations. Highway Maintenance

frequencies may be assigned provided the request therefor is adequately supported by a satisfactory showing of need.

(d) Control and repeater stations in the Highway Maintenance Radio Service may be authorized on a temporary basis to operate on frequencies available for base and mobile stations above 152 Mc., provided an adequate showing is made why such operation cannot be conducted on frequencies allocated to the Operational Fixed Service. Such operation on base or mobile frequencies will not be authorized initially, nor renewed for periods in excess of one year. Any such authorization shall be subject to immediate termination if harmful interference is caused to the mobile service or if the particular frequency is required for mobile service operations in the area concerned.

(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
Mc.		
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
46.86	do	7.8
46.90	do	7.8
46.94	do	7.8
46.98	do	7.8
47.02	do	7.8
47.06	do	7.8
47.10	do	7.8
47.14	do	7.8
47.18	do	7.8
47.22	do	7.8
47.26	do	7.8
47.30	do	7.8
47.34	do	7.8
47.38	do	7.8
72.02 to 74.58	Operational fixed	3
75.42 to 75.98	do	3
156.99	Base and mobile	5
157.05	do	9
157.11	do	9
157.29	do	5
157.35	do	5
157.41	do	5
159.51 to 161.79	do	4
453.05	do	1
453.15	do	1
453.25	do	1
453.35	do	1
453.45	do	1
453.55	do	1
453.65	do	1
453.75	do	1
453.85	do	1
453.95	do	1
458.05	do	1
458.15	do	1
458.25	do	1
458.35	do	1
458.45	do	1
458.55	do	1
458.65	do	1
458.75	do	1
458.85	do	1
458.95	do	1
890-940	Operational fixed	1,2
952 to 960	do	1
1850 to 1990	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
9800 to 9900	do	1
11700 to 12200	Base and mobile	1
12300 to 12700	Operational fixed	1
16000 to 18000	do	1,2
26000 to 30000	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 the 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 Highway Maintenance 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 Highway Maintenance 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 Highway Maintenance Radio Service on the condition that no harmful interference will be caused to the Maritime Mobile Service. Highway Maintenance 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 Special Emergency Radio Service.

(7) This frequency will be assigned only in accordance with a geographical assignment plan.

(8) This frequency is reserved primarily for assignment to Highway Maintenance systems operated by states. The use of this frequency by other Highway Maintenance licensees will be authorized only where such use is necessary to coordinate activities with the particular state to which the frequency is assigned. Any request for such use must be supported by a statement from the state concerned.

(9) This frequency will not be assigned to stations in the Highway Maintenance Radio Service after April 28, 1952. Highway Maintenance stations licensed to use this frequency prior to April 28, 1952, may continue such use provided that no harmful interference is caused to any government or non-government radio operation.

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 may 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 inter-

ference 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
Kc.		
2726.....	Base and mobile.....	10
3201.....	do.....	10
2000 to 3000.....	Fixed.....	9
Mc.		
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 74.53.....	Operational fixed.....	3
75.42 to 75.68.....	do.....	3
157.47.....	Base and mobile.....	4, 8
159.51 to 161.79.....	do.....	4
161.85.....	do.....	4, 8
161.91.....	do.....	4, 8
161.97.....	do.....	4, 8
453.05.....	do.....	1
453.15.....	do.....	1
453.25.....	do.....	1
453.35.....	do.....	1
453.45.....	do.....	1
453.55.....	do.....	1
453.65.....	do.....	1
453.75.....	do.....	1
453.85.....	do.....	1
453.95.....	do.....	1
458.05.....	do.....	1
458.15.....	do.....	1
458.25.....	do.....	1
458.35.....	do.....	1
458.45.....	do.....	1
458.55.....	do.....	1
458.65.....	do.....	1
458.75.....	do.....	1
458.85.....	do.....	1
458.95.....	do.....	1

Frequency or Band	Class of station(s)	Limitations
Mc.		
500 to 600.....	Operational fixed.....	1, 2
623 to 650.....	do.....	1
1850 to 1890.....	do.....	1
2110 to 2200.....	do.....	1
2450 to 2500.....	Base and mobile and operational fixed.....	1, 2
2500 to 2700.....	Operational fixed.....	1
3400 to 3700.....	Base and mobile.....	1
6425 to 6575.....	do.....	1
6575 to 6575.....	Operational fixed.....	1
6500 to 6700.....	do.....	1
11,700 to 12,200.....	Base and mobile.....	1
12,200 to 12,700.....	Operational fixed.....	1
16,000 to 19,000.....	do.....	1, 2
23,000 to 23,000.....	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) 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.

(10) This frequency is shared with the State Guard Radio Service.

SUBPART K—STATE GUARD RADIO SERVICE

§ 10.501 *Eligibility.* (a) Authorizations for stations in the State Guard Radio Service will be issued only to the official state guard or comparable organization of a state, territory possession, or the District of Columbia and only where such organization has been duly created by law and is completely subject to the control of the Governor, or highest official of the creating governmental entity.

(b) To facilitate a determination of eligibility, the first application from each organization for a new station in the State Guard Radio Service shall be accompanied by a statement citing the statute, executive order, or other legal authority under which the guard was created and definitely indicating whether or not the guard is under the absolute authority of the Governor or highest official of the governmental entity.

§ 10.502 *Permissible communications.* (a) Stations in the State Guard Radio Service are primarily authorized to transmit emergency communications directly relating to public safety and the protection of life and property.

(b) Stations in the State Guard Radio Service are secondarily authorized to transmit essential nonemergency communications necessary for training and maintaining an efficient organization: *Provided*, That all communications authorized by this paragraph shall be kept to an absolute minimum and shall cause no harmful interference to stations in other services or to other stations in the State Guard Radio Service when such stations are transmitting communications authorized by paragraph (a) of this section.

(c) The transmission of nonessential communications is strictly prohibited.

§ 10.503 *Points of communication.* (a) State guard base, mobile and fixed stations are primarily authorized to intercommunicate with all other state guard stations authorized to the same licensee.

(b) State guard base, mobile and fixed 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.

§ 10.504 *Station limitations.* (a) Mobile relay stations will not be authorized in the State Guard Radio Service.

(b) Each operator of a station in the State Guard 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.

§ 10.505 *Frequencies available to the State Guard Radio Service.* (a) The frequency 2726 kilocycles is available for assignment to base and mobile stations in the State Guard Radio Service for use on a shared basis with stations in the Special Emergency Radio Service.

(b) In instances where circumstances in a particular state appear to warrant the use of a second frequency in the band 2505–3500 kilocycles and where a frequency can be made available through appropriate arrangements, with Government agencies if necessary, for restricted area use on a shared basis with other assignments such additional frequency may be assigned. The maximum power input, emission and hours of operation authorized for use on any frequency assigned under the provisions of this paragraph will be determined on the basis of the technical conditions involved in using the selected frequency in the particular area.

(c) The frequencies indicated in paragraphs (a) and (b) of this section will also be assigned to fixed stations in the State Guard Radio Service subject to the condition that harmful interference will not be caused to the mobile service.

APPENDIX A—ARTICLE 5, INTER-AMERICAN RADIO AGREEMENT (WASHINGTON 1949)

ARTICLE 5. *Police radio stations.* When the American countries authorize their police radio stations to exchange emergency information by radio with similar stations of another country, the following rules shall be applied:

(a) Only police radio stations located close to the boundaries of contiguous countries shall be allowed to exchange this information.

(b) In general, only important police messages shall be handled, such as those which would lose their value because of slowness and time limitations if sent on other communication systems.

(c) Frequencies used for radiotelephone communications with mobile police units shall not be used for radiotelegraph communications.

(d) Radiotelephone communications shall be conducted only on frequencies assigned for radiotelephony.

(e) Radiotelegraph communications shall be conducted on the following frequencies:

2804 kc. calling 6105 kc. day calling
2808 kc. working 5135 kc. day working
2812 kc. working 5140 kc. day working

(f) The characteristics of police radio stations authorized to exchange information shall be notified to the International Telecommunication Union, Geneva, Switzerland.

(g) The abbreviations contained in Appendix 9 of the Atlantic City Radio Regulations shall be used to the greatest possible extent. Service indications are as follows: "P" priority, for messages that are to be sent immediately, regardless of the number of other messages on file. If no service indication is given, the messages are to be transmitted in the order of receipt.

(h) The message shall contain the preamble, address, text, and signature, as follows:

Preamble. The preamble of the message shall consist of the following: the serial number preceded by the letters "NR"; service indications, as appropriate; the group count according to standard cable count system; the letters "OK" followed by numerals indicating the number of words contained in the text of the message; office and country of origin (not abbreviations); day, month, and hour of filing:

Address. The address must be as complete as possible and shall include the name of the addressee with any supplementary particulars necessary for immediate delivery of the message;

Text. The text may be either in plain language or code;

Signature. The signature shall include the name and title of the person originating the message.

[F. R. Doc. 53-10480; Filed, Dec. 17, 1953; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

Subchapter B—Trade Practice Conference Rules

[File No. 21-441]

PART 218—PHOTOENGRAVING INDUSTRY OF THE SOUTHEASTERN STATES (VIRGINIA, NORTH CAROLINA, SOUTH CAROLINA, GEORGIA, FLORIDA, TENNESSEE, ALABAMA, AND MISSISSIPPI)

Due proceedings having been held under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act) and other provisions of law administered by the Commission;

It is now ordered, That the trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of December 18, 1953.

Statement by the Commission. Trade practice rules for the Photoengraving Industry of the Southeastern States (Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, and Mississippi) as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure.

* Since the frequencies 5105, 5135, and 5140 kc/s are outside the regional bands, their assignment for this purpose must be confirmed by the Provisional Frequency Board and the Special Administrative Radio Conference.

The rules are directed to the maintenance of free and fair competition in the industry and to the elimination and prevention of unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses. To this end they afford helpful guidance to all members of the industry.

The industry for which such trade practice rules are established is composed of persons, firms, corporations, and organizations engaged in the business of photoengraving, including the production of art work, halftones, line etchings, process color plates, and plate work and illustrations used by printers. The products of this industry, which are used in the printing of newspapers, books, periodicals, and other types of publications, as well as in the production of advertising, letterheads, and related matter, have made possible a major part of modern printing and depiction, both in color and in black and white. The annual gross sales of the industry in this area is in excess of \$5,000,000.

Proceedings leading to the establishment of rules were instituted upon application made on behalf of industry members. A general industry conference was held under Commission auspices in Atlanta, Georgia, at which proposals for rules were submitted for consideration of the Commission. Thereafter, a draft of proposed rules was released by the Commission and public hearing thereon was held in Washington, D. C., at which all interested or affected parties were afforded opportunity to present their views, suggestions, or objections regarding the rules.

Following such hearing, and upon consideration of the entire matter, final action was taken by the Commission whereby it approved the trade practice rules as hereinafter appearing.

Such rules become operative thirty (30) days from the date of promulgation.

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

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

- Sec.
218.0 Definitions: The industry and its products defined.
218.1 Enticing away employees of competitors.

- Sec.
218.2 Defamation of competitors or false disparagement of their products.
218.3 Imitation or simulation of trade-marks, trade names, etc.
218.4 Prohibited discrimination.
218.5 Inducing breach of contract.
218.6 Misrepresentation of products (general).
218.7 Coercing the purchase of one product as a prerequisite to the purchase of other products.
218.8 Fictitious prices.
218.9 Use of the word "free" etc.
218.10 Substitution of products.
218.11 Commercial bribery.
218.12 Procurement of competitors' confidential information.
218.13 Misrepresentation as to character of business.
218.14 Misbranding of products.
218.15 False invoicing.
218.16 Selling below cost.
218.17 Prohibited forms of trade restraints (unlawful price fixing, etc.).

AUTHORITY: §§ 218.0 to 218.17 issued under sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

§ 218.0 *Definitions: The industry and its products defined.* Industry membership in the area covered by the rules consists of persons, firms, corporations, and organizations engaged in the business of photoengraving, including the production of art work, halftones, line etchings, process color plates, and plate work and illustrations used by printers. Products of the industry are used in the printing of newspapers, books, periodicals, and other types of publications, and in the production of advertising, letterheads, and related matter.

§ 218.1 *Enticing away employees of competitors.* Knowingly enticing away employees or sales representatives of competitors under any circumstance having the capacity and tendency or effect of substantially injuring or lessening present or potential competition is an unfair trade practice: *Provided*, That nothing in this section shall be construed as prohibiting employees from seeking more favorable employment, or as prohibiting employers from hiring or offering employment to employees of competitors in good faith and not for the purpose of injuring, destroying, or preventing competition. [Rule 1]

§ 218.2 *Defamation of competitors or false disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the grade, quality, or manufacture of the products of competitors, or of their business methods, selling prices, values, credit terms, policies, services, or conditions of employment, is an unfair trade practice. [Rule 2]

§ 218.3 *Imitation or simulation of trade-marks, trade names, etc.* The imitation or simulation of trade-marks, trade names, brands, or labels of competitors, with the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 3]

§ 218.4 *Prohibited discrimination*¹—
(a) *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however*—

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

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

(3) That nothing contained in this paragraph shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

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

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other

¹As used in § 218.4, the term "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

intermediary therein where such intermediary is action in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

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

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

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

NOTE: In complaint proceedings charging discrimination in price or services or facilities furnished, and upon proof having been made of such discrimination, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged; and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor. See section 2-b, Clayton Act.

[Rule 4]

§ 218.5 *Inducing breach of contract.*

(a) Knowingly inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or their suppliers, or interfering with or obstructing the perform-

ance of any such contractual duties or services, under any circumstance having the capacity and tendency or effect of substantially injuring or lessening present or potential competition, is an unfair trade practice.

(b) Nothing in this section is intended to imply that it is improper for an industry member to solicit the business of a customer of a competing industry member; nor is the section to be construed as in anywise authorizing any agreement, understanding, or planned common course of action by two or more industry members not to solicit business from the customers of either of them, or from customers of any other industry member. [Rule 5]

§ 218.6 *Misrepresentation of products (general)* Making, or causing or permitting to be made or published, any false, misleading, or deceptive statements or representations, by way of advertisement or otherwise, concerning the cost, grade, quality, quantity, substance, character, nature, origin, size, or preparation of any product of the industry, or in any other material respect, is an unfair trade practice. [Rule 6]

§ 218.7 *Coercing the purchase of one product as a prerequisite to the purchase of other products.* The practice of coercing the purchase of one or more products as a prerequisite to the purchase of one or more other products, where the effect may be substantially to lessen competition or tend to create a monopoly or unreasonably to restrain trade, is an unfair trade practice. [Rule 7]

§ 218.8 *Fictitious prices.* It is an unfair trade practice to sell or offer for sale industry products at prices purported to be reduced from what are in fact fictitious prices, or to sell or offer for sale such products at a purported reduction in price when such purported reduction is in fact fictitious or is otherwise misleading or deceptive. [Rule 8]

§ 218.9 *Use of the word "free"* In connection with the sale, offering for sale, or distribution of industry products, it is an unfair trade practice to use the word "free," or any other word or words of similar import, in advertisements or in other offers to the public, as descriptive of an article of merchandise, or service, which is not an unconditional gift, under the following circumstances:

(a) When all the conditions, obligations, or other prerequisites to the receipt and retention of the "free" article of merchandise or service offered are not clearly and conspicuously set forth at the outset so as to leave no reasonable probability that the terms of the offer will be misunderstood; and, regardless of such disclosure:

(b) When, with respect to any article of merchandise required to be purchased in order to obtain the "free" article or service, the offerer (1) increases the ordinary and usual price of such article of merchandise, or (2) reduces its quality, or (3) reduces the quantity or size thereof.

NOTE: The disclosure required by paragraph (a) of this section shall appear in close conjunction with the word "free" (or other word or words of similar import) wherever

such word first appears in each advertisement or offer. A disclosure in the form of a footnote, to which reference is made by use of an asterisk or other symbol placed next to the word "free," will not be regarded as compliance.

[Rule 9]

§ 218.10 *Substitution of products.* The practice of shipping or delivering products which do not conform to the samples submitted, to specifications upon which the sale is consummated, or to representations made prior to securing the order, without the consent of the purchasers to such substitutions and with the capacity and tendency or effect of deceiving or misleading purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 10]

§ 218.11 *Commercial bribery.* It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 11]

§ 218.12 *Procurement of competitors' confidential information.* It is an unfair trade practice for any member of the industry to obtain information concerning the business of a competitor by bribery of an employee or agent of such competitor, by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means, and to use the information so obtained so as substantially to injure competition or unreasonably restrain trade. [Rule 12]

§ 218.13 *Misrepresentation as to character of business.* For any person, firm, or corporation to represent or hold himself or itself out as being a photoengraver when not engaged in the manufacture of photoengravings, or in any other manner to misrepresent the character, extent, or type of his or its business, is an unfair trade practice. [Rule 13]

§ 218.14 *Misbranding of products.* The false or deceptive marking or branding of the products of the industry with regard to the grade, quality, quantity, use, size, material, content, origin, preparation, manufacture, or distribution of such products, or in any other material respect, is an unfair trade practice. [Rule 14]

§ 218.15 *False invoicing.* Withholding from or inserting in invoices or order tickets any statements or information by reason of which omission or insertion a false record is made, wholly or in part,

of the transactions represented on the face of such invoices or order tickets, with the capacity and tendency or effect of thereby misleading or deceiving purchasers, prospective purchasers, or the consuming public, is unfair trade practice. [Rule 15]

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

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

(c) This section is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to and pursued with the wrongful intent or purpose referred to and where the effect may be to injure, destroy, or prevent competition, or tend to create a monopoly. [Rule 16]

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

* The inhibitions of this section are subject to Public Law 542, approved July 14, 1952, 66 Stat. 632 (the McGuire Act) which provides that with respect to a commodity which bears, or the label or container of which bears, the trade-mark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

ment, combination, or conspiracy. [Rule 17]

Issued: December 15, 1953.

Promulgated by the Federal Trade Commission December 18, 1953.

[SEAL] ALEX. AKERMAN, Jr.,
Secretary.

[F. R. Doc. 53-10534; Filed, Dec. 17, 1953;
8:55 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Home Loan Bank Board, Housing and Home Finance Agency

Subchapter D—Federal Savings and Loan Insurance Corporation

[No. 6645]

PART 163—OPERATIONS

WITHDRAWABLE SHARES NOT TO BE ISSUED WITHOUT APPROVAL WHILE DEPOSITS ARE OUTSTANDING

DECEMBER 15, 1953.

Resolved That, pursuant to Part 108 of the General Regulations of the Home Loan Bank Board (24 CFR Part 108) and § 167.1 of the Rules and Regulations for Insurance of Accounts (24 CFR 167.1), notice and public procedure having been duly afforded (18 F. R. 6739), § 163.1 of the Rules and Regulations for Insurance of Accounts (24 CFR 163.1) is amended, effective December 18, 1953, by inserting immediately preceding the last sentence of such section the following sentence: "Except with the written approval of the Corporation, no insured institution may issue or have outstanding any class of insured account having preference, either as to time or amount in the event of liquidation, over any other class of insured account: *Provided that*, where there may be a change from one type of account to another, a reasonable time, to be determined by the Corporation, may be allowed to effect such change."

so that said section, as amended, will read as follows:

§ 163.1 *Forms of certificates and passbooks; approval of forms of investment contracts and bylaws; furnishing members with copy of charter and bylaws.* At the time of the application for insurance, every applicant (except a Federal savings and loan association) shall submit to the Corporation for approval copies of all savings account, share, membership, stock and deposit certificates, passbooks, and other forms of investment contracts proposed to be issued by the applicant as an insured institution; it shall also submit for such approval its charter, constitution, and bylaws, and all amendments thereto, affecting its securities and investment contracts. No insured institution (except a Federal savings and loan association) shall issue any form of savings account, share, stock, membership or deposit certificate, passbook, or other investment contract which has not been approved in writing by the Corporation. No insured institution except a Federal

savings and loan association shall amend its charter, constitution, or bylaws affecting its securities or investment contracts, without the prior written approval of the Corporation. Except with the written approval of the Corporation, no insured institution may issue or have outstanding any class of insured account having preference, either as to time or amount in the event of liquidation, over any other class of insured account: *Provided that*, where there may be a change from one type of account to another, a reasonable time, to be determined by the Corporation, may be allowed to effect such change. Each insured institution shall cause a true copy of its charter and bylaws and all amendments thereto to be available to members at all times in each office of the institution, and shall upon request deliver to any member a copy of such charter, constitution, bylaws, and amendments.

(Sec. 402, 48 Stat. 1256; 12 U. S. C. 1725)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 53-10533; Filed, Dec. 17, 1953;
8:54 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter C—Uninspected Vessels

[CFR 53-55]

PART 25—REQUIREMENTS

SUBPART 25.30—FIRE EXTINGUISHING EQUIPMENT

FIRE EXTINGUISHING EQUIPMENT REQUIRED FOR MOTORBOATS

A notice regarding the proposed change in the regulations regarding fire extinguishing equipment for motorboats was published in the FEDERAL REGISTER dated September 9, 1953, 18 F. R. 5432, as Item VI on the agenda to be considered by the Merchant Marine Council, and a public hearing was held on September 29, 1953, in Washington, D. C. An oral comment favoring the proposed action was received at the public hearing. The amendment to 46 CFR 25.30-20 will require all outboard motorboats not carrying passengers for hire to carry hand-portable fire extinguishers, except for outboard motorboats of the rowboat or canoe type which are less than 26 feet in length. At present many motorboats are being built with cabins and other enclosed spaces and such motorboats are propelled by outboard motors. In addition, many of these motorboats are carrying portable auxiliary gasoline tanks as part of the outboard motor accessories. This requirement is considered necessary in the interests of promoting safety of life because of the fire and explosion hazards which may be present on board these motorboats.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order

No. 120, dated July 31, 1950 (15 F. R. 6521) to promulgate the rules and regulations in accordance with the statutes cited with the regulations below, the following amendment to the text of § 25.30-20 (a) (1) is prescribed, but no change shall be made in Table 25.30-20 (a) (1) which amendment shall become effective thirty days after the date of publication of this document in the FEDERAL REGISTER:

§ 25.30-20 *Fire extinguishing equipment required*—(a) *Motorboats*. (1) All motorboats shall carry at least the minimum number of hand-portable fire extinguishers set forth in Table 25.30-20 (a) (1) except that motorboats less than 26 feet in length of open construction, propelled by outboard motors, not carrying passengers for hire need not carry such portable fire extinguishers.

(R. S. 4405, as amended, 4462, as amended, sec. 17, 54 Stat. 166, as amended; 40 U. S. C. 375, 416, 526p. Interprets or applies sec. 2, 54 Stat. 1028, as amended; 40 U. S. C. 463a)

Dated: December 14, 1953.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 53-10517; Filed, Dec. 17, 1953;
8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Bureau of Federal Credit Unions,
Social Security Administration

[45 CFR Parts 301, 310]

ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS; VOLUNTARY LIQUIDATION OF FEDERAL CREDIT UNIONS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 238, 5 U. S. C. 1003) that the regulations set forth in tentative form below are proposed to be prescribed by the Director of the Bureau of Federal Credit Unions with approval of the Commissioner of Social Security and the Secretary of Health, Education, and Welfare in lieu of §§ 301.7 and 301.8 and Part 310 of the present regulations of the Bureau of Federal Credit Unions (45 CFR 301.7, 16 F. R. 5175; 45 CFR 301.8, 15 F. R. 2760; and 45 CFR Part 310, 13 F. R. 7364) The proposed regulations are designed to amend the existing regulations concerning examination fees and voluntary liquidation.

Prior to the official adoption of the proposed regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Director of the Bureau of Federal Credit Unions, Department of Health, Education, and Welfare, Washington 25, D. C., within a period of fifteen days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under authority contained in section 16 (a) of the Federal Credit Union Act, as amended.

(48 Stat. 1221, 12 U. S. C. 1766, and section 2 of the Act of June 29, 1948 (62 Stat. 1091))

Dated: November 24, 1953.

[SEAL] J. DEANE GANNON,
Director

Bureau of Federal Credit Unions.

Approved:

Dated: December 9, 1953.

JOHN W TRAMBURG,
Commissioner of Social Security.

Approved:

Dated: December 14, 1953.

O. C. HOBBY,
Secretary of Health, Education
and Welfare.

In Part 301—Organization and Operation of Federal Credit Unions, §§ 301.7 and 301.8 are hereby amended to read as follows:

§ 301.7 *Fee for examination*. (a) Each Federal credit union shall pay the Bureau of Federal Credit Unions a fee for each examination in accordance with the schedule of fees fixed from time to time by the Director.

(b) In establishing such fees, the Director shall consider the anticipated aggregate cost of the examination program including supervision, salaries, travel and all other items which affect the cost of the examination program.

(c) The fee for examinations of Federal credit unions with assets of less than \$25,000 shall not exceed 50 cents per hundred dollars of assets as of the effective date of the examination. The Director may establish a minimum fee for examination which shall not exceed \$25.00. The Director may waive the fee for an examination within twelve months after the date a charter is approved if the payment would, in the opinion of the Director, cause a hardship.

(d) Each Federal credit union shall be notified at least 30 days prior to the effective date of any schedule of fees fixed pursuant to this section. Upon receipt of such notification interested persons may submit written data, views, or arguments for consideration by the Director, and the Director may after consideration, make such revisions in the proposed schedule or such change in the effective date as he deems appropriate. Each Federal credit union shall be notified of such revision or change not less than 15 days prior to the final effective date.

(e) The check in payment of the examination fee shall be made payable to the Treasurer of the United States and the check shall be delivered to the examiner at the completion of the examination.

§ 301.8 *Fee for examination of Federal credit unions in liquidation*. Federal credit unions in liquidation may be examined prior to or following completion of liquidation. A fee assessed in accordance with the most recent schedule of examination fees prescribed by the Director of the Bureau of Federal Credit Unions as provided in § 301.7 shall be paid for each such examination.

Part 310—Voluntary Liquidation of Federal Credit Unions is hereby amended to read as follows:

Sec.	
310.1	Approval of liquidation.
310.2	Notice of liquidation to Bureau of Federal Credit Unions.
310.3	Transaction of business during liquidation.
310.4	Notice of liquidation to members.
310.5	Notice of liquidation to creditors.
310.6	Report at commencement of liquidation.
310.7	Reports during period of liquidation.
310.8	Examinations of Federal credit unions in voluntary liquidation.
310.9	Responsibility for conduct of voluntary liquidations.
310.10	Completion of liquidation.
310.11	Distribution of assets.
310.12	Final report.
310.13	Retention of records.
310.14	Cancellation of charter.
310.15	Further instructions and information.

§ 310.1 *Approval of liquidation*. A Federal credit union may go into voluntary liquidation on approval of a majority of its members in writing or by a vote in favor of such liquidation by a majority of the members of the credit union at a regular meeting of the members or at a special meeting called for that purpose. Where authorization for liquidation is to be obtained at a meeting of members, notice in writing shall be given to each member at least seven days before such meeting and the minutes of the meeting shall show the number of members present and the number that voted for and against liquidation. If approval by a majority of all members is not obtained at the meeting of members, authorization for voluntary liquidation shall be obtained by having a majority of members sign a statement in substantially the following form:

We the undersigned members of the ----
---- Federal Credit Union, Charter No. ----,
hereby request the dissolution of our credit union.

§ 310.2 *Notice to Bureau of Federal Credit Unions*. When the board of directors of a Federal credit union decides to submit the question of liquidation to the members, the president shall notify within 10 days the Regional Representative of the Bureau of Federal Credit Unions by letter in which the reasons for the proposed liquidation are set forth in detail. The president of the Federal credit union shall notify the Regional Representative of the Bureau of Federal Credit Unions within 10 days after the vote is taken as to whether the members approved or disapproved the proposed liquidation.

§ 310.3 *Transaction of business during liquidation*. Immediately on decision

by the board of directors of a Federal credit union to seek approval of members for liquidation, payments on shares, withdrawal of shares, and granting of loans shall be suspended pending action by members on the proposal to liquidate, and on approval by members of such proposal, payments on shares, withdrawal of shares, and the making of loans shall be permanently discontinued.

§ 310.4 *Notice to members of liquidation.* When voluntary liquidation of a Federal credit union has been decided upon, a notice of such decision shall be handed to each member or mailed to his last known address together with a request that the member furnish his passbook or confirm in writing the shares held by him in the Federal credit union and the loans owed by him to the Federal credit union.

§ 310.5 *Notice of liquidation to creditors.* On approval of the members of a Federal credit union of a proposal to liquidate, the board of directors of the Federal credit union shall immediately cause to be prepared and mailed to all creditors a notice of liquidation and to present claims to the Federal credit union within ninety days.

§ 310.6 *Report at commencement of liquidation.* At the commencement of voluntary liquidation of a Federal credit union, the treasurer or agent conducting the liquidation shall file with the Regional Representative of the Bureau of Federal Credit Unions a financial and statistical report on form FCU 109 rev.

§ 310.7 *Reports during period of liquidation.* Federal credit unions in the process of voluntary liquidation shall forward to the Regional Representative of the Bureau of Federal Credit Unions a copy of the monthly financial and statistical report on form FCU 109 rev. for June 30 and December 31 within 10 days after the close of the month to which the reports apply. Additional reports, as determined by the Regional Representative of the Bureau of Federal Credit Unions to be necessary, shall be furnished promptly on request.

§ 310.8 *Examinations of Federal credit unions in voluntary liquidation.* When deemed advisable by the Regional Representative of the Bureau of Federal Credit Unions, an examination of the books and records of a Federal credit union may be made prior to, during, or following completion of voluntary liquidation. A fee for each such examination shall be assessed at the rate currently in effect for examinations of operating Federal credit unions.

§ 310.9 *Responsibility for conduct of voluntary liquidation.* The board of directors of a Federal credit union in voluntary liquidation shall be responsible for conserving the assets, for expediting the liquidation, and for equitably distributing the assets to members at the completion of liquidation. The board of directors shall determine that all persons handling or having access to funds of the Federal credit union are adequately covered by surety bond. The board of directors shall appoint a custodian for the Federal credit union's records that are to be retained for 5 years after the charter is canceled. The board of directors may appoint a liquidating agent and delegate part or all of these responsibilities to him and may authorize reasonable compensation for his services; any such liquidating agent shall be bonded for the faithful performance of his duties. The supervisory committee shall be responsible for making periodic audits of the credit union's records, at least quarterly, during the period of liquidation.

§ 310.10 *Completion of liquidation.* As soon as all assets of the Federal credit union have been converted to cash or found to be worthless and all loans and debts owing to it have been collected or found to be uncollectible and all obligations of the Federal credit union have been paid, with the exception of amounts due its members, the books shall be closed and the pro rata distribution to members computed. The amount of gain or loss shall be entered in each member's share account and should be entered in his passbook or statement of account.

§ 310.11 *Distribution of assets.* Checks shall then be drawn for the amounts to be distributed to each member who has surrendered his passbook or statement of account or has given a written confirmation of his balance. The checks shall be mailed to such members at their last known address or handed to them in person. The passbooks on hand shall be retained with the credit union records. The Regional Representative of the Bureau of Federal Credit Unions shall be notified promptly of the date final distribution of assets to the members is instituted.

§ 310.12 *Final report.* Within 120 days after the final distribution to members is instituted, the Federal credit union shall furnish to the regional office of the Bureau of Federal Credit Unions the following:

(a) A schedule of unpaid claims, if any, due members who failed to surren-

der their passbooks or confirm their balances in writing during liquidation or due members or creditors who failed to cash final distribution checks within the time limit which shall be prepared on form FCU 61d or its equivalent; this schedule shall be accompanied by a certified check or money order payable to the Treasurer of the United States in the exact amount of the total unpaid claims. The Bureau of Federal Credit Unions will deposit said funds in a special account with the Chief Disbursing Office of the Treasury of the United States where they will be held for the account of the Director of the Bureau of Federal Credit Unions as trustee for the individuals named on said schedule. Such individuals, or any persons making claims on their behalf, may submit to the Bureau their claim in writing for such funds.

(b) A copy of a schedule showing the name, book number, share balance at the commencement of liquidation, pro rata share of gain or loss, and the amount distributed to each member.

(c) A summary report on liquidation in duplicate on form FCU 61f.

(d) The Certificate of Dissolution and Liquidation on form FCU 61e signed under oath by the board of directors or agent who conducted the liquidation and made the final distribution of assets to the members.

(e) The name and address of the custodian of the Federal credit union's records.

(f) The charter of the Federal credit union.

§ 310.13 *Retention of records.* All records of the liquidated credit union necessary to establish that creditors were paid and that members' shareholdings were equitably distributed shall be retained by a custodian appointed by the board of directors of said Federal credit union for a period of 5 years following the date of cancellation of the charter.

§ 310.14 *Cancellation of charter.* On proof that distribution of assets has been made to members and within one year after receipt of the Certificate of Dissolution and Liquidation (form FCU 61e), the Director of the Bureau of Federal Credit Unions shall cancel the charter of the Federal credit union concerned.

§ 310.15 *Further instructions and information.* Further detailed instructions and information pertaining to voluntary liquidations may be obtained from the Washington or regional offices of the Bureau of Federal Credit Unions.

[F. R. Doc. 53-10520; Filed, Dec. 17, 1953; 8:51 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Office of the Secretary

SETTLEMENT OF CLAIMS ARISING FROM ACTIVITIES OF MILITARY ASSISTANCE ADVISORY GROUPS

By virtue of the authority vested in me as Secretary of Defense, I hereby di-

rect that claims against the United States, except claims cognizable by foreign governments under the provisions of existing treaties and agreements, which have arisen since January 30, 1953, or may hereafter arise from the activities of Military Assistance Advisory Groups, or of the military personnel or civilian employees thereof which are

otherwise cognizable under such acts, shall be settled in accordance with the provisions of the Foreign Claims Act (act of January 2, 1942, 55 Stat., 880), as amended, or of the act of July 3, 1943 (57 Stat. 372), as amended, and the regulations of the responsible department implementing such acts. Foreign Claims Commissions of the Department

of the Army, Navy, or Air Force, shall be responsible for the processing and settlement of such claims arising in foreign countries in which they respectively have been made responsible for the processing of claims under the NATO Status of Forces Agreement or other pertinent treaties or agreements in areas in which they have the predominant interest.

C. E. WILSON,
Secretary of Defense.

DECEMBER 14, 1953.

[F. R. Doc. 53-10488; Filed, Dec. 17, 1953;
8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

SHOSHONE AND ARAPAHOE TRIBES OF WYOMING

FEDERAL INDIAN LIQUOR LAWS

Pursuant to the act of August 15, 1953 (Pub. Law 277, 83d Cong., 1st Sess.) I certify that the following ordinance relating to the application of the Federal Indian liquor laws on the Wind River Reservation was duly adopted by the Shoshone and Arapahoe Tribes of Wyoming, which tribes have jurisdiction over the area of Indian country included in the resolution:

Whereas, Public Law 277, 83d Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488, and 3618 of Title 18, United States Code, commonly referred to as the Federal Indian liquor laws, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER.

Therefore, be it resolved that the introduction, sale or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Shoshone and Arapahoe Tribes: *Provided*, That such introduction, sale or possession is in conformity with the laws of Wyoming.

Be it further resolved that any tribal laws, resolutions or ordinance heretofore enacted which prohibit the sale, introduction or possession of intoxicating beverages are hereby repealed.

FRED G. AANDAHL,
Assistant Secretary of the Interior

DECEMBER 14, 1953.

[F. R. Doc. 53-10491; Filed, Dec. 17, 1953;
8:46 a. m.]

QUARTZ VALLEY INDIAN COMMUNITY OF CALIFORNIA

FEDERAL INDIAN LIQUOR LAWS

Pursuant to the act of August 15, 1953 (Pub. Law 277, 83d Cong., 1st Sess.), I certify that the following ordinance relating to the application of the Federal Indian liquor laws on the Quartz Valley Reservation was duly adopted by the Quartz Valley Indian Community of

California which has jurisdiction over the area of Indian country included in the resolution:

Whereas Public Law 277, 83d Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488 and 3618 of title 18, United States Code, commonly referred to as the Federal Indian liquor laws, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER.

Therefore, be it resolved that the introduction, sale or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Quartz Valley Community Council: *Provided*, That such introduction, sale or possession is in conformity with the laws of California.

Be it further resolved that any tribal laws, resolutions or ordinances heretofore enacted which prohibit the sale, introduction or possession of intoxicating beverages are hereby repealed.

FRED G. AANDAHL,
Assistant Secretary of the Interior

DECEMBER 14, 1953.

[F. R. Doc. 53-10492; Filed, Dec. 17, 1953;
8:46 a. m.]

UPPER LAKE POMO INDIAN COMMUNITY OF CALIFORNIA

FEDERAL INDIAN LIQUOR LAWS

Pursuant to the act of August 15, 1953 (Pub. Law 277, 83d Cong., 1st Sess.) I certify that the following ordinance relating to the application of the Federal Indian liquor laws on the Upper Lake Pomo Reservation was duly adopted by the Upper Lake Pomo Indian Community of California which has jurisdiction over the area of Indian country included in the resolution:

Whereas Public Law 277, 83d Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488 and 3618 of title 18, United States Code, commonly referred to as the Federal Indian liquor laws, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER.

Therefore, Be it resolved that the introduction, sale or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Upper Lake Pomo Indian Community: *Provided*, That such introduction, sale or possession is in conformity with the laws of California.

Be it further resolved that any tribal laws, resolutions or ordinances heretofore enacted which prohibit the sale, introduction or possession of intoxicating beverages are hereby repealed.

FRED G. AANDAHL,
Assistant Secretary of the Interior

DECEMBER 14, 1953.

[F. R. Doc. 53-10493; Filed, Dec. 17, 1953;
8:46 a. m.]

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, and section 1 (b) of the Walsh-Healey Public Contracts Act, as amended, have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214, as amended, 63 Stat. 910), and Part 525 of the regulations issued thereunder, as amended (29 CFR Part 525) and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR 201.1102)

The names and addresses of the sheltered workshops, wage rates and the effective and expiration dates of the certificates are set forth below. In each case, the wage rates are established at rates not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or at wage rates stipulated in the certificate, whichever is higher.

Association for the Help of Retarded Children, Inc., 724 Nostrand Street, Brooklyn, 16, New York, at a rate of not less than 10 cents per hour. Certificate is effective October 12, 1953 and expires September 30, 1954.

Goodwill Industries of New York, Inc., 317-325 East 118th Street, New York, New York; at a rate of not less than 35 cents per hour. Certificate is effective November 1, 1953 and expires October 31, 1954.

Goodwill Industries of New York, Inc., 123 East 124th Street, New York, New York; at a rate of not less than 35 cents per hour. Certificate is effective November 1, 1953 and expires October 31, 1954.

The Nassau County Branch of the Goodwill Industries of New York, Inc., Greenvale, Long Island, New York; at a rate of not less than 35 cents per hour. Certificate is effective November 1, 1953 and expires October 31, 1954.

The Baltimore League for Crippled Children and Adults, Inc., 827 St. Paul Street, Baltimore, Maryland; at a rate of not less than 20 cents per hour for a training period of 120 hours and 40 cents thereafter. Certificate is effective November 1, 1953 and expires October 31, 1954.

Goodwill Industries of Wilmington, Inc., 214-216 Walnut Street, Wilmington, Delaware; at a rate of not less than 25 cents per hour for a training period of 120 hours and 45 cents thereafter. Certificate is effective November 1, 1953 and expires October 31, 1954.

The Volunteers of America, Room 1208, 1211 Chestnut Street, Philadelphia 7, Pennsylvania, at a rate of not less than 40 cents per hour. Certificate is effective November 1, 1953 and expires October 31, 1954.

Cleveland Rehabilitation Center, 2239 East 55th Street, Cleveland, Ohio; at a rate of not less than 2 cents per hour for a training period of 160 hours and 10 cents thereafter. Certificate is effective October 12, 1953 and expires September 30, 1954.

Cleveland Society for the Blind, 2275 East 55th Street, Cleveland, Ohio; at a rate of not less than 10 cents per hour for a training period of 120 hours in the Contract Shop and 20 cents thereafter and at a rate of not less than 10 cents per hour for a training period of 120 hours, in the Serving and Broom Departments and 40 cents thereafter. Certificate is effective October 1, 1953, and expires September 30, 1954.

Flint Goodwill Industries, Inc., 2410 North Saginaw Street, Flint 5, Michigan; at a rate of not less than 25 cents per hour for a training period of 40 hours and 35 cents thereafter. Certificate is effective October 8, 1953, and expires September 30, 1954.

Michigan Veterans Facility, Soldiers' Home, 3000 Monroe Avenue, Grand Rapids 5, Michigan; at a rate of not less than 19 cents per hour. Certificate is effective October 1, 1953, and expires September 30, 1954.

Volunteers of America, 377-379 West Broad Street, Columbus 8, Ohio; at a rate of not less than 15 cents per hour for a training period of 40 hours and 30 cents thereafter. Certificate is effective October 5, 1953, and expires September 30, 1954.

Gary Goodwill Industries, Inc., 1224 Broadway, Gary, Indiana; at a rate of not less than 50 cents per hour. Certificate is effective November 1, 1953 and expires October 31, 1954.

Goodwill Industries of Fort Wayne, Inc., 112 East Columbia Street, Fort Wayne, Indiana; at a rate of not less than 40 cents per hour for a training period of 160 hours and 45 cents thereafter. Certificate is effective November 1, 1953 and expires October 31, 1954.

Minnesota Homecrafters, Inc., 1324 East First Street, Duluth, Minnesota; at a rate of not less than 10 cents per hour for a training period of 160 hours and 20 cents thereafter. Certificate is effective November 1, 1953 and expires October 31, 1954.

Minnesota Homecrafters, Inc., 3938 Minnehaha Avenue, Minneapolis, Minnesota; at a rate of not less than 10 cents per hour for a training period of 160 hours and 20 cents thereafter. Certificate is effective November 1, 1953 and expires October 31, 1954.

The Volunteers of America, Peoria Post, 823 South Jefferson Avenue, Peoria 6, Illinois; at a rate of not less than 50 cents per hour. Certificate is effective October 12, 1953, and expires September 30, 1954.

Wisconsin Workshop for the Blind, 2385 North Lake Drive, Milwaukee 11, Wisconsin; at a rate of not less than 35 cents per hour for a training period of 160 hours in the Cocoa Mat Shop and

50 cents thereafter. Certificate is effective October 1, 1953, and expires September 30, 1954.

Adult Training Center of the New Mexico School for the Blind, 408 Pennsylvania Avenue, Alamogordo, New Mexico; at a rate of not less than 40 cents per hour for a training period of 160 hours and 50 cents thereafter. Certificate is effective October 1, 1953, and expires September 30, 1954.

Goodwill Industries of San Antonio, Inc., 3822 Pleasanton Road, San Antonio 4, Texas; at a rate of not less than 40 cents per hour for a training period of 160 hours and 50 cents thereafter. Certificate is effective October 1, 1953 and expires September 30, 1954.

Goodwill Industries of Santa Clara County, Inc., 351 Lincoln Avenue, San Jose 25, California; at a rate of not less than 65 cents per hour. Certificate is effective October 20, 1953 and expires October 15, 1954.

The Volunteers of America, 2323 Kern Street, Fresno 1, California; at a rate of not less than 50 cents per hour for a training period of 80 hours and 65 cents thereafter. Certificate is effective October 1, 1953 and expires September 30, 1954.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations, as amended. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

These certificates may be cancelled in the manner provided by the regulations, as amended. 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.

Signed at Washington, D. C., this 14th day of December 1953.

JACOB I. BELLOW,
Assistant Chief of Field Operations.

[F. R. Doc. 53-10494; Filed, Dec. 17, 1953;
8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8873, 10766]

RADIO DIABLO, INC. AND KXOB, INC.

ORDER CONTINUING HEARING

In re applications of Radio Diablo, Inc., Stockton, California, Docket No. 8873, File No. BPCT-368; KXOB, Inc., Stock-

ton, California, Docket No. 10766, File No. BPCT-1091; for construction permits for new television stations.

The Commission having under consideration a joint petition of the parties in the above matter for a continuance of the hearing presently scheduled for December 24, 1953; and

It appearing that counsel for the Chief of the Broadcast Bureau has no objection to the requested continuance; and that all the parties hereto have consented to a waiver of § 1.745 of the Commission's rules of practice and procedure so the matter may be considered immediately.

It is ordered, This 11th day of December 1953, that the joint petition of the parties to this proceeding for continuance of the above matter now scheduled for December 24, 1953, is granted, and the hearing is continued to 10:00 a. m., Monday, January 11, 1954, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] Wm. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-10526; Filed, Dec. 17, 1953;
8:53 a. m.]

[Docket Nos. 8336, 10795, 10786]

LOYOLA UNIVERSITY ET AL.

ORDER CONTINUING HEARING

In re applications of Loyola University, New Orleans, Louisiana, Docket No. 8336, File No. BPCT-359; the Times-Picayune Publishing Company, New Orleans, Louisiana, Docket No. 10795, File No. BPCT-648; James A. Noe, Harry Allsman, Raymond F. Huff, and James A. Noe, Jr., d/b as James A. Noe and Company, New Orleans, Louisiana, Docket No. 10796, File No. BPCT-1588; for construction permits for new television stations.

The Commission having under consideration a motion filed December 8, 1953, by James A. Noe and Company, requesting (1) that the hearing in the above-entitled proceeding, presently scheduled to commence December 31, 1953, be continued to January 4, 1954; and (2) that the date for the exchange of certain information among the applicants be continued until December 21, 1953, fifteen days prior to the proposed commencement of hearing; and

It further appearing that counsel for the other two applicants in the above-entitled proceeding and counsel for the Broadcast Bureau have agreed to a grant of such motion; and good cause has been shown for the grant thereof;

It is ordered, This 11th day of December 1953, that the motion for continuance be and it is hereby granted; and the hearing in the above-entitled proceeding be and it is hereby continued to January 4, 1954, and the date for exchange of information is continued to December 21, 1953.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] Wm. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-10527; Filed, Dec. 17, 1953;
8:53 a. m.]

[Docket Nos. 8959, 10641]

RADIO WISCONSIN, INC. AND BADGER
TELEVISION CO., INC.

ORDER RE ISSUES

In re applications of Radio Wisconsin, Incorporated, Madison, Wisconsin, Docket No. 8959, File No. BPCT-410; Badger Television Company, Inc., Madison, Wisconsin, Docket No. 10641, File No. BPCT-1472; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of December 1953;

The Commission having under consideration a petition filed December 4, 1953, by Radio Wisconsin, Inc., seeking expeditious consideration of subject petitioner's "Supplemental Petition to Revise Hearing Issues and for Alternative Relief" filed November 16, 1953; and

It appearing that subject petitioner's supplemental petition filed November 16, 1953, requests as an alternative to the relief sought in said petition that the Commission modify its order of designation released August 14, 1953, to include an issue giving the Examiner discretionary authority to determine whether the funds available to Badger Television Company give reasonable assurance that the proposals set forth in said company's application will be effectuated; and

It further appearing that no objections to that part of the petition for alternative relief have been raised, provided the requested enlargement of the hearing issue also permits the Examiner to inquire into the issue of the sufficiency of the funds available to Radio Wisconsin, Inc., and

It further appearing that the instant proceeding was designated for hearing on August 14, 1953; and

It further appearing that the question of whether or not the available funds of Radio Wisconsin, Inc., and Badger Television Company will be sufficient to effectuate their proposals, and hence whether or not the issues should be broadened to permit the receipt of evidence on this question, is a matter best left to the discretion of the Examiner after his receipt of allegations sufficiently particularized and material so that, if proved, they would establish significant differences between the competing proposals, all as set out in our Memorandum Opinion and Order In re South Central Broadcasting Corporation, et al., released October 7, 1953, Docket Nos. 10461-10464;

It is ordered, That the above-described petition of Radio Wisconsin, Inc., filed December 4, 1953, is granted to the extent that it requests enlargement of the issues in this proceeding by the Examiner upon sufficient allegations of fact made in support of said enlargement, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable as-

surance that the proposals set forth in their applications will be effectuated.

Released: December 14, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] WM. P. MASSING,
Acting Secretary.[F. R. Doc. 53-10528; Filed, Dec. 17, 1953;
8:53 a. m.]

[Docket Nos. 10507, 10508]

HILLTOP MANAGEMENT CORP. AND NORTH-
ERN ALLEGHENY BROADCASTING CO.MEMORANDUM OPINION AND ORDER STAYING
HEARING

In re applications of Hilltop Management Corporation, Kane, Pennsylvania, Docket No. 10507, File No. BP-8577 Northern Allegheny Broadcasting Co., Kane, Pennsylvania, Docket No. 10508, File No. BP-8671, for construction permits.

1. The Commission has under consideration a petition filed November 17, 1953, by Northern Allegheny Broadcasting Co. for review of certain of the Hearing Examiner's rulings in the above-entitled proceeding and for an order by the Commission staying the hearing scheduled to commence November 18, 1953.

2. Briefly stated, the circumstances which generated the request now under consideration are pertinently as follows: Each of the above-named parties applied for identical broadcast facilities in the same community and their applications were designated for hearing to begin November 18, 1953. Northern Allegheny on November 4, 1953, petitioned for leave to amend its application to another frequency and for removal from the hearing docket. On November 16, 1953, Northern Allegheny supplemented its November 4 petition to urge that both applications be removed from hearing upon acceptance of its amendment to specify another frequency. Northern Allegheny explains that it was prompted to file its supplemental petition by the allegedly surprise informal advice from the Examiner, several days before the scheduled hearing date, that retention of the Hilltop application in hearing was contemplated. The November 16 pleading urging that both applications be removed from hearing was coupled with a further petition by Northern Allegheny asking that the Examiner continue the November 18 scheduled hearing date for a reasonable period of time to permit resolution of the substantive question. On November 17 oral argument on these matters was held before the Examiner who ruled that the Northern Allegheny application be removed from hearing, that the Hilltop application be retained in hearing, and that the hearing go forward on November 18, as scheduled. From these rulings Northern Allegheny on the same day took its subject appeal.

3. At the outset, it should be noted that we are here addressing ourselves only to the Northern Allegheny request that the

Examiner's refusal to continue the hearing be reviewed and a stay order issued, leaving for treatment at another place the merits of the substantive question. It is Northern Allegheny's position that the proposal of the Examiner to go forward on the next day with the scheduled hearing and, under the circumstances of the case, to issue an initial decision shortly thereafter, effectively abates the significance of its appeal. With this view we are in agreement. We do not interfere with the exercise of an Examiner's discretion on such matters as continuances, unless it appears in a given case that the action was arbitrary. In view of the provisions of paragraph (g) of Commission rule 1.373¹ and under the circumstances of this case, it is our judgment that we should restrain the scheduled hearing to save the full significance of the substantive question.

4. Accordingly, it is ordered, This 18th day of November 1953, that the hearing on the above-entitled applications scheduled to commence November 18, 1953, is stayed until further notice from the Commission.

Released: December 8, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] WM. P. MASSING,
Acting Secretary.[F. R. Doc. 53-10520; Filed, Dec. 17, 1953;
8:53 a. m.]

[Docket Nos. 10525, 10520]

LORAIN JOURNAL CO. AND ELYRIA-LORAIN
BROADCASTING CO.

ORDER RE ISSUES

In re applications of the Lorain Journal Company, Lorain, Ohio, Docket No. 10525, File No. BPCT-1116; Elyria-Lorain Broadcasting Company, Elyria, Ohio, Docket No. 10526, File No. BPCT-1124; for construction permits for new television broadcast station.

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

The Commission having under consideration a petition filed on July 31, 1953, by Elyria-Lorain Broadcasting Company requesting that the financial and technical issues concerning the petitioner be deleted from the Commission's order of May 27, 1953, released June 1,

¹ Section 1.373 (g) reads in pertinent part as follows: "Frequently, when two cases are designated for hearing because they are mutually exclusive, one of the applicants amends and removes the conflict. Where this occurs the appropriate procedure is to petition for leave to amend and remove from the hearing docket. Such motions will be considered promptly and if it appears that the conflict which caused the case originally to be set for hearing has been removed and there is no other obvious conflict, the two cases will be removed from the hearing docket and placed back in their proper position (as determined by the file numbers) in the processing line."

1953, designating the above-entitled applications for hearing; an opposition to the petition and motion to strike filed by The Lorain Journal Company on August 14, 1953; and a reply by the Chief of the Commission's Broadcast Bureau filed on August 10, 1953;

It appearing that in its order of May 27, 1953, the Commission designated the application of Elyria for hearing on financial and technical issues¹ as well as the standard comparative issues; and

It further appearing that by an amendment to its application, accepted on June 29, 1953, Elyria-Lorain showed the following changes: (1) Letters from the two banks which had made loan commitments to petitioner stating that each knew of the existence of the other's commitment; (2) a \$42,500 increase in capital; (3) a letter from the equipment manufacturer deferring payments on equipment by an additional \$25,000, thereby reducing cash requirements for equipment by \$25,000; and (4) the selection of a new antenna site to alleviate the re-radiation problem to an existing AM station; and

It further appearing that Lorain Journal contends that in spite of Elyria's amended application it is not financially qualified, and that Elyria has not, in any event, shown "good cause" to permit late filing of its petition; and

It further appearing that Elyria by its amended application has made a prima facie showing it is financially qualified to construct, own and operate its proposed television broadcast station; and

It further appearing that the public interest will be served by permitting the Examiner on his own motion or on petition by one of the parties to the proceedings, to admit evidence designed to controvert the fact that available funds will be sufficient to effectuate the proposals of the applicants, in re South Central Broadcasting Co. (9 RR 1035) and

It further appearing that Elyria's new antenna site will resolve the re-radiation problem originally raised; and

It further appearing that Elyria-Lorain Broadcasting Company is financially qualified to the extent indicated herein and is technically qualified to construct, own and operate a television broadcast station; and

It further appearing that a grant of Elyria's petition would not be unfair to the competing applicant and that Elyria has made a convincing showing why it was not possible to file its motion within 15 days after the issues were published in the FEDERAL REGISTER as required by § 1.389 of the Commission's rules and regulations;

¹ The financial and technical issues were based on the following questions raised in the Commission's "McFarland" letter of April 23, 1953:

(a) Whether the two banks which were going to loan \$100,000 each to the petitioner knew of the existence of the other's commitment.

(b) Whether the sum of \$240,000 cash available would be sufficient to meet cash requirements during the first year of approximately \$251,091.

(c) Whether their proposed antenna site, which was 2,521 feet from the WEOL (AM) antenna structure, would affect the operation of WEOL.

It is ordered, That the request for deletion of issues by Elyria-Lorain Broadcasting Co. is granted and that the motion to strike by the Lorain Journal Company is denied.

It is further ordered, That the Commission's order of May 27, 1953, released June 1, 1953, designating for hearing the above described applications is modified by the deletion of the issues with respect to the financial and technical qualifications of Elyria-Lorain Broadcasting Co.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: December 14, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] WIL P. MASSING,
Acting Secretary.

[F. R. Doc. 53-10530; Filed, Dec. 17, 1953;
8:53 a. m.]

[Docket Nos. 10799, 10800, 10801]

HAMPTON ROADS BROADCASTING CORP.
ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Hampton Roads Broadcasting Corporation, Newport News, Virginia, Docket No. 10799, File No. BPCT-502; Beachview Broadcasting Corporation, Norfolk, Virginia, Docket No. 10800, File No. BPCT-1605; Portsmouth Radio Corporation, Portsmouth, Virginia, Docket No. 10801, File No. BPCT-1750; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of December 1953;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 10 assigned to Norfolk-Portsmouth-Newport News, Virginia; and

It appearing that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing that Portsmouth Radio Corporation proposes an antenna of 1,000 feet above average terrain; because of said antenna height, it may

be necessary to specify special appropriate hazard markings; and that a grant, if made, of the aforementioned application should be subject to the following condition: "That the obstruction markings shall be in accordance with such hazard markings as the Commission may find necessary and appropriate."

It further appearing that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory that Hampton Roads Broadcasting Corporation is technically qualified to construct, own and operate a television broadcast station except as to those matters specified in the issues below that Beachview Broadcasting Corporation is legally and financially qualified to construct, own and operate a television broadcast station and is technically so qualified except as to the matter referred to in issue "G" below; and that Portsmouth Radio Corporation is legally, financially and technically qualified to construct, own and operate a television broadcast station.

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 8th of January 1954 in Washington, D. C., upon the following issues:

1. To determine whether Hampton Roads Broadcasting Corporation is authorized under its articles of incorporation to construct, own and operate its proposed television broadcast station.

2. To determine whether Hampton Roads Broadcasting Corporation is financially qualified to construct, own and operate its proposed television broadcast station.

3. To determine, in accordance with § 3.634 of the Commission's rules, the antenna height above average terrain proposed by Hampton Roads Broadcasting Corporation in its above-entitled application.

4. To determine whether the transmitter type specified by Hampton Roads Broadcasting Corporation in its above-entitled application is appropriate for operation on Channel 10.

5. To determine the power gain and power distribution of the antenna system proposed by Hampton Roads Broadcasting Corporation in its above-entitled application, and the effect thereof on the calculated effective radiated power.

6. To determine whether the installation of the station proposed by Beachview Broadcasting Corporation in its above-entitled application would constitute a hazard to air navigation.

7. To determine on a comparative basis which of the operations proposed in the above-entitled applications would best serve the public interest, convenience or necessity in the light of the record made with respect to the significant differences among the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own

and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered. That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: December 14, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-10531; Filed, Dec. 17, 1953;
8:54 a. m.]

[Docket No. 10803]

VERI-TRIM PRODUCTS CO.

ORDER SCHEDULING MATTER FOR HEARING

In the matter of Cease and Desist Order to be directed to Arthur Cohen and Allen S. Finkelstein, tr/as Veri-Trim Products Company, 990 Myrtle Avenue, Brooklyn, N. Y.

The Commission having under consideration the issuance of an order pursuant to section 312 (b) of the Communications Act of 1934, as amended, to Arthur Cohen and Allen S. Finkelstein, tr/as, Veri-Trim Products Company (hereinafter referred to as Veri-Trim Products Company) to cease and desist from violating Part 18 of the Commission's rules by operating electronic heating equipment which (1) is the source of interference to authorized radio services, and (2) is not certified or licensed in accordance with the Commission's rules;

It appearing that Veri-Trim Products Company operates in its plant at 990 Myrtle Avenue, Brooklyn, N. Y., certain industrial heating equipment operating on approximately 30 Mc which is subject to the requirements of §§ 18.1, 18.2 (c) 18.3, 18.4, 18.21, 18.22, 18.23, 18.24 and 18.41 through 18.49 of the Commission's rules; and

It further appearing that the aforementioned equipment causes interference to an authorized radio communication system operated by the United States Army in the vicinity of New York, N. Y., and

It further appearing that the aforementioned equipment has not been certified by a duly qualified engineer or the manufacturer of the equipment as required by § 18.22 of the Commission's rules, nor has the equipment been licensed pursuant to § 18.41 of the Commission's rules; and

It further appearing that the above facts have been called to the attention of the Veri-Trim Products Company by the Commission both orally and in writing, and that the company has been accorded an opportunity to demonstrate or achieve compliance with all lawful requirements but such demonstration has not been made and such compliance has not been accomplished;

It is ordered. This 11th day of December 1953, pursuant to section 312 (c) of the Communications Act of 1934, as amended, and pursuant to the Commission's order of September 30, 1953, delegating authority to the Chief, Field Engineering and Monitoring Bureau to issue orders to show cause why cease and desist orders should not be issued with respect to Industrial, Scientific, and Medical Equipment, that the Veri-Trim Products Company be and is hereby directed to show cause why there should not be issued an order commanding it to cease and desist from violating the provisions of Part 18 of the Commission's rules by operating industrial heating equipment without the certification or license required by Part 18 of the Commission's rules, and by operating such equipment in a manner which causes interference to authorized radio services; and

It is further ordered. That a hearing in this matter be held in New York, N. Y., at 10:00 a. m. on the 20th day of January 1954, in order to determine whether said cease and desist order should be issued and that Veri-Trim Products Company is herewith called upon to appear at this hearing and give evidence upon the matters specified herein; and

It is further ordered. Pursuant to § 1.402 of the rules, that said Veri-Trim Products Company is directed to file with the Commission within thirty days of the receipt of this order a written appearance in triplicate, stating that the Company will appear and present evidence on the matter specified in this order if the Company desires to avail itself of its opportunity to appear before the Commission. If said Veri-Trim Products Company does not desire to appear before the Commission and give evidence on the matter specified herein, it shall, within thirty days of the receipt of this order, file with the Commission, in triplicate, a written waiver of hearing. Such waiver may be accompanied by a statement of reasons why Veri-Trim Products Company believes that a cease and desist order should not be issued, and

It is further ordered. That failure of said Veri-Trim Products Company timely to respond to this order or failure to appear at the hearing designated herein will be deemed a waiver of hearing.

Released: December 14, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-10532; Filed, Dec. 17, 1953;
8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-2110, G-2329]

AMERE GAS UTILITIES CO.

ORDER PERMITTING CERTAIN TARIFF SHEETS TO TAKE EFFECT BY SUBSTITUTION AND SUSPENDING CERTAIN OTHER TARIFF SHEETS

On November 16, 1953, Amere Gas Utilities Company (Amere) tendered for filing its Second Revised Sheets Nos. 4 and 6 to its FPC Gas Tariff, First Revised Volume No. 1, proposing increases in its demand-commodity and transportation components of its Rate Schedule CDS-1 applicable to sales of gas to Bluefield Gas Company (Bluefield) its only resale customer.

On November 18, 1953, Amere tendered in substitution of its filing of November 16 its Second Revised Sheets Nos. 4 and 6 and Third Revised Sheet No. 4. The tendered filings make no substantive change from the tender of November 16, 1953, but are submitted so that the increase in the transportation component of the rate, which is claimed to be based upon presently experienced increased costs, might be considered separately from the proposed increase in the demand and commodity components which are based upon anticipated increased costs.

The substituted Second Revised Sheet No. 4 provides for an increase in the transportation component from 3 cents to 5 cents per Mcf and would result in an increase of \$4,183 per year. The proposed 5 cents per Mcf charge is based on an allocation of costs for the lateral serving Bluefield during the 12-month period which ended September 30, 1953. Amere proposes that its Second Revised Sheet No. 4 become effective December 17, 1953. Such Second Revised Sheet would replace First Revised Sheet No. 4 now in effect under bond in Docket No. G-2110.

Amere requests that its Second Revised Sheet No. 6 and Third Revised Sheet No. 4, providing for changes in the demand and commodity components, and reflecting a revised heat content adjustment, which would result in a net increase of \$2,237 per year, to become effective on such date as the Commission may determine, but in any event not later than March 1, 1954. This proposed increase is in addition to the proposed increase of \$32,662 in effect under bond in Docket No. G-2110, which the Commission found has not been shown to be justified and may be unjust or unreasonable, or otherwise unlawful. Likewise, the rates and charges provided in Amere's Second Revised Sheet No. 6 and Third Revised Sheet No. 4, as filed on November 18, 1953, have not been shown to be justified and may be unjust or unreasonable, or otherwise unlawful.

Amere states that the proposed Second Revised Sheet No. 6 and Third Revised Sheet No. 4 reflect a proposed increase in rates from Atlantic Seaboard Corporation now under suspension in Docket No. G-2275, pursuant to Commission orders issued October 13 and 26, 1953.

On December 7, 1953, Bluefield filed protests and objections to the proposed increase in rates. A protest has also

been received from the Public Service Commission of West Virginia.

The Commission finds:

(1) Good cause exists to permit the aforesaid Second Revised Sheet No. 4 to Amere's FPC Gas Tariff, First Revised Volume No. 1, to take effect as of December 17, 1953, as hereinafter ordered.

(2) It is necessary and proper in the public interest, and in aid of the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of such act, concerning the lawfulness of Amere's FPC Gas Tariff, First Revised Volume No. 1 as proposed to be amended by Second Revised Sheet No. 6 and Third Revised Sheet No. 4, and that such sheets be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision thereon.

The Commission orders:

(A) Amere's Second Revised Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No. 1, tendered for filing on November 18, 1953; is hereby permitted to take effect as of December 17, 1953. Said Second Revised Sheet No. 4 shall be substituted for Amere's First Revised Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No. 1, and shall be subject to review in the proceedings in Docket No. G-2110 and the terms and conditions of the bond posted pursuant to the order issued July 16, 1953.

(B) Pursuant to the authority contained in section 4 of the Natural Gas Act, a public hearing be held in Docket No. G-2329 upon a date to be fixed by further order of the Commission concerning the lawfulness of the rates, charges and classifications contained in Amere's FPC Gas Tariff, First Revised Volume No. 1, as amended by Second Revised Sheet No. 6 and Third Revised Sheet No. 4.

(C) Pending hearing and decision in Docket No. G-2329, Amere's Second Revised Sheet No. 6 and Third Revised Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No. 1, be and the same are hereby suspended, and the use thereof is deferred until March 1, 1954, and until such further time thereafter as said proposed tariff sheets may be made effective in the manner prescribed by the Natural Gas Act.

(D) Interested State commissions may participate as provided by §§1.8 and 1.37 (f) [18 CFR 1.8 and 1.37 (f)] of the Commission's rules of practice and procedure.

Adopted: December 9, 1953.

Issued: December 14, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-10495; Filed, Dec. 17, 1953;
8:47 a. m.]

[Docket No. G-2141]

SOUTHERN NATURAL GAS CO.

ORDER FIXING DATE FOR RESUMPTION
OF HEARING

On December 1, 1953, the hearing in this proceeding was recessed to reconvene on January 5, 1954. Staff Counsel had requested, on the record, a recess until February 8, 1954, alleging, among other matters, prior commitments of the Staff in other proceedings. The parties to the proceeding indicated that they did not object to Staff Counsel's request.

On December 4, 1953, Staff Counsel filed a motion for postponement of the hearing from January 5, 1954, to February 8, 1954, for the reasons above stated.

The Commission finds: Good cause exists for reconvening of the hearing in this proceeding as hereinafter ordered and it is desirable that all parties be notified as soon as practicable of the postponement granted herein.

The Commission orders: The public hearing in this proceeding be resumed on February 15, 1954, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C.

Adopted: December 9, 1953.

Issued: December 14, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-10496; Filed, Dec. 17, 1953;
8:47 a. m.]

[Docket Nos. G-2290, G-2304, G-2325]

TENNESSEE GAS TRANSMISSION CO. ET AL.

NOTICE OF APPLICATIONS

DECEMBER 14, 1953

In the matters of Tennessee Gas Transmission Company, Docket No. G-2290; The Manufacturers Light and Heat Company, Docket No. G-2304; The Ohio Fuel Gas Company, Docket No. G-2325.

Take notice that on October 21, 1953, Tennessee Gas Transmission Company (Tennessee) a Delaware corporation, address, Houston, Texas, filed an application in Docket No. G-2290, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the delivery of up to 15,300 Mcf (at 14.73 p. s. i. a.) of natural gas per day to The Ohio Fuel Gas Company (Ohio Fuel Gas) for the account of The Manufacturers Light and Heat Company (Manufacturers) at a new delivery point to be located in Guernsey County, Ohio, and authorizing the construction and operation at said new delivery point of metering and regulating facilities required for such delivery. The estimated cost of the proposed facilities is \$16,500, which Tennessee proposes to pay for from cash on hand.

On November 9, 1953, Manufacturers, a Pennsylvania corporation, address, Pittsburgh, Pennsylvania, filed an application in Docket No. G-2304, requesting authorization pursuant to section 7 of the Natural Gas Act to release and assign to its affiliate, Ohio Fuel Gas, the right to purchase up to 15,300 Mcf (at 14.73 p. s. i. a.) of natural gas per day from The Chicago Corporation, and to have said gas transported and delivered by Tennessee to Ohio Fuel Gas at said new delivery point to be constructed by Ten-

nessee, as hereinbefore described. On December 3, 1953, Manufacturers filed an amendment to said application in which it is stated that Manufacturers proposes to transfer to Ohio Fuel Gas all Manufacturers' right, title and interest in the gas proposed to be delivered into the facilities of Ohio Fuel Gas by Tennessee simultaneously with such delivery so that full title thereto shall then be in Ohio Fuel Gas, and as part of its FPC Gas Tariff, Manufacturers proposes to file a letter agreement with Ohio Fuel Gas providing for release and assignment to Ohio Fuel Gas of Manufacturers' title to such volumes of gas. No new facilities are proposed to be constructed by Manufacturers in connection with said proposal.

On December 3, 1953, Ohio Fuel Gas, an Ohio corporation, address, Columbus, Ohio, filed an application in Docket No. G-2325, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of (1) approximately 1.3 miles of 10 $\frac{3}{4}$ inch natural-gas transmission pipe line connecting an existing 26-inch transmission pipe line of Tennessee with Applicants 12 $\frac{3}{4}$ inch Line O-389 in Cambridge Township, Guernsey County, Ohio, and (2) facilities required in connection with the expansion of underground storage by the conversion of a natural gas producing pool to storage service in Guernsey and Coshocton Counties, Ohio, said facilities including approximately 3.3 miles of 8 $\frac{1}{2}$ inch connecting line, 24.1 miles of 3 $\frac{1}{2}$ inch and 12 $\frac{3}{4}$ inch project piping, together with measurement facilities, auxiliary equipment, valves and incidental facilities.

Ohio Fuel Gas proposes, by means of said facilities, to receive into its system up to 15,300 Mcf (at 14.73 p. s. i. a.) of natural gas per day from the facilities of Tennessee in accordance with the proposals set forth in the applications filed in Docket Nos. G-2290 and G-2304, hereinbefore described. Ohio Fuel Gas proposes to utilize said gas (1) to protect service in Applicant's retail markets in eastern Ohio, in the areas of Coshocton, Zanesville, and Cambridge, Ohio, during current and future winter periods, by maintaining sufficient capacity to avoid pressure drops at town border stations, particularly at Cambridge, and (2) to activate and operate a storage pool in Guernsey and Coshocton Counties, in Ohio, designated as Guernsey 8-A, which project heretofore was denied by the Commission in its order issued on February 6, 1953 in Docket No. G-1935, because of the dependency of such project upon facilities and operations for which no applications had been filed by Manufacturers and Tennessee. The facilities for which authorization was denied by the Commission's order are the same facilities at those for which certification is sought herein.

The estimated total overall capital cost of the facilities proposed by Ohio Fuel Gas is \$564,200. Ohio Fuel Gas proposes to pay for such cost with funds to be provided by its parent, The Columbia Gas System, Inc., which will purchase the notes and common stock of Ohio Fuel

Gas as funds are required to meet construction costs.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 6th day of January 1954. The applications are on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-10497; Filed, Dec. 17, 1953;
8:47 a. m.]

[Project No. 2075]

WASHINGTON WATER POWER CO.

NOTICE OF ORDER AMENDING PRELIMINARY PERMIT

DECEMBER 14, 1953.

Notice is hereby given that on October 20, 1953, the Federal Power Commission issued its order adopted October 15, 1953, amending preliminary permit in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-10498; Filed, Dec. 17, 1953;
8:47 a. m.]

[Project No. 2107]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF ORDER ISSUING LICENSE (MAJOR)

DECEMBER 14, 1953.

Notice is hereby given that on October 26, 1953, the Federal Power Commission issued its order adopted October 21, 1953, issuing license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-10499; Filed, Dec. 17, 1953;
8:48 a. m.]

[Project No. 2146]

ALABAMA POWER CO.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

DECEMBER 14, 1953.

Public notice is hereby given that Alabama Power Company, of Birmingham, Alabama, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for preliminary permit for proposed Project No. 2146 to be located on the Coosa River in Elmore, Shelby, Talladega, St. Clair, Calhoun, Etowah and Cherokee Counties, Alabama, and in Floyd County, Georgia, and affecting lands of the United States occupied by navigation locks and dams and by Alabama Ordnance Works near Childersberg, Alabama. The proposed project would include several dams in Coosa River to develop about 200 feet of undeveloped power head of which about 35

feet of head is below the existing Jordan Dam and the balance is in the 180-mile reach of the river between the existing Lay Reservoir and Rome, Georgia. The initial proposed installation of generating facilities would have a capacity of about 321,000 horsepower and would produce about 1,155 million kwh annually. The energy would be utilized through the applicant's transmission system in Alabama and through interconnections with utilities operating in Georgia, Florida and Mississippi and with the Tennessee Valley Authority. The preliminary permit, if issued, shall be for the sole purpose of maintaining priority of application for license under the terms of the Federal Power Act for the proposed project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before January 25, 1954. The ap-

plication is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-10516; Filed, Dec. 17, 1953;
8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES AT FIXED PRICES

DECEMBER 1953 DOMESTIC AND EXPORT PRICE LISTS

Pursuant to the Pricing Policy of Commodity Credit Corporation issued March 22, 1950, as amended January 9, 1953 (15 F. R. 1593, 18 F. R. 176) and subject to the conditions stated therein, the following commodities are available for sale in the quantities and at the prices stated:

DECEMBER 1953 EXPORT PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Export price list
Cottonseed oil, refined, 796,000,000 pounds. ¹	Bid basis f. o. b. tankcars or tankwagons at points of storage locations. Available New Orleans CSS Commodity Office. (A recent sale was made by OCC to a new export outlet at 12.5 cents per pound, basis p. b. s. y. ex tank at storage location.)
Cottonseed oil, crude, 15,000,000 pounds. ¹	Bid basis f. o. b. tankcars or tankwagons at producer's mills. Available New Orleans CSS Commodity office.
Linseed oil, raw, 143,300,000 pounds. ¹	Bid basis f. o. b. tankcars at points of storage locations. Available Chicago, Dallas, New Orleans, Portland, and Minneapolis CSS Commodity offices. (A recent large export sale was made by OCC at 8.5 cents per pound, basis ex tank at storage location.)
Olive oil, edible, 202,825 gallons ¹ ----	Bid basis f. o. b. points of storage locations. Available Portland CSS Commodity office.
Peanuts, shelled, bagged (for crushing).	Bid basis, f. a. s. vessel at specified ports, subject to terms and conditions of USDA Announcement FO-28/53. Peanuts may be 1953 crop peanuts acquired by calling loans, as well as OCC stocks from previous crops. (These peanuts are also available as farmer's stock for export on bid basis, f. o. b. points of storage locations subject to the terms and conditions of USDA Announcements OCC Peanut Forms 34 and 40.) Available Fats and Oils Branch, OSS, USDA, Washington 25, D. C., and New Orleans OSS Commodity office.
Baby lima beans, bagged, 1950 and 1951 crops, 68,918 hundredweight	U. S. No. 1 Grade, \$4 per 100 pounds, basis f. a. s. San Francisco Bay area. For other grades, adjust by market differentials. Available Portland OSS Commodity office.
Wheat, bulk-----	As stated in USDA press release of November 19, 1953, wheat will be made available at export prices as wheat or flour under separate announcement. Available Chicago, Minneapolis, Kansas City, New Orleans, Dallas, and Portland OSS Commodity offices.
Corn, bulk, 50,000,000 bushels ¹ ----	Market price on date of sale at point of delivery, provided delivery takes place within 15 days unless otherwise agreed upon.

¹These same lots also are available at domestic sales prices announced today.

DECEMBER 1953 DOMESTIC PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Domestic sales price
Nonfat dry milk solids, in carload lots only 345,000,000 pounds, spray; 75,000,000 pounds, roller.	Spray process, U. S. Extra Grade, 17 cents per pound. Roller process, U. S. Extra Grade, 15 cents per pound. Prices apply "in store" at location of stocks in any State ("in store" means at the processor's plant or in storage at warehouse, but with any prepaid storage and outhandling charges for the benefit of the buyer.)
Salted creamery butter (in carload lots only), 250,000,000 pounds.	U. S. Grade A and higher: All States except those listed below, 68.75 cents per pound New York, New Jersey, Pennsylvania, New England and other States bordering the Atlantic Ocean and Gulf of Mexico, 69.50 cents per pound; California, Oregon, and Washington, 69.75 cents per pound. U. S. Grade B: 2 cents per pound less than Grade A prices. Prices apply "in store" at location of stocks in those States where butter is stored ("in store" means at the processor's plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.)
Cheddar cheese, cheddar and twin styles (standard moisture basis, in carload lots only), 260,000,000 pounds.	U. S. Grade A and higher: All States except those listed below, 30 cents per pound: New York, New Jersey, Pennsylvania, New England and other States bordering the Atlantic and Pacific Oceans and Gulf of Mexico, 40 cents per pound. U. S. Grade B: 1 cent per pound less than Grade A prices. Prices apply "in store" at location of stocks in those States where cheese is stored. All prices are subject to usual adjustment for moisture content. ("in store" means at the processor's plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.)
Cottonseed oil, refined, 796,000,000 pounds. ¹	Market price but not less than the minimum crude price, with appropriate adjustments for refining, location and quality f. o. b. tankcars or tankwagons at points of storage locations. Available New Orleans OSS Commodity office. Price will not be reduced during period ending August 31, 1954.
Cottonseed oil, crude, 15,000,000 pounds. ¹	Market price but not less than 15 cents per pound, prime, Valley basis, f. o. b. tankcars or tankwagons at producer's mills subject to premiums or discounts comparable to Bulletin 3 of the 1953 crop cottonseed price support program. Available New Orleans OSS Commodity office. Price will not be reduced during period ending August 31, 1954.

¹These same lots also are available at export sales prices announced today.

DECEMBER 1953 DOMESTIC PRICE LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Domestic sales price
Slender wheatgrass seed (uncertified), bagged, 280 hundred weight	\$16 per 100 pounds, f. o. b. point of production, plus any paid in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending June 30, 1954. Available Portland and Minneapolis OSS Commodity offices.
Primer standard wheatgrass seed (certified), bagged, 207 hundred weight	\$31.50 per 100 pounds, f. o. b. point of production, plus any paid in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending June 30, 1954. Available Portland OSS Commodity office.
Alfalfa seed, northern, bagged 170 708 hundredweight	\$37.50 per 100 pounds, f. o. b. area of production, plus any paid in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending June 30, 1954. Available Portland, Minneapolis and Kansas City OSS Commodity offices.
Alfalfa seed, central, bagged, 30 630 hundredweight	\$30 per 100 pounds, f. o. b. area of production, plus any paid in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending June 30, 1954. Available Portland, Minneapolis and Kansas City OSS Commodity offices.
Alfalfa seed, southern, bagged, 4 470 hundredweight	\$22 per 100 pounds, f. o. b. area of production, plus any paid in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending June 30, 1954. Available Portland and Dallas OSS Commodity offices.
Alfalfa seed (certified), bagged, 80 240 hundredweight	\$33.70 per 100 pounds, f. o. b. area of production, plus any paid in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending June 30, 1954. Available Portland OSS Commodity office.
Lucas, 7 080 hundredweight	\$21.50 per 100 pounds, f. o. b. area of production, plus any paid in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending June 30, 1954. Available Portland and Minneapolis OSS Commodity offices.
Alfalfa, 6 125 hundredweight	\$29 per 100 pounds, f. o. b. area of production, plus any paid in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending June 30, 1954. Available Portland and Minneapolis OSS Commodity office.
Alfalfa (certified), bagged, 1 150 hundredweight	Market price for feed basis in store. Available Portland, Minneapolis, Kansas City, Chicago, and New Orleans OSS Commodity offices.
Tall fescue seed (Common), bagged, 103 640 hundredweight	At points of production, basis in store, the market price but not less than the applicable 1953 county loan rate for No. 3 yellow plus: (1) 10 cents per bushel if received by truck, or (2) 16 cents per bushel if received by rail or barge. At other locations, the foregoing plus: (1) 1 cent in freight. Examples of minimum prices per bushel: Chicago, No. 3 yellow, \$1.55; St. Louis, \$1.55; Yellow Slide, Minneapolis, No. 3 yellow, \$1.51; Omaha, No. 3 yellow, \$1.55; Kansas City, No. 3 yellow, \$1.91. For other classes, grades, and quality, market differentials will apply.
Tall fescue seed (certified), bagged, 55 230 hundredweight	Market price for feed, basis in store. Small lots available Minneapolis, Dallas, and Kansas City OSS Commodity offices.
Oats, bulk (for feed only), LOL lots 200,000 bushels	Market price for feed, basis in store. Small lots available Chicago, Minneapolis, Kansas City, and Portland OSS Commodity offices.
Corn, bulk 20 000 bushels	Market price for feed, basis in store. Small lots available Minneapolis, OSS Commodity office.
Grain sorghums, bulk (for feed only) 30,000 hundredweight	Market price for feed, basis in store. Available Minneapolis OSS Commodity office.
Barley, bulk (certified only), 231,000 bushels	Market price for feed, basis in store. Available Chicago, Minneapolis, Kansas City, and Portland OSS Commodity offices.
Rye, bulk (for feed only), 125 000 bushels	Market price for feed, basis in store. Available Chicago, Minneapolis, Kansas City, and Portland OSS Commodity offices.
Ferrous, bulk (ferrousing only), LOL lots 210 000 bushels	Market price for feed, basis in store. Available Minneapolis, Kansas City, New Orleans, and Portland OSS Commodity offices.
Soybeans, bulk (for crushing only), 700,000 bushels	Market price for feed, basis in store. Available Minneapolis, Kansas City, New Orleans, and Portland OSS Commodity offices.
Wool, shorn and pulled, gross (including same counts), 97, 200 000 pounds	Sales of wool will be made at prices reflecting the higher of the market price or 103 percent of the price support appraisal value per pound plus an allowance for sales commission on wool, Boston basis, reduced for net freight on wool stored outside the Boston storage area. Sales will be made ex warehouse where the wool is stored. Available Boston OSS Commodity office

The above prices will not be applicable to sales made in connection with drought relief programs carried out in disaster areas
 (Sec 407, 63 Stat 1051)
 Issued: December 14, 1953
 ISRAJ
 Howard H. Gordon,
 President, Commodity Credit Corporation
 Filed, Dec 17, 1953; 8:49 a m.]

DECEMBER 1953 DOMESTIC PRICE LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Domestic sales price
Linsed oil, raw, 140 300 000 pounds, 1	Market price on date of sale, but not less than equivalent of the 1953 prices any paid in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending July 31, 1954. Available Chicago, Dallas, New Orleans, Portland, and Minneapolis OSS Commodity offices.
Olive oil, edible, 202 825 gallons 1	Market price on date of sale, but not less than equivalent of the 1953 prices any paid in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending July 31, 1954. Available Chicago, Dallas, New Orleans, Portland, and Minneapolis OSS Commodity offices.
Peanuts, farmer's stock, Virginia 1990, bagged, 181 700 4 000 tons; 1952 crop, 3 000 tons; 1 Runners 1952 crop, 10,000 tons 1	Market price on date of sale, but not less than equivalent of the 1953 prices any paid in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending July 31, 1954. Available Chicago, Dallas, New Orleans, Portland, and Minneapolis OSS Commodity offices.
Dry edible beans --	Market price on date of sale, but not less than equivalent of the 1953 prices any paid in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending July 31, 1954. Available Chicago, Dallas, New Orleans, Portland, and Minneapolis OSS Commodity offices.
Large Lima, bagged 1022 crop 350 000 cwt	Market price on date of sale, but not less than equivalent of the 1953 prices any paid in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending July 31, 1954. Available Chicago, Dallas, New Orleans, Portland, and Minneapolis OSS Commodity offices.
Common and Willamette vetch seed, bagged, 140 650 hundred weight	Market price on date of sale, but not less than equivalent of the 1953 prices any paid in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending July 31, 1954. Available Chicago, Dallas, New Orleans, Portland, and Minneapolis OSS Commodity offices.
Red clover seed (uncertified), bagged, 110 490 hundredweight	Market price on date of sale, but not less than equivalent of the 1953 prices any paid in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending July 31, 1954. Available Chicago, Dallas, New Orleans, Portland, and Minneapolis OSS Commodity offices.
Red clover seed (certified), bagged, 1016 hundredweight	Market price on date of sale, but not less than equivalent of the 1953 prices any paid in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending July 31, 1954. Available Chicago, Dallas, New Orleans, Portland, and Minneapolis OSS Commodity offices.
Red clover seed (Midland, 625 hundredweight)	Market price on date of sale, but not less than equivalent of the 1953 prices any paid in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending July 31, 1954. Available Chicago, Dallas, New Orleans, Portland, and Minneapolis OSS Commodity offices.
Red clover seed (Kendall certified), bagged, 140 hundred weight	Market price on date of sale, but not less than equivalent of the 1953 prices any paid in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending July 31, 1954. Available Chicago, Dallas, New Orleans, Portland, and Minneapolis OSS Commodity offices.
White clover seed, bagged, 1 000 hundredweight	Market price on date of sale, but not less than equivalent of the 1953 prices any paid in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending July 31, 1954. Available Chicago, Dallas, New Orleans, Portland, and Minneapolis OSS Commodity offices.
Ladino clover seed, bagged (certified), 14,810 hundredweight	Market price on date of sale, but not less than equivalent of the 1953 prices any paid in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending July 31, 1954. Available Chicago, Dallas, New Orleans, Portland, and Minneapolis OSS Commodity offices.
Crimson clover seed, bagged, 1,010 hundredweight	Market price on date of sale, but not less than equivalent of the 1953 prices any paid in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending July 31, 1954. Available Chicago, Dallas, New Orleans, Portland, and Minneapolis OSS Commodity offices.
Blondinet clover seed, bagged, 25,000 hundredweight	Market price on date of sale, but not less than equivalent of the 1953 prices any paid in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending July 31, 1954. Available Chicago, Dallas, New Orleans, Portland, and Minneapolis OSS Commodity offices.
Alsiko clover seed, bagged, 10,220 hundredweight	Market price on date of sale, but not less than equivalent of the 1953 prices any paid in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending July 31, 1954. Available Chicago, Dallas, New Orleans, Portland, and Minneapolis OSS Commodity offices.
Smooth bromegrass seed (uncertified), bagged, 770 hundred weight	Market price on date of sale, but not less than equivalent of the 1953 prices any paid in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending July 31, 1954. Available Chicago, Dallas, New Orleans, Portland, and Minneapolis OSS Commodity offices.
Smooth bromegrass seed (Man clear certified), bagged, 345 hundredweight	Market price on date of sale, but not less than equivalent of the 1953 prices any paid in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending July 31, 1954. Available Chicago, Dallas, New Orleans, Portland, and Minneapolis OSS Commodity offices.
Mountain bromegrass seed (Dro mar certified), bagged, 630 hundredweight	Market price on date of sale, but not less than equivalent of the 1953 prices any paid in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending July 31, 1954. Available Chicago, Dallas, New Orleans, Portland, and Minneapolis OSS Commodity offices.
Hairy vetch seed, bagged, 100,800 hundredweight	Market price on date of sale, but not less than equivalent of the 1953 prices any paid in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending July 31, 1954. Available Chicago, Dallas, New Orleans, Portland, and Minneapolis OSS Commodity offices.
Birdfoot trefoil seed, bagged, 820 hundredweight	Market price on date of sale, but not less than equivalent of the 1953 prices any paid in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending July 31, 1954. Available Chicago, Dallas, New Orleans, Portland, and Minneapolis OSS Commodity offices.

These same lots also are available at export sales prices announced today.

GENERAL SERVICES ADMINISTRATION

PRESIDENT, VIRGIN ISLANDS CORP.

DELEGATION OF AUTHORITY WITH RESPECT TO DISPOSAL OF DISTILLERY PROPERTY LOCATED IN ST. CROIX, VIRGIN ISLANDS

1. Pursuant to authority vested in me by the Federal Property and Administrative Services Act of 1949, as amended, (hereinafter referred to as "the act") I hereby authorize the President of the Virgin Islands Corporation, a wholly owned Government corporation created by the act of June 30, 1949 (63 Stat. 350, 48 U. S. C., sec. 1407 et seq.) to determine that the distillery property located on the Island of St. Croix, owned by the Corporation, is not required for the needs and responsibilities of Federal agencies, and to dispose of such property by negotiated sale, or lease with option to purchase upon such terms as may be deemed advantageous to the United States.

2. Prior to such determination and disposal of the property, the President of the Virgin Islands Corporation shall take such steps as may be appropriate to determine whether any Federal agency has need therefor, and, if so, shall transfer the property to such agency upon such terms as to reimbursement as may be prescribed in accordance with the provisions of section 202 (a) of the act, as amended by section 1 (f) of Public Law 522, 82d Congress.

3. The President of the Virgin Islands Corporation shall submit to the appropriate Committees of Congress an explanatory statement of the type required by section 203 (e) of the act, as amended by section 1 (i) of Public Law 522, 82d Congress, at least thirty (30) days prior to the consummation of any sale or lease negotiated hereunder. A copy of each such statement shall be furnished to this Administration.

4. This delegation of authority shall be effective as of the date hereof.

EDMUND F. MANSURE,
Administrator

DECEMBER 11, 1953.

[F. R. Doc. 53-10502; Filed, Dec. 17, 1953; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3164]

NEW YORK STATE NATURAL GAS CORP.

ORDER DISMISSING APPLICATION

DECEMBER 14, 1953.

New York State Natural Gas Corporation ("New York Natural") a non-utility subsidiary of Consolidated Natural Gas Company, a registered holding company, having filed an application pursuant to section 10 of the Public Utility Holding Company Act of 1935 requesting approval of its proposed acquisition from The Manufacturers Light and Heat Company, a non-affiliated public-utility company, for a cash consideration of \$63,150.73, of certain properties to be incorporated into and to

become a part of New York Natural's Oakford Storage Area, in Westmoreland County, Pennsylvania; and

The Commission having considered the application and having entered its Memorandum Opinion herein concluding that it has no jurisdiction over the proposed acquisition and that no application in connection therewith is required:

It is ordered, That said application be, and hereby is, dismissed for lack of jurisdiction.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-10500; Filed, Dec. 17, 1953; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6434]

TRANS-PACIFIC AIRLINES, LTD.

NOTICE OF PREHEARING CONFERENCE

In the matter of Trans-Pacific Airlines, Ltd., for extension of its certificate of public convenience and necessity for Route No: 99.

Notice is hereby given that a prehearing conference in the above-entitled proceeding is hereby assigned to be held on January 12, 1954, at 10:00 a. m., e. s. t., in Room 2070, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before an Examiner of the Board.

Dated at Washington, D. C., December 15, 1953.

[SEAL] FRANCIS W. BROWN,
Chief Examiner

[F. R. Doc. 53-10536; Filed, Dec. 17, 1953; 8:56 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28742]

GROUND LIMESTONE FROM ILLINOIS AND MISSOURI TO SOUTHERN POINTS

APPLICATION FOR RELIEF

DECEMBER 15, 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 R. G. Raasch, Agent, for carriers parties to schedule listed below.

Commodities involved: Limestone, ground, carloads.

From: Marblehead and Quincy, Ill., Hannibal, White Bear and Louisiana, Mo.

To: Specified points in Florida, Kentucky, North Carolina, Tennessee and Virginia.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. No. 784, supp. 7.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commis-

sion 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,
Secretary.

[F. R. Doc. 53-10505; Filed, Dec. 17, 1953; 8:49 a. m.]

[4th Sec. Application 28743]

CLASS AND COMMODITY RATES FROM AND TO VINSON, TEXAS, AND BETWEEN SOUTHWESTERN, SOUTHERN, OFFICIAL, WESTERN TRUNK-LINE, ILLINOIS TERRITORIES AND ADJACENT POINTS

APPLICATION FOR RELIEF

DECEMBER 15, 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 F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Class and commodity rates.

Between: Vinson, Texas, on the one hand and points in southwestern, southern, official, western trunk-line and Illinois territories, and adjacent points, on the other.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3912, supp. 230; F. C. Kratzmeir, Agent, I. C. C. No. 3967, supp. 293.

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,
Secretary.

[F. R. Doc. 53-10506; Filed, Dec. 17, 1953; 8:49 a. m.]

[4th Sec. Application 28744]

VERMICULITE FROM FRANKLIN, N. C., TO
OFFICIAL TERRITORY

APPLICATION FOR RELIEF

DECEMBER 15, 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 R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Vermiculite, in carloads.

From: Franklin, N. C.

To: Points in official and Illinois territories.

Grounds for relief: Rail competition, circuitry, to apply rates constructed on the basis of the short line distance formula and additional origin.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1346, supp. 32.

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,
Secretary.

[F. R. Doc. 53-10507; Filed, Dec. 17, 1953;
8:49 a. m.]

[4th Sec. Application 28745]

MOTOR-RAIL RATES IN THE EAST;
SUBSTITUTED SERVICE

APPLICATION FOR RELIEF

DECEMBER 15, 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 Schuster's Express, Inc.

Commodities involved: Semi-trailers, loaded or empty, on flat cars.

Between: Boston, Mass., Hartford and New Haven, Conn., Springfield and Worcester, Mass., on the one hand, and Harlem River, N. Y., Elizabeth and Edgewater, N. J., 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,
Secretary.

[F. R. Doc. 53-10508; Filed, Dec. 17, 1953;
8:50 a. m.]

[4th Sec. Application 28746]

ALUMINUM BILLETS FROM LA FAYETTE,
IND., TO ST. LOUIS, MO.

APPLICATION FOR RELIEF

DECEMBER 15, 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 schedules listed in appendix A of the application pursuant to fourth-section order No. 17220.

Commodities involved: Aluminum billets, blooms, ingots, pigs or slabs, carloads.

From: La Fayette, Ind.

To: St. Louis, Mo.

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,
Secretary.

[F. R. Doc. 53-10509; Filed, Dec. 17, 1953;
8:50 a. m.]

[4th Sec. Application 28747]

GUMS AND RESINS FROM CHARLESTON,
W. VA., GROUP TO DETROIT, MICH., AND
TOLEDO, OHIO

APPLICATION FOR RELIEF

DECEMBER 15, 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 schedules listed in the application, pursuant to fourth-section order No. 17220.

Commodities involved: Gums or resins, synthetic, carloads.

From: Charleston, W. Va., and points grouped therewith.

To: Detroit, Mich., and Toledo, Ohio.

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,
Secretary.

[F. R. Doc. 53-10510; Filed, Dec. 17, 1953;
8:50 a. m.]

[4th Sec. Application 28748]

LIQUEFIED CHLORINE GAS FROM PERKINS,
W. VA., TO POINTS IN SOUTHERN TERRI-
TORY

APPLICATION FOR RELIEF

DECEMBER 15, 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 schedule listed below.

Commodities involved: Liquefied chlorine gas, in tank-car loads.

From: Perkins, W. Va.

To: Specified points in southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: H. R. Hinsch, Alternate Agent, I. C. C. No. 4510, supp. 34.

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,
Secretary.

[F. R. Doc. 53-10511; Filed, Dec. 17, 1953;
8:50 a. m.]

[4th Sec. Application 28749]

PETROLEUM COKE FROM PORT ARTHUR,
TEXAS, TO THE SOUTH

APPLICATION FOR RELIEF

DECEMBER 15, 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 F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Petroleum coke, carloads.

From: Port Arthur and West Port Arthur, Texas.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4085.

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,
Secretary.

[F. R. Doc. 53-10512; Filed, Dec. 17, 1953;
8:50 a. m.]

[4th Sec. Application 28750]

MILL CINDER AND MILL SCALE FROM ATLANTA, GA., GROUP TO GADSDEN AND ORD., ALABAMA CITY, AND ATTALLA, ALA.

APPLICATION FOR RELIEF

DECEMBER 15, 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 R. E. Boyle, Jr., Agent, for Alabama Great Southern Railroad Company, Louisville and Nashville Railroad Company, and the Southern Railway Company.

Commodities involved: Mill cinder and mill scale, carloads.

From: Atlanta, Ga., and points taking same rates.

To: Gadsden and Ord, Alabama City, and Attalla, Ala.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1258, supp. 53.

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,
Secretary.

[F. R. Doc. 53-10513; Filed, Dec. 17, 1953;
8:50 a. m.]

[4th Sec. Application 28751]

ANIMAL OR POULTRY FEED FROM CHICAGO AND ROCKFORD, ILL., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

DECEMBER 15, 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 R. G. Raasch, Agent, for carriers parties to schedules listed below.

Commodities involved: Feed, animal or poultry, viz., meat or fish, with or without cereal or vegetable ingredients, carloads.

From: Chicago and Rockford, Ill.
To: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. No. 784, supp. 8; R. G. Raasch, Agent, I. C. C. No. 776, supp. 22.

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,
Secretary.

[F. R. Doc. 53-10514; Filed, Dec. 17, 1953;
8:51 a. m.]

[4th Sec. Application 28752]

SOAP AND RELATED ARTICLES FROM ST. LOUIS, MO., TO MEMPHIS, TENN.

APPLICATION FOR RELIEF

DECEMBER 15, 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 F. C. Kratzmeir, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1062, pursuant to fourth-section order No. 16101.

Commodities involved: Soaps, cleaning, scouring or washing compounds, carloads.

From: St. Louis, Mo.

To: Memphis, Tenn.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

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,

