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Washington, Saturday, July 4, 1953

TITLE 3—THE PRESIDENT

PROCLAMATION 3025

QUOTA LIMITATIONS ON IMPORTS OF CERTAIN DAIRY AND OTHER PRODUCTS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, pursuant to section 22 of the Agricultural Adjustment Act, as added by section 31 of the act of August 24, 1935, 49 Stat. 773, reenacted by section 1 of the act of June 3, 1937, 50 Stat. 246, and amended by section 3 of the act of July 3, 1948, 62 Stat. 1248, section 3 of the act of June 28, 1950, 64 Stat. 261, and section 8 (b) of the act of June 16, 1951, Public Law 50, 82d Congress (7 U. S. C. 624), I issued a proclamation on June 8, 1953, providing that in the event of the expiration on June 30, 1953, of section 104 of the Defense Production Act of 1950, as amended, the products specified in Lists I, II, and III appended to, and made a part of, my proclamation shall, on entry on and after July 1, 1953, be subject to the quantitative limitations and fees set forth in such lists; and

WHEREAS, it now appears that the said proclamation is unduly restrictive in certain respects; and

WHEREAS, it also appears that the terms of the said proclamation do not specifically state that certain dairy products are to be covered by one or another description in List I according to the percentage content of butterfat which determines the rate of duty applicable under the Tariff Act of 1930:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby find and declare that the release on and after July 1, 1953, of those products specified in Lists I and II under the conditions herein prescribed will not render, or tend to render, ineffective or materially interfere with any program or operation of the Department of Agriculture referred to in the said proclamation of June 8, 1953, nor reduce substantially the amount of products processed in the United States from agricultural commodities with respect to which any of such programs or operations are being undertaken. Accordingly, pursuant to the aforesaid section 22, I hereby proclaim that the provisions of the said proclamation of June 8, 1953, shall not apply with respect to articles specified in Lists I and II which may be imported as samples for taking orders for merchandise, or for the personal use of the importer (including articles for disposition by the importer as bona fide gifts), when the aggregate value of such articles in any importation is not over $10. I hereby further find and declare that a clarifying statement should be added as a footnote to List I in order that the provisions of my original proclamation may be fully understood, and, accordingly, I hereby proclaim that there shall be added as a footnote to List I this statement: "Each enumeration of an article in this list shall include any other article dutiable under the Tariff Act of 1930 as such enumerated article by reason of butterfat content."

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 30th day of June in the year of our Lord nineteen hundred and fifty-three and of the Independence of the United States of America the one hundred and seventy-seventh.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 53-5972; Filed, July 2, 1953; 3:33 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

MISCELLANEOUS AMENDMENTS

1. Section 6.4 of Civil Service Rule VI, as amended by Executive Order No. 10463 of June 25, 1953 (18 F. R. 3655), is hereby codified. This section, as amended, reads as follows:

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1953)

The following Supplements are now available:

Title 6 ($1.50); Title 14: Part 400–end (Revised Book) ($3.75); Title 32: Parts 1–699 ($0.75); Title 38 ($1.50); Title 43 ($1.50); Title 46: Part 146–end ($2.00)

Previously announced: Title 3 ($1.75); Titles 4–5 ($0.55); Title 7: Parts 1–209 ($1.75), Parts 210–899 ($2.25), Part 900–end (Revised Book) ($6.00); Title 8 (Revised Book) ($1.75); Title 9 ($0.40); Titles 10–13 ($0.40); Title 15 ($0.75); Title 16 ($0.65); Title 17 ($0.35); Title 18 ($0.35); Title 19 ($0.45); Title 20 ($0.60); Title 21 ($1.25); Titles 22–23 ($0.65); Title 24 ($0.65); Title 25 ($0.40); Title 26: Parts 80–169 ($0.40), Parts 170–182 ($0.65), Parts 183–299 ($1.75); Title 26: Part 300–end, Title 27 ($0.60); Titles 28–29 ($1.00); Titles 30–31 ($0.65); Title 32: Part 700–end ($0.75); Title 33 ($0.70); Titles 35–37 ($0.55); Title 39 ($1.00); Titles 40–42 ($0.45); Titles 44–45 ($0.60); Title 46: Parts 1–145 (Revised Book) ($5.00); Titles 47–48 ($2.00); Title 49: Parts 1–70 ($0.50), Parts 71–90 ($0.45), Parts 91–164 ($0.40), Part 165–end ($0.55); Title 50 ($0.45)

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§ 6.4 *Removal of incumbents of excepted positions.* Except as may be required by the Veterans' Preference Act, the Civil Service Rules and Regulations shall not apply to removals from positions listed in Schedules A and C or from positions excepted from the competitive service by statute. The Civil Service Rules and Regulations shall apply to removals from positions listed in Schedule B of persons who have competitive status, however they may have been or may be appointed.

2. Effective upon publication in the FEDERAL REGISTER, § 6.147 (a) is amended to read as follows:

§ 6.147 *National Advisory Committee for Aeronautics.* (a) One alien scientist having special qualifications in the field of aeronautical research where such employment is deemed by the Chairman of the National Advisory Committee for Aeronautics to be necessary in the public interest.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 653. E. O. 10440, March 31, 1953, 18 F. R. 1823)

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

[F. R. Doc. 53-5883; Filed, July 3, 1953; 8:45 a. m.]

Chapter III—Foreign and Territorial Compensation

Subchapter B—The Secretary of State

[Dept. Reg. 108.188]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

JUNE 26, 1953.

Section 325.11 *Designation of differential posts* is amended as follows, effective on the date indicated:

1. Effective as of the beginning of the first pay period following July 4, 1953, paragraph (a) is amended by the deletion of the following posts:

Manta, Ecuador.
Okinawa Island, Ryukus.

2. Effective as of the beginning of the first pay period following July 4, 1953, paragraph (b) is amended by the deletion of the following posts:

Brazil, all posts in states and territories other than those named under Brazil above, except Araraquara, Belo Horizonte, Fazenda Ipanema, Kilometer 47 (Research and Teaching Center 28 miles west of Rio de Janeiro), Porto Alegre, Recife (Pernambuco), Rio de Janeiro, Salvador (Bahia), Santos, Sao Paulo, Urucuoa, Vicosa and Vitoria.
India, all posts except Bhopal, Bombay, Calcutta, Cuddalore, Cuttack, Gwalior, Hirakud Dam, Hyderabad, Isatnagar, Kharagpur, Lucknow, Madras, Nabhe, Nagpur, New Delhi, Nilokheri, Patiala, Patna, Poona, Shillong, Simla and Trivandrum.
Manabi, Ecuador.
Turkey, all posts except Ankara, Bandirma, Batman, Diyarbakir, Elazig, Erzurum, Iskenderun, Istanbul, Izmir, Kayseri and Konya.

3. Effective as of the beginning of the first pay period following July 4, 1953, paragraph (c) is amended by the deletion of the following posts:

Nabha, India.
Urucuoa, Brazil.

4. Effective as of the beginning of the first pay period following July 4, 1953, paragraph (a) is amended by the addition of the following post:

Nabha, India.

5. Effective as of the beginning of the first pay period following July 4, 1953, paragraph (b) is amended by the addition of the following posts:

Brazil, all posts in states and territories other than those named under Brazil above, except Araraquare, Belo Horizonte, Fazenda Ipanema, Kilometer 47 (Research and Teaching Center 28 miles west of Rio de Janeiro), Porto Alegre, Recife (Pernambuco), Rio de Janeiro, Salvador (Bahia), Santos, Sao Paulo, Vicosa and Vitoria.
India, all posts except Bangalore, Bhopal, Bombay, Calcutta, Cuddalore, Cuttack, Gwalior, Hirakud Dam, Hyderabad, Izatnagar, Kharagpur, Lucknow, Madras, Nabha, Nagpur, New Delhi, Nilokheri, Patiala, Patna, Poona, Shillong, Simla and Trivandrum.
Okuma, Okinawa Island, Ryukus.
Turkey, all posts except Adana, Ankara, Bendirma, Batman, Diyarbakir, Elazig, Erzurum, Iskenderun, Istanbul, Izmir, Kayseri and Konya.

6. Effective as of the beginning of the first pay period following July 4, 1953, paragraph (c) is amended by the addition of the following posts:

Bangalore, India.
Okinawa Island, Ryukus, all posts except Okuma.

7. Effective as of the beginning of the first pay period following July 4, 1953, paragraph (d) is amended by the addition of the following post:

Adana, Turkey.

(Sec. 102, Part I, E. O. 10000, Sept. 16, 1948, 13 F. R. 5453, 3 CFR, 1948 Supp.)

For the Secretary of State.

DONOLD B. LOURIE,
Under Secretary for Administration.

JUNE 26, 1953.

[F. R. Doc. 53-5911; Filed, July 3, 1953; 8:50 a. m.]

TITLE 6—AGRICULTURAL CREDIT

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

Subchapter C—Loans, Purchases, and Other Operations

[1952 C. C. C. Grain Price Support Bulletin 1, Supp. 3, Wheat]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1952-CROP WHEAT RESEAL LOAN PROGRAM

A reseal loan program has been announced for 1952-crop wheat. The 1952 CCC Grain Price Support Bulletin 1 (17 F. R. 3521), issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1952, supplemented by Supplement 1, Wheat (17 F. R. 3693, 4103, 4834, 5785, 6069, 7363, 8795, and 18 F. R. 869), containing the specific requirements for the 1952-crop wheat price support program, is hereby further supplemented as follows:

Sec.
601.1721 Applicable sections of 1952 CCC Grain Price Support Bulletin 1, and Supplement 1, Wheat.
601.1722 Availability.
601.1723 Eligible producer.
601.1724 Eligible wheat.
601.1725 Approved storage.
601.1726 Approved forms.
601.1727 Quantity eligible for resealing.
601.1728 Additional service charges.
601.1729 Transfer of producer's equity.
601.1730 Storage and track-loading payments.

Sec.
601.1731 Maturity and satisfaction.
601.1732 Support rates.
601.1733 PMA commodity offices.

AUTHORITY: §§ 601.1721 to 601.1733 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1441, 1421.

§ 601.1721 *Applicable sections of 1952 CCC Grain Price Support Bulletin 1, and Supplement 1, Wheat.* The following sections of the 1952 CCC Price Support Bulletin 1, and Supplement 1, Wheat, published in 17 F. R. 3693, 4103, 4834, 5785, 6069, 7363, 8795 and 18 F. R. 869, shall be applicable to the 1952 Wheat Reseal Loan Program: § 601.1501 *Administration;* § 601.1505 *Approved lending agencies;* § 601.1508 *Liens;* § 601.1510 *Set-offs;* § 601.1511 *Interest rate;* § 601.1513 *Safeguarding the commodity;* § 601.1514 *Insurance on farm-storage loans;* § 601.1515 *Loss or damage to the commodity;* § 601.1516 *Personal liability of the producer for the commodity;* § 601.1517 *Release of the commodity under loan;* § 601.1519 *Removal of the commodity under loan;* § 601.1520 *Purchase of notes;* § 601.1705 *Determination of quantity;* § 601.1706 *Determination of quality.* Other sections of the 1952 Wheat Price Support Program shall be applicable to the extent indicated in this subpart.

§ 601.1722 *Availability*—(a) *Area.* The reseal program will be available in the States of Colorado, Kansas, Minnesota, Montana, Nebraska, North Dakota, South Dakota, and Wyoming. Under this program, 1952-crop farm-storage loans will be extended and farm-storage loans will be made on 1952-crop wheat covered by purchase agreements. Neither warehouse-storage loans nor purchase agreements will be available to producers under this program.

(b) *Time.* The producer who desires to participate in the reseal loan program must file an application for a farm-storage reseal loan with the county committee. In the case of a farm-storage loan, the producer will be required to apply for extension of his loan before the final date for delivery specified in the delivery instructions issued to him by the county committee. The producer who signed a purchase agreement on farm-stored wheat was required, under the 1952 Wheat Price Support Program, to notify the county committee not later than April 30, 1953, if he intended to deliver the wheat to CCC. If the producer has notified the county committee, on or before that date, of his intention to deliver the wheat or to participate in this program, he may obtain a farm-storage loan on the wheat. The loan documents must be executed by the producer on or before the final date for delivery specified in the delivery instructions or on or before June 15, 1953, whichever is earlier, unless the county committee approves execution of the loan documents at a later date. The county committee will upon request of the producer extend until June 30, 1953, the final date for delivery specified in the delivery instructions and the final date for execution of loan documents. Any extension beyond that date shall be at the discretion of the county committee. The loan documents must be presented for disbursement within 15 days after execution.

(c) *Source.* A producer desiring to participate in the reseal loan program should make application to the county committee which approved his loan or purchase agreement. Disbursements of loans completed on wheat covered by purchase agreements shall be made to producers by PMA county offices by means of sight drafts drawn on CCC or by approved lending agencies under agreements with CCC.

§ 601.1723 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity who produced the wheat in 1952 as landowner, landlord, tenant, or sharecropper and who either completed a farm-storage loan or signed a purchase agreement on farm-storage wheat of the 1952 crop.

§ 601.1724 *Eligible wheat.* To be eligible, the wheat must have been produced in 1952, must be in farm storage, must never have been commingled with wheat produced by others, and must meet the requirements of eligibility for loans as set forth in § 601.1703 of 1952 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Wheat.

(a) *Extended farm-storage loans.* If a producer makes application to extend his farm-storage loan, the commodity loan inspector shall, with the producer, reinspect the wheat and farm-storage structure in which the wheat is stored. If recommended by either the commodity loan inspector or the producer, a sample of the wheat shall be taken and submitted for grade analysis.

(b) *Farm-storage wheat covered by purchase agreement.* If a producer makes application for a farm-storage loan on wheat covered by a purchase agreement, the commodity loan inspector shall inspect the wheat and storage structure, obtain a sample if the wheat and structure appear eligible, and proceed in the regular manner for the inspection of a commodity to be placed under loan.

§ 601.1725 *Approved storage.* Wheat covered by any loans extended and any new loans completed must be stored in structures which meet the requirements for farm-storage loans as provided in § 601.1506 (a) of the 1952-CCC Grain Price Support Bulletin 1. Consent for storage for any loans extended or new loans completed must be obtained by the producer for the period ending June 30, 1954, if the structure is owned or controlled by someone other than the producer, or if the lease expires prior to June 30, 1954.

§ 601.1726 *Approved forms.* (a) The approved forms, which together with the provisions of this subpart govern the rights and responsibilities of the producer, shall be a producer's note, Commodity Loan Form A, secured by a chattel mortgage on Commodity Loan Form AA, an application form, and such other forms as may be prescribed by CCC. Notes and chattel mortgages must have State and documentary revenue stamps affixed thereto where required by law.

(b) Where required by State law, a new producer's note and chattel mortgage shall be completed when a farm-storage loan is extended.

§ 601.1727 *Quantity eligible for resealing.* (a) The quantity of wheat eligible for reseal on an extended farm-storage loan, will be the quantity shown on the original note and chattel mortgage, less any quantity delivered or redeemed.

(b) A producer may obtain a loan on not in excess of the quantity of wheat specified in the purchase agreement, minus any quantity of the wheat under such purchase agreement (1) which has been previously converted to a loan or (2) on which he exercises his option to sell to CCC.

§ 601.1728 *Additional service charges.* (a) When a farm-storage loan is extended, the producer will not be required to pay an additional service charge.

(b) At the time a farm-storage loan is made to the producer on wheat covered by a purchase agreement, the producer shall pay an additional service charge of ½ cent per bushel on the number of bushels placed under loan, or $1.50, whichever is greater. No refund of service charges will be made.

§ 601.1729 *Transfer of producer's equity.* The producer shall not transfer either his remaining interest in or his right to redeem the wheat mortgaged as security for a loan under this program. A producer who wishes to liquidate all or part of his loan by contracting for the sale of the wheat must obtain written prior approval of the county committee on Commodity Loan Form 12 to remove the wheat from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee.

§ 601.1730 *Storage and track-loading payments*—(a) *Storage payment.* (1) A producer who participates in the reseal program and in accordance with instructions of the county committee, delivers the wheat to CCC on or after April 30, 1954 (or prior to April 30, 1954, pursuant to the demand by the President, CCC, for repayment of the loan, provided such demand for repayment is not due to any fraudulent representations on the part of the producer or the fact that the wheat was damaged, abandoned or otherwise impaired due to negligence on the part of the producer), will receive a storage payment computed at the following rate per bushel: Area II, 14 cents per bushel; Area III, 15 cents per bushel. The States included in Areas II and III are listed in § 601.1709 of 1952 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Wheat, as amended.

(2) If the wheat is delivered to CCC prior to April 30, 1954, upon request by the producer and with the approval of CCC, or in the case of loss assumed by CCC under the loan program, the amount of the storage payment will be prorated depending upon the length of time the wheat was in store, provided delivery was not made as a result of a demand for repayment due to any fraudulent representation on the part of the producer, or the fact that the wheat was damaged, abandoned, or otherwise impaired due to negligence on the part of the producer. The prorated storage payment will be computed at the rate of 1/25 of a cent per bushel in both Area II and Area III beginning on July 1, 1953, and ending on the date delivery is accomplished or ending on the final date for delivery as specified in the delivery instructions issued to the producer by the county committee, whichever is earlier, but not to exceed 13 cents per bushel on the quantity delivered under the reseal program. In the case of losses assumed by CCC, the period for computing the storage payment shall end on the date of the loss.

(b) *Track-loading payment.* A track-loading payment of 2 cents per bushel will be made to the producer on wheat delivered in accordance with instructions of the county committee on track at a country point.

§ 601.1731 *Maturity and satisfaction.* (a) Loans will mature on demand but not later than April 30, 1954. The producer must pay off his loan, plus interest, on or before maturity or deliver the mortgaged wheat in accordance with the instructions of the county committee. Credit will be given at the applicable settlement value according to grade and/or quality for the total quantity delivered, provided it was stored in the structure(s) in which the wheat under loan was stored.

(b) If the wheat under farm-storage loan is, upon delivery, of a grade and/or quality for which no support rate has been established, the settlement value shall be the support rate established for the grade and/or quality of the wheat placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and/or quality placed under loan and the market price of the wheat delivered, as determined by CCC.

(c) If the settlement value of the wheat delivered exceeds the amount due on the loan, the amount of the excess shall be paid to the producer by a sight draft drawn on CCC by the PMA county office.

(d) If the settlement value of the wheat delivered is less than the amount due on the loan, the amount of the deficiency plus interest thereon shall be paid by the producer to CCC or may be set off against any payment which would otherwise be paid to the producer under any agricultural programs administered by the Secretary of Agriculture, or any payments which are due or may become due to the producer from CCC or any other agency of the United States.

(e) In the event the farm is sold or there is a change of tenancy, the wheat may be delivered before the maturity date of the loan upon prior approval by the county committee.

§ 601.1732 *Support rates.* The support rate for an extended farm-storage loan shall remain the same as for the original loan. The support rate for wheat covered by a purchase agreement placed under a farm-storage loan shall be the same as the support rate established for the wheat in § 601.1711 of 1952 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Wheat and any amendments thereto.

§ 601.1733 *PMA commodity offices.* The PMA commodity offices and the areas served by them are shown below:

Chicago 5, Ill., 623 South Wabash Avenue: Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia.

Dallas 2, Tex., 1114 Commerce Street: New Mexico, Oklahoma, Texas.

Kansas City 6, Mo., Fidelity Building, 911 Walnut Street: Colorado, Kansas, Missouri, Nebraska, Wyoming.

Minneapolis 8, Minn., 1006 West Lake Street: Minnestota, Montana, North Dakota, South Dakota, Wisconsin.

New Orleans 16, La., Wirth Building, 120 Marais Street: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia.

Portland 5, Oreg., 515 Southwest Tenth Avenue: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

Issued this 30th day of June 1953.

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

Approved:

JOHN H. DAVIS,
President,
Commodity Credit Corporation.

[F. R. Doc. 53-5926; Filed, July 3, 1953; 8:53 a. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 6—IMPORT QUOTAS AND FEES

SUBPART—IMPORT QUOTAS

IMPORT REGULATION 1

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6.27 Records and reports.
6.28 Suspension; revocation.
6.29 Petitions for relief from hardship.
6.30 Delegation of authority.
6.31 Violations.
6.32 Communications.
6.33 Effective date.

AUTHORITY: §§ 6.20 to 6.33 issued under 49 Stat. 750, as amended; 7 U. S. C. Sup. 624. Interpret or apply Proclamation 3019, June 8, 1953, 18 F. R. 3361, as amended by Proclamation 3025, June 30, 1953.

§ 6.20 *Determination.* By virtue of the authority vested in me by Proclamation 3019 of the President of the United States, dated June 8, 1953 (18 F. R. 3361), as amended by Proclamation 3025 on June 30, 1953, imposing quotas or fees on imports of certain dairy and other products, issued pursuant to section 22 of the Agricultural Adjustment Act of 1933, as reenacted and amended (49 Stat. 750, as amended; 7 U. S. C., Sup. V, 624), it is hereby determined that the regulations set forth in §§ 6.20 to 6.33, relating to the importation of designated agricultural commodities and products, will, to the fullest extent practicable, result in (a) the equitable distribution of the respective quotas for the articles included in Lists I and II (except peanuts) of said proclamation among importers or users and (b) the allocation of shares of the respective quotas for such articles among supplying countries, based upon the proportion supplied by such countries during previous representative periods, taking due account of any special factors which may have affected or may be affecting the trade in the articles concerned. No licenses shall be issued which will permit any such articles to be imported during any 12-month period beginning July 1 in excess of the respective quantities specified for such articles in Lists I and II and, in the case of articles included in List II, during the first 4 months and the first 8 months of any such 12-month period in excess of one-third and two-thirds, respectively, of such specified quantities.

§ 6.21 *Definitions.* Except where the context otherwise requires, the following terms shall have the meanings set forth in this section:

(a) "Administrator" means the Administrator, Production and Marketing Administration, United States Department of Agriculture, and any other officer or employee of the Department authorized to act in his stead.

(b) "Appendix 1" means Appendix 1 of §§ 6.20 to 6.33, as from time to time amended.

(c) "Import" means to enter through, or withdraw from warehouse under custody of, the U. S. Bureau of Customs for consumption in the United States.

(d) "United States" means the United States, its Territories and possessions, and the District of Columbia.

(e) "Person" includes any individual, firm, corporation, partnership, association, or other organized group of persons and the legal successor or representative of any of the foregoing. It also includes any government (other than the Government of the United States and any agency thereof) and political subdivision thereof, and any agency of such a government or political subdivision.

(f) "Licensee" means any person to whom an import license has been issued pursuant to §§ 6.20 to 6.33.

(g) "Quota period" means the 12-month period beginning on July 1 of any year.

(h) "Commodity" means any commodity or product subject to §§ 6.20 to 6.33.

(i) "Butter" means butter, fresh or sour cream containing more than 45 percent of butterfat, and all other products dutiable as butter.

(j) "Dried cream" means dried cream, dried whole milk containing more than 35 percent of butterfat, and all other products dutiable as dried cream.

(k) "Dried whole milk" means dried whole milk containing not more than 35 percent of butterfat, dried buttermilk containing more than 6 percent of butterfat, dried skimmed milk containing more than 3 percent of butterfat, and all other products dutiable as dried whole milk.

(l) "Dried buttermilk" means dried buttermilk containing not more than 6 percent of butterfat, and all other products dutiable as dried buttermilk.

(m) "Malted milk" means malted milk, and compounds or mixtures of or substitutes for milk or cream, and all other products dutiable as such.

(n) "Dried skimmed milk" means dried skimmed milk (nonfat dry milk solids) containing not more than 3 percent of butterfat, and all other products dutiable as dried skimmed milk.

(o) "Cheese" means each type and variety of cheese listed in Appendix 1.

§ 6.22 *Prohibitions and restrictions on imports.* (a) No person shall import or cause to be imported any commodity referred to in Appendix 1, except:

(1) As provided in § 6.23; or

(2) As authorized by an import license issued pursuant to §§ 6.20 to 6.33.

(b) The issuance of an import license does not relieve any person from compliance with any requirement of §§ 6.20 to 6.33 or any other applicable laws and regulations.

(c) The provisions of §§ 6.20 to 6.33 shall apply regardless of the existence on or after July 1, 1953, of any contract or other arrangement for the importation of any commodity.

§ 6.23 *Exceptions.* The requirements of §§ 6.20 to 6.33 shall not apply: (a) To any commodity imported by or for the account of any department or agency of the Government of the United States, or (b) to any commodity which may be imported as a sample for taking orders for merchandise, or for the personal use of the importer (including any commodity brought in or sent in as a bona fide gift or for disposition by the importer as a bona fide gift), when the aggregate value of such commodities in any importation is not over ten dollars.

§ 6.24 *Policies and procedures regarding applications for, and issuance of, import licenses.* (a) Any person subject to the jurisdiction of the United States who desires a license to import any commodity may make application therefor by letter or telegram or on such form as may be issued for this purpose by the Administrator, addressed to the Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C., Ref: IR–1 (Agricultural Imports).

(b) Applications for import licenses must state the point or points-of-entry at which it is desired to import the commodity covered by the application. If two or more points-of-entry are specified, the applicant should indicate the quantities he desires to import at each point-of-entry.

(c) Import licenses for the commodities referred to in Appendix 1 will be issued as follows:

(1) *Butter.* (i) Any person who desires to import butter during the 1953–54 quota period from any country-of-origin listed in Group 1 (a) of Appendix 1 shall apply for an import license therefor not later than August 31, 1953. Application for an import license to import such commodity during any subsequent quota period shall be made not later than 30 days prior to the beginning of such quota period. Each such application may be for a quantity not in excess of the annual import quota for the particular country in the case of imports from Denmark and New Zealand or for the group of specified countries in the case of imports from any of the listed countries except Denmark and New Zealand. The applicant must submit, as part of his application, evidence satisfactory to the Administrator of the applicant's ownership of the quantity of butter for which an import license is requested, or a purchase contract, or an exact copy thereof, evidencing his ability to procure such quantity. If the government of the country-of-origin requires export licenses, evidence of the applicant's ability to secure such export license must also be submitted.

(ii) If the aggregate quantity applied for from Denmark or New Zealand exceeds the annual import quota for the country or if the aggregate quantity applied for from the group of other specified countries exceeds the annual import quota for such group of countries the respective quotas will be apportioned among, and import licenses will be issued to, eligible applicants on the basis of each applicant's proportion of the total quantity applied for, and such other factors as must be considered to avoid inequities.

(iii) Each import license will specify the country-of-origin from which the commodity may be imported.

(2) *Dried cream, dried whole milk, dried buttermilk, malted milk, and dried skimmed milk.* (i) Any person who imported any of the above-named commodities during the applicable base period specified in subdivision (ii) of this subparagraph, and who desires to import such commodity during the 1953–54 quota period, shall apply for an import license therefor not later than August 31, 1953. Application for an import license to import such commodity during any subsequent quota period shall be made not later than 30 days prior to the beginning of such quota period. If he has not already done so, the applicant must submit, as part of his application, a signed statement showing imports of such commodity made in his own name as the importer of record during the specified base period in accordance with the provisions of paragraph (d) of this section.

(ii) The base periods for the several commodities are:

(*a*) Dried cream, dried whole milk, dried buttermilk—January 1, 1951, through December 31, 1952.

(*b*) Malted milk—July 1, 1951, through June 30, 1952.

(*c*) Dried skimmed milk—July 1, 1950, through August 8, 1951.

(iii) If the aggregate quantity applied for with respect to any such commodity exceeds the annual import quota therefor set forth in Appendix 1, the quota will be apportioned among, and import licenses will be issued to, eligible applicants on the basis of each applicant's proportion of the total imports of such commodity during the specified base period, and such other factors as must be considered to avoid inequities.

(iv) Import licenses for dried buttermilk and dried skimmed milk will specify the quantity which may be imported from each particular country-of-origin. Such determination will be based upon the proportion of the applicant's total imports of such commodity during the specified base period which was imported from each country.

(3) *Cheese.* (i) Any person who imported any type of cheese referred to in Appendix 1 during the period January 1, 1948, through August 8, 1951, and who desires to import such type of cheese subsequent to June 30, 1953, must, if he has not already done so, submit a signed statement showing imports of such cheese made in his own name as the importer of record during the period January 1, 1948, through December 31, 1950, or, if he did not import such cheese during such period, during the period January 1, 1951, through August 8, 1951, in accordance with the provisions of paragraph (d) of this section.

(ii) Subject to the requirements of subdivision (iii) of this subparagraph, the annual import quota for each type of cheese will be apportioned among eligible importers on the basis of each importer's proportion of the total imports of such cheese during the 1950 calendar year, with allowances for any greater proportion of the total imports which such importers may have imported during the 1949 and 1950 calendar years or the 1948, 1949, and 1950 calendar years, and such other factors as must be considered to avoid inequities. In the case of importers who did not begin importing cheese until after December 31, 1950, their imports during the period January 1, 1951, through August 8, 1951, will be treated as if they had occurred in 1950.

(iii) To assure equitable apportionment of the annual import quotas for cheese, no person shall be issued a license pursuant to the provisions of subdivision (ii) of this subparagraph to import more than 30 percent of the aggregate quantity of any type of cheese authorized for importation during any quota period from a particular country-of-origin unless the Administrator shall determine that the application of such restriction in a particular instance is not practicable due to the small quantity of the type of cheese permitted to be imported from the particular country. Any quantity of cheese for which import licenses are not issued as a result of the application of such limitation will be apportioned in the following manner upon the basis of applications therefor. The Administrator shall announce the quantities which are available for such apportionment, the countries from which such quantities may be imported, and the

date by which applications must be received. Each such application may be for a quantity not in excess of the announced quantity. Each applicant must submit, as part of his application, evidence satisfactory to the Administrator of the applicant's ownership of the quantity of the cheese for which an import license is requested, or a purchase contract, or an exact copy thereof, evidencing his ability to procure such quantity. If the government of the country-of-origin requires export licenses, evidence of the applicant's ability to secure such license must also be submitted. If the aggregate quantity applied for from any country-of-origin exceeds the available quantity, the available quantity will be apportioned among, and import licenses will be issued to, eligible applicants on the basis of each applicant's proportion of the total quantity applied for, and such other factors as must be considered to avoid inequities.

(iv) For each quota period, initial import licenses will be issued authorizing each eligible importer to import approximately one-third of his share of the applicable import quota. Subsequent import licenses will be issued at intervals of approximately four months, and in accordance with the same general policy. If an importer's share is too small to permit division into three feasible handling and shipping units, the Administrator may, at his discretion, issue the initial import license for a quantity not in excess of such importer's share.

(v) Each import license will specify the country-of-origin from which the cheese may be imported. The quantity that may be imported by each importer from each such country will be based upon the proportionate quantities imported by him from each country during the base period used in determining his share, taking due account of any special factors which may have affected or may be affecting trade in the type of cheese concerned. To reflect current trends in the trade in Italian type cheese, and to effectuate the equitable distribution of imports of such cheese among countries-of-origin, the Administrator may transfer from one country-of-origin to another not more than one-third of the importer's share from any country-of-origin.

(d) Except in the case of butter, the applicant must submit a summary statement of his importations, during the period specified in paragraph (c) of this section, of the particular commodity for which an import license is desired. This statement must show the following for each importation: Description of the commodity, Custom entry number, port of entry, date of entry, country-of-origin, name of vessel or carrier on arrival, and quantity in net pounds, exclusive of the weight of containers. The applicant must sign the summary statement including a statement that it is correct to the best of his knowledge and belief and, unless documentary evidence is submitted therewith, a statement that such evidence is available and will be supplied upon request. The Administrator may, when deemed necessary to verify the accuracy of the statement, require submission of documentary or other satisfactory evidence.

§ 6.25 *Use of import licenses; responsibility of licensee.* (a) No person shall assign or transfer any import license, either in whole or in part, except as authorized in writing by the Administrator. An import license may be used only for the importation of the commodity specified therein by or for the account of the named licensee.

(b) Each import license will specify the point-of-entry through which the importation may be made. A "Customs Copy" of each license will be sent by the Administrator to the Collector of Customs at the point-of-entry stated on the license. This copy of the license will be retained by the Collector to whom sent, unless otherwise requested by the Administrator.

(c) Importation may be made only at the specified point-of-entry. However, upon prior application to the Administrator by the licensee, arrangements will be made by the Administrator for importation at another point-of-entry.

(d) Each licensee shall be responsible for the use made of his import license and for any importation in excess of the quantity authorized.

§ 6.26 *New business.* For each quota period, an import license for not more than 1,000 pounds will be granted for importation of dried skimmed milk or dried buttermilk by any independent enterprise which is in the business of importing any other commodity referred to in Appendix 1 and which is not eligible for an import license for dried skimmed milk or dried buttermilk, as the case may be, pursuant to § 6.24. A license for not more than 1,000 pounds will be granted for importation of any type of cheese referred to in Appendix 1 by any independent enterprise which is in the business of importing any commodity referred to in Appendix 1 except cheese, and which is not eligible for an import license for cheese pursuant to § 6.24. An application for a license under this section must be received not later than August 31 of the quota period and state the country-of-origin from which the applicant intends to import the commodity, and contain a statement concerning the size and nature of the applicant's business enterprise.

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

(b) The Administrator shall be entitled to obtain such information and reports from any person as may be necessary or appropriate, in the Administrator's discretion, in the enforcement or administration of these regulations.

(c) Persons importing commodities listed in Appendix 1 shall retain records of all such importations and of the transactions relating to the procurement and disposition of such commodities for a period of not less than two years subsequent to the date of importation.

(d) The Administrator shall be entitled to make such audit and inspection of the books, records, and other writings, premises, and stocks of commodities of any person, and to make such investigations, as may be necessary or appropriate, in the Administrator's discretion, in the enforcement or administration of §§ 6.20 to 6.33.

§ 6.28 *Suspension; revocation.* (a) The import licenses issued to any person shall be subject to suspension and revocation if such person improperly uses any such license or otherwise violates the provisions of §§ 6.20 to 6.33.

(b) The Administrator shall take such action as he deems appropriate to assure opportunity for the importation of the annual import quota of each commodity. For this purpose the Administrator may require each licensee to submit evidence of his intent and ability to import all or substantially all of his authorized quantity. Any import license may be revoked at any time by the Administrator, if, in his judgment, the licensee does not intend or is not able to import all or substantially all of the quantity specified in such license, and such revocation is necessary to enable reapportionment of the unused quota among eligible persons who desire and are able to import the commodity. If the importer whose license is so revoked demonstrates that he intends and is able to import a part of the quantity specified in the revoked license, he shall be issued a new license for such reduced quantity.

§ 6.29 *Petitions for relief from hardship.* Any person affected by §§ 6.20 to 6.33 who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Administrator. Petitions shall be in writing and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor. The Administrator may take such action with reference to the petition as he deems appropriate.

§ 6.30 *Delegation of authority.* The administration of §§ 6.20 to 6.33 and the powers vested in the Secretary of Agriculture insofar as such powers relate thereto are hereby delegated to the Administrator of the Production and Marketing Administration. The Administrator is authorized to redelegate all or any portion of the authority vested in him by §§ 6.20 to 6.33 to any officer or employee of the Production and Marketing Administration.

§ 6.31 *Violations.* Any person who violates any provision of §§ 6.20 to 6.33 may be prosecuted under any and all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or enjoin any violation of, any provision of §§ 6.20 to 6.33 or requirements pursuant hereto. Any quantity of a commodity imported by any person contrary to §§ 6.20 to 6.33 may be charged against any unused import license held by, or to be issued to, such person for such commodity.

§ 6.32 *Communications.* All reports required to be filed under §§ 6.20 to 6.33 and all communications concerning §§ 6.20 to 6.33 shall, unless instructions to the contrary are issued by the Administrator, be addressed to the Production and Marketing Administrator, United States Department of Agriculture, Washington 25, D. C., Ref: IR–1 (Agricultural Imports).

§ 6.33 *Effective date.* Section 6.20 to 6.33 shall become effective July 1, 1953.

It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of these regulations until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 50 U. S. C. 1001 et seq.) in that said Proclamation 3019, as amended, with certain exceptions, prohibits the importation, on and after July 1, 1953, of the commodities referred to in Appendix 1 except pursuant to a license issued by or under the authority of the Secretary of Agriculture. These regulations, among other things, prescribe the policies and procedures for the issuance of import licenses and should, therefore, be made effective on July 1, 1953 to enable persons entitled thereto to apply for, and receive, licenses for the importation of such commodities.

Proposals for amendment or modification of these regulations are invited. They may be addressed to the Administrator, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. All proposals received by August 1, 1953, will be given immediate consideration. Any such proposal should be accompanied by a written statement in explanation and support of such proposal. Opportunity for submission of oral statements in support of any such proposal will also be accorded on written request therefor if such request is received not later than July 15, 1953.

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

Issued at Washington, D. C., this 30th day of June 1953.

[SEAL] E. T. BENSON,
Secretary of Agriculture.

APPENDIX 1—COMMODITIES SUBJECT TO IMPORT REGULATION 1 AND ANNUAL IMPORT QUOTAS FOR EACH QUOTA PERIOD (JULY 1 THROUGH JUNE 30)

Commodity	Annual import quota [1] (pounds)
Group I:	
(a) Butter: [2]	
New Zealand	332,000
Denmark	212,000
Argentina, Australia, Canada, Finland, Norway, Sweden, and Switzerland	163,000
(b) Dried cream [2]	500
(c) Malted milk [2]	6,000
(d) Dried whole milk [2]	7,000
(e) Dried skimmed milk [2]	1,807,000
(f) Dried buttermilk [2]	496,000
Group II:	
Cheddar cheese, and cheese and substitutes for cheese containing, or processed from, Cheddar cheese	2,780,100
Edam and Gouda cheese	4,600,200
Blue-mold (except Stilton) cheese, and cheese and substitutes for cheese containing, or processed from, blue-mold cheese	4,167,000
Italian type cheeses, made from cow's milk, in original loaves (Romano made from cow's milk, Reggiano, Parmesano, Provoloni, Provolette, and Sbrinz)	9,200,100

[1] Aggregate quantity.

[2] See § 6.21 *Definitions* for commodities included in this term.

[F. R. Doc. 53–5897; Filed, July 1, 1953; 11:09 a. m.]

PART 6—IMPORT QUOTAS AND FEES

SUBPART—IMPORT QUOTAS

IMPORT REGULATION 1

Correction

Due to an error, Finland was incorrectly listed among the countries set forth in Group I (a) of Appendix 1 to Import Regulation 1 (*supra*), issued June 30, 1953. The proper country is the Netherlands. Therefore, the list of countries in said Group I (a) is hereby corrected by deleting "Finland" and inserting, in lieu thereof, "Netherlands."

Issued at Washington, D. C., as of June 30, 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53–5973; Filed, July 2, 1953; 3:39 p. m.]

Chapter II—Production and Marketing Administration (School Lunch Program), Department of Agriculture

PART 210—REGULATIONS AND PROCEDURE

APPENDIX—THIRD APPORTIONMENT OF FOOD ASSISTANCE FUNDS PURSUANT TO NATIONAL SCHOOL LUNCH ACT, FISCAL YEAR 1953

The funds available for purposes of the National School Lunch Act (60 Stat. 230) for food assistance for the fiscal year ending June 30, 1953, are reapportioned as follows in order to effect a further apportionment of supplemental funds pursuant to section 4 of the act:

State	Total	State agency	Withheld for private schools
Alabama	$2,602,509	$2,538,744	$63,765
Arizona	405,732	386,013	19,719
Arkansas	1,616,816	1,591,456	25,360
California	2,951,351	2,951,351	----------
Colorado	531,185	495,269	35,916
Connecticut	555,237	555,237	----------
Delaware	78,639	74,200	4,439
District of Columbia	158,735	158,735	----------
Florida	1,243,559	1,187,862	55,697
Georgia	2,411,173	2,411,173	----------
Idaho	306,274	297,126	9,148
Illinois	2,455,972	2,455,972	----------
Indiana	1,508,959	1,508,959	----------
Iowa	1,050,873	937,477	113,396
Kansas	788,900	788,900	----------
Kentucky	2,175,390	2,175,390	----------
Louisiana	1,693,846	1,693,846	----------
Maine	$147,138	$383,189	$63,949
Maryland	763,970	680,361	83,609
Massachusetts	1,454,836	1,454,836	----------
Michigan	2,219,102	1,934,234	284,868
Minnesota	1,277,203	1,082,509	194,694
Mississippi	2,286,761	2,286,761	----------
Missouri	1,517,514	1,517,514	----------
Montana	219,402	197,193	22,209
Nebraska	501,008	443,659	57,439
Nevada	44,535	42,562	1,973
New Hampshire	223,710	223,710	----------
New Jersey	1,373,091	1,097,817	275,274
New Mexico	441,940	441,940	----------
New York	3,748,590	3,748,590	----------
North Carolina	3,004,232	3,004,232	----------
North Dakota	317,346	287,894	29,452
Ohio	2,641,544	2,270,194	371,350
Oklahoma	1,320,151	1,320,151	----------
Oregon	543,781	543,781	----------
Pennsylvania	3,555,937	3,010,543	545,394
Rhode Island	246,804	246,804	----------
South Carolina	1,909,360	1,890,879	18,481
South Dakota	299,515	272,838	26,677
Tennessee	2,224,664	2,172,961	51,703
Texas	3,085,104	3,085,104	----------
Utah	375,744	370,870	4,874
Vermont	189,388	189,388	----------
Virginia	1,759,526	1,704,890	54,636
Washington	761,113	714,349	46,764
West Virginia	1,323,800	1,292,765	31,035
Wisconsin	1,356,172	1,051,429	304,743
Wyoming	115,754	115,754	----------
Total	64,683,975	61,887,411	2,796,564

(60 Stat. 230; 42 U. S. C. 1751–1760)

Dated: June 30, 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53–5900; Filed, July 3, 1953; 8:47 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1023 (Cigar-Filler-54)–1]

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

CIGAR-FILLER TOBACCO MARKETING QUOTA REGULATIONS, 1954–55 MARKETING YEAR

GENERAL

Sec.
723.571 Basis and purpose.
723.572 Definitions.
723.573 Extent of calculations and rule of fractions.
723.574 Instructions and forms.
723.575 Applicability of §§ 723.571 to 723.588.

HARVESTED ACREAGE, ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

723.576 Determination of harvested acreage for old farms.
723.577 Determination of 1954 base acreages and 1954 preliminary acreage allotments for old farms.
723.578 1954 old farm tobacco acreage allotment.
723.579 Adjustment of acreage allotments for old farms.
723.580 Reallocation of allotments released from farms removed from agricultural production.
723.581 Farms divided or combined.
723.582 Determination of normal yields.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

723.583 Determination of acreage allotments for new farms.
723.584 Time for filing application.
723.585 Determination of normal yields.

MISCELLANEOUS

Sec.
723.586 Determination of acreage allotments and normal yields for farms returned to agricultural production.
723.587 Approval of determinations made under §§ 723.571 to 723.586.
723.588 Application for review.

AUTHORITY: §§ 723.571 to 723.588 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 313, 363, 52 Stat. 38, as amended, 47, as amended, 63; 7 U. S. C. 1301, 1313, 1363.

GENERAL

§ 723.571 *Basis and purpose.* The regulations contained in §§ 723.571 to 723.588 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1954 farm acreage allotments and normal yields for cigar-filler tobacco. The purpose of the regulations in §§ 723.571 to 723.588 is to provide the procedure for allocating, on an acreage basis, the State marketing quota for cigar-filler tobacco for the 1954–55 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 723.571 to 723.588, public notice (18 F. R. 3025) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to the regulations in §§ 723.571 to 723.588, which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 723.572 *Definitions.* As used in §§ 723.571 to 723.588, and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) Committees:

(1) "Community committee" means the persons elected within a community as the community committee pursuant to regulations governing the selection and functions of Production and Marketing Administration county and community committees.

(2) "County committee" means the persons elected within a county as the county committee pursuant to regulations governing the selection and functions of Production and Marketing Administration county and community committees.

(3) "State committee" means the persons in a State designated by the Secretary as the State committee of the Production and Marketing Administration.

(b) "County office manager" means the person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operations of the county PMA office, or the person acting in such capacity.

(c) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Assistant Administrator for Production, Production and Marketing Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

(d) "New farm" means a farm on which tobacco will be produced in 1954 for the first time since 1948.

(e) "Old farm" means a farm on which tobacco was produced in one or more of the five years 1949 through 1953.

(f) "Cropland" means farm land which in 1953 was tilled or was in regular crop rotation, excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes or will constitute, if tillage is continued, a wind erosion hazard to the community.

(g) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(h) "Person" means an individual, partnership, association, corporation, estate or trust or other business enterprise or other legal entity, and whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(i) "State administrative officer" means the person employed by the State committee to execute the policies of the State committee and be responsible for the day-to-day operations of the State PMA office, or the person acting in such capacity.

(j) "Tobacco" means cigar-filler tobacco, type 41, that type of cigar-leaf tobacco commonly known as Pennsylvania Seedleaf, Pennsylvania Broadleaf, Pennsylvania filler type, or Lancaster and York County filler type, and produced principally in Lancaster County, Pennsylvania, and the adjoining counties, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths shall be treated as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco. The term "tobacco" shall include all leaves harvested including trash.

§ 723.573 *Extent of calculations and rule of fractions.* All acreage allotments shall be rounded to the nearest one-tenth acre. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of five-hundredths of an acre or less shall be dropped. For example, 1.051 would be 1.1 and 1.050 would be 1.0.

§ 723.574 *Instructions and forms.* The Director, Tobacco Branch, Production and Marketing Administration, shall cause to be prepared and issued such forms as are necessary and shall cause to be prepared such instructions as are necessary for carrying out §§ 723.571 to 723.588. The forms and instructions shall be approved by, and the instructions shall be issued by, the Assistant Administrator for Production, Production and Marketing Administration.

§ 723.575 *Applicability of §§ 723.571 to 723.588.* Sections 723.571 to 723.588 shall govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm marketing quotas for the marketing year beginning October 1, 1954. The applicability of §§ 723.571 to 723.588 is contingent upon the proclamation of a national marketing quota for cigar-filler tobacco by the Secretary of Agriculture, and the approval thereof by growers voting in a referendum pursuant to section 312 of the Agricultural Adjustment Act of 1938, as amended.

HARVESTED ACREAGE, ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 723.576 *Determination of harvested tobacco acreage for old farms.* The county committee shall determine from the best available data the acreage of tobacco harvested on each old tobacco farm for each of the years 1949–53. Data for making such determinations shall be taken from county office records, producers' sales records, producer' reports, and estimates of other persons having knowledge of tobacco produced on the farm. In determining the harvested acreage for any year, due allowance shall be made for drought, flood, hail, other abnormal weather conditions and plant bed and other diseases.

§ 723.577 *Determination of 1954 base acreages and 1954 preliminary acreage allotments for old farms.* (a) The base acreage for an old farm shall be the largest of the following:

(1) The average acreage of tobacco harvested on the farm in the five years 1949–53, except that if the five-year average is in excess of the three year, 1951–53, average, it shall be reduced to the larger of such three-year average or 50 percent of the five-year average;

(2) 80 percent of the average acreage of tobacco harvested on the farm in the past three years 1951–53, or

(3) 45 percent of the acreage of tobacco harvested on the farm in 1953.

The base acreage for an old farm may be increased or decreased if the community and county committees find that such increase or decrease is necessary to establish a base acreage for such farm which is fair and equitable in relation to the base acreages for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, or other diseases; land, labor, and equipment available for the production of to-

bacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the total of the base acreages, as increased or decreased, for all old tobacco farms in the county shall not exceed one hundred and two percent (102 percent) of the total of the base acreages for all old tobacco farms in the county prior to the making of any such increase or decrease: *And provided further*, That no base acreage shall be (i) increased above the acreage capacity of shed space which is in usable condition and available for curing tobacco produced on the farm; (ii) decreased below the smaller of the average acreage of tobacco harvested on the farm during the years 1951, 1952 and 1953 or the acreage capacity of shed space which is in usable condition and available for curing tobacco produced on the farm; or (iii) less than 0.1 acre.

(b) The preliminary acreage allotment for any old farm shall be the base acreage for the farm, as increased or decreased under paragraph (a) of this section.

§ 723.578 *1954 old farm tobacco acreage allotment.* The preliminary allotments calculated for all old farms in the State pursuant to § 723.577 shall be adjusted uniformly so that the total of such allotments plus the acreage available for adjusting acreage allotments for old farms pursuant to § 723.579 shall not exceed the State acreage allotment: *Provided*, That if the acreage allotment so determined for any farm (except farms operated, controlled, or directed by a person who also operates, controls, or directs another farm on which tobacco is produced) is less than that acreage which, with the normal yield for the farm, would produce 2,400 pounds of tobacco, then such acreage allotment shall be increased to the smaller of (a) 120 percent thereof, or (b) that acreage which, with the normal yield for the farm, would produce 2,400 pounds of tobacco.

§723.579 *Adjustment of acreage allotments for old farms.* Notwithstanding the limitations contained in § 723.578 the farm acreage allotment for an old farm may be increased if the community and county committees find that such increase is necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor, and equipment for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The acreage available for increasing allotments under this section shall not exceed two percent of the 1954 State acreage allotment.

§ 723.580. *Reallocation of allotments released from farms removed from agricultural production.* The allotment determined or which would have been determined for any land which is removed from agricultural production for any purpose because of acquisition by any Federal, State, or other agency having a right of eminent domain shall be placed in the State pool and shall be available to the State committee for use in providing equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farms by such agencies. Upon application to the county committee, within five years from the date of such acquisition of the farm, any owner so displaced shall be entitled to have an allotment for any other farm owned or purchased by him equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm so acquired: *Provided*, That such allotment shall not exceed 20 percent of the acreage of cropland on the farm.

§ 723.581 *Farms divided or combined.* (a) If land operated as a single farm in 1953 will be operated in 1954 as two or more farms, the 1954 preliminary tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion as the acreage of cropland available for the production of tobacco in each such tract in such year bore to the total number of acres of cropland available for the production of tobacco on the entire farm in such year, except that, upon recommendation of the county committee, and with State committee approval and agreement of the interested parties in writing, the preliminary tobacco acreage allotment determined or which otherwise would have been determined for the entire farm may be apportioned among the tracts in the same proportion as the 1949–53 five-year average acreage of tobacco harvested on each such tract bore to the 1949–53 five-year average of the acreage of tobacco harvested on the entire farm: *Provided*, That with the recommendation of the county committee and approval of the State committee and with the written agreement of all interested persons, the preliminary tobacco acreage allotment determined for a tract under the provisions of this paragraph may be increased or decreased by not more than the larger of one-tenth acre or 10 percent of the 1954 preliminary acreage allotment determined for the entire farm with corresponding increases or decreases made in the preliminary acreage allotment apportioned to the other tract or tracts.

(b) If two or more farms operated separately in 1953 are combined and operated in 1954 as a single farm, the 1954 preliminary allotment shall be the sum of the 1954 preliminary allotments determined for each of the farms comprising the combination.

(c) If a farm is to be divided in 1954 in settling an estate, the preliminary allotment may be divided among the various tracts in accordance with paragraph (a) of this section, or on such other basis as the State committee determines will result in equitable farm allotments.

§ 723.582 *Determination of normal yields.* The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the years 1946-52 for which data are available; (b) the soil and other physical factors affecting the production of tobacco on the farm; and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 723.583 *Determination of acreage allotments for new farms.* (a) The acreage allotment, other than an allotment made under § 723.580, for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator; the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed 75 percent of the allotments for old tobacco farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco.

(b) Notwithstanding any other provisions of this section a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) The farm operator shall have had experience during one of the past five years in the kind of tobacco for which an allotment is requested and such experience shall have been for the entire crop year beginning with the preparation of the plant bed and extending through preparation of the tobacco for market: *Provided*, That a farm operator who was in the armed services after September 16, 1940, shall be deemed to have met the requirements hereof if he has had such experience during one year either within the five years immediately prior to his entry into the armed services or within the five years immediately following his discharge from the armed services and if he files an application for an allotment within five crop years from date of discharge.

(2) The farm operator shall be largely dependent for his livelihood on the farm covered by the application.

(3) The farm covered by the application shall be the only farm owned or operated by the farm operator for which a cigar-filler (type 41) tobacco allotment is established for the 1954–55 marketing year.

(c) The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One percent of the 1954 national marketing quota shall, when converted to an acreage allotment by use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average

of the several State yields used in converting the State marketing quota into State acreage allotments.

§ 723.584 *Time for filing application.* An application for a new farm allotment shall be filed with the County PMA office not later than March 12, 1954, unless the farm operator was discharged from the armed services subsequent to December 31, 1953, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

§ 723.585 *Determination of normal yields.* The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

MISCELLANEOUS

§ 723.586 *Determination of acreage allotments and normal yields for farms returned to agricultural production.* (a) Notwithstanding the foregoing provisions of §§ 723.571 to 723.585, the preliminary acreage allotment for any farm which was acquired by any Federal, State, or other agency having the right of eminent domain for any purpose and which is returned to agricultural production shall be the sum of the acreages of tobacco harvested on the farm during the five years 1949–53 divided by the number of years for which tobacco was harvested on the farm during such five-year period. If no tobacco was harvested on the farm during the five years 1949–53, the farm returned to agricultural production shall be regarded as a new farm.

(b) The normal yield for any such farm shall be that yield per acre which the county committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

§ 723.587 *Approval of determinations made under §§ 723.571 to 723.586.* All allotments and yields shall be reviewed by or on behalf of the State committee and the State committee may correct or require correction of any determinations made under §§ 723.571 to 723.586. All acreage allotments and yields shall be approved by or on behalf of the State committee, and no official notice of acreage allotment shall be mailed to a grower until such allotment has been approved by or on behalf of the State committee.

§ 723.588 *Application for review.* Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm, may, within fifteen days after mailing of the official notice of the farm acreage allotment and marketing quota, file application with the county PMA office to have such allotment reviewed by a review committee. The procedures governing the review of farm acreage allotments and marketing quotas are contained in the regulations issued by the Secretary (Part 711 of this chapter) which are available at the county PMA office.

Done at Washington, D. C., this 30th day of June 1953. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-5899; Filed, July 3, 1953; 8:47 a. m.]

[1023 (Fire, Air, and Sun-54)-1]

PART 726—FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

MARKETING QUOTA REGULATIONS, 1954-55 MARKETING YEAR

GENERAL

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726.512 Definitions.
726.513 Extent of calculations and rule of fractions.
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ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

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726.519 Reduction of acreage allotments for violation of the marketing quota regulations for a prior marketing year.
726.520 Reallocation of allotments released from farms removed from agricultural production.
726.521 Farms divided or combined.
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ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

726.523 Determination of acreage allotments for new farms.
726.524 Time for filing application.
726.525 Determination of normal yields.

MISCELLANEOUS

726.526 Determination of acreage allotments and normal yields for farms returned to agricultural production.
726.527 Approval of determinations made under §§ 726.511 to 726.526.
726.528 Application for review.

AUTHORITY: §§ 726.511 to 726.528 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply secs. 301, 313, 363, 52 Stat. 38, 47, 63, as amended; 7 U. S. C. 1301, 1313, 1363.

GENERAL

§ 726.511 *Basis and purpose.* The regulations contained in §§ 726.511 to 726.528 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1954 farm acreage allotments and normal yields for fire-cured, dark air-cured, and Virginia sun-cured tobacco. The purpose of the regulations in §§ 726.511 to 726.528 is to provide the procedure for allocating, on an acreage basis, the national marketing quota for fire-cured, dark air-cured, and Virginia sun-cured tobacco for the 1954–55 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 726.511 to 726.528, public notice (18 F. R. 3025) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to the regulations in §§ 726.511 to 726.528 which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 726.512 *Definitions.* As used in §§ 726.511 to 726.528, and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) Committees:

(1) "Community committee" means the persons elected within a community as the community committee pursuant to regulations governing the selection and functions of Production and Marketing Administration county and community committees.

(2) "County committee" means the persons elected within a county as the county committee pursuant to regulations governing the selection and functions of Production and Marketing Administration county and community committees.

(3) "State committee" means the persons in a State designated by the Secretary as the State committee of the Production and Marketing Administration.

(b) "County office manager" means the person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operations of the county PMA office, or the person acting in such capacity.

(c) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Assistant Administrator for Production, Production and Marketing Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that of any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

(d) "New farm" means a farm on which tobacco will be produced in 1954 for the first time since 1948.

(e) "Old farm" means a farm on which tobacco was produced in one or more of the five years 1949 through 1953.

(f) "Cropland" means farm land which in 1953 was tilled or was in regular crop rotation, excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable

noncrop open pasture, and (3) any land which constitutes or will constitute, if tillage is continued, a wind erosion hazard to the community.

(g) "Community cropland factor" means that percentage determined by dividing the total cropland for all old farms in the community in 1953 into the total of the 1953 tobacco acreage allotment for such old farms: *Provided*, That (1) if it is determined that the cropland factors for all communities in the county are substantially the same, the county committee, with the approval of the State committee, may consider the entire county as one community, and (2) if there is only one farm in the county on which tobacco is grown, the community cropland factor of the nearest community in which tobacco is grown shall be used in determining the acreage indicated by cropland.

(h) "Acreage indicated by cropland" means that acreage determined by multiplying the number of acres of cropland in the farm by the community cropland factor.

(i) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(j) "Person" means an individual, partnership, association, corporation, estate or trust or other business enterprise or other legal entity, and whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(k) "State administrative officer" means the person employed by the State committee to execute the policies of the State committee and be responsible for the day-to-day operations of the State PMA office, or the person acting in such capacity.

(l) "Tobacco" means each one or all, as indicated by the context, of the kinds of tobacco listed below comprising the types specified, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture:

Fire-cured tobacco, comprising types 21, 22, 23, and 24;
Dark air-cured tobacco, comprising types 35 and 36;
Virginia sun-cured tobacco, comprising type 37.

Any tobacco that has the same characteristics and corresponding qualities, colors, and lengths as either fire-cured, dark air-cured, or Virginia sun-cured tobacco shall be considered respectively, either fire-cured, dark air-cured, or Virginia sun-cured tobacco regardless of any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

§ 726.513 *Extent of calculations and rule of fractions.* All acreage allotments shall be rounded to the nearest one-tenth acre. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of five-hundredths of an acre or less shall be dropped. For example, 1.051 would be 1.1 and 1.050 would be 1.0.

§ 726.514 *Instructions and forms.* The Director, Tobacco Branch, Production and Marketing Administration, shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions as are necessary, for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Assistant Administrator for Production, Production and Marketing Administration.

§ 726.515 *Applicability of §§ 726.511 to 726.528.* Sections 726.511 to 726.528 shall govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm marketing quotas for the marketing year beginning October 1, 1954. The applicability of §§ 726.511 to 726.528 is contingent upon the proclamation of national marketing quotas for tobacco by the Secretary.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 726.516 *Determination of 1954 preliminary acreage allotments for old farms.* The preliminary acreage allotment for an old farm shall be the 1953 allotment with the following exceptions:

(a) If the acreage of tobacco harvested on the farm in each of the three years 1951–53 was less than 75 percent of the farm acreage allotment for each of such years, the preliminary allotment shall be the larger of (1) the largest acreage of tobacco harvested on the farm in any one of such three years, or (2) the average acreage of tobacco harvested on the farm in the five years 1949–53: *Provided*, That any such preliminary allotment shall not exceed the 1953 allotment for such farm or be less than 0.1 acre.

(b) If the county committee determines that failure to harvest as much as 75 percent of the acreage allotted to the farm during any one of the three years 1951–53 was due to (1) service in the armed forces on the part of labor regularly engaged in producing tobacco on the farm prior to entry into the armed forces, or (2) black shank infestation on the farm, the preliminary allotment for the farm shall be the 1953 allotment.

(c) If no 1953 allotment was established for the farm, the preliminary allotment shall be the smaller of (1) the average acreage of tobacco harvested on the farm in the five years 1949–53, or (2) the acreage obtained by multiplying the farm's average acreage for the five years 1949–53 by the ratio of the farm's actual yield to the 1953 county average yield: *Provided*, That such preliminary allotment shall not be less than 0.1 acre.

(d) If the acreage of tobacco harvested on the farm in 1953 exceeded the 1953 allotment by more than 10 percent, the preliminary allotment shall be the 1953 allotment plus the smaller of (1) one-fifth of the excess acres, or (2) the acreage obtained by multiplying one-fifth of the excess acreage by the ratio of the farm's actual yield to the 1953 county average yield.

(e) The preliminary allotments determined under paragraph (c) or (d) of this section shall not exceed the smaller of (1) the acreage indicated by cropland, or (2) the acreage capacity of curing barns located on the farm and suitable for curing tobacco: *Provided*, That no preliminary allotment shall be reduced below the 1953 allotment because of these factors or be less than 0.1 acre.

(f) The preliminary allotment shall not exceed 80 percent of the acreage of cropland on the farm.

§ 726.517 *1954 old farm tobacco acreage allotment.* The preliminary allotments calculated for all old farms in the State pursuant to § 726.516 shall be adjusted uniformly so that the total of such allotments plus the acreage available for adjusting acreage allotments for old farms pursuant to § 726.518 shall not exceed the State acreage allotment.

§ 726.518 *Adjustment of acreage allotments for old farms.* Notwithstanding the limitations contained in § 726.516, except paragraph (f) thereof, the farm acreage allotment for an old farm may be increased if the community and county committees find that such increase is necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The acreage available for increasing allotments under this section shall not exceed one-half of one percent of the total acreage allotted to all tobacco farms in the State for the 1953–54 marketing year in the case of fire-cured and dark air-cured tobacco, and two percent of the total acreage allotted to all tobacco farms in the State for the 1953–54 marketing year in the case of Virginia sun-cured tobacco.

§ 726.519 *Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.* (a) If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments established for both such farms for 1954 shall be reduced, as provided in this section, except that such reduction for any such farm shall not be made if the county committee determines that no person connected with such farm caused, aided, or acquiesced in such marketing.

(b) The operator of the farm shall furnish complete and accurate proof of the disposition of all tobacco produced on the farm at such time and in such manner as will insure payment of the penalty due at the time the tobacco is marketed and, in the event of failure for any reason to furnish such proof, the acreage allotment for the farm shall be reduced, except that if the farm operator establishes to the satisfaction of the county and State committees that failure to furnish such proof of disposition was unintentional on his part and that

he could not reasonably have been expected to furnish accurate proof of disposition, reduction of the allotment will not be required if the failure to furnish proof of disposition is corrected and payment of all additional penalty is made.

(c) Any such reduction shall be made with respect to the 1954 farm acreage allotment, provided it can be made at least 30 days prior to the beginning of the normal planting season for the county in which the farm is located as determined by the State committee. If the reduction cannot be so made effective with respect to the 1954 allotment, such reduction shall be made with respect to the farm acreage allotment next established for the farm where the reduction can be made within the time specified in this paragraph. This section shall not apply if the allotment for any prior year was reduced on account of the same violation.

(d) The amount of reduction in the 1954 allotment shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such tobacco involved in the violation equals or exceeds the amount of the farm marketing quota the amount of reduction shall be 100 percent. The amount of tobacco determined by the county committee to have been falsely identified or for which satisfactory proof of disposition has not been furnished shall be considered the amount of tobacco involved in the violation. If the actual production of tobacco on the farm is not known, the county committee shall estimate such actual production taking into consideration the condition of the tobacco crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar: *Provided*, That the estimate of such actual production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The actual yield of tobacco on the farm as so estimated by the county committee multiplied by the farm acreage allotment shall be considered the farm marketing quota for the purposes of this section. In determining the amount of tobacco for which satisfactory proof of disposition has not been shown in case the actual production of tobacco on the farm is not known, the amount of tobacco involved in the violation shall be deemed to be the actual production of tobacco on the farm, estimated as above, less the amount of tobacco for which satisfactory proof of disposition has been shown.

(e) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied to that portion of the allotment for which a reduction is required under paragraph (a) or (b) of this section.

(f) If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied to the allotments for the divided farms as required under paragraphs (a) or (b) of this section.

§ 726.520 *Reallocation of allotments released from farms removed from agricultural production.* (a) The allotment determined or which would have been determined for any land which is removed from agricultural production for any purpose because of acquisition by any Federal, State, or other agency having a right of eminent domain, shall be placed in a State pool and shall be available to the State committee for use in providing equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farms by such agencies. Upon application to the county committee, within five years from the date of such acquisition of the farm, any owner so displaced shall be entitled to have an allotment for any other farm owned or purchased by him, equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm so acquired: *Provided*, That such allotment shall not exceed 20 percent of the acreage of cropland on the farm.

(b) The provisions of this section shall not be applicable if (1) there is any marketing quota penalty due with respect to the marketing of tobacco from the farm or by the owner of the farm at the time of its acquisition by the Federal, State, or other agency; (2) any tobacco produced on such farm has not been accounted for as required by the Secretary; or (3) the allotment next to be established for the farm acquired by the Federal, State, or other agency would have been reduced because of false or improper identification of tobacco produced on or marketed from such farm.

§ 726.521 *Farms divided or combined.* (a) If land operated as a single farm in 1953 will be operated in 1954 as two or more farms, the 1954 tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion as the acreage of cropland available for the production of tobacco in each such tract in such year bore to the total number of acres of cropland available for the production of tobacco on the entire farm in such year, except that the tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall, if the farm to be divided for 1954 consists of two or more tracts which were separate and distinct farms before being combined within the past five years (1949–53), be apportioned among the tracts in the same proportion that each contributed to the farm acreage allotment: *Provided*, That with the recommendation of the county committee and approval of the State committee and with the written agreement of all interested persons the tobacco acreage allotment determined for a tract under the provisions of this paragraph may be increased or decreased by not more than the larger of one-tenth acre or 10 percent of the 1954 acreage allotment determined for the entire farm with corresponding increases or decreases made in the acreage allotment apportioned to the other tract or tracts.

(b) If two or more farms operated separately in 1953 are combined and operated in 1954 as a single farm, the 1954 allotment shall be the sum of the 1954 allotments determined for each of the farms comprising the combination.

(c) If a farm is to be divided in 1954 in settling an estate, the allotment may be divided among the various tracts in accordance with paragraph (a) of this section, or on such other basis as the State committee determines will result in equitable allotments.

§ 726.522 *Determination of normal yields.* The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the five years 1948–52, (b) the soil and other physical factors affecting the production of tobacco on the farm, and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 726.523 *Determination of acreage allotments for new farms.* (a) The acreage allotment other than an allotment made under § 726.520 for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator; the land, labor, and equipment available for the production of tobacco; crop rotation practices, and the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed 75 percent of the allotments for old tobacco farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco.

(b) Notwithstanding any other provisions of this section a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) The farm operator shall have had experience in growing the kind of tobacco for which an allotment is requested either as a share cropper, tenant, or as a farm operator during two of the past five years: *Provided*, That a farm operator who was in the armed services after September 16, 1940, shall be deemed to have met the requirements hereof if he has had such experience during one year either within the five years immediately prior to his entry into the armed services or within the five years immediately following his discharge from the armed services and if he files an application for an allotment within five crop years from date of discharge.

(2) The farm operator shall live on and be largely dependent for his livelihood on the farm covered by the application.

(3) The farm covered by the application shall be the only farm owned or operated by the owner or farm operator for which either a fire-cured, dark air-cured, or Virginia sun-cured tobacco allotment is established for the 1954–55 marketing year.

(c) The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One-half of one percent of the 1954 national marketing quota shall, when converted to an acreage allotment by the use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quota into State acreage allotments.

§ 726.524 *Time for filing application.* An application for new farm allotment shall be filed with the county PMA office prior to February 1, 1954, unless the farm operator was discharged from the armed services subsequent to December 31, 1953, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

§ 726.525 *Determination of normal yields.* The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

MISCELLANEOUS

§ 726.526 *Determination of acreage allotments and normal yields for farms returned to agricultural production.* (a) Notwithstanding the foregoing provisions of §§ 726.511 to 726.525, the acreage allotment for any farm which was acquired by any Federal, State, or other agency having the right of eminent domain for any purpose and which is returned to agricultural production in 1954 or which was returned to agricultural production in 1953 too late for the 1953 allotment to be established shall be determined by one of the following methods:

(1) If the land is acquired by the original owner any part of the acreage allotment which was or could have been established for such farm prior to its retirement from agricultural production which remains in the State pool (adjusted to reflect the uniform increases and decreases in comparable old farm allotments since the farm was acquired) may be established as the 1954 allotment for such farm by transfer from the pool, and if any part of the allotment for such land was transferred by the original owner through the State pool to another farm now owned by him, such owner may elect to transfer all or any part of such allotment (as adjusted) to the farm which is returned to agricultural production.

(2) If the land is acquired by a person other than the original owner, or if all of the allotment was transferred through the State pools to another farm and the original owner does not now own the farm to which the allotment was transferred, the farm returned to agricultural production shall be regarded as a new farm.

(b) The normal yield for any such farm shall be that yield per acre which the county committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

§ 726.527 *Approval of determinations made under §§ 726.511 to 726.526.* All allotments and yields shall be reviewed by or on behalf of the State committee, and the State committee may correct or require correction of any determinations made under §§ 726.511 to 726.526. All acreage allotments and yields shall be approved by or on behalf of the State committee and no official notice of acreage allotment shall be mailed to a grower until such allotment has been approved by or on behalf of the State committee.

§ 726.528 *Application for review.* Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm may, within fifteen days after mailing of the official notice of the farm acreage allotment and marketing quota, file application with the county PMA office to have such allotment reviewed by a review committee. The procedures governing the review of farm acreage allotments and marketing quotas are contained in the regulations issued by the Secretary (Part 711 of this chapter) which are available at the county PMA office.

Done at Washington, D. C., this 30th day of June 1953. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53–5898; Filed, July 3, 1953; 8:47 a. m.]

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

[Plum Order 10, Amdt. 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitations of shipments of plums of the variety hereinafter set forth, and in the manner herein 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 amendment 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 amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restrictions on the handling of Duarte plums grown in the State of California.

(b) It is, therefore, ordered as follows:

The provisions in paragraph (b) (1) (i) of § 936.455 (Plum Order 10: 18 F. R. 3525) are hereby amended to read as follows:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(c) Nothing contained herein shall be construed (1) as affecting or waiving any right, duty, obligation, or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provision of Plum Order 10; or (2) as releasing or extinguishing any violation of said Plum Order 10 which has occurred or which, prior to the effective time of the provisions hereof, may occur.

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

Done at Washington, D. C., this 2d day of July 1953, to become effective at 12:01 a. m., P. s. t., July 3, 1953.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 53–5977; Filed, July 3, 1953; 9:03 a. m.]

[Lemon Reg. 492]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.599 *Lemon Regulation 492*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other

available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as provided in this section, 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, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on July 1, 1953, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 5, 1953, and ending at 12:01 a. m., P. s. t., July 12, 1953, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 725 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 491 (18 F. R. 3686) and made a part of this section by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

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

Done at Washington, D. C., this 2d day of July 1953.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 53-5976; Filed, July 8, 1953; 9:03 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 223—REENTRY PERMITS

LIMITED REENTRY PERMIT

Section 223.12 *Reentry permit* of Chapter I of Title 8 of the Code of Federal Regulations is amended in the following respects:

1. Paragraph (a) is amended to read as follows:

(a) *Form.* Reentry permits shall be issued on Form I-132 and shall indicate whether they are issued under paragraph (a) (1) or (a) (2) of section 223 of the Immigration and Nationality Act and the period of their validity.

2. The following new paragraph, designated (b), is added immediately after paragraph (a):

(b) *Limited reentry permit.* Limited reentry permits, valid for reentry to Hawaii only, may be issued to those citizens of the Philippine Islands specified in § 4.2 (g) of this chapter, if otherwise eligible. In any case in which a reentry permit is valid for readmission only to Hawaii, such limitation shall be noted conspicuously on the face of Form I-132.

3. Existing paragraphs (b), (c), (d), and (e) are redesignated as paragraphs (c), (d), (e), and (f), respectively.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

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

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the regulations prescribed by the order merely clarify existing regulations.

Dated: June 29, 1953.

HERBERT BROWNELL, Jr.,
Attorney General.

Recommended: June 19, 1953.

ARGYLE R. MACKEY,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 53-5896; Filed, July 8, 1953; 8:47 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

DESIGNATION OF AREAS IN WHICH SWINE ARE AFFECTED WITH VESICULAR EXANTHEMA

Pursuant to the authority conferred upon the Administrator of the Agricultural Research Administration by § 76.27 of the amendment of Subpart B, Part 76, Title 9, Code of Federal Regulations, published in the FEDERAL REGISTER on June 25, 1953 (18 F. R. 3636), restricting the interstate movement of swine and carcasses, parts and offal of swine because of vesicular exanthema and governing the cleaning and disinfecting of vehicles and other facilities used in connection with such interstate movement, a new section, to appear as § 76.27a, is hereby added to said Subpart B, as amended, to read as follows:

§ 76.27a *Designation of areas in which swine are affected with vesicular exanthema.* The following areas are hereby designated as areas in which swine are affected with vesicular exanthema:

Township 3, Range 23, in Dale County, in Alabama;

The State of California;

Hartford County, in Connecticut;

Androscoggin, Cumberland, Kennebec, Somerset, and York Counties, in Maine;

That area consisting of Hampden, Worcester, Middlesex, Essex, Suffolk, Norfolk, Bristol and Plymouth Counties, in Massachusetts;

Bergen, Hudson, Hunterdon and Morris Counties and that area consisting of Union, Middlesex, Monmouth, Ocean, Burlington, Camden, Gloucester, Atlantic and Cape May Counties, in New Jersey;

Poughkeepsie Township, in Dutchess County, and that area in Clarkstown Township lying north of New York State Route No. 59, in Rockland County, in New York;

Section 15 in Green Township, in Clark County, in Ohio;

Council Grove, Mustang, Oklahoma and Greeley Townships, in Oklahoma County, in Oklahoma;

Bucks and Delaware Counties, in Pennsylvania;

That area in Atascosa County lying west of State Highway No. 346 and north of State Highway No. 173, and that area in Bexar County lying south of Highway Loop 13 (Southwest Military Drive) and lying between U. S. Highway No. 281 and No. 81, in Texas;

Sections 31 and 32, Township 4, North Range One West, in Davis County, in Utah.

Effective date. The foregoing designation of areas shall be effective immediately.

The amendment of Subpart B, Part 76, Title 9, Code of Federal Regulations, published in the FEDERAL REGISTER on June 25, 1953 (18 F. R. 3636), becomes

effective on July 1, 1953, and provides that prior to said date the Administrator of the Agricultural Research Administration shall designate the areas in which swine are affected with vesicular exanthema and which will be quarantined effective 12:01 a. m. on said date. The same areas are designated under the foregoing § 76.27a as were quarantined under § 76.26, as amended on June 26, 1953, of the regulations relating to the disease in effect just prior to July 1, 1953. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the said § 76.27a are impracticable and contrary to the public interest and good cause is found for making this document effective less than 30 days after publication in the FEDERAL REGISTER..

(Secs. 4, 5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 120, 111, 123, 125. Interprets or applies sec. 7, 23 Stat. 32, as amended; 21 U. S. C. 117)

Done at Washington, D. C., this 30th day of June 1953.

[SEAL] M. R. CLARKSON,
Acting Administrator, Agricultural Research Administration.

[F. R. Doc. 53-5925; Filed, July 3, 1953; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. SR-397]

PART 18—MAINTENANCE, REPAIR AND ALTERATION OF AIRFRAMES, POWERPLANTS, PROPELLERS AND APPLIANCES

PART 25—PARACHUTE RIGGER CERTIFICATES

PART 43—GENERAL OPERATION RULES

PART 49—TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

PART 54—PARACHUTE LOFT CERTIFICATES AND RATINGS

PART 60—AIR TRAFFIC RULES

SPECIAL CIVIL AIR REGULATION; AUTHORIZATION FOR U. S. FOREST SERVICE TO DEVIATE FROM CIVIL AIR REGULATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 30th day of June 1953.

The Forest Service of the United States Department of Agriculture uses both public and civil aircraft to carry personnel and equipment to fire areas. The aircraft and pilots are certificated and, where possible, Forest Service operations are conducted in accordance with the Civil Air Regulations. In order to deal effectively with fire control and other Forest Service specialized activities, however, it is often necessary to use uncertificated personnel as parachute riggers during peak-load periods, to remove seats and safety belts from aircraft in which fire fighters are carried, to drop equipment and supplies from aircraft, and to deviate from other provisions of the Civil Air Regulations such as minimum altitudes and visibility conditions. Due to the exigencies of the particular situation, it is usually impracticable for the Forest Service to seek authority in each particular instance to deviate from the provisions of the Civil Air Regulations. In view of the public service rendered by this organization and the well organized supervisory control which the Forest Service exercises over its operations, it is considered desirable that the Board authorize the Forest Service to deviate from the Civil Air Regulations and normal practices thereunder when necessary for their operations.

This regulation authorizes the Chief of the Forest Service to permit aircraft and airmen, while engaged in Forest Service operations, to deviate from the Civil Air Regulations to the extent that he finds necessary for the expeditious conduct of such operations. The regulation also provides that the Administrator shall establish a procedure for notification by the Chief of the Forest Service of those deviations which he has authorized.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. Since this regulation imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective immediately:

Contrary provisions of the Civil Air Regulations notwithstanding, the Chief, Forest Service, United States Department of Agriculture, is authorized to permit aircraft and airmen, while engaged in operations conducted for the United States Forest Service, to deviate from the provisions of the Civil Air Regulations to the extent that he finds necessary for the expeditious conduct of such operations. The Chief, Forest Service, shall notify the Administrator of any deviation which he has authorized and the reasons therefor in accordance with a procedure established by the Administrator.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 602, 603, 604, 605, 52 Stat. 1007, 1008, 1009, 1010, as amended; 49 U. S. C. 551, 552, 553, 554, 555)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 53-5909; Filed, July 3, 1953; 8:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5778]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

PRUVO PHARMACAL CO. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.20 *Comparative data or merits;* § 3.90 *History of product or offering;* § 3.135 *Nature*—Product or service; § 3.170 *Qualities or properties of product or service;* § 3.195 *Safety.* In connection with the offering for sale, sale and distribution of the drug preparation "Pruvo", or any product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of said drug preparations, which advertisements represent, directly or by implication: (a) That the taking of said preparation by those suffering from arthritis, rheumatism, neuritis, or any other kind of arthritic or rheumatic condition, will reduce swelling or free joints of stiffness, or will result in any therapeutic benefits in excess of those afforded by an analgesic or antipyretic; (b) that the taking of said preparation will quickly or completely relieve all pains of arthritis, rheumatism, neuritis, or any other kind of arthritic or rheumatic condition, or have any therapeutic effect upon any of the symptoms or manifestations thereof, in excess of affording temporary relief of minor aches, pains, or fever; (c) that said preparation is a remarkable or new medical discovery; (d) that persons afflicted with arthritis, rheumatism, or neuritis so severely that such afflictions interfere with their normal habits of living or their ability to carry on their usual occupations will be enabled, by taking the drug preparation "Pruvo", to resume such normal living habits or usual occupations; and (e) that the drug preparation "Pruvo" may safely be taken by persons adversely affected by aspirin; prohibited.

(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) [Cease and desist order, Pruvo Pharmacal Company et al., Milwaukee, Wisc., Docket 5778, May 15, 1953]

In the Matter of Pruvo Pharmacal Company, a Corporation, and Harry L. Williams, and Neal Williams, Individually and as Officers of, and M. Seibert, Individually and as a Director of, Pruvo Pharmacal Company

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission, on May 19, 1950, issued and subsequently served its complaint in this proceeding upon the respondents named in the caption hereof, charging them with the use of unfair and deceptive practices in commerce in violation of the provisions of said act. After the issuance of said complaint, counsel supporting the complaint and counsel for respondents, on July 28, 1950, entered into a stipulation, thereafter amended by a further stipulation on August 21, 1951, and subsequently supplemented by another stipulation on January 2, 1952, wherein it was agreed that the evidence in support of and in opposition to the complaint in the matter of Rhodes Pharmacal Company, Inc., et al., Docket No. 5691, and the testimony of Dr. Herman H. Tillis in the matter of Dolcin Corporation et al., Docket No. 5692, together with the statement of facts re-

corded in said stipulations, should constitute the record in the instant proceeding. It was further stipulated and agreed that when the Commission should have completed its adjudication in the two proceedings cited, the hearing examiner might, without any intervening procedure, issue his initial decision. Thereafter the hearing examiner, in accordance with the said stipulations, on December 18, 1952, filed his initial decision herein.

The Commission, having reason to believe that the initial decision did not constitute an adequate disposition of the matter, on January 29, 1953, issued and thereafter served upon the parties its order placing this case upon the Commission's own docket for review. Thereafter the Commission, having considered the entire record and having prepared a tentative decision, caused copies of said decision to be served upon respondents, together with its order, issued on March 24, 1953, granting leave to respondents to file, within twenty days after service thereof, objections to the changes in the hearing examiner's initial decision as shown by the said tentative decision. Thereafter the proceeding came on for final consideration by the Commission upon the record herein on review, including a memorandum of objections to the tentative decision filed on April 17, 1953, by counsel for respondents, and the Commission, having duly considered the matter, including the said memorandum of objections, and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes the following findings as to the facts,[1] conclusions drawn therefrom,[1] and order, the same to be in lieu of the initial decision of the hearing examiner.

It is ordered, That the respondent Pruvo Pharmacal Company, a corporation, and its officers, and respondents Harry L. Williams and Neal Williams, individually and as officers, and respondent M. Seibert, individually and as a Director, of said corporation, and said respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of the drug preparation "Pruvo," or any product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication:

a. That the taking of said preparation by those suffering from arthritis, rheumatism, neuritis, or any other kind of arthritic or rheumatic condition, will reduce swelling or free joints of stiffness, or will result in any therapeutic benefits in excess of those afforded by an analgesic or antipyretic;

b. That the taking of said preparation will quickly or completely relieve all pains of arthritis, rheumatism, neuritis, or any other kind of arthritic or rheumatic condition, or have any therapeutic effect upon any of the symptoms or manifestations thereof, in excess of affording temporary relief of minor aches, pains, or fever;

c. That said preparation is a remarkable or new medical discovery;

d. That persons afflicted with arthritis, rheumatism or neuritis so severely that such afflictions interfere with their normal habits of living or their ability to carry on their usual occupations will be enabled, by taking the drug preparation "Pruvo," to resume such normal living habits or usual occupations;

e. That the drug preparation "Pruvo" may safely be taken by persons adversely affected by aspirin.

2. Disseminating or causing to be disseminated any advertisement, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said drug preparations, which advertisement contains any of the representations prohibited in Paragraph 1 hereof.

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

Issued: May 15, 1953.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 53-5907; Filed, July 3, 1953; 8:49 a. m.]

[Docket 5975]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

NATIONAL EDUCATORS, INC., ET AL.

Subpart—*Enforcing dealings or payments wrongfully:* § 3.1045 *Enforcing dealings or payments wrongfully.* Subpart—*Misrepresenting oneself and goods; prices:* § 3.1795 *Coverage or extras.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1955 *Free goods;* § 3.1985 *Individual's special selection or situation;* § 3.2070 *Special offers, savings and discounts;* § 3.2080 *Terms and conditions.* I. In connection with the offering for sale, sale and distribution of encyclopedias, or any other publications, in commerce, representing, directly or by implication, (1) that any of said publications are free or in any sense a gratuity when in fact payment therefore is included in the total price to be paid by the purchaser; (2) that any of said publications are given to purchasers as an advertising plan or otherwise, in return for endorsements from such purchasers, when such is not a fact; (3) that any offer is made only to selected individuals; and (4) that a certain sum is the entire cost of said publications, when any additional amount is required to be paid; and, II, in said connection attempting to enforce payment for respondents' publications when no agreement has been made to purchase them; prohibited.

(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) [Cease and desist order, National Educators, Inc., et al., Scranton, Pa., Docket 5975, May 5, 1953.]

In the Matter of National Educators, Inc., a Corporation, and Leonard Melley and Lawrence Melley, Individually and as Officers of National Educators, Inc., a Corporation

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on March 27, 1952, issued and subsequently served its complaint in this proceeding upon the respondents named in the caption hereof, charging them with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of said act. Respondents defaulted in filing answer to the complaint and thereafter informed the hearing examiner, theretofore designated by the Commission to act in this proceeding, that they did not desire to appear for hearing in this matter, a time and place for which had been duly designated in the "Notice" portion of said complaint. Subsequently a hearing was held at which time respondents' aforesaid default in the filing of answers was noted of record, counsel supporting the complaint moved for the entry of an order to cease and desist, and the hearing examiner thereupon closed the case for the reception of evidence. Thereafter, respondents appeared by counsel and, with counsel supporting the complaint, entered into a stipulation as to the facts which provided that the statement as to the facts contained in such stipulation should be deemed to be the facts in this proceeding and, under which stipulation, counsel for respondents waived all further proceedings and consented to issuance forthwith of an initial decision. Such stipulation was approved by the hearing examiner and received into the record and on August 26, 1952, the hearing examiner filed his initial decision.

The Commission, having reason to believe that the initial decision did not constitute an appropriate disposition of the proceeding, placed this case on the Commission's own docket for review and on March 2, 1953, it issued and thereafter served upon the respondents its order affording the respondents an opportunity to file with the Commission an appropriate memorandum or brief setting forth any objections they might have to altering the initial decision in the manner and to the extent shown in the tentative decision attached to said order. No memorandum or brief having been filed by or on behalf of respondents pur-

[1] Filed as part of the original document.

suant to such leave, this proceeding regularly came on for final consideration by the Commission upon the record herein on review; and the Commission, having duly considered the matter and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes the following findings as to the facts,[1] conclusion drawn therefrom,[1] and order, the same to be in lieu of the initial decision of the hearing examiner.

It is ordered, That the respondent National Educators, Inc., a corporation, its officers, and respondent Leonard Melley, individually and as an officer of said corporation, and respondents' respective representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of encyclopedias, or any other publications, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

(1) That any of said publications are free or in any sense a gratuity when in fact payment therefor is included in the total price to be paid by the purchaser.

(2) That any of said publications are given to purchasers as an advertising plan or otherwise, in return for endorsements from such purchasers, when such is not a fact.

(3) That any offer is made only to selected individuals.

(4) That a certain sum is the entire cost of said publications, when any additional amount is required to be paid.

It is further ordered, That the respondent National Educators, Inc., a corporation, its officers, and respondent Leonard Melley, individually and as an officer of said corporation and respondents' respective representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of encyclopedias, or any other publications, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from attempting to enforce payment for their publications when no agreement has been made to purchase them.

It is further ordered, That the complaint be, and the same hereby is, dismissed as to the respondent, Lawrence Melley, in his individual capacity.

It is further ordered, That respondents, National Educators, Inc., and Leonard Melley, shall, within sixty (60) days after service of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the terms of this order.

Issued: May 5, 1953.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 53-5908; Filed, July 3, 1953; 8:50 a. m.]

[1] Filed as part of the original document.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

COSTS CHARGEABLE IN CONNECTION WITH RELABELING AND RECONDITIONING INADMISSIBLE IMPORTS

The regulations for the enforcement of the import and export provisions of the Federal Food, Drug, and Cosmetic Act (21 CFR, 1952 Supp. 1.315-1.322) are amended as follows:

1. Section 1.322 (c) is amended by changing "$3.00" to "$4.00".

2. Section 1.322 (d) is amended by changing "$3.50" to "$5.00".

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 801, 52 Stat. 1058; 21 U. S. C. 381)

The foregoing amendments shall become effective 30 days from the date of publication in the FEDERAL REGISTER.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, since the amendments involve the establishment of rates to be charged for designated services based on the actual cost to the Government.

Dated: June 15, 1953.

[SEAL] H. CHAPMAN ROSE,
Acting Secretary of the Treasury.
OVETA CULP HOBBY,
Secretary of Health, Education and Welfare.

[F. R. Doc. 53-5887; Filed, July 3, 1953; 8:45 a. m.]

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

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, 52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357; 67 Stat. 18), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR, 1952 Supp., Part 141) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR, 1952 Supp., Part 146) are amended as set forth below:

1. Part 141 is amended by adding the following new section:

§ 141.64 *Penicillin-streptomycin tablets, penicillin-dihydrostreptomycin tablets*—(a) *Potency*—(1) *Penicillin content.* Proceed as directed in § 141.9 (a). Its content of penicillin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(2) *Streptomycin content.* Proceed as directed in § 141.36 (a) (2). Its content of streptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams it is represented to contain.

(3) *Dihydrostreptomycin content.* Proceed as directed in § 141.36 (a) (3). Its content of dihydrostreptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141.5 (a).

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

2. In § 146.67 *Procaine penicillin in streptomycin sulfate solution* * * *, subparagraph (1) (iv) of paragraph (c) *Labeling* is amended by changing the period at the end thereof to a comma and adding the following clause: "except that the blank may be filled in with the date which is 18 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section."

3. In § 146.74 *Diethylaminoethyl ester penicillin G hydriodide* * * *, subparagraph (3) of paragraph (c) *Labeling* is amended by changing the figure "18" to read "24".

4. In § 146.75 *Diethylaminoethyl ester penicillin G hydriodide for aqueous injection* * * *, subparagraph (1) (iii) of paragraph (c) *Labeling* is amended by changing the figure "18" to read "24".

5. Part 146 is amended by adding the following new section:

§ 146.88 *Penicillin-streptomycin tablets, penicillin-dihydrostreptomycin tablets.* (a) Penicillin-streptomycin tablets and penicillin dihydrostreptomycin tablets conform to all requirements and are subject to all procedures prescribed by § 146.27 for penicillin tablets, except that:

(1) Each tablet contains not less than 25 milligrams of streptomycin or dihydrostreptomycin. The streptomycin used conforms to the standards prescribed therefor by § 146.101 (a) except subparagraphs (2) and (4) of that paragraph. The dihydrostreptomycin used conforms to the standards prescribed therefor by § 146.103 except the standards for sterility and pyrogens.

(2) In lieu of the labeling prescribed for penicillin tablets by § 146.27 (c) (1) (ii) and (vi), each package shall bear on the outside wrapper or container and the immediate container the number results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by this paragraph.

7. In § 146.409 *Bacitracin-polymyxin ointment,* paragraph (a) (5) is amended by inserting the words "or 24 months" between the words "18 months" and "at room temperature" and between the

words "18 months" and "after the month".

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

This order, which provides for tests and methods of assay and certification for two new antibiotic preparations, penicillin-streptomycin tablets and penicillin-dihydrostreptomycin tablets; for a change in the expiration date of diethylaminoethyl ester penicillin G hydriodide and diethylaminoethyl ester penicillin G hydriodide for aqueous injection from 18 to 24 months; and for an expiration date of 18 months for procaine penicillin in streptomycin sulfate solution and procaine penicillin in dihydrostreptomycin sulfate solution; an expiration date of 36 months for streptomycin syrup, streptomycin and kaolin in gel, dihydrostreptomycin syrup and dihydrostreptomycin and kaolin in gel, and an expiration date of 24 months for bacitracinpolymyxin ointment, if the persons requesting certification of such drugs have proved them to be stable for such periods of time, 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.

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.

Dated: June 30, 1953.

OVETA CULP HOBBY,
Secretary.

[F. R. Doc. 53-5901; Filed, July 3, 1953; 8:48 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Home Loan Bank Board, Housing and Home Finance Agency

Subchapter B—Federal Home Loan Bank System

[No. 6230]

PART 123—MEMBERS OF BANKS

CANCELLATION OF WITHDRAWAL NOTICE

JUNE 30, 1953.

Resolved That, pursuant to § 108.11 of the General Regulations of the Home Loan Bank Board (24 CFR 108.11), § 123.31 of the regulations for the Federal Home Loan Bank System (24 CFR 123.31) is hereby amended, effective July 4, 1953, to read as follows:

§ 123.31 *Cancellation of withdrawal notice.* A member, having filed notice of intention to withdraw from membership, may cancel such notice by notifying the Board at any time prior to the effective date of withdrawal, as fixed by the Board.

Resolved further That, as this amendment relates to matters of agency policy and procedure, it is found that it is not necessary to issue such regulation with notice and public procedure thereon under § 108.12 of the General Regulations of the Home Loan Bank Board (24 CFR 108.12) or section 4 (a) of the Administrative Procedure Act and, as it relieves a restriction, it is determined that it is not subject to the effective date limitation of section 4 (c) of said act.

(Sec. 17, 47 Stat. 736; 12 U. S. C. 1437. Interprets or applies sec. 6, 47 Stat. 729, as amended; 12 U. S. C. 1426)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 53-5910; Filed, July 3, 1953; 8:49 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 34—CLASSIFICATION AND RATES OF POSTAGE

UNDELIVERABLE SECOND-CLASS MATTER

Section 34.63 *Undeliverable second-class matter* is amended to read as follows:

§ 34.63 *Undeliverable second-class matter*—(a) *Forwarding and return.* Under such regulations as the Postmaster General may prescribe, second-, * * * class matter which is undeliverable as adressed may be forwarded to the addressee or returned to the sender and the postage for such service may be prepaid or collected on delivery of the matter in accordance with the instructions and pledge of the addressee or sender, as the case may be, to pay the forwarding or return postage, and such matter * * * for which payment of forwarding or return postage is not pledged, may be forwarded or returned under such conditions as the Postmaster General shall prescribe, but when the addressee or sender refuses to pay the required postage, the forwarding or return of further matter may be discontinued. (64 Stat. 210; 39 U. S. C. 278a)

(b) *Notification to addressee or sender*—(1) *Authority.* Under such regulations as the Postmaster General may prescribe, the addressee or sender of second-, * * * class matter which is undeliverable as addressed may be so notified, and there shall be a charge for each such notice * * *.

(2) *Disposition of copies.* When copies of any publication of the second class mailed by a publisher or news agent at the pound rate or free-in-county of publication are undeliverable as addressed, such publisher or agent shall be notified of that fact in such manner and at such time as the Postmaster General may prescribe, for which service there shall be a charge * * * and copies of the publication received subsequent to such notification shall be treated as provided by this act or as may otherwise be directed by the Postmaster General. (64 Stat. 210; 39 U. S. C. 278b)

(c) *Fee for notice.* The Postmaster General is authorized to prescribe by regulation from time to time the fees which shall be charged by the postal service—* * * (8) for notice to publishers of undeliverable second-class mail, for notice of change of address * * * or of undeliverable second-class matter mailed at the transient rate. * * * (65 Stat. 676; 39 U. S. C. 246f)

NOTE: See § 43.11 of this chapter as to use of postage-due stamps.

(d) *Change in local address*—(1) *Delivery for three months.* When there has been any kind of a change in the local address, the copies of second-class publications bearing the old local address shall be delivered to the new local address without charge for a period of three months even though the copies bear the pledge of the sender to pay return postage. The words "local address" as used in this section shall be construed to mean any address served by the city, village, rural, or star carriers of any specific post office or a post office box or general-delivery address at the office. Form 22-S shall be furnished to the addressee at the new local address, and he shall be requested to use it promptly for furnishing the new local address to the sender. Form 22-S shall not be inserted in the copies but shall be delivered to the addressee separately from the copies.

(2) *Procedure after three months.* When copies bearing the old local address, but not the pledge of the sender to pay return postage, are received after the period of three months has expired, the carrier or clerk serving the old address shall write the new local address on Form 3579 which shall then be affixed to the copies, envelopes, or wrappers, near but not over, the old address. The copies shall then be delivered to the inquiry section or to the clerk designated by the postmaster to receive them. The portion of the page, envelope, or wrapper which bears both the old address and Form 3579 shall then be cut or torn from the copies, envelopes, or wrappers, placed in an envelope and mailed directly to the publisher, news agent, or other sender. The address on the envelope shall always include the name of the publication. Any number of notices may be returned in one envelope. Each envelope shall be rated with postage due at the rate of 2 cents for each notice contained in the envelope. Copies bearing the old address which are received after the mailing of the notice shall be disposed of as waste (see §§ 6.22 and 43.46 of this chapter). When the copies bear the pledge of the sender to pay return postage, the portion of the page, envelope, or wrapper, shall not be detached, and after expiration of the three months period the complete copy shall be returned to the sender rated with postage due at the regular third- or fourth-class rate, whichever may be applicable according to weight, computed on each individually addressed copy or package of unaddressed copies.

(e) *Undeliverable for any reason other than change in local address.* When copies of second-class publications are undeliverable as addressed for any reason other than a change in the local address, the carrier or clerk serving the old address shall prepare Form 3579

and affix it to the first undeliverable copy, or its envelope or wrapper, near but not over the old address, and then deliver the copy to the inquiry section or to the designated clerk. If the copies do not bear the pledge of the sender to pay return postage, the notice shall be mailed to the sender in the manner prescribed by paragraph (d) (2) of this section. Copies bearing the old address which are received after the mailing of the notice shall be disposed of as waste (see §§ 6.22 and 43.46 of this chapter). When the copies bear the pledge of the sender to pay return postage, each complete copy beginning with the first one which is undeliverable as addressed, shall be returned to the sender rated with postage due at the regular third- or fourth-class rate as provided by paragraph (d) (2) of this section.

(f) *Pledge of addressee or sender to pay forwarding postage.* When a change of address is other than a change of local address, and the addressee has filed a written guarantee either on Form 22 or otherwise to pay forwarding postage or when the copies bear the pledge of the sender to pay forwarding postage, the copies of second-class publications bearing the old address shall be forwarded to the new address for a period of three months rated with postage due at the regular third- or fourth-class rate, whichever may be applicable according to weight, computed on each individually addressed copy or package of unaddressed copies. Form 22–S shall be furnished to the addressee at the new address in the manner prescribed by paragraph (d) (1) of this section. If the addressee refuses to pay the postage due, the postmaster at the old address shall be requested by the postmaster at the new address to immediately discontinue forwarding the copies. When copies bearing the old address, but not the pledge of the sender to pay return postage, are received after the period of three months has expired, a notice shall be prepared and mailed to the sender in the manner prescribed by paragraph (d) (2) of this section. Copies bearing the old address which are received after the mailing of the notice shall be disposed of as waste (see §§ 6.22 and 43.46 of this chapter). When the copies bear the pledge of the sender to pay return postage, each complete copy beginning with the first one bearing the old address received after the period of three months has expired, shall be returned to the sender rated with postage due at the regular third- or fourth-class rate as provided by paragraph (d) (2) of this section.

(g) *Manner in which the pledge of the sender shall be shown.* The pledge of the sender to pay the forwarding or return postage, or both, on copies which are undeliverable as addressed shall be printed on the envelopes or wrappers or on one of the outside covers of unwrapped copies, and shall be immediately preceded by the sender's name and address.

(h) *Failure to follow procedure.* When postmasters do not comply with the procedure prescribed by this section their noncompliance should be brought directly to their attention by any postmaster who observes the noncompliance. In all cases where a change of address is not made by the sender within three months after the notice is sent on Form 3579, the postmaster at the office of mailing shall be requested to instruct the sender to make the change.

(i) *Canadian publications.* The procedure prescribed by this section shall be followed when copies of Canadian second-class publications undeliverable as addressed are received.

NOTE: See § 43.12 (h), (i), and (j), of this chapter as to forwarding second-class publications under the special circumstances described therein.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369; Statutory provisions interpreted or applied are cited to text)

[SEAL] ROSS RIZLEY, *Solicitor.*

[F. R. Doc. 53-5888; Filed, July 3, 1953; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 3—RADIO BROADCAST SERVICES

In the matter of revision of Part 3 of the Commission's Rules and Regulations and the Standards of Good Engineering Practice Concerning FM Broadcast Stations.

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 3 (Radio Broadcast Services) and The Standards of Good Engineering Practice Concerning FM Broadcast Stations:

1. Section 3.22 (c) (2) is changed to read as follows:

(2) *Class III–B station.* A Class III–B station is a Class III station which operates with a power not less than 0.5 kilowatt, and not more than 1 kilowatt night and 5 kilowatts daytime, and the service area of which is subject to interference in accordance with the Engineering Standards of Allocation.

2. The word "affect" is changed to "effect" in § 3.24 (a).

3. The word "organization" is changed to "origination" in the title of § 3.30.

4. The phrase "appendix to this subpart, prescribed by the Commission" is deleted from § 3.44.

5. The text of § 3.46 (e) is now § 3.47 (a) and (b).

6. Footnote 28 to § 3.71, footnote 29 to § 3.77, footnote 1 to § 3.606 and footnote 31 to § 3.687 (c) are deleted.

7. The word "Governing" is changed to "Concerning" in the footnote to § 3.87.

8. The last sentence of § 3.607 (b) is changed to read as follows: "The method to be followed in making the measurements is set forth in § 3.611 (d)."

9. Section 3.609 is deleted.

10. Footnote 6 to § 3.215 (b) is deleted and, in place of the footnote designator in the text of § 3.215 (b), the phrase, "(FCC Form 701)", is inserted.

11. Footnote 2 to § 3.515 (b) (2) is deleted and, in place of the footnote designator in the text of § 3.515 (b) (2), the phrase, "(FCC Form 701)", is inserted.

12. Footnote 2 in text of § 3.218 is changed to footnote 1.

13. The expression, "June 1, 1953", is inserted after the "to" and before "the effective date ____" in the footnote to § 3.684.

14. The word "his" is changed to "its" in the footnote to § 3.920.

15. The Standards of Good Engineering Practice Concerning FM Broadcast Stations is included in Part 3 as Appendix to Subpart B. (Alphabetical designators are assigned to all paragraphs previously not designated in the various sections. Sections 16, 17 and 18 are brought up to date by the inclusion of additional approved equipment.)

16. Footnote designators are changed as follows:

Section	Former footnote designator	New designator
3.25 (c)	4a	4.
3.33	10	11.
3.54	16	15.
3.62	24	16.
3.63	25 and 26	17 and 18.
3.64	27	19.
3.87 (a) (2)	30	20.
3.101	31	21.
3.104	32, 33, and 34	22, 23, and 24.
3.106	35 and 36	25 and 26.
3.109	37	27.
3.165	37 (a)	28.
3.168	38	29.
3.182	39	30.
3.188	40	31.
3.191	41 through 47	32 through 38.
3.204 (a) (1)	2 and 5	3 and 4.
3.204 (a) (2)	2 and 5	5 and 6.
3.255	16	14.
3.256	17	15.
3.291	18 through 21	16 through 19.
3.292	22	20.
3.517 (a)	3	2.
3.555 (c) (2)	5	3.
3.556	6	4.
3.591	9 through 12	5 through 8.
3.607	2	1.
3.610	4 and 5	2 and 3.
3.611 (d)	6, 7, and 8	4, 5, and 6.
3.612	9	7.
3.629	10	8.
3.636	12	9.
3.638	13	10.
3.655	14, 15, and 16	11, 12, and 13.
3.656 (a)	17	14.
3.658	18 through 22	15 through 19.
3.682 (a) (16)	23	20.
3.682 (a) (17)	23	21.
3.682 (a) (18)	23	22.
3.683 (a)	24	23.
3.684 (d)	24a and 24b	23 (a) and 24.
3.687 (a) (3)	28 (a)	29.
3.687 (b) (3)	29	30.
3.687 (b) (4)	30	31.
3.687 (b) (5)	30	32.
3.687 (d)	32	33.
3.689	33	36.
Section 13 FM Stds	5	4.
Section 14 FM Stds	6	5.

17. The phrases or words, "engineer in charge of the district," "Engineer in charge", "district", and "District", are changed to "Engineer in Charge of the radio district in which the station is located," in §§ 3.60 (b), 3.71, 3.74, 3.77, 3.167 (a), 3.167 (b), 3.168 (a), 3.216 (a), 3.216 (d), 3.217, 3.252, 3.253, 3.258, 3.261,

3.273, 3.516 (a), 3.516 (d), 3.517, 3.553 (a), 3.553 (c), 3.558 (b), 3.571, 3.715, 3.717, 3.761, 3.769.

18. The phrases "Engineer in charge", and "engineer in charge of the district" are changed to "Engineer in Charge" and "Engineer in Charge of the radio district" in § 3.23 (c) and (d).

19. "Form No. ____" and "Form FCC No. ____" are changed to "FCC Form ____" in various sections as indicated below:

Section	
3.24 [8]	(Forms 301 and 302) changed to (FCC Forms 301 and 302).
3.31 [10]	(Form 301) changed to (FCC Form 301).
3.33 [11]	(Form 301) changed to (FCC Form 301).
3.43 [14]	(Forms 301 and 302) changed to (FCC Forms 301 and 302).
3.62 [16]	(Forms 301 and 302) changed to (FCC Forms 301 and 302).
3.164	(or Form FCC No. 759) changed to (or FCC Form 759).
3.220	(Form FCC No. 303) changed to (FCC Form 303).
3.223 (a)	Form FCC No. 314 changed to FCC Form 314.
3.223 (a)	Form FCC No. 315 changed to FCC Form 315.
3.223 (a)	Form FCC No. 316 changed to FCC Form 316.
3.223 (c)	Form FCC No. 316 changed to FCC Form 316.
3.257 (b)	Form FCC No. 301 changed to FCC Form 301.
3.264	Form FCC No. 759 changed to FCC Form 759.
3.511	Form FCC No. 340 changed to FCC Form 340.
3.511	Form No. 341 changed to FCC Form 341.
3.520	Form FCC No. 342 changed to FCC Form 342.
3.523 (a)	Form FCC No. 314 changed to FCC Form 314.
3.523 (a)	Form FCC No. 315 changed to FCC Form 315.
3.523 (a)	Form FCC No. 316 changed to FCC Form 316.
3.557	Form FCC No. 340 changed to FCC Form 340.
3.564	Form FCC No. 759 changed to FCC Form 759.
3.627	FCC Form No. 701 changed to FCC Form 701.
3.631	FCC Form No. 303 changed to FCC Form 303.
3.634 (a)	FCC Form No. 314 changed to FCC Form 314.
3.634 (a)	FCC Form No. 315 changed to FCC Form 315.
3.634 (a)	FCC Form No. 316 changed to FCC Form 316.
3.634 (b)	FCC Form No. 316 changed to FCC Form 316.
3.639	FCC Form No. 301 changed to FCC Form 301.
3.661	FCC Form No. 759 changed to FCC Form 759.
3.711	Form FCC No. 309 changed to FCC Form 309.
3.711	Form FCC No. 312 changed to FCC Form 312.
3.715 (b)	Form FCC No. 701 changed to FCC Form 701.
3.720	Form FCC No. 311 changed to FCC Form 311.
3.723 (a)	Form FCC No. 314 changed to FCC Form 314.
3.723 (a)	Form FCC No. 315 changed to FCC Form 315.
3.723 (a)	Form FCC No. 316 changed to FCC Form 316.
3.723 (c)	Form FCC No. 316 changed to FCC Form 316.
3.759	Form FCC No. 312 changed to FCC Form 312.
3.764	Form FCC No. 759 changed to FCC Form 759.

20. Subparagraphs (1), (2) and (3) of §§ 3.274 and 3.572 are changed to paragraphs (a), (b) and (c) with no change in text.

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, and the amendments are effective immediately.

It is noted that since Part 3 and the FM Standards were last published in the Federal Register (January 30, 1951, and February 28, 1950, respectively) a large number of amendments have been made to these provisions. Accordingly, for administrative convenience, *it is ordered*, This 30th day of June 1953, that effective immediately, Part 3 of the Commission's Rules and Regulations and the Standards of Good Engineering Practice Concerning FM Broadcast Stations are revised to include the foregoing editorial changes, and all outstanding amendments adopted as of this date.

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

SUBPART A—RULES GOVERNING STANDARD BROADCAST STATIONS

DEFINITIONS

Sec.
3.1 Standard broadcast station.
3.2 Standard broadcast band.
3.3 Standard broadcast channel.
3.4 Dominant station.
3.5 Secondary station.
3.6 Daytime.
3.7 Nighttime.
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AUTHORITY: §§ 3.1 to 3.971 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154.

SUBPART A—RULES GOVERNING STANDARD BROADCAST STATIONS

DEFINITIONS [1]

§ 3.1 *Standard broadcast station.* The term "standard broadcast station" means a broadcasting station licensed for the transmission of radiotelephone emissions primarily intended to be received by the general public and operated on a channel in the band 535–1605 kilocycles.

§ 3.2 *Standard broadcast band.* The term "standard broadcast band" means the band of frequencies extending from 535 to 1605 kilocycles.

§ 3.3 *Standard broadcast channel.* The term "standard broadcast channel" means the band of frequencies occupied by the carrier and two side bands of a broadcast signal with the carrier frequency at the center. Channels shall be designated by their assigned carrier frequencies. The 107 carrier frequencies assigned to standard broadcast stations shall begin at 540 kilocycles and be in successive steps of 10 kilocycles.

§ 3.4 *Dominant station.* The term "dominant station" means a Class I station, as hereinafter defined, operating on a clear channel.

§ 3.5 *Secondary station.* The term "secondary station" means any station except a Class I station operating on a clear channel.

§ 3.6 *Daytime.* The term "daytime" means that period of time between local sunrise and local sunset.

§ 3.7 *Nighttime.* The term "nighttime" means that period of time between local sunset and 12 midnight local standard time.

[1] Other definitions which may pertain to standard broadcast stations are included in the Communications Act of 1934, as amended, and in §§ 2.1 and 2.102 of this chapter.

§ 3.8 *Sunrise and sunset.* The terms "sunrise and sunset" mean, for each particular location and during any particular month, the time of sunrise and sunset as specified in the instrument of authorization.

§ 3.9 *Broadcast day.* The term "broadcast day" means that period of time between local sunrise and 12 midnight local standard time.

§ 3.10 *Experimental period.* The term "experimental period" means that time between 12 midnight and local sunrise. This period may be used for experimental purposes in testing and maintaining apparatus by the licensee of any standard broadcast station on its assigned frequency and with its authorized power, provided no interference is caused to other stations maintaining a regular operating schedule within such period. No station licensed for "daytime" or "specified hours" of operation may broadcast any regular or scheduled program during this period.

§ 3.11 *Service areas.* (a) The term "primary service area" of a broadcast station means the area in which the groundwave is not subject to objectionable interference or objectionable fading.

(b) The term "secondary service area" of a broadcast station means the area served by the skywave and not subject to objectionable interference. The signal is subject to intermittent variations in intensity.

(c) The term "intermittent service area" of a broadcast station means the area receiving service from the groundwave but beyond the primary service area and subject to some interference and fading.

§ 3.12 *Portable transmitter.* The term "portable transmitter" means a transmitter so constructed that it may be moved about conveniently from place to place, and is in fact so moved about from time to time, but not ordinarily used while in motion. In the standard broadcast band, such a transmitter is used in making field intensity measurements for locating a transmitter site for a standard broadcast station. A portable broadcast station will not be licensed in the standard broadcast band for regular transmission of programs intended to be received by the public.

§ 3.13 *Auxiliary transmitter.* The term "auxiliary transmitter" means a transmitter maintained only for transmitting the regular programs of a station in case of failure of the main transmitter.

§ 3.14 *Technical definitions*—(a) *Combined audio harmonics.* The term "combined audio harmonics" means the arithmetical sum of the amplitudes of all the separate harmonic components. Root sum square harmonic readings may be accepted under conditions prescribed by the Commission.

(b) *Effective field.* The term "effective field" or "effective field intensity" is the root-mean-square (RMS) value of the inverse distance fields at a distance of 1 mile from the antenna in all directions in the horizontal plane.

(c) *Operating power.* "Operating power" is the power that is actually supplied to the radio station antenna.

(d) *Maximum rated carrier power.* "Maximum rated carrier power" is the maximum power at which the transmitter can be operated satisfactorily and is determined by the design of the transmitter and the type and number of vacuum tubes used in the last radio stage.

(e) *Plate input power.* "Plate input power" means the product of the direct plate voltage applied to the tubes in the last radio stage and the total direct current flowing to the plates of these tubes, measured without modulation.

(f) *Antenna power.* "Antenna input power" or "antenna power" means the product of the square of the antenna current and the antenna resistance at the point where the current is measured.

(g) *Antenna current.* "Antenna current" means the radio-frequency current in the antenna with no modulation.

(h) *Antenna resistance.* "Antenna resistance" means the total resistance of the transmitting antenna system at the operating frequency and at the point at which the antenna current is measured.

(i) *Modulator stage.* "Modulator stage" means the last amplifier stage of the modulating wave which modulates a radio-frequency stage.

(j) *Modulated stage* "Modulated stage" means the radio-frequency stage to which the modulator is coupled and in which the continuous wave (carrier wave) is modulated in accordance with the system of modulation and the characteristics of the modulating wave.

(k) *Last radio stage.* "Last radio stage" means the oscillator or radio-frequency-power amplifier stage which supplies power to the antenna.

(l) *Percentage modulation (amplitude).* "Percentage modulation" with respect to an amplitude modulated wave means the ratio of half the difference between the maximum and minimum amplitudes of the amplitude modulated wave to the average amplitude expressed in percentage.

(m) *Maximum percentage of modulation.* "Maximum percentage of modulation" means the greatest percentage of modulation that may be obtained by a transmitter without producing in its output harmonics of the modulating frequency in excess of those permitted by these regulations.

(n) *High level modulation.* "High level modulation" is modulation produced in the plate circuit of the last radio stage of the system.

(o) *Low level modulation.* "Low level modulation" is modulation produced in an earlier stage than the final.

(p) *Plate modulation.* "Plate modulation" is modulation produced by introduction of the modulating wave into the plate circuit of any tube in which the carrier frequency wave is present.

(q) *Grid modulation.* "Grid modulation" is modulation produced by introduction of the modulating wave into any of the grid circuits of any tube in which the carrier frequency wave is present.

ALLOCATION OF FACILITIES

§ 3.21 *Three classes of standard broadcast channels—*(a) *Clear channel.* A clear channel is one on which the dominant station or stations render service over wide areas and which are cleared of objectionable interference within their primary service areas and over all or a substantial portion of their secondary service areas.

(b) *Regional channel.* A regional channel is one on which several stations may operate with powers not in excess of 5 kilowatts. The primary service area of a station operating on any such channel may be limited as a consequence of interference to a given field intensity contour.

(c) *Local channel.* A local channel is one on which several stations may operate with powers not in excess of 250 watts. The primary service area of a station operating on any such channel may be limited as a consequence of interference to a given field intensity contour.

§ 3.22 *Classes and power of standard broadcast stations—*(a) *Class I station.* A Class I station is a dominant station operating on a clear channel and designed to render primary and secondary service over an extended area and at relatively long distances. Its primary service area is free from objectionable interference from other stations on the same and adjacent channels, and its secondary service area free from interference except from stations on the adjacent channel, and from stations on the same channel in accordance with the channel designation in § 3.25 or in accordance with the Engineering Standards of Allocation. The operating power shall be not less than 10 kilowatts nor more than 50 kilowatts. (Also see § 3.25 (a) for further power limitation.)

(b) *Class II station.* A Class II station is a secondary station which operates on a clear channel (see § 3.25) and is designed to render service over a primary service area which is limited by and subject to such interference as may be received from Class I stations. A station of this class shall operate with power not less than 0.25 kilowatt nor more than 50 kilowatts. Whenever necessary a Class II station shall use a directional antenna or other means to avoid interference with Class I stations and with other Class II stations, in accordance with the Engineering Standards of Allocation.

(c) *Class III station.* A Class III station is a station which operates on a regional channel and is designed to render service primarily to a metropolitan district[2] and the rural area contiguous thereto. Class III stations are subdivided into two classes.

(1) *Class III–A station.* A Class III–A station is a Class III station which operates with power not less than 1 kilowatt nor more than 5 kilowatts and the service area of which is subject to interference in accordance with the Engineering Standards of Allocation.

(2) *Class III–B station.* A Class III–B station is a Class III station which operates with a power not less than 0.5 kilowatt, and not more than 1 kilowatt night and 5 kilowatts daytime, and the service area of which is subject to interference in accordance with the Engineering Standards of Allocation.

(d) *Class IV station.* A Class IV station is a station operating on a local channel and designed to render service primarily to a city or town and the suburban and rural areas contiguous thereto. The power of a station of this class shall not be less than 0.1 kilowatt nor more than 0.25 kilowatt, and its service area is subject to interference in accordance with the Engineering Standards of Allocation.

§ 3.23 *Time of operation of the several classes of stations.* The several classes of standard broadcast stations may be licensed to operate in accordance with the following:

(a) Unlimited time permits operation without a maximum limit as to time.

(b) Limited time is applicable to Class II (secondary stations) operating on a clear channel only. It permits operation of the secondary station during daytime, and until local sunset if located west of the dominant station on the channel, or if located east thereof, until sunset at the dominant station, and in addition during night hours, if any, not used by the dominant station or stations on the channel.

(c) Daytime permits operation during the hours between average monthly local sunrise and average monthly local sunset. Daytime stations operating on local channels may, upon notification to the Commission and the Engineer in Charge of the radio district in which they are located, operate at hours beyond those specified in their license.

(d) Sharing time permits operation during hours which are so restricted by the station license as to require a division of time with one or more other stations using the same channel.

(e) Specified hours means that the exact operating hours are specified in the license. (The minimum hours that any station shall operate are specified in § 3.71.) Specified hours stations operating on local channels except those sharing time with other stations may, upon notification to the Commission and the Engineer in Charge of the radio district in which they are located, operate at hours beyond those specified in their license.

§ 3.24 *Broadcast facilities; showing required.* An authorization for a new standard broadcast station or increase in facilities of an existing station[3] will be issued only after a satisfactory showing has been made in regard to the following, among others:

(a) That the proposed assignment will tend to effect a fair, efficient, and equitable distribution of radio service among the several states and communities.

(b) That objectionable interference will not be caused to existing stations or that if interference will be caused the need for the proposed service outweighs the need for the service which will be lost by reason of such interference.

[2] The term "metropolitan district" as used in this paragraph is not limited in accordance with the definition given by the Bureau of the Census but includes any principal center of population in any area.

[3] Formal application required (FCC Forms 301 and 302).

That the proposed station will not suffer interference to such an extent that its service would be reduced to an unsatisfactory degree. (For determining objectionable interference, see Engineering Standards of Allocation and Field Intensity Measurements in Allocation.)

(c) That the applicant is financially qualified to construct and operate the proposed station.

(d) That the applicant is legally qualified. That the applicant (or the person or persons in control of an applicant corporation or other organization) is of good character and possesses other qualifications sufficient to provide a satisfactory public service.

(e) That the technical equipment proposed, the location of the transmitter, and other technical phases of operation comply with the regulations governing the same, and the requirements of good engineering practice. (See technical regulations herein and Locations of Transmitters of Standard Broadcast Stations.)

(f) That the facilities sought are subject to assignment as requested under existing international agreements and the rules and regulations of the Commission.

(g) That the public interest, convenience, and necessity will be served through the operation under the proposed assignment.

FREQUENCY ALLOCATIONS BY CLASSES OF STATIONS

§ 3.25 *Clear channels: Class I and II stations.* The frequencies in the following tabulations are designated as clear channels and assigned for use by the classes of stations given:

(a) To each of the channels below there will be assigned one Class I station and there may be assigned one or more Class II stations operating limited time or daytime only: 640, 650, 660, 670, 700, 720, 750, 760, 770, 780, 820, 830, 840, 870, 880, 890, 1020, 1040, 1100, 1120, 1160, 1180, 1200, and 1210 kilocycles. The power of the Class I stations on these channels shall not be less than 50 kilowatts.

(b) To each of the channels below there may be assigned Class I and Class II stations: 680, 710, 810, 850, 940, 1000 1030, 1060, 1070, 1080, 1090, 1110, 1130, 1140, 1170, 1190, 1500, 1510, 1520, 1530, 1550, and 1560 kilocycles.

(c) For Class II stations which will not deliver over 5 microvolts per meter groundwave or 25 microvolts per meter 10 percent time skywave at any point on the Canadian border and provided that such stations operating nighttime (i. e., sunset to sunrise at the location of the Class II station) are located not less than 650 miles from the nearest Canadian border, 540,[4] 690, 740, 860, 990, 1010,[5] and 1580 kilocycles.

(d) For Class II stations which operate daytime only with power not in excess of 1 kilowatt and which will not deliver over 5 microvolts per meter groundwave at any point on the nearest Mexican border, 730, 800, 900, 1050,[6] 1220,[7] and 1570 kilocycles.

(e) For Class II stations which will deliver not over 5 microvolts per meter groundwave or 25 microvolts per meter 10 percent time skywave at any point of land in the Bahama Islands, and provided that such stations operating nighttime (i. e., sunset to sunrise at the location of the Class II station) are located not less than 650 miles from the nearest point of land in the Bahama Islands, 1540 kilocycles.

§ 3.26 *Regional channels; Classes III–A and III–B stations.* The following frequencies are designated as regional channels and are assigned for use by Class III–A and III–B stations:[8] 550, 560,[9] 570,[9] 580, 590,[9] 600, 610, 620, 630,[9] 790, 910, 920, 930, 950, 960, 970, 980, 1150, 1250, 1260, 1270,[9] 1280, 1290, 1300, 1310, 1320, 1330, 1350, 1360, 1370, 1380, 1390, 1410, 1420, 1430, 1440, 1460, 1470, 1480, 1590, and 1600 kilocycles.

§ 3.27 *Local channels: Class IV stations.* The following frequencies are designated as local channels and are assigned for use by Class IV stations: 1230, 1240, 1340, 1400, 1450, and 1490 kilocycles.

§ 3.28 *Assignment of stations to channels.* (a) The individual assignments of stations to channels which may cause interference to other United States stations only shall be made in accordance with the standards of good engineering practice prescribed and published from time to time by the Commission for the respective classes of stations involved. (For determining objectionable interference see Engineering Standards of Allocation and Field Intensity Measurements in Allocation, sec. C.)

(b) In all cases where an individual station assignment may cause interference with or may involve a channel assigned for priority of use by a station in another North American country, the classifications, allocation requirements and engineering standards set forth in the North American Regional Broadcasting Agreement shall be observed.[9a]

§ 3.29 *Class IV stations on regional channels.* No license will be granted for the operation of a Class IV station on a regional channel: *Provided, however,* That (a) Class IV stations presently authorized to operate on regional channels will not be required to change frequency

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[4] See § 2.104 (a).

[5] A station on 1010 kilocycles shall also protect a Class I-B station at Havana, Cuba.

[6] See North American Regional Broadcasting Agreements for use of this channel by a station in New York (appendix I, table IV).

[7] See agreement with Mexico for further use of this channel.

[8] See § 3.29 in regard to assigning Class IV station to regional channels.

[9] See North American Regional Broadcasting Agreement for special provisions concerning the assigning of Class II stations in other countries of North America to these regional channels. Such stations shall be protected from interference in accordance with appendix II, table I, of said agreement.

[9a] Pending action with respect to ratification and entry into force of the North American Regional Broadcasting Agreement, Washington, 1950 (referred to herein as NARBA), no assignment for a standard broadcast station will be made which would be inconsistent with the terms of that agreement.

On an interim basis while protection by countries not signatory to the NARBA continues for assignments in the United States, no assignment for a standard broadcast station will be made which would cause objectionable interference to a duly notified station in a North American country which is not signatory to the NARBA (i. e., Mexico and Haiti). For purposes of this paragraph, interference will in general be determined, in accordance with the engineering standards in use at the time of the expiration of the Interim Agreement (Modus Vivendi), Treaties and Other International Acts Series 1553. In particular, the existence or absence of interference resulting from skywave signal transmission will be determined by the use of Figures 1 and 6 (a) of the Commission Standards of Good Engineering Practice Concerning Standard Broadcast Stations, and the "50 per cent exclusion" method of calculating RSS interference described in Part 1 of the above Standards. Figure 1 will be utilized in connection with curve #1 of Figure 6 (a) in the determination of 50 percent skywave signals. Figure 1, corrected for radiation at angles above the horizontal by the use of curve #1 of Figure 6 (a), will be used with the highest value of antenna radiation occurring at any pertinent angle between the limits described by curves #4 and #5 of Figure 6 (a) in the determination of 10% skywave signals. The Mexican and Haitian stations considered to be duly notified will be those notified and accepted in accordance with past agreements, and those subsequently notified in substantial accordance with the procedures and understandings that have pertained thus far.

Engineering standards now in force domestically differ in some respects from those specified for international purposes and must be observed in appropriate cases. For example, the engineering standards specified for international purposes will be used to determine (1) the extent to which interference might be caused by a proposed station in the United States to a station in another North American country and (2) whether the United States should register an objection to any new or changed assignment notified by another North American country. The domestic standards in effect in the United States will be used to determine the extent to which interference exists or would exist from a foreign station where the value of such interference (1) enters into a calculation of the service to be rendered by a proposed operation in the United States or (2) enters into the calculation of the permissible interfering signal from one station in the United States towards another United States station.

In general, an application for a standard broadcast station assignment the grant of which would be consistent with provisions of the NARBA and would not cause objectionable interference to a duly notified station in a North American country not signatory to the NARBA, will be considered and acted upon by the Commission in accordance with the established procedure for action upon such applications even though the NARBA may not yet have entered into force. However, in particular cases such applications may also present considerations of an international nature which require that a different procedure be followed. In such cases the procedure to be followed will be determined by the Commission in the light of the special considerations involved.

Special provisions of a procedural nature respecting the consideration of applications for standard broadcast station assignments pending action with respect to ratification and entry into force of NARBA, 1950, and respecting the consideration of applications the grant of which would cause objectionable interference to duly notified stations in countries not signatory to the NARBA, are set out in a note to Part 1 of the rules of the Commission, Subparts D and G.

or power but will not be protected against interference from Class III stations and that (b) applications for Class IV assignments on regional channels which were on file prior to December 18, 1952, may be granted on condition that interference will not be caused to any Class III station [9b] and that the Class IV station will be subject to such interference as it may receive from Class III stations.

§ 3.30 *Station location and program origination.* (a) Except as provided in paragraph (b) of this section, each standard broadcast station will be licensed to serve primarily a particular city, town, or other political subdivision which will be specified in the station license and the station will be considered to be located in such place. Unless licensed as a synchronous amplifier transmitter, each station shall maintain a studio, which will be known as the main studio, in the place where the station is located provided that the main studio may be located at the transmitter site whether or not the transmitter site is in the place where the station is located. A majority (computed on the basis of duration and not number) of a station's programs or in the case of a station affiliated with a network ⅔ of such station's non-network programs, whichever is smaller, shall originate from the main studio or from other studios or remote points situated in the place where the station is located.

(b) Stations will be licensed to serve more than one city, town, or other political subdivision only where a satisfactory showing is made that each such place meets all the requirements of the rules and Standards of Good Engineering Practice with respect to the location of main studios; that the station can and will originate a substantial number of local live programs from each such place; and that the requirements as to origination of programs contained in paragraph (a) of this section would place an unreasonable burden on the station if it were licensed to serve only one city, town, or other political sub-division. A station licensed to serve more than one place shall be considered to be located in and shall maintain main studios in each such place. With respect to such station the requirements as to origination of programs contained in paragraph (a) of this section shall be satisfied by the origination of programs from any or all of the main studios or from other studios and remote points situated in any or all of the places in which the main studios are located.

(c) The transmitter of each standard broadcast station shall be so located that primary service is delivered to the borough or city in which the main studio is located in accordance with the Standards of Good Engineering Practice, prescribed by the Commission.

§ 3.31 *Authority to move main studio.* The licensee of a standard broadcast station shall not move its main studio outside the borders of the borough or city, state, district, territory, or possession in which it is located, unless such move is to the location of the station's transmitter, without first making written application [10] to the Commission for authority to so move, and securing written permission for such removal. The licensee shall promptly notify the Commission of any other change in location of the main studio.

§ 3.32 *Special experimental authorizations.* (a) Special experimental authorization may be issued to the licensee of a standard broadcast station in addition to the regular license upon informal application therefor and upon a satisfactory showing in regard to the following, among others:

(1) That the applicant has a program of research and experimentation which indicates reasonable promise of contribution to the development and practical application of broadcasting, and will be in addition to and advancement of the work that can be accomplished under its regular license.

(2) That the experimental operation and experimentation will be under the direct supervision of a qualified engineer with an adequate staff of engineers qualified to carry on the program of research and experimentation.

(3) That the public interest, convenience, and necessity will be served by granting the authorization requested.

(b) In case a special experimental authorization permits additional hours of operation, no licensee shall transmit any commercial or sponsored program or make any commercial announcement during such time of operation. In case of other additional facilities, no additional charge shall be made by reason of transmission with such facilities.

(c) A special experimental authorization will not be extended after the actual experimentation is concluded.

(d) The program of research and experimentation as outlined in the application for a special experimental authorization shall be adhered to in the main unless the licensee is authorized to do otherwise by the Commission.

(e) The Commission may require from time to time a broadcast station holding such experimental authorization to conduct experiments that are deemed desirable and reasonable.

(f) A supplemental report shall be filed with and made a part of each application for an extension of a special experimental authorization and shall include statements of the following:

(1) Comprehensive summary of all research and experimentation conducted.

(2) Conclusions and outline of proposed program for further research and development.

(3) Comprehensive summary and conclusions as to the social and economic effects of its use.

§ 3.33 *Directional antenna; showing required.* (a) No application for authority to install a directional antenna [11] will be accepted unless a definite site and full details of the design of the directional antenna are given with the application. (See Data Required With Applications Involving Directional Antenna Systems.)

(b) No application for an authorization to operate a directional antenna during the broadcast day will be accepted unless proof of performance of the directional antenna taken during equipment test period is submitted with the application. (See Field Intensity Measurements in Allocation, sec. B.)

§ 3.34 *Normal license period.* (a) All standard broadcast station licenses will be issued for a normal license period of three years. Licenses will be issued to expire at the hour of 3:00 a. m., e. s. t., in accordance with the following schedule and at three-year intervals thereafter.[1]

(1) For stations located in Delaware and Pennsylvania, August 1, 1951.

(2) For stations located in Maryland, District of Columbia, Virginia, West Virginia, October 1, 1951.

(3) For stations located in North Carolina, South Carolina, December 1, 1951.

(4) For stations located in Florida, Puerto Rico and Virgin Islands, February 1, 1952.

(5) For stations located in Alabama and Georgia, April 1, 1952.

(6) For stations located in Arkansas, Louisiana and Mississippi, June 1, 1952.

(7) For stations located in Tennessee, Kentucky and Indiana, August 1, 1952.

(8) For stations located in Ohio and Michigan, October 1, 1952.

(9) For stations located in Illinois and Wisconsin, December 1, 1952.

(10) For stations located in Iowa and Missouri, February 1, 1953.

(11) For stations located in Minnesota, North Dakota, South Dakota, Montana and Colorado, April 1, 1953.

(12) For stations located in Kansas, Oklahoma, Nebraska, June 1, 1953.

(13) For stations located in Texas, August 1, 1953.

[1] Renewals of licenses will be granted for the period specified in the rule: *Provided, however,* That if as a result of the transition from the present schedule to the proposed schedule the period for which a license is renewed is 6 months or less the licensee may within 30 days of the expiration date of such renewed license file, in lieu of renewal application (FCC Form 303), a written application under oath for the next renewal of license which shall consist of (1) a request that its license be renewed and (2) a statement that no substantial changes have been made in its operations or in its plans for future operations since its last renewal application; or if changes have been made or proposed a statement specifying such changes. Upon review of such statement the Commission may grant a renewal of license for the full period provided for in the rule; or if the Commission requires additional information it may require the filing of renewal application (FCC Form 303).

[9b] The assignment of a Class IV station to a regional channel normally is not considered as making the best usage of the assignment and will be made only when it is shown among other things that—

(1) There are no other transmission facilities in the town or towns in the proposed service area.

(2) There is no local channel assignment available for that area.

(3) Adequate economic support is not available for a Class III station.

(4) It is not practical from an engineering point of view to establish a Class III station and it would not prevent the establishment of any Class III station on that channel or an adjacent channel.

[10] Formal application required (FCC Form 301).

[11] Formal application required (FCC Form 301).

(14) For stations located in Wyoming, Nevada, Arizona, Utah, New Mexico and Idaho, October 1, 1953.
(15) For stations located in California, December 1, 1953.
(16) For stations located in Washington, Oregon, Alaska and Hawaii, February 1, 1954.
(17) For stations located in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont, April 1, 1954.
(18) For stations located in New Jersey and New York, June 1, 1954.

(b) When an application is granted by the Commission necessitating the issuance of a modified license less than 60 days prior to the expiration date of the license sought to be modified, and an application for renewal of said license is granted subsequent or prior thereto (but within 30 days of expiration of the present license) the modified license as well as the renewal license shall be issued to conform to the combined action of the Commission.

§ 3.35 *Multiple ownership.* No license shall be granted for a standard broadcast station, directly or indirectly owned, operated or controlled [12] by any person [13] where such station renders or will render primary service to a substantial portion of the primary service area of another standard broadcast station, directly or indirectly owned, operated or controlled by such person, except upon a showing that public interest, convenience, and necessity will be served through such multiple ownership situation.

EQUIPMENT

§ 3.41 *Maximum rated carrier power; tolerances.* The maximum rated carrier power of a standard broadcast transmitter shall not be less than the authorized power nor shall it be greater than the value specified in the following table:

Class of station	Maximum power authorized to station	Maximum rated carrier power permitted to be installed
		Watts
Class IV	100 or 250 watts	250
Class III	500 or 1,000 watts	1,000
	5,000 watts	5,000
Class II	250, 500, or 1,000 watts	1,000
	5,000 or 10,000 watts	10,000
	25,000 or 50,000 watts	50,000
Class I	10,000 watts	10,000
	25,000 or 50,000 watts	50,000

§ 3.42 *Maximum rated carrier power; how determined.* The maximum rated carrier power of a standard broadcast transmitter shall be determined as the sum of the applicable power ratings of the vacuum tubes employed in the last radio stage.

(a) The power rating of vacuum tubes shall apply to transmitters employing the different classes of operation or systems of modulation as specified in Power Rating of Vacuum Tubes prescribed by the Commission.

[12] The word "control," as used herein, is not limited to majority stock ownership but includes actual working control in whatever manner exercised.

[13] The word "person," as used herein, includes all persons under common control.

(b) If the maximum rated carrier power of any broadcast transmitter, as determined by paragraph (a) of this section, does not give an exact rating as recognized in the Commission's plan of allocation, the nearest rating thereto shall apply to such transmitter.

(c) Authority will not be granted to employ, in the last radio stage of a standard broadcast transmitter, vacuum tubes from a manufacturer or of a type number not listed until the manufacturer's rating for the class of operation or system of modulation is submitted to and approved by the Commission. These data must be supplied by the manufacturer in accordance with Requirements for the Approval of the Power Rating of Vacuum Tubes, prescribed by the Commission.

§ 3.43 *Changes in equipment; authority for.* No licensee or permittee shall change, in the last radio stage, the number of vacuum tubes, nor change to vacuum tubes of different power rating or class of operation, nor shall it change the system of modulation, without authority of the Commission.[14]

§ 3.44 *Other changes in equipment.* Other changes except as provided for in this subpart or Standards of Good Engineering Practice, which do not affect the maximum power rating or operating power of the transmitter or the operation or precision of the frequency control equipment may be made at any time without authority of the Commission, but in the next succeeding application for renewal of license such changes which affect the information already on file shall be shown in full.

§ 3.45 *Radiating system.* (a) All applicants for new, additional, or different broadcast facilities and all licensees requesting authority to change the transmitter site of an existing station shall specify a radiating system the efficiency of which complies with the requirements of good engineering practice for the class and power of the station. (See Minimum Antenna Heights or Field Intensity Requirements and Field Intensity Measurements in Allocation, Sec. A.)

(b) No broadcast station licensee or permittee shall change the physical height of the transmitting antenna, or supporting structures, or make any changes in the radiating system which will measurably alter the radiation patterns, except upon application to and authority from the Commission.

(c) Should any changes occur which would alter the resistance of the antenna system, the licensee shall immediately make a new determination of the antenna resistance (see § 3.54) and shall submit application for authority to determine power by the direct method on the basis of the new measurements.

(d) The antenna and/or supporting structure shall be painted and illuminated in accordance with the specifications supplied by the Commission pursuant to section 303 (q) of the Communications Act of 1934 as amended. (See Part 17 of this chapter; Rules Concerning the Construction Marking, and Lighting of Antenna Structures.)

(e) The simultaneous use of a common antenna or antenna structure by more than one standard broadcast station, or by one or more standard broadcast stations and one or more stations of any other class or service may be authorized provided:

(1) Complete verified engineering data are submitted showing that satisfactory operation of each station will be obtained without adversely affecting the operation of the other station.

(2) The minimum antenna height or field intensity for each standard broadcast station concerned complies with paragraph (a) of this section.

(3) Complete responsibility for maintaining the installation and for painting and illuminating the structure in accordance with the pertinent provisions of Part 17 of this chapter is assumed by one of the licensees.

§ 3.46 *Transmitter.* (a) The transmitter proper and associated transmitting equipment of each broadcast station shall be designed, constructed, and operated in accordance with the standards of good engineering practice in all phases not otherwise specifically included in the regulations in this part.

(b) The transmitter shall be wired and shielded in accordance with good engineering practice and shall be provided with safety features in accordance with the specifications of article 810 of the current National Electrical Code as approved by the American Standards Association.

(c) The station equipment shall be so operated, tuned, and adjusted that emissions are not radiated outside the authorized band which cause or are capable of causing interference to the communications of other stations. Spurious emissions, including radio frequency harmonics, and audio frequency harmonics, shall be maintained at as low a level as practicable at all times in accordance with good engineering practice. In the event interference is caused to other stations by modulating frequencies in excess of 7500 cycles or spurious emissions, including radio frequency harmonics and audio frequency harmonics outside the band plus or minus 7500 cycles of the authorized carrier frequency, the licensee or permittee small install equipment or make adjustments which limit the emissions to within this band or to such an extent above 7500 cycles as to reduce the interference to where it is no longer objectionable.

(d) The audio distortion, audio frequency response, carrier hum, noise level, and other essential phases of the operation which control the external effects shall at all times conform to the requirements of good engineering practice.

§ 3.47 *Equipment performance measurements.* (a) The licensee of each standard broadcast station shall make the following equipment performance measurements at yearly intervals. One such set shall be made during the four-month period preceding the date of filing application for renewal of station license:

[14] Formal application required (FCC Forms 301 and 302).

(1) Data and curves showing over-all audio frequency response from 30 to 7500 CPS for approximately 25, 50, 85, and 100 (if obtainable) percent modulation. Family of curves should be plotted (one for each percentage above) with DB above and below a reference frequency of 1000 CPS as ordinate and audio frequency as abscissa.

(2) Data and curves showing audio frequency harmonic content for 25, 50, 85, and 100 percent modulation for fundamental frequencies of 50, 100, 400, 1000, 5000, and 7500 CPS (either arithmetical or root sum square values up to the tenth harmonic or 16000 CPS). Plot family of curves (one for each percentage above) with percent distortion as ordinate and audio frequency as abscissa.

(3) Data showing percentage carrier shift for 25, 50, 85, and 100 percent modulation with 400 CPS tone.

(4) Carrier hum and extraneous noise generated within the equipment and measured as the level below 100 percent modulation throughout the audio spectrum or by bands.

(5) Measurements or evidence showing that spurious radiations including radio frequency harmonics are suppressed or are not present to a degree capable of causing objectionable interference to other radio services. Field intensity measurements are preferred but observations made with a communications type receiver may be accepted. However, in particular cases involving interference or controversy, the Commission may require actual measurements. Measurements shall be made with the equipment adjusted for normal program operation and shall include all circuits between main studio amplifier input and antenna output including equalizer or correction circuits normally employed, but without compression if such amplifier is employed.

(b) The above data together with a description of instruments and procedure signed by the engineer making the measurements, shall be kept on file at the transmitter and shall be made available upon request to any duly authorized representative of the Federal Communications Commission.

TECHNICAL OPERATION

§ 3.51 *Operating power; how determined.* (a) The operating power of each station shall be determined by direct measurement of the antenna power in accordance with § 3.54 except as provided for in paragraph (b) of this section.

(b) Operating power shall be determined on a temporary basis by the indirect method by means of the plate input power to the last radio stage in accordance with §§ 3.52 and 3.53:

(1) In case of an emergency where the licensed antenna system has been damaged by causes beyond the control of the licensee, or

(2) Pending completion of authorized changes in the antenna system.

§ 3.52 *Operating power; indirect measurement.* The operating power determined by indirect measurement from the plate input power of the last radio stage is the product of the plate voltage (E_p), the total plate current of the last radio stage (I_p), and the proper factor (F) given in the following tables: that is

$$\text{Operating power} = E_p \times I_p \times F$$

A. Factor to be used for stations employing plate modulation in the last radio stage [1]

	Factor (F) to be used in determining the operating power from the plate input power
Maximum rated carrier power of transmitter: [2]	
100–1,000 watts	0.70
5,000 and over watts	.80

B. Factor to be used for stations of all powers using low level modulation [1]

	Factor (F) to be used in determining the operating power from the plate input power
Class of power amplifier in the last radio stage:	
Class B	0.35
Class BC [3]	.65

C. Factors to be used for stations of all powers employing grid modulation in the last radio stage [1]

	Factor (F) to be used in determining the operating power from the plate input power
Type of tube in the last radio stage:	
Table C [1]	0.25
Table D [1]	.35

[1] See Power Rating of Vacuum Tubes.

[2] The maximum rated carrier power must be distinguished from the operating power (See § 3.14 (c) and (d).)

[3] All linear amplifier operation where efficiency approaches that of class C operation.

§ 3.53 *Application of efficiency factors.* In computing operating power by indirect measurement the above factors shall apply in all cases, and no distinction will be recognized due to the operating power being less than the maximum rated carrier power. (See Plate Efficiency of Last Radio Stage.)

§ 3.54 *Operating power: direct measurement.* (a) The antenna input power determined by direct measurement (the square of the antenna current times the antenna resistance at the point where the current is measured and at the operating frequency) shall be the operating power of the station.[15]

(b) If any change is made in the antenna system or any change made which may affect the antenna system, the method of determining operating power shall be changed immediately to the indirect method.

§ 3.55 *Modulation.* The percentage of modulation shall be maintained as high as possible consistent with good quality of transmission and in no case less than 85 percent on peaks nor more than 100 percent on negative peaks of frequent recurrence during any selection which is transmitted at the highest level of the program under consideration.

§ 3.56 *Modulation monitors.* (a) Each station shall have in operation, either at the transmitter or at the place the transmitter is controlled, a modulation monitor of a type approved by the Commission.

[15] See Further Requirements for Direct Measurements of Power.

(b) In the event that the modulation monitor becomes defective the station may be operated without the monitor pending its repair or replacement for a period not in excess of 60 days without further authority of the Commission: *Provided,* That:

(1) Appropriate entries shall be made in the operating log of the station showing the date and time the monitor was removed from and restored to service.

(2) The Engineer in Charge of the radio district in which the station is located shall be notified both immediately after the monitor is found to be defective and immediately after the repaired or replacement monitor has been installed and is functioning properly.

(3) The degree of modulation of the station shall be monitored with a cathode ray oscilloscope or other acceptable means.

(c) If conditions beyond the control of the licensee prevent the restoration of the monitor to service within the above allowed period, informal request may be filed with the Engineer in Charge of the radio district in which the station is operating for such additional time as may be required to complete repairs of the defective instrument.

§ 3.57 *Operating power; maintenance of.* (a) The operating power of each station shall be maintained as near as practicable to the licensed power and shall not exceed the limits of 5 percent above and 10 percent below the licensed power, except that in an emergency when due to causes beyond control of the licensee it becomes impossible to operate with full licensed power, the station may be operated with reduced power for a period not to exceed 10 days, provided the Commission and the Engineer in Charge of the radio district in which the station is located shall be notified immediately after the emergency develops and also upon the resumption of licensed power.

(b) In addition to maintaining the operating power within the above limitations, stations employing directional antenna systems shall maintain the ratio of the antenna currents in the elements of the system within 5 percent of that specified by the terms of the license or other instrument of authorization.

§ 3.58 *Indicating instruments.* (a) Each standard broadcast station shall be equipped with indicating instruments which conform with the specifications set forth in the Standards of Good Engineering Practice Concerning Standard Broadcast Stations (Appendix to this subpart) for measuring the DC plate circuit current and voltage of the last radio frequency amplifier stage; the radio frequency base current of each antenna element; and, for stations employing directional antenna systems, the radio frequency current at the point of common input to the directional antenna. (See "Indicating Instruments Pursuant to § 3.58" in the Standards for Good Engineering Practice Concerning Standard Broadcast Stations).

(b) In the event that any one of these indicating instruments becomes defective when no substitute which conforms with the required specifications is avail-

able, the station may be operated without the defective instrument pending its repair or replacement for a period not in excess of 60 days without further authority of the Commission: *Provided,* That:

(1) Appropriate entries shall be made in the operating log of the station showing the date and time the meter was removed from and restored to service.

(2) The Engineer in Charge of the radio district in which the station is located shall be notified both immediately after the instrument is found to be defective and immediately after the repaired or replacement instrument has been installed and is functioning properly.

(3) If the defective instrument is the antenna current meter of a nondirectional station which does not employ a remote antenna ammeter, or if the defective instrument is the common point meter of a station which employs a directional antenna, and does not employ a remote common point meter, the operating power shall be determined by the indirect method in accordance with § 3.52 during the entire time the station is operated without the antenna current meter or common point meter. However, if a remote antenna ammeter or a remote common point meter is employed and the antenna current meter or common point meter becomes defective, the remote meter may be used in determining operating power by the direct method pending the return to service of the regular meter, provided other meters maintained at same value previously employed.

(c) If conditions beyond the control of the licensee prevent the restoration of the meter to service within the above allowed period, informal request in accordance with § 1.332 (d) of this chapter may be filed with the Engineer in Charge of the radio district in which the station is located for such additional time as may be required to complete repairs of the defective instrument.

(d) Remote antenna ammeters and remote common point meters are not required therefore authority to operate without them is not necessary. However if a remote antenna ammeter or common point meter is employed and becomes defective, the antenna base currents may be read and logged once daily for each mode of operation, pending the return to service of the regular remote meter.

§ 3.59 *Frequency tolerance.* The operating frequency of each station shall be maintained within 20 cycles of the assigned frequency.

§ 3.60 *Frequency monitor.* (a) The licensee of each station shall have in operation, either at the transmitter or at the place where the transmitter is controlled, a frequency monitor of a type approved by the Commission which shall be independent of the frequency control of the transmitter.

(b) In the event that the frequency monitor becomes defective the station may be operated without the monitor pending its repair or replacement for a period not in excess of 60 days without further authority of the Commission: *Provided,* That:

(1) Appropriate entries shall be made in the operating log of the station showing the date and time the monitor was removed from and restored to service.

(2) The Engineer in Charge of the radio district in which the station is located shall be notified both immediately after the monitor is found to be defective and immediately after the repaired or replacement monitor has been installed and is functioning properly.

(3) The frequency of the station shall be measured by an external source at least once each seven days and the results entered in the station log.

(c) If conditions beyond the control of the licensee prevent the restoration of the monitor to service within the above allowed period, informal request in accordance with § 1.332 (d) of this chapter may be filed with the Engineer in Charge of the radio district in which the station is located for such additional time as may be required to complete repairs of the defective instrument.

§ 3.61 *New equipment; restrictions.* The Commission will authorize the installation of new transmitting equipment in a broadcast station or changes in the frequency control of an existing transmitter only if such equipment is so designed that there is reasonable assurance that the transmitter is capable of maintaining automatically the assigned frequency within the limits specified in § 3.59.

§ 3.62 *Automatic frequency control equipment; authorization required.* New automatic frequency control equipment and changes in existing automatic frequency control equipment that may affect the precision of frequency control or the operation of the transmitter shall be installed only upon authorization [16] from the Commission. (See Approved Equipment.)

§ 3.63 *Auxiliary transmitter.* Upon showing that a need exists for the use of an auxiliary transmitter [17] in addition to the regular transmitter of a broadcast station, a license therefor may be issued: *Provided,* That:

(a) An auxiliary transmitter may be installed either at the same location as the main transmitter or at another location.

(b) A licensed operator shall be in control whenever an auxiliary transmitter is placed in operation.

(c) The auxiliary transmitter shall be maintained so that it may be put into immediate operation at any time for the following purposes:

(1) The transmission of the regular programs upon the failure of the main transmitter.

(2) The transmission of regular programs during maintenance or modification work on the main transmitter necessitating discontinuance of its operation for a period not to exceed five days.[18]

(3) Upon request by a duly authorized representative of the Commission.

(d) The auxiliary transmitter shall be tested at least once each week to determine that it is in proper operating condition and that it is adjusted to the proper frequency, except that in case of operation in accordance with paragraph (c) of this section during any week, the test in that week may be omitted provided the operation under paragraph (c) is satisfactory. A record shall be kept of the time and result of each test operating under paragraph (c) of this section. Tests shall be conducted only between midnight and 9 a. m., local standard time.

(e) The auxiliary transmitter shall be equipped with satisfactory control equipment which will enable the maintenance of the frequency emitted by the station within the limits prescribed by the regulations in this part.

(f) An auxiliary transmitter which is licensed at a geographical location different from that of the main transmitter shall be equipped with a frequency control which will automatically hold the frequency within the limits prescribed by the regulations in this part without any manual adjustment during operation or when it is being put into operation.

(g) The operating power of an auxiliary transmitter may be less than the authorized power, but in no event shall it be greater than such power.

§ 3.64 *Alternate main transmitters.* The licensee of a standard broadcast station may be licensed for alternate main transmitters provided that a technical need [19] for such alternate transmitters is shown and that the following conditions are met:

(a) Both transmitters are located at the same place.

(b) The transmitters have the same power rating except at stations operating with different daytime and nighttime power when it shall be permissible to employ transmitters of power ratings appropriate to either the licensed daytime or nighttime power.

(c) The external effects from both transmitters are substantially the same as to frequency stability, reliability of operation, radio harmonics and other spurious emissions, audio frequency range and audio harmonic generation in the transmitter.

§ 3.65 *Antenna structure, marking and lighting.* Where an antenna structure(s) is required to be painted or lighted see § 17.37, *Inspection of tower lights and associated control equipment;* § 17.39, *Cleaning and repainting;* § 17.40, *Time when lights shall be exhibited;* § 17.41, *Spare lamps;* and § 17.42, *Lighting equipment;* of Part 17 of this chap-

[16] Formal application required (FCC Forms 301 and 302).

[17] All regulations as to safety requirements and spurious emissions applying to broadcast transmitting equipment shall apply also to an auxiliary transmitter. (See Use of Frequency and Modulation Monitors at Auxiliary Transmitter.)

[18] Where such operation is required for periods in excess of five days an informal application shall be made.

[19] Such as licensees maintaining 24-hour schedule and needing alternate operations for maintenance, or where developmental work requires alternate operation.

ter (Construction, Marking and Lighting of Antenna Structures).

§ 3.66 *Remote control operation.* A station which is authorized for nondirectional operation with power of 10 kilowatts or less may, upon prior authorization from the Commission, be operated by remote control at the point(s) which shall be specified in the station license. An application for authorization to operate by remote control may be made as a part of an application for construction permit or license, or modification thereof by specifying the proposed remote control point(s). Operation by remote control shall be subject to the following conditions:

(a) The equipment at the operating and transmitting positions 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) The control circuits from the operating position to the transmitter shall provide positive on and off control and shall be such that open circuits, short circuits, grounds or other line faults will not actuate the transmitter and any fault causing loss of such control will automatically place the transmitter in an inoperative condition.

(c) Control and monitoring equipment shall be installed so as to allow the licensed operator either at the remote control point or at the transmitter, to perform all of the functions in a manner required by the Commission's rules and Standards.

OPERATION

§ 3.71 *Minimum operating schedule.* Except Sundays, the licensee of each standard broadcast station shall maintain a minimum operating schedule of two-thirds of the total hours that it is authorized to operate between 6 a. m. and 6 p. m., local standard time, and two-thirds of the total hours it is authorized to operate between 6 p. m. and midnight, local standard time, except that in an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating, the station may cease operation for a period of not to exceed 10 days, provided that the Commission and the Engineer in Charge of the radio district in which the station is located shall be notified in writing immediately after the emergency develops.

§ 3.72 *Operation during experimental period.* The licensee of each standard broadcast station shall operate or refrain from operating its station during the experimental period as directed by the Commission in order to facilitate frequency measurement or for the determination of interference. (Stations involved in the after-midnight frequency monitoring programs are notified of their operating and silent schedule.)

§ 3.73 *Specified hours.* If the license of a station specifies the hours of operation, the schedule so specified shall be adhered to except as provided in §§ 3.71 and 3.72.

§ 3.74 *Sharing time.* If the licenses of stations authorized to share time do not specify hours of operation, the licensees shall endeavor to reach an agreement for a definite schedule of periods of time to be used by each. Such agreement shall be in writing and each licensee shall file the same in triplicate original with each application to the Commission for renewal of license. If and when such written agreements are properly filed in conformity with this section the file mark of the Commission will be affixed thereto, one copy will be retained by the Commission, one copy forwarded to the Engineer in Charge of the radio district in which the station is located, and one copy returned to the licensee to be posted with the station license and considered as a part thereof. If the license specifies a proportionate time division, the agreement shall maintain this proportion. If no proportionate time division is specified in the license, the licensees shall agree upon a division of time. Such division of time shall not include simultaneous operation of the stations unless specifically authorized by the terms of the license.

§ 3.75 *Sharing time; equivalence of day and night hours.* For the purpose of determining the proportionate division of time of the broadcast day for sharing time stations 1 night hour shall be considered the equivalent of 2 day hours.

§ 3.76 *Sharing time; experimental period.* If the license of a station authorized to share time does not specify the hours of operation, the station may be operated for the transmission of regular programs during the experimental period provided an agreement thereto is reached with the other stations with which the broadcast day is shared and further provided such operation is not in conflict with § 3.72. Time-sharing agreements for operation during the experimental period need not be submitted to the Commission.

§ 3.77 *Sharing time; departure from regular schedule.* A departure from the regular operating schedule set forth in a time-sharing agreement will be permitted only in cases where an agreement to that effect is reduced to writing, is signed by the licensees of the stations affected thereby and filed in triplicate by each licensee with the Commission prior to the time of the proposed change. If time is of the essence, the actual departure in operating schedule may precede the actual filing of written agreement, provided appropriate notice is sent to the Commission and the Engineer in Charge of the radio district in which the station is located.

§ 3.78 *Sharing time stations; notification to Commission.* If the licensees of stations authorized to share time are unable to agree on a division of time, the Commission shall be so notified by statement to that effect filed with the applications for renewals of licenses. Upon receipt of such statement the Commission will designate the applications for a hearing and, pending such hearing, the operating schedule previously adhered to shall remain in full force and effect.

§ 3.79 *License to specify sunrise and sunset hours.* If the licensee of a broadcast station is required to commence or cease operation, or to change the mode of operation of the station at the times of sunrise and sunset at any particular location, the controlling times for each month of the year are set forth in the station's instrument of authorization. Uniform sunrise and sunset times are specified for all of the days of each month, based upon the actual times of sunrise and sunset for the fifteenth day of that month adjusted to the nearest quarter hour. In accordance with a standardized procedure described therein, actual sunrise and sunrise and sunset times are derived by interpolation in the tables of the 1946 American Nautical Almanac, issued by the Nautical Almanac Office of the United States Naval Observatory.

§ 3.80 *Secondary station; filing of operating schedule.* The licensee of a secondary station authorized to operate limited time and which may resume operation at the time the dominant station (or stations) on the same channel ceases operation shall, with each application for renewal of license, file in triplicate a copy of its regular operating schedule, bearing a signed notation by the licensee of the dominant station of its objection or lack of objection thereto. Upon approval of such operating schedule, the Commission will affix its file mark and return one copy to the licensee authorized to operate limited time, which shall be posted with the station license and considered as a part thereof. Departure from said operating schedule will be permitted only in accordance with the procedure set forth in § 3.77.

§ 3.81 *Secondary station; failure to reach agreement.* If the licensee of a secondary station authorized to operate limited time and a dominant station on a channel are unable to agree upon a definite time for resumption of operation by the station authorized limited time, the Commission shall be so notified by the licensee of the station authorized limited time. After receipt of such statement the Commission will designate for hearing the applications of both stations for renewal of license, and pending the hearing the schedule previously adhered to shall remain in full force and effect.

§ 3.82 *Departure from schedule; material violation.* In all cases where a station licensee is required to prepare and file an operating schedule, any deviation or departure from such schedule, except as herein authorized, shall be considered as a violation of a material term of the license.

§ 3.83 *Local standard time.* All references herein to standard time or local standard time refer to local standard time as determined and fixed by the Interstate Commerce Commission.

§ 3.84 *Daylight saving time.* If local time is changed from standard time to daylight saving time at the location of all stations sharing time on the same channel, the hours of operation of all such stations on that channel shall be understood to refer to daylight saving

time, and not standard time, as long as daylight saving time is observed at such locations. This provision shall govern when the time is changed by provision of law or general observance of daylight saving time by the various communities, and when the time of operation of such stations is specified in the license or is mutually agreed upon by the licensees: *Provided, however,* That when the license specifies average time of sunrise and sunset, local standard time shall be observed. In no event shall a station licensed for daytime only operate on regular schedule prior to local sunrise, or shall a station licensed for greater daytime power than nighttime power or for a different radiation pattern for daytime operation than for nighttime operation operate with the daytime power or radiation pattern prior to local sunrise.

§ 3.85 *Changes in time; agreement between licensees.* Where the local time is not changed from standard time to daylight saving time at the location of all stations sharing time on the same channel, the hours of operation of such stations shall be understood to have reference to standard time, and not daylight saving time, unless said licensees mutually agree upon a new schedule which shall be effective only while daylight saving time is observed at the location of some of these stations.

§ 3.86 *Local standard time; license provisions.* The time of operation of any broadcast station which does not share time with other stations on the same channel shall be understood to have reference to local standard time unless modification of such license with respect to hours of operation is authorized by the Commission.

§ 3.87 *Program transmissions prior to local sunrise.* (a) The provisions of §§ 3.6, 3.8, 3.9, 3.10, 3.23, 3.79, and 3.84 shall not prevent the transmission of programs between 4 o'clock a. m., local standard time, and local sunrise, of standard broadcast stations with their authorized daytime facilities: *Provided,* That the provisions of this section shall not extend to:

(1) Stations regularly sharing time during daytime hours either under licenses pursuant to which time-sharing agreements have been entered into or licenses specifying hours of operation, unless time-sharing agreements have been reached covering such operation prior to local sunrise. Sections 3.74, 3.77, and 3.78 shall be applicable to such agreements.

(2) Any Class II station causing interference [20] by use of its daytime facilities within the 0.5 mv/m 50 percent skywave contour of any Class I station either of the United States or of any country party to the North American Regional Broadcasting Agreement, except (i) where the Class I station is located east of the Class II station in which case operation may begin at local sunrise at the Class I station; (ii) where an agreement has been reached with the Class I station to begin operation prior to local sunrise.

(3) Operation by use of its daytime facilities of any Class II station on any Class I–A channel not assigned to the United States under the North American Regional Broadcasting Agreement.

(b) Any station operating during such hours receiving notice from the Commission that undue interference is caused shall refrain from such operation during such hours pending further notice from the Commission.

(c) Nothing contained in outstanding instruments of authorization for such stations shall prohibit such operation except as herein provided.

(d) The period 4 a. m. to 6 a. m., local standard time, shall not be included in determining compliance with § 3.71.

RULES APPLICABLE TO STATIONS ENGAGED IN CHAIN BROADCASTING

§ 3.101 *Exclusive affiliation of station.* No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization [21] under which the station is prevented or hindered from, or penalized for, broadcasting the programs of any other network organization.

§ 3.102 *Territorial exclusivity.* No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which prevents or hinders another station serving substantially the same area from broadcasting the network's programs not taken by the former station, or which prevents or hinders another station serving a substantially different area from broadcasting any program of the network organization. This section shall not be construed to prohibit any contract, arrangement, or understanding between a station and a network organization pursuant to which the station is granted the first call in its primary service area upon the programs of the network organization.

§ 3.103 *Term of affiliation.* No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which provides, by original term, provisions for renewal, or otherwise for the affiliation of the station with the network organization for a period longer than 2 years: *Provided,* That a contract, arrangement, or understanding for a period up to 2 years, may be entered into within six months prior to the commencement of such period.

§ 3.104 *Option time.* No license shall be granted to a standard broadcast station which options [22] for network programs any time subject to call on less than 56 days' notice, or more time than a total of 3 hours [23] within each of four segments of the broadcast day, as herein described. The broadcast day is divided into four segments, as follows: 8 a. m. to 1 p. m.; 1 p. m. to 6 p. m.; 6 p. m. to 11 p. m.; 11 p. m. to 8 a. m.[24] Such options may not be exclusive as against other network organizations and may not prevent or hinder the station from optioning or selling any or all of the time covered by the option, or other time, to other network organizations.

§ 3.105 *Right to reject programs.* No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which (a) with respect to programs offered pursuant to an affiliation contract, prevents or hinders the station from rejecting or refusing network programs which the station reasonably believes to be unsatisfactory or unsuitable; or which (b) with respect to network programs so offered or already contracted for, prevents the station from rejecting or refusing any program which, in its opinion, is contrary to the public interest, or from substituting a program of outstanding local or national importance.

§ 3.106 *Network ownership of stations.*[25] No license shall be granted to a network organization, or to any person directly or indirectly controlled by or under common control [26] with a network organization, for more than one standard broadcast station where one of the stations covers substantially the service area of the other station, or for any standard broadcast station in any locality where the existing standard broadcast stations are so few or of such unequal desirability (in terms of coverage, power, frequency, or other related mat-

[20] As determined by the Standards of Good Engineering Practice Concerning Standard Broadcast Stations and the North American Regional Broadcasting Agreement.

[21] The term "network organization" as used herein includes national and regional network organizations. See ch. VII, J, of Report on Chain Broadcasting.

[22] As used in this section, an option is any contract, arrangement, or understanding, express or implied, between a station and a network organization which prevents or hinders the station from scheduling programs before the network agrees to utilize the time during which such programs are scheduled, or which requires the station to clear time already scheduled when the network organization seeks to utilize the time.

[23] All time options permitted under this section must be for specified clock hours, expressed in terms of any time system set forth in the contract agreed upon by the station and network organization. Shifts from daylight saving to standard time or vice versa may or may not shift the specified hours correspondingly as agreed by the station and network organization.

[24] These segments are to be determined for each station in terms of local time at the location of the station but may remain constant throughout the year regardless of shifts from standard to daylight saving time or vice versa.

[25] Effective date of this section with respect to any station may be extended from time to time in order to permit the orderly disposition of properties; and it shall be suspended indefinitely with respect to regional network organizations.

[26] The word "control" as used herein is not limited to full control but includes such a measure of control as would substantially affect the availability of the station to other networks.

ters) that competition would be substantially restrained by such licensing.

§ 3.107 *Dual network operation.* No license shall be issued to a standard broadcast station affiliated with a network organization which maintains more than one network: *Provided,* That this section shall not be applicable if such networks are not operated simultaneously, or if there is no substantial overlap in the territory served by the group of stations comprising each such network.

§ 3.108 *Control by networks of station rates.* No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization under which the station is prevented or hindered from, or penalized for, fixing or altering its rates for the sale of broadcast time for other than the network's programs.

§ 3.109 *Special rules relating to contracts providing for reservation of time upon sale of a station.* (a) No license, renewal of license, assignment of license, or transfer of control of a corporate licensee shall be granted or authorized to a standard broadcast station which has a contract, arrangement or understanding, express or implied, pursuant to which, as consideration or partial consideration for the assignment of license or transfer of control, the assignor of a station license or the transferor of stock, where transfer of a corporate licensee is involved, or the nominee of such assignor or transferor retains any right of reversion of the license or any right to the reassignment of the license in the future, or reserves the right to use the facilities of the station for any period whatsoever.

(b) In the case of assignment of license or transfer of control of a corporate licensee approved by the Commission before the effective date of this section, February 15, 1949, involving a contract, arrangement or understanding of the type covered by paragraph (a) of this section and the existence and terms of which were fully disclosed to the Commission at the time of execution, the Commission will give consideration to the issuance of a license despite the existence of such contract, arrangement or understanding, if the parties thereto modify such contract within 6 months from the effective date of this section.[27] Such modifications will be considered on the facts of each case but no such modification will be approved unless the modified contract contains at least the following provisions:

(1) A maximum limitation of the time subject to reservation so that no more than 12 hours per week shall be subject to reservation, of which no more than 4 hours shall be on any given day.

(2) A clause providing that the licensee reserves the right to reject or refuse programs which he reasonably believes to be unsatisfactory or unsuitable or for which, in his opinion, a program of outstanding local or national importance should be substituted, but provision may be made for the substitution of other radio time for programs so rejected or for the payment at the station card rate for the time made unavailable.

(3) A prohibition against the resale or reassignment of any of the broadcast time reserved by such modified contract.

(4) An express negation of any right with respect to reversion or reassignment of license.

(5) An express provision setting forth a definite expiration date of the contract, arrangement or understanding. Such expiration date shall not extend beyond February 15, 1964 and shall in no event extend beyond the expiration date originally provided for in any such contract, agreement or understanding, in the event that such expiration date is a date prior to February 15, 1964.

(6) An express provision giving to the licensee the right to terminate the contract, arrangement or understanding for substantial cause, including, but not limited to, the assignment of license or the transfer of control of a corporate licensee, consistent disagreement over programs between the parties, or the acquisition of a network affiliation by the licensee, upon the payment of a lump sum or periodic payments, and providing that the amount initially fixed shall thereafter decrease as the amount of time reserved is decreased by performance of the contract. Any such payment should not be so unduly large as to constitute in practice an effective deterrent to the licensee exercising the right of termination. In determining whether the amount is unduly large, the Commission will consider the amount by which consideration in return for the transfer of the station was decreased by reason of the reservation of time or the present value of the radio time still reserved and unused as of the date of the exercise of the right of termination.

[27] The effective date of this section with respect to any station may be extended, upon request, until November 15, 1949, *Provided,* That any such station shall file with the Commission, in triplicate, on or before September 15, 1949, a complete statement under oath of the status of its negotiations to modify any contract, arrangement or understanding to insure compliance with the provisions of this section, the extent to which it has been unable to achieve such modification at the time of the report, the reason for such failure to secure the requisite modification, a statement of what further action such licensee intends to take to insure compliance with the provisions of the section, and proof of service of copies of such statement upon all other parties to such contracts, arrangements, or understandings.

GENERAL RULES APPLICABLE TO STANDARD BROADCAST STATIONS

§ 3.163 *Discontinuance of operation.* The licensee of each station shall notify the Commission in Washington, D. C., and the Engineer in Charge of the radio district where such station is located of permanent discontinuance of operation at least two days before operation is discontinued. The licensee, shall, in addition, immediately forward the station license and other instruments of authorization to the Washington, D. C., office of the Commission for cancellation.

§ 3.164 *Station and operator licenses; posting of.* The station license and any other instrument of station authorization and the original license (or FCC Form 759) of each station operator shall be posted in a conspicuous place in the transmitter control room in such manner that all terms thereof are visible.

§ 3.165 *Operator requirements.* (a) One or more radio operators holding a valid radiotelephone first-class operator license, except as provided below, shall be in actual charge of the transmitting apparatus and shall be on duty either at the transmitter location or remote control point.

(b) A station which is authorized for non-directional operation with power of 10 kilowatts or less may be operated by persons holding commercial radio operator license of any class, except an aircraft radiotelephone operator authorization or a temporary limited radiotelegraph second-class operator license, when the equipment is so designed that the stability of the frequency is maintained by the transmitter itself within the limits of tolerance specified, and none of the operations, except those specified in subparagraphs (1) and (2) of this paragraph, necessary to be performed during the course of normal operation may cause off-frequency operation or result in any unauthorized radiation.[28] Adjustments of transmitting equipment by such operators, except when under the immediate supervision of a radiotelephone first-class operator, shall be limited to the following:

(1) Those necessary to commence or terminate transmitter emissions as a routine matter.

(2) Those external adjustments that may be required as a result of variations of primary power supply.

(3) Those external adjustments which may be necessary to insure modulation within the limits required.

(4) Those adjustments necessary to effect any change in operating power which may be required by the station's instrument of authorization.

Should the transmitting apparatus be observed to be operating in a manner inconsistent with the station's instrument of authorization and none of the above adjustments are effective in bringing it into proper operation, a person holding other than a radiotelephone first-class operator license and not acting under the immediate supervision of radiotelephone first-class operator, shall be required to terminate the station's omissions.

(c) The licensee of a station which is operated by one or more operators holding other than a radiotelephone

[28] A person holding any class of radio operator license or permit who is authorized thereunder to perform limited operation of a standard broadcast station may, when a Conelrad Radio Alert is called, make adjustments necessary to effect operation on a Conelrad authorization: *Provided,* That the station's full-time radiotelephone first-class operator shall have previously instructed such person in the adjustments to the transmitter which are necessary to accomplish Conelrad operation.

first-class operator license shall have one or more operators holding a radiotelephone first-class operator license in regular full-time employment at the station whose primary duties shall be to effect and insure the proper functioning of the transmitting equipment. In the event that the licensee also operates an FM broadcast station in the same community, a regular full-time radiotelephone first-class operator or operators employed in connection with the standard broadcast station may concurrently be employed to satisfy the requirements of § 3.265 (c) or § 3.565 (c): *Provided,* That the duties of such operator or operators concerning the FM broadcast transmitting equipment shall in nowise interfere with the proper performance of his duties with respect to the standard broadcast transmitter.

(d) The licensed operator on duty and in charge of a standard broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for the operation of another radio station or stations in accordance with the class of operator's license which he holds and the rules and regulations governing such other stations: *Provided, however,* That such duties shall in nowise interfere with the proper operation of the standard broadcast transmitter.

§ 3.166 *Period of construction.* Each construction permit for a radio station in the standard broadcast service will specify a maximum of 60 days from the date of granting thereof as the time within which construction of the station shall begin, and a maximum of six months thereafter as the time within which construction shall be completed and with the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case.

§ 3.167 *Equipment tests.* (a) During the process of construction of a standard broadcast station, the permittee, after notifying the Commission and Engineer in Charge of the radio district in which the station is located, may without further authority of the Commission, conduct equipment tests during the experimental period for the purpose of such adjustments and measurements as may be necessary to assure compliance with the terms of the construction permit, the technical provisions of the application therefor, the rules and regulations, and the applicable engineering standards. In addition, the Commission may authorize equipment tests other than during the experimental period if such operation is shown to be desirable to the proper completion of construction and adjustment of the transmitting equipment and antenna system. An informal application for such authority, giving full details regarding the need for such tests, shall be filed with the Commission at least two (2) days (not including Sundays and Saturdays and legal holidays when the offices of the Commission are not open) prior to the date on which it is desired to begin such operation.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date for the beginning of equipment tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Equipment tests may be continued so long as the construction permit shall remain valid and shall be conducted only during the experimental period (12 midnight to local sunrise) unless otherwise specifically authorized.

(d) Inspection of a station will ordinarily be required during the equipment test period and before the commencement of program tests. After construction and after adjustments and measurements have been completed to show compliance with the terms of the construction permit, the technical provisions of the application therefor, the rules and regulations and the applicable engineering standards, the permittee should notify the Engineer in Charge of the radio district in which the station is located that it is ready for inspection.

(e) The authorization for tests embodied in this section shall not be construed as constituting a license to operate but as a necessary part of construction.

§ 3.168 *Program tests.* (a) Upon completion of construction of a standard broadcast station in accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations and applicable engineering standards and when an application for station license has been filed showing the station to be in satisfactory operating condition,[29] the permittee may request authority to conduct program tests: *Provided,* That such request shall be filed with the Commission at least ten (10) days prior to the date on which it is desired to begin such operation and the Engineer in Charge of the radio district in which the station is located is notified.

(b) Program tests shall not commence until specific Commission authority is received. The Commission reserves the right to change the date of the beginning of such tests or to suspend or revoke the authority for program tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Unless sooner suspended or revoked program test authority continues valid during Commission consideration of the application for license and during this period further extension of the construction permit is not required. Program test authority shall be automatically terminated by final determination upon the application for station license.

(d) All operation on program test authority shall be in strict compliance with the rules governing standard broadcast stations and in strict accordance with representations made in the application for license pursuant to which the tests were authorized.

(e) The granting of program test authority shall not be construed as approval by the Commission of the application for station license.

§ 3.169 *Station inspection.* The licensee of any radio station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 3.181 *Logs.* The licensee or permittee of each standard broadcast station shall maintain program and operating logs and shall require entries to be made as follows:

(a) In the program log:

(1) An entry of the time each station identification announcement (call letters and location) is made.

(2) An entry briefly describing each program broadcast, such as "music," "drama," "speech," etc., together with the name or title thereof, and the sponsor's name, with the time of the beginning and ending of the complete program. If a mechanical record is used, the entry shall show the exact nature thereof, such as "record," "transcription," etc., and the time it is announced as a mechanical record. If a speech is made by a political candidate, the name and political affiliations of such speaker shall be entered.

(3) An entry showing that each sponsored program broadcast has been announced as sponsored, paid for, or furnished by the sponsor.

(4) An entry showing, for each program of network origin, the name of the network originating the program.

(b) In the operating log:

(1) An entry of the time the station begins to supply power to the antenna, and the time it stops.

(2) An entry of the time the program begins and ends.

(3) An entry of each interruption to the carrier wave, its cause, and duration.

(4) An entry of the following each 30 minutes:

(i) Operating constants of last radio stage (total plate current and plate voltage).

(ii) Antenna current.

(iii) Frequency monitor reading.

(iv) Temperature of crystal control chamber if thermometer is used.

(5) Log of experimental operation during experimental period. (If regular operation is maintained during this period, the above logs shall be kept.)

(i) A log must be kept of all operation during the experimental period. If the entries required above are not applicable thereto, then the entries shall be made so as to fully describe the operation.

(c) Where an antenna structure(s) is required to be illuminated see § 17.38, *Recording of tower light inspections in the station record,* of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures).

§ 3.182 *Logs, retention of.*[30] Logs of standard broadcast stations shall be retained by the licensee or permittee for a

[29] All data necessary to show compliance with the terms and conditions of the construction permit must be filed with the license application. If the station is using a directional antenna, a proof of performance must also be filed as required by § 3.33 (b).

[30] Attention is called to the fact, however, that application forms for licenses and other authorizations require that certain operating program data be supplied. It is suggested that these application forms be kept in mind in connection with maintenance of station program and operating records.

period of two years: *Provided, however,* That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the licensee or permittee has been notified, shall be retained by the licensee or permittee until he is specifically authorized in writing by the Commission to destroy them: *Provided, further,* That logs incident to or involved in any claim or complaint of which the licensee or permittee has notice shall be retained by the licensee or permittee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

§ 3.183 *Logs; by whom kept.* Each log shall be kept by the person or persons competent to do so, having actual knowledge of the facts required, who shall sign the log when starting duty and again when going off duty. The logs shall be made available upon request by an authorized representative of the Commission.

§ 3.184 *Log form.* The log shall be kept in an orderly manner, in suitable form, and in such detail that the data required for the particular class of station concerned are readily available. Key letters or abbreviations may be used if proper meaning or explanation is contained elsewhere in the log.

§ 3.185 *Correction of logs.* No log or portion thereof shall be erased, obliterated, or willfully destroyed within the period of retention provided by the rules. Any necessary correction may be made only by the person originating the entry who shall strike out the erroneous portion, initial the correction made, and indicate the date of correction.

§ 3.186 *Rough logs.* Rough logs may be transcribed into condensed form, but in such case the original log or memoranda and all portions thereof shall be preserved and made a part of the complete log.

§ 3.187 *Station identification.* (a) A licensee of a standard broadcast station shall make station identification announcement (call letters and location) at the beginning and ending of each time of operation and during operation (1) on the hour and (2) either on the half hour or at the quarter hour following the hour and at the quarter hour preceding the next hour: *Provided,*

(b) Such identification announcement need not be made on the hour when to make such announcement would interrupt a single consecutive speech, play, religious service, symphony concert, or operatic production of longer duration than 30 minutes. In such cases the identification announcement shall be made at the beginning of the program, at the first interruption of the entertainment continuity, and at the conclusion of the program.

(c) Such identification announcement need not be made on the half hour or quarter hours when to make such announcement would interrupt a single consecutive speech, play, religious service, symphony concert, or operatic production. In such cases an identification announcement shall be made at the first interruption of the entertainment continuity and at the conclusion of the program: *Provided,* That an announcement within 5 minutes of the times specified in paragraph (a) (2) of this section will satisfy the requirements of identification announcements.

(d) In the case of variety show programs, baseball game broadcasts, or similar programs of longer duration than 30 minutes, the identification announcement shall be made within 5 minutes of the hour and of the times specified in paragraph (a) (2) of this section.

(e) In the case of all other programs the identification announcement shall be made within 2 minutes of the hour and of the times specified in paragraph (a) (2) of this section.

(f) In making the identification announcement the call letters shall be given only on the channel of the station identified thereby, except as otherwise provided in § 3.287 of the Commission's rules governing FM broadcast stations.

§ 3.188 *Mechanical records.*[31] Each program broadcast which consists in whole or in part of one or more mechanical reproductions shall be announced in the manner and to the extent set out below.

(a) Each such program of longer duration than 30 minutes, consisting in whole or in part of one or more mechanical reproductions, shall be identified by appropriate announcement at the beginning of the program, at each 30-minute interval and at the conclusion of the program: *Provided, however,* That the identifying announcement at each 30-minute interval is not required in case of a mechanical reproduction consisting of a continuous uninterrupted speech, play, religious service, symphony concert, or operatic production of longer than 30 minutes.

(b) Each such program of a longer duration than 5 minutes and not in excess of 30 minutes, consisting in whole or in part of one or more mechanical reproductions, shall be identified by an appropriate announcement at the beginning and end of the program.

(c) Each such program of 5 minutes or less, consisting in whole or in part of mechanical reproductions, shall be identified by appropriate announcement immediately preceding the use thereof: *Provided, however,* That each such program of one minute or less need not be announced as such.

(d) In case a mechanical reproduction is used for background music, sound effects, station identification, program identification (theme music of short duration) or identification of the sponsorship of the program proper, no announcement of the mechanical reproduction is required.

(e) The exact form of identifying announcement is not prescribed, but the language shall be clear and in terms commonly used and understood. A licensee shall not attempt affirmatively to create the impression that any program being broadcast by mechanical reproduction consists of live talent.

§ 3.189 *Sponsored programs; announcement of.* (a) In the case of each program for the broadcasting of which money, services, or other valuable consideration is either directly or indirectly paid or promised to, or charged or received by, any radio broadcast station, the station broadcasting such program shall make, or cause to be made, an appropriate announcement that the program is sponsored, paid for, or furnished, either in whole or in part.

(b) In the case of any political program or any program involving the discussion of public controversial issues for which any records, transcriptions, talent, scripts, or other material or services of any kind are furnished, either directly or indirectly, to a station as an inducement to the broadcasting of such program, an announcement shall be made both at the beginning and conclusion of such program on which such material or services are used that such records, transcriptions, talent, scripts, or other material or services have been furnished to such station in connection with the broadcasting of such program: *Provided, however,* That only one such announcement need be made in the case of any such program of 5 minutes' duration or less, which announcement may be made either at the beginning or the conclusion of the program.

(c) The announcement required by this section shall fully and fairly disclose the true identity of the person or persons by whom or in whose behalf such payment is made or promised, or from whom or in whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in paragraph (b) of this section are furnished. Where an agent or other person contracts or otherwise makes arrangements with a station on behalf of another, and such fact is known to the station, the announcement shall disclose the identity of the person or persons in whose behalf such agent is acting instead of the name of such agent.

(d) In the case of any program, other than a program advertising commercial products or services, which is sponsored,

[31] During the annual periods in which daylight saving time will be effective the requirements of this section are waived with respect to network programs, transcribed and rebroadcast one hour later because of the time differential resulting from the adoption of daylight saving time in some areas, this waiver being applicable whether the off-the-line recording is made by the network itself at one of its key stations or by an individual station, but only when the off-the-line recording is for broadcast one hour later by those stations which operate on standard time. Furthermore, each station which broadcasts network programs one hour later in accordance with this waiver shall make an appropriate announcement at least once each day between the hours of 10 a. m. and 10 p. m., stating that some or all of the network programs which are broadcast by that station are delayed broadcasts by means of transcription, and indicating whether the transcriptions have been made by the network or the individual station. A network organization or individual station taking advantage of this waiver should so advise the Commission.

paid for or furnished, either in whole or in part, or for which material or services referred to in paragraph (b) of this section are furnished, by a corporation, committee, association or other unincorporated group, the announcement required by this section shall disclose the name of such corporation, committee, association or other unincorporated group. In each such case the station shall require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association or other unincorporated group shall be made available for public inspection at one of the radio stations carrying the program.

(e) In the case of programs advertising commercial products or services, an announcement stating the sponsor's corporate or trade name or the name of the sponsor's product, shall be deemed sufficient for the purposes of this section and only one such announcement need be made at any time during the course of the program.

§ 3.190 *Broadcasts by candidates for public office*—(a) *Definitions.* A "legally qualified candidate" means any person who has publicly announced that he is a candidate for nomination by a convention of a political party or for nomination or election in a primary, special, or general election, municipal, county, State or national, and who meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate, so that he may be voted for by the electorate directly or by means of delegates or electors, and who:

(1) Has qualified for a place on the ballot or

(2) Is eligible under the applicable law to be voted for by sticker, by writing in his name on the ballot, or other method, and (i) has been duly nominated by a political party which is commonly known and regarded as such, or (ii) makes a substantial showing that he is a bona fide candidate for nomination or office, as the case may be.

(b) *General requirements.* No station licensee is required to permit the use of its facilities by any legally qualified candidate for public office, but if any licensee shall permit any such candidate to use its facilities, it shall afford equal opportunities to all other such candidates for that office to use such facilities: *Provided,* That such licensee shall have no power of censorship over the material broadcast by any such candidate.

(c) *Rates and practices.* The rates, if any, charged all such candidates for the same office shall be uniform and shall not be rebated by any means, directly, or indirectly; no licensee shall make any discrimination in charges, practices, regulations, facilities, or services for or in connection with the service rendered pursuant to this part, or make or give any preference to any candidate for public office or subject any such candidate to any prejudice or disadvantage; nor shall any licensee make any contract or other agreement which shall have the effect of permitting any legally qualified candidate for any public office to broadcast to the exclusion of other legally qualified candidates for the same public office.

(d) *Records; inspection.* Every licensee shall keep and permit public inspection of a complete record of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the licensee of such requests, and the charges made, if any, if request is granted.

§ 3.191 *Rebroadcast.* (a) The term "rebroadcast" means reception by radio of the program [32] of a radio station, and the simultaneous or subsequent retransmission of such program by a broadcast station.[33]

(b) The licensee of a standard broadcast station may, without further authority of the Commission, rebroadcast the program of a United States standard or high frequency broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the licensee certifies that express authority has been received from the licensee of the station originating the program.[34]

(c) (1) The licensee of the standard broadcast station located within a state or the District of Columbia, may, without further authority of the Commission rebroadcast on a noncommercial basis a noncommercial program of a United States international broadcast station.

(2) The licensee of a standard broadcast station located in any territory or insular possession of the United States may, without further authority of the Commission, rebroadcast any program of a United States international broadcast station.

(3) In the case of any rebroadcast under the provisions of this paragraph, the Commission shall be notified of the call letters of each station whose programs are rebroadcast and the licensee shall certify that express authority has been received from the licensee of the station originating the program.

(d) No licensee of a standard broadcast station shall rebroadcast the program of any other class of United States radio station without written authority having first been obtained from the Commission upon application accompanied by written consent or certification of consent of the licensee of the station originating the program.[35] [36] [37]

(e) In case of a program rebroadcast by several standard broadcast stations, such as a chain rebroadcast, the person legally responsible for distributing the program or the network facilities may obtain the necessary authorization for the entire rebroadcast both from the Commission and from the person or licensee of the station originating the program.

Attention is directed to section 325 (b) of the Communications Act of 1934, which reads as follows:

> No person shall be permitted to locate, use, or maintain a radio broadcast studio or other place or apparatus from which or whereby sound waves are converted into electrical energy, or mechanical or physical reproduction of sound waves produced, and caused to be transmitted or delivered to a radio station in a foreign country for the purpose of being broadcast from any radio station there, having a power output of sufficient intensity, and/or being so located geographically that its emissions may be received consistently in the United States, without first obtaining a permit from the Commission upon proper application therefor.[38]

§ 3.192 *Lotteries and give-away programs.*[39] (a) An application for construction permit, license, renewal of license, or any other authorization for the operation of a broadcast station, will not be granted where the applicant proposes to follow or continue to follow a policy or practice of broadcasting or permitting "the broadcasting of any advertisement of or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes." (See 18 U. S. C. 1304.)

(b) The determination whether a particular program comes within the provisions of paragraph (a) of this section depends on the facts of each case. However, the Commission will in any event consider that a program comes within the provisions of paragraph (a) of this section if in connection with such program a prize consisting of money or

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[32] As used in § 3.191, program includes any complete program or part thereof, or any signals if other than A–3 emission.

[33] In case a program is transmitted from its point of origin to a broadcast station entirely by telephone facilities in which a section of such transmission is by radio, the broadcasting of this program is not considered a rebroadcast.

[34] The notice and certification of consent shall be given within 3 days of any single rebroadcast, but in case of the regular practice of rebroadcasting certain programs of a standard broadcast station on several times during a license period, notice and certification of consent shall be given for the ensuing license period with the application for renewal of license, or at the beginning of such rebroadcast practice if begun during a license period.

[35] The broadcasting of a program relayed by a remote pick-up broadcast station (§ 4.401 of this chapter) is not considered a rebroadcast.

[36] Informal application may be employed.

[37] By Order No. 82, dated and effective June 24, 1941, until further order of the Commission, § 3.191 (d) is suspended only insofar as it requires prior written authority of the Commission for the rebroadcasting of programs originated for that express purpose by United States Government radio stations.

[38] See § 1.327 of this chapter.

[39] NOTE: Order of Sept. 21, 1949, 14 F. R. 5999, Oct. 1, 1949, provides that the effective date of § 3.192 be postponed until a date to be fixed by further order, which shall be at least thirty days after a final decision by the Supreme Court of the United States, or thirty days after the time within which an appeal to the Supreme Court may be taken has expired without such an appeal being taken, in pending litigation with respect to this section.

thing of value is awarded to any person whose selection is dependent in whole or in part upon lot or chance, if as a condition of winning or competing for such prize:

(1) Such winner or winners are required to furnish any money or thing of value or are required to have in their possession any product sold, manufactured, furnished or distributed by a sponsor of a program broadcast on the station in question; or

(2) Such winner or winners are required to be listening to or viewing the program in question on a radio or television receiver; or

(3) Such winner or winners are required to answer correctly a question, the answer to which is given on a program broadcast over the station in question or where aid to answering the question correctly is given on a program broadcast over the station in question. For the purposes of this provision the broadcasting of the question to be answered over the radio station on a previous program will be considered as an aid in answering the question correctly; or

(4) Such winner or winners are required to answer the phone in a prescribed manner or with a prescribed phrase, or are required to write a letter in a prescribed manner or containing a prescribed phrase, if the prescribed manner of answering the phone or writing the letter or the prescribed phrase to be used over the phone or in the letter (or an aid in ascertaining the prescribed phrase or the prescribed manner of answering the phone or writing the letter) is, or has been, broadcast over the station in question.

SUBPART B—RULES GOVERNING FM BROADCAST STATIONS

CLASSIFICATION OF FM BROADCAST STATIONS AND ALLOCATION OF FREQUENCIES

§ 3.201 *Numerical designation of FM broadcast channels.* For convenience, the frequencies available for FM broadcasting (including those assigned to noncommercial educational broadcasting) are given numerical designations which are shown in the table below:

Frequency (Mc):	*Channel No.*	Frequency (Mc):	*Channel No.*
88.1	201	93.7	229
88.3	202	93.9	230
88.5	203	94.1	231
88.7	204	94.3	232
88.9	205	94.5	233
89.1	206	94.7	234
89.3	207	94.9	235
89.5	208	95.1	236
89.7	209	95.3	237
89.9	210	95.5	238
90.1	211	95.7	239
90.3	212	95.9	240
90.5	213	96.1	241
90.7	214	96.3	242
90.9	215	96.5	243
91.1	216	96.7	244
91.3	217	96.9	245
91.5	218	97.1	246
91.7	219	97.3	247
91.9	220	97.5	248
92.1	221	97.7	249
92.3	222	97.9	250
92.5	223	98.1	251
92.7	224	98.3	252
92.9	225	98.5	253
93.1	226	98.7	254
93.3	227	98.9	255
93.5	228	99.1	256
93.7	229	99.3	257
93.9	230	99.5	258
94.1	231	99.7	259
94.3	232	99.9	260
94.5	233	100.1	261
94.7	234	100.3	262
94.9	235	100.5	263
95.1	236	100.7	264
95.3	237	100.9	265
95.5	238	101.1	266
95.7	239	101.3	267
95.9	240	101.5	268
96.1	241	101.7	269
96.3	242	101.9	270
96.5	243	102.1	271
96.7	244	102.3	272
96.9	245	102.5	273
97.1	246	102.7	274
97.3	247	102.9	275
97.5	248	103.1	276
97.7	249	103.3	277
97.9	250	103.5	278
98.1	251	103.7	279
98.3	252	103.9	280
98.5	253	104.1	281
98.7	254	104.3	282
98.9	255	104.5	283
99.1	256	104.7	284
99.3	257	104.9	285
99.5	258	105.1	286
99.7	259	105.3	287
99.9	260	105.5	288
100.1	261	105.7	289
100.3	262	105.9	290
100.5	263	106.1	291
100.7	264	106.3	292
100.9	265	106.5	293
101.1	266	106.7	294
101.3	267	106.9	295
101.5	268	107.1	296
101.7	269	107.3	297
101.9	270	107.5	298
102.1	271	107.7	299
102.3	272	107.9	300
102.5	273		
102.7	274		
102.9	275		
103.1	276		
103.3	277		
103.5	278		

§ 3.202 *Areas of the United States.* For the purpose of allocation the United States is divided into two areas. The first area—area I—includes southern New Hampshire; all of Massachusetts, Rhode Island, and Connecticut; southeastern New York as far north as Albany-Troy-Schenectady; all of New Jersey, Delaware, and the District of Columbia; Maryland as far west as Hagerstown; and eastern Pennsylvania as far west as Harrisburg.[1] The second area—area II—comprehends the remainder of the United States not included in area I.

§ 3.203 *Class A stations.* (a) A Class A station is a station which operates on a Class A channel and is designed to render service primarily to a community or to a city or town other than the principal city of an area, and the surrounding rural area. The coverage of a Class A station shall be not more than the equivalent[2] of 1 kilowatt effective radiated power and antenna height of 250 feet above average terrain, as determined by the methods prescribed in the Standards of Good Engineering Practice Concerning FM Broadcast Stations. A Class A station will not be licensed with more than 1 kilowatt effective radiated power. The power rating of the transmitter used for a Class A station shall be not less than 250 watts nor more than 1 kilowatt. The signal intensity requirements of section 2 of the Standards of Good Engineering Practice Concerning FM Broadcast Stations shall determine the minimum coverage of a Class A station. Class A stations will normally be protected to the 1 mv/m contour; however, assignments will be made in a manner to insure, insofar as possible, a maximum of service to all listeners, whether urban or rural, giving consideration to the minimum signal capable of providing service.

(b) The following frequencies, except as provided in paragraph (c) of this section, are designated as Class A channels and are assigned for use by Class A stations:

Frequency (Mc):	*Channel No.*	Frequency (Mc):	*Channel No.*
92.1	221	100.1	261
92.7	224	100.9	265
93.5	228	101.7	269
94.3	232	102.3	272
95.3	237	103.1	276
95.9	240	103.9	280
96.7	244	104.9	285
97.7	249	105.5	288
98.3	252	106.3	292
99.3	257	107.1	296

These channels are available for assignment (1) in cities which are not the central city or cities of a metropolitan district, and (2) in central cities of metropolitan districts which have fewer than six Class B stations.

(c) In the Territory of Hawaii, the frequency band 98–108 Mc is allocated for nonbroadcast use. The frequencies 98.1 through 107.9 Mc, inclusive (Channels 251 through 300 inclusive) will not be assigned in the Territory of Hawaii for use by FM broadcast stations.

§ 3.204 *Class B stations.* (a) A Class B station is a station which operates on a Class B channel and is designed to render service primarily to a metropolitan district or principal city and the surrounding rural area, or to rural areas removed from large centers of population. The service area of a Class B station will not be protected beyond the 1 mv/m contour; however, Class B assignments will be made in a manner to insure, insofar as possible, a maximum of service to all listeners, whether urban or rural, giving consideration to the minimum signal capable of providing service. Standard power ratings of transmitters used for Class B stations shall be 1 kw. or greater. The signal intensity requirements of section 2 of the Standards of Good Engineering Practice Concerning FM Broadcast Stations shall determine the minimum coverage of a Class B station. In the following subparagraphs antenna height above average terrain and effective radiated power are to be determined by the methods prescribed in the Standards of Good Engineering Practice Concerning FM Broadcast Stations.

(1) The coverage of a Class B station in Area I shall be not more than the equivalent[3] of 20 kilowatts effective radiated power and antenna height of 500 feet above average terrain.[4] A Class

[1] In some of the territory contiguous to area I, the demand for frequencies requires that applications be given careful study and consideration to insure an equitable distribution of facilities throughout the region. This region includes the remainder of Maryland, Pennsylvania, and New York (except the northeastern corner) not included in area I; Virginia, West Virginia, North Carolina, South Carolina, Ohio, and Indiana; southern Michigan as far north as Saginaw; eastern Illinois as far west as Rockford-Decatur; and southeastern Wisconsin as far north as Sheboygan. Other regions may be added as required.

[2] For the purpose of determining equivalent coverage, the 1 mv/m contour should be used.

[3] For the purpose of determining equivalent coverage, the 1 mv/m contour should be used.

[4] In the determination of appropriate coverage, consideration should be given to population distribution, terrain, service from other FM stations, trade area, and other economic factors. Among the recognized trade area authorities are the following: J. Walter Thompson (Retail Shopping Areas), Hearst Magazines, Inc. (Consumer Trading Areas), Rand McNally Map Co. (Trading Areas), and Hagstrom Map Co. (Four color Retail Trading Area Map).

B station in Area I will not be licensed with an effective radiated power greater than 20 kilowatts.

(2) The coverage of a Class B station in Area II shall normally be not more than the equivalent[5] of 20 kilowatts effective radiated power and antenna height of 500 feet above average terrain.[6] The use of greater power and antenna height will be encouraged in those portions of Area II where such use would not result in undue interference to stations already authorized or to probable assignments insofar as can be determined at the time of the grant. In such case, the power, antenna height, and area will be determined on the merits of each application with particular attention being given to rural areas which would not otherwise receive service.

(b) The following frequencies except as provided in paragraph (c) of this section, are designated as Class B channels and are assigned for use by Class B stations:

Frequency (Mc):	Channel No.	Frequency (Mc):	Channel No.
92.3	222	100.3	262
92.5	223	100.5	263
92.9	225	100.7	264
93.1	226	101.1	266
93.3	227	101.3	267
93.7	229	101.5	268
93.9	230	101.9	270
94.1	231	102.1	271
94.5	233	102.5	273
94.7	234	102.7	274
94.9	235	102.9	275
95.1	236	103.3	277
95.5	238	103.5	278
95.7	239	103.7	279
96.1	241	104.1	281
96.3	242	104.3	282
96.5	243	104.5	283
96.9	245	104.7	284
97.1	246	105.1	286
97.3	247	105.3	287
97.5	248	105.7	289
97.9	250	105.9	290
98.1	251	106.1	291
98.5	253	106.5	293
98.7	254	106.7	294
98.9	255	106.9	295
99.1	256	107.3	297
99.5	258	107.5	298
99.7	259	107.7	299
99.9	260	107.9	300

(c) In the Territory of Hawaii the frequency band 98–108 Mc is allocated for nonbroadcast use. The frequencies 98.1 through 107.9 Mc inclusive (Channels 251 through 300, inclusive) will not be assigned in the Territory of Hawaii for use by FM broadcast stations.

§ 3.205 *Station location and program origination.* (a) Except as provided in paragraph (b) of this section, each FM broadcast station will be licensed to serve primarily a particular city, town, or other political subdivision which will be specified in the station license and the station will be considered to be located in such place. Each station shall maintain a studio, which will be known as the main studio, in the place where the station is located provided that the main studio may be located at the transmitter site whether or not the transmitter site is in the place where the station is located. A majority (computed on the basis of duration and not number) of a station's programs or in the case of a station affiliated with a network, two-thirds of such station's non-network programs, whichever is smaller, shall originate from the main studio or from other studios or remote points situated in the place where the station is located.

(b) Stations will be licensed to serve more than one city, town, or other political subdivision, only where a satisfactory showing is made that each such place meets all the requirements of the rules and Standards of Good Engineering Practice with respect to the location of main studios; that the station can and will originate a substantial number of local live programs from each such place; and that the requirements as to origination of programs contained in paragraph (a) of this section would place an unreasonable burden on the station if it were licensed to serve only one city, town or other political subdivision. A station licensed to serve more than one place shall be considered to be located in and shall maintain main studios in each such place. With respect to such station the requirements as to origination of programs contained in paragraph (a) of this section shall be satisfied by the origination of programs from any or all of the main studios or from other studios and remote points situated in any or all of the places in which the main studios are located.

(c) The transmitter of each FM broadcast station shall be so located that satisfactory service is delivered to the city where the main studio is located, in accordance with the Standards of Good Engineering Practice Concerning FM Broadcast Stations: *Provided, however,* Upon special showing of need, authorization may be granted to locate the transmitter so that adequate service is not rendered to this city, but in no event shall this city be beyond the 50 uv/m contour.

RULES GOVERNING ADMINISTRATIVE PROCEDURE

§ 3.211 *Application for FM broadcast stations.* If the application is for a construction permit or for modification of an existing authorization, FCC Form 301 shall be filed; if for a license, FCC Form 302 shall be filed; if for a renewal of license, FCC Form 303 shall be filed.

§ 3.212 *Full disclosures.* Each application shall contain full and complete disclosures with regard to the real party or parties in interest, and their legal, technical, financial, and other qualifications, and as to all matters and things required to be disclosed by the application forms.

§ 3.213 *Installation of apparatus.* Applications for construction permits or modification thereof involving the installation of new transmitting apparatus should be filed at least 60 days prior to the contemplated installation.

§ 3.214 *Period of construction.* Each construction permit will specify a maximum of 60 days from the date of granting thereof as the time within which construction of the station shall begin, and a maximum of 6 months thereafter as the time within which construction shall be completed and the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case.

§ 3.215 *Forfeiture of construction permits: extension of time.* (a) A construction permit shall be automatically forfeited if the station is not ready for operation within the time specified therein or within such further time as the Commission may have allowed for completion, and a notation of the forfeiture of any construction permit under this provision will be placed in the records of the Commission as of the expiration date.

(b) Any application for extension of time (FCC Form 701) within which to construct a station shall be filed at least 30 days prior to the expiration date of such permit if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases such applications will be accepted upon a showing satisfactory to the Commission of sufficient reasons for filing within less than 30 days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension.

(c) If a construction permit has been allowed to expire for any reason, application may be made for a new permit on FCC Form 321, "Application for Construction Permit to Replace Expired Permit."

§ 3.216 *Equipment tests.* (a) During the process of construction of an FM broadcast station, the permittee, after notifying the Commission and Engineer in Charge of the radio district in which the station is located, may without further authority of the Commission, conduct equipment tests for the purpose of such adjustments and measurements as may be necessary to assure compliance with the terms of the construction permit, the technical provisions of the application therefor, the rules and regulations, and the applicable engineering standards.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date for the beginning of equipment tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Equipment tests may be continued so long as the construction permit shall remain valid.

(d) Inspection of a station will ordinarily be required during the equipment test period and before the commence-

[5] For the purpose of determining equivalent coverage, the 1 mv/m contour should be used.

[6] In the determination of appropriate coverage, consideration should be given to population distribution, terrain, service from other FM stations, trade area, and other economic factors. Among the recognized trade area authorities are the following: J. Walter Thompson (Retail Shopping Areas), Hearst Magazines, Inc. (Consumer Trading Areas), Rand McNally Map Co. (Trading Areas), and Hagstrom Map Co. (Four color Retail Trading Area Map).

ment of the program test. After construction and after adjustments and measurements have been completed to show compliance with the terms of the construction permit, the technical provisions of the application therefor, the rules and regulations and the applicable engineering standards, the permittee should notify the Engineer in Charge of the radio district in which the station is located that it is ready for inspection.

(e) The authorization for tests embodied in this section shall not be construed as constituting a license to operate but as a necessary part of construction.

§ 3.217 *Program tests.* (a) Upon completion of construction of an FM broadcast station in accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations and the applicable engineering standards, and when an application for station license has been filed showing the station to be in satisfactory operating condition,[7] the permittee may request authority to conduct program tests: *Provided*, That such request shall be filed with the Commission at least ten (10) days prior to the date on which it is desired to begin such operation and that the Engineer in Charge of the radio district in which the station is located is notified.

(b) Program tests shall not commence until specific Commission authority is received. The Commission reserves the right to change the date of the beginning of such tests or to suspend or revoke the authority for program tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Unless sooner suspended or revoked program test authority continues valid during Commission consideration of the application for license and during this period further extension of the construction permit is not required. Program test authority shall be automatically terminated by final determination upon the application for station license.

(d) All operation under program test authority shall be in strict compliance with the rules governing FM broadcast stations and in strict accordance with representations made in the application for license pursuant to which the tests were authorized.

(e) The granting of program test authority shall not be construed as approval by the Commission of the application for station license.

§ 3.218 *Normal license period.* (a) All FM broadcast station licenses will be issued for a normal license period of three years. Licenses will be issued to expire at the hour of 3:00 a. m., e. s. t. in accordance with the following schedule and at three-year intervals thereafter.[1]

(1) For stations located in Delaware and Pennsylvania, August 1, 1951.

(2) For stations located in Maryland, District of Columbia, Virginia, West Virginia, October 1, 1951.

(3) For stations located in North Carolina, South Carolina, December 1, 1951.

(4) For stations located in Florida, Puerto Rico and Virgin Islands, February 1, 1952.

(5) For stations located in Alabama and Georgia, April 1, 1952.

(6) For stations located in Arkansas, Louisiana and Mississippi, June 1, 1952.

(7) For stations located in Tennessee, Kentucky and Indiana, August 1, 1952.

(8) For stations located in Ohio and Michigan, October 1, 1952.

(9) For stations located in Illinois and Wisconsin, December 1, 1952.

(10) For stations located in Iowa and Missouri, February 1, 1953.

(11) For stations located in Minnesota, North Dakota, South Dakota, Montana and Colorado, April 1, 1953.

(12) For stations located in Kansas, Oklahoma, Nebraska, June 1, 1953.

(13) For stations located in Texas, August 1, 1953.

(14) For stations located in Wyoming, Nevada, Arizona, Utah, New Mexico and Idaho, October 1, 1953.

(15) For stations located in California, December 1, 1953.

(16) For stations located in Washington, Oregon, Alaska and Hawaii, February 1, 1954.

(17) For stations located in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont, April 1, 1954.

(18) For stations located in New Jersey and New York, June 1, 1954.

[1] Renewals of licenses will be granted for the period specified in the rule: *Provided, however*, That if as a result of the transition from the present schedule to the proposed schedule the period for which a license is renewed is 6 months or less the licensee may within 30 days of the expiration date of such renewed license file, in lieu of renewal application (FCC Form 303), a written application under oath for the next renewal of license which shall consist of (1) a request that its license be renewed and (2) a statement that no substantial changes have been made in its operations or in its plans for future operations since its last renewal application; or if changes have been made or proposed a statement specifying such changes. Upon review of such statement the Commission may grant a renewal of license for the full period provided for in the rule; or if the Commission requires additional information it may require the filing of renewal application (FCC Form 303).

§ 3.219 *License, simultaneous modification and renewal.* When an application is granted by the Commission necessitating the issuance of a modified license less than 60 days prior to the expiration date of the license sought to be modified, and an application for renewal of said license is granted subsequent or prior thereto (but within 30 days of expiration of the present license) the modified license as well as the renewal license shall be issued to conform to the combined action of the Commission.

§ 3.220 *Renewal of license.* (a) Unless otherwise directed by the Commission, each application for renewal of an FM broadcast station license shall be filed at least 90 days prior to the expiration date of the license sought to be renewed (FCC Form 303). No application for renewal of license of an FM broadcast station will be considered unless there is on file with the Commission, the information currently required by §§ 1.341 to 1.344 of this chapter, reference to which by date and file number shall be included in the application.

(b) Whenever the Commission regards an application for a renewal of an FM broadcast station license as essential to the proper conduct of a hearing or investigation, and specifically directs that it be filed by a date certain, such application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.

§ 3.221 [Reserved.]

§ 3.222 *Repetitious applications.* (a) Where an applicant has been afforded an opportunity to be heard with respect to a particular application for a new FM broadcast station, or for change of existing service or facilities, and the Commission has, after hearing or default, denied the application or dismissed it with prejudice, the Commission will not consider another application for a station of the same class to serve in whole or in part the same area, by the same applicant or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of 12 months from the effective date of the Commission's order.

(b) Where an appeal has been taken from the action of the Commission in denying a particular application, another application for the same class of broadcast station and for the same area, in whole or in part, filed by the same applicant or by his successor or assignee, or on behalf or for the benefit of the original parties in interest, will not be considered until the final disposition of such appeal.

§ 3.223 *Assignment or transfer of control*—(a) *Voluntary.* Application for consent to voluntary assignment of an FM broadcast station construction permit or license or for consent to voluntary transfer of control of a corporation holding an FM broadcast station construction permit or license shall be filed with the Commission on FCC Form 314 (Assignment of Licensee), FCC Form 315 (Transfer of Control) or FCC Form 316 (Short Form) at least 60 days prior to the contemplated effective date of assignment or transfer of control.

(b) *Pro forma.* Assignment or transfer applications shall be filed on FCC Form 316 where:

(1) There is an assignment from an individual or individuals (including partnerships) to a corporation owned and controlled by such individuals or partnerships without any substantial change in their relative interests;

(2) There is an assignment from a corporation to its individual stockholders without effecting any substantial change in the disposition of their interests;

(3) There is an assignment or transfer by which certain partners or stockholders retire but no new ones are brought in, provided that the interest transferred is not a controlling one;

(4) There is a corporate reorganization which involves no substantial change in the beneficial ownership of the corporation;

(5) There is an involuntary transfer to an Executor, Administrator or other court appointed officer caused by death

[7] All data necessary to show compliance with the terms and conditions of the construction permit must be filed with the license application.

or legal disability except that this form does not cover assignments (or transfers) from the Executor, Administrator or other court appointed officers to the ultimate beneficiary;

(6) There is an assignment or transfer from a corporation to a wholly owned subsidiary thereof or vice versa, or where there is an assignment from a corporation to a corporation owned or controlled by the assignor stockholders without substantial change in their interests.

(7) There is an assignment of less than a controlling interest in a partnership.

(c) *Involuntary.* In the event of the death or legal disability of a permittee or licensee, or a member of a partnership, or a person directly or indirectly in control of a corporation, which is a permittee or licensee:

(1) The Commission shall be notified in writing promptly of the occurrence of such death or legal disability, and

(2) Within 30 days after the occurrence of such death or legal disability, application on FCC Form 316 shall be filed for consent to involuntary assignment of such FM broadcast station permit or license or for involuntary transfer of control of such corporation to a person or entity legally qualified to succeed to the foregoing interests under the laws of the place having jurisdiction over the estate involved.

RULES RELATING TO LICENSING POLICIES

§ 3.231 *Exclusive affiliation of station.* No license shall be granted to an FM broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization [8] under which the station is prevented or hindered from, or penalized for, broadcasting the programs of any other network organization.

§ 3.232 *Territorial exclusivity.* No license shall be granted to an FM broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which prevents or hinders another broadcast station serving substantially the same area from broadcasting the network's programs not taken by the former station, or which prevents or hinders another broadcast station serving a substantially different area from broadcasting any program of the network organization. This section shall not be construed to prohibit any contract, arrangement, or understanding between a station and a network organization pursuant to which the station is granted the first call in its primary service area upon the programs of the network organization.

§ 3.233 *Term of affiliation.* No license shall be granted to an FM broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which provides, by original terms, provisions for renewal, or otherwise for the affiliation of the station with the network organization for a period longer than 2 years: *Provided,* That a contract, arrangement, or understanding for a period up to 2 years, may be entered into within 6 months prior to the commencement of such period.

§ 3.234 *Option time.* No license shall be granted to an FM broadcast station which options [9] for network programs any time subject to call on less than 56 days' notice, or more time than a total of 3 hours [10] within each of four segments of the broadcast day, as herein described. The broadcast day is divided into four segments, as follows: 8 a. m. to 1 p. m.; 1 p. m. to 6 p. m.; 6 p. m. to 11 p. m.; 11 p. m. to 8 a. m.[11] Such options may not be exclusive as against other network organizations and may not prevent or hinder the station from optioning or selling any or all of the time covered by the option, or other time, to other network organizations.

§ 3.235 *Right to reject programs.* No license shall be granted to an FM broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which (a), with respect to programs offered pursuant to an affiliation contract, prevents or hinders the station from rejecting or refusing network programs which the station reasonably believes to be unsatisfactory or unsuitable; or which (b), with respect to network programs so offered or already contracted for, prevents the station from rejecting or refusing any program which, in its opinion, is contrary to the public interest, or from substituting a program of outstanding local or national importance.

§ 3.236 *Network ownership of stations.* No license shall be granted to a network organization, or to any person directly or indirectly controlled by or under common control [12] of a network organization, for an FM broadcast station in any locality where the existing FM broadcast stations are so few or of such unequal desirability (in terms of coverage, power, frequency, or other related matters) that competition would be substantially restrained by such licensing.

§ 3.237 *Dual network operation.* No license shall be issued to an FM broadcast station affiliated with a network organization which maintains more than one network of FM broadcast stations: *Provided,* That this section shall not be applicable if such networks are not operated simultaneously, or if there is no substantial overlap in the territory served by the group of stations comprising each such network.

§ 3.238 *Control by networks of station rates.* No license shall be granted to an FM broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization under which the station is prevented or hindered from, or penalized for, fixing or altering its rates for the sale of broadcast time for other than the network's programs.

§ 3.239 *Use of common antenna site.* No FM broadcast station license or renewal of FM broadcast station license will be granted to any person who owns, leases, or controls a particular site which is peculiarly suitable for FM broadcasting in a particular area and (a) which is not available for use by other FM broadcast station licensees; and (b) no other comparable site is available in the area; and (c) where the exclusive use of such site by the applicant or licensee would unduly limit the number of FM broadcast stations that can be authorized in a particular area or would unduly restrict competition among FM broadcast stations.

§ 3.240 *Multiple ownership.* (a) No person (including all persons under common control) [13] shall, directly or indirectly, own, operate, or control more than one FM broadcast station that would serve substantially the same service area as another FM broadcast station owned, operated, or controlled by such person.

(b) No person (including all persons under common control) shall, directly or indirectly, own, operate, or control more than one FM broadcast station, except upon a showing (1) that such ownership, operation, or control would foster competition among FM broadcast stations or provide an FM broadcasting service distinct and separate from existing services, and (2) that such ownership, operation, or control would not result in the concentration of control of FM broadcasting facilities in a manner inconsistent with public interest, convenience, or necessity: *Provided, however,* That the Commission will consider the ownership, operation, or control of more than six FM broadcast stations to constitute the concentration of control of FM broadcasting facilities in a manner inconsistent with public interest, convenience, or necessity.

§ 3.241 *Special rules relating to contracts providing for reservation of time*

[8] The term "network organization" as used herein includes national and regional network organizations. See ch. VII, J of Report on Chain Broadcasting.

[9] As used in this section, an option is any contract, arrangement, or understanding, express or implied, between a station and a network organization which prevents or hinders the station from scheduling programs before the network agrees to utilize the time during which such programs are scheduled, or which requires the station to clear time already scheduled when the network organization seeks to utilize the time.

[10] All time options permitted under this section must be specified clock hours, expressed in terms of any time system set forth in the contract agreed upon by the station and network organization. Shifts from daylight saving to standard time or vice versa may or may not shift the specified hours correspondingly as agreed by the station and network organization.

[11] These segments are to be determined for each station in terms of local time at the location of the station but may remain constant throughout the year regardless of shifts from standard to daylight saving time or vice versa.

[12] The word "control" as used herein is not limited to majority stock ownership, but includes actual working control in whatever manner exercised.

[13] The word "control" as used herein is not limited to majority stock ownership, but includes actual working control in whatever manner exercised.

upon sale of a station. (a) No license, renewal of license, assignment of license, or transfer of control of a corporate licensee shall be granted or authorized to a FM broadcast station which has a contract, arrangement or understanding, express or implied, pursuant to which, as consideration or partial consideration for the assignment of license or transfer of control, the assignor of a station license or the transferor of stock, where transfer of a corporate licensee is involved, or the nominee of such assignor or transferor retains any right of reversion of the license or any right to the reassignment of the license in the future, or reserves the right to use the facilities of the station for any period whatsoever.

(b) In the case of assignment of license or transfer of control of a corporate licensee approved by the Commission before the effective date of this section, February 15, 1949, involving a contract, arrangement or understanding of the type covered by paragraph (a) of this section and the existence and terms of which were fully disclosed to the Commission at the time of execution, the Commission will give consideration to the issuance of a license despite the existence of such contract, arrangement or understanding, if the parties thereto modify such contract within 6 months from the effective date of this section. Such modification will be considered on the facts of each case but no such modification will be approved unless the modified contract contains at least the following provisions:

(1) A maximum limitation of the time subject to reservation so that no more than 12 hours per week shall be subject to reservation, of which no more than 4 hours shall be on any given day.

(2) A clause providing that the licensee reserves the right to reject or refuse programs which he reasonably believes to be unsatisfactory or unsuitable or for which, in his opinion, a program of outstanding local or national importance should be substituted, but provision may be made for the substitution of other radio time for programs so rejected or for the payment at the station card rate for the time made unavailable.

(3) A prohibition against the resale or reassignment of any of the broadcast time reserved by such modified contract.

(4) An express negation of any right with respect to reversion or reassignment of license.

(5) An express provision setting forth a definite expiration date of the contract arrangement or understanding. Such expiration date shall not extend beyond February 15, 1964, and shall in no event extend beyond the expiration date originally provided for in any such contract, agreement or understanding, in the event that such expiration date is a date prior to February 15, 1964.

(6) An express provision giving to the licensee the right to terminate the contract, arrangement or understanding for substantial cause, including, but not limited to, the assignment of license or the transfer of control of a corporate licensee, consistent disagreement over programs between the parties, or the acquisition of a network affiliation by the licensee, upon the payment of a lump sum or periodic payments, and providing that the amount initially fixed shall thereafter decrease as the amount of time reserved is decreased by performance of the contract. Any such payment should not be so unduly large as to constitute in practice an effective deterrent to the licensee exercising the right. In determining whether the amount is unduly large, the Commission will consider the amount by which consideration in return for the transfer of the station was decreased by reason of the reservation of time or the present value of the radio time still reserved and unused as of the date of the exercise of the right of termination.

RULES RELATING TO EQUIPMENT

§ 3.251 *Transmitter power.* The standard power rating and operating power range of transmitters shall be in accordance with the Standards of Good Engineering Practice Concerning FM Broadcast Stations.

§ 3.252 *Frequency monitor.* (a) The licensee of each station shall have in operation, either at the transmitter or at the place where the transmitter is controlled, a frequency monitor of a type approved by the Commission which shall be independent of the frequency control of the transmitter.

(b) In the event that the frequency monitor becomes defective the station may be operated without the monitor pending its repair or replacement for a period not in excess of 60 days without further authority of the Commission: *Provided,* That:

(1) Appropriate entries shall be made in the operating log of the station showing the date and time the monitor was removed from and restored to service.

(2) The Engineer in Charge of the radio district in which the station is located shall be notified both immediately after the monitor is found to be defective and immediately after the repaired or replacement monitor has been installed and is functioning properly.

(3) The frequency of the station shall be compared with an external frequency source of known accuracy at sufficiently frequent intervals to insure that the frequency is maintained within the tolerance prescribed in § 3.269. An entry shall be made in the station log as to the method used and the results thereof.

(c) If conditions beyond the control of the licensee prevent the restoration of the monitor to service within the above allowed period, informal request in accordance with § 1.332 (d) of this chapter may be filed with the Engineer in Charge of the radio district in which the station is located for such additional time as may be required to complete repairs of the defective instrument.

§ 3.253 *Modulation monitor.* (a) The licensee of each station shall have in operation, either at the transmitter or at the place where the transmitter is controlled, a modulation monitor of the type approved by the Commission.

(b) In the event that the modulation monitor becomes defective the station may be operated without the monitor pending its repair or replacement for a period not in excess of 60 days without further authority of the Commission: *Provided,* That:

(1) Appropriate entries shall be made in the operating log of the station showing the date and time the monitor was removed from and restored to service.

(2) The Engineer in Charge of the radio district in which the station is located shall be notified both immediately after the monitor is found to be defective and immediately after the repaired or replacement monitor has been installed and is functioning properly.

(3) During the period when the station is operated without the modulation monitor the licensee shall provide other suitable means for insuring that the modulation is maintained within the tolerance prescribed in § 3.268.

(c) If conditions beyond the control of the licensee prevent the restoration of the monitor to service within, the above allowed period, informal request in accordance with § 1.332 (d) of this chapter may be filed with the Engineer in Charge of the radio district in which the station is located for such additional time as may be required to complete repairs of the defective instrument.

§ 3.254 *Required transmitter performance.* (a) The construction, installation, operation and performance of the FM broadcast transmitting system shall be in accordance with the Standards of Good Engineering Practice Concerning FM Broadcast Stations (Sections 8 and 13). The licensee of each FM broadcast station shall make the following equipment performance measurements at least at yearly intervals. (One such set of measurements shall be made during the four-month period preceding the date of filing application for renewal of station license.)

(1) Audio frequency response from 50 to 15,000 cycles for approximately 25, 50 and 100 percent modulation. Measurements shall be made on at least the following audio frequencies: 50, 100, 400, 1000, 5000, 10,000 and 15,000 cycles. The frequency response measurements should normally be made without deemphasis; however, standard 75 microsecond deemphasis may be employed in the measuring equipment or system provided the accuracy of the deemphasis circuit is sufficient to insure that the measured response is within the prescribed limits.

(2) Audio frequency harmonic distortion for 25, 50 and 100 percent modulation for the fundamental frequencies of 50, 100, 400, 1000, and 5000 cycles. Audio frequency harmonics for 100 percent modulation for fundamental frequencies of 10,000 and 15,000 cycles. Measurements shall normally include harmonics to 30,000 cycles. The distortion measurements shall be made employing 75 microsecond deemphasis in the measuring equipment or system.

(3) Output noise level (frequency modulation) in the band of 50 to 15,000 cycles in decibels below the audio frequency level representing a frequency swing of 75 kilocycles. The noise measurements shall be made employing 75 microsecond deemphasis in the measuring equipment or system.

(4) Output noise level (amplitude modulation) in the band of 50 to 15,000 cycles in decibels below the level representing 100 percent amplitude modulation. The noise measurements shall be made employing 75 microsecond deemphasis in the measuring equipment or system. All measurements shall be made with the equipment adjusted for normal program operation and shall include all circuits between the main studio microphone terminals and the antenna output, including telephone lines, preemphasis circuits and any equalizers employed except for microphones, and without compression if a compression amplifier is installed.

(b) The above data, diagrams and appropriate graphs together with a description of measurement procedures and instruments, signed by the engineer making the measurements, shall be kept on file at the transmitter and shall be made available upon request to any duly authorized representative of the Federal Communications Commission.

§ 3.255 *Auxiliary transmitter.* Upon showing that a need exists for the use of an auxiliary transmitter in addition to the regular transmitter of an FM broadcast station, a license therefor may be issued: *Provided,* That:

(a) An auxiliary transmitter may be installed either at the same location as the main transmitter or at another location.

(b) A licensed operator shall be in control whenever an auxiliary transmitter is placed in operation.

(c) The auxiliary transmitter shall be maintained so that it may be put into immediate operation at any time for the following purposes:

(1) The transmission of the regular programs upon the failure of the main transmitter.

(2) The transmission of regular programs during maintenance or modification[14] work on the main transmitter, necessitating discontinuance of its operation for a period not to exceed 5 days.

(3) Upon request by a duly authorized representative of the Commission.

(d) The auxiliary transmitter shall be tested at least once each week to determine that it is in proper operating condition and that it is adjusted to the proper frequency, except that in case of operation in accordance with paragraph (c) of this section during any week, the test in that week may be omitted provided the operation under paragraph (c) is satisfactory. A record shall be kept of the time and result of each test operating under paragraph (c). Tests shall be conducted only between midnight and 6 a. m., local standard time.

(e) The auxiliary transmitter shall be equipped with satisfactory control equipment which will enable the maintenance of the frequency emitted by the station within the limits prescribed by the regulations in this part.

(f) The operating power of an auxiliary transmitter may be less than the authorized power of the main transmitter, but in no event shall it be greater than such power.

§ 3.256 *Alternate main transmitters.* The licensee of an FM broadcast station may be licensed for alternate main transmitters provided that a technical need[15] for such alternate transmitters is shown and that the following conditions are met:

(a) Both transmitters are located at the same place.

(b) Both transmitters shall have the same power rating.

(c) Both transmitters shall meet the construction, installation, operation, and performance requirements of the Standards of Good Engineering Practice Concerning FM Broadcast Stations.

§ 3.257 *Changes in equipment and antenna system.* Licensees of FM broadcast stations shall observe the following provisions with regard to changes in equipment and antenna system:

(a) No changes in equipment shall be made:

(1) That would result in the emission of signals outside of the authorized channel.

(2) That would result in the external performance of the transmitter being in disagreement with that prescribed in the Standards of Good Engineering Practice Concerning FM Broadcast Stations.

(b) Specific authority, upon filing formal application (FCC Form 301) therefor, is required for a change in service area or for any of the following changes:

(1) Changes involving an increase or decrease in the power rating of the transmitter.

(2) A replacement of the transmitter as a whole.

(3) Change in the location of the transmitting antenna.

(4) Change in antenna system, including transmission line.

(5) Change in location of main studio, if it is proposed to move the main studio to a different city from that specified in the license.

(6) Change in the power delivered to the antenna.

(7) Change in frequency control and/or modulation system.

(8) Change in the authorized transmitter remote control point(s).

(c) Other changes, except as above provided for in this section or in Standards of Good Engineering Practice Concerning FM Broadcast Stations prescribed by the Commission may be made at any time without the authority of the Commission: *Provided,* That the Commission shall be promptly notified thereof and such changes shall be shown in the next application for renewal of license.

§ 3.258 *Indicating instruments.* (a) Each FM broadcast station shall be equipped with indicating instruments, which conform with the specifications set forth in the Standards of Good Engineering Practice Concerning FM Broadcast Stations, for measuring the direct plate voltage and current of the last radio stage and the transmission line radio frequency current, voltage or power. (See "Indicating instruments pursuant to § 3.258" in the Standards of Good Engineering Practice Concerning FM Broadcasting Stations.)

(b) In the event that any one of these indicating instruments becomes defective when no substitute which conforms with the required specifications is available, the station may be operated without the defective instrument pending its repair or replacement for a period not in excess of 60 days: *Provided,* That:

(1) Appropriate entries shall be made in the operating log of the station showing the date and time the meter was removed from and restored to service.

(2) The Engineer in Charge of the radio district in which the station is located shall be notified immediately after the instrument is found to be defective and immediately after the repaired or replaced instrument has been installed and functioning properly.

(3) If the defective instrument is a plate voltmeter or plate ammeter in the last radio stage, the operating power shall be maintained by means of the radio frequency transmission line meter.

(c) If conditions beyond the control of the licensee prevent the restoration of the meter to service within the above allowed period, informal request may be filed in accordance with § 1.332 (d) of this chapter with the Engineer in Charge of the radio district in which the station is located for such additional time as may be required to complete repairs of the defective instrument.

RULES RELATING TO TECHNICAL OPERATION

§ 3.261 *Time of operation.* All FM broadcast stations will be licensed for unlimited time operation. Until further notice a minimum of 6 hours per day of operation will be required, which shall consist of 3 hours during the period 6 a. m. to 6 p. m., local standard time, and 3 hours during the period 6 p. m. to midnight, local standard time. In an emergency, however, when due to causes beyond the control of a licensee, it becomes impossible to continue operation, the station may cease operation for a period not to exceed 10 days, provided that the Commission and the Engineer in Charge of the radio district in which the station is located shall be notified in writing immediately after the emergency develops.

§ 3.262 *Experimental operation.* The period between 1:00 a. m., and 6:00 a. m., local standard time, may be used for experimental purposes in testing and maintaining apparatus by the licensee of any FM broadcast station on its assigned frequency and not in excess of its authorized power, without specific authorization by the Commission.

§ 3.263 *Station inspection.* The licensee of any FM broadcast station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

[14] This includes the equipment changes which may be made without authority as set forth elsewhere in the rules and regulations and the Standards of Good Engineering Practice or as authorized by the Commission by letter or by construction permit. Where such operation is required for periods in excess of 5 days, request therefor shall be in accordance with § 1.324 of this chapter.

[15] Such as licensees maintaining 24-hour schedule and needing alternate operation for maintenance, or where developmental work requires alternate operation.

§ 3.264 *Station and operator licenses; posting of.* The station license and any other instrument of station authorization and the original license (or FCC Form 759) of each station operator shall be posted in a conspicuous place in the transmitter control room in such manner that all terms thereof are visible.

§ 3.265 *Operator requirements.* (a) One or more radio operators holding a valid radiotelephone first-class operator license, except as provided in this section, shall be in actual charge of the transmitting apparatus and shall be on duty either at the transmitter location or remote control point.

(b) A station which is authorized with transmitter power output of 10 kilowatts or less may be operated by persons holding commercial radio operator license of any class, except an aircraft radiotelephone operator authorization or a temporary limited radiotelegraph second-class operator license, when the equipment is so designed that the stability of the frequency is maintained by the transmitter itself within the limits of tolerance specified, and none of the operations, except those specified in subparagraphs (1), (2) and (3) of this paragraph, necessary to be performed during the course of normal operation may cause off-frequency operation or result in any unauthorized radiation. Adjustments of transmitting equipment by such operators, except when under the immediate supervision of a radiotelephone first-class operator shall be limited to the following:

(1) Those necessary to commence or terminate transmitter emissions as a routine matter.

(2) Those external adjustments that may be required as a result of variations of primary power supply.

(3) Those external adjustments which may be necessary to insure modulation within the limits required.

Should the transmitting apparatus be observed to be operating in a manner inconsistent with the station's instrument of authorization and none of the above adjustments are effective in bringing it into proper operation, a person holding other than a radiotelephone first-class operator license and not acting under the immediate supervision of a radiotelephone first-class operator, shall be required to terminate the station's emissions.

(c) The licensee of a station which is operated by one or more operators holding other than a radiotelephone first-class operator license shall have one or more operators holding a radiotelephone first-class operator license in regular full-time employment at the station whose primary duties shall be to effect and insure the proper functioning of the transmitting equipment. In the event that the licensee also operates a standard broadcast station in the same community, a regular full-time radiotelephone first-class operator or operators employed in connection with the FM broadcast station may concurrently be employed to satisfy the requirements of § 3.165 (c): *Provided,* That the duties of such operator or operators concerning the standard broadcast transmitting equipment shall in nowise interfere with the proper performance of his duties with respect to the FM broadcast transmitter.

(d) The licensed operator on duty and in charge of an FM broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for the operation of another radio station or stations in accordance with the class of operator's license which he holds and the rules and regulations governing such other stations: *Provided, however,* That such duties shall in nowise interfere with the proper operation of the FM broadcast transmitter.

§ 3.266 *Facsimile broadcasting and multiplex transmission.* (a) FM broadcast stations may transmit simplex facsimile in accordance with transmission standards set forth in the Standards of Good Engineering Practice Concerning FM Broadcast Stations during periods not devoted to FM aural broadcasting. Such transmissions may not exceed one hour during the period between 7 a. m. and midnight (no limit for the hours between midnight and 7 a. m.) and may not be counted toward the minimum operation required by § 3.261. The Commission shall be notified by the licensee of the FM broadcast station of its intent to transmit such facsimile.

(b) FM broadcast stations may, upon securing authorization from the Commission, transmit multiplex facsimile in accordance with transmission standards set forth in the Standards of Good Engineering Practice Concerning FM Broadcast Stations; *Provided,* That the transmission of such facsimile does not reduce the quality of aural programs simultaneously transmitted by the licensee below that required by the Standards of Good Engineering Practice Concerning FM Broadcast Stations and that no degradation of such aural programs will result from such facsimile transmissions when received on FM receivers not equipped with filter or other additional equipment.

§ 3.267 *Operating power; determination and maintenance of.* (a) The operating power of each station shall be determined by the indirect method. This is the product of the plate voltage (E_p) and the plate current (I_p) of the last radio stage, and an efficiency factor, F; that is:

$$\text{Operating power} = E_p \times I_p \times F$$

The efficiency factor, F, shall be established by the transmitter manufacturer for each type of transmitter for which Commission approval is requested, and shall be specified in the instruction books supplied to the customer with each transmitter. In the case of composite equipment the factor, F, shall be furnished to the Commission along with a statement of the basis used in determining such factor.

(b) The operating power of each station shall be maintained as near as practicable to the authorized operating power, and shall not exceed the limits of 5 percent above and 10 percent below the authorized power, except that in an emergency when it becomes impossible to operate with the authorized power, the station may be operated with reduced power for a period not to exceed 10 days, provided the Commission and the Engineer in Charge of the radio district in which the station is located shall be notified immediately after the emergency develops, and also upon the resumption of normal operating power.

§ 3.268 *Modulation.* The percentage of modulation of FM broadcast stations shall be maintained as high as possible consistent with good quality of transmission and good broadcast practice and in no case less than 85 percent nor more than 100 percent on peaks of frequent recurrence during any selection which normally is transmitted at the highest level of the program under consideration.

§ 3.269 *Frequency tolerance.* The center frequency of each FM broadcast station shall be maintained within 2000 cycles of the assigned center frequency.

§ 3.270 *Antenna structure, marking and lighting.* Where an antenna structure(s) is required to be painted or lighted see § 17.29, *Inspection of tower lights and associated control equipment;* § 17.39, *Cleaning and repainting;* § 17.40 *Time when lights shall be exhibited;* § 17.41 *Spare lamps;* and § 17.42, *Lighting equipment;* of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures).

§ 3.271 *Discontinuance of operation.* The licensee of each station shall notify the Commission in Washington, D. C., and the Engineer in Charge of the radio district where such station is located of permanent discontinuance of operation at least two days before operation is discontinued. The licensee shall, in addition, immediately forward the station license and other instruments of authorization to the Washington, D. C., office of the Commission for cancellation.

§ 3.272 *Field intensity measurements.* The Commission may require field intensity measurements in connection with applications and in other cases where such measurements are found to be necessary. For example, any application which asserts that interference predicted under the Standards of Good Engineering Practice would not be realized may require supplementary data including appropriate field intensity measurements. Furthermore, in order that FM broadcast station coverage data may be accumulated it is desirable that existing FM broadcast stations make such measurements where feasible and file the data with the Commission.

§ 3.273 *Emergency antenna.* In the event it becomes impossible to operate with the regularly authorized antenna, the station may, without further authority, be operated with an emergency antenna for a period of 10 days or less pending necessary repairs: *Provided,* That the Commission and the Engineer in Charge of the radio district in which the station is located shall be notified in writing immediately upon the beginning of such operation and upon the resumption of normal operation.

§ 3.274 *Remote control operation.* A station which is authorized with transmitter power output of 10 kilowatts or less may, upon prior authorization from the Commission, be operated by remote control at the point(s) which shall be specified in the station license. An application for authorization to operate by remote control may be made as a part of an application for construction permit or license or modification thereof by specifying the proposed remote control point(s). Operation by remote control shall be subject to the following conditions:

(a) The equipment at the operating and transmitting positions 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) The control circuits from the operating position to the transmitter shall provide positive on and off control and shall be such that open circuits, short circuits, grounds or other line faults will not actuate the transmitter and any fault causing loss of such control will automatically place the transmitter in an inoperative condition.

(c) Control and monitoring equipment shall be installed so as to allow the licensed operator either at the remote control point or at the transmitter to perform all of the functions in a manner required by the Commission's rules and Standards.

OTHER RULES RELATING TO OPERATION

§ 3.281 *Logs.* The licensee or permittee of each FM broadcast station shall maintain separate program and operating logs for such station: *Provided, however,* If the same licensee or permittee operates an FM broadcast station and a standard broadcast station and simultaneously broadcasts the same programs over the facilities of both such stations, one program log may be maintained for both stations for such periods as both stations simultaneuosly broadcast the same programs. Such licensee or permittee shall require entries to be made as follows:

(a) In the program log:

(1) An entry of the time each station identification announcement (call letters and location) is made.

(2) An entry briefly describing each program broadcast, such as "music," "drama," "speech," etc., together with the name or title thereof and the sponsor's name, with the time of the beginning and ending of the complete program. If a mechanical record is used, the entry shall show the exact nature thereof, such as "record," "transcription," etc., and the time it is announced as a mechanical reproduction. If a speech is made by a political candidate, the name and political affiliations of such speaker shall be entered.

(3) An entry showing that each sponsored program broadcast has been announced as sponsored, paid for, or furnished by the sponsor.

(4) An entry showing, for each program of network origin, the name of the network originating the program.

(b) In the operating log:

(1) An entry of the time the station begins to supply power to the antenna, and the time is stops.

(2) An entry of the time the program begins and ends.

(3) An entry of each interruption to the carrier wave, its cause, and duration.

(4) An entry of the following each 30 minutes:

(i) Operating constants of last radio stage (total plate current and plate voltage).

(ii) RF transmission line meter reading.

(iii) Frequency monitor reading.

(5) Log of experimental operation during experimental period (if regular operation is maintained during this period, the above logs shall be kept).

(i) A log must be kept of all operation during the experimental period. If the entries required above are not applicable thereto, then the entries shall be made so as to fully describe the operation.

(c) Where an antenna structure(s) is required to be illuminated see § 17.38, *Recording of tower light inspections in the station record,* of Part 17 of this chapter, (Construction, Marking and Lighting of Antenna Structures).

§ 3.282 *Logs; retention of.* Logs of FM broadcast stations shall be retained by the licensee or permittee for a period of two years: *Provided, however,* That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the licensee or permittee has been notified, shall be retained by the licensee or permittee until he is specifically authorized in writing by the Commission to destroy them: *Provided, further,* That logs incident to or involved in any claim or complaint of which the licensee or permittee has notice shall be retained by the licensee or permittee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

§ 3.283 *Logs; by whom kept.* Each log shall be kept by the person or persons competent to do so, having actual knowledge of the facts required, who shall sign the log when starting duty and again when going off duty. The logs shall be made available upon request by an authorized representative of the Commission.

§ 3.284 *Log form.* The log shall be kept in an orderly manner, in suitable form, and in such detail that the data required for the particular class of station concerned are readily available. Key letters or abbreviations may be used if proper meaning or explanation is contained elsewhere in the log.

§ 3.285 *Correction of logs.* No log or portion thereof shall be erased, obliterated, or willfully destroyed within the period of retention provided by the rules. Any necessary correction may be made only by the person originating the entry who shall strike out the erroneous portion, initial the correction made, and indicate the date of correction.

§ 3.286 *Rough logs.* Rough logs may be transcribed into condensed form, but in such case the original log or memoranda and all portions thereof shall be preserved and made a part of the complete log.

§ 3.287 *Station identification.* (a) A licensee of an FM broadcast station shall make separate station identification announcement (call letters and location) for such station: *Provided, however,* That, if the same licensee operates an FM broadcast station and a standard broadcast station and simultaneously broadcasts the same programs over the facilities of both such stations, station identification announcements may be made jointly for both stations for periods of such simultaneous operation. If the call letters of the FM station do not clearly reveal that it is an FM station, the joint announcement shall state that one of the stations is an FM station. Station identification announcement shall be made at the beginning and ending of each time of operation and during operation (1) on the hour and (2) either on the half hour or at the quarter hour following the hour and at the quarter hour preceding the next hour: *Provided,*

(b) Such identification announcement need not be made on the hour when to make such announcement would interrupt a single consecutive speech, play, religious service, symphony concert, or operatic production of longer duration than 30 minutes. In such cases the identification announcement shall be made at the beginning of the program, at the first interruption of the entertainment continuity, and at the conclusion of the program.

(c) Such identification announcement need not be made on the half hour or quarter hours when to make such announcement would interrupt a single consecutive speech, play, religious service, symphony concert, or operatic production. In such cases an identification announcement shall be made at the first interruption of the entertainment continuity and at the conclusion of the program: *Provided,* That an announcement within 5 minutes of the times specified in paragraph (a) (2) of this section will satisfy the requirements of identification announcements.

(d) In the case of variety show programs, baseball game programs or similar programs of longer duration than 30 minutes, the identification announcement shall be made within 5 minutes of the hour and of the times specified in paragraph (a) (2) of this section.

(e) In the case of all other programs, the identification announcement shall be made within 2 minutes of the hour and of the times specified in paragraph (a) (2) of this section.

(f) In making the identification announcement the call letters shall be given only on the channel of the station identified thereby except as otherwise provided herein.

§ 3.288 *Mechanical records.* Each program broadcast which consists in whole or in part of one or more mechanical reproductions shall be announced in

the manner and to the extent set out below.

(a) Each such program of longer duration than 30 minutes, consisting in whole or in part of one or more mechanical reproductions, shall be identified by appropriate announcement at the beginning of the program, at each 30-minute interval and at the conclusion of the program: *Provided, however,* That the identifying announcement at each 30-minute interval is not required in case of a mechanical reproduction consisting of a continuous uninterrupted speech, play, religious service, symphony concert, or operatic production of longer than 30 minutes.

(b) Each such program of a longer duration than 5 minutes and not in excess of 30 minutes, consisting in whole or in part of one or more mechanical reproductions, shall be identified by an appropriate announcement at the beginning and end of the program.

(c) Each such program of duration of 5 minutes or less, consisting in whole or in part of mechanical reproductions, shall be identified by appropriate announcement immediately preceding the use thereof: *Provided, however,* That each such program of one minute or less need not be announced as such.

(d) In case a mechanical reproduction is used for background music, sound effects, station identification, program identification (theme music of short duration) or identification of the sponsorship of the program proper, no announcement of the mechanical reproduction is required.

(e) The exact form of identifying announcement is not prescribed, but the language shall be clear and in terms commonly used and understood. A licensee shall not attempt affirmatively to create the impression that any program being broadcast by mechanical reproduction consists of live talent.

§ 3.289 *Sponsored programs; announcement of.* (a) In the case of each program for the broadcasting of which money, services, or other valuable consideration is either directly or indirectly paid or promised to, or charged or received by, any radio broadcast station, the station broadcasting such program shall make, or cause to be made, an appropriate announcement that the program is sponsored, paid for, or furnished, either in whole or in part.

(b) In the case of any political program or any program involving the discussion of public controversial issues for which any records, transcriptions, talent, scripts, or other material or services of any kind are furnished, either directly or indirectly, to a station as an inducement to the broadcasting of such program, an announcement shall be made both at the beginning and conclusion of such program on which such material or services are used that such records, transcriptions, talent, scripts, or other material or services have been furnished to such station in connection with the broadcasting of such program: *Provided, however,* That only one such announcement need be made in the case of any such program of 5 minutes' duration or less, which announcement may be made either at the beginning or conclusion of the program.

(c) The announcement required by this section shall fully and fairly disclose the true identity of the person or persons by whom or in whose behalf such payment is made or promised, or from whom or in whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in paragraph (b) hereof are furnished. Where an agent or other person contracts or otherwise makes arrangements with a station on behalf of another, and such fact is known to the station, the announcement shall disclose the identity of the person or persons in whose behalf such agent is acting instead of the name of such agent.

(d) In the case of any program, other than a program advertising commercial products or services, which is sponsored, paid for, or furnished, either in whole or in part, or for which material or services referred to in paragraph (b) of this section are furnished, by a corporation, committee, association or other unincorporated group, the announcement required by this section, shall disclose the name of such corporation, committee, association or other unincorporated group. In each such case the station shall require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association or other unincorporated group shall be made available for public inspection at one of the radio stations carrying the program.

(e) In the case of programs advertising commercial products or services, an announcement stating the sponsor's corporate or trade name or the name of the sponsor's product, shall be deemed sufficient for the purposes of this section and only one such announcement need be made at any time during the course of the program.

§ 3.290 *Broadcasts by candidates for public office*—(a) *Definitions.* A "legally qualified candidate" means any person who has publicly announced that he is a candidate for nomination by a convention of a political party or for nomination or election in a primary, special, or general election, municipal, county, state or national, and who meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate, so that he may be voted for by the electorate directly or by means of delegates or electors, and who—

(1) Has qualified for a place on the ballot or

(2) Is eligible under the applicable law to be voted for by sticker, by writing in his name on the ballot, or other method, and (i) has been duly nominated by a political party which is commonly known and regarded as such, or (ii) makes a substantial showing that he is a bona fide candidate for nomination or office, as the case may be.

(b) *General requirements.* No station licensee is required to permit the use of its facilities by any legally qualified candidate for public office, but if any licensee shall permit any such candidate to use its facilities, it shall afford equal opportunities to all other such candidates for that office to use such facilities: *Provided,* That such licensee shall have no power of censorship over the material broadcast by any such candidate.

(c) *Rates and practices.* The rates, if any, charged all such candidates for the same office shall be uniform and shall not be rebated by any means, directly or indirectly; no licensee shall make any discrimination in charges, practices, regulations, facilities, or services for or in connection with the service rendered pursuant to the regulations in this part, or make or give any preference to any candidate for public office or subject any such candidate to any prejudice or disadvantage; nor shall any licensee make any contract or other agreement which shall have the effect of permitting any legally qualified candidate for any public office to broadcast to the exclusion of other legally qualified candidates for the same public office.

(d) *Inspection of records.* Every licensee shall keep and permit public inspection of a complete record of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the licensee of such requests, and the charges made, if any, if request is granted.

§ 3.291 *Rebroadcast.* (a) The term "rebroadcast" means reception by radio of the program [16] of a radio station, and the simultaneous or subsequent retransmission of such program by a broadcast station.[17]

(b) The licensee of an FM broadcast station may, without further authority of the Commission, rebroadcast the program of a United States standard, FM or noncommercial educational broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the licensee certifies that express authority has been received from the licensee of the station originating the program.[18]

(c) (1) The licensee of an FM broadcast station located within a State or the District of Columbia may, without further authority of the Commission, rebroadcast on a noncommercial basis a noncommercial program of a United States international broadcast station.

(2) The licensee of an FM broadcast station located in any territory or insular possession of the United States may, without further authority of the Commission, rebroadcast any program of a

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[16] As used in this section, program includes any complete program or part thereof.

[17] In case a program is transmitted from its point of origin to a broadcast station entirely by telephone facilities in which a section of such transmission is by radio, the broadcasting of this program is not considered a rebroadcast.

[18] The notice and certification of consent shall be given within 3 days of any single rebroadcast, but in case of the regular practice of rebroadcasting certain programs of a standard or FM broadcast station several times during a license period, notice and certification of consent shall be given for the ensuing license period with the application for renewal of license, or at the beginning of such rebroadcast practice if begun during a license period.

United States international broadcast station.

(3) In the case of any rebroadcast under the provisions of this paragraph, the Commission shall be notified of the call letters of each station whose program is rebroadcast and the licensee shall certify that express authority has been received from the licensee of the station originating the program.

(d) No licensee of an FM broadcast station shall rebroadcast the program of any United States radio station not designated in paragraph (b) or (c) of this section without written authority having first been obtained from the Commission upon application (informal) accompanied by written consent or certification of consent of the licensee of the station originating the program.[19]

§ 3.292 *Lotteries and give-away programs.*[20] (a) An application for construction permit, license, renewal of license, or any other authorization for the operation of a broadcast station, will not be granted where the applicant proposes to follow or continue to follow a policy or practice of broadcasting or permitting "the broadcasting of any advertisement of or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes." (See 18 U. S. C. sec. 1304.)

(b) The determination whether a particular program comes within the provisions of paragraph (a) of this section depends on the facts of each case. However, the Commission will in any event consider that a program comes within the provisions of paragraph (a) of this section if in connection with such program a prize consisting of money or thing of value is awarded to any person whose selection is dependent in whole or in part upon lot or chance, if as a condition of winning or competing for such prize:

(1) Such winner or winners are required to furnish any money or thing of value or are required to have in their possession any product sold, manufactured, furnished or distributed by a sponsor of a program broadcast on the station in question; or

(2) Such winner or winners are required to be listening to or viewing the program in question on a radio or television receiver; or

(3) Such winner or winners are required to answer correctly a question, the answer to which is given on a program broadcast over the station in question or where aid to answering the question correctly is given on a program broadcast over the station in question. For the purposes of this provision the broadcasting of the question to be answered over the radio station on a previous program will be considered as an aid in answering the question correctly; or

(4) Such winner or winners are required to answer the phone in a prescribed manner or with a prescribed phrase, or are required to write a letter in a prescribed manner or containing a prescribed phrase, if the prescribed manner of answering the phone or writing the letter or the prescribed phrase to be used over the phone or in the letter (or an aid in ascertaining the prescribed phrase or the prescribed manner of answering the phone or writing the letter) is, or has been, broadcast over the station in question.

APPENDIX TO SUBPART B—STANDARDS OF GOOD ENGINEERING PRACTICE CONCERNING FM BROADCAST STATIONS

Introduction. There are presented herein the Commission's engineering standards relating to the allocation and operation of FM broadcast stations. These standards also apply to noncommercial educational FM broadcast stations, except as noted herein. The Commission's rules and regulations contain references to these standards, which have been approved by the Commission and thus are considered as reflecting its opinion in all matters involved.

The standards set forth herein are those deemed necessary for the construction and operation of FM broadcast stations to meet the requirements of technical regulations and for operation in the public interest along technical lines not otherwise enunciated. These standards are based upon the best engineering data available, including evidence at hearings, conferences with radio engineers, and data supplied by manufacturers of radio equipment and by licensees of FM broadcast stations. These standards are complete in themselves and supersede previous engineering standards or policies of the Commission concerning FM broadcast stations. While these standards provide for flexibility and indicate the conditions under which they are applicable, it is not expected that material deviation from the fundamental principles will be recognized unless full information is submitted as to the need and reasons therefor.

These standards will necessarily be revised from time to time as progress is made in the art. The Commission will accumulate and analyze engineering data available as to the progress of the art so that these standards may be kept current with technical developments.

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STANDARDS OF GOOD ENGINEERING PRACTICE CONCERNING FM BROADCAST STATIONS

SECTION 1. DEFINITIONS

A. *FM broadcast station.* The term "FM broadcast station" means a station employing frequency modulation in the FM broadcast band and licensed primarily for the transmission of radiotelephone emissions intended to be received by the general public.

B. *Frequency modulation.* The term "frequency modulation" means a system of modulation where the instantaneous radio frequency varies in proportion to the instantaneous amplitude of the modulating signal (amplitude of modulating signal to be measured after pre-emphasis, if used) and the instantaneous radio frequency is independent of the frequency of the modulating signal.

C. *FM broadcast band.* The term "FM broadcast band" means the band of frequencies extending from 88 to 108 megacycles, which includes those assigned to noncommercial educational broadcasting.

D. *Center frequency.* The term "center frequency" means:

(1) The average frequency of the emitted wave when modulated by a sinusoidal signal.

(2) The frequency of the emitted wave without modulation.

E. *Frequency swing.* The term "frequency swing" means the instantaneous departure of the frequency of the emitted wave from the center frequency resulting from modulation.

F. *FM broadcast channel.* The term "FM broadcast channel" means a band of frequencies 200 kilocycles wide and is designated by its center frequency. Channels for FM broadcast stations begin at 88.1 megacycles and continue in successive steps of 200 kilocycles to and including 107.9 megacycles.

G. *Antenna field gain.* The term "antenna field gain" of an FM broadcast antenna means the ratio of the effective free space field intensity produced at one mile in the horizontal plane expressed in millivolts per meter for 1 kilowatt antenna input power to 137.6 mv/m.

[19] The broadcasting of a program relayed by a remote pickup broadcast station or an ST broadcast station is not considered a rebroadcast.

By Order No. 82, dated and effective June 24, 1941, until further order of the Commission, § 3.291 (d) is suspended only insofar as it requires prior written authority of the Commission for the rebroadcasting of programs originated for that express purpose by United States Government radio stations.

[20] NOTE: Order of Sept. 21, 1949, 14 F. R. 5999, Oct. 1, 1949, provides that the effective date of § 3.292 be postponed until a date to be fixed by further order, which shall be at least thirty days after a final decision by the Supreme Court of the United States, or thirty days after the time within which an appeal to the Supreme Court may be taken has expired without such an appeal being taken, in pending litigation with respect to this section.

H. *Free space field intensity.* The term "free space field intensity" means the field intensity that would exist at a point in the absence of waves reflected from the earth or other reflecting objects.

I. *Multiplex transmission.* The term "multiplex transmission" means the simultaneous transmission of two or more signals within a single channel. Multiplex transmission as applied to FM broadcast stations means the transmission of facsimile or other signals in addition to the regular broadcast signals.

J. *Percentage modulation.* The term "percentage modulation" as applied to frequency modulation means the ratio of the actual frequency swing to the frequency swing defined as 100 percent modulation, expressed in percentage. For FM broadcast stations a frequency swing of ±75 kilocycles is defined as 100 percent modulation.

K. *Effective radiated power.* The term "effective radiated power" means the product of the antenna power (transmitter output power less transmission line loss) times (1) the antenna power gain, or (2) the antenna field gain squared. Where circular or elliptical polarization is employed the term effective radiated power is applied separately to the horizontal and vertical components of radiation. For allocation purposes, the effective radiated power authorized is the horizontally polarized component of radiation only.

L. *Service area.* The term "service area" as applied to FM broadcasting means the service resulting from an assigned effective radiated power and antenna height above average terrain.

M. *Antenna height above average terrain.* (1) The term "antenna height above average terrain" means the height of the radiation center of the antenna above the terrain 2 to 10 miles from the antenna. (In general a different antenna height will be determined for each direction from the antenna. The average of these various heights is considered as the antenna height above average terrain.)

(2) Where circular or elliptical polarization is employed the antenna height above average terrain shall be based upon the height of the radiation center of the antenna which transmits the horizontal component of radiation.

N. *Field intensity.* The term "field intensity" as used in these standards shall mean the electric field intensity in the horizontal direction.

O. *Index of cooperation.* The index of cooperation as applied to facsimile broadcasting is the product of the number of lines per inch, the available line length in inches, and the reciprocal of the line-use ratio (e. g., $105 \times 8.2 \times 8/7 = 984$).

P. *Line-use ratio.* The term "line-use ratio" as applied to facsimile broadcasting is the ratio of the available line to the total length of scanning line.

Q. *Available line.* The term "available line" means the portion of the total length of scanning line that can be used specifically for picture signals.

R. *Rectilinear scanning.* The term "rectilinear scanning" means the process of scanning an area in a predetermined sequence of narrow straight parallel strips.

S. *Optical density.* The term "optical density" means the logarithm (to the base 10) of the ratio of incident to transmitted or reflected light.

SECTION 2. ENGINEERING STANDARDS OF ALLOCATION

A. Sections 3.202 to 3.206 inclusive of the Rules and Regulations describe the basis for allocation of FM broadcast stations, including the division of the United States into Areas I and II.

B. FM broadcast stations shall determine the extent of their 1 mv/m and 50 uv/m contours in accordance with the methods prescribed in these Standards.

C. Although some service is provided by tropospheric waves, the service area is considered to be only that served by the ground wave. The extent of service is determined by the point at which the ground wave is no longer of sufficient intensity to provide satisfactory broadcast service. The field intensity considered necessary for service is as follows:

TABLE I

Area:	*Median field intensity*
City business or factory areas	1 mv/m
Rural areas	50 uv/m

A median field intensity of 3 to 5 mv/m should be placed over the principal city to be served and for class B stations, a median field intensity of 1 mv/m should be placed over the business district of cities of 10,000 or greater within the metropolitan district served. A field intensity of 5 mv/m should be provided over the main studio of a class B station except as otherwise provided in § 3.205 of the Rules. These figures are based upon the usual noise levels encountered in the several areas and upon the absence of interference from other FM stations.

D. A basis for allocation of satellite stations has not yet been determined. For the present, applications will be considered on their individual merits.

E. The service area is predicted as follows: Profile graphs must be drawn for at least eight radials from the proposed antenna site. These profiles should be prepared for each radial beginning at the antenna site and extending to 10 miles therefrom. Normally the radials are drawn for each 45° of azimuth; however, where feasible the radials should be drawn for angles along which roads tend to follow. (The latter method may be helpful in obtaining topographical data where otherwise unavailable, and is particularly useful in connection with mobile field intensity measurements of the station and the correlation of such measurements with predicted field intensities.) In each case one or more radials must include the principal city or cities to be served, particularly in cases of rugged terrain, even though the city may be more than 10 miles from the antenna site. The profile graph for each radial should be plotted by contour intervals of from 40 to 100 feet and, where the data permits, at least 50 points of elevation (generally uniformly spaced) should be used for each radial. In instances of very rugged terrain where the use of contour intervals of 100 feet would result in several points in a short distance, 200- or 400-foot contour intervals may be used for such distances. On the other hand, where the terrain is uniform or gently sloping the smallest contour interval indicated on the topographic map (see below) should be used, although only a relatively few points may be available. The profile graph should accurately indicate the topography for each radial, and the graphs should be plotted with the distance in miles as the abscissa and the elevation in feet above mean sea level as the ordinate. The profile graphs should indicate the source of the topographical data employed. The graph should also show the elevation of the center of the radiating system. The graph may be plotted either on rectangular coordinate paper or on special paper which shows the curvature of the earth. It is not necessary to take the curvature of the earth into consideration in this procedure, as this factor is taken care of in the chart showing signal intensities (Fig. 1).

F. The average elevation of the 8-mile distance between 2 and 10 miles from the antenna site should then be determined from the profile graph for each radial. This may be obtained by averaging a large number of equally spaced points, by using a planimeter, or by obtaining the median elevation (that exceeded for 50 percent of the distance) in sectors and averaging these values.

G. To determine the distance to a particular contour, Figure 1 concerning the range of FM broadcast stations should be used. This chart has been prepared for a frequency in the center of the band and is to be used for all FM broadcast channels, since little change results over this frequency range. The distance to a contour is determined by the effective radiated power and the antenna height. The height of the antenna used in connection with Figure 1 should be the height of the center of the proposed antenna radiator above the average elevation obtained by the preceding method. The distances shown by Figure 1 are based upon an effective radiated power of 1 kilowatt; to use the chart for other powers, the sliding scale associated with the chart should be trimmed and used as the ordinate scale. This sliding scale is placed on the chart with the appropriate graduation for power in line with the lower line of the top edge of the chart. The right edge of the scale is placed in line with the appropriate antenna height graduations and the chart then becomes direct reading for this power and antenna height. Where the antenna height is not one of those for which a scale is provided, the signal strength or distance is determined by interpolation between the curves connecting the equidistant points.

H. The foregoing process of determining the extent of the required contours shall be followed in determining the boundary of the proposed service area. The areas within the required contours must be determined and submitted with each application for an FM broadcast station. Each application shall include a map showing these contours, and for this purpose sectional aeronautical charts or other maps having a convenient

scale may be used. The map shall show the radials along which the profile charts and expected field strengths have been determined. The area within each contour should then be measured (by planimeter or other approximate means) to determine the number of square miles therein. In computing the area within the contours, exclude (1) areas beyond the borders of the United States, and (2) large bodies of water, such as ocean areas, gulfs, sounds, bays, large lakes, etc., but not rivers.

I. In cases where the terrain in one or more directions from the antenna site departs widely from the average elevation of the 2 to 10 mile sector, the application of this prediction method may indicate contour distances that are different from those which may be expected in practice. In such cases the prediction method should be followed, but a showing may be made if desired concerning the distance to the contour as determined by other means. Such showing should include data concerning the procedure employed and sample calculations. For example, a mountain ridge may indicate the practical limit of service although the prediction method may indicate the contour elsewhere. In cases of such limitation, the map of predicted coverage should show both the regular predicted area and the area as limited or extended by terrain. Both areas should be measured as previously described; the area obtained by the regular prediction method should be given in the application form, with a supplementary note giving the limited or extended area. In special cases the Commission may require additional information as to the terrain in the proposed service area.

J. In determining the population served by FM broadcast stations, it is considered that the built-up city areas and business districts in cities having over 10,000 population and located beyond the 1 mv/m contour do not receive adequate service. Minor civil division maps (1950 census) should be used in making population counts, excluding cities not receiving adequate service. Where a contour divides a minor division, uniform distribution of population within the division should be assumed in order to determine the population included within the contour unless a more accurate count is available.

SECTION 3. TOPOGRAPHICAL DATA

A. In the preparation of the profile graphs previously described, and in determining the location and height above mean sea level of the antenna site, the elevation or contour intervals shall be taken from United States Geological Survey Topographic Quadrangle Maps, United States Army Corps of Engineers Maps or Tennessee Valley Authority maps, whichever is the latest, for all areas for which such maps are available. If such maps are not published for the area in question, the next best topographic information should be used. Topographic data may sometimes be obtained from state and municipal agencies. The data from the Sectional Aeronautical Charts (including bench marks), or railroad depot elevations and highway elevations from road maps, may be used where no better information is available. In cases where limited topographic data can be obtained, use may be made of an altimeter in a car driven along roads extending generally radially from the transmitter site.

B. The Commission will not ordinarily require the submission of topographical maps for areas beyond 15 miles from the antenna site, but the maps must include the principal city or cities to be served. If it appears necessary, additional data may be requested.

C. The United States Geological Survey Topography Quadrangle Sheets may be obtained from the United States Geological Survey Department of the Interior, Washington, D. C., for 20 cents each. The Sectional Aeronautical Charts are available from the United States Coast and Geodetic Survey, Department of Commerce, Washington, D. C., for 25 cents each. These maps may also be secured from branch offices and from authorized agents or dealers in most principal cities.

SECTION 4. INTERFERENCE STANDARDS

A. Field intensity measurements are preferable in predicting interference between FM broadcast stations and should be used, when available, in determining the extent of interference. (For methods and procedure, see Section 5.) In lieu of measurements, the interference should be predicted in accordance with the method described herein.

B. Objectionable interference is considered to exist when the interfering signal exceeds that given by the ratios of Table II. In Table II the desired signal is median field and the undesired signal is the tropospheric signal intensity exceeded for 1 percent of the time.

TABLE II

Channel separation:	*Ratio of desired to undesired signals*
Same channel	10:1.
200 kc	2:1.
400 kc	1:10.
600 kc	1:100.
800 kc and above	No restriction.[1]

[1] Intermediate frequency amplifiers of most FM broadcast receivers are designed to operate on 10.7 megacycles. For this reason the assignment of two stations in the same area, one with a frequency 10.6 or 10.8 megacycles removed from that of the other, should be avoided if possible.

C. Stations normally will not be authorized to operate in the same city or in nearby cities with a frequency separation of less than 800 kc.: *Provided*, That stations may be authorized to operate in nearby cities with a frequency separation of not less than 400 kc. where necessary in order to provide an equitable and efficient distribution of facilities: *And provided further*, That class B stations will not be authorized in the same metropolitan district with a frequency separation of less than 800 kc. In the assignment of FM broadcast facilities the Commission will endeavor to provide the optimum use of the channels in the band, and accordingly may assign a channel different from that requested in an application.

D. In predicting the extent of interference within the ground wave service area of a station, the tropospheric signal intensity (from co-channel and adjacent channel stations) existing for 1 percent of the time shall be employed. The 1 percent values for 1 kilowatt of power and various antenna heights are given in Figure 2, and values for other powers may be obtained by use of the sliding scale as for Figure 1. The values indicated by Figure 2 are based upon available data, and are subject to change as additional information concerning tropospheric wave-propagation is obtained.[1]

E. In determining the points at which the interference ratio is equal to the values shown in Table II, the field intensities for the two interfering signals under consideration should be computed for a considerable number of points along the line between the two stations. Using this data, field intensity versus distance curves should be plotted (e. g., cross-curves on graph paper) in order to determine the points on this path where the interference ratios exist. The points established by this method together with the points along the contours where the same ratios are determined, are considered to be generally sufficient to predict the area of interference. Additional points may be required in the case of irregular terrain or the use of directional antenna systems.

F. The area of interference, if any, shall be shown in connection with the map of predicted coverage required by the application form, together with the basic data employed in computing such interference. The map shall show the interference within the 50 uv/m contour.

SECTION 5. FIELD INTENSITY MEASUREMENTS IN ALLOCATION

A. When field intensity measurements are required by the Commission's rules or when employed in determining the extent of service or interference of existing stations, such measurements should be made in accordance with the procedure outlined herein.

B. Measurements made to determine the service and interference areas of FM broadcast stations should be made with mobile equipment along roads which are as close and similar as possible to the radials showing topography which were submitted with the application for construction permit. Suitable measuring equipment and a continuous recording device must be employed, the chart of which is either directly driven from the speedometer of the automobile in which the equipment is mounted or so arranged that distances and identifying landmarks may be readily noted. The measuring equipment must be calibrated against recognized standards of field intensity and so constructed that it will maintain an acceptable accuracy of measurement while in motion or when stationary. The equipment should be so operated that the recorder chart can be calibrated directly in field intensity in order to facilitate

[1] Fig. 2 will be available at some future date when sufficient measurements of tropospheric signals are available. Until that time, interference should be predicted on the basis of the ground wave chart (Fig. 1).

analysis of the chart. The receiving antenna shall be primarily responsive to the horizontal electric field and should be nondirectional unless otherwise authorized. Authorization to use a half-wave dipole may be requested by filing application with the Commission prior to the making of measurements. The application may be filed by letter describing the proposed antenna, the method of installation and operation, and calibration procedures. Such authorization will remain in effect throughout the series of measurements for which granted.

C. Mobile measurements should be made with a minimum chart speed of 3 inches per mile and preferably 5 or 6 inches per mile. Locations shall be noted on the recorder chart as frequently as necessary to definitely fix the relation between the measured field intensity and the location. The time constant of the equipment should be such to permit adequate analysis of the charts, and the time constant employed shall be shown. Measurements should be made to a point on each radial well beyond the particular contour under investigation. The transmitter power shall be maintained as close as possible to the authorized power throughout the survey.

D. After the measurements are completed, the recorder chart shall be divided into not less than 15 sections on each equivalent radial from the station. The field intensity in each section of the chart shall be analyzed to determine the field intensity received 50 percent of the distance (median field) throughout the section, and this median field intensity associated with the corresponding sector of the radial. The field intensity figures must be corrected for a receiving antenna elevation of 30 feet and for any directional effects of the automobile not otherwise compensated. This data should be plotted for each radial, using log-log coordinate paper with distance as the abscissa and field intensity as the ordinate. A smooth curve should be drawn through these points (of median fields for all sectors), and this curve used to determine the distance to the desired contour. The distances obtained for each radial may then be plotted on the map of predicted coverage or on polar coordinate paper (excluding water areas, etc.) to determine the service and interference areas of a station.

E. In making measurements to establish the field intensity contours of a station, mobile recordings should be made along each of the radials drawn in Section 2E above. Measurements should extend from the vicinity of the station out to the 1 mv/m measured contour and somewhat beyond (at the present time it is not considered practical to conduct mobile measurements far beyond this contour due to the fading ratio at weak fields, which complicates analysis of the charts). These measurements would be made for the purpose of determining the variation of the measured contours from those predicted, and it is expected that initially the correlation of the measured 1 mv/m with the predicted 1 mv/m contour will be used as a basis in determining adherence to authorized service areas within the 50 uv/m contour.

F. In addition to the 1 mv/m contour, the map of measured coverage shall show the 50 uv/m contour as determined by employing Figure 1 and the distance to the 1 mv/m contour along each radial. The sliding scale shall be placed on the figure at the appropriate antenna height for the radial in question and then moved so the distance to the 1 mv/m contour (as measured) and the 1 mv/m mark are opposite. The distance to the 50 uv/m contour is then given opposite the 50 uv/m mark on the scale.

G. In predicting tropospheric interference on the basis of the above measurements, such measurements shall be carried out in the manner indicated above to determine the 1 mv/m contour. Using Figure 1 and its associated sliding scale, the equivalent radiated power shall be determined by placing the sliding scale on the chart (using the appropriate antenna height) and moving the scale until the distance to the 1 mv/m contour (as determined above), and the 1 mv/m mark are opposite. The equivalent radiated power is then read from the sliding scale where it crosses the lower line of the top edge of the chart. Changing to Figure 2 and using the equivalent radiated power just determined, the distance to the interfering contour under investigation is read in the usual manner.

H. In certain cases the Commission may desire more information or recordings and in these instances special instructions will be issued. This may include fixed location measurements to determine tropospheric propagation and fading ratios.

I. Complete data taken in conjunction with field intensity measurements shall be submitted to the Commission in affidavit form, including the following:

(a) Map or maps showing the roads or points where measurements were made, the service and/or interference areas determined by the prediction method and by the measurements, and any unusual terrain characteristics existing in these areas. (This map may preferably be of a type showing topography in the area.)

(b) If a directional transmitting antenna is employed, a diagram on polar coordinate paper showing the predicted free space field intensity in millivolts per meter at one mile in all directions. (See Section 7.)

(c) A full description of the procedures and methods employed including the type of equipment, the method of installation and operation, and calibration procedures.

(d) A representative sample of the recording tape, including calibration.

(e) Antenna system and power employed during the survey.

(f) Name, address, and qualifications of the engineer or engineers making the measurements.

J. All data shall be submitted to the Commission in triplicate.

SECTION 6. TRANSMITTER LOCATION

A. The transmitter location should be as near the center of the proposed service area as possible consistent with the applicant's ability to find a site with sufficient elevation to provide service throughout the area. Location of the antenna at a point of high elevation is necessary to reduce to a minimum the shadow effect on propagation due to hills and buildings which may reduce materially the intensity of the station's signals in a particular direction. The transmitting site should be selected consistent with the purpose of the station, i. e., whether it is intended to serve a small city, a metropolitan area, or a large region. Inasmuch as service may be provided by signals of 1 mv/m or greater field intensities in metropolitan areas, and inasmuch as signals as low as 20 uv/m may provide service in rural areas, considerable latitude in the geographical location of the transmitter is permitted; however, the necessity for a high elevation for the antenna may render this problem difficult. In general, the transmitting antenna of a station should be located at the most central point at the highest elevation available. In providing the best degree of service to an area, it is usually preferable to use a high antenna rather than a lower antenna with increased transmitter power. The location should be so chosen that line-of-sight can be obtained from the antenna over the principal city or cities to be served; in no event should there be a major obstruction in this path.

B. The transmitting location should be selected so that the 1 mv/m contour encompasses the urban population within the area to be served and the 50 uv/m or the interference free contour coincides generally with the limits of the area to be served. It is recognized that topography, shape of the desired service area, and population distribution may make the choice of a transmitter location difficult. In such cases consideration may be given to the use of a directional antenna system, although it is generally preferable to choose a site where a nondirectional antenna may be employed.

C. In cases of questionable antenna locations it is desirable to conduct propagation tests to indicate the field intensity expected in the principal city or cities to be served and in other areas, particularly where severe shadow problems may be expected. In considering applications proposing the use of such locations, the Commission may require site tests to be made. Such tests should be made in accordance with the measurement procedure previously described, and full data thereon must be supplied to the Commission. Test transmitters should employ an antenna having a height as close as possible to the proposed antenna height, using a balloon or other support if necessary and feasible. Information concerning the authorization of site tests may be obtained from the Commission upon request.

D. Present information is not sufficiently complete to establish "blanket areas" of FM broadcast stations, which are defined as those areas adjacent to the transmitters in which the reception of other stations is subject to interference due to the strong signal from the stations. Where it is found necessary to

locate the transmitter in a residential area where blanketing problems may appear to be excessive, the application must include a showing concerning the availability of other sites. The authorization of station construction in areas where blanketing problems appear to be excessive will be on the basis that the applicant will assume full responsibility for the adjustment of reasonable complaints arising from excessively strong signals of the applicant's station. As a means of minimizing interference problems it is expected that stations adjacent in location will generally be assigned frequencies that are generally adjacent. Insofar as is feasible, frequency assignments for stations at separated locations will also be separated.

E. Cognizance must of course be taken regarding the possible hazard of the proposed antenna structure to aviation and the proximity of the proposed site to airports and airways. Procedures and standards with respect to the Commission's consideration of proposed antenna structures which will serve as a guide to persons intending to apply for radio station licenses are contained in Part 17 of the Commission rules (Rules Concerning the Construction, Marking and Lighting of Antenna Structures).

SECTION 7. ANTENNA SYSTEMS

A. It shall be standard to employ horizontal polarization; however, circular or elliptical polarization may be employed if desired. Clockwise or counterclockwise rotation may be used. The supplemental vertically polarized effective radiated power required for circular or elliptical polarization shall in no event exceed the effective radiated power authorized.

B. The antenna must be constructed so that it is as clear as possible of surrounding buildings or objects that would cause shadow problems.

C. Applications proposing the use of directional antenna systems must be accompanied by the following:

(1) Complete description of the proposed antenna system.

(2) Orientation of array with respect to true north; time phasing of fields from elements (degrees leading or lagging); space phasing of elements (in feet and in degrees); ratio of fields from elements.

(3) Calculated field intensity pattern (on letter-size polar coordinate paper) giving the free space field intensity in millivolts per meter at one mile in the horizontal plane, together with the formula used, constants employed, sample calculations and tabulation of calculation data.

(4) Name, address, and qualifications of the engineer making the calculations.

D. Applications proposing the use of FM broadcast antennas in the immediate vicinity (i. e., 200 feet or less) of (1) other FM broadcast antennas, or (2) television broadcast antennas for frequencies adjacent to the FM broadcast band, must include a showing as to the expected effect, if any, of such proximate operation.

E. In cases where it is proposed to use a tower of a standard broadcast station as a supporting structure for an FM broadcast antenna, an application for construction permit (or modification of construction permit) for such station must be filed for consideration with the FM application. Applications may be required for other classes of stations when their towers are to be used in connection with FM broadcast stations.

F. When an FM broadcast antenna is mounted on a nondirectional standard broadcast antenna, new resistance measurements must be made of the standard broadcast antenna after installation and testing of the FM broadcast antenna. During the installation and until the new resistance determination is approved, the standard broadcast station licensee should apply for authority (informal application) to operate by the indirect method of power determination. The FM broadcast license application will not be considered until the application form concerning resistance measurements is filed for the standard broadcast station.

G. When an FM broadcast antenna is mounted on an element of a standard broadcast directional antenna, a full engineering study concerning the effect of the FM broadcast antenna on the directional pattern must be filed with the application concerning the standard broadcast station. Depending upon the individual case, the Commission may require readjustment and certain field intensity measurements of the standard broadcast station following the completion of the FM broadcast antenna system.

H. When the proposed FM broadcast antenna is to be mounted on a tower in the vicinity of a standard broadcast directional array and it appears that the operation of the directional antenna system may be affected, an engineering study must be filed with the FM broadcast application concerning the effect of the FM broadcast antenna on the directional pattern. Readjustment and field intensity measurements of the standard broadcast station may be required following construction of the FM broadcast antenna.

I. Information regarding data required in connection with standard broadcast directional antenna systems may be found in the Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

J. In the event a common tower is used by two or more licensees for antenna and/or antenna supporting purposes, the licensee who is owner of the tower shall assume full responsibility for the installation and maintenance of any painting or lighting requirements. In the event of shared ownership, one licensee shall assume such responsibility and advise the Commission accordingly.

K. It is recommended that an emergency FM broadcast antenna be installed, or, alternately, an auxiliary transmission line or lines if feasible in the particular circumstances. Data thereon should be supplied with the application for construction permit; if proposed after station construction, an informal application should be submitted to the Commission.

L. When necessary for the protection of air navigation, the antenna and supporting structure shall be painted and illuminated in accordance with the specifications supplied by the Commission pursuant to section 303 (q) of the Communications Act of 1934, as amended.

SECTION 8. TRANSMITTERS AND ASSOCIATED EQUIPMENT

A. *Electrical performance standards.* The general design of the FM broadcast transmitting system (from input terminals of microphone preamplifier, through audio facilities at the studio, through lines or other circuits between studio and transmitter, through audio facilities at the transmitter, and through the transmitter, but excluding equalizers for the correction of deficiencies in microphone response) shall be in accordance with the following principles and specifications:

(1) Standard power ratings and operating power range of FM broadcast transmitters shall be in accordance with the following table:

Standard power rating:	*Operating power range*
10 watts [1]	10 watts or less.
250 watts	250 watts or less.
1 kw	250 watts–1 kw.
3 kw	1–3 kw.
5 kw	1–5 kw.
10 kw	3–10 kw.
25 kw	10–25 kw.
50 kw	10–50 kw.
100 kw	50–100 kw.

[1] For noncommercial educational FM stations.

(a) Composite transmitters may be authorized with a power rating different from the above table, provided full data is supplied in the application concerning the basis employed in establishing the rating and the need therefor. The operating range of such transmitters shall be from one-third of the power rating to the power rating.

(b) The transmitter shall operate satisfactorily in the operating power range with a frequency swing of ±75 kilocycles, which is defined as 100 percent modulation.

(2) The transmitting system shall be capable of transmitting a band of frequencies from 50 to 15,000 cycles. Preemphasis shall be employed in accordance with the impedance-frequency characteristic of a series inductance-resistance network having a time constant of 75 microseconds. (See Fig. 3.) The deviation of the system response from the standard preemphasis curve shall lie between two limits as shown in Figure 3. The upper of these limits shall be uniform (no deviation) from 50 to 15,000 cycles. The lower limit shall be uniform from 100 to 7,500 cycles, and 3 db. below the upper limit; from 100 to 50 cycles the lower limit shall fall from the 3 db. limit at a uniform rate of 1 db. per octave (4 db. at 50 cycles); from 7,500 to 15,000 cycles the lower limit shall fall from the 3 db. limit at a uniform rate of 2 db. per octave (5 db. at 15,000 cycles).

(3) At any modulation frequency between 50 and 15,000 cycles and at modulation percentages of 25, 50, and 100

percent, the combined audio frequency harmonics measured in the output of the system shall not exceed the root-mean-square values given in the following table:

Modulating frequency:	Distortion percent
50 to 100 cycles	3.5
100 to 7,500 cycles	2.5
7,500 to 15,000 cycles	3.0

(a) Measurements shall be made employing 75 microsecond deemphasis in the measuring equipment and 75 microsecond preemphasis in the transmitting equipment, and without compression if a compression amplifier is employed. Harmonics shall be included to 30 kc.[2]

(b) It is recommended that none of the three main divisions of the system (transmitter, studio to transmitter circuit, and audio facilities) contribute over one-half of these percentages since at some frequencies the total distortion may become the arithmetic sum of the distortions of the divisions.

(4) The transmitting system output noise level (frequency modulation) in the band of 50 to 15,000 cycles shall be at least 60 decibels below 100 percent modulation (frequency swing of ±75 kilocycles). The measurement shall be made using 400 cycle modulation as a reference. The noise-measuring equipment shall be provided with standard 75 microsecond deemphasis; the ballistic characteristics of the instrument shall be similar to those of the standard VU meter.

(5) The transmitting system output noise level (amplitude modulation) in the band of 50 to 15,000 cycles shall be at least 50 decibels below the level representing 100 percent amplitude modulation. The noise-measuring equipment shall be provided with standard 75-microsecond deemphasis; the ballistic characteristics of the instrument shall be similar to those of the standard VU meter.

(6) Automatic means shall be provided in the transmitter to maintain the assigned center frequency within the allowable tolerance (±2000 cycles).

(7) The transmitter shall be equipped with suitable indicating instruments for the determination of operating power and with other instruments as are necessary for proper adjustment, operation, and maintenance of the equipment (see Section 9).

(8) Adequate provision shall be made for varying the transmitter output power to compensate for excessive variations in line voltage or for other factors affecting the output power.

(9) Adequate provision shall be provided in all component parts to avoid overheating at the rated maximum output power.

(10) Means should be provided for connection and continuous operation of approved frequency and modulation monitors.

(11) If a limiting or compression amplifier is employed, precaution should be maintained in its connection in the circuit due to the use of preemphasis in the transmitting system.

[2] See Section 13 for measurement frequencies and other information.

B. *Construction.* In general, the transmitter shall be constructed either on racks and panels or in totally enclosed frames protected as required by article 810[3] of the National Electrical Code and set forth below:

(1) Means shall be provided for making all tuning adjustments, requiring voltages in excess of 350 volts to be applied to the circuit, from the front of the panels with all access doors closed.

(2) Proper bleeder resistors or other automatic means shall be installed across all capacitor banks to lower any voltage which may remain accessible with access door open to less than 350 volts within 2 seconds after the access door is opened.

(3) All plate supply and other high voltage equipment, including transformers, filters, rectifiers and motor generators, shall be protected so as to prevent injury to operating personnel.

(a) Commutator guards shall be provided on all high voltage rotating machinery. Coupling guards should be provided on motor generators.

(b) Power equipment and control panels of the transmitter shall meet the above requirements (exposed 220 volt AC switching equipment on the front of the power control panels is not recommended but is not prohibited).

(c) Power equipment located at a broadcast station but not directly associated with the transmitter (not purchased as part of same), such as power distribution panels, are not under the jurisdiction of the Commission; therefore § 3.254 does not apply.

(4) Metering equipment:

(a) All instruments having more than 1,000 volts potential to ground on the movement shall be protected by a cage or cover in addition to the regular case. (Some instruments are designed by the manufacturer to operate safely with voltages in excess of 1,000 volts on the movement. If it can be shown by the manufacturer's rating that the instrument will operate safely at the applied potential, additional protection is not necessary.)

(b) In case the plate voltmeter is located on the low potential side of the multiplier resistor with the potential of the high potential terminal of the instrument at or less than 1,000 volts above ground, no protective case is required. However, it is good practice to protect voltmeters subject to more than 5,000 volts with suitable over-voltage protective devices across the instrument terminals in case the winding opens.

(c) Transmission line meters and any other radio frequency instrument which may be necessary for the operator to read shall be so installed as to be easily and accurately read without the operator having to risk contact with circuits carrying high potential radio frequency energy.

(5) It is recommended that component parts comply as much as possible with the component specifications designated by the Army-Navy Electronics Standards Agency.

C. *Wiring and shielding.* (1) The transmitter panels or units shall be wired in accordance with standard switchboard practice, either with insulated leads properly cabled and supported or with rigid bus bar properly insulated and protected.

(2) Wiring between units of the transmitter, with the exception of circuits carrying radio frequency energy, shall be installed in conduits or approved fiber or metal raceways for protection from mechanical injury.

(3) Circuits carrying radio frequency energy between units shall be coaxial, two wire balanced lines, or properly shielded.

(4) All stages or units shall be adequately shielded and filtered to prevent interaction and radiation.

(5) The frequency and modulation monitors and associated radio frequency lines to the transmitter shall be thoroughly shielded.

D. *Installation.* (1) The installation shall be made in suitable quarters.

(2) Since an operator must be on duty during operation, suitable facilities for his welfare and comfort shall be provided.

E. *Spare tubes.* A spare tube of every type employed in the transmitter and frequency and modulation monitors shall be kept on hand at the equipment location. When more than one tube of any type are employed, the following table determines the number of spares of that type required:

Number of each type employed:	Spares required
1 or 2	1
3 to 5	2
6 to 8	3
9 or more	4

An accurate circuit diagram and list of required spare tubes, as furnished by the manufacturer of the equipment, shall be retained at the transmitter location.

F. *Operation.* In addition to specific requirements of the rules governing FM broadcast stations, the following operating requirements are specified:

(1) The maximum percentage of modulation shall be maintained in accordance with § 3.268. However, precautions shall be taken so as not to substantially alter the dynamic characteristics of musical programs.

(2) Spurious emissions, including radio frequency harmonics, shall be maintained at as low a level as practicable at all times in accordance with good engineering practice.

(3) If a limiting or compression amplifier is employed, care should be maintained in its use due to preemphasis in the transmitting system.

[3] The pertinent sections of article 810 of the National Electrical Code read as follows:

"8191. *General.* Transmitters shall comply with the following:

"a. *Enclosing.* The transmitter shall be enclosed in a metal frame or grille, or separated from the operating space by a barrier or other equivalent means, all metallic parts of which are effectually connected to ground.

"b. *Grounding of controls.* All external metallic handles and controls accessible to the operating personnel shall be effectually grounded. No circuit in excess of 150 volts shall have any parts exposed to direct contact. A complete dead-front type of switchboard is preferred.

"c. *Interlocks on doors.* All access doors shall be provided with interlocks which will disconnect all voltages in excess of 350 volts when any access door is opened."

G. *Studio equipment.* (1) Studio equipment shall be subject to all the above requirements where applicable except as follows:

(a) If properly covered by an underwriter's certificate, it will be considered as satisfying safety requirements.

(b) Section 8191 of article 810 of the National Electrical Code shall apply for voltages only in excess of 500 volts.

(2) No specific requirements are made with regard to the microphones to be employed. However, microphone performance (including compensating networks, if employed) shall be compatible with the required performance of the transmitting system.

(3) No specific requirements are made relative to the design and acoustical treatement of studios. However, the design of studios, particularly the main studio, shall be compatible with the required performance characteristics of FM broadcast stations.

H. *Facsimile: Engineering standards.* The following standards apply to facsimile broadcasting under § 3.266 of the rules and regulations:

1. Rectilinear scanning shall be employed, with scanning spot progressing from left to right and scanned lines progressing from top to bottom of subject copy.

2. The standard index of cooperation shall be 984.

3. The number of scanning lines per minute shall be 360.

4. The line-use ratio shall be ⅞, or 315° of the full scanning cycle.

5. The ⅛ cycle or 45° not included in the available scanning line shall be divided into 3 equal parts, the first 15° being used for transmission at approximately white level, the second 15° for transmission at approximately black level, and the third 15° for transmission at approximately white level.

6. An interval of not more than 12 seconds shall be available between two pages of subject copy, for the transmission of a page-separation signal and/or other services.

7. Amplitude or frequency (frequency-shift) modulation of the subcarrier shall be used.

8. Subcarrier modulation shall normally vary approximately linearly with the optical density of the subject copy.

9. Negative modulation shall be used, i. e., for amplitude modulation of subcarrier, maximum subcarrier amplitude and maximum radio frequency swing on black; for frequency modulation of subcarrier, highest instantaneous frequency of subcarrier on black.

10. Subcarrier noise level shall be maintained at least 30 db below maximum (black) picture modulation level, at the radio transmitter input.

11. The facsimile subcarrier transmission shall be conducted in the frequency range between 22 and 28 kilocycles. Should amplitude modulation of the subcarrier be employed the subcarrier frequency shall be 25 kilocycles with sidebands extending not more than 3 kilocycles in either direction from the subcarrier frequency. Should frequency modulation of the subcarrier be employed the total swing of the subcarrier shall be within the range from 22 to 28 kilocycles, with 22 kilocycles corresponding to white and 28 kilocycles corresponding to black on the transmitted copy. In multiplex operation the modulation of the FM carrier by the modulated subcarrier shall not exceed 5 percent. In simplex operation the modulation of the FM carrier by the modulated subcarrier shall not exceed 30 percent.

12. During periods of multiplex facsimile transmission, frequency modulation of the FM carrier caused by the aural signals shall, in the frequency range from 20 to 30 kilocycles, be at least 60 db. below 100 percent modulation. Frequency modulation of the FM carrier caused by the facsimile signals shall, in the frequency range from 50 to 15,000 cycles, be at least 60 db. below 100 percent modulation.

SECTION 9. INDICATING INSTRUMENTS PURSUANT TO § 3.258

The following requirements and specifications shall apply to indicating instruments used by FM broadcast stations:

A. Instruments indicating the plate current or plate voltage of the last radio stage (linear scale instruments) shall meet the following specifications:

(1) Length of scale shall be not less than 2⅜10 inches.

(2) Accuracy shall be at least 2 percent of the full scale reading.

(3) Scale shall have at least 40 divisions.

(4) Full scale reading shall not be greater than five times the minimum normal indication.

B. Instruments indicating transmission line current or voltage shall meet the following specifications:

(1) Instruments having linear scales shall meet the requirements of A (1), (2), (3), and (4) above.

(2) Instruments having logarithmic or square law scales:

(*a*) Shall meet requirements A (1) and (2) for linear scale instruments.

(*b*) Full scale reading shall not be greater than three times the minimum normal indication.

(*c*) No scale division above one-third full scale reading shall be greater than one-thirtieth of the full scale reading.

C. Radio frequency instruments having expanded scales:

(1) Shall meet requirements A (1), (2), and (4) for linear scale instruments.

(2) No scale division above one-fifth full scale reading shall be greater than one-fiftieth of the full scale reading.

(3) The meter face shall be marked with the words "Expanded scale" or the abbreviation thereof (E. S.).

D. No required instrument, the accuracy of which is questionable, shall be employed. Repairs and recalibration of instruments shall be made by the manufacturer, or by an authorized instrument repair service of the manufacturer, or by some other properly qualified and equipped instrument repair service. In any event the repaired instrument must be supplied with a certificate of calibration.

E. Recording instruments may be employed in addition to the indicating instruments to record the transmission line current or voltage and the direct plate current and/or direct plate voltage of the last radio stage, provided that they do not affect the operation of the circuits or accuracy of the indicating instruments. If the records are to be used in any proceeding before the Commission as representative of operation, the accuracy must be the equivalent of the indicating instruments and the calibration shall be checked at such intervals as to insure the retention of the accuracy.

F. The function of each instrument used in the equipment shall be clearly and permanently shown on the instrument itself or on the panel immediately adjacent thereto.

SECTION 10. AUXILIARY TRANSMITTERS

Auxiliary transmitters may not exceed the power rating or operating power range of the main transmitter, but need not conform to the performance characteristics specified by Section 8A (2) to 8A (5) inclusive. The subsequent portions of Section 8 apply to auxiliary transmitters.

SECTION 11. (Reserved)

SECTION 12. FREQUENCY AND MODULATION MONITORS AT AUXILIARY TRANSMITTERS

A. The following shall govern the installation of approved frequency and modulation monitors at auxiliary transmitters of FM broadcast stations in compliance with these rules:

(1) In case the auxiliary transmitter location is at a site different from that of the main transmitter, an approved frequency monitor shall be installed at the auxiliary transmitter except when the frequency of the auxiliary transmitter can be monitored by means of the frequency monitor at the main transmitter. When the auxiliary transmitter is operated without a frequency monitor under this exemption, it shall be monitored by means of the frequency monitor at the main transmitter.

(2) The licensee will be held strictly responsible for any center frequency deviation of the auxiliary transmitter in excess of 2,000 cycles from the assigned frequency, even though exempted by the above from installing an approved frequency monitor.

(3) Installation of an approved modulation monitor at the location of the auxiliary transmitter, when different from that of the main transmitter, is optional with the licensee. However, when it is necessary to operate the auxiliary transmitter beyond two calendar days, a modulation monitor shall be installed and operated at the auxiliary transmitter. The monitor (if taken from the main transmitter) shall be reinstalled at the main transmitter immediately upon resumption of operation of the main transmitter.

(4) In all cases where the auxiliary transmitter and the main transmitter have the same location, the same frequency and modulation monitors may be used for monitoring both transmitters, provided they are so arranged as to be readily switched from one transmitter to the other.

SECTION 13. REQUIREMENTS FOR TYPE APPROVAL OF TRANSMITTERS

A. Section 3.254 of the Rules and Section 8 of these Standards concern the design, construction, and technical operation of FM broadcast station equipment. In order to facilitate the filing of and action on applications for construction permits specifying equipment of standard manufacture, the Commission will approve, as complying with the technical requirements, such equipment by type, subject to the following conditions and in accordance with the following procedure:

(1) Approval of equipment by the Commission is only to the effect that insofar as can be determined from the data supplied, the equipment complies with the current requirements of good engineering practice and the current technical Rules and Regulations of the Commission. The approval may be withdrawn upon subsequent inspection or operation, showing the equipment is not as represented or does not comply with the technical Rules and Regulations of the Commission and the requirements of good engineering practice.

(2) Such approval shall not be construed to mean that the equipment will be satisfactory as the state of the art progresses and/or as the Rules and Regulations of the Commission may be changed as deemed advisable.

(3) Applicants specifying equipment of approved manufacture need not submit detailed descriptions and diagrams where the correct type number is specified provided that the equipment proposed is identical with that approved.

(4) In passing on equipment, no consideration is given by the Commission to patent rights.

(5) For approval of FM broadcast transmitters, manufacturers shall submit FCC Form 301 completed with respect to all pertinent sections (two sworn copies). In addition or included therein shall be the data set forth below, all of which shall be verified before a notary public.[4]

(a) Photographs or drawings, or any other evidence that construction is in accordance with the requirements of good engineering practice.

(b) Data and curves showing over-all audio frequency response from 50 to 15,000 cycles for approximately 25, 50, and 100 percent modulation. Measurements shall be made on at least the following modulation frequencies: 50, 100, 400, 1,000, 5,000, 10,000, and 15,000 cycles. This shall be plotted below a standard 75 microsecond preemphasis curve (see Fig. 3).

(c) Data on audio frequency harmonics for 25, 50, and 100 percent modulation for the fundamental frequencies of 50, 100, 400, 1000, and 5000 cycles. Data on audio frequency harmonics for 100 percent modulation for fundamental frequencies of 10,000 and 15,000 cycles. Measurements shall include harmonics to 30,000 cycles. (Measurements at 10,000 and 15,000 cycles at 25 and 50 percent modulation are not practical at this time, due to the deemphasis in the measuring equipment.)

(d) Carrier hum and extraneous noise (AM and FM) generated within the equipment and measured as the level below 100 percent modulation.

(e) Means of varying output power to compensate for power supply voltage variations.

(f) Data and curves on mean frequency stability for variations in ambient temperatures over the ranges encountered in practice.

(g) Data and curves on frequency stability for variations in power supply voltage from 85 to 115 percent normal.

(h) Net sale price.

SECTION 14. REQUIREMENTS FOR TYPE APPROVAL OF FREQUENCY MONITORS

A. *General requirements.* In general a frequency monitor for FM broadcast stations requires a stable source of radio frequency energy whose frequency is accurately known and a means of comparing the transmitter center frequency with this stable source. The visual indicator is calibrated to indicate the deviation of the transmitter center frequency from the frequency assigned.

(1) Approval of a frequency monitor for FM broadcast stations will be considered on the basis of data submitted by the manufacturer. Any manufacturer desiring to submit a monitor for approval shall supply the Commission with full details (two sworn copies).

(2) In approving a frequency monitor based on these tests and specifications, the Commission merely recognizes that the type of monitor has the inherent capability of functioning in compliance with § 3.252, if properly constructed, maintained and operated. The Commission accepts no responsibility beyond this and further realizes that monitors may have a limited range over which the vis-

[4] In connection with its type approval of FM equipment, the Commission may send a representative to observe tests made of such equipment by the manufacturer.

NOTE: Figure 1 as reproduced herein, due to its small scale, is not to be used in connection with material submitted to the F. C. C.

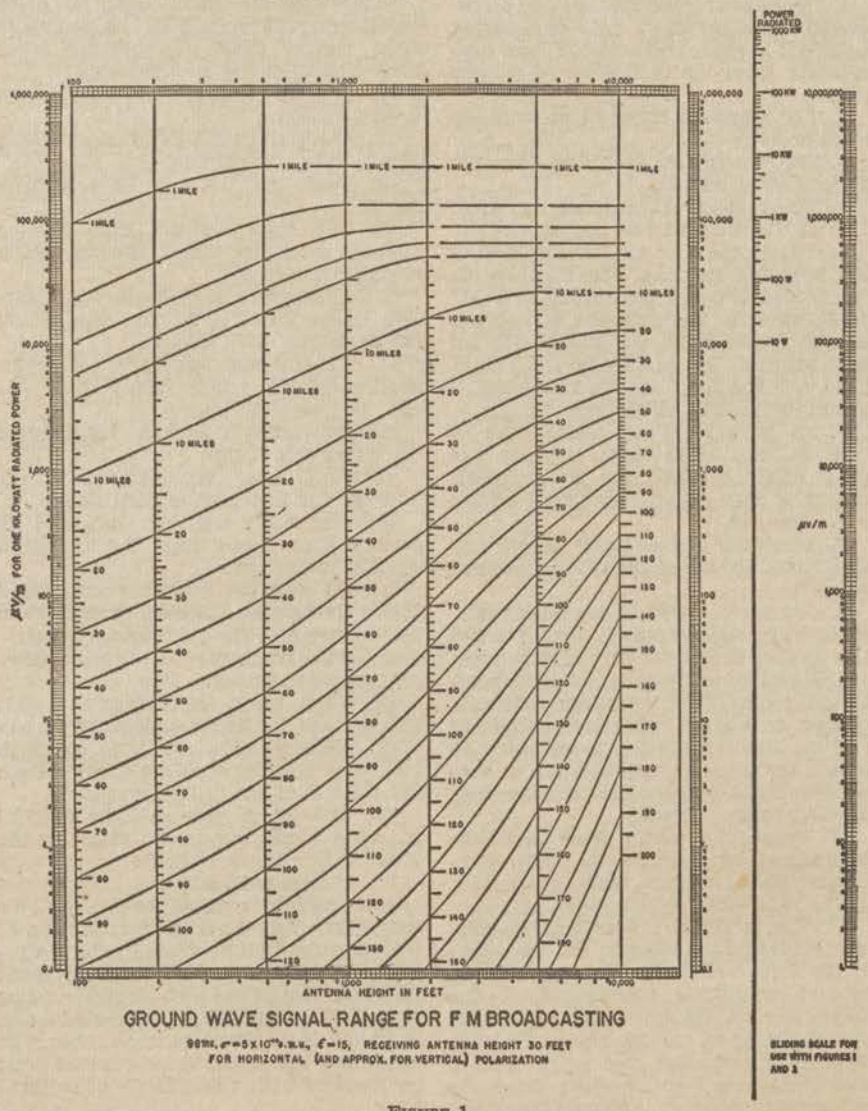

FIGURE 1.

NOTE: Figure 2 will be available at some future date when sufficient measurements of tropospheric signals are available.

ual indicator will determine deviations. Accordingly, it may be necessary that adjunct equipment be used to determine major deviations.

(3) No change whatsoever will be permitted in the monitors sold under approval number issued by the Commission except when the licensee or the manufacturer is specifically authorized to make such changes. When it is desired to make any change, either mechanical or electrical, the details shall be submitted to the Commission for its consideration.

(4) Approval is given subject to withdrawal if the unit proves defective in service and cannot be relied upon under usual conditions of maintenance and operation encountered in the average FM broadcast station. Withdrawal of approval means that no further units may be installed by FM broadcast stations for the purpose of complying with § 3.252; however, this will not affect units already sold unless it is found that there has been an unauthorized change in design or construction or that the material or workmanship is defective.

B. *General specifications.* The general specifications that frequency monitors shall meet before they will be approved by the Commission are as follows: [5]

(1) The unit shall have an accuracy of at least ±1000 cycles under ordinary conditions (temperature, humidity, power supply variations and other conditions which may affect its accuracy) encountered in FM broadcast stations throughout the United States, for any channel within the FM broadcast band.

(2) The range of the indicating device shall be at least from 2000 cycles below to 2000 cycles above the assigned center frequency.

(3) The scale of the indicating device shall be so calibrated as to be accurately read within at least 100 cycles.

(4) Means shall be provided for adjustment of the monitor indication to agree with an external standard.

(5) The monitor shall be capable of continuous operation and its circuit shall be such as to permit continuous monitoring of the transmitter center frequency.

(6) Operation of the monitor shall have no deleterious effect on the operation of the transmitter or the signal emitted therefrom.

C. *Tests to be made for approval of FM broadcast frequency monitors.* The manufacturer of a monitor shall submit data on the following at the time of requesting approval:

(1) Constancy of oscillator frequency, as measured several times in 1 month.

(2) Constancy of oscillator frequency when subjected to vibration tests which would correspond to the treatment received in shipping, handling and installing the instrument.

(3) Accuracy of readings of the frequency deviation instrument.

(4) Functioning of frequency adjustment device.

(5) Effects on frequency and readings, of the changing of tubes, of voltage variations, and of variations of room temperature through a range not to exceed 10° to 40° C.

(6) Response of indicating instrument to small changes of frequency.

(7) General information on the effect of tilting or tipping or other tests to determine ability of equipment to withstand shipment.

D. Various other tests may be made or required, such as effects of variation of input from the transmitter depending upon the character of the apparatus.

E. Tests shall be conducted in such a manner as to approximate actual operating conditions as nearly as possible. The equipment under test shall be operated on any channel in the FM broadcast band.

SECTION 15. REQUIREMENTS FOR TYPE APPROVAL OF MODULATION MONITORS

A. The modulation monitor may be a part of the frequency monitor. Approval of a modulation monitor for FM broadcast stations will be considered on the basis of data submitted by the manufacturer. Any manufacturer desiring to submit a monitor for approval shall supply the Commission with full details (two sworn copies).

B. The specifications that the modulation monitor shall meet before it will be approved by the Commission are as follows: [6]

(1) A means for insuring that the transmitter input to the modulation monitor is proper.

(2) A modulation peak indicating device that can be set at any predetermined value from 50 to 120 percent modulation (±75 kc swing is defined as 100 percent modulation) and for either positive or negative swings (i. e., either above or below transmitter center frequency).

(3) A semi-peak indicator with a meter having the characteristics given below shall be used with a circuit such that peaks of modulation of duration between 40 and 90 milliseconds are indicated to 90 percent of full value and the discharge rate adjusted so that the pointer returns from full reading to 10 percent of zero within 500 to 800 milliseconds. A switch shall be provided so that this meter will read either positive or negative swings.

(a) The characteristics of the indicating meter are as follows:

(i) *Speed.* The time for one complete oscillation of the pointer shall be 290 to 350 milliseconds. The damping factor shall be between 16 and 200.

(ii) *Scale.* The meter scale shall be similar in appearance to that of a standard VU meter. The scale length between 0 and 100 percent modulation markings should be at least 2.3 inches. In addition to other markings a small mark for 133 percent modulation and designated as such should be included for the purpose of testing transmitters with 100 kc swing.

(4) The accuracy of reading of percentage of modulation shall be within ±5 percent modulation percentage at any percentage of modulation up to 100 percent modulation.

(5) The frequency characteristic curve shall not depart from a straight line more than ±½ db. from 50 to 15,000 cycles. Distortion shall be kept to a minimum.

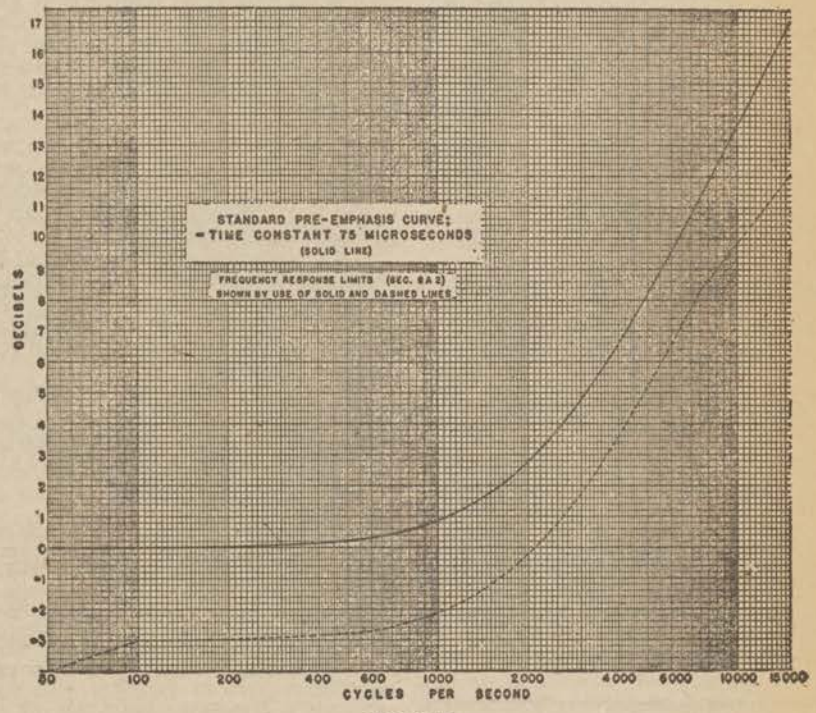

FIGURE 3.

[5] In connection with its type approval of FM equipment, the Commission may send a representative to observe tests made of such equipment by the manufacturer.

[6] In connection with its type approval of FM equipment, the Commission may send a representative to observe tests made of such equipment by the manufacturer.

(6) The monitor shall not absorb appreciable power from the transmitter.

(7) Operation of the monitor shall have no deleterious effect on the operation of the transmitter.

(8) General design, construction, and operation shall be in accordance with good engineering practice.

SECTION 16. APPROVED TRANSMITTERS

Manufacturer's name	Type No.	Rated power
Collins Radio Co., Cedar Rapids, Iowa.	738A	10 watts.
	738B	10 watts.
	731A	250 watts.
	732A	1 kw.
	733A	3 kw.
	737A	5 kw.
	734A	10 kw.
Federal Telephone & Radio Corp., Newark, N. J.	191A	1 kw.
	192A	3 kw.
	192AZ	3 kw.
	193A	10 kw.
Gates Radio Co., Quincy, Ill.	BF-E-10	10 watts.
	BF-250A	250 watts.
	BF-250B	250 watts.
	BF-1A	1 kw.
	BF-3A	3 kw.
	BF-3B	3 kw.
	BF-3C	3 kw.
	BF-3D	3 kw.
	BF-10A	10 kw.
General Electric Co., Schenectady, N. Y.	BT-11-B	10 watts.
	BT-12-A	10 watts.
	BT-12-B	10 watts.
	BT-1-A	250 watts.
	BT-1-B	250 watts.
	BT-2-A	1 kw.
	BT-2-B	1 kw.
	BT-3-A	3 kw.
	BT-3-B	3 kw.
	BT-4-A	10 kw.
	BT-4-B	10 kw.
	BT-5-A	50 kw.
Harvey Radio Laboratories, Inc., Cambridge, Mass.	FM-500	250 watts.
Radio Corp. of America, New York, N. Y.	MI-7016	Exciter.
	BTF-250A	250 watts.
	BTF-1C	1 kw.
	BTF-3B	3 kw.
	BTF-5A	5 kw.
	BTF-10B	10 kw.
	BTF-50A	50 kw.
Radio Engineering Laboratories, Long Island City, N. Y.	549A-DL	250 watts.
	701	1 kw.
	518B-DL	1 kw.
	518D-DL	1 kw.
	519-DL	3 kw.
	520-DL	10 kw.
Raytheon Manufacturing Co., Waltham, Mass.	RF-250	250 watts.
	RF-1000	1 kw.
	RF-3	3 kw.
	RF-10	10 kw.
Western Electric Co., Inc., New York, N. Y.	503 B-1	1 kw.
	503 B-2	1 kw.
	504 B-2	3 kw.
	506 B-2	10 kw.
Westinghouse Electric & Manufacturing Co., Baltimore, Md.	MO/MP	Exciter.
	FM-1	1 kw.
	FM-3	3 kw.
	FM-10	10 kw.
	FM-50	50 kw.

SECTION 17. APPROVED FREQUENCY MONITORS

Manufacturer's name	Type No.
Doolittle Radio, Inc., Chicago, Ill.	FD-11.
General Electric Co., Schenectady, N. Y.	BM-1-A.
General Radio Co., Cambridge, Mass.	1170-A.
Hewlett-Packard Co., Palo Alto, Calif.	335B.
Radio Engineering Laboratories, Long Island City, N. Y.	600.
	600A.
	600R.
	600T.
Western Electric Co., Inc., New York, N. Y.	5A.

SECTION 18. APPROVED MODULATION MONITORS

Manufacturer's name	Type No.
Doolittle Radio, Inc., Chicago, Ill.	FD-11.
General Electric Co., Schenectady, N. Y.	BM-1-A.
General Radio Co., Cambridge, Mass.	1170-A.
Hewlett-Packard Co., Palo Alto, Calif.	335B.
Radio Engineering Laboratories, Long Island City, N. Y.	600.
	600A.
	600R.
	600T.
Western Electric Co., Inc., New York, N. Y.	5A.

SUBPART C—RULES GOVERNING NONCOMMERCIAL EDUCATIONAL FM BROADCAST STATIONS

CLASSIFICATION OF STATIONS AND ALLOCATION OF FREQUENCIES

§ 3.501 *Channels available for assignment.*[1] The channels available for noncommercial educational FM broadcasting are listed in the table below, together with numerical designations for convenience:

Frequency (Mc):	Channel No.	Frequency (Mc):	Channel No.
88.1	201	90.1	211
88.3	202	90.3	212
88.5	203	90.5	213
88.7	204	90.7	214
88.9	205	90.9	215
89.1	206	91.1	216
89.3	207	91.3	217
89.5	208	91.5	218
89.7	209	91.7	219
89.9	210	91.9	220

§ 3.502 *State-wide plans.* In considering the assignment of a channel for a noncommercial educational FM broadcast station, the Commission will take into consideration the extent to which each application meets the requirements of any state-wide plan for noncommercial educational FM broadcast stations filed with the Commission, provided that such plans afford fair treatment to public and private educational institutions, urban and rural, at the primary, secondary, higher, and adult educational levels, and appear otherwise fair and equitable.

§ 3.503 *Licensing requirements and service.* The operation of, and the service furnished by noncommercial educational FM broadcast stations shall be governed by the following:

(a) A noncommercial educational FM broadcast station will be licensed only to a nonprofit educational organization and upon showing that the station will be used for the advancement of an educational program.

(1) In determining the eligibility of publicly supported educational organizations, the accreditation of their respective state departments of education shall be taken into consideration.

(2) In determining the eligibility of privately controlled educational organizations, the accreditation of state departments of education and/or recognized regional and national educational accrediting organizations shall be taken into consideration.

(b) Each station may transmit programs directed to specific schools in a system or systems for use in connection with the regular courses as well as routine and administrative material pertaining thereto and may transmit educational, cultural, and entertainment programs to the public.

(c) Each station shall furnish a nonprofit and noncommercial broadcast service. No sponsored or commercial program shall be transmitted nor shall commercial announcements of any character be made. A station shall not transmit the programs of other classes of broadcast stations unless all commercial announcements and commercial references in the continuity are eliminated.

§ 3.504 *Frequency, power and service area.* (a) In the assignment of frequency and power to a noncommercial educational FM broadcast station the Commission will consider with the application: (1) the area served by applicant's existing educational facilities; and (2) the provisions of any statewide plan on file with the Commission which meets the requirements of § 3.502. A station licensed for transmitter power output of 10 watts or less normally will be licensed to operate on the frequency 88.1 megacycles; however, should it appear that operation on this frequency would cause objectionable interference, such station may be licensed to operate on the next higher frequency that would not cause objectionable interference.

(b) The license of each noncommercial educational FM broadcast station licensed for transmitter power output of 10 watts or less shall specify the maximum authorized operating power output of the transmitter. The license of each noncommercial educational FM broadcast station licensed for transmitter power output above 10 watts shall specify the authorized effective radiated power of the station and the authorized operating power output of the transmitter.

(c) Each application for a new noncommercial educational FM broadcast station or increase in facilities of an existing station which proposes transmitter power output above 10 watts shall contain a determination of the antenna height above average terrain and the extent of the 1 mv/m and 50 uv/m contours of the proposed station by the methods prescribed in the Standards of Good Engineering Practice Concerning FM Broadcast Stations.

§ 3.505 *Standards of good engineering practice.* The definitions and interference standards contained in the Standards of Good Engineering Practice Concerning FM Broadcast Stations shall be applicable to noncommercial educational FM broadcast stations. Other portions of such Standards shall be applicable to

[1] The frequency 89.1 Mc., Channel No. 206 in the New York City metropolitan area is reserved for the use of the United Nations with the equivalent of an antenna height of 500 feet above average terrain and effective radiated power of 20 kw., and the Commission will make no assignments which would cause objectionable interference with such use.

the extent specifically prescribed by this part.

RULES GOVERNING ADMINISTRATIVE PROCEDURE

§ 3.511 *Application for noncommercial educational FM broadcast stations.* Each applicant for a construction permit for a new noncommercial educational FM broadcast station, change in facilities of any existing noncommercial educational FM broadcast station, or noncommercial educational FM broadcast station license or modification of license shall file with the Commission in Washington, D. C., two copies of applications and a like number of exhibits and other papers incorporated therein and made a part thereof. Only the original copy need be sworn to. If the application is for authority to construct or make changes in a noncommercial educational FM broadcast station, FCC Form 340 should be filed; for a noncommercial educational FM license, FCC Form 341 should be filed.

§ 3.512 *Full disclosures.* Each application shall contain full and complete disclosures with regard to all matters and things required to be disclosed by the application forms.

§ 3.513 *Installation of apparatus.* Applications for construction permits or modification thereof involving the installation of new transmitting apparatus should be filed at least 60 days prior to the contemplated installation.

§ 3.514 *Period of construction.* Each construction permit will specify a maximum of 8 months from the date of granting thereof as the time within which construction of the station shall be completed and the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case. Each construction permit shall bear the date of the Commission's action authorizing the issuance of the construction permit. Where a conditional grant is ordered, the construction permit shall be dated as of the time when all conditions have been satisfied.

§ 3.515 *Forfeiture of construction permits; extension of time.* (a) A construction permit shall be automatically forfeited if the station is not ready for operation within the time specified therein or within such further time as the Commission may have allowed for completion, and a notation of the forfeiture of any construction permit under this provision will be placed in the records of the Commission as of the expiration date.

(b) Any application for extension of time (FCC Form 701) within which to construct a station shall be filed at least 30 days prior to the expiration date of such permit if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases such applications will be accepted upon a showing satisfactory to the Commission of sufficient reasons for filing within less than 30 days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension.

(c) If a construction permit has been allowed to expire for any reason, application may be made for a new permit on FCC Form 321 "Application for a Construction Permit to Replace Expired Permit".

§ 3.516 *Equipment tests.* (a) During the process of construction of a noncommercial educational FM broadcast station, the permittee, after notifying the Commission and Engineer in Charge of the radio district in which the station is located, may without further authority of the Commission, conduct equipment tests for the purpose of such adjustments and measurements as may be necessary to assure compliance with the terms of the construction permit, the technical provisions of the application therefor, the rules and regulations, and the applicable engineering standards.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date for the beginning of equipment tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Equipment tests may be continued so long as the construction permit shall remain valid.

(d) Inspection of a station will ordinarily be required during the equipment test period and before the commencement of the program test. After construction and after adjustments and measurements have been completed to show compliance with the terms of the construction permit, the technical provisions of the application therefor, the rules and regulations and the applicable engineering standards, the permittee should notify the Engineer in Charge of the radio district in which the station is located that it is ready for inspection.

(e) The authorization for tests embodied in this section shall not be construed as constituting a license to operate but as a necessary part of construction.

§ 3.517 *Program tests.* (a) Upon completion of construction of a noncommercial educational FM broadcast station in accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations and applicable engineering standards, and when an application for station license has been filed showing the station to be in satisfactory operating condition,[2] the permittee may request authority to conduct program tests: *Provided,* That such request shall be filed with the Commission at least ten (10) days prior to the date on which it is desired to begin such operation and that the Engineer in Charge of the radio district in which the station is located is notified.

(b) Program tests shall not commence until specific Commission authority is received. The Commission reserves the right to change the date of the beginning of such tests, or to suspend or revoke the authority for program tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Unless sooner suspended or revoked program test authority continues valid during Commission consideration of the application for license and during this period further extension of the construction permit is not required. Program test authority shall be automatically terminated by final determination upon the application for station license.

(d) All operation under program test authority shall be in strict compliance with the rules governing noncommercial educational FM broadcast stations and in strict accordance with representations made in the application for license pursuant to which the tests were authorized.

(e) The grant of program test authority shall not be construed as approval by the Commission of the application for station license.

§ 3.518 *Normal license period.* (a) All initial licenses covering construction permits for new noncommercial educational FM broadcast stations will be issued so as to expire at the hour of 3 a. m., eastern standard time, and will be issued for a minimum period of one year and a maximum period of one year and 11 months to expire in accordance with the following schedule:

(1) For stations operating on the frequencies 88.1, 88.3, 88.5, 88.7, 88.9, 89.1, 89.3, 89.5, 89.7 and 89.9 Mcs., June 1.

(2) For stations operating on the frequencies 90.1 90.3, 90.5, 90.7, 90.9, 91.1, 91.3, 91.5, 91.7 and 91.9 Mcs., September 1.

(b) All renewals of noncommercial educational FM broadcast station licenses will be issued so as to expire at the hour of 3 a. m., eastern standard time, and will be issued for a maximum period of three years to expire in accordance with the following schedule and at 3-year intervals thereafter:

(1) For stations operating on the frequencies 88.1, 88.3, 88.5 Mcs., June 1, 1948.

(2) For stations operating on the frequencies 90.1, 90.3, 90.5 Mcs., September 1, 1948.

(3) For stations operating on the frequencies 88.7, 88.9, 89.1 Mcs., June 1, 1949.

(4) For stations operating on the frequencies 90.7, 90.9, 91.1 Mcs., September 1, 1949.

(5) For stations operating on the frequencies 89.3, 89.5, 89.7, 89.9 Mcs., June 1, 1950.

(6) For stations operating on the frequencies 91.3, 91.5, 91.7, 91.9 Mcs., September 1, 1950.

§ 3.519 *License, simultaneous modification and renewal.* When an application is granted by the Commission necessitating the issuance of a modified license less than 60 days prior to the expiration date of the license sought to be modified, and an application for renewal of said license is granted subsequent or prior thereto (but within 30 days of expiration of the present license) the modified

[2] All data necessary to show compliance with the terms and conditions of the construction permit must be filed with the license application.

license as well as the renewal license shall be issued to conform to the combined action of the Commission.

§ 3.520 *Renewal of license.* (a) Unless otherwise directed by the Commission, each application for renewal of license shall be filed at least 60 days prior to the expiration date of the license sought to be renewed (FCC Form 342).

(b) Whenever the Commission regards an application for renewal of license as essential to the proper conduct of a hearing or investigation, and specifically directs that it be filed by a date certain, such application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.

§ 3.521 [Reserved.]

§ 3.522 *Repetitious applications.* (a) Where an applicant has been afforded an opportunity to be heard with respect to a particular application for a new noncommercial educational FM broadcast station, or for change of existing service or facilities, and the Commission has, after hearing or default, denied the application or dismissed it with prejudice, the Commission will not consider another application for a station of the same class to serve in whole or in part the same area, by the same applicant or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of 12 months from the effective date of the Commission's order.

(b) Where an appeal has been taken from the action of the Commission in denying a particular application, another application for the same class of broadcast station and for the same area, in whole or in part, filed by the same applicant or by his successor or assignee, or on behalf or for the benefit of the original parties in interest, will not be considered until after the final disposition of such appeal.

§ 3.523 *Assignment or transfer of control.* (a) Application for consent to assignment of a noncommercial educational FM construction permit or license or for consent to voluntary transfer of control of a corporation holding a noncommercial education FM construction permit or license shall be filed with the Commission on FCC Form 314 (Assignment of License), FCC Form 315 (Transfer of Control) or FCC Form 316 (Short Form) at least 60 days prior to the contemplated effective date of assignment or transfer of control.

(b) *Pro forma* assignment or transfer applications shall be filed on FCC Form 316. Such cases are defined as cases in which:

(1) There is an assignment from an individual or individuals (including partnerships) to a corporation owned and controlled by such individuals or partnerships without any substantial change in their relative interests;

(2) There is an assignment from a corporation to its individual stockholders without effecting any substantial change in the disposition of their interests;

(3) There is an assignment or transfer by which certain partners or stockholders retire but no new ones are brought in, provided that the interest transferred is not a controlling one;

(4) There is a corporate reorganization which involves no substantial change in the beneficial ownership of the corporation;

(5) There is an involuntary transfer to an Executor, Administrator or other court appointed officer caused by death or legal disability except that this form does not cover assignments (or transfers) from the Executor, Administrator or other court appointed officers to the ultimate beneficiary;

(6) There is an assignment or transfer from a corporation to a wholly owned subsidiary thereof or vice versa, or where there is an assignment from a corporation to a corporation owned or controlled by the assignor stockholders without substantial change in their interests.

(7) There is an assignment of less than a controlling interest in a partnership.

RULES RELATING TO EQUIPMENT

§ 3.551 *Transmitter power.* (a) The standard power rating of the transmitter of a noncommercial educational FM broadcast station licensed for transmitter power output above 10 watts shall be in accordance with the Standards of Good Engineering Practice Concerning FM Broadcast Stations.

(b) The standard power rating of the transmitter of a noncommercial educational FM broadcast station licensed for transmitter power output of 10 watts or less shall be not less than the authorized operating power and not more than 10 watts.

§ 3.552 *Frequency monitor.* (a) The licensee of each station licensed for transmitter power output above 10 watts shall have in operation, either at the transmitter or at the place where the transmitter is controlled, a frequency monitor of a type approved by the Commission which shall be independent of the frequency control of the transmitter.

(b) In the event that the frequency monitor becomes defective the station may be operated without the monitor pending its repair or replacement for a period not in excess of 60 days without further authority of the Commission: *Provided,* That:

(1) Appropriate entries shall be made in the operating log of the station showing the date and time the monitor was removed from and restored to service.

(2) The Engineer in Charge of the radio district in which the station is located shall be notified both immediately after the monitor is found to be defective and immediately after the repaired or replacement instrument has been installed and is functioning properly.

(3) The frequency of the station shall be compared with an external frequency source of known accuracy at sufficiently frequent intervals to insure that the frequency is maintained within the tolerance prescribed in § 3.568. An entry shall be made in the station log as to the method used and the results thereof.

(c) If conditions beyond the control of the licensee prevent the restoration of the monitor to service within the above-allowed period, informal request may be filed in accordance with § 1.332 (d) of this chapter with the Engineer in Charge of the radio district in which the station is located for such additional time as may be required to complete repairs of the defective instrument.

(d) The licensee of each non-commercial educational FM broadcast station licensed for transmitter power output of 10 watts or less shall provide for the measurement of the station frequency by a means independent of the frequency control of the transmitter. The station frequency shall be measured (1) when the transmitter is initially installed, (2) at any time the frequency determining elements are changed, and (3) at any time the licensee may have reason to believe the frequency has shifted beyond the tolerance specified by the Commission's rules.

§ 3.553 *Modulation monitor.* (a) The licensee of each station licensed for transmitter power output above 10 watts shall have in operation, either at the transmitter or at the place where the transmitter is controlled, a modulation monitor of a type approved by the Commission.

(b) In the event that the modulation monitor becomes defective the station may be operated without the monitor pending its repair or replacement for a period not in excess of 60 days: *Provided,* That:

(1) Appropriate entries shall be made in the operating log of the station showing the date and time the monitor was removed from and restored to service.

(2) The Engineer in Charge of the radio district in which the station is located shall be notified both immediately after the monitor is found to be defective and immediately after the repaired or replacement monitor has been installed and is functioning properly.

(3) During the period when the station is operated without the modulation monitor the licensee shall provide other suitable means for insuring that the modulation is maintained within the tolerance prescribed in § 3.568.

(c) If conditions beyond the control of the licensee prevent the restoration of the monitor to service within the above allowed period, informal request may be filed in accordance with § 1.332 (d) of this chapter with the Engineer in Charge of the radio district in which the station is located for such additional time as may be required to complete repairs of the defective instrument.

(d) The licensee of each non-commercial educational FM broadcast station licensed for transmitter power output of 10 watts or less shall provide a percentage modulation indicator or a calibrated program level meter from which a satisfactory indication of the percentage of modulation of the transmitter can be determined.

§ 3.554 *Transmitter performance.* (a) The transmitter proper and associated transmitting equipment of each noncommercial educational FM broadcast station licensed for transmitter

power output above 10 watts shall be designed, constructed and operated in accordance with the Standards of Good Engineering Practice Concerning FM Broadcast Stations.

(b) The transmitter proper and associated transmitting equipment of each noncommercial educational FM broadcast station licensed for transmitter power output of 10 watts or less, although not required to meet all requirements of the Standard of Good Engineering Practice Concerning FM Broadcast Stations, shall be constructed with safety features in accordance with the specifications of article 810 of the current National Electrical Code as approved by the American Standards Association and shall be so operated, tuned, and adjusted that emissions are not radiated outside the authorized band which cause or which are capable of causing interference to the communications of other stations. The audio distortion, audio frequency range, carrier hum, noise level, and other essential phases of the operation which control the external effects, shall at all times be capable of providing satisfactory broadcast service. Studio equipment properly covered by an underwriter's certificate will be considered as satisfying safety requirements.

§ 3.555 *Auxiliary transmitter.* Upon showing that a need exists for the use of an auxiliary transmitter in addition to the regular transmitter of a broadcast station, a license therefor may be issued: *Provided,* That:

(a) An auxiliary transmitter may be installed either at the same location as the main transmitter or at another location.

(b) A licensed operator shall be in control whenever an auxiliary transmitter is placed in operation.

(c) The auxiliary transmitter shall be maintained so that it may be placed into immediate operation at any time for the following purposes:

(1) The transmission of the regular programs upon the failure of the main transmitter.

(2) The transmission of regular programs during maintenance or modification[3] work on the main transmitter, necessitating discontinuance of its operation for a period not to exceed 5 days.

(3) Upon request by a duly authorized representative of the Commission.

(d) The auxiliary transmitter shall be tested at least once each week to determine that it is in proper operating condition and that it is adjusted to the proper frequency, except that in case of operation in accordance with paragraph (c) of this section during any week, the test in that week may be omitted provided the operation under paragraph (c) is satisfactory. A record shall be kept of the time and result of each test.

[3] This includes the equipment changes which may be made without authority as set forth elsewhere in the rules and regulations and the Standards of Good Engineering Practice or as authorized by the Commission by letter or by construction permit. Where such operation is required for periods in excess of 5 days, request therefor shall be in accordance with § 1.324 of this chapter.

(e) The auxiliary transmitter shall be equipped with satisfactory control equipment which will enable the maintenance of the frequency emitted by the station within the limits prescribed by the regulations in this part.

(f) The operating power of an auxiliary transmitter may be less than the authorized power of the main transmitter, but in no event shall it be greater than such power.

§ 3.556 *Alternate main transmitters.* The licensee of a noncommercial educational FM broadcast station may be licensed for alternate main transmitters provided that a technical need[4] for such alternate transmitters is shown and that the following conditions are met:

(a) Both transmitters are located at the same place.

(b) Both transmitters shall have the same power rating.

(c) Both transmitters shall meet the requirements of § 3.554.

§ 3.557 *Changes in equipment and antenna system.* Licenses of noncommercial educational FM broadcast stations shall observe the following provisions with regard to changes in equipment and antenna system:

(a) No changes in equipment shall be made:

(1) That would result in the emission of signals outside of the authorized channel.

(2) That would result in the external performance of the transmitter being in disagreement with § 3.554.

(b) Specific authority, upon filing formal application (FCC Form 340) therefor, is required for a change in service area or for any of the following changes:

(1) Changes involving an increase or decrease in the power rating of the transmitter.

(2) A replacement of the transmitter as a whole.

(3) Change in the location of the transmitting antenna.

(4) Change in antenna system, including transmission line.

(5) Change in location of main studio, if it is proposed to move the main studio to a different city from that specified in the license.

(6) Change in the power delivered to the antenna.

(7) Change in frequency control and/or modulation system.

(8) Change in the authorized transmitter remote control point(s).

(c) Other changes, except as above provided for in this section, may be made at any time without the authority of the Commission, provided that the Commission shall be promptly notified thereof and such changes shall be shown in the next application for renewal of license.

§ 3.558 *Indicating instruments.* (a) Each non-commercial FM broadcast station licensed for transmitter power above 10 watts shall be equipped with indicating instruments, which conform with the specifications set forth in the Standards of Good Engineering Practice Concerning FM Broadcast Stations for measuring the direct plate voltage and current of the last radio stage and the transmission line radio frequency current, voltage, or power. (See Indicating Instruments Pursuant to § 3.258 in the Standards of Good Engineering Practice Concerning FM Broadcast Stations, section 9 of Appendix to Subpart B.)

(b) In the event that any one of these indicating instruments becomes defective when no substitute which conforms with the required specifications is available, the station may be operated without the defective instrument pending its repair or replacement for a period not in excess of 60 days: *Provided,* That:

(1) Appropriate entries shall be made in the operating log of the station showing the date and time the meter was removed from and restored to service.

(2) The Engineer in Charge of the radio district in which the station is located shall be notified both immediately after the instrument is found to be defective and immediately after the repaired or replaced instrument has been installed and functioning properly.

(3) If the defective instrument is a plate voltmeter or plate ammeter in the last radio stage, the operating power shall be maintained by means of the radio frequency transmission line meter.

(c) If conditions beyond the control of the licensee prevent the restoration of the meter to service within the above allowed period, informal request may be filed in accordance with § 1.332 (d) of this chapter with the Engineer in Charge of the radio district in which the station is located for such additional time as may be required to complete repairs of the defective instrument.

RULES RELATING TO TECHNICAL OPERATION

§ 3.561 *Operating schedule.* Noncommercial educational FM broadcast stations are not required to operate on a regular schedule and no minimum number of hours of operation is specified; but the hours of actual operation during a license period shall be taken into consideration in considering the renewal of noncommercial educational FM broadcast licenses wherever it appears that the channels available for such stations are insufficient to meet the demand.

§ 3.562 *Experimental operation.* The period between 1:00 a. m., and 6:00 a. m., local standard time, may be used for experimental purposes in testing and maintaining apparatus by the licensee of any noncommercial educational FM broadcast station on its assigned frequency and not in excess of its authorized power, without specific authorization from the Commission.

§ 3.563 *Station inspection.* The licensee of any noncommercial educational FM broadcast station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 3.564 *Station and operator licenses; posting of.* (a) The station license and any other instrument of station author-

[4] Such as licensees maintaining 24-hour schedule and needing alternate operation for maintenance, or where developmental work requires alternate operation.

ization and the original license (FCC Form 759) of each station operator shall be posted in a conspicuous place in the transmitter control room in such a manner that all terms thereof are visible.

§ 3.565 *Operator requirements.* (a) One or more radio operators holding a valid radiotelephone first-class operator license, except as provided in this section, shall be in actual charge of the transmitting apparatus and shall be on duty either at the transmitter location or remote control point.

(b) A station which is authorized with transmitter power output of 10 kilowatts or less may be operated by persons holding commercial radio operator license of any class, except an aircraft radiotelephone operator authorization or a temporary limited radiotelegraph second-class operator license, when the equipment is so designed that the stability of the frequency is maintained by the transmitter itself within the limits of tolerance specified, and none of the operations, except those specified in subparagraphs (1), (2) and (3) of this paragraph, necessary to be performed during the course of normal operation may cause off-frequency operation or result in any unauthorized radiation. Adjustments of transmitting equipment by such operators, except when under the immediate supervision of radiotelephone first-class operator, shall be limited to the following:

(1) Those necessary to commence or terminate transmitter emissions as a routine matter.

(2) Those external adjustments that may be required as a result of variations of primary power supply.

(3) Those external adjustments which may be necessary to insure modulation within the limits required.

Should the transmitting apparatus be observed to be operating in a manner inconsistent with the station's instrument of authorization and none of the above adjustments are effective in bringing into proper operation, a person holding other than a radiotelephone first-class operator license and not acting under the immediate supervision of a radiotelephone first-class operator, shall be required to terminate the station's emissions.

(c) The licensee of a station which is operated by one or more operators holding other than a radiotelephone first-class operator license shall have one or more operators holding a radiotelephone first-class operator license in regular full-time employment at the station, whose primary duties shall be to effect and insure the proper functioning of the transmitting equipment. In the event that the licensee also operates a standard broadcast station in the same community, a regular full-time radiotelephone first-class operator or operators employed in connection with the FM broadcast station may concurrently be employed to satisfy the requirements of § 3.165 (c): *Provided,* That the duties of such operator or operators concerning the standard broadcast transmitting equipment shall in nowise interfere with the proper performance of his duties with respect to the FM broadcast transmitter: Except, that (1) if the transmitter power output is in excess of 10 watts but not greater than 1 kw, an operator holding radiotelephone second-class operator license may be on duty and perform the functions required of the radiotelephone first-class operator, or (2) if the transmitter power output is 10 watts or less, a radiotelephone second-class or radiotelegraph first- or second-class operator may be on duty and perform the functions of the radiotelephone first-class operator but need not be in regular full-time employment at the station.

(d) The licensed operator on duty and in charge of a non-commercial educational FM broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for the operation of another radio station or stations in accordance with the class of operator's license which he holds and the rules and regulations governing such other stations: *Provided, however,* That such duties shall in nowise interfere with the proper operation of the FM broadcast transmitter.

§ 3.566 *Facsimile broadcasting and multiplex transmission.* (a) Noncommercial educational FM broadcast stations may transmit simplex facsimile in accordance with transmission standards set forth in the Standards of Good Engineering Practice Concerning FM Broadcast Stations during periods not devoted to FM aural broadcasting. Such transmissions may not exceed one hour during the period between 7 a. m. and midnight (no limit is placed upon the hours between midnight and 7 a. m.). The Commission shall be notified by the licensee of the Noncommercial Educational FM broadcast station of its intent to transmit such facsimile.

(b) Noncommercial educational FM broadcast stations may, upon securing authorization from the Commission, transmit multiplex facsimile in accordance with transmission standards set forth in the Standards of Good Engineering Practice Concerning FM Broadcast Stations: *Provided,* That the transmission of such facsimile does not reduce the quality of the aural program simultaneously transmitted by the licensee below that required by the Standards of Good Engineering Practice Concerning FM Broadcast Stations and that no degradation of such aural programs will result from such facsimile transmissions when received on FM receivers not equipped with filters or other additional equipment.

§ 3.567 *Operating power; determination and maintenance of.* (a) The operating power of each station shall be determined by the indirect method. This is the product of the plate voltage (E_p) and the plate current (I_p) of the last radio stage, and an efficiency factor, F; that is:

$$\text{Operating power} = E_p \times I_p \times F$$

The efficiency factor, F, shall be established by the transmitter manufacturer for each type of transmitter for which Commission approval is requested, and shall be specified in the instruction books supplied to the customer with each transmitter. In the case of composite equipment the factor, F., shall be furnished to the Commission along with a statement of the basis used in determining such factor.

(b) The operating power of each station licensed for transmitter power output above 10 watts shall be maintained as near as practicable to the authorized power, and shall not exceed the limits of 5 percent above and 10 percent below the authorized power, except that in an emergency when it becomes impossible to operate with the authorized power, the station may be operated with reduced power for a period not to exceed 10 days provided the Commission and the Engineer in Charge of the radio district in which the station is located shall be notified immediately after the emergency develops and also upon the resumption of normal operating power. With respect to each station licensed for transmitter power output of 10 watts or less, the power at which the station is operated may be less than the licensed power, but shall in no event be more than 5 percent above the licensed power. The transmitter of each station shall be so maintained as to be capable of operation at a maximum licensed power.

§ 3.568 *Modulation.* The percentage of modulation of all stations shall be maintained as high as possible consistent with good quality of transmission and good broadcast practice and in no case less than 85 percent or more than 100 percent on peaks of frequent recurrence during any selection which normally is transmitted at the highest level of the program under consideration.

§ 3.569 *Frequency tolerance.* (a) The center frequency of each noncommercial educational FM broadcast station licensed for transmitter power output of 10 watts or less shall be maintained within 3,000 cycles of the assigned center frequency.

(b) The center frequency of each noncommercial educational FM broadcast station licensed for transmitter power output above 10 watts shall be maintained within 2,000 cycles of the assigned center frequency.

§ 3.570 *Antenna structure, marking and lighting.* Where an antenna structure(s) is required to be painted or lighted see § 17.37, *Inspection of tower lights and associated control equipment;* § 17.39, *Cleaning and repainting;* § 17.40, *Time when lights shall be exhibited;* § 17.41, *Spare lamps;* and § 17.42, *Lighting equipment;* of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures).

§ 3.571 *Discontinuance of operation.* The licensee of each station shall notify the Commission in Washington, D. C., and the Engineer in Charge of the radio district in which the station is located of permanent discontinuance of operation at least two days before operation is discontinued. The licensee shall, in addition, immediately forward the station license and other instruments of authorization to the Washington, D. C., office of the Commission for cancellation.

§ 3.572 *Remote control operation.* A station which is authorized with transmitter power output of 10 kilowatts or less may, upon prior authorization from the Commission, be operated by remote control at the point(s) which shall be specified in the station license. An application for authorization to operate by remote control may be made as a part of an application for construction permit or license or modification thereof by specifying the proposed remote control point(s). Operation by remote control shall be subject to the following conditions:

(a) The equipment at the operating and transmitting positions 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) The control circuits from the operating position to the transmitter shall provide positive on and off control and shall be such that open circuits, short circuits, grounds or other line faults will not actuate the transmitter and any fault causing loss of such control will automatically place the transmitter in an inoperative condition.

(c) Control and monitoring equipment shall be installed so as to allow the licensed operator either at the remote control point or at the transmitter to perform all of the functions in a manner required by the Commission's rules and Standards: Except, that in the case of a station licensed for a transmitter output power of 10 watts or less the monitoring equipment shall be installed at the remote control point so as to continuously monitor the actual FM carrier and audibly indicate the nature and quality of the program being broadcast.

OTHER RULES RELATING TO OPERATION

§ 3.581 *Logs.* The licensee or permittee of each noncommercial educational FM broadcast station shall maintain program and operating logs and shall require entries to be made as follows:

(a) In the program log:

(1) An entry of the time each station identification announcement (call letters and location) is made.

(2) An entry briefly describing each program broadcast, such as "music," "drama," "speech," etc., together with the name or title thereof, with the time of the beginning and ending of the complete program. If a mechanical record is used, the entry shall show the exact nature thereof, such as "record," "transcription," etc., and the time it is announced. If the program is of network origin, its source shall be indicated. If the broadcast is under the auspices of an institution or organization other than the licensee, its name shall be noted.

(b) In the operating log:

(1) An entry of the time the station begins to supply power to the antenna, and the time it stops.

(2) An entry of the time the program service begins and ends.

(3) An entry of each interruption to the carrier wave, its cause and duration.

(4) For each station licensed for transmitter power output above 10 watts, an entry of the following each 30 minutes:

(i) Operating constants of last radio stage (total plate current and plate voltage).

(ii) Radio frequency transmission line meter reading.

(iii) Frequency monitor reading.

(5) A log must be kept of all operation during the experimental period. If the entries required above are not applicable thereto, then the entries shall be made so as to fully describe the operation.

(c) Where an antenna structure(s) is required to be illuminated see § 17.38, *Recording of tower light inspections in the station record,* of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures).

§ 3.582 *Logs; retention of.* Logs of noncommercial, educational FM broadcast stations shall be retained by the licensee or permittee for a period of two years, *Provided, however,* That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the licensee or permittee has been notified, shall be retained by the licensee or permittee until he is specifically authorized in writing by the Commission to destroy them; *Provided, further,* That logs incident to or involved in any claim or complaint of which the licensee or permittee has notice shall be retained by the licensee or permittee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

§ 3.583 *Logs; by whom kept.* Each log shall be kept by the person or persons competent to do so, having actual knowledge of the facts required, who shall sign the log when starting duty and again when going off duty. The logs shall be made available upon request by an authorized representative of the Commission.

§ 3.584 *Log form.* The log shall be kept in an orderly manner, in suitable form, and in such detail that the data required for the particular class of station concerned are readily available. Key letters or abbreviations may be used if proper meaning or explanation is contained elsewhere in the log.

§ 3.585 *Correction of logs.* No log or portion thereof shall be erased, obliterated, or willfully destroyed within the period of retention provided by the rules. Any necessary correction may be made only by the person originating the entry who shall strike out the erroneous portion, initial the correction made, and indicate the date of correction.

§ 3.586 *Rough logs.* Rough logs may be transcribed into condensed form, but in such case the original log or memoranda and all portions thereof shall be preserved and made a part of the complete log.

§ 3.587 *Station identification.* (a) A licensee of a noncommercial educational FM broadcast station shall make at least the following station identification announcements (call letters and location): (1) at the beginning and ending of each time of operation; and (2) within 2 minutes of each hour and each half hour during operation: *Provided,*

(b) Such identification announcement need not be made on the hour or half hour when to make such announcement would interrupt a single continuous program of longer duration than 30 minutes. In such cases the identification announcement shall be made at the beginning of the program, at the first interruption of the continuity, and at the conclusion of the program.

(c) In making the identification announcement, the call letters shall be given only on the channel of the station identified thereby.

§ 3.588 *Mechanical records.* Each program broadcast, except when designed specifically for in-school listening, which consists in whole or in part of one or more mechanical reproductions shall be announced in the manner and to the extent set out below.

(a) Each such program of longer duration than 30 minutes, consisting in whole or in part of one or more mechanical reproductions, shall be identified by appropriate announcement at the beginning of the program, at each 30-minute interval and at the conclusion of the program: *Provided, however,* That the identifying announcement at each 30-minute interval is not required in case of a mechanical reproduction consisting of a continuous uninterrupted speech, play, religious service, symphony concert, or operatic production of longer than 30 minutes.

(b) Each such program of a longer duration than 5 minutes and not in excess of 30 minutes, consisting in whole or in part of one or more mechanical reproductions, shall be identified by an appropriate announcement at the beginning and end of the program.

(c) Each such program of 5 minutes or less, consisting in whole or in part of mechanical reproductions, shall be identified by appropriate announcement immediately preceding the use thereof: *Provided, however,* That each such program of one minute or less need not be announced as such.

(d) In case a mechanical reproduction is used for background music, sound effects, station identification, program identification (theme music of short duration) or identification of the sponsorship of the program proper, no announcement of the mechanical reproduction is required.

(e) The exact form of identifying announcement is not prescribed, but the language shall be clear and in terms commonly used and understood. A

licensee shall not attempt affirmatively to create the impression that any program being broadcast by mechanical reproduction consists of live talent.

§ 3.589 [Reserved.]

§ 3.590 *Broadcasts by candidates for public office*—(a) *Definitions.* A "legally qualified candidate" means any person who has publicly announced that he is a candidate for nomination by a convention of a political party or for nomination or election in a primary, special, or general election, municipal, county, state or national, and who meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate, so that he may be voted for by the electorate directly or by means of delegates or electors, and who—

(1) Has qualified for a place on the ballot or

(2) Is eligible under the applicable law to be voted for by sticker, by writing in his name on the ballot, or other method and (i) has been duly nominated by a political party which is commonly known and regarded as such, or (ii) makes a substantial showing that he is a bona fide candidate for nomination or office, as the case may be.

(b) *General requirements.* No station licensee is required to permit the use of its facilities by any legally qualified candidate for public office, but if any licensee shall permit any such candidate to use its facilities, it shall afford equal opportunities to all other such candidates for that office to use such facilities: *Provided,* That such licensee shall have no power of censorship over the material broadcast by any such candidate.

(c) *Practices.* No licensee shall make any discrimination in practices, regulations, facilities, or services for or in connection with the service rendered pursuant to this part, or make or give any preference to any candidate for public office or subject any such candidate to any prejudice or disadvantage; nor shall any licensee make any contract or other agreement which shall have the effect of permitting any legally qualified candidate for any public office to broadcast to the exclusion of other legally qualified candidates for the same public office.

(d) *Records; inspection.* Every licensee shall keep and permit public inspection of a complete record of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the licensee of such requests.

§ 3.591 *Rebroadcast.* (a) The term "rebroadcast" means reception by radio of the program[5] of a radio station, and the simultaneous or subsequent retransmission of such program by a broadcast station. The broadcasting of a program relayed by a remote pick-up broadcast station or studio transmitter link is not considered a rebroadcast. In case a program is transmitted from its point of origin to a broadcast station entirely by telephone facilities in which a section of such transmission is by radio, the broadcasting of this program is not considered a rebroadcast.

(b) The licensee of a noncommercial educational FM broadcast station may, without further authority of the Commission, rebroadcast the program of a United States standard, FM, noncommercial educational, or international broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the licensee certifies that express authority has been received from the licensee of the station originating the program.[6][7]

(c) No licensee of a noncommercial educational FM broadcast station shall rebroadcast the program of any United States radio station not designated in paragraph (b) of this section without written authority having first been obtained from the Commission upon application (informal) accompanied by written consent or certification of consent of the licensee of the station originating the program.[8]

SUBPART D—RULES GOVERNING FACSIMILE BROADCAST STATIONS [Reserved]

SUBPART E—RULES GOVERNING TELEVISION BROADCAST STATIONS

GENERAL

§ 3.601 *Scope of subpart.* This subpart contains the rules and regulations (including engineering standards) governing television broadcast stations, including noncommercial educational television broadcast stations, in the United States, its Territories and possessions.

§ 3.602 *Other pertinent rules.* Other pertinent provisions of the Commission's rules and regulations relating to the television broadcast service are included in the following parts:

Part 1—Practice and procedure.

Part 2—Frequency allocations and radio treaty matters; general rules and regulations.

Part 4—Experimental and auxiliary broadcast services.

Part 17—Construction, marking, and lighting of antenna towers and/or their supporting structures.

§ 3.603 *Numerical designation of television channels.*

(a)

Channel No.	Frequency band (megacycles)	Channel No.	Frequency band megacycles)
2	54-60	43	644-650
3	60-66	44	650-656
4	66-72	45	656-662
5	76-82	46	662-668
6	82-88	47	668-674
7	174-180	48	674-680
8	180-186	49	680-686
9	186-192	50	686-692
10	192-198	51	692-698
11	198-204	52	698-704
12	204-210	53	704-710
13	210-216	54	710-716
14	470-476	55	716-722
15	476-482	56	722-728
16	482-488	57	728-734
17	488-494	58	734-740
18	494-500	59	740-746
19	500-506	60	746-752
20	506-512	61	752-758
21	512-518	62	758-764
22	518-524	63	764-770
23	524-530	64	770-776
24	530-536	65	776-782
25	536-542	66	782-788
26	542-548	67	788-794
27	548-554	68	794-800
28	554-560	69	800-806
29	560-566	70	806-812
30	566-572	71	812-818
31	572-578	72	818-824
32	578-584	73	824-830
33	584-590	74	830-836
34	590-596	75	836-842
35	596-602	76	842-848
36	602-608	77	848-854
37	608-614	78	854-860
38	614-620	79	860-866
39	620-626	80	866-872
40	626-632	81	872-878
41	632-638	82	878-884
42	638-644	83	884-890

(b) In the Territory of Hawaii the frequency bands 76–82 Mc and 82–88 Mc are allocated for nonbroadcast use. These frequency bands (Channels 5 and 6) will not be assigned in the Territory of Hawaii for use by TV broadcast stations.

CHANNEL UTILIZATION

§ 3.606 *Table of assignments.* (a) The following table of assignments contains the channels assigned to the listed communities in the United States, its Territories, and possessions. Channels designated with an asterisk are assigned for use by noncommercial educational broadcast stations only. A station on a channel identified by a plus or minus mark is required to operate with its carrier frequencies offset 10 kc above or below, respectively, the normal carrier frequencies.

(b) *Table of assignments.*

	Channel No.
Alabama:	
Andalusia	29
Anniston	70+
Auburn	*56
Bessemer	54
Birmingham	6−, *10−, 13−, 42+, 48
Brewton	23+
Clanton	14
Cullman	60+
Decatur	23−
Demopolis	18
Dothan	9+, 19−
Enterprise	40+
Eufaula	44
Florence	41
Fort Payne	19
Gadsden	15+, 21+

[5] As used in this section, program includes any complete program or part thereof.

[6] The notice and certification of consent shall be given within 3 days of any single rebroadcast, but in case of the regular practice of rebroadcasting certain programs several times during a license period, notice and certification of consent shall be given for the ensuing license period with the application for renewal of license, or at the beginning of such rebroadcast practice if begun during a license period.

[7] See § 3.503 (c).

[8] By Order No. 82, dated and effective June 24, 1941, until further order of the Commission, § 3.591 (c) is suspended only insofar as it requires prior written authority of the Commission for the rebroadcasting of programs originated for the express purpose by U. S. Government radio stations.

	Channel No.
Alabama—Continued	
Greenville	49—
Guntersville	40—
Huntsville	31+
Jasper	17
Mobile	5+, 10+, *42, 48+
Montgomery	12, 20, *26+, 32
Opelika	22—
Selma	58+
Sheffield	47—
Sylacauga	24—
Talladega	64
Thomasville	27—
Troy	38—
Tuscaloosa	45, 51—
Tuskegee	16—
University	*7
Arizona:	
Ajo	14—
Bisbee	15
Casa Grande	18—
Clifton	25—
Coolidge	30+
Douglas	3—
Eloy	24
Flagstaff	9, 13
Globe	34+
Holbrook	14
Kingman	6—
Mesa	12—
Miami	28+
Morenci	31
Nogales	17—
Phoenix	3+, 5—, *8+, 10—
Prescott	15
Safford	21
Tucson	4—, *6+, 9—, 13—
Williams	25
Winslow	16—
Yuma	11—, 13+
Arkansas:	
Arkadelphia	34+
Batesville	30—
Benton	40
Blytheville	64+, 74
Camden	50
Conway	62
El Dorado	10—, 26—
Fayetteville	*13—, 41—
Forrest City	22+
Fort Smith	5—, *16, 22
Harrison	24
Helena	54—
Hope	15—
Hot Springs	9+, 52+
Jonesboro	8, 39+
Little Rock	*2—, 4, 11+, 17—, 23+
Magnolia	28+
Malvern	46
Morrilton	43—
Newport	28
Paragould	58—
Pine Bluff	7—, 36
Russellville	19
Searcy	33
Springdale	35—
Stuttgart	14+
California:	
Alturas	9
Bakersfield	10—, 29
Brawley	25+
Chico	12—
Corona	52
Delano	37+
El Centro	16
Eureka	3—, 13—
Fresno	12+, *18—, 24, 47, 53
Hanford	21
Los Angeles	2, 4, 5, 7, 9, 11, 13, 22, *28, 34
Madera	30+
Merced	34—
Modesto	14+
Monterey. (*See* Salinas.)	
Napa	62
Oakland. (*See* San Francisco.)	
Oxnard	32
Palm Springs	14
Petaluma	56
Port Chicago	15
Porterville	55
Red Bluff	16

	Channel No.
California—Continued	
Redding	7
Riverside	40, 46
Sacramento	3, *6, 10, 40—, 46+
Salinas-Monterey	8+, 28—
San Bernardino	18, *24—, 30
San Buenaventura	38—
San Diego	8, 10, *15+, 21—, 27, 33, 39
San Francisco-Oakland	2+, 4—, 5+ 7—, *9+, 20—, 26—, 32+, 38, 44—
San Jose	11+, 48, *54, 60
San Luis Obispo	6+
Santa Barbara	3—, 20, 26
Santa Cruz	16
Santa Maria	44
Santa Paula	16+
Santa Rosa	50
Stockton	13+, 36, *42
Tulare	27+
Ukiah	18
Visalia	43, 49
Watsonville	22—
Yreka City	11
Yuba City	52—
Colorado:	
Alamosa	19+
Boulder	*12, 22+
Canon City	36
Colorado Springs	11, 13, *17+, 23+
Craig	19
Delta	24—
Denver	2, 4—, *6—, 7, 9—, 20, 26+
Durango	6+, 15
Fort Collins	44+
Fort Morgan	15+
Grand Junction	5—, 21+
Greeley	50
La Junta	24
Lamar	18—
Leadville	14+
Longmont	32
Loveland	38
Montrose	10+, 18
Pueblo	3—, 5, *8, 28—, 34—
Salida	25
Sterling	25—
Trinidad	21—
Walsenburg	30—
Connecticut:	
Bridgeport	43—, 49—, *71
Hartford	3+, 18—, *24
Meriden	65—
New Britain	30+
New Haven	8+, 59+
New London	26+, 81
Norwalk. (*See* Stamford.)	
Norwich	57+, *63—
Stamford-Norwalk	27
Waterbury	53
Delaware:	
Dover	40
Wilmington	12, *59—, 83+
District of Columbia:	
Washington	4—, 5, 7+, 9—, 20+, *26—
Florida:	
Belle Glade	25—
Bradenton	28—
Clearwater	32+
Daytona Beach	2—
De Land	44+
Fort Lauderdale	17—, 23—
Fort Myers	11+
Fort Pierce	19
Gainesville	*5+, 20+
Jacksonville	4+, *7, 12—, 30+, 36—
Key West	14+, 20
Lake City	33+
Lakeland	16+, 22+
Lake Wales	14
Leesburg	26—
Marianna	17+
Miami	*2, 4, 7—, 10+, 27+, 33
Ocala	15+
Orlando	6—, 9, 18, *24—
Palatka	17
Panama City	7+, *30, 36+
Pensacola	3—, 15—, *21, 46
Quincy	54+
St. Augustine	25+
St. Petersburg. (*See* Tampa.)	

	Channel No.
Florida—Continued	
Sanford	35+
Sarasota	34+
Tallahassee	*11—, 24, 51
Tampa-St. Petersburg	*3, 8—, 13—, 38
West Palm Beach	5, 12, *15, 21+
Georgia:	
Albany	10, 25
Americus	31
Athens	*8, 60—
Atlanta	2, 5—, 11+, *30, 36
Augusta	6+, 12+
Bainbridge	35—
Brunswick	28+, 34—
Cairo	45+
Carrollton	33
Cartersville	63—
Cedartown	53—
Columbus	4, 28, *34
Cordele	43
Dalton	25+
Douglas	32—
Dublin	15
Elberton	24+
Fitzgerald	23
Fort Valley	18+
Gainesville	52
Griffin	39+
La Grange	50
Macon	*41+, 47+
Marietta	57+
Milledgeville	51+
Moultrie	48—
Newnan	61+
Rome	9, 59
Savannah	3—, *9—, 11
Statesboro	22
Swainsboro	20—
Thomasville	6, 27
Tifton	14—
Toccoa	35
Valdosta	37+
Vidalia	26
Warner Robins	13+
Waycross	16
Idaho:	
Blackfoot	33
Boise	*4+, 7, 9—
Burley	15—
Caldwell	2
Coeur d'Alene	12—
Emmett	26—
Gooding	23
Idaho Falls	3, 8+
Jerome	17
Kellogg	33—
Lewiston	3—
Moscow	*15
Nampa	6, 12+
Payette	14+
Pocatello	6—, 10
Preston	41
Rexburg	27+
Rupert	21
Sandpoint	9+
Twin Falls	11, 13—
Wallace	27—
Weiser	20—
Illinois:	
Alton	48
Aurora	16
Belleville	54+
Bloomington	15—
Cairo	24—
Carbondale	34, *61—
Centralia	32+, 59+
Champaign-Urbana	3+, *12—, 21, 27, 33
Chicago	2—, 5, 7, 9+, *11, 20, 26, 32, 38, 44
Danville	24
Decatur	17, 23+
De Kalb	*67
Dixon	47+
Elgin	28+
Freeport	23
Galesburg	40—
Harrisburg	22
Jacksonville	29
Joliet	48+

Illinois—Continued	Channel No.
Kankakee	14
Kewanee	60—
La Salle	35
Lincoln	53+
Macomb	61+
Marion	40
Mattoon	46—
Moline. (*See* Davenport, Iowa.)	
Mt. Vernon	38—
Olney	16—
Pekin	69+
Peoria	8, 19, *37—, 43+
Quincy	10—, 21+
Rockford	13+, 39+, *45+
Rock Island. (*See* Davenport, Iowa.)	
Springfield	2+, 20+, *26—
Streator	65—
Urbana. (*See* Champaign.)	
Vandalia	28—
Waukegan	22+
Indiana:	
Anderson	61
Angola	15+
Bedford	68
Bloomington	4, *30—, 36
Columbus	42—
Connersville	38+
Elkhart	52
Evansville	7, 50—, *56, 62
Fort Wayne	*27+, 33—, 69
Gary	50, *66
Hammond	56—
Indianapolis	6, 8—, 13—, *20—, 26+, 67—
Jasper	19+
Kokomo	31
Lafayette	47, 59
Lebanon	18
Logansport	51
Madison	25—
Marion	29+
Michigan City	62+
Muncie	49, 55+, *71
Princeton	52+
Richmond	32—
Shelbyville	58+
South Bend	34—, *40+, 46
Tell City	31—
Terre Haute	10, *57+, 63—
Vincennes	44+
Washington	60+
Iowa:	
Algona	37+
Ames	5, 25—
Atlantic	45—
Boone	19—
Burlington	32—, 38+
Carroll	39
Cedar Rapids	2, 9—, 20—, *26+
Centerville	31—
Charles City	18—
Cherokee	14
Clinton	64
Creston	43
Davenport-Rock Island-Moline, Ill.	4+, 6+, *30+, 36+, 42—
Decorah	44+
Des Moines	3—, *11+, 13—, 17+, 23—
Dubuque	56+, 62—
Estherville	24+
Fairfield	54
Fort Dodge	21
Fort Madison	50+
Grinnell	71
Iowa City	*12+, 24—
Keokuk	44—
Knoxville	33—
Marshalltown	49
Mason City	3+, 35—
Muscatine	58
Newton	65+
Oelwein	28
Oskaloosa	52+
Ottumwa	15+
Red Oak	32+
Shenandoah	20+
Sioux City	4—, 9, *30, 36—
Spencer	42+
Storm Lake	34+
Waterloo	7+, 16—, *22—
Webster City	27

Kansas:	Channel No.
Abilene	31+
Arkansas City	49
Atchison	60+
Chanute	50—
Coffeyville	33—
Colby	22—
Concordia	47—
Dodge City	6+, 23
El Dorado	55+
Emporia	39—
Fort Scott	27
Garden City	9, 11+
Goodland	31
Great Bend	2, 28
Hays	7—, 20—
Hutchinson	12, 18
Independence	20
Iola	44+
Junction City	29+
Larned	15—
Lawrence	*11, 17—
Leavenworth	54—
Liberal	14
McPherson	26—
Manhattan	*8, 23+
Newton	14+
Olathe	52—
Ottawa	21—
Parsons	46—
Pittsburg	7+, 38—
Pratt	36+
Salina	34
Topeka	13+, 42, *48+
Wellington	24—
Wichita	3—, 10—, 16—, *22+
Winfield	43+
Kentucky:	
Ashland	59—
Bowling Green	13, 17+
Campbellsville	40+
Corbin	16
Danville	35+
Elizabethtown	23
Frankfort	43—
Glasgow	28+
Harlan	36—
Hazard	19—
Hopkinsville	20
Lexington	27—, 64
Louisville	3—, 11+, *15, 21—, 41—, 51—
Madisonville	26
Mayfield	63
Maysville	24+
Middlesborough	57, 63+
Murray	33—
Owensboro	14—
Paducah	6+, 43
Pikeville	14—
Princeton	45—
Richmond	60
Somerset	29—
Winchester	37+
Louisiana:	
Abbeville	27+
Alexandria	5, 62+
Bastrop	53+
Baton Rouge	2, 28, *34, 40—
Bogalusa	69
Crowley	21+
De Ridder	14
Eunice	64—
Franklin	46+
Hammond	57
Houma	30+
Jackson	18—
Jennings	48
Lafayette	10, 38—, 67—
Lake Charles	7—, *19, 25
Minden	30
Monroe	8+, 43+
Morgan City	36+
Natchitoches	17+
New Iberia	15+
New Orleans	4+, 6+, *8, 20—, 26, 32+, 61
Oakdale	54+
Opelousas	58
Ruston	20
Shreveport	3—, 12

Louisiana—Continued	Channel No.
Thibodaux	24
Winnfield	22—
Maine:	
Auburn	23+
Augusta	10—, 29+
Bangor	2—, 5—, *16—
Bar Harbor	22—
Bath	65
Belfast	41—
Biddeford	59
Calais	7, 20—
Dover-Foxcroft	18+
Fort Kent	17+
Houlton	24
Lewiston	8—, 17
Millinocket	14+
Orono	*12—
Portland	6+, 13+, *47—, 53+
Presque Isle	8, 19
Rockland	25—
Rumford	55—
Van Buren	15—
Waterville	35+
Maryland:	
Annapolis	14—
Baltimore	2+, 11—, 13+, 18, *24+, 60—
Cambridge	22+
Cumberland	17+
Frederick	62+
Hagerstown	52
Salisbury	16+
Massachusetts:	
Amherst	*32
Barnstable	52
Boston	*2+, 4—, 5, 7+, 44+, 50—, 56
Brockton	62
Fall River	46—, 68
Greenfield	42+
Holyoke. (*See* Springfield.)	
Lawrence	72
Lowell	32+
New Bedford	28—, 34+
North Adams	74+, *80
Northampton	36+
Pittsfield	64+
Springfield-Holyoke	55, 61
Worcester	14, 20
Michigan:	
Alma	41+
Alpena	9+, 30—
Ann Arbor	20+, *26—
Bad Axe	46—
Battle Creek	58—, 64—
Bay City	5—, 63—, *73+
Benton Harbor	42
Big Rapids	39
Cadillac	13—, 45
Calumet	13+
Cheboygan	4+, 36+
Coldwater	24—
Detroit	2+, 4, 7—, 50—, *56, 62
East Lansing	60+
East Tawas	25—
Escanaba	3+
Flint	12—, 16—, *22—, 28
Gladstone	40—
Grand Rapids	8+, *17+, 23—
Hancock	10—
Houghton	19
Iron Mountain	9, 27
Iron River	12—
Ironwood	31—
Jackson	48
Kalamazoo	3—, 36—
Lansing	6—, 54
Ludington	18+
Manistee	15—
Manistique	14+
Marquette	5+, 17
Midland	19+
Mount Pleasant	47—
Muskegon	29—, 35+
Petoskey	31
Pontiac	44+
Port Huron	34+
Rogers City	24
Saginaw	51—, 57—
Sault Ste. Marie	8, 10+, 28—, *34
Traverse City	7+, 20—, *26+
West Branch	21

	Channel No.
Minnesota:	
Albert Lea	57—
Alexandria	36
Austin	6—, 51+
Bemidji	24—
Brainerd	12
Cloquet	44
Crookston	21—
Detroit Lakes	18+
Duluth-Superior, Wis.	3, 6+, *8—, 32, 38
Ely	16
Fairmont	40+
Faribault	20
Fergus Falls	16—
Grand Rapids	20—
Hastings	29+
Hibbing	10+
International Falls	11
Little Falls	14+
Mankato	15—
Marshall	22+
Minneapolis-St. Paul	*2—, 4, 5—, 9+, 11—, 17, 23+
Montevideo	19
New Ulm	43—
Northfield	26
Owatonna	45
Red Wing	63
Rochester	10, 55—
St. Cloud	7, 33
St. Paul. (*See* Minneapolis.)	
Stillwater	39—
Thief River Falls	15
Virginia	26+
Wadena	27+
Willmar	31+
Winona	61
Worthington	32
Mississippi:	
Biloxi	13, *44+, 50—
Brookhaven	37+
Canton	16
Clarksdale	6, 32
Columbia	35+
Columbus	28—
Corinth	29—
Greenville	21—, 27
Greenwood	24+
Grenada	15
Gulfport	56—
Hattiesburg	9—, 17—
Jackson	3+, 12+, *19+, 25—, 47
Kosciusko	52—
Laurel	33—
Louisville	46—
McComb	31—
Meridian	11, 30—, *36—
Natchez	29+
Pascagoula	22
Picayune	14—
Starkville	34—
State College	*2+
Tupelo	38
University	*20+
Vicksburg	41+
West Point	8, 56+
Yazoo City	49
Missouri:	
Cape Girardeau	12, 18+
Carthage	56—
Caruthersville	27—
Chillicothe	14—
Clinton	49—
Columbia	8+, 16+, 22—
Farmington	52
Festus	14+
Fulton	24+
Hannibal	7—, 27+
Jefferson City	13, 33+
Joplin	12+, 30+
Kansas City	4, 5+, 9+, *19+, 25+, 65
Kennett	21
Kirksville	3—, 18
Lebanon	23
Marshall	40+
Maryville	26
Mexico	45
Moberly	35+
Monett	14
Nevada	18—
Poplar Bluff	15+
Rolla	46
St. Joseph	2—, 30—, *36
St. Louis	4—, 5—, *9, 11—, 30, 36—, 42+
Sedalia	6—, 28+
Sikeston	37
Springfield	3+, 10, *26+, 32
West Plains	20—
Montana:	
Anaconda	2+
Billings	2, 8, *11
Bozeman	*9, 22—
Butte	4, 6+, *7—, 15+
Cut Bank	20+
Deer Lodge	25+
Dillon	20
Glasgow	16
Glendive	18—
Great Falls	3+, 5+, *23—
Hamilton	17+
Hardin	4+
Havre	9+, 11+
Helena	10+, 12
Kalispell	8—
Laurel	14+
Lewistown	13
Livingston	16—
Miles City	3—, *6, 10
Missoula	*11—, 13—, 21+
Polson	18
Red Lodge	18+
Shelby	14—
Sidney	14
Whitefish	16+
Wolf Point	20—
Nebraska:	
Alliance	13—, 21
Beatrice	40
Broken Bow	14—
Columbus	49+
Fairbury	35
Falls City	38
Fremont	52
Grand Island	11—, 21+
Hastings	5—, 27—
Kearney	13, 19
Lexington	23—
Lincoln	10+, 12—, *18+, 24
McCook	8—, 17
Nebraska City	50
Norfolk	33+
North Platte	2—, 4+
Omaha	3, 6+, 7, *16, 22, 28—
Scottsbluff	10—, 16+
York	15
Nevada:	
Boulder City	4+
Carlin	14
Carson City	37
Elko	10—
Ely	3—, 6+
Fallon	29—
Goldfield	5—
Hawthorne	31
Henderson	2—
Las Vegas	8—, *10+, 13—
Lovelock	18+
McGill	8+
Reno	4, 8, *21+, 27—
Tonopah	9—
Winnemucca	7+
Yerington	33
New Hampshire:	
Berlin	26
Claremont	37
Concord	27+
Durham	*11
Hanover	*21+
Keene	45—
Laconia	43
Littleton	24—
Manchester	9—, 48+
Nashua	54
Portsmouth	19+
Rochester	51
New Jersey:	
Andover	*69
Asbury Park	58
Atlantic City	46, 52+
Bridgeton	64—
Camden	*80
Freehold	*74
Hammonton	*70
Montclair	*77
Newark	13—
New Brunswick	*19—, 47+
Paterson	37+
Trenton	41+
Wildwood	48—
New Mexico:	
Alamogordo	17
Albuquerque	4+, *5+, 7+, 13+
Artesia	21+
Atrisco-Five Points	18+
Belen	24+
Carlsbad	6—, 23
Clayton	27—
Clovis	12+, 35
Deming	14+
Farmington	17—
Gallup	3, *8—, 10
Hobbs	46
Hot Springs	19
Las Cruces	22—
Las Vegas	14—
Lordsburg	23+
Los Alamos	20—
Lovington	27
Portales	22+
Raton	46—, *52
Roswell	*3+, 8, 10—
Santa Fe	2+, *9+, 11—
Silver City	*10+, 12
Socorro	15+
Tucumcari	25+
New York:	
Albany-Schenectady-Troy	6, *17+, 23—, 41
Amsterdam	52—
Auburn	37—
Batavia	33—
Binghamton	12—, 40—, *45+
Buffalo (*also see* Buffalo-Niagara Falls)	17, *23
Buffalo-Niagara Falls	2, 4—, 7+, 59
Cortland	56+
Dunkirk	46
Elmira	18+, 24—
Glens Falls	39+
Gloversville	29—
Hornell	50
Ithaca	*14+, 20—
Jamestown	58+
Kingston	66—
Malone	20+, *66
Massena	14—
Middletown	60
New York	2—, 4, 5+, 7, 9+, 11+, *25, 31—
Niagara Falls. (*See* Buffalo-Niagara Falls.)	
Ogdensburg	24+
Olean	54+
Oneonta	62—
Oswego	31
Patchogue	75
Plattsburg	28+
Poughkeepsie	21—, *83
Rochester	5—, 10+, 15—, *21, 27+
Rome. (*See* Utica.)	
Saranac Lake	18
Schenectady (*also see* Albany)	35
Syracuse	3—, 8, *43+
Troy. (*See* Albany.)	
Utica-Rome	13, 19, *25+
Watertown	48
North Carolina:	
Ahoskie	53
Albemarle	20
Asheville	13—, *56—, 62+
Burlington	63
Burnsville	18
Chapel Hill	*4
Charlotte	3, 9+, 36+, *42+
Durham	11+, *40—, 46+
Elizabeth City	31+
Fayetteville	18—
Gastonia	48
Goldsboro	34
Greensboro	2—, *51—, 57—

	Channel No.
North Carolina—Continued	
Greenville	9
Henderson	52—
Hendersonville	27
Hickory	30—
High Point	15+
Jacksonville	16
Kannapolis	59+
Kinston	45
Laurinburg	41—
Lumberton	21+
Mount Airy	55
New Bern	13—
Raleigh	5—, *22—, 28—
Roanoke Rapids	30+
Rocky Mount	50
Salisbury	80
Sanford	38
Shelby	39
Southern Pines	49
Statesville	64—
Washington	7
Wilmington	6, 29—, *35+
Wilson	56
Winston-Salem	12, 26+, *32—
North Dakota:	
Bismarck	5, 12—, 18, *24
Bottineau	16+
Carrington	26—
Devils Lake	8+, 14—
Dickinson	2+, 4, *17
Fargo	6, 13—, *34—, 40
Grafton	17
Grand Forks	*2, 10
Harvey	22+
Jamestown	7—, 42
Lisbon	23
Minot	*6+, 10—, 13+
New Rockford	20+
Rugby	38—
Valley City	4—, 32—
Wahpeton	45+
Williston	8—, 11—, *34+
Ohio:	
Akron	49+, *55—, 61+
Ashtabula	15
Athens	62—
Bellefontaine	63
Bowling Green	*70
Cambridge	23
Canton	29
Chillicothe	56+
Cincinnati	5—, 9, 12, *48—, 54—, 74—
Cleveland	3, 5+, 8, 19, *25+, 65+
Columbus	4—, 6+, 10+, *34, 40—
Coshocton	20
Dayton	2, 7+, *16+, 22+
Defiance	43
Findlay	53
Fremont	59+
Gallipolis	18+
Hamilton-Middletown	65
Lancaster	28—
Lima	35—, 73
Lorain	31—
Mansfield	36+
Marion	17—
Massillon	23+
Middletown. (*See* Hamilton.)	
Mount Vernon	58
Newark	60—
Oxford	*14+
Piqua	44—
Portsmouth	30
Sandusky	42+
Springfield	52—, 76
Steubenville. (*See* Wheeling, W. Va.)	
Tiffin	47+
Toledo	11—, 13, *30+
Warren	67+
Youngstown	21—, 27, 73—
Zanesville	50+
Oklahoma:	
Ada	50+
Altus	36
Alva	30
Anadarko	58—
Ardmore	55—
Bartlesville	62—

	Channel No.
Oklahoma—Continued	
Blackwell	51—
Chickasha	64
Claremore	15
Clinton	32—
Duncan	39
Durant	27—
Elk City	12—, 15+
El Reno	56+
Enid	5, 21, *27+
Frederick	44
Guthrie	48
Guymon	20+
Hobart	23+
Holdenville	14—
Hugo	21+
Lawton	7+, *28+, 34—
McAlester	47
Miami	58+
Muskogee	8—, *45+, 66+
Norman	31—, *37—
Oklahoma City	4—, 9—, *13, 19+, 25—
Okmulgee	26
Pauls Valley	61
Ponca City	40—
Pryor Creek	54
Sapulpa	42—
Seminole	59
Shawnee	53—
Stillwater	29—, *69
Tulsa	2+, 6, *11—, 17+, 23
Vinita	28—
Woodward	8+
Oregon:	
Albany	55+
Ashland	14—
Astoria	30—
Baker	37+
Bend	15—
Burns	16
Corvallis	*7—, 49—
Eugene	*9+, 13, 20+, 26
Grants Pass	30
Klamath Falls	2—
La Grande	13+
Lebanon	43+
McMinnville	46—
Medford	4+, 5
North Bend	16+
Pendleton	28
Portland	6+, 8—, *10, 12, 21—, 27+
Roseburg	28+
Salem	3+, *18—, 24+
Springfield	37—
The Dalles	32
Pennsylvania:	
Allentown	39, 67
Altoona	10—, 19+, 25—
Bethlehem	51—
Bradford	70—
Butler	43—
Chambersburg	46—
Du Bois	31+
Easton	57—
Emporium	42—
Erie	12, 35+, *41—, 66+
Harrisburg	27—, 55+, 71+
Hazleton	63
Irwin	4+
Johnstown	6, 56—
Lancaster	8—, 21+
Lebanon	15+
Lewistown	38
Lock Haven	32—
Meadville	37
New Castle	45—
Oil City	64
Philadelphia	3, 6—, 10, 17—, 23+, 29, *35—
Pittsburgh	2—, 11, *13—, 16, 47—, 53+
Reading	33+, 61—
Scranton	16—, 22—, 73
Sharon	39+
State College	*44
Sunbury	65
Uniontown	14
Washington	63+
Wilkes-Barre	28, 34
Williamsport	36—
York	43, 49

	Channel No.
Rhode Island:	
Providence	10+, 12+, 16, *22
South Carolina:	
Aiken	54—
Anderson	58—
Camden	14
Charleston	2+, 5, *13
Clemson	*68
Columbia	10—, *19+, 25—, 67+
Conway	23—
Florence	8—
Georgetown	27—
Greenville	4—, 23+, *29
Greenwood	21—
Lake City	55+
Lancaster	31—
Laurens	45—
Marion	43—
Newberry	70
Orangeburg	44—
Rock Hill	61—
Spartanburg	7+, 17—
Sumter	47
Union	65—
South Dakota:	
Aberdeen	9—, 17+
Belle Fourche	23+
Brookings	*8, 25
Hot Springs	17+
Huron	12+, 15+
Lead	5—, 26
Madison	46
Mitchell	5+, 20—
Mobridge	27—
Pierre	6—, 10+, *22+
Rapid City	7+, 15—
Sioux Falls	11, 13+, 38+, *44—
Sturgis	20
Vermillion	*2+, 41
Watertown	3—, 35+
Winner	18—
Yankton	17—
Tennessee:	
Athens	14+
Bristol, Tenn.-Bristol, Va.	5+, 46—
Chattanooga	3+, 12—, 43+, 49+, *55—
Clarksville	53
Cleveland	38+
Columbia	39—
Cookeville	24
Covington	19—
Dyersburg	46+
Elizabethton	40
Fayetteville	27+
Gallatin	48+
Harriman	67
Humboldt	25
Jackson	9—, 16+
Johnson City	11—, 34+
Kingsport	28
Knoxville	6, 10+, *20+, 26—
Lawrenceburg	50+
Lebanon	58
McMinnville	46
Maryville	51
Memphis	3, 5+, *10+, 13+, 42—, 48—
Morristown	54+
Murfreesboro	18—
Nashville	*2—, 4+, 8+, 30+, 36+
Oak Ridge	32+
Old Hickory	5
Paris	51+
Pulaski	44—
Shelbyville	62—
Springfield	42
Tullahoma	68—
Union City	55
Texas:	
Abilene	9+, 33—
Alice	34+
Alpine	12—
Amarillo	*2—, 4, 7, 10
Athens	25+
Austin	7+, 18—, 24, *70—
Ballinger	25
Bay City	33
Beaumont-Port Arthur	4—, 6—, 31+, *37
Beeville	38—
Big Spring	4—

Texas—Continued	Channel No.
Bonham	43
Borger	33
Brady	15—
Breckenridge	14+
Brenham	52—
Brownfield	15
Brownsville (*also see* Brownsville-Harlingen-Weslaco)	36
Brownsville-Harlingen-Weslaco [1]	4+, 5—
Brownwood	19
Bryan	54—
Childress	40
Cleburne	57
Coleman	21—
College Station	*3+, 48—
Conroe	20+
Corpus Christi	6+, 10—, *16+, 22
Corsicana	47+
Crockett	56
Crystal City	28+
Cuero	25—
Dalhart	16
Dallas	4+, 8, *13+, 23, 29, 73
Del Rio	16—
Denison	52
Denton	*2, 17
Eagle Pass	26
Edinburg	26—
El Campo	27
El Paso	4, *7, 9, 13, 20+, 26+
Falfurrias	52
Floydada	45
Fort Stockton	22
Fort Worth	5+, 10+, 20—, *26+
Gainesville	49—
Galveston	11+, 35—, 41—, *47—
Gonzales	64+
Greenville	69—
Harlingen (*also see* Brownsville-Harlingen-Weslaco)	23
Hebbronville	58
Henderson	42+
Hereford	19—
Hillsboro	63
Houston	2—, *8—, 13—, 23+, 29—, 39—
Huntsville	15
Jacksonville	36—
Jasper	49+
Kermit	14
Kilgore	59—
Kingsville	40
Lamesa	28
Lampasas	40—
Laredo	8, 13, *15+
Levelland	38—
Littlefield	32
Longview	32, 38+
Lubbock	5—, 11, 13—, *20, 26—
Lufkin	9, 46—
McAllen	20—
McKinney	65—
Marfa	19+
Marshall	16—
Mercedes	32
Mexia	50—
Midland	2+, 18
Mineral Wells	38
Mission	14
Monahans	9—
Mount Pleasant	35
Nacogdoches	40+
New Braunfels	62—
Odessa	7—, 24—
Orange	43—
Pampa	17—
Paris	33+
Pearsall	31
Pecos	16+
Perryton	22
Plainview	29+
Port Arthur. (*See* Beaumont.)	
Quanah	42
Raymondville	42
Rosenberg	17—
San Angelo	3—, 8+, 17+, *23—
San Antonio	4, 5, *9—, 12+, 35+, 41+
San Benito	48
San Marcos	53+
Seguin	14—
Seymour	24+
Sherman	46+
Snyder	30+
Stephenville	32+
Sulphur Springs	41
Sweetwater	12
Taylor	58+
Temple	6, 16, 22+
Terrell	53
Texarkana	6+, *18, 24—
Tyler	7, 19—
Uvalde	20
Vernon	18+
Victoria	19+
Waco	11—, *28—, 34
Waxahachie	45—
Weatherford	51
Weslaco. (*See* Brownsville-Harlingen-Weslaco.)	
Wichita Falls	3, 6—, *16+, 22—
Utah:	
Brigham	36—
Cedar City	5
Logan	12—, 30, *46
Ogden	9+, *18—, 24
Price	6
Provo	11+, 22, *28
Richfield	13+
St. George	18+
Salt Lake City	2—, 4— 5+, *7—, 20+, 26
Tooele	44
Vernal	3+
Vermont:	
Bennington	33
Brattleboro	58—
Burlington	*16+, 22+
Montpelier	3, 40
Newport	46
Rutland	49+
St. Albans	34—
St. Johnsbury	30
Virginia:	
Blacksburg	*60+
Bristol. (*See* Bristol, Tenn.)	
Charlottesville	*45+, 64+
Covington	44+
Danville	24—
Emporia	25+
Farmville	19
Fredericksburg	47
Front Royal	39—
Harrisonburg	3—, 34—
Lexington	54
Lynchburg	13, 16—
Marion	50—
Martinsville	35—
Newport News. (*See* Norfolk-Portsmouth-Newport News.)	
Norfolk-Portsmouth (*also see* Norfolk-Portsmouth-Newport News)	27
Norfolk-Portsmouth-Newport News (*also see* Norfolk-Portsmouth)	3+, 10+, 15, *21—, 33
Norton	52+
Petersburg	8, 41
Portsmouth. (*See* Norfolk-Portsmouth and *also see* Norfolk, Portsmouth-Newport News.)	
Pulaski	37—
Richmond	6+, 12—, *23, 29+
Roanoke	7—, 10, 27+, *33—
South Boston	14+
Staunton	36
Waynesboro	42
Williamsburg	17
Winchester	28+
Washington:	
Aberdeen	58
Anacortes	34
Bellingham	12+, 18+, 24—
Bremerton	44, 50
Centralia	17
Ellensburg	49, *65
Ephrata	43
Everett	22—, 28—
Grand Coulee	37
Hoquiam	52
Kelso	39
Kennewick (*also see* Kennewick-Richland-Pasco)	25
Kennewick-Richland-Pasco	*41
Longview	33
Olympia	60
Omak-Okanogan	*35—
Okanogan. (*See* Omak.)	
Pasco (*also see* Kennewick-Richland-Pasco)	19—
Port Angeles	16—
Pullman	*10—, 24
Richland (*also see* Kennewick-Richland-Pasco)	31
Seattle	4, 5+, 7, *9, 20, 26+
Spokane	2—, 4—, 6—, *7+
Tacoma	11+, 13—, *56, 62
Walla Walla	5—, 8, *22
Wenatchee	*45, 55
Yakima	23+, 29+, *47
West Virginia:	
Beckley	6—, 21
Bluefield	41+
Charleston	8+, *43+, 49—
Clarksburg	12+, 22
Elkins	40+
Fairmont	35
Hinton	31
Huntington	3+, 13+, *53—
Logan	23—
Martinsburg	58—
Morgantown	*24
Parkersburg	15—
Welch	25
Weston	32
Wheeling (*also see* Wheeling-Steubenville, Ohio)	*57+
Wheeling-Steubenville, Ohio	7, 9+, 51+
Williamson	17
Wisconsin:	
Adams	*58+
Appleton	42+
Ashland	15+
Beaver Dam	37
Beloit	57
Chilton	*24+
Eau Claire	13, *19+, 25+
Fond du Lac	54+
Green Bay	2+, 6
Janesville	63+
Kenosha	61—
La Crosse	8+, *32+, 38—
Madison	3, *21—, 27—, 33+
Manitowoc	65
Marinette	11+, 32—, *38+
Milwaukee	4—, *10+, 12, 19—, 25, 31+
Oshkosh	48—
Park Falls	*18
Portage	17—
Prairie du Chien	34
Racine	49—, 55
Rhinelander	22
Rice Lake	21+
Richland Center	15, *66—
Sheboygan	59—
Shell Lake	*30—
Sparta	50—
Stevens Point	20+, 26—
Sturgeon Bay	44—
Superior. (*See* Duluth, Minn.)	
Wausau	7—, 16+, *46—
Wisconsin Rapids	14—
Wyoming:	
Buffalo	29
Casper	2+, 6+
Cheyenne	3, 5+
Cody	24—
Douglas	14
Evanston	14—
Gillette	31—
Green River	16
Greybull	40
Lander	17—
Laramie	*8+, 18+
Lovell	36+
Lusk	19—
Newcastle	28+

[1] These assignments may be utilized in any community lying within the area of the triangle formed by Brownsville, Harlingen and Weslaco.

	Channel No.
Wyoming—Continued	
Powell	30+
Rawlins	11—
Riverton	10+
Rock Springs	13
Sheridan	9—, 12+
Thermopolis	15
Torrington	27
Wheatland	24+
Worland	34
U. S. TERRITORIES AND POSSESSIONS	
Alaska:	
Anchorage	2—, *7—, 11—, 13—
Fairbanks	2+, 4+, 7+, *9+, 11+, 13+
Juneau	*3, 8, 10
Ketchikan	2, 4, *9
Seward	4—, 9—
Sitka	13
Hawaiian Islands:	
Hilo, Hawaii	2, *4, 7, 9, 11, 13
Honolulu, Oahu	2+, 4—, *7+, 9—, 11+, 13—
Lihue, Kauai	3+, *8—, 10+, 12—
Wailuku, Maui	3, 8, *10, 12
Puerto Rico:	
Arecibo	13+
Caguas	11—
Mayaguez	3+, 5—
Ponce	7+, 9—
San Juan	2+, 4—, *6+
Virgin Islands:	
Charlotte Amalie	10—, 12+
Christiansted	8+

§ 3.607 *Availability of channels.* (a) Subject to the provisions of paragraph (b) of this section, applications may be filed to construct television broadcast stations only on the channels assigned in the Table of Assignments and only in the communities listed therein. Applications which fail to comply with this requirement, whether or not accompanied by a petition to amend the table, will not be accepted for filing.

(b) A channel assigned to a community listed in the Table of Assignments is available upon application in any unlisted community which is located within 15 miles of the listed community. In addition, a channel assigned to a community listed in the Table of Assignments and not designated for use by noncommercial educational stations only, is available upon application in any other community within 15 miles thereof which, although listed in the Table, is assigned only a channel designated for use only by noncommercial educational stations. Where channels are assigned to two or more communities listed in combination in the Table of Assignments the provisions of this paragraph shall apply separately to each community so listed. The distance between communities shall be determined by the distance between the respective coordinates thereof as set forth in the publication of the United States Department of Commerce entitled "Air Line Distance Between Cities in the United States."[1] If said publication does not contain the coordinates of either or both communities, the coordinates of the main post office in either or both of such communities shall be used. The method to be followed in making the measurements is set forth in § 3.611 (d).

[1] This publication may be purchased from the Government Printing Office, Washington, D. C.

§ 3.608 *International agreements.* Authorizations issued by the Commission for television broadcast facilities will be subject to the provisions of any agreements entered into by the United States with Canada and Mexico concerning television assignments and authorizations. Where, pursuant to such an agreement, timely objection is received from the foreign country involved to an authorization granted by the Commission, the Commission may, on its own motion, set aside such authorization pending consideration of such objection. Upon receipt of such objection, the Commission will notify the person to whom such authorization has been issued.

§ 3.609 [Reserved.]

§ 3.610 *Separations.* The following provisions relate to assignment separations and station separations. Petitions to amend the Table of Assignments (other than those also expressly requesting amendment of this subparagraph) will be dismissed and all applications for new television broadcast stations or for changes in the transmitter sites of existing stations will not be accepted for filing if they fail to comply with the requirements specified in the following paragraphs: [2]

(a) Minimum co-channel assignment and station separations:

(1)

Zone	Channels 2–13	Channels 14–83
	Miles	*Miles*
I	170	155
II	190	175
III	220	205

(i) Zone I consists of that portion of the United States located within the confines of the following lines drawn on the United States Albers Equal Area Projection Map (based on standard parallels 29½° and 45½°; North American datum): Beginning at the most easterly point on the State boundary line between North Carolina and Virginia; thence in a straight line to a point at the junction of the Ohio, Kentucky, and West Virginia State boundary lines; thence westerly along the southern boundary lines of the States of Ohio, Indiana and Illinois to a point at the junction of the Illinois, Kentucky and Missouri State boundary lines; thence northerly along the western boundary line of the State of Illinois to a point at the junction of the Illinois, Iowa, and Wisconsin State boundary lines; thence easterly along the northern State boundary line of Illinois to the 90th meridian; thence north along this meridian to the 43.5° parallel; thence east along this parallel to the 71st meridian; thence in a straight line to the intersection of the 69th meridian and the 45th parallel; thence east along the 45th parallel to the Atlantic Ocean. When any of the above lines pass through a city, the city shall be considered to be located in Zone I. (See Appendix I, Figure 1.)

(ii) Zone II consists of that portion of the United States which is not located in either Zone I or Zone III, and Puerto Rico, Alaska, Hawaiian Islands and the Virgin Islands.

(iii) Zone III consists of that portion of the United States located south of a line, drawn on the United States Albers Equal Area Projection Map (based on standard parallels 29½° and 45½°; North American datum), beginning at a point on the east coast of Georgia and the 31st parallel and ending at the United States-Mexican border, consisting of arcs drawn with a 150 mile radius to the north from the following specified points:

	North latitude	*West longitude*
(a)	29°40′00″	83°24′00″
(b)	30°07′00″	84°12′00″
(c)	30°31′00″	86°30′00″
(d)	30°48′00″	87°58′30″
(e)	30°05′00″	90°38′30″
(f)	30°04′30″	93°19′00″
(g)	29°46′00″	95°05′00″
(h)	28°43′00″	96°39′30″
(i)	27°52′30″	97°32′00″

When any of the above arcs pass through a city, the city shall be considered to be located in Zone II. (See Appendix I, Figure 2.)

(2) The minimum co-channel mileage separation between a station in one zone and a station in another zone shall be that of the zone requiring the lower separation.

(b) Minimum assignment and station adjacent channel separations applicable to all zones:

(1) Channels 2–13	Channels 14–83
60 miles	55 miles

(2) Due to the frequency spacing which exists between Channels 4 and 5, between Channels 6 and 7, and between Channels 13 and 14, the minimum adjacent channel separations specified above shall not be applicable to these pairs of channels (see § 3.603).

(c) In addition to the foregoing, the following minimum assignment and station separations between stations on Channels 14–83, inclusive, must be met in either rulemaking proceedings looking towards the amendment of the Table of Assignments or in licensing proceedings. No channel listed in column (1) will be assigned to any city, and no application for an authorization to operate on such a channel will be granted unless the mileage separations indicated at the top of columns (2)–(7), inclusive, are met with respect to each of the channels listed in those columns and parallel with the channel in column (1).[3]

[2] Licensees and permittees of television broadcast stations which were operating on April 14, 1952 pursuant to one or more separations below those set forth in § 3.610 may continue to so operate, but in no event may they further reduce the separations below the minimum. As the existing separations of such stations are increased, the new separations will become the required minimum separations until separations are reached which comply with the requirements of § 3.610. Thereafter, the provisions of said section shall be applicable.

[3] The parenthetical reference beneath the mileage figures in columns 2 and 7, inclusive, indicate, in abbreviated form, the bases for the required mileage separations. For a discussion of these bases, see the "Sixth Report and Order" of the Commission (FCC 52–294). The hyphenated numbers listed in column (3) are both inclusive.

(1) Channel	(2) 20 miles (IF beat)	(3) 20 miles (intermodulation)	(4) 55 miles (adjacent channel)	(5) 60 miles (oscillator)	(6) 60 miles (sound image)	(7) 75 miles (picture image)
14	22	16-19	15	21	28	29
15	23	17-20	14, 16	22	29	30
16	24	14, 18-21	15, 17	23	30	31
17	25	14-15, 19-22	16, 18	24	31	32
18	26	14-16, 20-23	17, 19	25	32	33
19	27	14-17, 21-24	18, 20	26	33	34
20	28	15-18, 22-25	19, 21	27	34	35
21	29	16-19, 23-26	20, 22	28, 14	35	36
22	30, 14	17-20, 24-27	21, 23	29, 15	36	37
23	31, 15	18-21, 25-28	22, 24	30, 16	37	38
24	32, 16	19-22, 26-29	23, 25	31, 17	38	39
25	33, 17	20-23, 27-30	24, 26	32, 18	39	40
26	34, 18	21-24, 28-31	25, 27	33, 19	40	41
27	35, 19	22-25, 29-32	26, 28	34, 20	41	42
28	36, 20	23-26, 30-33	27, 29	35, 21	42, 14	43
29	37, 21	24-27, 31-34	28, 30	36, 22	43, 15	44, 14
30	38, 22	25-28, 32-35	29, 31	37, 23	44, 16	45, 15
31	39, 23	26-29, 33-36	30, 32	38, 24	45, 17	46, 16
32	40, 24	27-30, 34-37	31, 33	39, 25	46, 18	47, 17
33	41, 25	28-31, 35-38	32, 34	40, 26	47, 19	48, 18
34	42, 26	29-32, 36-39	33, 35	41, 27	48, 20	49, 19
35	43, 27	30-33, 37-40	34, 36	42, 28	49, 21	50, 20
36	44, 28	31-34, 38-41	35, 37	43, 29	50, 22	51, 21
37	45, 29	32-35, 39-42	36, 38	44, 30	51, 23	52, 22
38	46, 30	33-36, 40-43	37, 39	45, 31	52, 24	53, 23
39	47, 31	34-37, 41-44	38, 40	46, 32	53, 25	54, 24
40	48, 32	35-38, 42-45	39, 41	47, 33	54, 26	55, 25
41	49, 33	36-39, 43-46	40, 42	48, 34	55, 27	56, 26
42	50, 34	37-40, 44-47	41, 43	49, 35	56, 28	57, 27
43	51, 35	38-41, 45-48	42, 44	50, 36	57, 29	58, 28
44	52, 36	39-42, 46-49	43, 45	51, 37	58, 30	59, 29
45	53, 37	40-43, 47-50	44, 46	52, 38	59, 31	60, 30
46	54, 38	41-44, 48-51	45, 47	53, 39	60, 32	61, 31
47	55, 39	42-45, 49-52	46, 48	54, 40	61, 33	62, 32
48	56, 40	43-46, 50-53	47, 49	55, 41	62, 34	63, 33
49	57, 41	44-47, 51-54	48, 50	56, 42	63, 35	64, 34
50	58, 42	45-48, 52-55	49, 51	57, 43	64, 36	65, 35
51	59, 43	46-49, 53-56	50, 52	58, 44	65, 37	66, 36
52	60, 44	47-50, 54-57	51, 53	59, 45	66, 38	67, 37
53	61, 45	48-51, 55-58	52, 54	60, 46	67, 39	68, 38
54	62, 46	49-52, 56-59	53, 55	61, 47	68, 40	69, 39
55	63, 47	50-53, 57-60	54, 56	62, 48	69, 41	70, 40
56	64, 48	51-54, 58-61	55, 57	63, 49	70, 42	71, 41
57	65, 49	52-55, 59-62	56, 58	64, 50	71, 43	72, 42
58	66, 50	53-56, 60-63	57, 59	65, 51	72, 44	73, 43
59	67, 51	54-57, 61-64	58, 60	66, 52	73, 45	74, 44
60	68, 52	55-58, 62-65	59, 61	67, 53	74, 46	75, 45
61	69, 53	56-59, 63-66	60, 62	68, 54	75, 47	76, 46
62	70, 54	57-60, 64-67	61, 63	69, 55	76, 48	77, 47
63	71, 55	58-61, 65-68	62, 64	70, 56	77, 49	78, 48
64	72, 56	59-62, 66-69	63, 65	71, 57	78, 50	79, 49
65	73, 57	60-63, 67-70	64, 66	72, 58	79, 51	80, 50
66	74, 58	61-64, 68-71	65, 67	73, 59	80, 52	81, 51
67	75, 59	62-65, 69-72	66, 68	74, 60	81, 53	82, 52
68	76, 60	63-66, 70-73	67, 69	75, 61	82, 54	83, 53
69	77, 61	64-67, 71-74	68, 70	76, 62	83, 55	54
70	78, 62	65-68, 72-75	69, 71	77, 63	56	55
71	79, 63	66-69, 73-76	70, 72	78, 64	57	56
72	80, 64	67-70, 74-77	71, 73	79, 65	58	57
73	81, 65	68-71, 75-78	72, 74	80, 66	59	58
74	82, 66	69-72, 76-79	73, 75	81, 67	60	59
75	83, 67	70-73, 77-80	74, 76	82, 68	61	60
76	68	71-74, 78-81	75, 77	83, 69	62	61
77	69	72-75, 79-82	76, 78	70	63	62
78	70	73-76, 80-83	77, 79	71	64	63
79	71	74-77, 81-83	78, 80	72	65	64
80	72	75-78, 82-83	79, 81	73	66	65
81	73	76-79, 83	80, 82	74	67	66
82	74	77-80	81, 83	75	68	67
83	75	78-81	82	76	69	68

(d) The zone in which the transmitter of a television station is located or proposed to be located determines the applicable rules with respect to co-channel mileage separations where the transmitter is located in a different zone from that in which the channel to be employed is located.

§ 3.611 *Reference points and distance computations.* (a) In considering petitions to amend the Table of Assignments, the following reference points shall be used by the Commission in determining assignment separations between communities:

(1) Where transmitter sites for the pertinent channels have been authorized in communities involved in a petition to amend the Table of Assignments, separations between such communities shall be determined by the distance between the coordinates of the authorized transmitter sites in the respective communities as set forth in the Commission's authorizations therefor.

(2) Where an authorized transmitter site is available for use as a reference point in one community but not in the other for the pertinent channels, separations shall be determined by the distance between the coordinates of the transmitter site as set forth in the Commission's authorization therefor and the coordinates of the other community as set forth in the publication of the United States Department of Commerce entitled "Air Line Distances Between Cities in the United States." If said publication does not contain the coordinates for said other community, the coordinates of the main post office thereof shall be used.

(3) Where no authorized transmitter sites are available for use as reference points in both communities for the pertinent channels, the distance between the two communities listed in the above publication shall be used. If said publication does not contain such distance, the separation between the two communities shall be determined by the distance between the coordinates thereof as set forth in said publication. Where such coordinates are not contained in said publication, the coordinates of the main post offices of said communities shall be used.

(b) Station separations in licensing proceedings shall be determined by the distance between the coordinates of the proposed transmitter site in one community and

(1) The coordinates of an authorized transmitter site for the pertinent channel in the other community; or, where such transmitter site is not available for use as a reference point,

(2) The coordinates of the other community as set forth in the above-described publication of the United States Department of Commerce; or, if not contained therein,

(3) The coordinates of the main post office of such other community.

(4) In addition, where there are pending applications in other communities which, if granted, would have to be considered in determining station separations, the coordinates of the transmitter sites proposed in such applications must be used to determine whether the requirements with respect to minimum separations between the proposed stations in the respective cities have been met.

(c) In measuring assignment and station separations involving cities listed in the Table in combination, where there is no authorized transmitter site in any of the combination cities on the channel involved, separation measurements shall be made from the reference point which will result in the lowest separation.

(d) The distance between reference points is considered to be the length of the hypotenuse of a right triangle, one side of which is the difference in latitude of the reference points and the other side the difference in longitude of the two reference points, and shall be computed as follows: [4]

(1) Determine the difference in latitude and the difference in longitude between the two reference points. Convert these two differences into degrees and decimal parts of a degree in accordance with Appendix II, Table I.

(2) Determine the middle latitude of the two reference points to the nearest second of latitude (average the latitudes of the two points).

(3) Multiply the difference in latitude by the number of miles per degree of latitude difference obtained from Table II of Appendix II for the appropriate middle

[4] This method is appropriate for determining distances up to 220 miles, and for such distances will normally be more accurate than using spherical trigonometry without correction for the spheroidal shape of the earth. However, its accuracy deteriorates rapidly at distances beyond 300 miles and this method should not be used to compute greater distances.

latitude (interpolate linearly).[5][6] This determines the North-South distance in statute miles.

(4) Multiply the difference in longitude by the number of miles per degree of longitude difference obtained from Table III of Appendix II, for the appropriate middle latitude (interpolate linearly). This determines the East-West distance in statute miles.

(5) Determine the distance between the two reference points by the square root of the sum of the squares of the distances obtained in subparagraphs (3) and (4) of this paragraph, i. e.

$$D=(L_a^2+L_o^2)^{1/2}$$

Where:

D = Distance in statute miles
L_a = North-South distance in miles from (3) above
L_o = East-West distance in miles from (4) above

In computing the above, sufficient decimal figures shall be used to determine the distance to the nearest mile.

§ 3.612 *Protection from interference.* Permittees and licensees of television broadcast stations are not protected from any interference which may be caused by the grant of a new station or of authority to modify the facilities of an existing station in accordance with the provisions of this subpart. The nature and extent of the protection from interference accorded to television broadcast stations is limited solely to the protection which results from the minimum assignment and station separation requirements and the rules with respect to maximum powers and antenna heights set forth in this subpart.[7]

§ 3.613 *Main studio location.* (a) The main studio of a television broadcast station shall be located in the principal community to be served. Where the principal community to be served is a city, town, village or other political subdivision, the main studio shall be located within the corporate boundaries of such city, town, village or other political subdivision. Where the principal community to be served does not have specifically defined political boundaries, applications will be considered on a case-to-case basis in the light of the particular facts involved to determine whether the main studio is located within the principal community to be served.

(b) In cases where an adequate showing is made that there is good cause for locating a main studio outside the principal community to be served and that to do so would not be inconsistent with the operation of the station in the public interest, the Commission will permit the use of a main studio location other than that specified in paragraph (a) of this section. The licensee or permittee of a television broadcast station shall not move his main studio outside the principal community in which it is located without first securing a modification of construction permit or license. Such licensee or permittee shall notify the Commission promptly of any change of the location of the main studio within the community. In any case where the main studio is located outside the principal community to be served, the licensee or permittee of a television broadcast station shall not move his main studio without first securing a modification of construction permit or license.

§ 3.614 *Power and antenna height requirements*—(a) *Minimum requirements.* Applications filed for television broadcast stations in cities in the population groupings set forth below will not be accepted for filing if they fail to comply with the following requirements as to power at the specified antenna heights above average terrain:

Population of city (excludes adjacent areas) (1950 census)	Minimum visual effective radiated power in db above 1 kilowatt (dbk.) for the antenna height shown
1,000,000 and above	17 dbk. (50 kw.)/500 ft. antenna.
250,000–1,000,000	10 dbk. (10 kw.)/500 ft. antenna.
50,000–250,000	3 dbk. (2 kw.)/500 ft. antenna.
Under 50,000	0 dbk. (1 kw.)/300 ft. antenna.

No minimum antenna height is specified. Where antenna heights differ from those listed above, the Grade A field intensity coverage shall not be less than that resulting from the use of the minimum powers with the antenna heights shown above. Equivalent coverage shall be based on the chart designed as Appendix III, Figure 1; however, the effective radiated power may not exceed the figures specified in paragraph (b) of this section. In no event shall less than 0 dbk effective radiated power be authorized for any station.

(1) The minimum effective radiated power in any horizontal direction shall meet the minimum power requirements of this section and Appendix III, Figure 1.

(b) *Maximum power.* Except as provided in subparagraph (1) of this paragraph, the maximum effective radiated powers of television broadcast stations operating on the channels set forth below with antenna heights not in excess of 2,000 feet above average terrain shall be as follows:

Channel Nos.	Maximum visual effective radiated power in db. above one kilowatt (dbk.)
2–6	20 dbk. (100 kw.).
7–13	25 dbk. (316 kw.).
14–83	30 dbk. (1000 kw.).

(1) In Zone I, on Channels 2–13, inclusive, the maximum powers specified above for these channels may be used only with antenna heights not in excess of 1,000 feet above average terrain. Where antenna heights exceeding 1,000 feet above average terrain are used on Channels 2–13, or antenna heights exceeding 2,000 feet above average terrain are used on Channels 14–83, the maximum power shall be based on the chart designated as Appendix III, Figure 2a.

(2) In Zones II and III, the maximum powers which may be used by television broadcast stations operating on the respective channels set forth in the above table with antenna heights exceeding 2,000 feet above average terrain shall be based on the chart designated as Appendix III, Figure 2b.

(3) The effective radiated power in any horizontal or vertical direction may not exceed the maximum values permitted by this section and Appendix III, Figures 2 (a) and 2 (b).

(4) The maximum effective radiated power in any direction above the horizontal plane shall be as low as the state of the art permits and may not exceed the effective radiated power in the horizontal direction in the same vertical plane.

(c) *Determination of applicable rules.* The zone in which the transmitter of a television station is located or proposed to be located determines the applicable rules with respect to maximum antenna heights and powers for VHF stations when the transmitter is located in Zone I and the channel to be employed is located in Zone II, or the transmitter is located in Zone II and the channel to be employed is located in Zone I.

§ 3.615 *Administrative changes in authorizations.* In the issuance of television broadcast station authorizations, the Commission will specify the transmitter output power and effective radiated power to the nearest 0.1 dbk. Powers specified by kilowatts shall be obtained by converting dbk to kilowatts to 3 significant figures. Antenna heights above average terrain will be specified to the nearest 10 feet. Midway figures will be authorized in the lower alternative.

APPLICATIONS AND AUTHORIZATIONS

§ 3.621 *Noncommercial educational stations.* In addition to the other provisions of this subpart, the following shall be applicable to noncommercial educational television broadcast stations:

(a) Except as provided in paragraph (b) of this section, noncommercial educational broadcast stations will be licensed only to nonprofit educational organizations upon a showing that the proposed stations will be used primarily to serve the educational needs of the

[5] Tables II and III of Appendix II were computed from Clarke's Reference Spheroid of 1866.

[6] In determining necessary distance computations for the Territories, the appropriate mileage per degree may be obtained by linear interpolation of the data given on pages 122 and 123 of the tables in publication H. O. No. 9 (Bowditch-American Practical Navigator—1943 Edition) of the U. S. Navy Dept., Hydrographic Office. This publication may be purchased from the Government Printing Office, Washington, D. C.

[7] The nature and extent of the protection from interference accorded to television broadcast stations which were authorized prior to April 14, 1952, and which were operating on said date is limited not only as specified above but is further limited by any smaller separations existing between such stations on said date. Where, as a result of the adoption of the Table of Assignments, or of changes in transmitter sites made by such stations after said date, separations smaller than the required minimum are increased but still remain lower than the required minimum, protection accorded such stations will be limited to the new separations.

community; for the advancement of educational programs; and to furnish a nonprofit and noncommercial television broadcast service.

(1) In determining the eligibility of publicly supported educational organizations, the accreditation of their respective state departments of education shall be taken into consideration.

(2) In determining the eligibility of privately controlled educational organizations, the accreditation of state departments of education or recognized regional and national educational accrediting organizations shall be taken into consideration.

(b) Where a municipality or other political subdivision has no independently constituted educational organization such as, for example, a board of education having autonomy with respect to carrying out the municipality's educational program, such municipality shall be eligible for a noncommercial educational television broadcast station. In such circumstances, a full and detailed showing must be made that a grant of the application will be consistent with the intent and purpose of the Commission's Rules relating to such stations.

(c) Noncommercial educational television broadcast stations may transmit educational, cultural and entertainment programs, and programs designed for use by schools and school systems in connection with regular school courses, as well as routine and administrative material pertaining thereto.

(d) An educational station may not broadcast programs for which a consideration is received, except programs produced by or at the expense of or furnished by others than the licensee for which no other consideration than the furnishing of the program is received by the licensee. The payment of line charges by another station or network shall not be considered as being prohibited by this paragraph.

(e) To the extent applicable to programs broadcast by a noncommercial educational station produced by or at the expense of or furnished by others than the licensee of said station, the provisions of § 3.654 relating to announcements regarding sponsored programs shall be applicable, except that no announcements (visual or aural) promoting the sale of a product or service shall be transmitted in connection with any program: *Provided, however,* That where a sponsor's name or product appears on the visual image during the course of a simultaneous or rebroadcast program either on the backdrop or in similar form, the portions of the program showing such information need not be deleted.

§ 3.622 *Applications for television stations.* Applications for new stations or for modifications of existing authorizations shall be filed on FCC Form 301; for licenses, on FCC Form 302; for renewal of licenses, on FCC Form 303. Separate applications shall be filed by each applicant for the voluntary sharing of television channels. Such applications shall be accompanied by copies of the time-sharing agreements under which the applicants propose to operate.

§ 3.623 *Full disclosures.* Applications shall contain full and complete disclosures with regard to the real party or parties in interest, and their legal, technical, financial, and other qualifications, and as to all matters and things required to be disclosed thereby.

§ 3.624 *Repetitious applications.* (a) Where an applicant has been afforded an opportunity to be heard with respect to a particular application for a new television broadcast station, or for change of existing service or facilities, and the Commission has, after hearing or default, denied the application or dismissed it with prejudice, the Commission will not consider another application for a station of the same class to serve in whole or in part the same area, by the same applicant or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of 12 months from the effective date of the Commission's order.

(b) Where an appeal has been taken from the action of the Commission in denying a particular application, another application for the same class of broadcast station and for the same area, in whole or in part, filed by the same applicant or by his successor or asignee, or on behalf or for the benefit of the original parties in interest, will not be considered until the final disposition of such appeal.

§ 3.625 *Installation of apparatus.* Applications for construction permits or modification thereof involving the installation of new transmitting apparatus should be filed at least 60 days prior to the contemplated installation.

§ 3.626 *Period of construction.* Each construction permit will specify a maximum of 60 days from the date of granting thereof as the time within which construction of the station shall begin, and a maximum of 6 months thereafter as the time within which construction shall be completed and the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case.

§ 3.627 *Forfeiture of construction permits; extension of time.* (a) A construction permit shall be automatically forfeited if the station is not ready for operation within the time specified therein or within such further time as the Commission may have allowed for completion, and a notation of the forfeiture of any construction permit under this provision will be placed in the records of the Commission as of the expiration date.

(b) An application (FCC Form 701) for extension of time within which to construct a station shall be filed at least 30 days prior to the expiration date of such permit if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases, such applications will be accepted upon a showing satisfactory to the Commission of sufficient reasons for filing within less than 30 days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension.

(c) If a construction permit has been allowed to expire for any reason, application may be made for a new permit on FCC Form 321, "Application for Construction Permit to Replace Expired Permit."

§ 3.628 *Equipment tests.* (a) During the process of construction of a television broadcast station, the permittee, after notifying the Commission and Engineer in Charge of the radio district in which the station is located may, without further authority of the Commission, conduct equipment tests for the purpose of such adjustments and measurements as may be necessary to assure compliance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date for the beginning of equipment tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Equipment tests may be continued so long as the construction permit shall remain valid.

(d) Inspection of a station will ordinarily be required during the equipment test period and before the commencement of program tests. After construction and after adjustments and measurements have been completed to show compliance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations, the permittee should notify the Engineer in Charge of the radio district in which the station is located that it is ready for inspection.

(e) The authorization for tests embodied in this section shall not be construed as constituting a license to operate but as a necessary part of construction.

§ 3.629 *Program tests.* (a) Upon completion of construction of a television broadcast station in accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations, and when an application for station license has been filed showing the station to be in satisfactory operating condition,[8] the permittee may request authority to conduct program tests: *Provided,* That such request shall be filed with the Commission at least ten (10) days prior to the date on which it is desired to begin such operation and that the Engineer in Charge of the radio district in which the station is located is notified.

(b) Program tests shall not commence until specific Commission authority is received. The Commission reserves the right to change the date of the beginning

[8] All data necessary to show compliance with the terms and conditions of the construction permit must be filed with the license application.

of such tests or to suspend or revoke the authority for program tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Unless sooner suspended or revoked, the program test authority continues valid during Commission consideration of the application for license and during this period further extension of the construction permit is not required. Program test authority shall be automatically terminated by final determination upon the application for station license.

(d) All operation under program test authority shall be in strict compliance with the rules governing television broadcast stations, and in strict accordance with representations made in the application for license pursuant to which the tests were authorized.

(e) The granting of program test authority shall not be construed as approval by the Commission of the application for station license.

§ 3.630 *Normal license period.* (a) All television broadcast station licenses will be issued for a normal license period of 1 year. Licenses will be issued to expire at the hour of 3:00 a. m., eastern standard time, in accordance with the following schedule.

(1) For stations located in Delaware, Pennsylvania, Tennessee, Kentucky, Indiana and Texas, August 1.

(2) For stations located in Maryland, District of Columbia, Virginia, West Virginia, Ohio, Michigan, Wyoming, Nevada, Arizona, Utah, New Mexico and Idaho, October 1.

(3) For stations located in North Carolina, South Carolina, Illinois, Wisconsin and California, December 1.

(4) For stations located in Florida, Puerto Rico, Virgin Islands, Iowa, Missouri, Washington, Oregon, Alaska, and Hawaii, February 1.

(5) For stations located in Alabama, Georgia, Minnesota, North Dakota, South Dakota, Montana, Colorado, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont, April 1.

(6) For stations located in Arkansas, Louisiana, Mississippi, Kansas, Oklahoma, Nebraska, New Jersey and New York, June 1.

§ 3.631 *Renewal of license.* (a) Unless otherwise directed by the Commission, each application for renewal of a television station license shall be filed at least 90 days prior to the expiration date of the license sought to be renewed (FCC Form 303). No application for renewal of a television broadcast station will be considered unless there is on file with the Commission the information currently required by §§ 1.341–1.344 of this chapter, reference to which by date and file number shall be included in the application.

(b) Whenever the Commission regards an application for a renewal of a television station license as essential to the proper conduct of a hearing or investigation, and specifically directs that it be filed by a certain date, such application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.

§ 3.632 [Reserved.]

§ 3.633 *License, simultaneous modification and renewal.* When an application is granted by the Commission necessitating the issuance of a modified license less than 60 days prior to the expiration date of the license sought to be modified, and an application for renewal of said license is granted subsequent or prior thereto (but within 30 days of expiration of the present license), the modified license as well as the renewal license shall be issued to conform to the combined action of the Commission.

§ 3.634 *Assignment or transfer of control*—(a) *Voluntary.* Application for consent to voluntary assignment of a television station construction permit or license or for consent to voluntary transfer of control of a corporation holding a television station construction permit or license shall be filed with the Commission on FCC Form 314 (Assignment of License), FCC Form 315 (Transfer of Control) or FCC Form 316 (Short Form) at least 60 days prior to the contemplated effective date of assignment or transfer of control.

(b) *Pro forma.* Assignment or transfer application shall be filed on FCC Form 316 where:

(1) There is an assignment from an individual or individuals (including partnerships) to a corporation owned and controlled by such individuals or partnerships without any substantial change in their relative interests;

(2) There is an assignment from a corporation to its individual stockholders without effecting any substantial change in the disposition of their interests;

(3) There is an assignment or transfer by which certain partners or stockholders retire but no new ones are brought in, provided that the interest transferred is not a controlling one;

(4) There is a corporate reorganization which involves no substantial change in the beneficial ownership of the corporation;

(5) There is an involuntary transfer to an Executor, Administrator or other court appointed officer caused by death or legal disability, except that this form does not cover assignments (or transfers) from the Executor, Administrator or other court appointed officers to the ultimate beneficiary;

(6) There is an assignment or transfer from a corporation to a wholly owned subsidiary thereof or vice versa, or where there is an assignment from a corporation to a corporation owned or controlled by the assignor stockholders without substantial change in their interests;

(7) There is an assignment of less than a controlling interest in a partnership.

(c) *Involuntary.* In the event of the death or legal disability of a permittee or licensee, or a member of a partnership, or a person directly or indirectly in control of a corporation, which is a permittee or licensee:

(1) The Commission shall be notified in writing promptly of the occurrence of such death or legal disability, and

(2) Within 30 days after the occurrence of such death or legal disability, application on FCC Form 316 shall be filed for consent to involuntary transfer of control of such corporation to a person or entity qualified to succeed to the foregoing interests under the laws of the place having jurisdiction over the estate involved.

§ 3.635 *Use of common antenna site.* No television license or renewal of a television license will be granted to any person who owns, leases, or controls a particular site which is peculiarly suitable for television broadcasting in a particular area and (a) which is not available for use by other television licensees; and (b) no other comparable site is available in the area; and (c) where the exclusive use of such site by the applicant or licensee would unduly limit the number of television stations that can be authorized in a particular area or would unduly restrict competition among television stations.

§ 3.636 *Multiple ownership.* (a) No person (including all persons under common control) [9] shall, directly or indirectly, own, operate, or control more than one television broadcast station that would serve substantially the same area as another television broadcast station owned, operated, or controlled by such person.

(b) No person (including all persons under common control) shall, directly or indirectly, own, operate, or control more than one television broadcast station, except upon a showing (1) that such ownership, operation, or control would foster competition among television broadcast stations or provide a television broadcasting service distinct and separate from existing services, and (2) that such ownership, operation, or control would not result in the concentration of control of television broadcasting facilities in a manner inconsistent with public interest, convenience, or necessity: *Provided, however,* That the Commission will consider the ownership, operation, or control of more than five television broadcast stations to constitute the concentration of control of television broadcasting facilities in a manner inconsistent with public interest, convenience, or necessity.

(c) Paragraphs (a) and (b) of this section are not applicable to noncommercial educational stations.

§ 3.637 *Alternate main transmitters.* The licensee of a television broadcast station may be licensed for alternate main transmitters provided that a technical need for such alternate transmitters is shown and that the following conditions are met:

(a) Both transmitters are located at the same place.

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[9] The word "control" as used herein is not limited to majority stock ownership but includes actual working control in whatever manner exercised.

(b) Both transmitters shall have the same power rating.

(c) Both transmitters shall meet the construction, installation, operation and performance requirements of this subpart.

§ 3.638 *Auxiliary transmitter.* Upon showing that a need exists for the use of auxiliary transmitters in addition to the regular transmitters of a television station, a license therefor may be issued: *Provided,* That:

(a) Auxiliary transmitters may be installed either at the same location as the main transmitters or at another location.

(b) A licensed operator shall be in control whenever auxiliary transmitters are placed in operation.

(c) The auxiliary transmitters shall be maintained so that they may be put into immediate operation at any time for the following purposes:

(1) The transmission of the regular programs upon the failure of the main transmitters.

(2) The transmission of regular programs during maintenance or modification[10] work on the main transmitters necessitating discontinuance of their operation for a period not to exceed 5 days.

(3) Upon request by a duly authorized representative of the Commission.

(d) The auxiliary transmitters shall be tested at least once each week to determine that they are in proper operating condition and that they are adjusted to the proper frequency, except that in case of operation in accordance with paragraph (c) of this section during any week, the test in that week may be omitted provided the operation under paragraph (c) is satisfactory. A record shall be kept of the time and result of each test operation under paragraph (c).

(e) The auxiliary transmitters shall be equipped with satisfactory control equipment which will enable the maintenance of the frequency emitted by the station within the limits prescribed by the regulations in this subpart.

(f) The operating power of an auxiliary transmitter may be less than the authorized power of the main transmitters, but in no event shall it be greater than such power.

§ 3.639 *Changes in equipment and antenna system.* Licensees of television broadcast stations shall observe the following provisions with regard to changes in equipment and antenna system:

(a) No changes in equipment shall be made:

(1) That would result in the emission of signals outside of the authorized channel.

(2) That would result in the external performance of the transmitter being in disagreement with that prescribed in this subpart.

[10] This includes the equipment changes which may be made without authority as set forth elsewhere in the rules and regulations or as authorized by the Commission by letter or by construction permit. Where such operation is required for periods in excess of 5 days, request therefor shall be in accordance with § 1.324 of the Commission's rules.

(b) Specific authority, upon filing formal application therefor (FCC Form 301 or such other form as is provided therefor), is required for any of the following changes:

(1) Changes involving an increase or decrease in the power rating of the transmitters.

(2) A replacement of the transmitters as a whole.

(3) Change in the location of the transmitting antenna.

(4) Change in antenna system, including transmission line.

(5) Change in the power delivered to the antenna.

(6) Change in frequency control and/or modulation system.

(c) Other changes, except as above provided for in this section or in the provisions of this subpart, may be made at any time without the authority of the Commission, provided that the Commission shall be promptly notified thereof and such changes shall be shown in the next application for renewal of license.

GENERAL OPERATING REQUIREMENTS

§ 3.651 *Time of operation.* (a) All television broadcast stations will be licensed for unlimited time operation. Each such station shall maintain a regular program operating schedule as follows: not less than 2 hours daily in any five broadcast days per week and not less than a total of 12 hours per week during the first 18 months of the station's operation; not less than 2 hours daily in any 5 broadcast days per week and not less than a total of 16 hours, 20 hours and 24 hours per week for each successive 6-month period of operation, respectively; and not less than 2 hours in each of the 7 days of the week and not less than a total of 28 hours per week thereafter. "Operation" includes the period during which a station is operated pursuant to special temporary authority or during program tests, as well as during the license period. Time devoted to test patterns, or to aural presentations accompanied by the incidental use of fixed visual images which have no substantial relationship to the subject matter of such aural presentations, shall not be considered in computing periods of program service. If, in the event of an emergency due to causes beyond the control of a licensee, it becomes impossible to continue operation, the Commission and the Engineer in Charge of the radio district in which the station is located shall be notified in writing immediately after the emergency develops and immediately after the emergency ceases and operation is resumed.

(b) Noncommercial educational television broadcast stations are not required to operate on a regular schedule and no minimum number of hours of operation is specified; but the hours of actual operation during a license period shall be taken into consideration in considering the renewal of noncommercial educational television broadcast licenses.

(c) (1) The aural transmitter of a television station shall not be operated separately from the visual transmitter except for the following purposes:

(i) For actual tests of station equipment or actual experimentation in accordance with § 3.666; and

(ii) For emergency "fills" in case of visual equipment failure or unscheduled and unavoidable delays in presenting visual programs. In such situations the aural transmitter may be used to advise the audience of difficulties and to transmit for a short period program material of such nature that the audience will be enabled to remain tuned to the station; for example, music or news accompanying a test pattern or other visual presentation.

(2) During periods of transmission of a test pattern on the visual transmitter of a television station, aural transmission shall consist only of a single tone or series of variable tones. During periods when still pictures or slides are employed to produce visual transmissions which are accompanied by aural transmissions, the aural and visual transmissions shall be integral parts of a program or announcement and shall have a substantial relationship to each other: *Provided,* That nothing herein shall preclude the transmission of a test pattern, still pictures or slides for the following purposes and periods:

(i) To accompany aural announcements of the station's program schedule and aural news broadcasts or news commentaries, for a total period not to exceed one hour in any broadcast day.

(ii) To accompany aural transmissions for a period of time not to exceed fifteen minutes immediately prior to the commencement of a programming schedule.

Examples. (1) Duplication of AM or FM programs on the aural transmitter of a television station while the same program is broadcast on the visual transmitter (i. e., a "simulcast") is consistent with this paragraph.

(2) Duplication of AM or FM programs on the aural transmitter of a television station while a test pattern is broadcast on the visual transmitter is not consistent with this paragraph, except for the specific purposes and periods specified in paragraph (c) (2).

(3) A travel lecture in which the words of the lecturer are broadcast simultaneously with still pictures or slides of scenes illustrating the lecture, and a newscast in which the words of the newscaster are broadcast simultaneously with still pictures or slides of the news events, are examples of programs in which the aural and visual transmissions are integral parts of the same program having a substantial relationship to each other, within the meaning of paragraph (c) (2). Mood music unrelated to the visual transmission is not consistent with this paragraph.

(4) The broadcast of a test pattern accompanied by a musical composition for the purpose of demonstration, sale, installation or orientation of television receivers, or receiving antennas is not consistent with this paragraph.

(5) Music accompanying the transmission of a test pattern upon which is visually imposed a moving text consisting of continuous program material, such as a running newscast or news commentary, is consistent with this paragraph.

(6) Music accompanying the transmission of a test pattern upon which is visually imposed a clock indicating the time of day, or a text that is changed at spaced intervals, is not consistent with this paragraph.

§ 3.652 *Station identification.* (a) A licensee of a television broadcast station shall make station identification announcement (call letters and location) at the beginning and ending of each time of operation and during the operation on the hour. The announcement at the beginning and ending of each time of operation shall be by both aural and visual means. Other announcements may be by either aural or visual means.

(b) Identification announcements during operation need not be made when to make such announcement would interrupt a single consecutive speech, play, religious service, symphony concert, or any type of production. In such cases, the identification announcement shall be made at the first interruption of the entertainment continuity and at the conclusion thereof.

§ 3.653 *Mechanical reproductions.* (a) Each program which consists in whole or in part of one or more mechanical reproductions, either visual or aural, shall be accompanied by an appropriate announcement to that effect either at the beginning or end of such reproduction or at the beginning or end of the program in which such reproduction is used. No such announcement shall be required where a mechanical reproduction is used for background music, sound effects, station identification, program identification (theme music of short duration) or identification of sponsorship of the program proper.

(b) The exact form of identifying announcement is not prescribed but the language shall be clear and in terms commonly used and understood. The licensee shall not attempt affirmatively to create the impression that any program being broadcast by mechanical reproduction consists of live talent.

§ 3.654 *Sponsored programs, announcement.* (a) In the case of each program for the broadcasting of which money, services, or other valuable consideration is either directly or indirectly paid or promised to, or charged or received by, any television broadcast station, the station broadcasting such program shall make, or cause to be made, an appropriate announcement that the program is sponsored, paid for, or furnished, either in whole or in part.

(b) In the case of any political program or any program involving the discussion of public controversial issues for which any films, records, transcriptions, talent, scripts, or other material or services of any kind are furnished, either directly or indirectly, to a station as an inducement to the broadcasting of such program, an announcement shall be made both at the beginning and conclusion of such program on which such material or services are used that such films, records, transcriptions, talent, scripts, or other material or services have been furnished to such station in connection with the broadcasting of such program: *Provided, however,* That only one such announcement need be made in the case of any such program of 5 minutes' duration or less, which announcement may be made either at the beginning or conclusion of the program.

(c) The announcement required by this section shall fully and fairly disclose the true identity of the person or persons by whom or in whose behalf such payment is made or promised, or from whom or in whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in paragraph (b) of this section are furnished. Where an agent or other person contracts or otherwise makes arrangements with a station on behalf of another, and such fact is known to the station, the announcement shall disclose the identity of the person or persons in whose behalf such agent is acting instead of the name of such agent.

(d) In the case of any program, other than a program advertising commercial products or services, which is sponsored, paid for or furnished, either in whole or in part, or for which material or services referred to in paragraph (b) of this section are furnished, by a corporation, committee, association or other unincorporated group, the announcement required by this section shall disclose the name of such corporation, committee, association or other unincorporated group. In each such case the station shall require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association or other unincorporated group shall be made available for public inspection at one of the television broadcast stations carrying the program.

(e) In the case of programs advertising commercial products or services, an announcement stating the sponsor's corporate or trade name or the name of the sponsor's product, shall be deemed sufficient for the purposes of this section and only one such announcement need be made at any time during the course of the program.

§ 3.655 *Rebroadcast.* (a) The term "rebroadcast" as used below means reception by radio of the program [11] of a television broadcast station, and the simultaneous or subsequent retransmission of such program by a broadcast station. The broadcasting of a program relayed by an auxiliary broadcast station licensed to the television broadcast station is not considered a rebroadcast.

(b) The licensee of a television broadcast station may, without further authority of the Commission, rebroadcast the program of a United States television broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the licensee certifies that express authority has been received from the licensee of the station originating the program.[12]

(c) No licensee of a television broadcast station shall rebroadcast the program of any United States radio station not designated in paragraph (b) of this section without written authority having first been obtained from the Commission upon application (informal) accompanied by written consent or certification of consent of the licensee of the station originating the program.[13]

§ 3.656 *Lotteries and give-away programs.*[14] (a) An application for construction permit, license, renewal of license, or any other authorization for the operation of a television broadcast station, will not be granted where the applicant proposes to follow or continue to follow policy or practice of broadcasting or permitting "the broadcasting of any advertisement of or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes." (See 18 U. S. C. sec. 1304.)

(b) The determination whether a particular program comes within the provisions of paragraph (a) of this section depends on the facts of each case. However, the Commission will in any event consider that a program comes within the provisions of paragraph (a) of this section if in connection with such program a prize consisting of money or thing of value is awarded to any person whose selection is dependent in whole or in part upon lot or chance, if as a condition of winning or competing for such prize:

(1) Such winner or winners are required to furnish any money or thing of value or are required to have in their possession any product sold, manufactured, furnished or distributed by a sponsor of a program broadcast on the station in question; or

(2) Such winner or winners are required to be listening to or viewing the program in question on a radio or television receiver; or

(3) Such winner or winners are required to answer correctly a question, the answer to which is given on a program broadcast over the station in question or where aid to answering the question correctly is given on a program broadcast over the station in question. For the purposes of this provision the broadcasting of the question to be answered over

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[11] As used in this section, program includes any complete program or part thereof.

[12] The notice and certification of consent shall be given within 3 days of any single rebroadcast, but in case of the regular practice of rebroadcasting certain programs of a television broadcast station several times during a license period, notice and certification of consent shall be given for the ensuing license period with the application for renewal of license, or at the beginning of such rebroadcast practice if begun during a license period.

[13] By Order No. 82, dated and effective June 24, 1941, until further order of the Commission, § 3.655 (c) is suspended only insofar as it requires prior written authority of the Commission for the rebroadcasting of programs originated for that express purpose by U. S. Government radio stations.

[14] The Commission on September 21, 1949, adopted an order which read in part as follows:

"*It is ordered,* That, effective immediately, the effective date of §§ 3.192, 3.292, and 3.692 [now § 3.656] of the Commission's rules is hereby postponed until a date to be fixed by further order, which shall be at least thirty days after a final decision by the Supreme Court of the United States, or thirty days after the time within which an appeal to the Supreme Court may be taken has expired without such an appeal being taken, in pending litigation with respect to these rules."

the television station on a previous program will be considered as an aid in answering the question correctly; or

(4) Such winner or winners are required to answer the phone in a prescribed manner or with a prescribed phrase, or are required to write a letter in a prescribed manner or containing a prescribed phrase, if the prescribed manner of answering the phone or writing the letter or the prescribed phrase to be used over the phone or in the letter (or an aid in ascertaining the prescribed phrase or the prescribed manner of answering the phone or writing the letter) is, or has been, broadcast over the station in question.

§ 3.657 *Broadcasts by candidates for public office*—(a) *Legally qualified candidate.* A "legally qualified candidate" means any person who has publicly announced that he is a candidate for nomination by a convention of a political party or for nomination or election in a primary, special, or general election, municipal, county, state or national, and who meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate, so that he may be voted for by the electorate directly or by means of delegates or electors, and who:

(1) Has qualified for a place on the ballot, or

(2) Is eligible under the applicable law to be voted for by sticker, by writing in his name on the ballot, or other method, and (i) has been duly nominated by a political party which is commonly known and regarded as such, or (ii) makes a substantial showing that he is a bona fide candidate for nomination or office, as the case may be.

(b) *General requirements.* No station licensee is required to permit the use of its facilities by any legally qualified candidate for public office, but if any licensee shall permit any such candidate to use its facilities, it shall afford equal opportunities to all other such candidates for that office to use such facilities: *Provided,* That such licensee shall have no power of censorship over the material broadcast by any such candidate.

(c) *Rates and practices.* The rates, if any, charged all such candidates for the same office shall be uniform and shall not be rebated by any means, directly or indirectly; no licensee shall make any discrimination in charges, practices, regulations, facilities, or services for or in connection with the service rendered pursuant to the regulations in this part, or make or give any preference to any candidate for public office or subject any such candidate to any prejudice or disadvantage; nor shall any licensee make any contract or other agreement which shall have the effect of permitting any legally qualified candidate for any public office to broadcast to the exclusion of other legally qualified candidates for the same public office.

(d) *Inspection of records.* Every licensee shall keep and permit public inspection of a complete record of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the licensee of such requests, and the charges made, if any, if request is granted.

§ 3.658 *Affiliation agreements*—(a) *Exclusive affiliation of station.* No license shall be granted to a television broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization [15] under which the station is prevented or hindered from, or penalized for, broadcasting the programs of any other network organization.

(b) *Territorial exclusivity.* No license shall be granted to a television broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which prevents or hinders another broadcast station serving substantially the same area from broadcasting the network's programs not taken by the former station, or which prevents or hinders another broadcast station serving a substantially different area from broadcasting any program of the network organization. This regulation shall not be construed to prohibit any contract, arrangement, or understanding between a station and a network organization pursuant to which the station is granted the first call in its area upon the programs of the network organization.

(c) *Term of affiliation.* No license shall be granted to a television broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which provides, by original terms, provisions for renewal, or otherwise for the affiliation of the station with the network organization for a period longer than 2 years: *Provided,* That a contract, arrangement, or understanding for a period up to 2 years may be entered into within 6 months prior to the commencement of such period.

(d) *Option time.* No license shall be granted to a television broadcast station which options [16] for network programs any time subject to call on less than 56 days' notice, or more time than a total of 3 hours [17] within each of four segments of the broadcast day, as herein described. The broadcast day is divided into four segments, as follows: 8 a. m. to 1 p. m.; 1 p. m. to 6 p. m.; 6 p. m. to 11 p. m.; 11 p. m. to 8 a. m.[18] Such options may not be exclusive as against other network organizations and may not prevent or hinder the station from optioning or selling any or all of the time covered by the option, or other time, to other network organizations.

(e) *Right to reject programs.* No license shall be granted to a television broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which (1), with respect to programs offered pursuant to an affiliation contract, prevents or hinders the station from rejecting or refusing network programs which the station reasonably believes to be unsatisfactory or unsuitable; or which (2) with respect to network programs so offered or already contracted for, prevents the station from rejecting or refusing any program which, in its opinion, is contrary to the public interest, or from substituting a program of outstanding local or national importance.

(f) *Network ownership of stations.* No license shall be granted to a network organization, or to any person directly or indirectly controlled by or under common control [19] of a network organization, for a television broadcast station in any locality where the existing television broadcast stations are so few or of such unequal desirability (in terms of coverage, power, frequency, or other related matters) that competition would be substantially restrained by such licensing.

(g) *Dual network operation.* No license shall be issued to a television broadcast station affiliated with a network organization which maintains more than one network of television broadcast stations: *Provided,* That this section shall not be applicable if such networks are not operated simultaneously, or if there is no substantial overlap in the territory served by the group of stations comprising each such network.

(h) *Control by networks of station rates.* No license shall be granted to a television broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization under which the station is prevented or hindered from, or penalized for, fixing or altering its rates for the sale of broadcast time for other than the network's programs.

§ 3.659 *Special rules relating to contracts providing for reservation of time upon sale of a station.* (a) No license, renewal of license, assignment of license, or transfer of control of a corporate licensee shall be granted or authorized to a television broadcast station which has a contract, arrangement or understanding, express or implied, pursuant to which, as consideration or partial consideration for the assignment of license

[15] The term "network organization" as used herein includes national and regional network organizations. See ch. VII, J, of Report on Chain Broadcasting.

[16] As used in this section, an option is any contract, arrangement, or understanding, express or implied, between a station and a network organization which prevents or hinders the station from scheduling programs before the network agrees to utilize the time during which such programs are scheduled, or which requires the station to clear time already scheduled when the network organization seeks to utilize the time.

[17] All time options permitted under this section must be specified clock hours, expressed in terms of any time system set forth in the contract agreed upon by the station and network organization. Shifts from daylight saving to standard time or vice versa may or may not shift the specified hours correspondingly as agreed by the station and network organization.

[18] These segments are to be determined for each station in terms of local time at the location of the station but may remain constant throughout the year regardless of shifts from standard to daylight saving time or vice versa.

[19] The word "control" as used in this section, is not limited to full control but includes such a measure of control as would substantially affect the availability of the station to other networks.

or transfer of control, the assignor of a station license or the transferor of stock, where transfer of a corporate licensee is involved, or the nominee of such assignor or transferor retains any right of reversion of the license or any right to the reassignment of the license in the future, or reserves the right to use the facilities of the station for any period whatsoever.

(b) In the case of assignment of license or transfer of control of a corporate licensee approved by the Commission before the effective date of this section, February 15, 1949, involving a contract, arrangement or understanding of the type covered by paragraph (a) of this section and the existence and terms of which were fully disclosed to the Commission at the time of execution, the Commission will give consideration to the issuance of a license despite the existence of such contract, arrangement or understanding, if the parties thereto modify such contract within 6 months from the effective date of this section. Such modifications will be considered on the facts of each case but no such modification will be approved unless the modified contract contains at least the following provisions:

(1) A maximum limitation of the time subject to reservation so that no more than 12 hours per week shall be subject to reservation, of which no more than 4 hours shall be on any given day.

(2) A clause providing that the licensee reserves the right to reject or refuse programs which he reasonably believes to be unsatisfactory or unsuitable or for which, in his opinion, a program of outstanding local or national importance should be substituted, but provision may be made for the substitution of other television time for programs so rejected or for the payment at the station card rate for the time made unavailable.

(3) A prohibition against the resale or reassignment of any of the broadcast time reserved by such modified contract.

(4) An express negation of any right with respect to reversion or reassignment of license.

(5) An express provision setting forth a definite expiration date of the contract, arrangement or understanding. Such expiration date shall not extend beyond February 15, 1964, and shall in no event extend beyond the expiration date originally provided for in any such contract, agreement or understanding, in the event that such expiration date is a date prior to February 15, 1964.

(6) An express provision giving to the licensee the right to terminate the contract, arrangement or understanding for substantial cause, including, but not limited to, the assignment of license or the transfer of control of a corporate licensee, consistent disagreement over programs between the parties, or the acquisition of a network affiliation by the licensee, upon the payment of a lump sum or periodic payments, and providing that the amount initially fixed shall thereafter decrease as the amount of time reserved is decreased by performance of the contract. Any such payment should not be so unduly large as to constitute in practice an effective deterrent to the licensee exercising the right. In determining whether the amount is unduly large, the Commission will consider the amount by which consideration in return for the transfer of the station was decreased by reason of the reservation of time or the present value of the television time still reserved and unused as of the date of the exercise of the right of termination.

§ 3.660 *Station license, posting of.* The original of each station license shall be posted in the transmitter room.

§ 3.661 *Operator requirements.* One or more licensed radio-telephone first class operators shall be on duty at the place where the transmitting apparatus of each station is located and in actual charge thereof whenever it is being operated. The original license (or FCC Form 759) of each station operator shall be posted at the place where he is on duty. The licensed operator on duty and in charge of a television broadcast transmitter may, at the discretion of the licenseee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator's license which he holds and by the rules and regulations governing such stations. However, such duties shall in nowise interfere with the operation of the broadcast transmitter.

§ 3.662 *Antenna structure, marking and lighting.* Where an antenna structure(s) is required to be painted or lighted see § 17.37, *Inspection of tower lights and associated control equipment;* § 17.39, *Cleaning and repainting;* § 17.40, *Time when lights shall be exhibited;* § 17.41, *Spare lamps;* and § 17.42, *Lighting equipment;* of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures).

§ 3.663 *Logs; maintenance of.* The licensee or permittee of each television station shall maintain program and operating logs and shall require entries to be made as follows:

(a) In the program log:

(1) An entry of the time each station identification announcement (call letters and location) is made.

(2) An entry briefly describing each program broadcast, such as "music," "drama," "speech," etc., together with the name or title thereof and the sponsor's name, with the time of the beginning and ending of the complete program. If a mechanical reproduction, either visual or aural, is used, the entry shall show the exact nature thereof and the time it is announced as a mechanical reproduction. If a speech is made by a political candidate, the name and political affiliations of such speaker shall be entered.

(3) An entry showing that each sponsored program broadcast has been announced as sponsored, paid for, or furnished by the sponsor; or that the broadcast is under the auspices of a nonprofit educational organization other than the licensee or permittee.

(4) An entry showing, for each program of network origin, the name of the network originating the program.

(b) In the operating log:

(1) An entry of the time the station begins to supply power to the antenna, and the time it stops.

(2) An entry of the time the program begins and ends.

(3) An entry of each interruption to the carrier wave, its cause, and duration.

(4) An entry of the following each 30 minutes:

(i) Operating constants of last radio stage of the aural transmitter (total plate current and plate voltage).

(ii) Transmission line meter readings for both transmitters.

(iii) Frequency monitor readings.

(5) Log of experimental operation during experimental period (if regular operation is maintained during this period, the above logs shall be kept).

(i) A log must be kept of all operation during the experimental period. If the entries required above are not applicable thereto, then the entries shall be made so as to describe the operation fully.

(c) Where an antenna structure(s) is required to be illuminated see § 17.38, *Recording the tower light inspections in the station record,* of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures).

§ 3.664 *Logs; retention of, etc.*—(a) *Logs; retention of.* Logs of television broadcast stations shall be retained by the licensee or permittee for a period of two years: *Provided, however,* That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the licensee or permittee has been notified, shall be retained by the licensee or permittee until he is specifically authorized in writing by the Commission to destroy them: *Provided further,* That logs incident to or involved in any claim or complaint of which the licensee or permittee has notice shall be retained by the licensee or permittee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

(b) *Logs, by whom kept.* Each log shall be kept by the person or persons competent to do so, having actual knowledge of the facts required, who shall sign the log when starting duty and again when going off duty. The logs shall be made available upon request by an authorized representative of the Commission.

(c) *Log form.* The log shall be kept in an orderly manner, in suitable form, and in such detail that the data required for the particular class of station concerned are readily available. Key letters or abbreviations may be used if proper meaning or explanation is contained elsewhere in the log.

(d) *Correction of logs.* No log or portion thereof shall be erased, obliterated, or wilfully destroyed within the period of retention provided by the rules. Any necessary correction may be made only by the person originating the entry who shall strike out the erroneous portion, initial the correction made, and indicate the date of correction.

(e) *Rough logs.* Rough logs may be transcribed into condensed form, but in

such case the original log or memoranda and all portions thereof shall be preserved and made a part of the complete log.

§ 3.665 *Station inspection.* The licensee of a television broadcast station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 3.666 *Experimental operation.* Television broadcast stations may (upon informal application) conduct technical experimentation directed to the improvement of technical phases of operation and for such purposes may utilize a signal other than the standard television signal subject to the following conditions:

(a) That the licensee complies with the provisions of § 3.651 with regard to the minimum number of hours of transmission with a standard television signal.

(b) That no transmissions are radiated outside of the authorized channel and subject to the condition that no interference is caused to the transmissions of a standard television signal by other television broadcast stations.

(c) No charges either direct or indirect shall be made by the licensee of a television broadcast station for the production or transmission of programs when conducting technical experimentation.

§ 3.667 *Discontinuance of operation.* The licensee of each station shall notify the Commission in Washington, D. C., and the Engineer in Charge of the radio district where such station is located of permanent discontinuance of operation at least two days before operation is discontinued. The licensee shall, in addition, immediately forward the station license and other instruments of authorization to the Washington, D. C., office of the Commission for cancellation.

TECHNICAL STANDARDS

§ 3.681 *Definitions*—(a) *Amplitude modulation (AM).* A system of modulation in which the envelope of the transmitted wave contains a component similar to the wave form of the signal to be transmitted.

(b) *Antenna height above average terrain.* The average of the antenna heights above the terrain from two to ten miles from the antenna for the eight directions spaced evenly for each 45 degrees of azimuth starting with True North. (In general, a different antenna height will be determined in each direction from the antenna. The average of these various heights is considered the antenna height above the average terrain. In some cases less than 8 directions may be used. See § 3.684 (d)).

(c) *Antenna power gain.* The square of the ratio of the root-mean-square free space field intensity produced at one mile in the horizontal plane, in millivolts per meter for one kilowatt antenna input power to 137.6 mv/m. This ratio should be expressed in decibels (db). (If specified for a particular direction, antenna power gain is based on the field strength in that direction only.)

(d) *Aspect ratio.* The ratio of picture width to picture height as transmitted.

(e) *Aural transmitter.* The radio equipment for the transmission of the aural signal only.

(f) *Black level.* The magnitude of the modulating signal corresponding to the scanning of a black area in the transmitted picture.

(g) *Center frequency (aural).* (1) The average frequency of the emitted wave when modulated by a sinusoidal signal.

(2) The frequency of the emitted wave without modulation.

(h) *Color field.* Scanning through the picture area once in the chosen scanning pattern and in each of the primary colors. In the line interlaced scanning pattern of two to one, the scanning of the alternate lines of the picture area once in each of the primary colors.

(i) *Color frame.* Scanning all of the picture area once in each of the primary colors. In the line interlaced scanning pattern of two to one, a color frame consists of two color fields.

(j) *Color transmission.* The transmission of color television signals which can be reproduced with different values of hue, saturation, and luminance.

(k) *Effective radiated power.* The product of the antenna input power and the antenna power gain. This product should be expressed in kilowatts and in decibels above one kilowatt (dbk). (If specified for a particular direction, effective radiated power is based on the antenna power gain in that direction only. The licensed effective radiated power is based on the average antenna power gain for each horizontal plane direction.)

(l) *Field.* Scanning through the picture area once in the chosen scanning pattern and in a single color. In the line interlaced scanning pattern of two to one, the scanning of the alternate lines of the picture area once in a single color.

(m) *Frame.* Scanning all of the picture area once in a single color. In the line interlaced scanning pattern of two to one, a frame consists of two fields.

(n) *Free space field intensity.* The field intensity that would exist at a point in the absence of waves reflected from the earth or other reflecting objects.

(o) *Frequency modulation (FM).* A system of modulation where the instantaneous radio frequency varies in proportion to the instantaneous amplitude of the modulating signal (amplitude of modulating signal to be measured after pre-emphasis, if used) and the instantaneous radio frequency is independent of the frequency of the modulating signal.

(p) *Frequency swing.* The instantaneous departure of the frequency of the emitted wave from the center frequency resulting from modulation.

(q) *Interlaced scanning.* A scanning process in which successively scanned lines are spaced an integral number of line widths, and in which the adjacent lines are scanned during successive cycles of the field frequency.

(r) *Monochrome transmission.* The transmission of television signals which can be reproduced in gradations of a single color only.

(s) *Negative transmission.* Where a decrease in initial light intensity causes an increase in the transmitted power.

(t) *Peak power.* The power over a radio frequency cycle corresponding in amplitude to synchronizing peaks.

(u) *Percentage modulation.* As applied to frequency modulation, the ratio of the actual frequency swing to the frequency swing defined as 100 percent modulation, expressed in percentage. For the aural transmitter of television broadcast stations, a frequency swing of ±25 kilocycles is defined as 100 percent modulation.

(v) *Polarization.* The direction of the electric field as radiated from the transmitting antenna.

(w) *Scanning.* The process of analyzing successively, according to a predetermined method, the light values of picture elements constituting the total picture area.

(x) *Scanning line.* A single continuous narrow strip of the picture area containing highlights, shadows, and halftones, determined by the process of scanning.

(y) *Standard television signal.* A signal which conforms to the television transmission standards.

(z) *Synchronization.* The maintenance of one operation in step with another.

(aa) *Television broadcast band.* The frequencies in the band extending from 54 to 890 megacycles which are assignable to television broadcast stations. These frequencies are 54 to 72 megacycles (channels 2 through 4), 76 to 88 megacycles (channels 5 and 6), 174 to 216 megacycles (channels 7 through 13), and 470 to 890 megacycles (channels 14 through 83).

(bb) *Television broadcast station.* A station in the television broadcast band transmitting simultaneous visual and aural signals intended to be received by the general public.

(cc) *Television channel.* A band of frequencies 6 megacycles wide in the television broadcast band and designated either by number or by the extreme lower and upper frequencies.

(dd) *Television transmission standards.* The standards which determine the characteristics of a television signal as radiated by a television broadcast station.

(ee) *Television transmitter.* The radio transmitter or transmitters for the transmission of both visual and aural signals.

(ff) *Vestigial sideband transmission.* A system of transmission wherein one of the generated sidebands is partially attenuated at the transmitter and radiated only in part.

(gg) *Visual frequency.* The frequency of the signal resulting from television scanning.

(hh) *Visual transmitter.* The radio equipment for the transmission of the visual signal only.

(ii) *Visual transmitter power.* The peak power output when transmitting a standard television signal.

§ 3.682 *Transmission standards and changes*—(a) *Transmission standards.* (1) The width of the television broad-

cast channel shall be six megacycles per second.

(2) The visual carrier shall be located 4.5 megacycles lower in frequency than the aural center frequency.

(3) The aural center frequency shall be located 0.25 megacycles lower than the upper frequency limit of the channel.

(4) The visual transmission amplitude characteristic shall be in accordance with the chart designated as Appendix III, Figure 3.

(5) For monochrome transmission the number of scanning lines per frame shall be 525, interlaced two to one in successive fields. The frame frequency shall be 30, the field frequency 60, and the line frequency 15,750 per second.

(6) For color transmissions the number of scanning lines per frame shall be 405, interlaced two to one in successive fields of the same color. The frame frequency shall be 72, the field frequency 144, the color frame frequency 24, the color field frequency 48, and the line frequency 29,160 per second.

(7) The aspect ratio of the transmitted television picture shall be 4 units horizontally to 3 units vertically.

(8) During active scanning intervals, the scene shall be scanned from left to right horizontally and from top to bottom vertically, at uniform velocities.

(9) A carrier shall be modulated within a single television channel for both picture and synchronizing signals, the two signals comprising different modulation ranges in amplitude, in accordance with the charts designated as Appendix III, Figures 3 and 4.

(10) A decrease in initial light intensity shall cause an increase in radiated power (negative transmission).

(11) The black level shall be represented by a definite carrier level, independent of light and shade in the picture.

(12) The pedestal level (normal black level) shall be transmitted at 75 percent (with a tolerance of plus or minus 2.5 percent) of the peak carrier level.

(13) The level at maximum luminance shall be 15% or less of the peak carrier level.

(14) The signals radiated shall have horizontal polarization.

(15) A radiated power of the aural transmitter not less than 50 percent nor more than 150 percent of the peak radiated power of the video transmitter shall be employed.

(16) Variation of output. The peak-to-peak variation of transmitter output within one frame of video signal due to all causes, including hum, noise, and low-frequency response, measured at both synchronizing peak and pedestal level, shall not exceed 5 percent of the average synchronizing peak signal amplitude.[20]

(17) Black level. The black level should be made as nearly equal to the pedestal as the state of the art will permit. If they are made essentially equal, satisfactory operation will result and improved techniques will later lead to the establishment of the tolerance if necessary.[21]

(18) Brightness characteristics. The transmitter output shall vary in substantially inverse logarithmic relation to the brightness of the subject. No tolerances are set at this time.[22]

(19) The color sequence for color transmission shall be repeated in the order red, blue, green, in successive fields.

(20) The transmitter color characteristics for color transmission shall be such as to reproduce the transmitted colors as correctly as the state of the art will permit on a receiver having the following trichromatic coefficients, based on the standardized color triangle of the International Commission on Illumination:

Red	Blue	Green
$x=0.674$ $y=0.326$	$x=0.122$ $y=0.142$	$x=0.227$ $y=0.694$

When equal amplitudes of red, blue, and green are transmitted, such a receiver will furnish a white corresponding to illuminant C with the trichromatic coefficients $x=0.310$ and $y=0.316$.

(b) *Changes in transmission standards.* The Commission will consider the question whether a proposed change or modification of transmission standards adopted for television would be in the public interest, convenience and necessity, upon petition being filed by the person proposing such change or modification, setting forth the following:

(1) The exact character of the change or modification proposed;

(2) The effect of the proposed change or modification upon all other transmission standards that have been adopted by the Commission for television broadcast stations;

(3) The experimentation and field tests that have been made to show that the proposed change or modification accomplishes an improvement and is technically feasible;

(4) The effect of the proposed change or modification in the adopted standards upon operation and obsolescence of receivers;

(5) The change in equipment required in existing television broadcast stations for incorporating the proposed change or modification in the adopted standards; and

(6) The facts and reasons upon which the petitioner bases his conclusion that the proposed change or modification would be in the public interest, convenience, and necessity.

Should a change or modification in the transmission standards be adopted by the Commission, the effective date thereof will be determined in the light of the considerations mentioned in subparagraph (4) of this paragraph.

§ 3.683 *Field intensity contours.* (a) In the authorization of television broadcast stations, two field intensity contours are considered. These are specified as Grade A and Grade B and indicate the approximate extent of coverage over average terrain in the absence of interference from other television stations. Under actual conditions, the true coverage may vary greatly from these estimates because the terrain over any specific path is expected to be different from the average terrain on which the field strength charts were based. The required field intensities, F (50, 50), in decibels above one microvolt per meter (dbu) for the Grade A and Grade B contours are as follows: [23]

	Grade A (dbu)	Grade B (dbu)
Channels 2-6	68	47
Channels 7-13	71	56
Channels 14-83	74	64

(b) The field intensity contours provided for herein shall be considered for the following purposes only:

(1) In the estimation of coverage resulting from the selection of a particular transmitter site by an applicant for a television station.

(2) In connection with problems of coverage arising out of application of § 3.636.

(3) In connection with problems of coverage arising out of application of § 3.658 (b).

(4) In determining compliance with § 3.685 (a) concerning the minimum field intensity to be provided over the principal community to be served.

§ 3.684 *Prediction of coverage.* (a) All predictions of coverage made pursuant to this paragraph shall be made without regard to interference and shall be made only on the basis of estimated field intensities. The peak power of the visual signal is used in making predictions of coverage.

(b) Predictions of coverage shall be made only for the same purposes as relate to the use of field intensity contours as specified in § 3.683 (b).

(c) In predicting the distance to the field intensity contours, the F (50, 50) field intensity charts (Appendix III, Figures 5 and 6) shall be used. If the 50 percent field intensity is defined as that value exceeded for 50 percent of the time, these F (50, 50) charts give the estimated 50 percent field intensities exceeded at 50 percent of the locations in decibels above one microvolt per meter. The charts are based on an effective power of one kilowatt radiated from a half-wave dipole in free space, which

[20] [21] [22] These items are subject to change but are considered the best practice under the present state of the art. They will not be enforced pending a further determination thereof.

[23] It should be realized that the F (50, 50) curves when used for Channels 14–83 are not based on measured data at distances beyond about 30 miles. Theory would indicate that the field intensities for Channels 14–83 should decrease more rapidly with distance beyond the horizon than for Channels 2–6, and modification of the curves for Channels 14–83 may be expected as a result of measurements to be made at a later date. For these reasons, the curves should be used with appreciation of their limitations in estimating levels of field intensity. Further, the actual extent of service will usually be less than indicated by these estimates due to interference from other stations. Because of these factors, the predicted field intensity contours give no assurance of service to any specific percentage of receiver locations within the distances indicated. In licensing proceedings these variations will not be considered.

produces an unattenuated field strength at one mile of about 103 db above one microvolt per meter (137.6 millivolts per meter). To use the charts for other powers, the sliding scale associated with the charts should be trimmed and used as the ordinate scale. This sliding scale is placed on the charts with the appropriate gradation for power in line with the horizontal 40 db line on the charts. The right edge of the scale is placed in line with the appropriate antenna height gradations, and the charts then become direct reading (in uv/m and in db above 1 uv/m) for this power and antenna height. Where the antenna height is not one of those for which a scale is provided, the signal strength or distance is determined by interpolation between the curves connecting the equidistant points. Dividers may be used in lieu of the sliding scale. In predicting the distance to the Grade A and Grade B field intensity contours, the effective radiated power to be used is that in the horizontal plane in the pertinent direction. In predicting other field intensities over areas not in the horizontal plane, the effective radiated power to be used is the power in the direction of such areas; the appropriate vertical plane radiation pattern must, of course, be considered in determining this power.

(d) The antenna height to be used with these charts is the height of the radiation center of the antenna above the average terrain along the radial in question. In determining the average elevation of the terrain, the elevations between 2 and 10 miles from the antena site are employed. Profile graphs shall be drawn for 8 radials beginning at the antenna site and extending 10 miles therefrom. The radials should be drawn for each 45 degrees of azimuth starting with True North.[23a] [24] At least one radial must include the principal community to be served even though such community may be more than 10 miles from the antenna site. However, in the event none of the evenly spaced radials include the principal community to be served and one or more such radials are drawn in addition to the 8 evenly spaced radials, such additional radials shall not be employed in computing the antenna height above average terrain. Where the 2 to 10 mile portion of a radial extends in whole or in part over large bodies of water as specified in paragraph (e) of this section or extends over foreign territory but the Grade B intensity contour encompasses land area within the United States beyond the 10 mile portion of the radial, the entire 2 to 10 mile portion of the radial shall be included in the computation of antenna height above average terrain. However, where the Grade B contour does not so encompass United States land area and (1) the entire 2 to 10 mile portion of the radial extends over large bodies of water or foreign territory, such radial shall be completely omitted from the computation of antenna height above average terrain, and (2) where a part of the 2 to 10 mile portion of a radial extends over large bodies of water or over foreign territory, only that part of the radial extending from the 2 mile sector to the outermost portion of land area within the United States covered by the radial shall be employed in the computation of antenna height above average terrain. The profile graph for each radial should be plotted by contour intervals of from 40 to 100 feet and, where the data permits, at least 50 points of elevation (generally uniformly spaced) should be used for each radial. In instances of very rugged terrain where the use of contour intervals of 100 feet would result in several points in a short distance, 200- or 400-foot contour intervals may be used for such distances. On the other hand, where the terrain is uniform or gently sloping the smallest contour interval indicated on the topographic map (see below) should be used, although only relatively few points may be available. The profile graphs should indicate the topography accurately for each radial, and the graphs should be plotted with the distance in miles as the abscissa and the elevation in feet above mean sea level as the ordinate. The profile graphs should indicate the source of the topographical data employed. The graph should also show the elevation of the center of the radiating system. The graph may be plotted either on rectangular coordinate paper or on special paper which shows the curvature of the earth. It is not necessary to take the curvature of the earth into consideration in this procedure, as this factor is taken care of in the charts showing signal intensities. The average elevation of the 8-mile distance between 2 and 10 miles from the antenna site should then be determined from the profile graph for each radial. This may be obtained by averaging a large number of equally spaced points, by using a planimeter, or by obtaining the median elevation (that exceeded for 50 percent of the distance) in sectors and averaging those values.

(e) In instances where it is desired to determine the area in square miles within the Grade A and Grade B field intensity contours, the area may be determined from the coverage map by planimeter or other approximate means; in computing such areas, exclude (1) areas beyond the borders of the United States, and (2) large bodies of water, such as ocean areas, gulfs, sounds, bays, large lakes, etc., but not rivers.

(f) In cases where the terrain in one or more directions from the antenna site departs widely from the average elevation of the 2 to 10 mile sector, the prediction method may indicate contour distances that are different from what may be expected in practice. For example, a mountain ridge may indicate the practical limit of service although the prediction method may indicate otherwise. In such cases the prediction method should be followed, but a supplemental showing may be made concerning the contour distances as determined by other means. Such supplemental showing should describe the procedure employed and should include sample calculations. Maps of predicted coverage should include both the coverage as predicted by the regular method and as predicted by a supplemental method. When measurements of area are required, these should include the area obtained by the regular prediction method and the area obtained by the supplemental method. In directions where the terrain is such that negative antenna heights or heights below 100 feet for the 2 to 10 mile sector are obtained, a supplemental showing of expected coverage must be included together with a description of the method employed in predicting such coverage. In special cases, the Commission may require additional information as to terrain and coverage.

(g) In the preparation of the profile graphs previously described, and in determining the location and height above sea level of the antenna site, the elevation or contour intervals shall be taken from the United States Geological Survey Topographic Quadrangle Maps, United States Army Corps of Engineers maps or Tennessee Valley Authority maps, whichever is the latest, for all areas for which such maps are available. If such maps are not published for the area in question, the next best topographic information should be used. Topographic data may sometimes be obtained from State and municipal agencies. Data from Sectional Aeronautical Charts (including bench marks) or railroad depot elevations and highway elevations from road maps may be used where no better information is available. In cases where limited topographic data is available, use may be made of an altimeter in a car driven along roads extending generally radially from the transmitter site. Ordinarily the Commission will not require the submission of topographical maps for areas beyond 15 miles from the antenna site, but the maps must include the principal community to be served. If it appears necessary, additional data may be requested. United States Geological Survey Topographic Quadrangle Maps may be obtained from the Department of the Interior, Geological Survey, Washington, D. C. Sectional Aeronautical Charts are available from the Department of Commerce, Coast and Geodetic Survey, Washington, D. C.

§ 3.685 *Transmitter location and antenna system.* (a) The transmitter location shall be chosen so that, on the basis of the effective radiated power and antenna height above average terrain employed, the following minimum field intensity in decibels above one microvolt per meter (dbu) will be provided over the entire principal community to be served:

[23a] This paragraph does not apply to any application designated for hearing in which the engineering portions have been heard or the engineering exhibits exchanged prior to June 1, 1953, the effective date of the amendment of this subsection unless the subsection as amended would materially affect the outcome of the hearing.

[24] The Commission will, upon a proper showing by an existing station that the application of this rule will result in an unreasonable power reduction in relation to other stations in close proximity, consider requests for adjustment in power on the basis of a common average terrain figure for the stations in question as determined by the Commission.

Channels 2-6	Channels 7-13	Channels 14-83
74 dbu	77 dbu	80 dbu

(b) Location of the antenna at a point of high elevation is necessary to reduce to a minimum the shadow effect on propagation due to hills and buildings which may reduce materially the intensity of the station's signals. In general, the transmitting antenna of a station should be located at the most central point at the highest elevation available. To provide the best degree of service to an area, it is usually preferable to use a high antenna rather than a low antenna with increased transmitter power. The location should be so chosen that line-of-sight can be obtained from the antenna over the principal community to be served; in no event should there be a major obstruction in this path. The antenna must be constructed so that it is as clear as possible of surrounding buildings or objects that would cause shadow problems. It is recognized that topography, shape of the desired service area, and population distribution may make the choice of a transmitter location difficult. In such cases, consideration may be given to the use of a directional antenna system, although it is generally preferable to choose a site where a nondirectional antenna may be employed.

(c) In cases of questionable antenna locations it is desirable to conduct propagation tests to indicate the field intensity expected in the principal community to be served and in other areas, particularly where severe shadow problems may be expected. In considering applications proposing the use of such locations, the commission may require site tests to be made. Such tests should be made in accordance with the measurement procedure hereafter described, and full data thereon must be supplied to the Commission. Test transmitters should employ an antenna having a height as close as possible to the proposed antenna height, using a balloon or other support if necessary and feasible. Information concerning the authorization of site tests may be obtained from the Commission upon request.

(d) Present information is not sufficiently complete to establish "blanket areas" of television broadcast stations. A "blanket area" is that area adjacent to a transmitter in which the reception of other stations is subject to interference due to the strong signal from this station. The authorization of station construction in areas where blanketing is found to be excessive will be on the basis that the applicant will assume full responsibility for the adjustment of reasonable complaints arising from excessively strong signals of the applicant's station or take other corrective action.

(e) A directional antenna is considered to be an antenna that is designed or altered for the purpose of obtaining a noncircular radiation pattern. Directional antennas may not be used for the purpose of reducing minimum mileage separation requirements but may be employed for the purpose of improving service or for the purpose of using a particular site; however, directional antennas with a ratio of minimum to maximum radiation in the horizontal plane of more than 10 decibels will not be permitted.

(f) Applications proposing the use of directional antenna systems must be accompanied by the following:

(1) Complete description of the proposed antenna system.

(2) Orientation of array with respect to true north; time phasing of fields from elements (degrees leading or lagging); space phasing of elements (in feet and degrees); and ratio of fields from elements.

(3) Horizontal and vertical plane radiation patterns showing the free space field intensity in millivolts per meter at 1 mile and the effective radiated power, in dbk, for each direction. The method by which the radiation patterns were computed or measured shall be fully described, including formulas used, equipment employed, sample calculations and tabulations of data. Sufficient vertical plane patterns shall be included to indicate clearly the radiation characteristics of the antenna above and below the horizontal plane. The horizontal plane pattern shall be plotted on polar coordinate paper with reference to true north. The vertical plane patterns shall be plotted on rectangular coordinate paper with reference to the horizontal plane.

(4) Name, address, and qualifications of the engineer making the calculations.

(g) Applications proposing the use of television broadcast antennas within 200 feet of other television broadcast antennas operating on a channel within 20 percent in frequency of the proposed channel, or proposing the use of television broadcast antennas on Channels 5 or 6 within 200 feet of FM broadcast antennas, must include a showing as to the expected effect, if any, of such proximate operation.

(h) Where simultaneous use of antennas or antenna structures is proposed, the following provisions shall apply:

(1) In cases where it is proposed to use a tower of a standard broadcast station as a supporting structure for a television broadcast antenna, an appropriate application for changes in the radiating system of the standard broadcast station must be filed by the licensee thereof. A formal application (FCC Form 301) will be required if the proposal involves substantial change in the physical height or radiation characteristics of the standard broadcast antennas; otherwise an informal application will be acceptable.[25] An application may be required for other classes of stations when the tower is to be used in connection with a television station.

(2) When the proposed television antenna is to be mounted on a tower in the vicinity of a standard broadcast directional array and it appears that the operation of the directional antenna system may be affected, an engineering study must be filed with the television application concerning the effect of the television antenna on the directional pattern. Readjustment and field intensity measurements of the standard broadcast station may be required following construction of the television antenna.

(i) The provisions of Part 17 of this chapter shall govern the construction, marking and lighting requirements of antenna structures used by television broadcast stations. In the event a common tower is used by two or more licensees or permittees for antenna and/or antenna supporting purposes, the licensee or permittee who is owner of the tower shall assume full responsibility for the installation and maintenance of any painting and/or lighting requirements. In the event of shared ownership, one licensee or permittee shall assume such responsibility and advise the Commission accordingly.

§ 3.686 *Measurements for rule making purposes and upon request of the Commission.* (a) Except as provided for in § 3.612, television broadcast stations shall not be protected against any type of interference or propagation effect. Persons desiring to submit testimony, evidence, or data to the Commission for the purpose of showing that the technical standards contained in this subpart do not properly reflect any given types of interference or propagation effects may do so only in appropriate rule making proceedings to amend such technical standards. Persons making field intensity measurements for formal submission to the Commission in rule making proceedings, or making such measurements upon the request of the Commission, should comply with the procedure for making such measurements as outlined below.

(b) Measurements made to determine field intensities of television broadcast stations should be made with mobile equipment along roads which are as close and similar as possible to the radials showing topography which were submitted with the application for construction permit.[26] Suitable measuring equipment and a continuous recording device must be employed, the chart of which is either directly driven from the speedometer of the automobile in which the equipment is mounted or so arranged that distances and identifying landmarks can be readily noted. The measuring equipment must be calibrated against recognized standards of field intensity and so constructed that it will maintain an acceptable accuracy of measurement while in motion or when stationary. The equipment should be so operated that the recorder chart can be calibrated directly in field intensity in order to facilitate analysis of the chart. The receiving antenna must be horizontally polarized and should be nondirectional.

(c) Mobile measurements should be made with a minimum chart speed of 3 inches per mile and preferably 5 or 6 inches per mile. Locations shall be noted on the recorder chart as frequently

[25] In case of doubt, an informal application (letter) together with complete engineering data should be submitted.

[26] Cluster and spot measurements may also be submitted, if accompanied by a complete showing of the procedures employed.

as necessary to fix definitely the relation between the measured field intensity and the location. The time constant of the equipment should be such as to permit adequate analysis of the charts, and the time constant employed shall be shown. Measurements should be made to a point on each radial well beyond the particular contour under investigation.

(d) While making field intensity measurements either the visual or the aural transmitter may be used. If the visual transmitter is used, it is recommended that a black picture be transmitted or that the transmitter be operated at black level without synchronization peaks. Operation at a power somewhat less than black level is permissible but too great a reduction in power is not recommended due to the difficulty of recording weak signals. In any event, an appropriate factor shall be used to convert the readings obtained to the field strength that would exist on synchronization peaks while operating at the authorized power.

(e) After the measurements are completed, the recorder chart should be divided into not less than 15 sections on each equivalent radial from the station. The field intensity in each section of the chart should be analyzed to determine the field intensity received 50 percent of the distance (median field) throughout the section, and this median field intensity associated with the corresponding sector of the radial. The field intensity figures must be corrected for a receiving antenna elevation of 30 feet and for any directional effects of the automobile and receiving antenna not otherwise compensated. This data should be plotted for each radial, using log-log coordinate paper with distance as the abscissa and field intensity as the ordinate. A smooth curve should be drawn through these points (of median fields for all sectors) and this curve used to determine the distance to the desired contour. The distances obtained for each radial may then be plotted on the map of predicted coverage or on polar coordinate paper (excluding water areas, etc.) to determine the service and interference areas of a station.

(f) In certain cases the Commission may desire more information or recordings and in these instances special instructions will be issued.

(g) Data obtained in conjunction with field intensity measurements shall be submitted to the Commission in affidavit form in triplicate, including the following:

(1) Map or maps showing the roads or points where measurements were made, the service and/or interference areas determined by the prediction method and by the measurements, and any unusual terrain characteristics existing in these areas. The maps, preferably of a type showing topography in the area, should show the Grade A and Grade B field intensity contours.

(2) If a directional transmitting antenna is employed, a diagram on polar coordinate paper showing the predicted free space field intensity in millivolts per meter at 1 mile in all directions.

(3) A full description of the procedures and methods employed, including the type of equipment, the method of installation and operation, and calibration procedures.

(4) Complete data obtained during the survey, including calibration. (Only the original or one photostatic copy of the recording tapes, or representative samples, need be submitted.)

(5) Antenna system and power employed during the survey.

(6) Name, address, and qualifications of the engineer or engineers making the measurements.

§ 3.687 *Transmitters and associated equipment*—(a) *Visual transmitter.* (1) The over-all attenuation characteristics of the transmitter, measured in the antenna transmission line after the vestigial sideband filter (if used), shall not be greater than the following amounts below the ideal demodulated curve. (See Appendix III, Figure 7.)

2 db at 0.5 mc
2 db at 1.25 mc
3 db at 2.0 mc
6 db at 3.0 mc
12 db at 3.5 mc

The curve shall be substantially smooth between these specified points, exclusive of the region from 0.75 to 1.25 Mc.[27]

(2) The field strength or voltage of the lower sideband, as radiated or dissipated and measured as described in subparagraph (3) of this paragraph, shall not be greater than —20 db. for a modulating frequency of 1.25 Mc or greater. The field strength or voltage of the upper side band as radiated or dissipated and measured as described in subparagraph (3) of this paragraph, shall not be greater than —20 db. for a modulating frequency of 4.75 Mc or greater.[28]

(3) The attenuation characteristics of a visual transmitter shall be measured by application of a modulating signal to the transmitter input terminals in place of the normal composite television video signal. The signal applied shall be a composite signal composed of a synchronizing signal[29] to establish peak output voltage plus a variable frequency sine wave voltage occupying the interval between synchronizing pulses. The axis of the sine wave in the composite signal observed in the output monitor shall be maintained at an amplitude 0.5 of the voltage at synchronizing peaks. The amplitude of the sine wave input shall be held at a constant value. This constant value should be such that at no modulating frequency does the maximum excursion of the sine wave, observed in the composite output signal monitor, exceed the value 0.75 of peak output voltage. The amplitude of the 100-kilocycle sideband shall be measured and designated zero db as a basis for comparison. The modulation signal frequency shall then be varied over the desired range and the field strength or signal voltage of the corresponding sidebands measured. As an alternate method of measuring, in those cases in which the automatic d-c insertion can be replaced by manual control, the above characteristic may be taken by the use of a video sweep generator and without the use of pedestal synchronizing pulses. The d-c level shall be set for midcharacteristic operation.

(4) The radio frequency signal, as radiated, shall have an envelope as would be produced by a modulating signal in conformity with Appendix III, Figure 4, as modified by vestigial sideband operation specified by Appendix III, Figure 3.

(5) The time interval between the leading edges of successive horizontal pulses shall vary less than one-half of 1 percent of the average interval.

(6) The rate of change of the frequency of recurrence of the leading edges of the horizontal synchronizing signals shall not be greater than 0.15 percent per second, the frequency to be determined by an averaging process carried out over a period of not less than 20, nor more than 100 lines, such lines not to include any portion of the vertical blanking signal.

(7) Sufficient monitoring equipment shall be employed to determine whether the visual signal complies with the requirements of this subpart.

(b) *Aural transmitter.* (1) The transmitter shall operate satisfactorily with a frequency swing of ±25 kilocycles, which is considered 100 percent modulation. It is recommended, however, that the transmitter be designed to operate satisfactorily with a frequency swing of at least ±40 kilocycles.

(2) The transmitting system (from input terminals of microphone pre-amplifier, through audio facilities at the studio, through telephone lines or other circuits between studio and transmitter, through audio facilities at the transmitter, and through the transmitter, but excluding equalizers for the correction of deficiencies in microphone response) shall be capable of transmitting a band of frequencies from 50 to 15,000 cycles. Pre-emphasis shall be employed in accordance with the impedance-frequency characteristic of a series inductance-resistance network having a time constant of 75 microseconds. (See Appendix III, Figure 8.) The deviation of the system response from the standard pre-emphasis curve shall lie between two limits as shown by Appendix III, Figure 8. The upper of these limits shall be uniform (no deviation) from 50 to 15,000 cycles. The lower limit shall be uniform from 100 to 7,500 cycles, and three db below the upper limit; from 100 to 50 cycles the lower limit shall fall from three db limit at a uniform rate of one db per octave (4 db at 50 cycles); from

[27] Output measurement shall be made with the transmitter operating into a dummy load of pure resistance and the demodulated voltage measured across this load. The ideal demodulated curve is that shown in Appendix III, Figure 7.

[28] Field strength measurements are desired. It is anticipated that these may not yield data which are consistent enough to prove compliance with the attenuation standards prescribed above. In that case, measurements with a dummy load of pure resistance, together with data on the antenna characteristics, shall be taken in place of over-all field measurements.

[29] The "synchronizing signal" referred to in this section means either a standard synchronizing wave form or any pulse that will properly set the peak.

7,500 to 15,000 cycles the lower limit shall fall from three db limit at a uniform rate of two db per octave (5 db at 15,000 cycles).

(3) At any modulating frequency between 50 and 15,000 cycles and at modulation percentages of 25 percent, 50 percent, and 100 percent, the combined audio frequency harmonics measured in the output of the system shall not exceed the root-mean-square values given in the following table:

Modulation frequency	*Distortion (percent)*
50 to 100 cycles	3.5
100 to 7,500 cycles	2.5
7,500 to 15,000 cycles	3.0

(i) Measurement shall be made employing 75 microsecond de-emphasis in the measuring equipment and 75 microsecond pre-emphasis in the transmitting equipment, and without compression if a compression amplifier is employed. Harmonics shall be included to 30 kc.[30]

(ii) It is recommended that none of the three main divisions of the system (transmitter, studio to transmitter circuit, and audio facilities) contribute over one-half of these percentages, since at some frequencies the total distortion may become the arithmetic sum of the distortions of the divisions.

(4) The transmitting system output noise level (frequency modulation) in the band of 50 to 15,000 cycles shall be at least 55 db below the audio frequency level representing a frequency swing of ±25 kc.[31]

(5) The transmitting system output noise level (amplitude modulation) in the band of 50 to 15,000 cycles shall be at least 50 db below the level representing 100 percent amplitude modulation.[32]

(6) If a limiting or compression amplifier is employed, precaution should be maintained in its connection in the circuit due to the use of pre-emphasis in the transmitting system.

(7) A modulation monitor shall be in operation at the aural transmitter. The percentage of modulation of the aural transmissions shall be maintained as high as possible consistent with good quality of transmission and good broadcast practice and in no case less than 85 percent nor more than 100 percent on peaks of frequent recurrence during any selection which normally is transmitted at the highest level of the program under consideration.

(c) *Requirements applicable to both visual and aural transmitters.* (1) Automatic means shall be provided in the visual transmitter to maintain the carrier frequency within one kilocycle of the authorized frequency; automatic means shall be provided in the aural transmitter to maintain the carrier frequency within four kilocycles of the assigned aural carrier frequency or, alternatively, 4.5 megacycles above the actual visual carrier frequency within five kilocycles. When required by § 3.606, the visual and aural carrier frequencies are to be offset in frequency by 10 kilocycles (plus or minus, as indicated) from the normal carrier frequencies.

(2) The transmitters shall be equipped with suitable indicating instruments for the determination of operating power and with other instruments necessary for proper adjustment, operation, and maintenance of the equipment.

(3) Adequate provision shall be made for varying the output power of the transmitters to compensate for excessive variations in line voltage or for other factors affecting the output power.

(4) Adequate provisions shall be provided in all component parts to avoid overheating at the rated maximum output powers.

(5) Frequency monitors for the visual and aural transmitters, independent of the frequency control of the transmitters, shall be in operation at the transmitters.

(6) In the event the visual monitoring equipment, the aural modulation monitor, or the visual or aural frequency monitor becomes defective, the station may be operated without such equipment pending its repair or replacement for a period not in excess of 60 days without further authority of the Commission: *Provided*, That

(i) Appropriate entries shall be made in the operating log of the station to show the date and time the equipment was removed from and restored to service.

(ii) The Engineer in Charge of the radio district in which the station is located shall be notified both immediately after the equipment is found to be defective and immediately after the repaired or replacement equipment has been installed and is functioning properly.

(iii) During the period when the station is operated without the aural modulation monitor or the visual monitoring equipment, the licensee shall provide other suitable means for insuring that the aural modulation is maintained within the tolerance prescribed in paragraph (b) (7) of this section and that the visual signal is maintained in accordance with the requirements of this subpart.

(iv) During the period when the station is operated without the visual or aural frequency monitor, the respective carrier frequency shall be compared with an external frequency source of known accuracy at sufficiently frequent intervals to insure that the frequency is maintained within the tolerance prescribed in subparagraph (1) of this paragraph. An entry shall be made in the station log as to the method used and the results thereof.

(v) If conditions beyond the control of the licensee or permittee prevent the restoration of the monitor or monitoring equipment to service within the above allowed period, an informal request in accordance with § 1.332 (d) of this chapter may be filed with the Engineer in Charge of the radio district in which the station is located for such additional time as may be required to complete repairs of the defective instrument or equipment.

(d) *Construction.* In general, the transmitters shall be mounted either on racks and panels or in totally enclosed frames protected as required by article 810 of the National Electrical Code,[33] and as set forth below:

(1) Means shall be provided for making all tuning adjustments, requiring voltages in excess of 350 volts to be applied to the circuit, from the front of the panels with all access doors closed.

(2) Proper bleeder resistors or other automatic means shall be installed across all the capacitor banks to lower any voltage which may remain accessible with access door open to less than 350 volts within two seconds after the access door is opened.

(3) All plate supply and other high voltage equipment, including transformers, filters, rectifiers and motor generators, shall be protected so as to prevent injury to operating personnel.

(i) Commutator guards shall be provided on all high voltage rotating machinery. Coupling guards should be provided on motor generators.

(ii) Power equipment and control panels of the transmitters shall meet the above requirements (exposed 220-volt A. C. switching equipment on the front of the power control panels is not recommended but is not prohibited).

(iii) Power equipment located at a television broadcast station not directly associated with the transmitters (not purchased as part of same), such as power distribution panels, are not subject to the provisions of this subpart.

(4) The following provisions shall be applicable to metering equipment:

(i) All instruments having more than 1,000 volts potential to ground on the movement shall be protected by a cage or cover in addition to the regular case. (Some instruments are designed by the manufacturers to operate safely with voltages in excess of 1,000 volts on the movement. If it can be shown by the manufacturer's rating that the instrument will operate safely at the applied potential, additional protection is not necessary.)

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[30] Measurements of distortion using de-emphasis in the measuring equipment are not practical at the present time for the range 7,500 to 15,000 cycles for 25 and 50 percent modulation. Therefore, measurements should be made at 100 percent modulation and on at least the following modulating frequencies: 50, 100, 400, 1,000, 5,000, 10,000, and 15,000 cycles. At 25 and 50 percent modulation, measurements should be made on at least the following modulating frequencies: 50, 100, 400, 1,000 and 5,000 cycles.

[31] [32] For the purpose of these measurements, the visual transmitter should be inoperative since the exact amount of noise permissible from that source is not known at this time.

[33] The pertinent sections of article 810 of the National Electrical Code read as follows: "8191. General; Transmitters shall comply with the following:

"a. *Enclosing.* The transmitter shall be enclosed in a metal frame or grille, or separated from the operating space by a barrier or other equivalent means, all metallic parts of which are effectually connected to ground.

"b. *Grounding of controls.* All external metallic handles and controls accessible to the operating personnel shall be effectually grounded. No circuit in excess of 150 volts shall have any parts exposed to direct contact. A complete dead-front type of switchboard is preferred.

"c. *Interlocks on doors.* All access doors shall be provided with interlocks which will disconnect all voltages in excess of 350 volts when any access door is opened."

(ii) In case the plate voltmeters are located on the low potential side of the multiplier resistors with the high potential terminal of the instruments at or less than 1,000 volts above ground, no protective case is required. However, it is good practice to protect voltmeters subject to more than 5,000 volts with suitable over-voltage protective devices across the instrument terminals in case the winding opens.

(iii) Transmission line meters and any other radio frequency instrument which may be necessary for the operator to read shall be so installed as to be read easily and accurately without the operator having to risk contact with circuits carrying high potential radio frequency energy.

(e) *Wiring and shielding.* (1) The transmitter panels or units shall be wired in accordance with standard practice, such as insulated leads properly cabled and supported, coaxial cables, or rigid bus bar properly insulated and protected.

(2) Wiring between units of the transmitters, with the exception of circuits carrying radio frequency energy or video energy, shall be installed in conduits or approved fiber or metal raceways to protect it from mechanical injury.

(3) Circuits carrying radio frequency or video energy between units shall be coaxial cables, two wire balanced lines, or property shielded lines.

(4) All stages or units shall be adequately shielded and filtered to prevent interaction and radiation.

(5) The frequency and modulation monitors and associated radio frequency lines to the transmitter shall be thoroughly shielded.

(f) *Auxiliary transmitters.* Auxiliary transmitters may not exceed the power rating of the main transmitters. As a general guide, specifications for auxiliary transmitters should conform as much as possible to those of the main transmitters. No requirements are set forth at this time.

(g) *Installation.* (1) The installation of transmitting equipment shall be made in suitable quarters.

(2) Suitable facilities shall be provided for the welfare and comfort of the operator.

(h) *Spare tubes.* (1) A spare tube of every type employed in the transmitters and the frequency and modulation monitors shall be kept on hand at the equipment location. When more than one tube of any type is employed, the following table determines the number of spares of that type required:

Number of each type employed:	Spares required
1 or 2	1
3 to 5	2
6 to 8	3
9 or more	4

(2) An accurate circuit diagram and list of required spare tubes, as furnished by the manufacturer of the equipment, shall be supplied and retained at the transmitter location.

(i) *Operation.* (1) Spurious emissions, including radio frequency harmonics, shall be maintained at as low a level as the state of the art permits. As measured at the output terminals of the transmitter (including harmonic filters, if required) all emissions removed in frequency in excess of 3 Mc above or below the respective channel edge shall be attenuated no less than 60 db. below the visual transmitted power.[34] [35] In the event of interference caused to any service greater attenuation will be required.

(2) If a limiting or compression amplifier is used in conjunction with the aural transmitter, due operating precautions should be maintained because of pre-emphasis in the transmitting system.

(j) *Studio equipment.* Studio equipment shall be subject to all the above requirements where applicable, except as follows:

(1) If properly covered by an underwriter's certificate, it will be considered as satisfying safety requirements.

(2) Section 8191 of article 810 of the National Electrical Code shall apply for voltages only in excess of 500 volts.

(3) No specific requirements are made relative to the design and acoustical treatment of studios. However, the design of studios, particularly the main studio, shall be compatible with the required performance characteristics of television broadcast stations.

§ 3.688 *Indicating instruments.* (a) Each television broadcast station shall be equipped with indicating instruments for measuring the direct plate voltage and current of the last radio stage of the visual and aural transmitters and the transmission line radio frequency current, voltage, or power of both transmitters; such instruments shall conform to the specifications therefor set forth in this subpart.

(b) The following requirements and specifications shall apply to indicating instruments used by television broadcast stations in compliance with paragraph (a) of this section:

(1) Length of scale shall be not less than $2\frac{3}{10}$ inches.

(2) Accuracy shall be at least 2 percent of the full scale reading.

(3) Scale shall have at least 40 divisions.

(4) Full scale reading shall be not greater than five times the minimum normal indication.

(5) No specifications are prescribed at this time regarding the peak indicating device required by § 3.689 (b).

(c) Any required instrument, the accuracy of which is questionable, shall not be employed. Repairs and calibration of instruments shall be made by the manufacturer, or by an authorized instrument repair service of the manufacturer, or by some other properly qualified or equipped instrument repair service. In any case, the repaired instrument must be supplied with a certificate of calibration.

(d) Recording instruments may be employed in addition to the indicating instruments to record the direct plate current and/or voltage to the last radio stage provided that they do not affect the operation of the circuits or accuracy of the indicating instruments. If the records are to be used in any proceeding before the Commission, as representative of operation, the accuracy must be the equivalent of the indicating instruments and the calibration shall be checked at such intervals as to insure the retention of such accuracy.

(e) The function of each instrument used in the equipment shall be clearly and permanently shown on the instrument itself or on the panel immediately adjacent thereto.

(f) In the event that any one of the indicating instruments required by paragraph (a) of this section becomes defective when no substitute which conforms with the required specifications is available, the station may be operated without the defective instrument pending its repair or replacement for a period not in excess of 60 days: *Provided*, that—

(1) Appropriate entries shall be made in the operating log of the station, showing the date and time the meter was removed from and restored to service.

(2) The Engineer in Charge of the radio district in which the station is located shall be notified both immediately after the instrument is found to be defective and immediately after the repaired or replacement instrument has been installed and is functioning properly.

(3) If the defective instrument is a plate voltmeter or plate ammeter in the last radio stage, the operating power shall be maintained by means of the radio frequency transmission line meter.

(4) If conditions beyond the control of the licensee prevent the restoration of the meter to service within the above allowed period, informal request may be filed in accordance with § 1.332 (d) of this chapter with the Engineer in Charge of the radio district in which the station is located for such additional time as may be required to complete repairs of the defective instrument.

§ 3.689 *Operating power*—(a) *Determination*—(1) *Visual transmitter.* The operating power of the visual transmitter shall be determined at the output terminal of the vestigial sideband filter, if such filter is used; otherwise, at the transmitter output terminal. The average power shall be measured while operating into a dummy load of substantially zero reactance and a resistance equal to the transmission line surge impedance, while transmitting a standard black television picture. The peak power shall be the power obtained by this method, multiplied by the factor 1.68. During this measurement the direct plate voltage and current of the last radio stage and the peak output voltage or current shall be read for use below.

(2) *Aural transmitter.* The operating power of the aural transmitter shall be determined by the indirect method. This is the product of the plate voltage

[34] Stations authorized prior to July 1, 1953, shall have until July 1, 1954 to comply with this requirement unless actual interference is caused.

[35] The 60 db. value for television transmitters specified in this rule should be considered as a temporary requirement which may be increased at a later date, especially when more higher-powered equipment is utilized. Stations should, therefore, give consideration to the installation of equipment with greater attenuation than 60 db.

(Ep) and the plate current (Ip) of the last radio stage, and an efficiency factor, F; that is:

$$\text{Operating power} = Ep \times Ip \times F$$

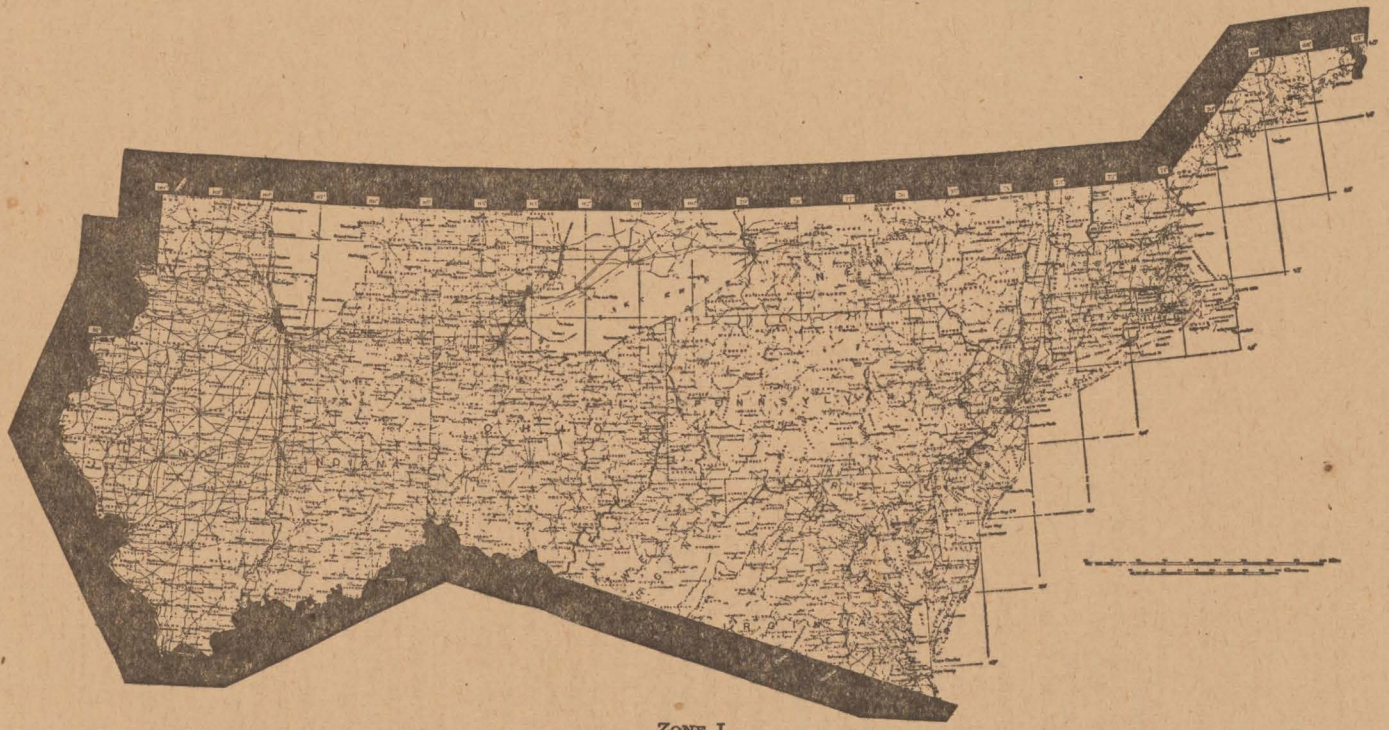
(i) The efficiency factor, F, shall be established by the transmitter manufacturer for each type of transmitter for which he submits data to the Commission, and shall be shown in the instruction books supplied to the customer with each transmitter. In the case of composite equipment, the factor F shall be furnished to the Commission by the applicant along with a statement of the basis used in determining such factor.

(b) *Maintenance*—(1) *Visual transmitter.* The peak power shall be monitered by a peak reading device which reads proportionally to voltage, current, or power in the radio frequency transmission line, the meter to be calibrated during the measurement described in paragraph (a) (1) of this section. The operating power as so monitored shall be maintained as near as practicable to the authorized operating power and shall not exceed the limits of 10 percent above and 20 percent below the authorized power except in emergencies. As a further check, both the plate voltage and plate current of the output stage shall be measured with a standard black television picture with the transmitter operating into the antenna. These values must agree substantially with corresponding readings taken under paragraph (a) (1) of this section.

(2) *Aural transmitter.* The operating power of the aural transmitter shall be maintained as near as practicable to the authorized operating power, and shall not exceed the limits of 10 percent above and 20 percent below the authorized power except in emergencies.

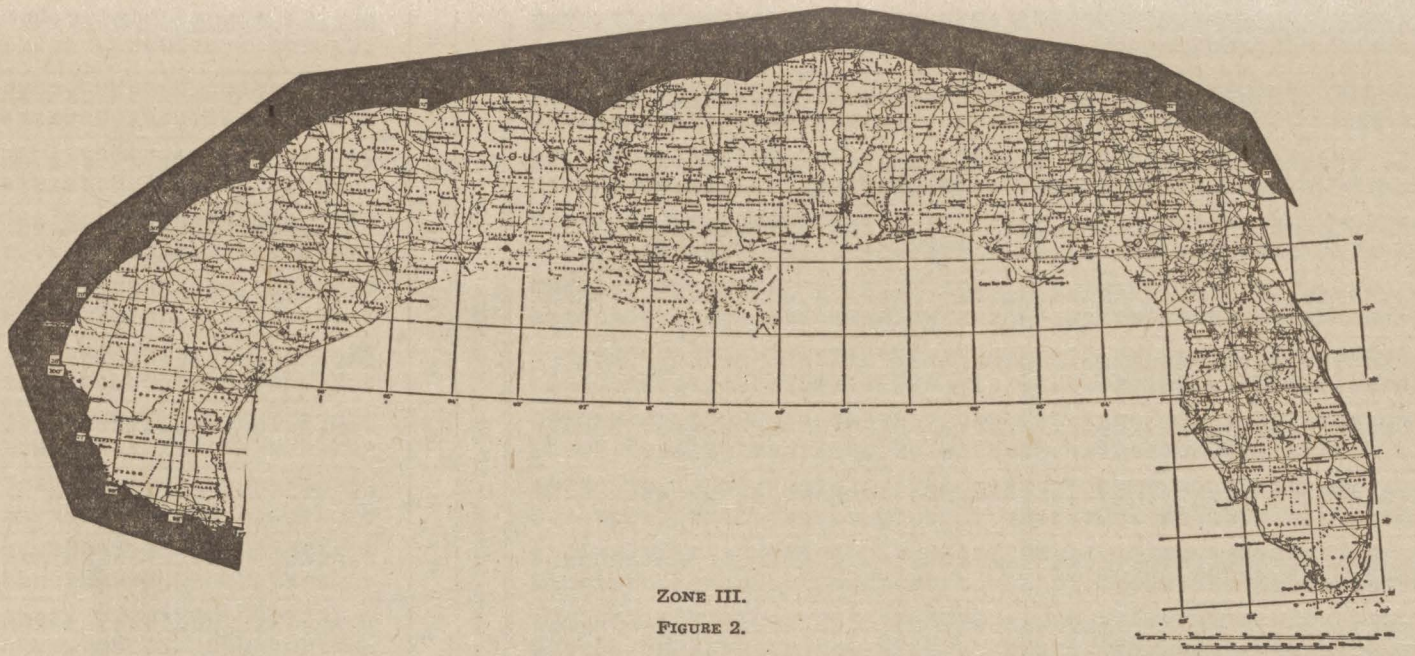
(3) *Reduced power.* In the event it becomes impossible to operate with the authorized power, the station may be operated with reduced power for a period of 10 days or less provided the Commission and the Engineer in Charge of the radio district in which the station is located shall be notified in writing immediately thereafter and also upon the resumption of the normal operating power.[36]

[36] See Part O of the Commission's rules for addresses of the Commission's engineering field offices.



ZONE I.

APPENDIX I—FIGURE 1.



ZONE III.

FIGURE 2.

APPENDIX II

TABLE I

MINUTES TO DECIMAL PARTS OF A DEGREE

Minutes	Degrees	Minutes	Degrees
1	0.01667	31	0.51667
2	.03333	32	.53333
3	.05	33	.55
4	.06667	34	.56667
5	.08333	35	.58333
6	.10	36	.60
7	.11667	37	.61667
8	.13333	38	.63333
9	.15	39	.65
10	.16667	40	.66667
11	.18333	41	.68333
12	.20	42	.70
13	.21667	43	.71667
14	.23333	44	.73333
15	.25	45	.75
16	.26667	46	.76667
17	.28333	47	.78333
18	.30	48	.80
19	.31667	49	.81667
20	.33333	50	.83333
21	.35	51	.85
22	.36667	52	.86667
23	.38333	53	.88333
24	.40	54	.90
25	.41667	55	.91667
26	.43333	56	.93333
27	.45	57	.95
28	.46667	58	.96667
29	.48333	59	.98333
30	.50	60	1.00

TABLE I—Continued

SECONDS TO DECIMAL PARTS OF A DEGREE

Seconds	Degrees	Seconds	Degrees
1	0.00028	31	0.00861
2	.00056	32	.00889
3	.00083	33	.00917
4	.00111	34	.00994
5	.00139	35	.00972
6	.00167	36	.01
7	.00194	37	.01028
8	.00222	38	.01056
9	.0025	39	.01083
10	.00278	40	.01111
11	.00306	41	.01139
12	.00333	42	.01167
13	.00361	43	.01194
14	.00389	44	.01222
15	.00417	45	.0125
16	.00444	46	.01278
17	.00472	47	.01306
18	.005	48	.01333
19	.00528	49	.01361
20	.00556	50	.01389
21	.00583	51	.01417
22	.00611	52	.01444
23	.00639	53	.01472
24	.00667	54	.015
25	.00694	55	.01528
26	.00722	56	.01556
27	.0075	57	.01583
28	.00778	58	.01611
29	.00806	59	.01639
30	.00833	60	.01667

TABLE II

MILES PER DEGREE OF LATITUDE DIFFERENCE

Middle latitude	Statute miles	Middle latitude	Statute miles
° ′		° ′	
25 0	68.828	38 0	068.968
30	68.833	30	68.974
26 0	68.837	39 0	68.980
30	68.842	30	68.986
27 0	68.847	40 0	68.992
30	68.852	30	68.998
28 0	68.857	41 0	69.004
30	68.862	30	69.011
29 0	68.867	42 0	69.017
30	68.873	30	69.023
30 0	68.878	43 0	69.029
30	68.883	30	69.035
31 0	68.889	44 0	69.041
30	68.894	30	69.047
32 0	68.899	45 0	69.053
30	68.905	30	69.060
33 0	68.911	46 0	69.066
30	68.916	30	69.072
34 0	68.922	47 0	69.078
30	68.928	30	69.084
35 0	68.933	48 0	69.090
30	68.939	30	69.096
36 0	68.945	49 0	69.102
30	68.951	30	69.108
37 0	68.957	50 0	69.115
30	68.962		

TABLE III

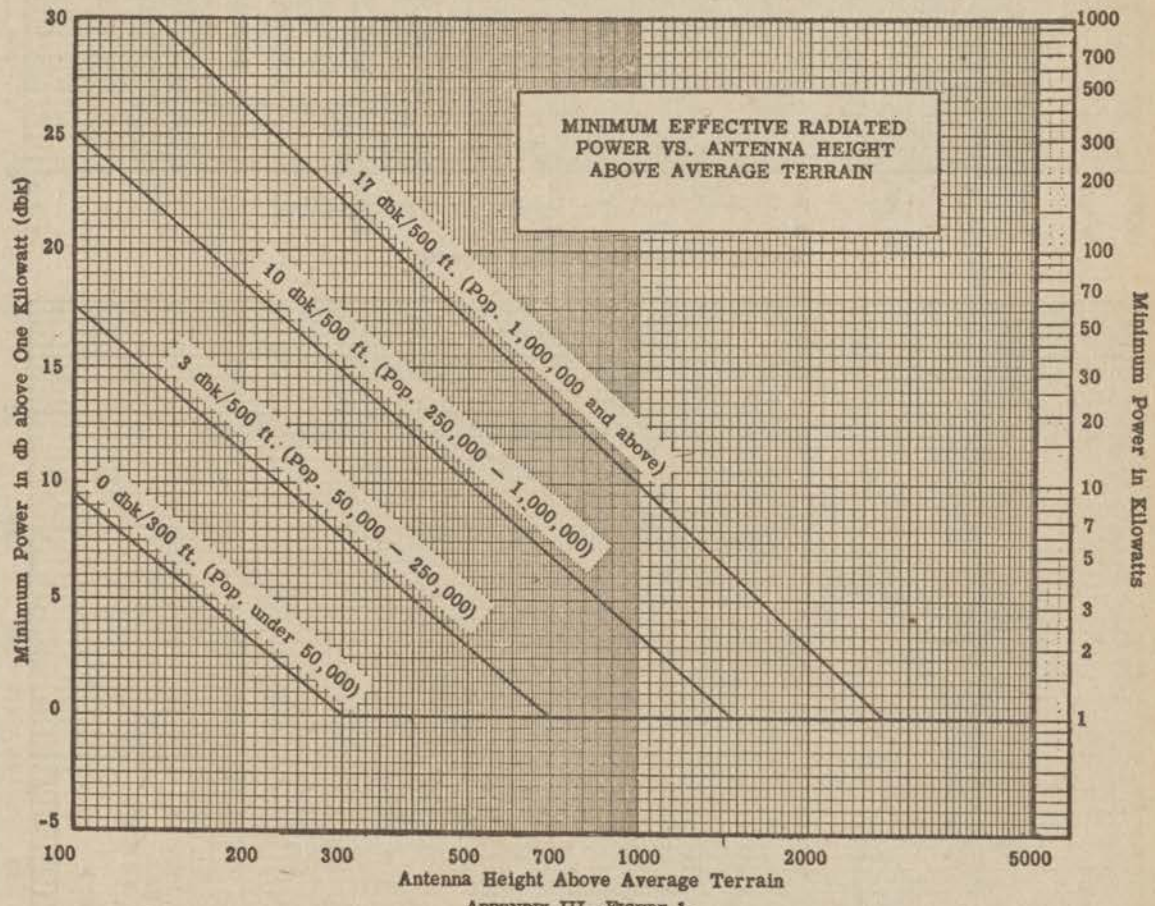
Middle latitude degrees	Miles per degree of longitude difference (statute miles)									
	25	26	27	28	29	30	31	32	33	34
Minutes										
0	62.728	62.211	61.675	61.120	60.547	59.955	59.345	58.716	58.070	57.406
1	62.720	62.202	61.666	61.111	60.537	59.945	59.335	58.706	58.059	57.395
2	62.712	62.193	61.657	61.101	60.528	59.935	59.324	58.695	58.048	57.384
3	62.703	62.184	61.648	61.092	60.517	59.925	59.314	58.684	58.037	57.373
4	62.694	62.176	61.639	61.082	60.508	59.915	59.303	58.674	58.026	57.362
5	62.686	62.167	61.630	61.073	60.498	59.905	59.293	58.663	58.015	57.350
6	62.677	62.158	61.621	61.064	60.488	59.895	59.282	58.652	58.004	57.339
7	62.669	62.149	61.611	61.054	60.478	59.885	59.272	58.642	57.994	57.328
8	62.660	62.140	61.602	61.045	60.469	59.875	59.262	58.631	57.983	57.316
9	62.652	62.132	61.593	61.035	60.459	59.865	59.252	58.620	57.972	57.305
10	62.644	62.123	61.584	61.026	60.449	59.855	59.241	58.610	57.961	57.294
11	62.635	62.114	61.575	61.017	60.440	59.845	59.231	58.599	57.950	57.283
12	62.627	62.105	61.566	61.007	60.430	59.835	59.221	58.588	57.939	57.271
13	62.618	62.096	61.557	60.997	60.420	59.825	59.210	58.578	57.928	57.260
14	62.609	62.088	61.547	60.988	60.410	59.814	59.200	58.567	57.917	57.249
15	62.601	62.079	61.538	60.979	60.400	59.804	59.189	58.556	57.906	57.238
16	62.592	62.070	61.529	60.969	60.390	59.794	59.179	58.546	57.895	57.227
17	62.583	62.061	61.520	60.959	60.381	59.784	59.168	58.535	57.884	57.215
18	62.575	62.052	61.510	60.950	60.371	59.774	59.158	58.524	57.873	57.204
19	62.567	62.044	61.501	60.940	60.361	59.764	59.147	58.514	57.862	57.192
20	62.559	62.035	61.492	60.931	60.352	59.754	59.137	58.503	57.851	57.181
21	62.550	62.026	61.483	60.921	60.342	59.744	59.127	58.492	57.840	57.170
22	62.541	62.017	61.474	60.912	60.332	59.734	59.116	58.481	57.829	57.159
23	62.532	62.008	61.465	60.902	60.322	59.723	59.106	58.470	57.818	57.147
24	62.524	61.999	61.455	60.893	60.312	59.713	59.095	58.460	57.807	57.136
25	62.515	61.990	61.446	60.883	60.302	59.703	59.085	58.449	57.796	57.125
26	62.507	61.981	61.437	60.874	60.292	59.693	59.074	58.438	57.785	57.113
27	62.498	61.972	61.428	60.865	60.282	59.683	59.064	58.428	57.774	57.102
28	62.489	61.963	61.419	60.855	60.273	59.672	59.054	58.417	57.763	57.090
29	62.480	61.955	61.409	60.845	60.263	59.662	59.043	58.406	57.752	57.079
30	62.472	61.946	61.400	60.836	60.253	59.652	59.033	58.396	57.741	57.068
31	62.463	61.937	61.391	60.826	60.243	59.642	59.022	58.385	57.729	57.057
32	62.455	61.928	61.381	60.817	60.233	59.632	59.012	58.374	57.718	57.045
33	62.446	61.918	61.372	60.807	60.223	59.622	59.001	58.363	57.707	57.034
34	62.438	61.909	61.363	60.798	60.213	59.611	58.991	58.352	57.696	57.022
35	62.429	61.900	61.354	60.788	60.203	59.601	58.980	58.341	57.685	57.011
36	62.420	61.891	61.344	60.778	60.194	59.591	58.970	58.331	57.674	56.999
37	62.412	61.882	61.335	60.768	60.184	59.581	58.960	58.320	57.663	56.988
38	62.403	61.874	61.325	60.759	60.174	59.571	58.949	58.309	57.652	56.977
39	62.395	61.865	61.316	60.750	60.164	59.561	58.939	58.298	57.641	56.966
40	62.386	61.856	61.307	60.740	60.154	59.550	58.928	58.288	57.629	56.954
41	62.377	61.847	61.298	60.730	60.144	59.540	58.917	58.277	57.618	56.943
42	62.369	61.838	61.289	60.721	60.134	59.530	58.907	58.266	57.607	56.931
43	62.360	61.829	61.279	60.711	60.124	59.520	58.896	58.255	57.596	56.919
44	62.351	61.820	61.270	60.701	60.114	59.510	58.886	58.244	57.585	56.908
45	62.342	61.811	61.261	60.692	60.104	59.500	58.875	58.233	57.574	56.897
46	62.334	61.802	61.252	60.682	60.094	59.489	58.865	58.223	57.563	56.885
47	62.325	61.793	61.242	60.672	60.084	59.479	58.854	58.212	57.552	56.874
48	62.316	61.784	61.233	60.663	60.074	59.468	58.843	58.201	57.541	56.863
49	62.308	61.775	61.223	60.654	60.065	59.458	58.833	58.190	57.529	56.851
50	62.299	61.766	61.214	60.644	60.055	59.448	58.822	58.179	57.518	56.840
51	62.290	61.757	61.205	60.634	60.045	59.438	58.812	58.168	57.507	56.829
52	62.281	61.748	61.195	60.625	60.035	59.427	58.801	58.157	57.496	56.817
53	62.272	61.739	61.186	60.615	60.025	59.417	58.790	58.147	57.485	56.805
54	62.264	61.730	61.176	60.605	60.015	59.406	58.780	58.136	57.473	56.794
55	62.255	61.721	61.167	60.595	60.005	59.396	58.769	58.125	57.462	56.782
56	62.246	61.712	61.158	60.586	59.995	59.386	58.759	58.114	57.451	56.771
57	62.237	61.702	61.148	60.576	59.985	59.376	58.748	58.103	57.440	56.759
58	62.228	61.693	61.139	60.566	59.975	59.365	58.737	58.092	57.429	56.748
59	62.220	61.684	61.129	60.557	59.965	59.355	58.727	58.081	57.418	56.737

Middle latitude degrees	Miles per degree of longitude difference (statute miles)														
	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49
Minutes															
0	56.725	56.026	55.311	54.578	53.828	53.063	52.280	51.482	50.669	49.839	48.995	48.135	47.260	46.371	45.468
1	56.713	56.014	55.299	54.565	53.816	53.050	52.267	51.469	50.655	49.825	48.980	48.120	47.245	46.356	45.453
2	56.702	56.002	55.286	54.553	53.803	53.137	52.254	51.455	50.641	49.811	48.966	48.106	47.231	46.341	45.438
3	56.690	55.991	55.274	54.541	53.791	53.024	52.241	51.442	50.627	49.797	48.952	48.091	47.216	46.326	45.422
4	56.678	55.979	55.262	54.528	53.778	53.011	52.229	51.429	50.614	49.783	48.937	48.077	47.201	46.311	45.407
5	56.667	55.967	55.250	54.516	53.765	52.998	52.215	51.415	50.600	49.769	48.923	48.063	47.187	46.296	45.392
6	56.655	55.955	55.238	54.503	53.753	52.985	52.201	51.402	50.586	49.755	48.909	48.048	47.172	46.281	45.377
7	56.644	55.943	55.226	54.491	53.740	52.972	52.188	51.388	50.573	49.741	48.895	48.034	47.158	46.266	45.362
8	56.632	55.931	55.213	54.479	53.727	52.959	52.175	51.375	50.559	49.727	48.881	48.019	47.143	46.252	45.346
9	56.621	55.920	55.201	54.466	53.715	52.946	52.162	51.361	50.545	49.713	48.867	48.005	47.128	46.237	45.331
10	56.610	55.908	55.189	54.454	53.702	52.933	52.149	51.348	50.531	49.699	48.852	47.990	47.114	46.222	45.317
11	56.598	55.896	55.177	54.441	53.689	52.920	52.135	51.335	50.517	49.685	48.838	47.975	47.099	46.207	45.301
12	56.586	55.884	55.165	54.429	53.677	52.907	52.122	51.321	50.504	49.671	48.824	47.961	47.084	46.192	45.286
13	56.575	55.872	55.153	54.417	53.664	52.894	52.109	51.307	50.490	49.657	48.809	47.946	47.069	46.177	45.270
14	56.563	55.860	55.141	54.404	53.651	52.881	52.096	51.294	50.476	49.643	48.795	47.932	47.054	46.162	45.255
15	56.552	55.849	55.128	54.392	53.639	52.868	52.082	51.280	50.462	49.629	48.781	47.917	47.040	46.147	45.240
16	56.540	55.837	55.116	54.380	53.626	52.855	52.069	51.267	50.449	49.615	48.767	47.903	47.025	46.132	45.225
17	56.529	55.825	55.104	54.367	53.613	52.842	52.056	51.253	50.435	49.601	48.752	47.888	47.010	46.117	45.210
18	56.517	55.813	55.093	54.354	53.601	53.830	52.043	51.240	50.421	49.587	48.738	47.874	46.995	46.102	45.194
19	56.505	55.802	55.080	54.342	53.588	52.817	52.030	51.226	50.408	49.573	48.724	47.859	46.980	46.087	45.179
20	56.493	55.790	55.068	54.330	53.575	52.804	52.016	51.213	50.394	49.559	48.709	47.845	46.966	46.072	45.164
21	56.482	55.778	55.056	54.317	53.562	52.791	52.003	51.199	50.380	49.545	48.695	47.830	46.951	46.057	45.149
22	56.470	55.766	55.043	54.304	53.549	52.778	51.990	51.185	50.366	49.531	48.681	47.816	46.936	46.042	45.134
23	56.459	55.754	54.031	54.292	53.536	52.765	51.977	51.172	50.352	49.517	48.667	47.801	46.921	46.027	45.118
24	56.447	55.742	55.019	54.280	53.524	52.752	51.963	51.159	50.338	49.503	48.653	47.787	46.906	46.012	45.103
25	56.435	55.730	55.007	54.267	53.511	52.739	51.950	51.145	50.325	49.489	48.638	47.772	46.891	45.997	45.088
26	56.424	55.718	54.995	54.255	53.498	52.726	51.936	51.132	50.311	49.475	48.623	47.758	46.877	45.982	45.073
27	56.412	55.706	54.983	54.242	53.486	52.713	51.923	51.118	50.297	49.461	48.609	47.743	46.862	45.967	45.057
28	56.401	55.694	54.970	54.230	53.473	52.700	51.910	51.104	50.283	49.447	48.595	47.729	46.847	45.952	45.042
29	56.389	55.682	54.958	54.217	53.460	52.687	51.897	51.091	50.270	49.433	48.581	47.714	46.832	45.937	45.026
30	56.378	55.671	54.946	54.205	53.448	52.674	51.883	51.077	50.256	49.419	48.567	47.699	46.818	45.922	45.011
31	56.366	55.659	54.934	54.192	53.435	52.661	51.870	51.064	50.242	49.405	48.552	47.685	46.803	45.906	44.996
32	56.354	55.647	54.922	54.180	53.422	52.648	51.857	51.050	50.228	49.391	48.538	47.671	46.788	45.891	44.981
33	56.343	55.635	54.909	54.167	53.409	52.635	51.843	51.036	50.214	49.377	48.524	47.656	46.773	45.876	44.965
34	56.331	55.623	54.897	54.155	53.396	52.622	51.830	51.023	50.200	49.362	48.509	47.641	46.759	45.861	44.950
35	56.319	55.611	54.885	54.142	53.384	52.608	51.817	51.010	50.186	49.348	48.494	47.627	46.744	45.846	44.935

TABLE III—Continued

Middle latitude degrees	Miles per degree of longitude difference (statute miles)														
	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49
Minutes															
36	56.308	55.599	54.872	54.130	53.371	52.595	51.804	50.996	50.173	49.334	48.480	47.612	46.729	45.831	44.920
37	56.296	55.587	54.861	54.117	53.358	52.582	51.790	50.982	50.159	49.320	48.466	47.597	46.714	45.816	44.904
38	56.284	55.575	54.848	54.104	53.345	52.569	51.777	50.968	50.145	49.306	48.452	47.583	46.699	45.801	44.889
39	56.273	55.563	54.836	54.092	53.332	52.556	51.763	50.955	50.131	49.292	48.437	47.568	46.684	45.786	44.874
40	56.261	55.551	54.824	54.080	53.320	52.543	51.750	50.942	50.117	49.277	48.423	47.553	46.669	45.771	44.858
41	56.249	55.539	54.811	54.067	53.307	52.530	51.736	50.928	50.103	49.263	48.409	47.539	46.654	45.756	44.843
42	56.238	55.527	54.799	54.054	53.294	52.517	51.723	50.914	50.089	49.249	48.395	47.524	46.639	45.741	44.827
43	56.226	55.515	54.787	54.042	53.281	52.504	51.710	50.901	50.076	49.235	48.380	47.509	46.624	45.726	44.812
44	56.214	55.503	54.775	54.030	53.268	52.491	51.697	50.887	50.062	49.221	48.365	47.495	46.609	45.710	44.797
45	56.202	55.491	54.762	54.017	53.255	52.478	51.684	50.873	50.048	49.207	48.351	47.480	46.595	45.695	44.782
46	56.191	55.479	54.750	54.005	53.243	52.465	51.670	50.860	50.034	49.193	48.336	47.465	46.580	45.680	44.766
47	56.179	55.467	54.738	53.992	53.230	52.452	51.657	50.846	50.020	49.179	48.322	47.451	46.565	45.665	44.751
48	56.167	55.455	54.726	53.979	53.217	52.438	51.643	50.833	50.006	49.165	48.308	47.436	46.551	45.650	44.736
49	56.156	55.443	54.713	53.967	53.204	52.425	51.630	50.819	49.992	49.151	48.293	47.421	46.536	45.635	44.720
50	56.144	55.431	54.701	53.955	53.191	52.412	51.616	50.805	49.978	49.136	48.279	47.407	46.521	45.620	44.705
51	56.132	55.419	54.688	53.942	53.178	52.399	51.603	50.792	49.965	49.122	48.265	47.392	46.506	45.604	44.689
52	56.120	55.407	54.676	53.929	53.165	52.386	51.590	50.778	49.951	49.108	48.250	47.377	46.491	45.589	44.674
53	56.109	55.395	54.664	53.917	53.152	52.373	51.576	50.764	49.937	49.094	48.236	47.363	46.476	45.574	44.659
54	56.097	55.383	54.652	53.904	53.140	52.359	51.563	50.751	49.923	49.080	48.222	47.348	46.461	45.559	44.643
55	56.085	55.371	54.639	53.891	53.127	52.346	51.549	50.737	49.909	49.066	48.207	47.333	46.446	45.544	44.628
56	56.073	55.359	54.627	53.879	53.114	52.333	51.536	50.723	49.895	49.051	48.192	47.319	46.431	45.529	44.613
57	56.061	55.347	54.614	53.867	53.101	52.320	51.523	50.710	49.881	49.037	48.178	47.304	46.416	45.514	44.597
58	56.050	55.335	54.602	53.854	53.088	52.307	51.509	50.696	49.867	49.023	48.163	47.289	46.401	45.499	44.582
59	56.038	55.323	54.590	53.841	53.075	52.294	51.496	50.682	49.853	49.009	48.149	47.275	46.386	45.484	44.566

NOTE: The charts in Appendix III as reproduced herein, due to their small scale, are not to be used in connection with material submitted to the F. C. C. Full scale charts are available at the F. C. C.



APPENDIX III—FIGURE 1.

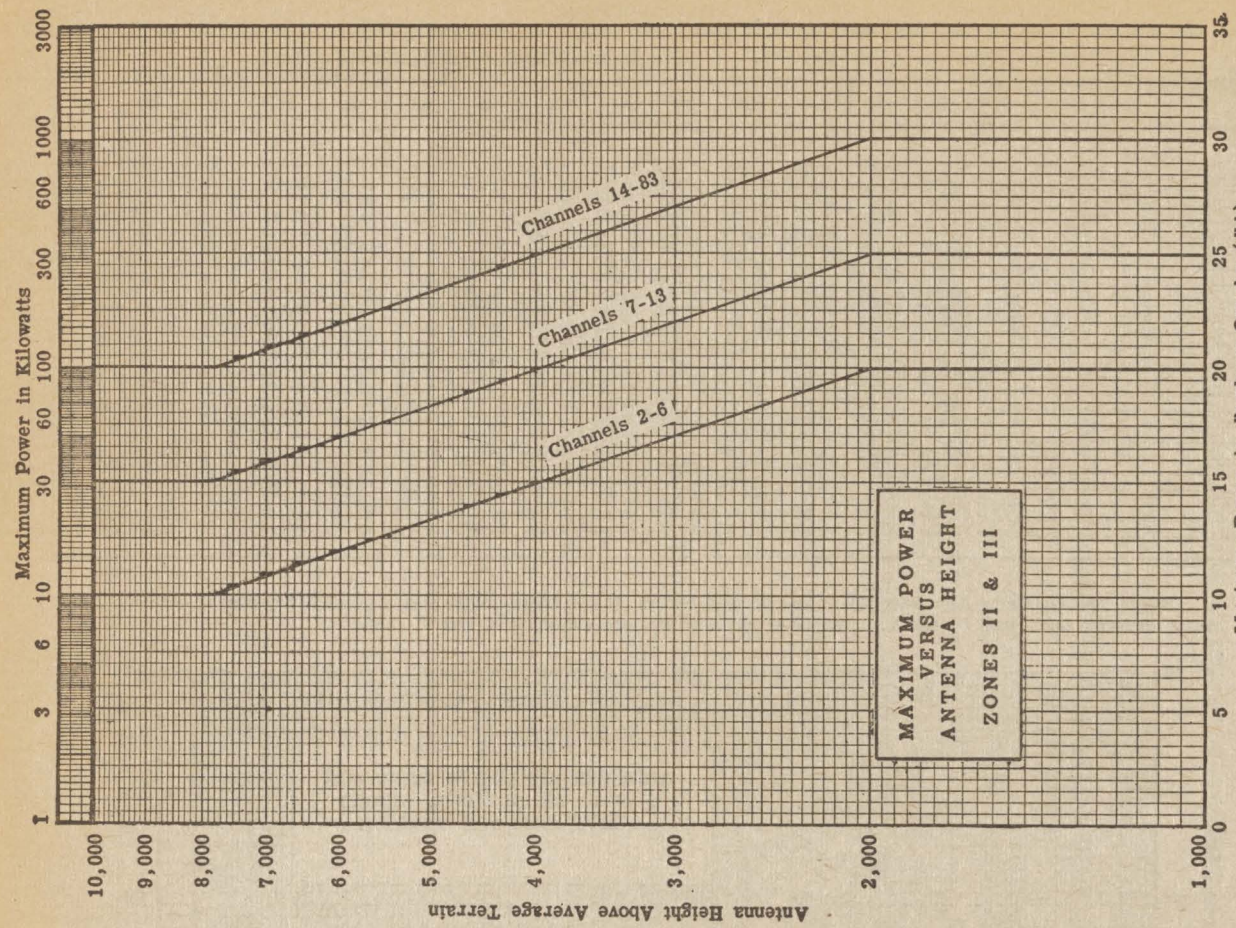


FIGURE 2 (b).

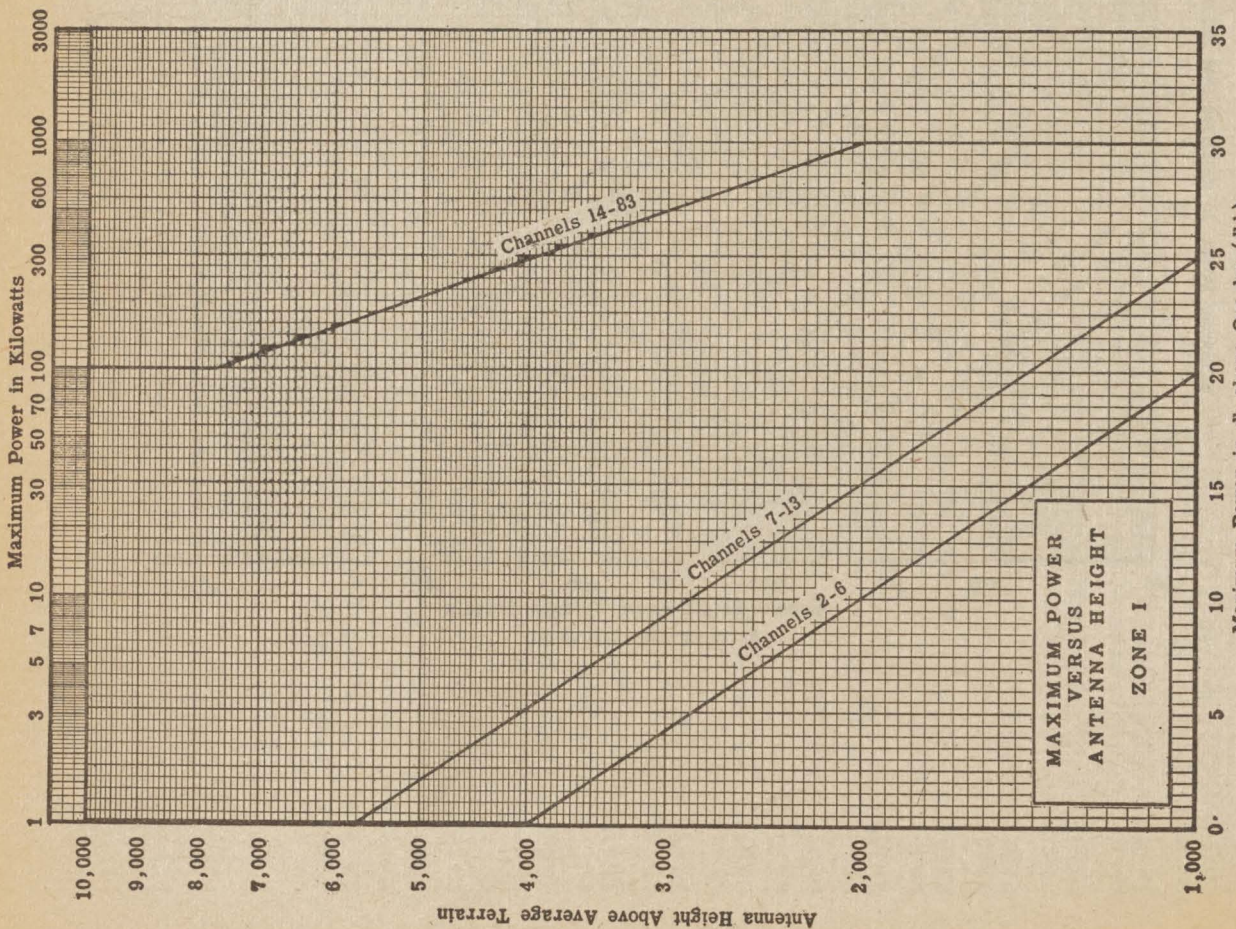
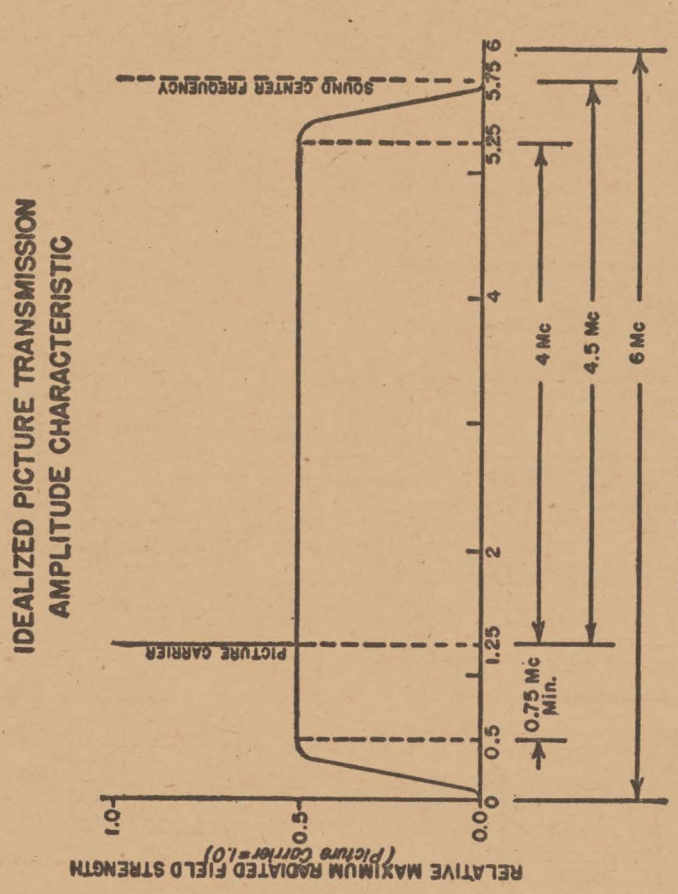
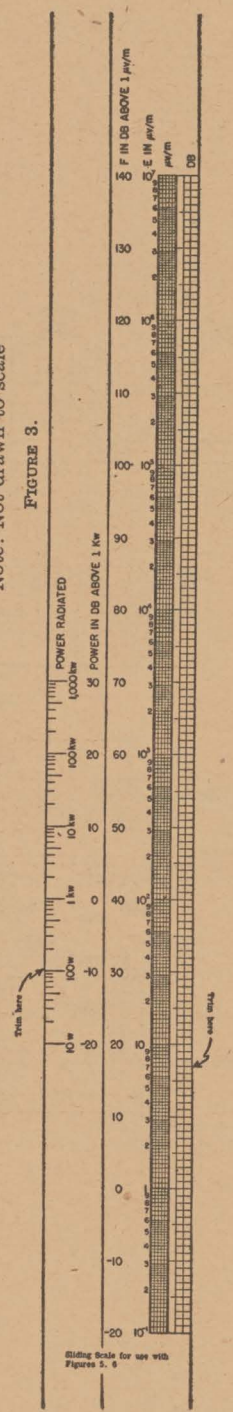


FIGURE 2 (a).

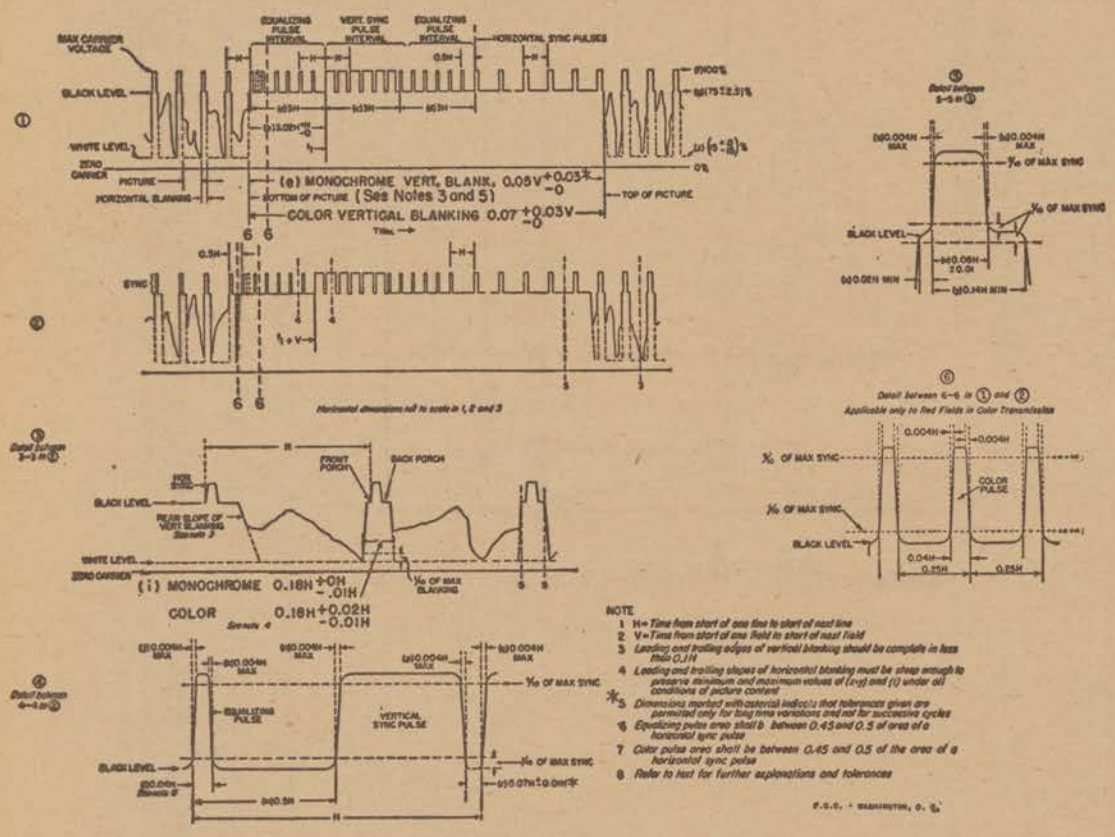


Note: Not drawn to scale

FIGURE 3.



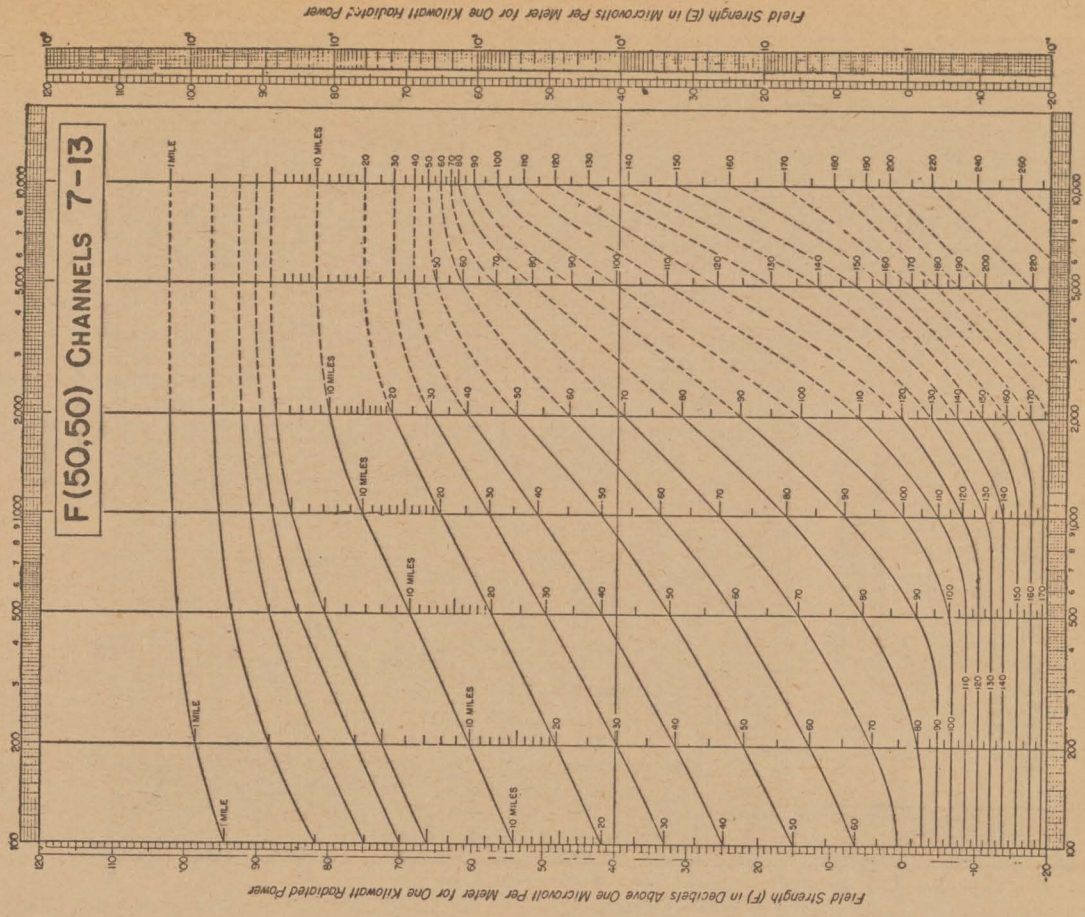
TELEVISION SYNCHRONIZING WAVEFORM



NOTE

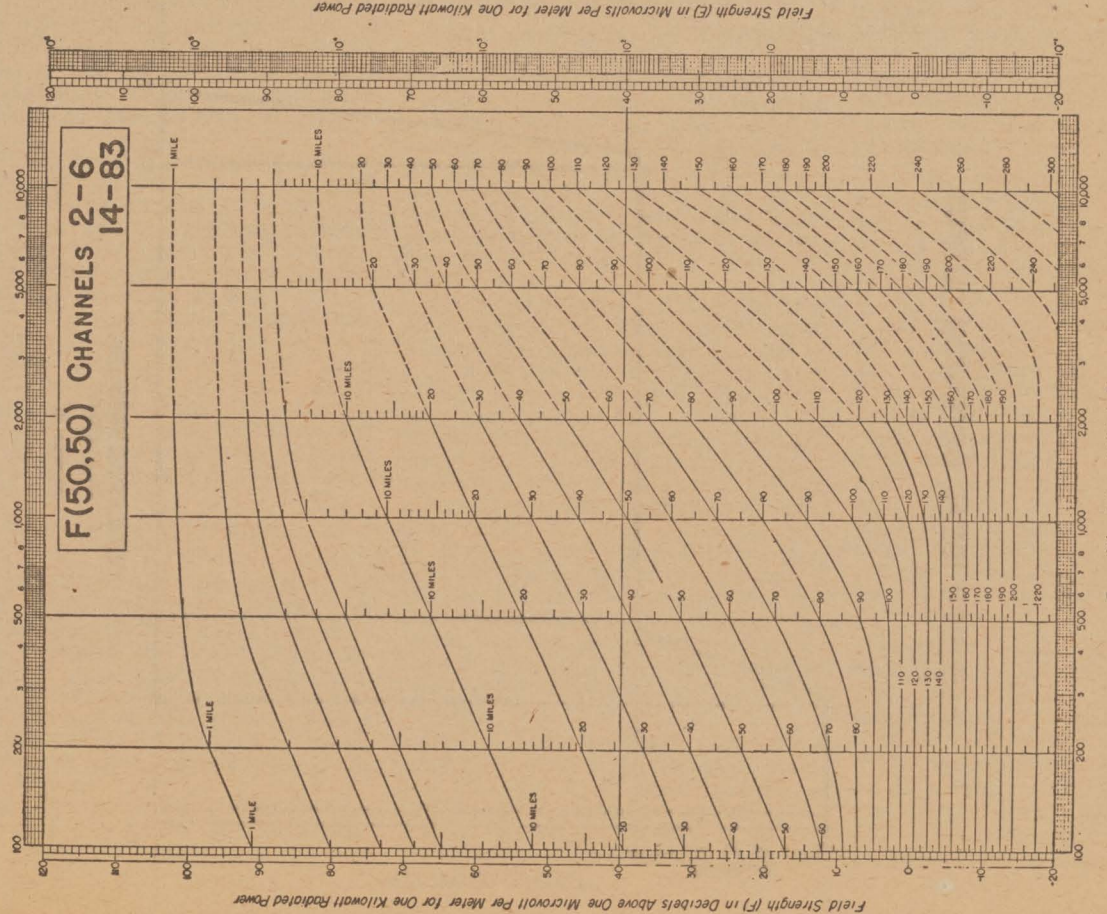
1 H= Time from start of one line to start of next line
2 V=Time from start of one field to start of next field
3 Leading and trailing edges of vertical blanking should be complete in less than 0.1H
4 Leading and trailing slopes of horizontal blanking must be steep enough to preserve minimum and maximum values of (c+g) and (i) under all conditions of picture content
*5 Dimensions marked with asterisk indicate that tolerances given are permitted only for long time variations and not for successive cycles
6 Equalizing pulse area shall be between 0.45 and 0.5 of area of a horizontal sync pulse
7 Color pulse area shall be between 0.45 and 0.5 of the area of a horizontal sync pulse
8 Refer to text for further explanations and tolerances

FIGURE 4.



Television Channels 7–13. Estimated field strength exceeded at 50 percent of the potential receiver locations for at least 10 percent of the time at a receiving antenna height of 30 feet.

FIGURE 6.



Television Channels 2–6, 14–83. Estimated field strength exceeded at 50 percent of the potential receiver locations for at least 50 percent of the time at a receiving antenna height of 30 feet.

FIGURE 5.

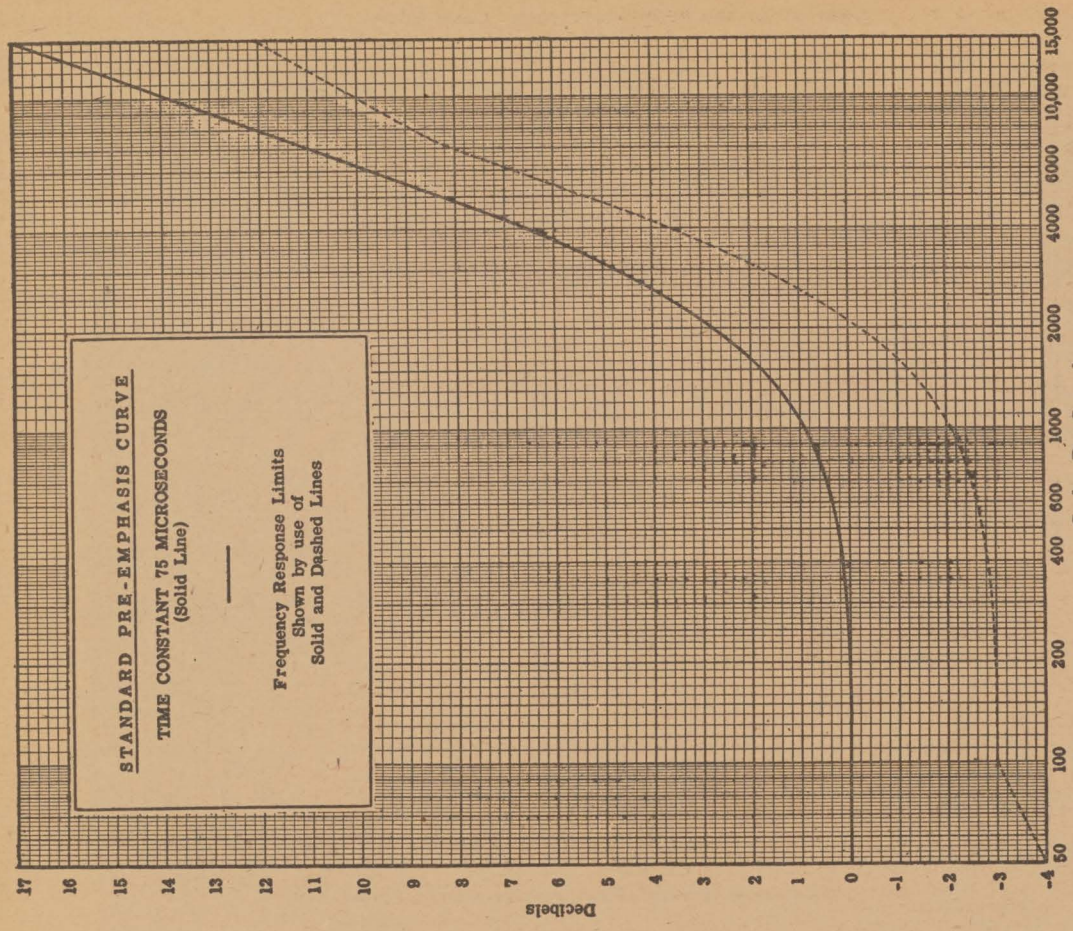


FIGURE 8.

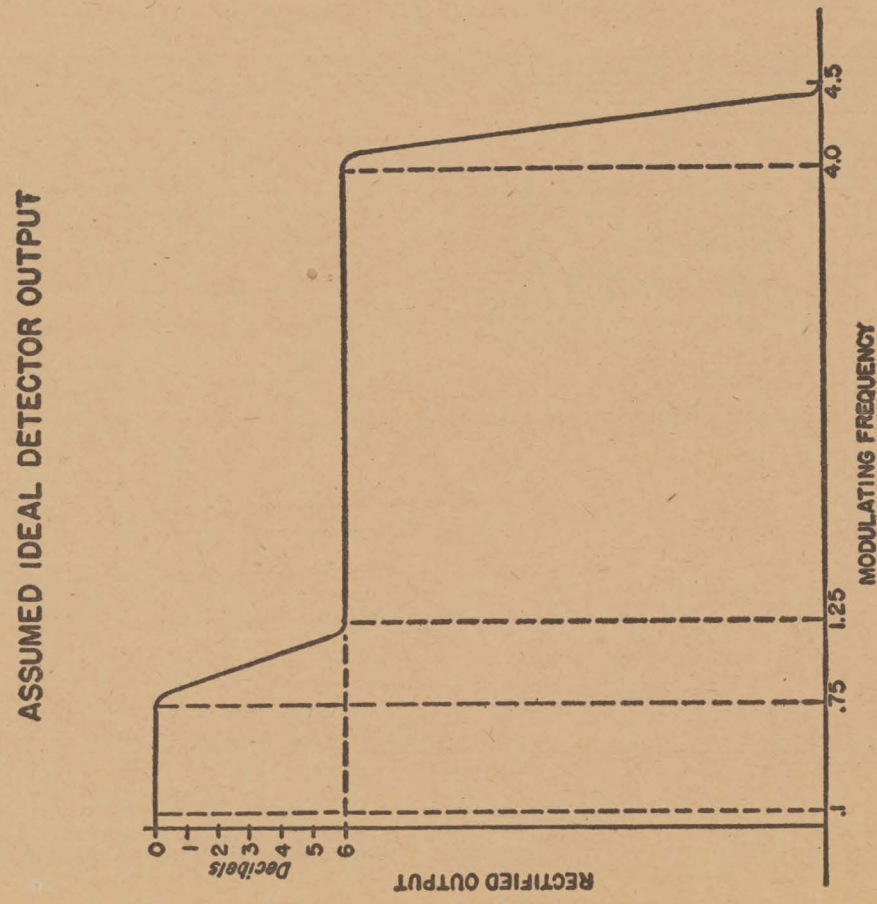


FIGURE 7.

SUBPART F—RULES GOVERNING INTERNATIONAL BROADCAST STATIONS

DEFINITION OF INTERNATIONAL BROADCAST STATIONS AND ALLOCATION OF FACILITIES

§ 3.701 *Defined.* The term "international broadcast station" means a station licensed for the transmission of broadcast programs for international public reception. (Frequencies for these stations are allocated from bands assigned (between 6000 and 21700 kilocycles) for broadcasting by international agreement.)

§ 3.702 *Frequency assignments.* (a) The following groups of frequencies are allocated for assignment to international broadcast stations:

[In kilocycles]

Group A	Group B	Group C	Group D	Group E	Group F
6040	9530	11710	[1] 15130	17750	21460
6060	[1 2] 9550	[1 2] 11730	15150	17760	[1 2] 21500
6080	9570	11790	15210	17780	21520
6100	9590	11820	15250	17800	21540
[1] 6120	9650	11830	15270	17830	21570
6140	9670	11870	15330		21590
6170		11890	15350		21610
6190					21630
					21650

[1] Authorizations for international broadcast stations which permit operation on these frequencies shall be subject to the condition that the authorizations for these frequencies may be modified by the Commission to delete these frequencies without advance notice or hearing.

[2] Authorizations for international broadcast stations which permit operation on these frequencies shall be subject to the condition that there shall be no commercial or advertising announcements of any kind in the programs broadcast through the medium of these frequencies, and that the names of program sponsors shall not be broadcast.

(b) Additional frequencies allocated by international agreement may be assigned to international broadcast stations subject to the conditions that no objectionable interference results to the service of foreign international broadcast stations which, in the opinion of the Commission, have priority of assignment.

(c) Any frequency licensed to an international broadcast station shall also be available for assignment to other international broadcast stations, provided no objectionable interference is caused to the service of any United States international broadcast station.

(d)[1] An international broadcast station will not be authorized to use more than one frequency listed in any group listed in paragraph (a) of this section without a showing of technical necessity.

(e)[1] Not more than one frequency shall be used simultaneously under the same authorization and call letter designation.

RULES GOVERNING ADMINISTRATIVE PROCEDURE

§ 3.711 *Application for international broadcast stations.* Each applicant for a construction permit for a new international broadcast station, change in facilities of any existing international broadcast station, or international station license or modification of license shall file with the Commission in Washington, D. C., three copies of applications on the appropriate form designated by the Commission and a like number of exhibits and other papers incorporated therein and made a part thereof. Only the original copy need be sworn to. If the application is for a construction permit for a new international station, FCC Form 309 should be filed; for an international station license, FCC Form 310 should be filed; for modification of an international station license or for change in facilities of an existing international station, FCC Form 312 should be filed.

§ 3.712 *Full disclosures.* Each application shall contain full and complete disclosures with regard to the real party or parties in interest, and their legal, technical, financial, and other qualifications, and as to all matters and things required to be disclosed by the application forms.

§ 3.713 *Installation or removal of apparatus.* Applications for construction permit or modification thereof, involving removal of existing transmitting apparatus and/or installation of new transmitting apparatus, shall be filed at least 60 days prior to the contemplated removal and/or installation.

§ 3.714 *Period of construction.* Each construction permit will specify a maximum of 60 days from the date of granting thereof as the time within which construction of the station shall begin, and a maximum of six months thereafter as the time within which construction shall be completed and the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case.

§ 3.715 *Forfeiture of construction permits; extension of time.* (a) A construction permit shall be automatically forfeited if the station is not ready for operation within the time specified therein or within such further time as the Commission may have allowed for completion, and a notation of the forfeiture of any construction permit under this provision will be placed in the records of the Commission as of the expiration date.

(b) An application (FCC Form 701) for extension of time within which to construct a station shall be filed at least 30 days prior to the expiration date of such permit if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases such applications will be accepted upon a showing satisfactory to the Commission of sufficient reasons for filing within less than 30 days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension.

§ 3.716 *Equipment tests.* (a) Upon completion of construction of an international station in exact accordance with the terms of the construction permit, the technical provisions of the application therefor and the rules and regulations and prior to filing of application for license, the permittee is authorized to test the equipment for a period not to exceed 30 days: *Provided,* That the Engineer in Charge of the radio district in which the station is located and the Commission are notified 2 days in advance of the beginning of tests.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date of beginning for the period of such tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) The Commission may grant extensions of time upon showing of reasonable need therefor.

§ 3.717 *Program tests.* (a) When construction and equipment tests are completed in exact accordance with the terms of the construction permit, the technical provisions of the application therefor, and after an application for station license has been filed with the Commission showing the equipment to be in satisfactory operating condition, the permittee is authorized to conduct program tests in exact accordance with the terms of the construction permit for a period not to exceed 30 days: *Provided,* That the Engineer in Charge of the radio district in which the station is located and the Commission are notified 2 days in advance of the beginning of such tests.

(b) The Commission reserves the right to cancel such tests or suspend, or change the date of beginning for the period of such tests as and when such action may appear to be in the public interest, convenience, and necessity by notifying the permittee.

(c) The authorization for tests embodied in this section or § 3.716 shall not be construed as constituting a license to operate but as a necessary part of the construction.

§ 3.718 *Normal license period.* All international broadcast station licenses will be issued so as to expire at the hour of 3 a. m. eastern standard time and will be issued for a normal license period of 1 year expiring November 1.

§ 3.719 *License; simultaneous modification and renewal.* When an application is granted by the Commission necessitating the issuance of a modified license less than 60 days prior to the expiration date of the license sought to be modified, and an application for renewal of said license is granted subsequent or prior thereto (but within 30 days of expiration of the present license) the modified license as well as the renewal license shall be issued to conform to the combined action of the Commission.

§ 3.720 *Renewal of license.* (a) Unless otherwise directed by the Commission, each application for renewal of an international broadcast station license shall be filed at least 60 days prior to the expiration date of the license sought to be renewed (FCC Form 311). No application for renewal of license of an international broadcast station will be considered unless there is on file with

[1] Suspended until further order of the Commission by Order No. 108, dated and effective December 22, 1942.

the Commission, the information currently required by §§ 1.341–1.344 of this chapter reference to which by date and file number shall be included in the application.

(b) Whenever the Commission regards an application for a renewal of an international broadcast station license as essential to the proper conduct of a hearing or investigation, and specifically directs that it be filed by a date certain, such application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.

§ 3.721 [Reserved.]

§ 3.722 *Repetitious applications.* (a) Where an applicant has been afforded an opportunity to be heard with respect to a particular application for a new international broadcast station, or for change of existing service or facilities, and the Commission has, after hearing or default, denied the application or dismissed it with prejudice, the Commission will not consider another application for a station of the same class to serve in whole or in part the same area, by the same applicant or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of 12 months from the effective date of the Commission's order.

(b) Where an appeal has been taken from the action of the Commission in denying a particular application, another application for the same class of broadcast station and for the same area, in whole or in part, filed by the same applicant or by his successor or assignee, or on behalf or for the benefit of the original parties in interest, will not be considered until the final disposition of such appeal.

§ 3.723 *Assignment or transfer of control*—(a) *Voluntary.* Application for consent to voluntary assignment of an international station construction permit or license or for consent to voluntary transfer of control of a corporation holding an international station construction permit or license shall be filed with the Commission on FCC Form 314 (Assignment of License), FCC Form 315 (Transfer of Control) or FCC Form 316 (Short Form) at least 60 days prior to the contemplated effective date of assignment or transfer of control.

(b) *Pro forma.* Assignment or transfer applications shall be filed on FCC Form 316 where:

(1) There is an assignment from an individual or individuals (including partnerships) to a corporation owned and controlled by such individuals or partnerships without any substantial change in their relative interests;

(2) There is an assignment from a corporation to its individual stockholders without effecting any substantial change in the disposition of their interests;

(3) There is an assignment or transfer by which certain partners or stockholders retire but no new ones are brought in, provided that the interest transferred is not a controlling one;

(4) There is a corporate reorganization which involves no substantial change in the beneficial ownership of the corporation;

(5) There is an involuntary transfer to an Executor, Administrator or other court appointed officer caused by death or legal disability except that this form does not cover assignments (or transfers) from the Executor, Administrator or other court appointed officers to the ultimate beneficiary;

(6) There is an assignment or transfer from a corporation to a wholly owned subsidiary thereof or vice versa, or where there is an assignment from a corporation to a corporation owned or controlled by the assignor stockholders without substantial change in their interests;

(7) There is an assignment of less than a controlling interest in a partnership.

(c) *Involuntary.* In the event of the death or legal disability of a permittee or licensee, or a member of a partnership, or a person directly or indirectly in control of a corporation, which is a permittee or licensee:

(1) The Commission shall be notified in writing promptly of the occurrence of such death or legal disability, and

(2) Within thirty days after the occurrence of such death or legal disability, application on FCC Form 316 shall be filed for consent to involuntary assignment of such international station permit or license or for involuntary transfer of control of such corporation to a person or entity legally qualified to succeed to the foregoing interests under the laws of the place having jurisdiction over the estate involved.

RULES RELATING TO LICENSING POLICIES

§ 3.731 *Licensing requirements; necessary showing.* A license for an international broadcast station will be issued only after a satisfactory showing has been made in regard to the following, among others:

(a) That there is a need for the international broadcast service proposed to be rendered.

(b) That the necessary program sources are available to the applicant to render an effective international service.

(c) That the technical facilities are available on which the proposed service can be rendered without causing interference to established international stations having prior registration and occupancy in conformity with existing international conventions or regulations on the frequency requested.[2]

(d) That directive antennas and other technical facilities will be employed to deliver maximum signals to the country or countries for which the service is designed.

(e) That the production of the program service and the technical operation of the proposed station will be conducted by qualified persons.

(f) That the applicant is technically and financially qualified and possesses adequate technical facilities to carry forward the service proposed.

(g) That the public interest, convenience and necessity will be served through the operation of the proposed station.

RULES RELATING TO EQUIPMENT

§ 3.751 *Power requirement.* No international broadcast station will be authorized to install equipment or licensed for operation with a power less than 50 kilowatts.

§ 3.752 *Frequency control.* The transmitter of each international broadcast station shall be equipped with automatic frequency control apparatus so designed and constructed that it is capable of maintaining the operating frequency within plus or minus 0.005 percent of the assigned frequency.

§ 3.753 *Antenna.* The antenna shall be so designed and operated that the signal (field intensity) toward the specific foreign country or countries served shall be at least 3.16 times the average effective signal from the station (power gain of 10).

§ 3.754 *Frequency monitors.* (a) The licensee of each international broadcast station shall operate at the transmitter a frequency monitor independent of the frequency control of the transmitter.

(b) The frequency monitor shall be designed and constructed in accordance with good engineering practice and shall have an accuracy sufficient to determine that the operating frequency is within one-half of the allowed tolerance.

§ 3.755 *Modulation monitors.* The licensee of each international broadcast station shall have in operation at the transmitter a modulation monitor.

§ 3.756 *Required transmitter performance.* The construction, installation, operation, and performance of the international broadcast transmitter system shall be in accordance with good engineering practice.

§ 3.757 *Auxiliary transmitters.* Upon showing that a need exists for the use of auxiliary transmitters in addition to the regular transmitters of an international broadcast station, a license therefor may be issued provided that:

(a) Auxiliary transmitters may be installed either at the same location as the main transmitters or at another location.

(b) A licensed operator shall be in control whenever auxiliary transmitters are placed in operation.

(c) The auxiliary transmitters shall be maintained so that they may be put into immediate operation at any time for the following purposes:

(1) The transmission of the regular programs upon the failure of the main transmitters.

(2) The transmission of regular programs during maintenance or modifica-

[2] See General Radio Regulations annexed to the International Telecommunications Convention, Madrid, 1932, art. 7. Prior to September 1, 1939, and thereafter see Cairo General Radio Regulations, art. 7, annexed to the International Telecommunications Conferences, Cairo, Egypt, 1938. Also, see list of assignments to international channels prepared by the Bureau of the International Telecommunications Union, Berne, Switzerland.

tion[3] work on the main transmitter, necessitating discontinuance of its operation for a period not to exceed 5 days.

(3) Upon request by a duly authorized representative of the Commission.

(d) The auxiliary transmitters shall be tested at least once each week to determine that they are in proper operating condition and that they are adjusted to the proper frequency, except that in case of operation in accordance with paragraph (c) of this section during any week, the test in that week may be omitted provided the operation under paragraph (c) is satisfactory. A record shall be kept of the time and result of each test operating under paragraph (c).

(e) The auxiliary transmitters shall be equipped with satisfactory control equipment which will enable the maintenance of the frequency emitted by the station within the limits prescribed by the regulations in this part.

(f) The operating power of an auxiliary transmitter may be less than the authorized power of the main transmitters, but in no event shall it be greater than such power.

§ 3.758 *Alternate main transmitters.* The licensee of an international broadcast station may be licensed for alternate main transmitters provided that a technical need for such alternate transmitters is shown and that the following conditions are met:

(a) Both transmitters are located at the same place.

(b) Both transmitters shall have the same power rating.

(c) Both transmitters shall meet the construction, installation, operation, and performance requirements of good engineering practice.

§ 3.759 *Changes in equipment and antenna system.* Licensees of international broadcast stations shall observe the following provisions with regard to changes in equipment and antenna system:

(a) No changes in equipment shall be made:

(1) That would result in the emission of signals outside of the authorized channel.

(b) Specific authority, upon filing formal application (FCC Form 312) therefor, is required for any of the following changes:

(1) Changes involving an increase or decrease in the power rating of the transmitters.

(2) A replacement of the transmitters as a whole.

(3) Change in the location of the transmitting antenna

(4) Change in location of main studio, if it is proposed to move the main studio to a different city from that specified in the license.

[3] This includes the equipment changes which may be made without authority as set forth elsewhere in the Rules and Regulations or as authorized by the Commission by letter or by construction permit. Where such operation is required for periods in excess of 5 days, request therefor shall be in accordance with § 1.324 of this chapter.

(5) Change in the power delivered to the antenna.

(6) Change in frequency control and/or modulation system.

(c) Other changes, except as above provided for in this section may be made at any time without the authority of the Commission, provided that the Commission shall be promptly notified thereof and such changes shall be shown in the next application for renewal of license.

RULES RELATING TO TECHNICAL OPERATION

§ 3.761 *Time of operation.* (a) All international broadcast stations will be licensed for unlimited time operation except as may be directed by the Commission from time to time. In an emergency however, when, due to causes beyond the control of the licensee, it becomes impossible to continue operation, the station may cease operation for a period not to exceed 10 days, provided that the Commission and the Engineer in Charge of the radio district in which the station is located shall be notified in writing immediately after the emergency develops.

(b) Persons desiring to enter into a voluntary sharing arrangement of an international channel may file application therefor with the Commission. Copies of the time-sharing agreement should be filed with the application.

§ 3.762 *Station inspection.* The licensee of any international broadcast station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 3.763 *Station license, posting of.* The original of each station license shall be posted in the transmitter room.

§ 3.764 *Operator requirements.* One or more licensed radiotelephone first class operators shall be on duty at the place where the transmitting apparatus of each station is located and in actual charge thereof whenever it is being operated. The original license (or FCC Form 759) of each station operator shall be posted at the place where he is on duty. The licensed operator on duty and in charge of an international broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator's license which he holds and by the rules and regulations governing such stations. However, such duties shall in nowise interfere with the operation of the broadcast transmitter.

§ 3.765 *Operating power; how determined.* The operating power, and its maintenance, of each international broadcast station shall be in conformity with good engineering practice.

§ 3.766 *Modulation.* The percentage of modulation of the transmissions shall be maintained as high as possible consistent with good quality of transmission and good broadcast practice and in no case less than 50 percent nor more than 100 percent on peaks of frequent recurrence during any selection which normally is transmitted at the highest level of the program under consideration.

§ 3.767 *Frequency tolerance.* The operating frequencies of international broadcast station transmitters shall be maintained within 0.005% of the assigned frequencies.

§ 3.768 Antenna structure, marking and lighting. Where an antenna structure(s) is required to be painted or lighted see § 17.37, *Inspection of tower lights and associated control equipment;* § 17.39, *Cleaning and repainting;* § 17.40 *Time when lights shall be exhibited;* § 17.41, *Spare lamps;* and § 17.42, *Lighting equipment;* of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures).

§ 3.769 *Discontinuance of operation.* The licensee of each station, except stations operating in Alaska, shall notify the Engineer in Charge of the radio district in which the station is located of any of the following changes in the status of such station at least two days before such change:

(a) Temporary discontinuance of operation for a period of ten days or more;

(b) The date of resumption of operation after temporary discontinuance of operation for a period of ten days or more;

(c) Permanent discontinuance of operation.

In all cases of permanent discontinuance of operation the licensee shall, in addition to notifying the Engineer in Charge of the radio district in which the station is located of intention to discontinue operation, immediately forward the station license to the Washington, D. C., office of the Commission for cancellation.

OTHER RULES RELATING TO OPERATION

§ 3.781 *Logs.* The licensee or permittee of each international broadcast station shall maintain program and operating logs in the following manner:

(a) In the program log:

(1) An entry of the time each station identification announcement (call letters and location) is made.

(2) An entry briefly describing each program broadcast, such as "music", "drama", "speech", etc., together with the name or title thereof, language, and the sponsor's name, with the time of the beginning and ending of the complete program.

(3) An entry showing, for each program of network origin, the name of the network originating the program.

(b)[4] Each license of an international broadcast station shall make verbatim mechanical records of all international programs transmitted.

(1) The mechanical records, and such manuscripts, transcripts, and translations of international broadcast programs as are made shall be kept by the licensee for a period of 2 years after the date of broadcast and shall be furnished the Commission or be available for inspection by representatives of the Commission upon request.

[4] Suspended until further order of the Commission by Order No. 108, dated and effective December 22, 1942.

(2) If the broadcast is in a language other than English the licensee shall furnish the Commission upon request such record and scripts together with complete translations in English.

(c) In the operating log:

(1) An entry of the time the station begins to supply power to the antenna, and the time it stops.

(2) An entry of the time the program begins and ends.

(3) An entry of each interruption to the carrier wave, its cause, and duration.

(4) An entry of the following each 30 minutes:

(i) Operating constants of last radio stage of the transmitter (total plate current and plate voltage).

(ii) Frequency monitor reading.

(5) A log must be kept of all experimental operation. If the entries required above are not applicable thereto, then the entries shall be made so as to fully describe the operation.

(d) Where an antenna structure(s) is required to be illuminated see § 17.38, *Recording of tower light inspections in the station record*, of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures).

§ 3.872 *Logs; retention of.* Logs of international broadcast stations shall be retained by the licensee or permittee for a period of two years, *Provided, however,* That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the licensee or permittee has been notified, shall be retained by the licensee or permittee until he is specifically authorized in writing by the Commission to destroy them: *Provided, further,* That logs incident to or involved in any claim or complaint of which the licensee or permittee has notice shall be retained by the licensee or permittee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

§ 3.783 *Logs; by whom kept.* Each log shall be kept by the person or persons competent to do so, having actual knowledge of the facts required, who shall sign the log when starting duty and again when going off duty. The logs shall be made available upon request by an authorized representative of the Commission.

§ 3.784 *Log form.* The log shall be kept in an orderly manner, in suitable form, and in such detail that the data required for the particular class of station concerned are readily available. Key letters or abbreviations may be used if proper meaning or explanation is contained elsewhere in the log.

§ 3.785 *Correction of logs.* No log or portion thereof shall be erased, obliterated, or willfully destroyed within the period of retention provided by the rules. Any necessary correction may be made only by the person originating the entry who shall strike out the erroneous portion, initial the correction made, and indicate the date of correction.

§ 3.786 *Rough logs.* Rough logs may be transscribed into condensed form, but in such case, the original log or memoranda and all portions thereof shall be preserved and made a part of the complete log.

§ 3.787 *Station identification.* (a) A licensee of an international broadcast station shall make station identification announcement (call letters and location), at the beginning and ending of each time of operation and during the operation on the hour.

(b) Station identification, program announcements, and oral continuity shall be made with international significance (language particularly) which is designed for the foreign country or countries for which the service is primarily intended.

(c) Identification announcements during operation need not be made when to make such announcement would interrupt a single consecutive speech, play, religious service, symphony concert, or any type of production. In such cases the identification announcement shall be made at the first interruption of the entertainment continuity and at the conclusion thereof.

§ 3.788 *Service; commercial or sponsored program.* (a)[5] A licensee of an international broadcast station shall render only an international broadcast service which will reflect the culture of this country and which will promote international goodwill, understanding, and cooperation. Any program solely intended for, and directed to an audience in the continental United States does not meet the requirements for this service.

(b) Such international broadcast service may include commercial or sponsored programs: *Provided,* That:

(1) Commercial program continuities give no more than the name of the sponsor of the program and the name and general character of the commodity, utility or service, or attraction advertised.

(2) In case of advertising a commodity, the commodity is regularly sold or is being promoted for sale on the open market in the foreign country or countries to which the program is directed in accordance with paragraph (c) of this section.

(3) In case of advertising an American utility or service to prospective tourists or visitors to the United States, the advertisement continuity is particularly directed to such persons in the foreign country or countries where they reside and to which the program is directed in accordance with paragraph (c) of this section.

(4) In case of advertising an international attraction (such as a world fair, resort, spa, etc.) to prospective tourists or visitors to the United States, the oral continuity concerning such attraction is consistent with the purpose and intent of this section.

(5) In case of any other type of advertising, such advertising is directed to the foreign country or countries and to which the program is directed in accordance with paragraph (c) of this section and is consistent with the purpose and intent of this section.

(c) The areas or zones established to be served by international broadcast stations are the foreign countries of the world, and directive antennas shall be employed to direct the signals to specific countries.

(d) An international broadcast station may transmit the program of a standard broadcast station or network system: *Provided,* The conditions in paragraph (b) of this section in regard to any commercial continuities are observed and when station identifications are made, only the call letter designation of the international station is given on its assigned frequency: *And provided further,* That in the case of chain broadcasting[6] the program is not carried simultaneously by another international station (except another station owned by the same licensee operated on a frequency in a different group to obtain continuity of signal service), the signals from which are directed to the same foreign country or countries.

§ 3.789 *Sponsored programs; announcement of.* (a) In the case of each program for the broadcasting of which money, services, or other valuable consideration is either directly or indirectly paid or promised to, or charged or received by, any radio broadcast station, the station broadcasting such program shall make, or cause to be made, an appropriate announcement that the program is sponsored, paid for, or furnished, either in whole or in part.

(b) In the case of any political program or any program involving the discussion of public controversial issues for which any films, records, transcriptions, talent, scripts, or other material or services of any kind are furnished, either directly or indirectly, to a station as an inducement to the broadcasting of such program, an announcement shall be made both at the beginning and conclusion of such program on which such material or services are used that such films, records, transcriptions, talent, scripts, or other material or services have been furnished to such station in connection with the broadcasting of such program: *Provided, however,* That only one such announcement need be made in the case of any such program of 5 minutes' duration or less, which announcement may be made either at the beginning or conclusion of the program.

(c) The announcement required by this section shall fully and fairly disclose the true identity of the person or persons by whom or in whose behalf such payment is made or promised, or from whom or in whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in paragraph (b) of this section are furnished. Where an agent or other person contracts or otherwise makes arrangements with a station on behalf of another, and such fact is known to the sta-

[5] The Commission on July 14, 1939, suspended the operation of § 3.788 (a) until further order of the Commission.

[6] See sec. 3 (p) of the Communications Act of 1934 for the definition of "chain broadcasting."

tion, the announcement shall disclose the identity of the person or persons in whose behalf such agent is acting instead of the name of such agent.

(d) In the case of any program, other than a program advertising commercial products or services, which is sponsored, paid for or furnished, either in whole or in part, or for which material or services referred to in paragraph (b) of this section are furnished, by a corporation, committee, association or other unincorporated group, the announcement required by this section, shall disclose the name of such corporation, committee, association, or other unincorporated group. In each such case the station shall require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association, or other unincorporated group shall be made available for public inspection at one of the international broadcast stations carrying the program.

(e) In the case of programs advertising commercial products or services, an announcement stating the sponsor's corporate or trade name or the name of the sponsor's product, shall be deemed sufficient for the purposes of this section and only one such announcement need be made at any time during the course of the program.

§ 3.790 *Rebroadcast.* (a) The licensee of an international broadcast station may, without further authority of the Commission, rebroadcast the program of a United States standard, noncommercial educational, or FM broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the licensee certifies that express authority has been received from the licensee of the station originating the program.[7] [8] (See § 3.788 concerning commercial announcements.)

(b) No licensee of an international broadcast station shall rebroadcast the programs of any other class of United States radio station without written authority having first been obtained from the Commission.

(c) A licensee of an international broadcast station may authorize the rebroadcast of its programs by any station outside the limits of the North American continent without permission from the Commission: *Provided*, That the station rebroadcasting the programs cannot be received consistently in the United States.

§ 3.791 *Supplemental report with renewal application.*[8] A supplemental report shall be filed with and made a part of each application for renewal of license and shall include statements of the following:

(a) The number of hours operated on each frequency.

(b) A list of programs transmitted of special international interest.

(c) Outline of reports of reception and interference and conclusions with regard to propagation characteristics of the frequency assigned.

Subpart G—Rules Governing CONELRAD

SCOPE AND OBJECTIVE

§ 3.901 *Scope of subpart.* This subpart applies to all standard, FM and TV broadcast stations and is for the purpose of providing for operation of certain stations located within the Continental United States during periods of enemy air attack or imminent threat thereof.

§ 3.902 *Object of plan.* The aim of this plan is to minimize the navigational aid that may be obtained from the continued operation of broadcast stations while at the same time providing for transmission of civil defense information to the public. During CONELRAD radio alert periods, when not broadcasting civil defense programs or alert or all-clear notification messages, these stations may, on their own responsibility, broadcast such other programs as they may desire.

DEFINITIONS

§ 3.910 *CONELRAD.* The word CONELRAD is a contraction of the words Control of Electromagnetic Radiation and is the general name given to required procedures under authority of Executive Order 10312 dated December 10, 1951.

§ 3.911 *Air Defense Control Center (ADCC).* An air operations center from which an air division (defense) commander supervises and coordinates air defense activities within an air defense sector, including dissemination of warnings, identification and security control of air traffic and utilization of available combat forces in support of the national air defense effort.

§ 3.912 *Basic key station.* A station that receives the radio alert by telephone directly from the ADCC. Basic key stations relay radio alerts to other stations by radio and by telephone.

§ 3.913 *Relay key station.* A station that receives the radio alert by telephone or radio broadcast from a basic key station or other relay key station. Relay key stations pass the radio alert on to other stations by radio broadcast or telephone.

§ 3.914 *Skywave key station.* A station designated to disseminate a radio alert by broadcast primarily during the experimental period as an alternate for local key stations which may not be in operation. It will normally be capable of disseminating the alert over a wide area by means of skywave transmission.

§ 3.915 *Radio alert.* The radio alert is the Department of Defense order to operate stations in accordance with CONELRAD requirements for a period of time, as determined by the Air Division Commander or higher military authority.

§ 3.916 *Radio all clear.* The radio all clear is the Department of Defense order to discontinue CONELRAD requirements, as imposed by an outstanding radio alert, with authorization to return to normal operation. It is initiated by the Air Division Commander or higher military authority.

§ 3.917 *Cluster.* A cluster is a group of broadcast stations serving a single area, all operating on the same CONELRAD system frequency. All stations in a cluster will be inter-connected by wire lines and will carry a common program.

§ 3.918 *Sequential control lines.* Sequential control lines are the wire lines inter-connecting the several stations in a cluster. By means of a mechanical, manual or electronic device at a central control point, the stations in a cluster are turned on and off in sequence over the circuits provided by the sequential control lines. In some cases these lines may also carry the cluster program.

§ 3.919 *CONELRAD manual.* The CONELRAD manual is the document containing the detailed description of how broadcast stations will be alerted and operated in the CONELRAD system. The manual will be subject to modification from time to time as experience indicates a need for such changes.

SUPERVISION

§ 3.920 *Zones.* CONELRAD activities under the authority of FCC are under the immediate supervision of three FCC Zone Supervisors[1] whose respective zones are coextensive with the three Air Defense Force Areas.

§ 3.921 *Divisions.* Each zone is divided into several divisions corresponding to the USAF Air Divisions. An FCC Coordinating Engineer is assigned to each Air Division and has responsibility under the Zone Supervisor for all CONELRAD activities under the authority of FCC in his division.

RADIO ALERTS

§ 3.930 *Notification of a radio alert.* (a) All notifications of radio alerts and all clears shall be issued by the Air Defense Control Center(s) (ADCC) under the authority of the Air Division Commander or his duly authorized representative, to all basic key stations. All relay key stations will, in turn be notified by the basic key stations or other relay key stations. The remaining stations will then be notified by basic key stations or relay key stations. These notifications will be accomplished either by telephone messages or by radio broadcast.

(b) During the experimental period many of the regular key stations may be off the air. All standard, FM and TV stations will be supplied with the list of skywave key stations at least one of which must be monitored during any period of operation when the regularly used key station is not on the air.

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[7] The broadcasting of a program relayed by a remote pickup broadcast station is not considered a rebroadcast.

[8] The notice and certification of consent must be given within 3 days of any single rebroadcast, but in case of the regular practice of rebroadcasting certain programs of another broadcast station several times during a license period, notice and certification of consent must be given for the ensuing license period with the application for renewal of license, or at the beginning of such rebroadcast practice if begun during a license period.

[8] Suspended until further order of the Commission by Order No. 108, dated and effective December 22, 1942.

[1] Each broadcast station will be furnished the name and address of the Zone Supervisor of its Zone.

§ 3.931 *Reception of a radio alert.* All standard, FM and TV broadcast stations, including basic key and relay key stations, must install the necessary equipment to receive notifications of radio alerts and radio all clears by means of reception of radio broadcast messages, and must maintain this equipment in a state of readiness for reception, including arrangements for human listening watch or automatic alarm devices or both. Such equipment should have its termination at the transmitter control location.

§ 3.932 *Operation during a radio alert.* (a) Immediately upon receipt of a radio alert, either by radio broadcast or telephone, all standard, FM and TV broadcast stations, including such stations operating under equipment or program test authority, will follow the prescribed procedure and transmit an approved sign-off message as set forth in the CONELRAD Manual For Broadcast Stations, then remove the transmitter from the air.

(b) Those stations which are authorized to participate in the operating system will immediately take necessary steps and begin operations on assigned frequencies in accordance with the terms of their CONELRAD authorizations and current operating instructions. All other broadcast stations will observe radio silence until the radio all clear.

(c) No identification may be broadcast between the time the radio alert is received and the time the radio all clear is announced, unless expressly authorized by the FCC. The transmission of any information which would serve to identify the geographical location of the station is prohibited.

(d) A station operating in the CONELRAD system may transmit in accordance with its CONELRAD authorization during a radio alert beyond its normal hours and nothing in its regular license or other instrument of authorization shall prevent such operation in the CONELRAD system.

(e) Prior to commencing routine operation or originating any emissions under program test, equipment test, experimental or other authorization or for any other purpose, licensees or permittees shall first ascertain whether a state of radio alert exists and if so shall refrain from operation or operate in the CONELRAD system whichever is appropriate.

RADIO ALL CLEAR

§ 3.940 *Notification of a radio all clear.* The radio all clear notification will be transmitted through the same channels as the radio alert. Stations operating in the CONELRAD system will transmit the radio all clear message on the CONELRAD system frequency. Key stations will, as soon as possible thereafter, follow the prescribed procedure and broadcast the radio all clear message on their regular operating frequency. All stations, including FM and TV stations, upon resuming regular operation will follow the prescribed procedure and immediately broadcast the radio all clear message.

SYSTEM OPERATION

§ 3.950 *Procedure.* Each broadcast station permitted to operate during a radio alert must observe operating procedures for the mode of operation to which it is assigned, as set forth in detail in the CONELRAD Manual For Broadcast Stations.

§ 3.951 *Participation.* (a) Any standard broadcast station desiring to participate in a CONELRAD operating system should contact the Zone Supervisor, indicate the station's willingness to make such technical modification of the station equipment as might be necessary to permit operation on a system frequency and with such power limitations as might be necessary. The Commission will then issue a CONELRAD authorization to the station specifying the frequency to be used by the station. Stations which have indicated a willingness to participate in CONELRAD on a voluntary basis prior to the effective date of this rule need not take any further steps.

(b) At such time as technical consideration may warrant the inclusion of FM and TV broadcast stations within the operating CONELRAD system, appropriate announcement will be made by the Commission and application for participation made as above set forth.

(c) Any station participating in CONELRAD system operations may withdraw from the system by giving thirty days' notice to the FCC Zone Supervisor in writing and by submitting its CONELRAD authorization for cancellation.

(d) Broadcast stations are specifically exempt from complying with § 3.57 while operating under their CONELRAD authorization.

TESTS

§ 3.960 *Alerting system.* Tests of the alerting system will be conducted periodically.

§ 3.961 *Sequential control lines.* Sequential control and program lines must be tested at frequent intervals and results reported in the prescribed manner to the FCC Zone Supervisor.

§ 3.962 *Entire system.* Tests of the entire system will be conducted from time to time. During such tests, all stations which are authorized to operate in the CONELRAD system will operate in accordance with terms of the CONELRAD authorization. Other stations will not be required to go off the air during such tests but will be subject to any interference which might result from the CONELRAD operation. Such tests will be scheduled to take place during the experimental period. Industry representatives will be consulted prior to conducting CONELRAD system tests to obtain views relative to the action and to coordinate the activity.

§ 3.963 *Equipment.* The licensee of each station authorized to participate in CONELRAD system operation shall make such tests of his equipment as may be necessary to assure it is ready for instant use.

§ 3.964 *Log entries.* Appropriate entries of all tests shall be made in the station log.

DRILLS

§ 3.970 *Notification of a drill.* At some time it may be necessary to conduct an Air Defense Drill under conditions of simulated attack. Industry representatives will be consulted prior to conducting CONELRAD drills to obtain views relative to the action and to coordinate the activity. Such drills will only be called when the Department of Defense, the Office of Defense Mobilization, and the Federal Communications Commission concurrently agree that the drill is necessary. All stations will be notified well in advance of such a drill.

§ 3.971 *Operation during a drill.* During a drill, all standard, FM and TV broadcast stations will take the same steps as such stations would be required to take in the event of an actual radio alert under this part of the rules and current operating instructions as set forth in the CONELRAD Manual For Broadcast Stations, except for special drill messages.

[F. R. Doc. 53-5953; Filed, July 3, 1953; 8:55 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 51]

FRESH TOMATOES

U. S. STANDARD FOR GRADES

Notice is hereby given that the United States Department of Agriculture is considering the issuance of revised United States Standards for Fresh Tomatoes under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong., approved July 5, 1952) to supersede United States Standards for Fresh Tomatoes (14 F. R. 6711) effective December 5, 1949.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with E. G. Conklin, Fresh Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 5:30 p. m., e. s. t., on the thirtieth (30) day after the date of publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 51.419 *Standards for fresh tomatoes*—(a) *Grades*—(1) *U. S. No. 1.* U. S. No. 1 consists of tomatoes of similar varietal characteristics which are mature, but not overripe or soft, which are well developed, fairly well formed, fairly smooth, and which are free from decay and freezing injury, and free from damage caused by dirt, bruises, cuts, sunscald, sunburn, puffiness, catfaces, growth cracks, scars, disease, insects, hail or mechanical or other means.

(i) *Tolerances.* In order to allow for variations incident to proper grading and handling the following tolerances shall be permitted:

(*a*) At shipping point (or in shipments from Mexico when inspected at points of entry into the United States) not more than a total of 10 percent, by count, for tomatoes in any lot, which fail to meet the requirements of this grade: *Provided,* That not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, and including in this latter amount not more than 1 percent for tomatoes which are soft or affected by decay; and,

(*b*) En route or at destination, not more than a total of 15 percent, by count, for tomatoes in any lot which fail to meet the requirements of this grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for the defects listed:

5 percent for tomatoes which are soft or affected by decay;

10 percent for tomatoes which are damaged by shoulder bruises or by discolored or sunken scars on any parts of the tomatoes; and,

10 percent for tomatoes otherwise defective, except that not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage.

(2) *U. S. Combination.* U. S. Combination consists of a combination of U. S. No. 1 and U. S. No. 2 tomatoes: *Provided,* That at least 60 percent, by count, meet the requirements of U. S. No. 1 grade.

(i) Tolerances: In order to allow for variations incident to proper grading and handling the following tolerances shall be permitted:

(*a*) At shipping point (or in shipments from Mexico when inspected at points of entry into the United States) not more than a total of 10 percent, by count, for tomatoes in any lot, which fail to meet the requirements of the U. S. No. 2 grade: *Provided,* That not more than one-tenth of this amount, or 1 percent, shall be allowed for tomatoes which are soft or affected by decay; and,

(*b*) En route or at destination, not more than a total of 15 percent, by count, for tomatoes in any lot, which fail to meet the requirements of the U. S. No. 2 grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for the defects listed:

5 percent for tomatoes which are soft or affected by decay;

10 percent for tomatoes which are seriously damaged by shoulder bruises or by discolored or sunken scars on any parts of the tomatoes; and,

10 percent for tomatoes otherwise defective.

(ii) No part of any tolerance shall be allowed to reduce for the lot as a whole the percentage of U. S. No. 1 tomatoes required in the combination but individual containers shall have not less than 50 percent which meet the requirements of U. S. No. 1 grade: *Provided,* That the entire lot contains not less than 60 percent U. S. No. 1 grade.

(3) *U. S. No. 2.* U. S. No. 2 consists of tomatoes of similar varietal characteristics which are mature, but not overripe or soft which are not badly misshapen and which are free from decay, unhealed cuts, freezing injury, and free from serious damage caused by dirt, bruises, sunscald, sunburn, puffiness, catfaces, growth cracks, scars, disease, insects, hail or mechanical or other means.

(i) *Tolerances.* In order to allow for variations incident to proper grading and handling the following tolerances shall be permitted:

(*a*) At shipping point (or in shipments from Mexico when inspected at points of entry into the United States) not more than a total of 10 percent, by count, for tomatoes in any lot, which fail to meet the requirements of this grade: *Provided,* That not more than one-tenth of this amount, or 1 percent, shall be allowed for tomatoes which are soft or affected by decay; and,

(*b*) En route or at destination, not more than a total of 15 percent, by count, for tomatoes in any lot, which fail to meet the requirements of this grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for the defects listed:

5 percent for tomatoes which are soft or affected by decay;

10 percent for tomatoes which are seriously damaged by shoulder bruises or by discolored or sunken scars on any parts of the tomatoes; and,

10 percent for tomatoes otherwise defective.

(b) *Unclassified.* Unclassified consists of tomatoes which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

(c) *Size requirements.* (1) Tomatoes when packed in Los Angeles lugs, or when packed in other types of containers and the size is specified according to the size arrangements customarily used in Los Angeles lugs, shall be within the ranges of diameters specified below, except when designated as "Irregular Sizing".

Los Angeles lug size requirements [1]	Minimum diameter	Maximum diameter
	Inches	*Inches*
4 x 4	3 5/16	3 15/16
4 x 5	3	3 10/16
5 x 5	2 14/16	3 6/16
5 x 6	2 13/16	3 3/16
6 x 6	2 8/16	2 14/16
6 x 7	2 4/16	2 10/16
7 x 7	2	2 6/16
7 x 8	1 14/16	2 4/16

[1] Size arrangements not listed in the above table but which meet the diameter requirements of one of the above Los Angeles lug size arrangements may be certified as meeting Los Angeles lug size requirements for the specified size: *Provided,* That there shall not be a variation of more than 2 tomatoes in a layer between the two size arrangements, except that a variation of not more than 4 tomatoes in a layer shall be permitted in sizes smaller than 6 x 7. For example, a 4–4 x 6 offset pack has 24 tomatoes per layer and should be sized in accordance with the diameter requirements of 5 x 5 which has 25 tomatoes per layer. A 4–5 x 9 diagonal pack has 40 or 41 tomatoes per layer and should be sized in accordance with the requirements for 6 x 7 which has 42 tomatoes per layer.

(2) In determining compliance with the above size arrangements the measurement for minimum diameter shall be the largest diameter of the tomato measured at right angles to a line from the stem end to the blossom end. The measurement for maximum diameter shall be the smallest dimension of the tomato determined by passing the tomato through a round opening in any position.

(3) In lieu of specifying size according to the Los Angeles lug size arrangements, the size of tomatoes in any type container may be specified in terms of minimum diameter or in terms of minimum and maximum diameters expressed in whole inches, or whole inches and not less than sixteenth inch fractions thereof, in accordance with the facts, without reference to Los Angeles lug size arrangements. Such minimum diameter, or minimum and maximum diameters, shall be the largest diameter of the tomato measured at right angles to a line from the stem end to the blossom end.

(4) In order to allow for variations incident to proper sizing, not more than a total of 10 percent, by count, of the tomatoes in any lot may be smaller than the specified minimum diameter, or larger than the specified maximum diameter.

(d) *Application of tolerances.* (1) The contents of individual containers in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified;

(i) When a tolerance is 10 percent or more, individual containers in any lot shall have not more than one and one-half times the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any container; and,

(ii) When a tolerance is less than 10 percent, individual containers in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any container.

(e) *U. S. Standard Packs.* (1) "U. S. Standard Packs" apply only to tomatoes packed in Los Angeles lugs and shall be designated according to the arrangement in the top layer of the lug, as 5 x 5, 5 x 6, etc., in accordance with the facts. The tomatoes in all layers shall have a uniform type of arrangement, for example, square, offset or diagonal except as provided in the description of U. S. Straight Pack. The tomatoes shall be fairly tightly packed and, unless otherwise specified, the net weight of the tomatoes in the lug shall be not less than 30 pounds. The following terms shall be used to describe U. S. Standard Packs in lugs:

(i) *"U. S. Straight Pack".* When specified as "U. S. Straight Pack" the tomatoes shall meet the size require-

ments for the Los Angeles lug size specified, and all layers in any lug shall have the same number of tomatoes: *Provided*, That when an offset or a diagonal arrangement of tomatoes is used, a variation of not more than one tomato shall be permitted in different layers. For example, in a 5 x 5 pack the tomatoes in each layer shall be packed 5 rows wide with 5 tomatoes in each row. In a 4–5 x 9 diagonal pack the tomatoes shall be packed alternately 4 and 5 to the row the short way of the lug with 9 such rows in the layer and with either 40 or 41 tomatoes in each layer. When designated as "U. S. Straight Square-Offset Pack" or "U. S. Straight Square-Diagonal Pack" the top layer shall be packed with a square arrangement and all lower layers with either an offset or a diagonal arrangement and there may be a variation of not more than one tomato between the top layer and any of the lower layers. Not more than one tomato shall be placed in a wrapper;

(ii) *"U. S. Extra Row Pack"*. When specified as "U. S. Extra Row Pack" the tomatoes shall meet the size requirements for the Los Angeles lug size specified, and the lower layers shall not contain more than one additional row one way of the lug. For example, in a 5 x 5 pack, the tomatoes in the lower layers may be packed 5 x 6 but not 6 x 6 or 5 x 7. Not more than one tomato shall be placed in a wrapper;

(iii) *"U. S. Bridge Pack"*. When specified as "U. S. Bridge Pack" the tomatoes shall meet the size requirements for the Los Angeles lug size specified, and a part of one additional layer of tomatoes shall be packed in the lug and the remaining tomatoes in the lower layers shall not contain more than one additional row one way of the lug than is contained in the top layer. Not more than one tomato shall be placed in a wrapper;

(iv) *"U. S. Double Wrap Pack"*. When specified as "U. S. Double Wrap Pack" the tomatoes shall meet the size requirements for the Los Angeles lug size specified, and the tomatoes in the top layer shall be packed with not more than one tomato in a wrapper and the lower layer or layers shall be packed with not more than two tomatoes in a wrapper; and,

(v) *"U. S. Double Wrap Bridge Pack"*. When specified as "U. S. Double Wrap Bridge Pack" the tomatoes shall meet the size requirements for the Los Angeles lug size specified, and the tomatoes in the top layer shall be packed with not more than one tomato in a wrapper and the lower layer or layers shall be packed with not more than two tomatoes in a wrapper: *Provided*, That part of one additional layer which may have either one or two tomatoes in a wrapper shall be packed in the lug.

(2) In order to allow for variations incident to proper packing, not more than 10 percent, by count, of the containers in any lot may not meet the requirements for Standard Pack: *Provided*, That when there are two or more size arrangements in any lot, not more than 20 percent of the lugs in any one size arrangement may not meet the requirements for Standard Pack: *Provided further*, That the average for the lot does not exceed 10 percent.

(3) "Irregular Pack": Lugs of tomatoes which are not packed in accordance with any of the foregoing methods of packing may be designated as "Irregular Pack".

(f) *Definitions.* (1) "Similar varietal characteristics" means that the tomatoes are alike as to firmness of flesh and shade of color (for example, soft fleshed early maturing varieties are not mixed with firm fleshed midseason or late varieties, or bright red varieties mixed with varieties having a purplish tinge).

(2) "Mature" means that in two or more seed cavities the contents have developed a jelly-like consistency and the seeds are well developed.

(3) "Well developed" means that the tomato shows normal growth. Tomatoes which are ridged and peaked at the stem end, contain dry tissue, and usually open spaces, are not considered well developed.

(4) "Fairly well formed" means that the tomato is not decidedly kidney-shaped, lopsided, elongated, angular or otherwise deformed.

(5) "Fairly smooth" means that the tomato is not conspicuously ridged or rough.

(6) "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Cuts which are not shallow, not well healed or more than ½ inch in length;

(ii) Puffy tomatoes. These tomatoes are usually angular and flat sided. They are damaged if the open space in one or more locules materially affects the appearance when the tomato is cut through the center at right angles to a line running from the stem to the blossom end;

(iii) Catfaces. These are irregular, dark, leathery scars at the blossom end of the fruit. Such scars damage the tomato when they are rough or deep, or when channels extend into the locule, or when they are fairly smooth and the area exceeds that of a circle ½ inch in diameter on a 2½ inch tomato. Smaller tomatoes shall have lesser areas of fairly smooth catfaces and larger tomatoes may have greater areas: *Provided*, That such catfaces do not affect the appearance of the tomatoes to a greater extent than that caused by fairly smooth catfaces which are permitted on a 2½ inch tomato;

(iv) Growth cracks. These are ruptures or cracks radiating from the stem scar, or concentric to the stem scar. They damage the tomato when not well healed, or when more than ½ inch in length: *Provided*, That very narrow, well healed cracks concentric to the stem scar shall not be considered as damage unless they are so numerous as to damage the appearance of the fruit; and,

(v) Scars (except catfaces) when the aggregate area exceeds that of a circle ⅜ inch in diameter on a tomato 2½ inches in diameter. Smaller tomatoes shall have lesser areas of scars and larger tomatoes may have greater areas: *Provided*, That such scars do not affect the appearance of the tomatoes to a greater extent than that caused by scars which are permitted on a 2½-inch tomato.

(7) "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(i) Tomatoes which are soft or affected by decay;

(ii) Fresh holes or cuts, or any holes or cuts through the tomato wall;

(iii) Tomatoes showing any effects of freezing;

(iv) Puffiness if open space in two or more locules seriously affects the appearance when the tomato is cut through the center at right angles to a line running from stem to the blossom end; and,

(v) Fruit actually infested with worms.

(8) "Badly misshapen" means that the tomato is decidedly kidney-shaped, lop-sided, elongated, angular or otherwise badly deformed.

Done at Washington, D. C., this 30th day of June 1953.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 53-5930; Filed, July 3, 1953; 8:54 a. m.]

[7 CFR Part 52]

CONCENTRATED ORANGE JUICE FOR MANUFACTURING [1] [2]

U. S. STANDARDS FOR GRADES

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as herein proposed, of United States Standards for Grades of Concentrated Orange Juice for Manufacturing, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong., approved July 5, 1952). These standards, if made effective, will be the first issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same, in duplicate, with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administra-

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] The requirements of these standards shall not excuse failure to comply with applicable State laws and regulations.

tion, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication in the FEDERAL REGISTER.

The proposed revision is as follows:

§ 52.490 *Concentrated orange juice for manufacturing.* Concentrated orange juice for manufacturing is the concentrated product obtained from sound, mature fruit of the sweet orange group (Citrus sinensis) and Mandarin group (Citrus reticulata), except tangerines. The fruit is prepared by sorting and by washing prior to extraction of the juice and the extracted juice is concentrated. The concentrated orange juice is processed in accordance with good commercial practice; and may or may not require processing by heat or subsequent refrigeration to assure preservation of the product but is not the product which is considered "frozen concentrated orange juice."

(a) *Styles of concentrated orange juice for manufacturing—(1) Style I, without sweetening ingredient added.* (i) The Brix value of the finished concentrate shall be not less nor more than the following for the respective dilution factor of canned concentrated orange juice for manufacturing:

Dilution factor	Brix value of the finished concentrate	
	Minimum Brix value	Maximum Brix value
	Degrees	*Degrees*
1 plus 3	41.5	44.0
1 plus 4	50.0	53.0
1 plus 5	57.8	61.2
1 plus 6	65.2	No limit

(ii) Concentrated orange juice for manufacturing of other dilution factors between "1 plus 3" to "1 plus 6" or more than "1 plus 6" shall result in a Brix upon reconstitution, as prescribed by the processor or as prescribed by the label on the container if labeled, of not less than 11.7 degrees.

(b) *Grades of concentrated orange juice for manufacturing.* (1) "U. S. Grade A for Manufacturing" or "U. S. Fancy for Manufacturing" is the quality of concentrated orange juice which reconstitutes properly and of which the reconstituted juice possesses a reasonably good color; is practically free from defects; possesses a reasonably good flavor; and scores not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade C for Manufacturing" or "U. S. Standard for Manufacturing" is the quality of concentrated orange juice which reconstitutes properly and of which the reconstituted juice possesses a fairly good color; is fairly free from defects; possesses a fairly good flavor; and scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "Substandard for Manufacturing" is the quality of concentrated orange juice that fails to meet the requirements of U. S. Grade C for Manufacturing or U. S. Standard for Manufacturing.

(c) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that the container be filled with concentrated orange juice as full as practicable without impairment of quality.

(d) *Ascertaining the grade.* The grade of concentrated orange juice for manufacturing is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and flavor. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	*Points*
(1) Color	20
(2) Absence of defects	40
(3) Flavor	40
Total score	100

(e) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

(1) *Color.* (i) Concentrated orange juice of which the reconstituted juice possesses a reasonably good color may be given a score of 17 to 20 points. "Reasonably good color" means that the color is a reasonably good yellow to yellow-orange color typical of properly processed and properly concentrated orange juice and is reasonably free from browning due to scorching, oxidation, caramelization, or other causes.

(ii) If the reconstituted juice possesses a fairly good color, a score of 14 to 16 points may be given. Concentrated orange juice that falls into this classification shall not be graded above U. S. Grade C for Manufacturing or U. S. Standard for Manufacturing, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the orange juice may be slightly amber or very light in color and may show evidence of slight browning but is not off-color.

(iii) Concentrated orange juice that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above Substandard for Manufacturing, regardless of the total score for the product (this is a limiting rule).

(2) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from seeds and portions thereof, from excessive juice cells, from pulp, from recoverable oil, and from other defects.

(i) "Pulp" means particles of membrane, core, and peel.

(ii) Concentrated orange juice of which the reconstituted juice is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that there may be present:

(*a*) Small seeds or portions thereof that are of such size that they could pass through round perforations not exceeding ⅛ inch in diameter, provided such seeds or portions thereof do not materially affect the appearance or drinking quality of the juice;

(*b*) Juice cells and pulp that do not materially affect the appearance or drinking quality of the juice; and

(*c*) Other defects that are not more than slightly objectionable. To score in this classification the concentrated orange juice may contain recoverable oil of not more than 0.0024 milliliter per degree Brix value per 100 grams of the concentrate.

(iii) If the reconstituted juice is fairly free from defects, a score of 28 to 33 points may be given. Concentrated orange juice that falls into this classification shall not be graded above U. S. Grade C for Manufacturing or U. S. Standard for Manufacturing, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that there may be present:

(*a*) Small seeds or portions thereof that are of such size that they could pass through round perforations not exceeding ⅛ inch in diameter, provided such seeds or portions thereof do not seriously affect the appearance or drinking quality of the juice;

(*b*) Juice cells and pulp that do not seriously affect the appearance or drinking quality of the juice; and

(*c*) Other defects that are not materially objectionable. To score in this classification the concentrated orange juice may contain not more than 0.003 milliliter per degree Brix value per 100 grams of the concentrate.

(iv) Concentrated orange juice that fails to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above Substandard for Manufacturing, regardless of the total score for the product (this is a limiting rule).

(3) *Flavor.* (i) Concentrated orange juice of which the reconstituted juice possesses a reasonably good flavor may be given a score of 34 to 40 points. "Reasonably good flavor" means that the flavor is typical of reconstituted concentrated orange juice from properly processed and concentrated orange juice; that the flavor may range from high acidity to low acidity; is practically free from traces of scorching, caramelization, oxidation, or terpene; and is free from off-flavors of any kind. To score not less than 34 points the concentrated orange juice shall meet the following requirement:

Style I, without sweetening ingredient added. The ratio of the Brix value to acid is not less than 8.0 to 1 nor more than 18 to 1.

(ii) If the reconstituted juice possesses a fairly good flavor, a score of 28 to 33 points may be given. Concentrated orange juice that falls into this classification shall not be graded above U. S. Grade C for Manufacturing or U. S. Standard for Manufacturing, regardless of the total score for the product (this is a limiting rule). "Fairly good flavor" means a normal flavor for reconstituted concentrated orange juice; and that the flavor may range from high acidity to low acidity, may have a slightly caramelized or slightly oxidized

flavor or may possess traces of terpene but is free from off-flavors of any kind. To score not less than 28 points concentrated orange juice shall meet the following requirement:

Style I, without sweetening ingredient added. The ratio of the Brix value to acid is not less than 8.0 to 1 nor more than 20 to 1.

(iii) If the concentrated orange juice fails to meet the requirements of subdivision (ii) of this subparagraph, a score of 0 to 27 points may be given. Concentrated orange juice that falls into this classification shall not be graded above Substandard for Manufacturing, regardless of the total score for the product (this is a limiting rule).

(f) *Explanation of terms and analyses.* (1) "Reconstituted juice" means the product obtained by mixing thoroughly one part by volume of the canned concentrated orange juice with a stated volume of water. For example, a dilution factor of "1 plus 6" means that to one part by volume of concentrated orange juice 6 parts by volume of water are added to produce a reconstituted juice. Distilled water is used in reconstituting the product for testing flavor.

(2) "Reconstitution as declared" means any defined reconstitution, such as in labeling: for example, "this can (46 oz.) made up to 10 quarts yields 80–4 oz. servings" means a "1 plus 5.95" concentrate.

(3) "Reconstitutes properly" means that the reconstituted juice shows no material separation of colloidal or suspended matter after standing four (4) hours at a temperature of not less than 68 degrees Fahrenheit in a clear glass tube or cylinder (such as a 50 ml. graduated cylinder).

(4) "Acid" means the percent by weight of acid (calculated as anhydrous citric acid) in concentrated orange juice and is determined by titration with standard sodium hydroxide solution using phenolphthalein as indicator.

(5) "Brix value" of the concentrate is the refractometric sucrose value determined in accordance with the International Scale of Refractive Indices of Sucrose Solutions and to which the applicable correction for acid is added. (See Table I for corrections.)

TABLE I—CORRECTIONS FOR OBTAINING BRIX VALUE [1]

Citric acid, anhydrous (percent by weight)	Correction to be added to refractometer sucrose value to obtain degree Brix value	Citric acid, anhydrous (percent by weight)	Correction to be added to refractometer sucrose value to obtain degree Brix value
2.0	0.39	3.6	0.70
2.2	.43	3.8	.74
2.4	.47	4.0	.78
2.6	.51	4.2	.81
2.8	.54	4.4	.85
3.0	.58	4.6	.89
3.2	.62	4.8	.93
3.4	.66	5.0	.97

[1] Source: "Refractometric Determination of Soluble Solids in Citrus Juices," by J. W. Stevens and W. E. Baier, from the Analytical Edition of Industrial and Engineering Chemistry, vol. II, p. 447, Aug. 15, 1939.

(6) The "Brix" of reconstituted juice, as applicable, means the degrees Brix of the properly reconstituted juice when tested with a Brix hydrometer calibrated at 20 degrees C. (68 degrees F.). If used in testing juice at a temperature other than 20 degrees C. (68 degrees F.) the applicable temperature correction shall be made to the reading of the scale as prescribed in the Official Methods of Analysis of the Association of Official Agricultural Chemists. The degrees Brix of the reconstituted juice may be determined by any other method which gives equivalent results.

(7) "Recoverable oil" is determined by the following method:

(i) *Equipment.* Oil separatory trap similar to either of those illustrated in Figure 1 [1] or Figure 2.[1]

Gas burner or hot plate.
Ringstand and clamps.
Rubber tubing.
3-liter narrow-neck flask.

(ii) *Procedure.* Exactly 400 grams of the concentrate mixed with water to approximately two liters are placed in a 3-liter flask. Close the stopcock, place distilled water in the graduated tube, run cold water through the condenser from the bottom to top, and bring the solution to a boil. Boiling is continued for one hour at the rate of approximately 50 drops per minute.

By means of the stopcock, lower the oil into the graduated portion of the separatory trap, remove the trap from the flask, allow it to cool, and record the amount of oil recovered.

The number of milliliters of oil recovered divided by 4 equals the volume of recoverable oil per 100 grams of concentrate. To determine compliance with minimum or maximum allowances, as applicable, for recoverable oil, the volume of recoverable oil per 100 grams of concentrate divided by the Brix value of the concentrate equals the volume or recoverable oil per degree Brix value per 100 grams of concentrate.

(g) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of concentrated orange juice for manufacturing the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, with respect to those factors which are scored:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores;

(iv) The average score of all containers for any factor subject to a limiting rule must be within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample; and

(2) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

[1] Filed as part of the original document.

(h) *Score sheet for concentrated orange juice for manufacturing.*

Size and kind of container			----
Container mark or identification			----
Label (including reconstitution factor)			----
Liquid measure (fluid ounces)			----
Net weight			----
Brix value of concentrate (corrected for acid)			----
Anhydrous citric acid in concentrate (percent by weight)			----
Brix value to acid ratio			----
Recoverable oil (ml./100 grams)			----
Reconstitutes properly: (Yes) (No)			----
Factors	**Score points**		
I. Color	20	(A-Mfg) 17–20 (C-Mfg) [1] 14–16 (SStd-Mfg) [1] 0–13	
II. Absence of defects	40	(A-Mfg) 34–40 (C-Mfg) [1] 28–33 (SStd-Mfg) [1] 0–27	
III. Flavor	40	(A-Mfg) 34–40 (C-Mfg) [1] 28–33 (SStd-Mfg) [1] 0–27	
Total score	100		
Grade for manufacturing			----

[1] Indicates limiting rule.

Issued at Washington, D. C., this 30th day of June 1953.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 53-5927; Filed, July 3, 1953; 8:54 a. m.]

[7 CFR Part 52]

CANNED CONCENTRATED ORANGE JUICE [1] [2]

U. S. STANDARDS FOR GRADES

Subsequent to the publication on February 21, 1952 (17 F. R. 1621) of a proposed revision of the current United States Standards for Grades of Canned Concentrated Orange Juice, written data, views, and arguments were received to consider a separate grade-standard for concentrated orange juice for manufacturing under § 52.490. Therefore, this second notice is hereby given that the United States Department of Agriculture is considering the revision, as herein proposed, of the current United States Standards for Grades of Canned Concentrated Orange Juice, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong., approved July 5, 1952). The revision of the United States Standards for Grades of Canned Concentrated Orange Juice, if made effective, will be the third issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same, in duplicate, with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch,

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] The requirements of these standards shall not excuse failure to comply with applicable State laws and regulations.

Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

§ 52.491 *Canned concentrated orange juice.* Canned concentrated orange juice is the concentrated product obtained from sound, mature fruit of the sweet orange group (Citrus sinensis) and Mandarin group (Citrus reticulata), except tangerines. The fruit is prepared by sorting and by washing prior to extraction of the juice; the extracted juice is concentrated; and single strength orange juice extracted from sorted and washed fruit may or may not be admixed to the concentrate. The canned concentrated orange juice is processed in accordance with good commercial practice and is sufficiently processed by heat to assure preservation of the product in hermetically sealed containers.

(a) *Styles of canned concentrated orange juice*—(1) *Style I, without sweetening ingredient added.* (i) The Brix value of the finished concentrate shall be not less nor more than the following for the respective dilution factor of canned concentrated orange juice:

Dilution factor	Brix value of the finished concentrate	
	Minimum Brix value	Maximum Brix value
	Degrees	*Degrees*
1 plus 1	22.5	24.0
1 plus 2	32.4	34.4
1 plus 3	41.5	44.0
1 plus 4	50.0	53.0
1 plus 5	57.8	61.2
Less than 1 plus 6		

(ii) Canned concentrated orange juice of any other dilution factors between "1 plus 1" to less than "1 plus 6," shall result in a Brix reconstitution, as prescribed by the processor or as prescribed by the label on the container if labeled, of not less than 11.7 degrees.

(2) *Style II, with sweetening ingredient added.* (i) The Brix value of the finished concentrate exclusive of added sweetening ingredient and the Brix value of the finished concentrate including added sweetening ingredient shall be not less nor more than the following, as applicable, for the respective dilution factor of canned concentrated orange juice:

Dilution factor	Brix value of the finished concentrate exclusive of added sweetening ingredients	Brix value of the finished concentrate including added sweetening ingredients	
	Minimum Brix value	Minimum Brix value	Maximum Brix value
	Degrees	*Degrees*	*Degrees*
1 plus 1	21.6	22.7	26.9
1 plus 2	31.1	32.7	38.4
1 plus 3	40	42	49
1 plus 4	48.1	50.5	58.6
1 plus 5	55.8	58.3	67.5
Less than 1 plus 6			

(ii) Canned concentrated orange juice of any other dilution factors between "1 plus 1" to less than "1 plus 6" shall have had a Brix exclusive of any added sweetening ingredient, upon reconstitution, as prescribed by the processor or as prescribed by the label on the container, if labeled, of not less than 11.3 degrees; and the finished canned concentrated orange juice shall result in a Brix including any added sweetening ingredient, upon reconstitution, as prescribed by the processor or as prescribed by the label on the container, if labeled, of not less than 11.9 degrees nor more than 14.2 degrees.

(b) *Grades of canned concentrated orange juice.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned concentrated orange juice which reconstitutes properly and of which the reconstituted juice possesses an appearance reasonably characteristic of fresh orange juice; possesses a good color; is practically free from defects; possesses a good flavor; and scores not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade C" or "U. S. Standard" is the quality of canned concentrated orange juice which reconstitutes properly and of which the reconstituted juice possesses a fairly good color; is fairly free from defects; possesses a fairly good flavor; and scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "Substandard" is the quality of canned concentrated orange juice that fails to meet the requirements of U. S. Grade C or U. S. Standard.

(c) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that the container be filled with concentrated orange juice as full as practicable without impairment of quality.

(d) *Ascertaining the grade.* The grade of canned concentrated orange juice is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and flavor. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	*Points*
(1) Color	20
(2) Absence of defects	40
(3) Flavor	40
Total score	100

(e) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

(1) *Color.* (i) Canned concentrated orange juice of which the reconstituted juice possesses a good color may be given a score of 17 to 20 points. "Good color" means that the color is a good yellow to yellow-orange color typical of properly processed orange juice and is free from browning due to scorching, oxidation, caramelization, or other causes.

(ii) If the reconstituted juice possesses a fairly good color, a score of 14 to 16 points may be given. Canned concentrated orange juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the orange juice may be slightly amber or very light in color and may show evidence of slight browning, but is not off-color.

(iii) Canned concentrated orange juice that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from seeds and portions thereof, from excessive juice cells, from pulp, from recoverable oil, and from other defects.

(i) "Pulp" means particles of membrane, core, and peel.

(ii) Canned concentrated orange juice of which the reconstituted juice is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that there may be present:

(*a*) Small seeds or portions thereof that are of such size that they could pass through round perforations not exceeding ⅛ inch in diameter, provided such seeds or portions thereof do not materially affect the appearance or drinking quality of the juice;

(*b*) Juice cells and pulp that do not materially affect the appearance or drinking quality of the juice; and

(*c*) Other defects that are not more than slightly objectionable. To score in this classification the canned concentrated orange juice shall contain recoverable oil of not less than 0.0004 milliliter nor more than 0.0024 milliliter per degree Brix value per 100 grams of the concentrate.

(iii) If the reconstituted juice is fairly free from defects, a score of 28 to 33 points may be given. Canned concentrated orange juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that there may be present:

(*a*) Small seeds or portions thereof that are of such size that they could pass through round perforations not exceeding ⅛ inch in diameter, provided such seeds or portions thereof do not seriously affect the appearance or drinking quality of the juice;

(*b*) Juice cells and pulp that do not seriously affect the appearance or drinking quality of the juice; and

(*c*) Other defects that are not materially objectionable. To score in this classification the canned concentrated orange juice may contain recoverable

oil of not more than 0.003 milliliter per degree Brix value per 100 grams of the concentrate.

(iv) Canned concentrated orange juice that fails to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Flavor.* (i) Canned concentrated orange juice of which the reconstituted juice possesses a good flavor may be given a score of 34 to 40 points. "Good flavor" means that the flavor is a distinct orange juice flavor typical of reconstituted orange juice from properly processed and concentrated orange juice; is free from traces of scorching, caramelization, oxidation, or terpene; and is free from off-flavors of any kind. To score not less than 34 points the canned concentrated orange juice shall meet the following requirements for the respective style:

Style I, without sweetening ingredient added. The ratio of the Brix value to acid is not less than 11.5 to 1 nor more than 18 to 1.

Style II, with sweetening ingredient added. The ratio of the Brix value to acid is not less than 12 to 1 nor more than 14 to 1.

(ii) If the reconstituted juice possesses a fairly good flavor, a score of 28 to 33 points may be given. Canned concentrated orange juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good flavor" means that the flavor is a normal flavor for reconstituted canned concentrated orange juice and may have a slightly caramelized or slightly oxidized flavor but is free from off-flavors of any kind. To score not less than 28 points canned concentrated orange juice shall meet the following requirements for the respective style:

Style I, without sweetening ingredient added. The ratio of Brix value to acid is not less than 10 to 1 nor more than 19 to 1.

Style II, with sweetening ingredient added. The ratio of Brix value to acid is not less than 10 to 1 nor more than 15 to 1.

(iii) If the canned concentrated orange juice fails to meet the requirements of subdivision (ii) of this subparagraph, a score of 0 to 27 points may be given. Canned concentrated orange juice that falls into this classification shall not be graded above Substandard, regardless of the total score for the produce (this is a limiting rule).

(f) *Explanation of terms and analyses.* (1) "Reconstituted juice" means the product obtained by mixing thoroughly one part by volume of the canned concentrated orange juice with a stated volume of water. For example, a dilution factor of "1 plus 3" means that to one part by volume of canned concentrated orange juice 3 parts by volume of water are added to produce a reconstituted juice. Distilled water is used in reconstituting the product for testing flavor.

(2) "Reconstitution as declared" means any defined reconstitution, such as in labeling: for example, "6 fluid ounces—makes 1 quart" means a "1 plus 4.33" concentrate.

(3) "Reconstitutes properly" means that the reconstituted juice shows no material separation of colloidal or suspended matter after standing four (4) hours at a temperature of not less than 68 degrees Fahrenheit in a clear glass tube or cylinder (such as a 50 ml. graduated cylinder).

(4) "Acid" means the percent by weight of acid (calculated as anhydrous citric acid) in canned concentrated orange juice and is determined by titration with standard sodium hydroxide solution using phenolphthalein as indicator.

(5) "Brix value" of the concentrate is the refractometricsucrose value determined in accordance with the International Scale of Refractive Indices of Sucrose Solutions and to which the applicable corrections for acid is added. (See Table I for corrections.)

TABLE I—CORRECTIONS FOR OBTAINING BRIX VALUE [1]

Citric acid, anhydrous (percent by weight)	Correction to be added to refractometer sucrose value to obtain degree Brix value	Citric acid, anhydrous (percent by weight)	Correction to be added to refractometer sucrose value to obtain degree Brix value
2.0	0.39	3.6	0.70
2.2	.43	3.8	.74
2.4	.47	4.0	.78
2.6	.51	4.2	.81
2.8	.54	4.4	.85
3.0	.58	4.6	.89
3.2	.62	4.8	.93
3.4	.66	5.0	.97

[1] Source: "Refractometric Determination of Soluble Solids in Citrus Juices," by J. W. Stevens and W. E. Baier, from the Analytical Edition of Industrial and Engineering Chemistry, vol. II, p. 447, Aug. 15, 1939.

(6) The "Brix" of reconstituted juice, as applicable, means the degrees Brix of the properly reconstituted juice when tested with a Brix hydrometer calibrated at 20 degrees C. (68 degrees F.). If used in testing juice at a temperature other than 20 degrees C. (68 degrees F.) the applicable temperature correction shall be made to the reading of the scale as prescribed in the Official Methods of Analysis of the Association of Official Agricultural Chemists. The degrees Brix of the reconstituted juice may be determined by any other method which gives equivalent results.

(7) "Recoverable oil" is determined by the following method:

(i) *Equipment.* Oil separatory trap similar to either of those illustrated in Figure 1 [1] or Figure 2.[1]

Gas burner or hotplate.
Ringstand and clamps.
Rubber tubing.
3-liter narrow-neck flask.

(ii) *Procedure.* Exactly 400 grams of the concentrate mixed with water to approximately two liters are placed in a 3-liter flask. Close the stopcock, place distilled water in the graduated tube, run cold water through the condenser from the bottom to top, and bring the solution to a boil. Boiling is continued for one hour at the rate of approximately 50 drops per minute.

By means of the stopcock, lower the oil into the graduated portion of the separatory trap, remove the trap from the flask, allow it to cool, and record the amount of oil recovered.

The number of milliliters of oil recovered divided by 4 equals the volume of recoverable oil per 100 grams of concentrate. To determine compliance with minimum or maximum allowances, as applicable, for recoverable oil, the volume of recoverable oil per 100 grams of concentrate divided by the Brix value of the concentrate equals the volume of recoverable oil per degree Brix value per 100 grams of concentrate.

(g) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned concentrated orange juice the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, with respect to those factors which are scored:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores;

(iv) The average score of all containers for any factor subject to a limiting rule must be within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample; and

(2) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(h) *Score sheet for canned concentrated orange juice.*

Size and kind of container	
Container mark or identification	
Label (including dilution factor)	
Liquid measure (fluid ounces)	
Brix value of concentrate (corrected for acid)	
Anhydrous Citric Acid in concentrate (percent by weight)	
Brix value to acid ratio	
Recoverable oil (ml./100 grams)	
Reconstitutes properly: (Yes) (No)	
Appearance—reasonably characteristic of fresh juice: (Yes) (No)	

Factors		Score points
I. Color	20	(A) 17-20 (C) [1] 14-16 (SStd) [1] 0-13
II. Absence of defects	40	(A) 34-40 (C) [1] 28-33 (SStd) [1] 0-27
III. Flavor	40	(A) 34-40 (C) [1] 28-33 (SStd) [1] 0-27
Total score	100	

Grade

[1] Indicates limiting rule.

[1] Filed as part of the original document.

Issued at Washington, D. C., this 30th day of June 1953.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 53-5928; Filed, July 3, 1953; 8:54 a. m.]

[7 CFR Part 957]

IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

NOTICE OF PROPOSED BUDGET AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the aproval of the budget and rate of assessment hereinafter set forth, which were recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Orgon, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed in triplicate with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 957.206 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 57, as amended, to enable such committee to carry out its functions pursuant to the provisions of the aforesaid marketing agreement and order, during the fiscal year ending May 31, 1954, will amount to $22,500.00.

(b) The rate of assesment to be paid by each handler who first ships potatoes shall be fifty cents per carload or fraction thereof, or per truckload of 5,000 pounds or more, of potatoes, handled by him as the first handler thereof during said fiscal year; and

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 57, as amended (Part 910 of this chapter).

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

Done at Washington, D. C., this 1st day of July 1953.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 53-5929; Filed, July 3, 1953; 8:54 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

PEANUTS

NOTICE OF MARKETING QUOTA REFERENDUM

A referendum of farmers who were engaged in the production of the 1953 crop of peanuts picked or threshed will be held on December 15, 1953, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended and applicable regulations, to determine whether such farmers are in favor of or opposed to peanut marketing quotas for the crops of peanuts produced in the calendar years 1954, 1955, and 1956.

Eligibility to vote. 1. Farmers eligible to vote in the referendum will be those farmers who were engaged in the production of peanuts in 1953 as owner-operator, cash tenant, standing-rent tenant, or fixed-rent tenant, or landlord of a share tenant, or as share tenant or share cropper on a farm on which the picked and threshed acreage of peanuts in 1953 is more than one acre.

2. No peanut farmer (whether an individual, partnership, corporation, firm, association, or other legal entity) shall be entitled to more than one vote in the referendum, even though he may have been engaged in 1953 in the production of peanuts on two or more farms or in two or more communities, counties, or States.

3. In case several persons, such as husband, wife, and children, participated in the production of peanuts in 1953, under the same rental or cropping agreement or lease, only the person or persons who signed or entered into the rental or cropping agreement or lease shall be eligible to vote.

4. In the event two or more persons were engaged in producing peanuts in 1953 not as members of a partnership but as tenants in common or joint tenants or as owners of community property, each such person is entitled to vote.

5. No person shall be eligible to vote in any community other than the community in which he now resides except as follows:

(a) Any person who resides in a community other than the community in which he is engaged in the production of peanuts may, if he will not vote in the community in which he resides, vote at the polling place for the community in which he is engaged in the production of peanuts.

(b) Any person who resides in a community in which there is no polling place shall be eligible to vote at the polling place designated for the community nearest to the community in which he resides.

(c) Any person who on the day of the referendum will not be present in the county in which he is eligible to vote may, as early as 5 days prior to the date of the referendum, obtain a ballot at the most conveniently located county committee office and may cast his ballot by signing his name thereto and mailing it so that the ballot reaches the county committee for the county in which he is eligible to vote not later than the closing hour on the date of the referendum, which shall not be earlier than 5 o'clock p. m., local time.

6. There shall be no voting by mail (except as provided in paragraph 5 (c) above), by proxy, or by agent, but a duly authorized officer of a corporation, association, or other legal entity or a duly authorized member of a partnership, may cast its vote.

Done at Washington, D. C., this 30th day of June 1953. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-5917; Filed, July 3, 1953; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5589, et al.]

WEST COAST-HAWAII CASE

NOTICE OF HEARING

In the matter of the proceeding known as the West Coast-Hawaii Case.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 1001 of that act, that a hearing in the above-entitled proceeding is assigned to be held on July 13, 1953, at 10:00 a. m., e. d. s. t., in Conference Room A, Departmental Auditorium, between Twelfth and Fourteenth Streets on Constitution Avenue NW., Washington, D. C., before Examiner Thomas L. Wrenn.

Without limiting the scope of the issues presently in this proceeding, particular attention will be directed to:

1. Whether the existing temporary services between the West Coast and Hawaii should be renewed as now operated or modified and amended; and if so, whether such services should be operated by the present carriers or by other carriers; and

2. Whether the new service proposed by some of the applicants is required by the public convenience and necessity.

Notice is further given that any person not a party to the proceeding desiring to be heard in opposition to the matters set forth in the case must file with the Board on or before July 13, 1953, a statement setting forth issues of fact or law which he desires to contest. Any person filing such a statement may appear and participate at the hearing in accordance with § 302.14 of the Procedural Regulations under Title IV of the Civil Aeronautics Act, as amended.

For further details of the proceeding and issues involved, interested persons are referred to the applications in the consolidated proceeding, Board Order Nos. E–7098 and E–7338, and to the reports of the prehearing conference on file with the Civil Aeronautics Board.

Dated at Washington, D. C., July 1, 1953.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 53–5923; Filed, July 3, 1953; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E–6506]

CALIFORNIA OREGON POWER CO.

NOTICE OF APPLICATION

JUNE 29, 1953.

Take notice that on June 26, 1953, an application was filed with the Federal Power Commission, pursuant to Section 203 of the Federal Power Act, by The California Oregon Power Company, a corporation organized under the laws of the State of California and doing business in the States of California and Oregon, with its principal business office at Medford, Oregon, seeking an order authorizing the sale to the United States of America, Department of the Interior, Bonneville Power Administration, of a portion of a certain transmission line commonly known as "Line 20" (including the telephone circuit), extending westerly from Bonneville's McKinley Switching Station to Coos Bay (North Bend) Switching Station, a total distance of 19.882 miles in Coos County, Oregon. The facilities are to be sold for a total cash consideration of $223,500; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 20th day of July 1953, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53–5912; Filed, July 3, 1953; 8:51 a. m.]

[Docket Nos. G–1857, G–2186]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

NOTICE OF APPLICATION

JUNE 29, 1953.

Take notice that Kansas-Nebraska Natural Gas Company, Inc. (Applicant), a Kansas corporation having its principal place of business in Phillipsburg, Kansas, filed on June 11, 1953, an application (1) for permission and approval to abandon natural gas facilities (2) to modify the Commission's order in Docket No. G–1857 and (3) for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of facilities subject to the jurisdiction of the Commission described as follows:

Facilities to be constructed. (a) Construct twenty-six miles of 12-inch gas pipeline to replace an existing 6⅝-inch and 8⅝-inch gas pipeline beginning at a point in the Big Springs Gas Field in the Southwest Quarter (SW/4) of Section 19, Township 13 North, Range 42 West, Deuel County, Nebraska, thence easterly to a point of beginning of the 10-inch gas pipeline running easterly from Ogallala, Keith County, Nebraska constructed by authorization of Commission under Docket G–1857. Line to be replaced was constructed by authorization of Commission under Docket G–1683.

(b) Construct 14.1 miles of 10-inch gas pipeline to replace the bare portions of an existing 6-inch gas pipeline beginning at a point approximately 3.5 miles west of Lexington, Dawson County, Nebraska, and extending in an easterly direction to Elm Creek, Buffalo County, Nebraska.

(c) Construct six-tenths mile of 2⅜-inch pipeline and four measuring stations to serve three alfalfa dehydration plants located at Albion, Boone County, Arcadia, Valley County and Broken Bow, Custer County, Nebraska, and a railroad engine house located at North Platte, Lincoln County, Nebraska.

(d) Install gas coolers with 150,000 MCF/day capacity at Applicant's Scott City Compressor Station to replace present coolers which are no longer capable of handling the cooling load; and in connection with such installation to rearrange station piping as required.

(e) Install additional 50,000 MCF/day capacity inlet gas scrubber at Palco Compressor Station.

(f) A new 1200 HP compressor station in Big Springs Gas Field, Deuel County, Nebraska, consisting in part of facilities to be removed from the compressor station to be abandoned at Otis, Kansas.

Proposed deletion of items in Docket No. G–1857 (Presiding Examiner's Initial Decision, dated January 16, 1953). (1) Approximately five miles of 12¾-inch pipeline to replace 8⅝-inch pipeline in the existing line between Colby and Atwood, Kansas.

(2) Approximately fifteen miles of 12¾-inch pipeline to replace 8⅝-inch pipeline in the existing line between Scott City and Colby, Kansas.

(3) Approximately seventy-eight miles of 8⅝-inch pipeline extending east from the Scott City Compressor Station to a point between Alexander and Rush Center, Kansas.

Facilities to be abandoned. (g) Compressor station located at Otis, Kansas.

The application recites (1) that the item described above as (a) will replace 15 miles of 6⅝-inch and 11 miles of 8⅝-inch pipeline and will increase capacity of Applicant's system to receive gas from additional reserves in Logan County, Colorado, which line when completed will have a designed capacity of 27,255 Mcf daily; (2) the item described above as (b) will replace 14.1 miles of 6⅝-inch pipeline and will enable Applicant to raise the operating pressures in this section of its line so as to give better utilization of other existing facilities including the Cozad Compressor Station in the lateral line into the Loup City-Broken Bow area increasing the designed capacity of this section of the system to 13,870 Mcf daily; (3) the items described above as (c) are needed to serve 3 new alfalfa mills and a railroad engine house; (4) the items described under (1), (2) and (3) above will not be needed due to the increased capacity proposed for Applicant's Big Springs-Elm Creek, Nebraska, line requested in the item described above as (a); (5) the items described as (d) above are required to replace present coolers no longer adequate for service; (6) the items described as (e) above are required to give adequate scrubber capacity for the handling of peak volumes at Palco Station and (7) the items described as (g) above are no longer needed at its present location due to declining volumes of natural gas available from the Unruh Area.

The estimated over-all capital cost of the facilities to be constructed and operated and described herein, with allowance for salvage, in the sum of $260,210 is $922,410 which will be financed from the sale of securities consisting of Sinking Fund Debentures in the amount of $4,500,000 and common and preferred stock.

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 and 1.10) on or before the 20th day of July 1953. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53–5902; Filed, July 3, 1953; 8:48 a. m.]

[Docket Nos. G–1914, G–2090]

TEXAS ILLINOIS NATURAL GAS PIPELINE CO. AND CHICAGO DISTRICT PIPELINE CO.

NOTICE OF EXTENSION OF TIME

JUNE 29, 1953.

In the matters of Texas Illinois Natural Gas Pipeline Company, Docket No. G–1914; Chicago District Pipeline Company, Docket No. G–2090.

Upon consideration of the Motion by Texas Illinois Natural Gas Pipeline Company, filed June 29, 1953, for a further extension of time within which to comply with paragraph B (i) of the Commission's order issued April 16, 1953;

Notice is hereby given that a further extension of time is granted from June 15, to and including August 1, 1953, within which Texas Illinois Natural Gas Pipeline Company shall file with the Commission its plan of financing, with firm commitments, as required by said order issued April 16, 1953.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-5903; Filed, July 3, 1953; 8:48 a. m.]

[Docket No. G-2021]

PUBLIC SERVICE ELECTRIC AND GAS CO.

NOTICE OF EXTENSION OF TIME

JUNE 29, 1953.

Upon consideration of the telegraphic request dated June 26, 1953, filed by Counsel for Public Service Electric and Gas Company (Applicant), for an extension of time within which to complete the construction and actually commence the operation of the facilities authorized by the order issuing certificate of public convenience and necessity, issued October 6, 1952;

Notice is hereby given that an extension of time to and including July 15, 1953, is granted within which Applicant shall complete the construction and undertake the service and operation of facilities authorized by said order issued October 6, 1952. Paragraph (C) of said order is further amended accordingly.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-5904; Filed, July 3, 1953; 8:48 a. m.]

[Docket No. G-2188]

CITY OF FAYETTE, ALA.

NOTICE OF APPLICATION

JUNE 29, 1953.

Take notice that on June 15, 1953, the City of Fayette, Alabama (Applicant), a duly organized and existing municipal corporation under the laws of the State of Alabama, filed an application pursuant to section 7 (a) of the Natural Gas Act for an order directing Southern Natural Gas Company (Southern Natural) to establish physical connection of its transmission facilities with the facilities proposed to be constructed by Applicant for the sale and delivery of natural gas for distribution in the community of Fayette, Alabama, and environs.

Applicant proposes to construct approximately 20.3 miles of 5-inch transmission line to connect with the 22-inch pipeline of Southern Natural in Tuscaloosa County, Alabama, together with a distribution system in the City of Fayette, as well as line taps along the proposed route. The peak day requirements for the third year of operation are estimated at 1,326 Mcf; and annual requirements for the third year are estimated at 172,890 Mcf. Total estimated cost of construction, including administrative and overhead expenses, is stated to be $700,000, to be financed by gas revenue bonds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with § 1.8 or § 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 20th day of July 1953. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-5905; Filed, July 3, 1953; 8:48 a. m.]

[Docket No. G-2191]

ARKANSAS-OKLAHOMA GAS CO.

NOTICE OF APPLICATION

JUNE 30, 1953.

Take notice that Arkansas-Oklahoma Gas Company (Applicant), a Delaware corporation, having its principal place of business in Fort Smith, Arkansas, filed on June 18, 1953, an application for (1) permission and approval to abandon and remove approximately 18.5 miles of 12¾-inch pipeline extending from the Spiro gas field in LeFlore County, Oklahoma, to the Arkansas-Oklahoma state line paralleling an existing 10¾-inch line; (2) a certificate of public convenience and necessity authorizing the construction and operation of facilities subject to the jurisdiction of the Commission, pursuant to section 7 of the Natural Gas Act.

Applicant proposes to remove the 18.5 miles of 12¾-inch pipeline described above and relay the same together with approximately 6.5 miles of 12¾-inch pipeline to be purchased, which line when completed will extend from the Cecil gas field in Franklin County, Arkansas, to South Fort Smith, Arkansas, and also proposes to parallel an existing 10¾-inch pipeline with an additional 10¾-inch line northward from South Fort Smith for a distance of approximately 2.55 miles all of which will provide ample capacity to transport additional gas from Cecil field to the major areas of distribution.

The overall capital cost of the proposed project inclusive of the cost of removal and salvaging of facilities is $478,610.50.

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 20th day of July 1953.

The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-5913; Filed, July 3, 1953; 8:51 a. m.]

[Docket No. G-2192]

MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF APPLICATION

JUNE 30, 1953.

Take notice that on June 18, 1953, The Manufacturers Light and Heat Company (Applicant), a Pennsylvania corporation, address, Pittsburgh, Pennsylvania, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas transmission pipeline facilities as hereinafter described.

Applicant proposes to construct and operate approximately 12.7 miles of 20-inch pipeline in Doddridge County, West Virginia, paralleling its existing 16-inch line and terminating at Applicant's existing Carnegie Compressor Station, and approximately 21 miles of 16-inch pipeline extending from said Carnegie Station to a proposed underground storage compressor station in Marshall County, West Virginia, to be known as Victory Storage Compressor Station. Applicant also proposes to activate a new storage field to be known as Victory Storage Field comprising a total of 35,159 acres principally located in Liberty District, Marshall County, and Proctor District, Wetzel County, West Virginia. Said Victory Storage Compressor Station is proposed to have 1760 horsepower capacity, with necessary auxiliary equipment, and is to be used for compression of gas to be stored in Victory Storage Field and for withdrawal of gas therefrom. Applicant, in connection with the activation of said storage field proposes to construct and operate a total of approximately 21.6 miles of 16-inch, 12-inch, 10-inch, and 8-inch main field lines between said Victory Storage Compressor Station and the wells in said Victory Storage Field.

The foregoing facilities are proposed to enable Applicant to provide sufficient capacity to receive and utilize increased volumes of natural gas to be delivered by United Fuel Gas Company (United Fuel Gas), an affiliate, pursuant to the authorization granted in Docket No. G-2058, wherein Gulf Interstate Gas Co. was authorized to transport natural gas for the account of United Fuel Gas. Applicant expects to increase the capacity of its system between the facilities of United Fuel Gas and Applicant's Carnegie Compressor Station from 105,000 Mcf to 178,000 Mcf daily by the proposed construction.

Applicant expects the ultimate capacity of its proposed Victory Storage Field to be approximately 34,500,000 Mcf with an average field pressure of 800 psig. Applicant states that said storage field is required to meet the future estimated requirements of its customers.

The total overall estimated cost of construction, including facilities in connection with the activation of Applicant's proposed Victory Storage Field is $3,553,446, which is proposed to be financed with funds realized from sale of Applicant's notes and common stock to its parent company, The Columbia Gas System, Inc., and by capital contributions by said parent company, in cer-

tain cases, in lieu of the purchase of common stock.

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 20th day of July 1953. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-5914; Filed, July 3, 1953; 8:51 a. m.]

[Docket No. G-2193]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION

JUNE 30, 1953.

Take notice that on June 18, 1953, The Ohio Fuel Gas Company (Applicant), an Ohio corporation, address, Columbus, Ohio, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 2.2 miles of 20-inch natural-gas transmission pipeline in Lawrence County, Ohio, extending from a proposed new point of connection with the facilities of United Fuel Gas Company (United Fuel Gas), an affiliate, to Applicant's South Point Compressor Station; approximately 26.3 miles of 20-inch and 29.0 miles of 24-inch natural-gas transmission pipeline in Jackson, Vinton, Hocking and Fairfield Counties, in Ohio, paralleling Applicant's existing Line R-501 from the vicinity of Oak Hill to its Crawford Compressor Station; approximately 11.3 miles of 20-inch natural-gas transmission pipeline in Licking County, Ohio, paralleling Applicant's existing Line "B" from Johnstown to its Treat Compressor Station; and two 1,500 Bhp gas engine-compressor units to be installed at Applicant's Crawford Compressor Station in Fairfield County, Ohio, together with valves, piping and other incidental facilities.

Applicant proposes to utilize said facilities to receive and transport a portion of the additional volumes of natural gas authorized to be transported by Gulf Interstate Gas Co. for the account of United Fuel Gas in Docket No. G-2058. Initial deliveries of such gas are expected to commence late in 1954. Applicant expects to receive approximately 260,000 Mcf per day of natural gas from United Fuel during the summer of 1955 with the proposed facilities in operation, of which approximately 240,000 Mcf will need to be transported through Applicant's R-501 System. The capacity of the existing R-501 facilities with 760 psig at Burlington, Ohio, and terminal pressure of 400 psig at Crawford Station with 5000 Mcf deliveries to markets en route and 50,000 Mcf to Benton Storage, is estimated by Applicant to be approximately 176,000 Mcf at 95 percent load factor. The construction of the proposed facilities is expected to provide capacity for transportation of approximately 240,000 Mcf per day while maintaining a terminal pressure of 400 psig. The compressor facilities proposed by Applicant are expected to increase high stage power at its Crawford Station from 9,050 Bhp to 12,050 Bhp, in order to provide adequate power to meet estimated load conditions after receipt of additional gas from United Fuel Gas.

The proposed facilities extending to Applicant's Treat Station will be utilized by Applicant to transport additional volumes of gas northward from its Crawford Station and the point of connection on its Line B-100 with the facilities of Texas Eastern Transmission Corporation.

The estimated total overall capital cost of the proposed facilities is $4,768,700, which is proposed to be financed with funds realized from sale of Applicant's notes and common stock to its parent company, The Columbia Gas System, Inc.

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 20th day of July 1953. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-5915; Filed, July 3, 1953; 8:51 a. m.]

[Docket No. G-2194]

UNITED FUEL GAS CO. AND CENTRAL KENTUCKY NATURAL GAS CO.

NOTICE OF APPLICATION

JUNE 30, 1953.

Take notice that on June 18, 1953, United Fuel Gas Company (United Fuel Gas), a West Virginia corporation, address, Charleston, West Virginia, and Central Kentucky Natural Gas Company (Central Kentucky), a Kentucky corporation, address, Charleston, West Virginia (hereinafter sometimes referred to as Applicants), filed a joint application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas transmission pipeline facilities as hereinafter described.

United Fuel Gas proposes to construct and operate a 30-inch natural-gas transmission pipeline extending westward from its Lanham Compressor Station in Kanawha County, West Virginia, approximately 60 miles to a point of connection with the 30-inch pipeline of Gulf Interstate Gas Co. (Gulf Interstate) at or near United Fuel Gas' Leach Gasoline Plant in Boyd County, Kentucky; a 6,000 horsepower Compressor Station "Y" on said proposed 30-inch transmission pipeline, at or near Kenova, West Virginia, together with two 20-inch suction and discharge lines, each approximately one-half mile in length, connecting said Compressor Station "Y" with United Fuel Gas' existing Line BM-66; and a 20-inch lateral pipeline extending northward from the proposed Compressor Station "Y" approximately 6 miles to a point at or near Burlington, Ohio, together with a measuring station at the terminus of said lateral pipeline.

Central Kentucky proposes to construct and operate a 20-inch lateral natural-gas transmission pipeline extending northward from a point of connection with the 30-inch pipeline of Gulf Interstate approximately 5 miles to Central Kentucky's Means Compressor Station in Bath County, Kentucky.

Applicants propose the construction and operation of said facilities to enable them to provide sufficient capacity to receive and utilize increased volumes of natural gas to be delivered from the facilities of Gulf Interstate, pursuant to the authorization granted in Docket No. G-2058, wherein Gulf Interstate was authorized to transport natural gas for the account of United Fuel Gas.

The 30-inch pipeline from United Fuel Gas' Lanham Station to the facilities of Gulf Interstate is designed to permit receipt of a maximum daily volume of approximately 160,100 Mcf of natural gas into the system of United Fuel Gas. The 20-inch pipeline between Central Kentucky's Means Station and the facilities of Gulf Interstate is designed to permit delivery of a maximum daily volume of approximately 214,900 Mcf of natural gas from the facilities of Gulf Interstate into the facilities of Central Kentucky.

The estimated total overall capital cost of construction of the facilities proposed by United Fuel Gas is $10,325,328, and of the facilities proposed by Central Kentucky is $324,440. Applicants propose to finance the cost of constructing the proposed facilities with funds to be realized from sale of Applicants' notes and common stock to their parent company, The Columbia Gas System, Inc., and by capital contributions by said parent company, in certain cases, in lieu of the purchase of common stock.

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 20th day of July 1953. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-5916; Filed, July 3, 1953; 8:52 a. m.]

[Project No. 2075]

WASHINGTON WATER POWER CO.

NOTICE OF APPLICATION FOR AMENDMENT OF PRELIMINARY PERMIT

JUNE 30, 1953.

Public notice is hereby given that The Washington Water Power Company, of Spokane, Washington, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for extension of the time and for amendment of preliminary permit for proposed water power Project No. 2075 (Noxon Rapids) to be located on Clark Fork River in Sanders County, Montana, and to consist of a dam at the Noxon Rapids Site, about twice the

height of the dam originally contemplated, and a reservoir about 41 miles long with normal pool at about elevation 2330 feet. The enlarged project would inundate the dam site and lands proposed for inclusion in Project No. 2076 (Trout Creek) and additional lands between Noxon Rapids site and Trout Creek, a powerhouse with an installed capacity commensurate with the proposed enlargement, a suitable and adequate transmission system and appurtenant facilities. The preliminary permit, as amended, 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 enlarged 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 the 3d day of August 1953. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-5906; Filed, July 3, 1953; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-1562, 7-1563]

ARKANSAS FUEL OIL CORP. AND ARKANSAS LOUISIANA GAS CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of June A. D. 1953.

In the matter of application by the San Francisco Stock Exchange for unlisted trading privileges in: Arkansas Fuel Oil Corporation, 7-1562, Common Stock, $5 Par Value; Arkansas Louisiana Gas Company, 7-1563, Common Stock, $5 Par Value.

The San Francisco Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $5 Par Value, of Arkansas Fuel Oil Corporation, registered and listed on the Boston Stock Exchange and on the Pittsburgh Stock Exchange; and the Common Stock, $5 Par Value, of Arkansas Louisiana Gas Company, registered and listed on the Boston Stock Exchange and on the Pittsburgh Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to July 28, 1953, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-5891; Filed, July 3, 1953; 8:46 a. m.]

[File No. 70-3024]

BLACKSTONE VALLEY GAS & ELECTRIC CO. AND EASTERN UTILITIES ASSOCIATES

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

JUNE 30, 1953.

Blackstone Valley Gas & Electric Company ("Blackstone"), a public utility subsidiary of Eastern Utilities Associates ("EUA"), a registered holding company, and EUA having filed an application and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b), 7 and 12 thereof and Rule U-50 of the rules and regulations promulgated thereunder, regarding the issuance and sale by Blackstone of $5,800,000 principal amount of First Mortgage and Collateral Trust Bonds, __ Percent Series, due 1983, pursuant to the competitive bidding requirements of Rule U-50; and

The Commission, by orders dated April 13, 1953 and April 22, 1953 having granted the application, as then amended, but having reserved jurisdiction with respect to all legal fees and expenses to be paid in connection with the proposed transactions, including expenses for qualification of the bonds under Blue Sky Laws and fees and expenses of counsel for the underwriters; and

The record with respect to such fees and expenses having now been completed and it appearing that Blackstone proposes to pay to its counsel, Gaston, Snow, Rice & Boyd, Edwards & Angell, and Edward A. Stockwell, the sums of $4,000, $6,000 and $2,000 respectively; and that the fee of Ropes, Gray, Best, Coolidge & Rugg as counsel for the underwriters is $5,000, in addition to which Blackstone will pay to said firm not to exceed $1,250 as fees and expenses for qualification of the bonds under Blue Sky Laws; and

It appearing that such fees and expenses are not unreasonable; and that the services of Ropes, Gray, Best, Coolidge & Rugg in connection with the qualification of the bonds under Blue Sky Laws were performed prior to the Commission's announced objections to the practice of dual employment in the case of underwriters counsel (See Brockton Edison Company, Holding Company Act Release No. 11832, April 8, 1953):

It is ordered, That the jurisdiction over fees and expenses reserved in the Commission's orders of April 13 and April 22, 1953, be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-5894; Filed, July 3, 1953; 8:46 a. m.]

[File No. 70-3085]

NEW ENGLAND ELECTRIC SYSTEM AND MYSTIC POWER CO.

ORDER AUTHORIZING ISSUE AND SALE BY SUBSIDIARY TO PARENT OF CAPITAL STOCK

JUNE 30, 1953.

New England Electric System ("NEES"), a registered holding company, and its public-utility subsidiary company, The Mystic Power Company ("Mystic"), having filed a joint application-declaration and amendments thereto with this Commission, pursuant to sections 6 (b), 9 (a) and 10 of the Public Utility Holding Company Act of 1935 (the "act") and Rules U-23, U-24 and U-42 (b) (2) promulgated thereunder, with respect to the following transactions:

Mystic proposes to issue and sell 5,000 shares of additional capital stock, par value $100 each, at a price of $100 per share, and to issue rights to its shareholders to subscribe for such shares.

Mystic presently has outstanding 10,000 shares of capital stock, all of which, except nine qualifying shares held by Mystic's directors, are owned by NEES. The directors will assign their subscription rights to NEES which will use available cash to purchase all of the additional shares proposed to be issued. The Public Utilities Commission of Connecticut, the State commission of the State in which Mystic is organized and doing business, has expressly authorized the proposed issuance of common stock by Mystic. The joint application-declaration states that no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The applicants request that the order of this Commission be made effective forthwith upon issuance.

Mystic presently has outstanding an aggregate of $425,000 principal amount of 3¼ percent notes payable to banks and is authorized by this Commission to issue an additional $75,000 of such notes on or before June 30, 1953. Mystic will use the net proceeds to be derived from the proposed sale of additional common shares to pay off its then outstanding note indebtedness to banks and the balance remaining, if any, will be applied by Mystic to the payment of construction expenditures or reimbursement of the treasury therefor.

Total expenses to be borne by Mystic for services performed in connection with the proposed sale of said common shares are estimated at $1,775. The ap-

plication-declaration states that such estimate includes $700 for services rendered at the actual cost thereof by New England Power Service Company, an affiliated service company. The cost to NEES for services to be rendered by such service company is estimated not to exceed $300.

Due notice having been given of the filing of the joint application-declaration, as amended, and a hearing not having been requested or ordered by the Commission and the Commission finding that the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said joint application-declaration, as amended, be granted, and permitted to become effective forthwith:

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

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-5895; Filed, July 3, 1953; 8:46 a. m.]

[File No. 70-3081]

NATIONAL FUEL GAS CO. ET AL.

ORDER AUTHORIZING ISSUANCE AND SALE OF NOTES BY PARENT COMPANY TO BANK AND ISSUANCE AND SALE OF COMMON STOCK BY ONE SUBSIDIARY AND OF NOTES BY THREE SUBSIDIARIES TO PARENT

JUNE 30, 1953.

In the matter of National Fuel Gas Company, Iroquois Gas Corporation, Pennsylvania Gas Company, United Natural Gas Company, the Sylvania Corporation, File No. 70-3081.

National Fuel Gas Company ("National"), a registered holding company, and its public utility subsidiaries, Iroquois Gas Corporation ("Iroquois"), Pennsylvania Gas Company ("Pennsylvania") and United Natural Gas Company ("United"), and its non-utility subsidiary, the Sylvania Corporation ("Sylvania") having filed a joint application-declaration, and amendments thereto, pursuant to sections 6, 7, 9, 10 and 12 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-43 promulgated thereunder, with respect to the following transactions:

Pursuant to a Credit Agreement, dated May 26, 1953, with the Chase National Bank of the City of New York, National proposes to borrow, from time to time, up to and including December 31, 1953, amounts not to exceed the aggregate of $8,000,000. Said borrowings will be evidenced by promissory notes dated as of the date of each such borrowing, maturing on July 15, 1955, and bearing interest at the rate of 3¼ percent per annum to and including July 14, 1954 and at the rate of 3½ per annum thereafter. The notes may be prepaid, in whole or in part, at any time, without penalty, unless prepayment is made directly or indirectly from the proceeds, or in anticipation, of any bank borrowing, in which event the company is required to pay a premium of ½ of 1 percent of the amount prepaid. National is to pay a commitment fee, computed at the rate of ⅜ of 1 percent per annum from July 15, 1953, on the unused portion of the bank's commitment. National proposes to use the proceeds from these borrowings to purchase capital stock of or to make loans to its subsidiaries in accordance with the transactions described below.

Iroquois proposes to issue and sell to National (the holder of all the outstanding capital stock of Iroquois), and National proposes to purchase from Iroquois from time to time as funds are needed by Iroquois, additional shares of common stock not to exceed in the aggregate 32,000 at a price equal to its par value of $100 per share, or an aggregate price of $3,200,000. Iroquois will use the funds from such sale to cover in part the cost of construction work and to purchase natural gas for underground storage during 1953. Iroquois estimates that its construction program for 1953 will require expenditures of $3,610,000.

Pursuant to Credit Agreements dated May 25, 1953, Pennsylvania and United propose to issue and sell to National, from time to time to December 31, 1953, unsecured promissory notes not to exceed the aggregate respective amounts of $2,000,000 and $2,550,000. The notes will bear the same date of maturity and the same rate of interest as the notes to be issued by National to the bank. Pennsylvania and United will use the proceeds from the sale of their notes to make additions to their utility plants in 1953 and to purchase additional gas for underground storage. The companies' construction requirements for 1953 are estimated at $1,991,000 for Pennsylvania and $4,224,000 for United.

Pursuant to a Credit Agreement dated May 25, 1953, Sylvania proposes to issue and sell to National, from time to time to December 31, 1953, two unsecured promissory notes in the aggregate amount of $250,000. Each such note will be in the principal amount of $125,000, and the first note will mature on June 1, 1958, and the other note on June 1, 1959. Both notes will bear interest at the rate of 3¼ percent per annum up to and including July 14, 1954, and at the rate of 3½ percent per annum thereafter. Sylvania will use the proceeds from the sale of such notes to make additions to its plant in 1953. The company's construction requirements for 1953 are estimated at $1,089,100.

The subsidiaries have the option to prepay any note to National, in whole or in part, at any time, upon paying all interest accrued on the principal amount so prepaid to the date of its prepayment.

The application-declaration states that National intends to finance the repayment of any loans, issued pursuant to the above Credit Agreement and outstanding before maturity date, with the issuance and sale of common capital stock and/or long-term debenture bonds, and that Pennsylvania and United intend to finance the payment of their promissory notes to National, issued pursuant to the Credit Agreement herein and outstanding on or before maturity date, with the issuance and sale of common capital stock.

The New York Public Service Commission, by Order dated May 26, 1953, authorized the proposed issuance and sale of additional shares of common stock by Iroquois subject to the condition that said stock be sold not later than September 30, 1953. The Pennsylvania Public Utility Commission, by Order dated June 16, 1953, authorized the registration of Securities Certificates by Pennsylvania and United in respect to the issuance and sale of their promissory notes.

The application-declaration states that no commissions are to be paid in connection with the proposed transactions, and that expenses to be incurred by applicants-declarants in connection with such transactions will aggregate approximately $12,790, including legal fees of $4,200.

It is requested that the Commission's order herein become effective upon its issuance.

Due notice having been given of the filing of the application-declaration and a hearing not having been requested or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective forthwith without the imposition of terms and conditions, other than those prescribed in Rule U-24:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that said application-declaration, as amended, be, and it hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-5893; Filed, July 3, 1953; 8:46 a. m.]

[File No. 70-3096]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN NATURAL GAS CO.

NOTICE OF PROPOSED SALE OF COMMON STOCK, AND ISSUANCE OF COMMON STOCK DIVIDEND, BY SUBSIDIARY TO PARENT COMPANY

JUNE 30, 1953.

Notice is hereby given that Wisconsin Electric Power Company ("Wisconsin Electric"), a registered holding company, and its wholly-owned subsidiary,

Wisconsin Natural Gas Company ("Wisconsin Gas"), a gas utility corporation organized and operating in the State of Wisconsin, have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("the act"), designating sections 6 (a), 6 (b), 7, 9 and 10 of the act and Rule U-43 thereunder as applicable to the proposed transactions, which are summarized as follows:

Wisconsin Gas proposes to issue an additional 100,000 shares of its Common Stock, of the par value of $20 per share, 50,000 of such shares to be sold to Wisconsin Electric for $1,000,000 cash, and the remaining 50,000 shares to be declared and delivered to Wisconsin Electric as a stock dividend.

It is stated that Wisconsin Gas will use the $1,000,000 cash to meet its need for additional capital funds for its 1953 construction program, to pay a bank loan of $380,000 due August 15, 1953, and to reimburse its treasury for capital expenditures previously made; that at March 31, 1953 Wisconsin had earned surplus amounting to $2,520,620, which is substantially in excess of the company's needs, and that $1,222,429 of such amount is restricted against any distribution other than as a stock dividend by the terms of its Mortgage Indenture; that the transactions will provide Wisconsin Gas with needed cash and in addition will improve its capital structure by increasing its common stock equity and dedicating to capital $1,000,000 of its earned surplus.

Wisconsin Gas expects to file by amendment an order of the Wisconsin Public Service Commission authorizing the issuance of securities as proposed.

It is stated that no fees, commissions or remuneration other than routine expenses will be paid in connection with the transactions.

It is requested that the Commission's order be made effective forthwith upon issuance.

Notice is further given that any interested person may, not later than July 13, 1953 at 5:30 p. m., e. d. s. t., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-5890; Filed, July 3, 1953; 8:45 a. m.]

[File No. 70-3097]

WEST TEXAS UTILITIES CO. AND CENTRAL AND SOUTH WEST CORP.

NOTICE OF FILING REGARDING RECLASSIFICATION OF COMMON STOCK AND SALE OF ADDITIONAL SHARES TO PARENT

JUNE 30, 1953.

Notice is hereby given that Central and South West Corporation ("Central"), a registered holding company, and its public-utility subsidiary company, West Texas Utilities Company ("West Texas") have filed an application-declaration, pursuant to sections 6 (a), 7, 9 (a), 10 and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-43 promulgated thereunder, with this Commission with respect to certain proposed transactions which are summarized below:

West Texas proposes, by amendment to its charter, to change the number of authorized shares of its common stock from 374,500 shares without nominal or par value into 1,400,000 shares of the par value of $10 each, and to change the 260,000 outstanding shares without nominal or par value of its common stock (having an aggregate stated value of $13,000,000) into 1,300,000 shares of the par value of $10 each. Upon the adoption of the proposed charter amendment, West Texas will issue and deliver to Central, as its sole common stockholder, certificates representing 1,300,000 shares of its common stock of the par value of $10 each in exchange for and upon surrender for cancellation of its certificates representing the 260,000 outstanding shares of its common stock without nominal or par value.

Also West Texas proposes to issue and sell to Central, and Central proposes to purchase, at a price of $10 per share, 100,000 shares of its common stock of the par value of $10 each. The proceeds of the sale of such additional common shares will be used by West Texas in connection with its construction program and other corporate requirements.

It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

It is estimated that the expenses of West Texas in connection with the issue and sale of shares of the common stock will aggregate approximately $1,150 and that the expenses of Central will be nominal.

Notice is further given that any interested person may, not later than July 20, 1953, at 5:30 p. m., e. d. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said filing which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after July 20, 1953, such application-declaration, as filed or as amended, may be granted, or permitted to become effective, as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-5892; Filed, July 3, 1953; 8:46 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation No. 4]

EDIBLE TREE NUTS

NOTICE OF PUBLIC HEARING

The United States Tariff Commission, on the 30th day of June 1953, ordered a public hearing in the above entitled investigation to be held on the 24th day of August 1953 at 10 a. m., e. d. s. t., in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C. The purpose of the hearing is to receive information and views from interested parties as to programs of the United States Department of Agriculture which will be in operation for the crop year 1953–54 with respect to almonds, filberts, walnuts, or pecans, and on the question as to what action, if any, should be taken under section 22 with respect to imports of almonds, filberts, walnuts, Brazil nuts, or cashews.

Request to appear. Interested parties desiring to appear and to be heard at the public hearing should notify the Secretary of the Commission in writing at its offices in Washington, D. C., in advance of the date set for the hearing.

History of investigation. The Tariff Commission investigation relating to imports of almonds, filberts, walnuts, Brazil nuts, and cashews was instituted under section 22 of the Agricultural Adjustment Act on April 13, 1950. The Commission made an interim report on the investigation to the President on November 24, 1950. At that time the Commission found no basis for the imposition of restrictions under section 22 on imports of any of the commodities covered by the investigation. The investigation was continued, however, and, after a public hearing held in September 1951, the Commission made another report to the President. On December 10, 1951, the President issued a proclamation giving effect to the Commission's recommendation in the latter report. The proclamation imposed a fee, in addition to the duties imposed under the Tariff Act of 1930, on imports of certain almonds entered, or withdrawn from warehouse, for consumption during the period October 1, 1951, to September 30, 1952, inclusive.

Subsequently, after a public hearing held in July 1952, the Commission made another report to the President on the basis of which two proclamations were issued under dates of September 27, 1952, and June 10, 1953, respectively, giving effect to the Commission's recommendations. The proclamation of September

27, 1952, imposed fees, in addition to the duties imposed under the tariff act, on certain almonds entered, or withdrawn, for consumption during the period October 1, 1952, to September 30, 1953, inclusive. The proclamation of June 10, 1953, limited to 4,500,000 pounds the quantity of shelled filberts which may be entered, or withdrawn, for consumption during the period October 1, 1952, to September 30, 1953.

As in the case of the 1951 report, the Commission in the 1952 report advised the President that it was continuing the investigation and would keep in close touch with developments with respect to the Department of Agriculture's program for tree nuts and of the marketing conditions for these commodities, and that it would report to the President regarding any later action which may be found to be necessary to carry out the purposes of section 22 of the Agricultural Adjustment Act, as amended.

I hereby certify that the above hearing was ordered by the United States Tariff Commission on the 30th day of June 1953.

Issued: July 1, 1953.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 53-5922; Filed, July 3, 1953; 8:53 a. m.]

[List No. D-7-8]

EMCO SALES CORP.

COMPLAINT DISMISSED

JULY 1, 1953.

Complaint as listed below heretofore filed with the Tariff Commission for investigation under the provisions of section 337 of the Tariff Act of 1930 has been dismissed.

Name of article	Purpose of request	Date received	Name and address of complainant
Multiple compartment cooking pan.	Exclusion from entry.	1-27-53..	Edward I. Utz (Emco Sales Corp.), Dayton, Ohio.

By direction of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 53-5931; Filed, July 3, 1953; 8:54 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

EUGENE GERMAIN PAUL MOPIN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Eugene Germain Paul Mopin, Levallois-Perret (Seine) France, Claim No. 41395; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent Nos. 1,999,819; 2,014,087; 2,047,644; 2,077,950; and 2,082,116.

Executed at Washington, D. C., on June 29, 1953.

For the Attorney General.

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

[F. R. Doc. 53-5919; Filed, July 3, 1953; 8:52 a. m.]

ADUANAS PUJOL-RUBIO, S. A.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Aduanas Pujol-Rubio, S. A., Pasaje de la Paz N. 11, Barcelona, Spain, Vesting Order No. 1630; Claim No. 5098; $18,024.52 in the Treasury of the United States.

Executed at Washington, D. C., on June 29, 1953.

For the Attorney General.

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

[F. R. Doc. 53-5921; Filed, July 3, 1953; 8:53 a. m.]

ANTONIO GUERRA ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Antonio Guerra, Novara, Italy, Albina Guerra Maggini, Novara, Italy, Giuseppe Guerra, Novara, Italy, Giuseppina Guerra, Novara, Italy, Celesta Guerra Pencini, Novara, Italy, Riccardo Guerra, Novara, Italy, Carolina Guerra Maggini, Novara, Italy; Claim No. 40075; the following cash amounts in the Treasury of the United States: $1,374.28 to Antonio Guerra, $1,374.28 to Albina Guerra Maggini, $2,748.56 to Giuseppe Guerra, $2,748.56 to Giuseppina Guerra, $2,748.56 to Celesta Guerra Pencini, $2,748.56 to Riccardo Guerra, $2,748.56 to Carolina Guerra Maggini.

Executed at Washington, D. C., on June 29, 1953.

For the Attorney General.

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

[F. R. Doc. 53-5918; Filed, July 3, 1953; 8:52 a. m.]

JAN KIELLAND

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Jan Kielland, Oslo, Norway, Claim No. 35474; property described in Vesting Order No. 294 (7 F. R. 9840, November 26, 1942), relating to United States Patent Application Serial No. 393,133 (now United States Letters Patent No. 2,369,577).

Executed at Washington, D. C., on June 29, 1953.

For the Attorney General.

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

[F. R. Doc. 53-5920; Filed, July 3, 1953; 8:52 a. m.]