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VOLUME 28 NUMBER 228

Washington, Friday, November 22, 1963

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Price: $5.75

Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, Government Printing Office, Washington, D.C., 20402

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402.

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Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63–EA–14]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zones and Designation of Transition Areas

On August 28, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 9438) stating that the Federal Aviation Agency proposed to alter the Greater Pittsburgh, Pa., Allegheny County, Pa., and Wheeling, W. Va., control zones, and designate transition areas at Pittsburgh, Wheeling, Washington, Pa., Butler, Pa., and St. Clairsville, Ohio.

Interested person were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

Subsequent to the publication of the notice, the FAA has been advised by the Washington County, Pa., Airport authorities that funds are not available at this time for the commissioning and maintaining of the proposed Washington County radio beacon. Therefore, the FAA is deleting the designation of the Washington County transition area from this docket and it will be proposed for designation at a later date.

The substance of the proposed amendments having been published and for the reasons stated herein and in the Notice, the following actions are taken:

1. In § 71.171 (27 F.R. 220–91, November 10, 1962), the Pittsburgh, Pa. (Greater Pittsburgh), control zone is amended to read:

Pittsburgh, Pa. (Greater Pittsburgh)

Within a 6-mile radius of Greater Pittsburgh Airport (latitude 40°29'35" N., longitude 80°14'25" W.); within 2 miles each side of the Runway 10–L–ILS localizer W course, extending from the 6-mile radius zone to the OM; within 2 miles each side of the Imperial, Pa., VORTAC 292° radial, extending from the 6-mile radius zone to 8 miles W of the VORTAC, and within 2 miles S and 3 miles N of the Runway 28–L–ILS localizer E course, extending from the 6-mile radius zone to the OM.

2. In § 71.171 (27 F.R. 220–91, November 10, 1962), the Wheeling, W. Va., control zone is amended to read:

Wheeling, W. Va.

Within a 5-mile radius of Wheeling-Ohio County Airport (latitude 40°10'25" N., longitude 80°38'55" W.); within 2 miles each side of the Wheeling VOR 216° radial, extending from the 5-mile radius zone to the VOR, and within 2 miles each side of the Wheeling ILS localizer SW course, extending from the 5-mile radius zone to the OM.

3. Section 71.181 (27 F.R. 220–139, November 10, 1962) is amended by adding the following transition areas:

Pittsburgh, Pa.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Greater Pittsburgh Airport (latitude 40°29'35" N., longitude 80°14'25" W.); within an 8-mile radius of Allegheny County Airport, Pittsburgh, Pa. (latitude 40°21'15" N., longitude 79°55'40" W.), and the airspace within tangent lines extending from the Greater Pittsburgh 8-mile radius area to the Allegheny County 8-mile radius area; within 2 miles each side of the Greater Pittsburgh Runway 10–R–ILS localizer W course, extending from the Greater Pittsburgh 8-mile radius area to 8 miles W of the Clinton, Pa., RBN; within 2 miles each side of the 272° bearing from the Greater Pittsburgh Runway 10–L–ILS OM, extending from the Greater Pittsburgh 8-mile radius area to 8 miles W of the OM, and within 2 miles each side of the Pittsburgh RBN 257° bearing, extending from the Allegheny County 8-mile radius area to 8 miles W of the RBN; and that airspace extending upward from 1,200 feet, above the surface within a 37-mile radius of the Imperial, Pa., VORTAC, extending clockwise from the 249° to the 202° radials; within a 60-mile radius of the Imperial VORTAC, extending clockwise from the 202° to the 249° radials, excluding the portion N of a line extending from latitude 40°56'40" N., longitude 80°-36'00" W., to latitude 40°57'00" N., longitude 80°30'00" W., to latitude 41°01'00" N., longitude 80°08'00" W.

Wheeling, W. Va.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Wheeling-Ohio County Airport (latitude 40°10'25" N., longitude 80°38'55" W.); within 2 miles each side of the Wheeling VOR 036° and 216° radials, extending from the 7-mile radius area to 8 miles NE of the VOR, and within 2 miles each side of the Wheeling ILS localizer SW course, extending from the 7-mile radius area to 8 miles SW of the OM.

Butler, Pa.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Butler-Graham Airport (latitude 40°46'45" N., longitude 79°56'55" W.), and within 2 miles each side of the Butler RBN 180° and 002° bearings, extending from the 5-mile radius area to 8 miles S of the RBN.

St. Clairsville, Ohio.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Alderman Field, St. Clairsville, Ohio (latitude 40°03'25" N., longitude 80°57'55" W.), and within 2 miles each side of the Bellaire, Ohio, VOR 291° radial, extending from the 5-mile radius area to the VOR.

These amendments shall become effective 0001 e.s.t., February 6, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 15, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–12189; Filed, Nov. 21, 1963; 8:45 a.m.]

[Airspace Docket No. 63–WE–36]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone and Designation of Transition Area

On August 28, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 9439) stating that the Federal Aviation Agency proposed to alter the Stockton, Calif., control zone and designate the Stockton transition area.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. In § 71.171 (27 F.R. 220–91, November 10, 1962) the Stockton, Calif., control zone is amended to read:

Stockton, Calif.

Within a 5-mile radius of Stockton Municipal Airport (latitude 37°53'45" N., longitude 121°14'10" W.); within 2 miles each side of the Stockton VORTAC 321° radial, extending from the 5-mile radius zone to the VORTAC, and within 2 miles each side of the Stockton ILS localizer SE course, extending from the 5-mile radius zone to 1 mile NW of the OM.

2. Section 71.181 (27 F.R. 220–139, November 10, 1962) is amended by adding the following:

Stockton, Calif.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Stockton ILS localizer SE course, extending from the OM to 1 mile NW of the OM; within 2 miles each side of the Stockton VORTAC 140° radial, extending from the VORTAC to 8 miles SE of the VORTAC, and within a 12-mile radius of the Stockton VORTAC, extending from the arc of a 5-mile radius circle centered on the Stockton Municipal Airport (latitude 37°53'45" N., longitude 121°14'10" W.) clockwise from a line 2 miles SW of and parallel to the Stockton VORTAC 303° radial to a line 2 miles NE of and parallel to the Stockton VORTAC 334° radial; and that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 120°04'00" W., on the SE by a line extending from latitude 37°52'00" N., longitude 120°04'00" W., to latitude 37°38'00" N., longitude 121°-00'00" W., on the S by latitude 37°38'00" N., on the W by longitude 121°37'00" W., and on the N by latitude 38°07'00" N.

These amendments shall become effective 0001 e.s.t., January 9, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 15, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–12190; Filed, Nov. 21, 1963; 8:45 a.m.]

[Airspace Docket No. 63–CE–81]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone, Designation of Transition Areas and Revocation of Control Area Extension

On September 13, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 9948) stating that the Federal Aviation Agency proposed to alter the Green Bay, Wis., control zone, revoke the Green Bay control area extension and designate transition areas at Green Bay, Appleton, Wis., Clintonville, Wis., and Manitowoc, Wis.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. Due consideration was given to all relevant matter presented.

Comments were received from the Air Transport Association of America (ATA) and the Aircraft Owners and Pilots Association (AOPA). The AOPA concurred with the proposed actions. The ATA objected to the following items:

1. The reduction of the Green Bay control zone radius area from 5 miles to 4 miles.

2. The derogation of the ILS approach procedure to Runway 24 by requiring a procedure turn from the holding pattern.

The ATA also suggested that the Clintonville transition area be squared off for compatibility with the Green Bay transition area and that the 700-foot transition areas at Green Bay, Appleton and Oshkosh, Wis., be linked together to preclude pilot confusion and eliminate the escalator type operation between these areas.

The FAA, having studied these objections, has determined that:

1. The proposed 4-mile control zone represents the maximum amount of controlled airspace required to protect all operations conducted at the Green Bay Airport and in addition, the reduced radius will permit operations at the Marinair, Wis., Seaplane Base without confliction with the control zone.

2. The designation of the transition area at Green Bay is not responsible for the derogation of the ILS approach procedure. A review of the approach procedure shows that this requirement for a procedure turn now exists and that the Stadium Intersection cannot be relocated to a position further from the end of the runway to eliminate the restriction.

3. The transition areas with floors of 700 feet above the surface for Appleton, Clintonville, Green Bay and Oshkosh represent the maximum amount of controlled airspace required to protect aircraft executing prescribed instrument procedures at these locations. The designation of transition areas as suggested by ATA is not in accordance with the intent of the CAR Amendments 60–21/60–29 implementation program which designates only that amount of controlled airspace needed to protect instrument operations.

Therefore, action is taken herein to adopt the changes as proposed in the notice.

The substance of the proposed amendments having been published, and for the reasons stated herein and in the notice, the following actions are taken:

1. In § 71.171 (27 F.R. 220–91, November 10, 1962), the Green Bay, Wis., control zone is amended to read:

Green Bay, Wis.

Within a 4-mile radius of Austin-Straubel Airport, Green Bay, Wis. (latitude 44°29'15" N., longitude 88°07'45" W.); within 2 miles each side of the Green Bay VORTAC 146° radial, extending from the 4-mile radius zone to the VORTAC; within 2 miles each side of the Green Bay ILS localizer SW course, extending from the 4-mile radius zone to the OM, and within 2 miles each side of the ILS localizer NE course, extending from the 4-mile radius zone to 11 miles NE of the airport.

2. In § 71.165 (27 F.R. 220–59, November 10, 1962), the following control area extension is revoked: "Green Bay, Wis."

3. Section 71.181 (27 F.R. 220–139, November 10, 1962) is amended by adding the following transition areas:

Manitowoc, Wis.

That airspace extending upward from 700 feet above the surface within a 4-mile radius of Manitowoc Airport (latitude 44°07'30" N., longitude 87°40'45" W.) and within 5 miles E and 8 miles W of the 351° bearing from the airport, extending from the airport to 12 miles N of the airport.

Clintonville, Wis.

That airspace extending upward from 700 feet above the surface within 8 miles SW and 5 miles NE of the 128° and 308° bearings from the Clintonville Airport (latitude 44°36'50" N., longitude 88°43'50" W.), extending from 2 miles SE to 12 miles NW of the airport, and within 8 miles NE and 5 miles SW of the 146° bearing from the airport, extending from the airport to 12 miles SE of the airport.

Appleton, Wis.

That airspace extending upward from 700 feet above the surface within a 4-mile radius of Outagamie County Airport, Appleton, Wis. (latitude 44°17'05" N., longitude 88°21'55" W.), and within 2 miles each side of the 089° bearing from the airport, extending from the 4-mile radius area to 8 miles E of the airport.

Green Bay, Wis.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Austin-Straubel Airport, Green Bay, Wis. (latitude 44°29'15" N., longitude 88°07'45" W.); within 2 miles each side of the Green Bay VORTAC 326° radial, extending from the 6-mile radius area to 8 miles NW of the VORTAC, and within 2 miles each side of the Green Bay ILS localizer SW course, extending from the 6-mile radius area to 8 miles SW of the OM; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 44°32'00" N., longitude 87°46'20" W., thence E to latitude 44°32'00" N., longitude 87°27'00" W., thence S along longitude 87°27'00" W., to latitude 44°08'00 N., thence SW to latitude 44°02'00" N., longitude 87°-40'00" W., thence W along latitude 44°02'00" N., to the W boundary of V–217, thence NW along the W boundary of V–217 to latitude 44°12'00" N., thence W along latitude 44°-12'00" N., to longitude 88°25'30" W., thence counterclockwise along the arc of a 16-mile radius circle centered on the Winnebago County Airport, Oshkosh, Wis. (latitude 43°59'20" N., longitude 88°33'15" W.) to longitude 88°37'00" W., thence N along longitude 88°37'00" N., to latitude 44°27'30" N., thence NE to latitude 44°31'20" N., longitude 88°29'55" W. thence clockwise via the arc of an 18-mile radius circle centered on the Austin-Straubel Airport to the point of beginning.

These amendments shall become effective 0001 e.s.t., January 9, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 15, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–12191; Filed, Nov. 21, 1963; 8:45 a.m.]

[Airspace Docket No. 63–EA–55]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zones, Revocation of Control Area Extensions and Designation of Transition Area

On September 13, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 9949) stating that the Federal Aviation Agency proposed to alter the Buffalo and Niagara Falls, N.Y., control zones, revoke the Buffalo and Niagara Falls control area extensions and designate the Buffalo transition area.

Interested persons were afforded an opportuinty to participate in the rule-making through submission of comments. All comments received were favorable.

Subsequent to publication of the notice, the prescribed ADF–1 instrument approach procedure has been revised to eliminate the requirement for the northeast control zone extension as proposed. However, a portion of this extension will continue to be required to provide protection for aircraft executing the prescribed ADF approach based on the Buffalo RBN. Accordingly, action is taken herein to designate the Buffalo control zone northeast extension as that airspace within 2 miles each side of the Buffalo RBN 042° bearing, extending from the 5-mile radius zone to 8 miles northeast of the RBN.

The substance of the proposed amendments having been published and for reasons stated herein and in the notice, the following actions are taken:

1. In § 71.171 (27 F.R. 220–91, November 10, 1962), the Niagara Falls, N.Y., control zone is amended to read:

Niagara Falls, N.Y.

Within a 5-mile radius of Niagara Falls Municipal Airport (latitude 43°06'20" N., longitude 78°56'55" W.), and within 2 miles each side of Niagara Falls ILS localizer E course, extending from the 5-mile radius zone to the OM, excluding the portion outside the United States.

2. In § 71.171 (27 F.R. 220–91, November 10, 1962), the Buffalo, N.Y., control zone is amended to read:

Buffalo, N.Y.

Within a 5-mile radius of Greater Buffalo International Airport (latitude 42°56'25" N., longitude 78°43'50" W.); within 2 miles each side of the Buffalo VORTAC 099° radial, extending from the 5-mile radius zone to 7 miles E of the VORTAC; within 2 miles each side of the Buffalo RBN 042° bearing, extending from the 5-mile radius zone to 8 miles NE of the RBN, and within 2 miles

each side of the Buffalo ILS localizer SW course, extending from the 5-mile radius zone to 7 miles SW of the Cheektowaga, N.Y., FM, excluding the portion within a 1-mile radius of Buffalo Airpark (latitude 42°51'40" N., longitude 78°43'00" W.).

3. Section 71.165 (27 F.R. 220–59, November 10, 1962) is amended by revoking the following control area extensions:

Buffalo, N.Y.
Niagara Falls, N.Y.

4. Section 71.181 (27 F.R. 220–139, November 10, 1962) is amended by adding the following:

Buffalo, N.Y.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Niagara Falls, N.Y., Municipal Airport (latitude 43°06'20" N., longitude 78°-56'55" W.); within a 7-mile radius of the Greater Buffalo International Airport (latitude 42°56'25" N., longitude 78°43'50" W.); within a 4-mile radius of Buffalo Airpark (latitude 42°51'40" N., longitude 78°43'00" W.); within 5 miles S and 8 miles N of Niagara Falls ILS localizer E course, extending from the OM to 14 miles E of the OM; within 8 miles NW and 7 miles SE of the Buffalo ILS localizer NE course, extending from the OM to 12 miles NE of the OM; within 8 miles N and 5 miles S of the Buffalo VORTAC 099° radial, extending from the VORTAC to 12 miles E of the VORTAC, and within 2 miles each side of the Buffalo ILS localizer SW course, extending from the Buffalo 7-mile radius area to 8 miles SW of the Cheektowaga, N.Y., FM; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 43°38'00" N., longitude 78°41'00" W., to latitude 43°21'00" N., longitude 78°-00'00" W., to latitude 43°06'00" N., longitude 78°21'00" W. to latitude 42°32'00" N., longitude 78°21'00" W., to latitude 42°32'00" N., longitude 78°52'00" W., to latitude 42°37'00" N., longitude 79°15'00" W., to latitude 42°-41'00" N., longitude 79°19'30" W. thence via the United States/Canadian border to the point of beginning, excluding the portion outside the United States.

These amendments shall become effective 0001 e.s.t., January 9, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 15, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–12192; Filed, Nov. 21, 1963; 8:45 a.m.]

[Airspace Docket No. 63–WE–2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone and Transition Areas

On September 14, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 9994) stating that the Federal Aviation Agency proposed to alter the control zone and transition area at Lemoore, Calif.

Interested persons were afforded an opportunity to participate in the rulemaking through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. Section 71.171 (27 F.R. 220–91, November 10, 1962), the Lemoore, Calif., control zone is amended to read:

Lemoore, Calif.
Within a 6-mile radius of NAS Lemoore (latitude 36°20'00" N., longitude 119°57'04" W.); within 2 miles each side of the Lemoore TACAN 336° and 356° radials, extending from the 6-mile radius zone to 8 miles NW and N of the TACAN, and within 2 miles each side of the Lemoore TACAN 156° radial, extending from the 6-mile radius zone to 8 miles SE of the TACAN.

2. In § 71.181 (27 F.R. 220–139, November 10, 1962), the Lemoore, Calif., transition area is amended to read:

Lemoore, Calif.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the NAS Lemoore TACAN; and that airspace extending upward from 1,200 feet above the surface bounded on the E by a line extending from latitude 36°46'00" N., longitude 120°03'50" W., to latitude 36°37'-00" N., longitude 119°56'00" W., to latitude 36°37'00" N., longitude 119°44'10" W., thence S along the W boundary of V–23 to longitude 119°30'00" W., thence to latitude 35°-43'50" N., longitude 119°30'00" W., on the S by latitude 35°43'50" N., on the W by V–485 S of the Priest, Calif., VOR and V–113 N of the Priest VOR, and on the N by V–230.

3. In § 71.181 (27 F.R. 220–139, November 10, 1962), the Priest, Calif., transition area is amended to read:

Priest, Calif.
That airspace extending upward from 1,200 feet above the surface bounded on the E by V–107, on the S by latitude 35°55'00" N. and the arc of a 20-mile radius circle centered on the Paso Robles, Calif., VOR, on the W by V–25 E, and on the N by V–111, excluding the portion within the Lemoore, Calif., transition area.

These amendments shall become effective 0001 e.s.t., January 9, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 15, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–12193; Filed, Nov. 21, 1963; 8:45 a.m.]

[Airspace Docket No. 63–CE–95]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airways

On August 31, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 9646), stating that the Federal Aviation Agency proposed to amend Part 71 [New] of the Federal Aviation Regulations by extending VOR Federal airways Nos. 53 and 128 between Peotone, Ill., and Chicago-O'Hare, Ill.

Interested persons were afforded an opportunity to participate in the rulemaking through submission of comments. All comments were favorable.

In consideration of the foregoing, the following actions are taken:

Section 71.123 (27 F.R. 220–6, November 10, 1962) is amended as follows:

1. In V–53 "and Joliet, Ill., 056° radials." is deleted and "and Chicago-O'Hare, Ill., 153° radials; to Chicago-O'Hare." is substituted therefor.

2. In V–128 "From INT of Joliet, Ill., 056° and Peotone, Ill., 003° radials via Peotone;" is deleted and "From Chicago-O'Hare, Ill., via INT Chicago-O'Hare 153° and Peotone, Ill., 003° radials; Peotone;" is substituted therefor.

These amendments shall become effective 0001 e.s.t., January 9, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 15, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–12194; Filed, Nov. 21, 1963; 8:45 a.m.]

[Airspace Docket No. 62–AL–18]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airways and Designation of Reporting Point

On June 5, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 5531) stating that the Federal Aviation Agency proposed to alter the VOR Federal airway No. 438 between Anchorage, Alaska, and Fairbanks, Alaska; to extend this airway from Nenana, Alaska, to Fort Yukon, Alaska; and to designate Fort Yukon as a reporting point.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. In § 71.125 (27 F.R. 220–36, November 10, 1962) the following changes are made:

(a) In V–438 "INT of Anchorage direct radial to Nenana, Alaska, and SW course of Fairbanks, Alaska, ILS localizer; Fairbanks ILS localizer; to Fairbanks ILS LMM, including a W alternate from INT of Anchorage direct radial to Nenana and Fairbanks ILS localizer SW course, to Fairbanks ILS LMM via Nenana, including the area within 16 miles either side of the centerline of the airway and its W alternate at and above 24,000 feet MSL from Anchorage to Fairbanks ILS LMM." is deleted and "Nenana, Alaska (beginning at 45 nmi from Anchorage increasing in width in graduated steps of one mile for every 5 nmi in length to 85 nmi from Anchorage, thence 19 miles wide to 85 nmi from Nenana, thence decreasing in graduated steps of one mile for every 5 nmi in length to 45 nmi from Nenana); Fort Yukon, Alaska

(beginning at 45 nmi from Nenana increasing in width in graduated steps on one mile for every 5 nmi in length to 60 nmi from Nenana, thence 14 miles wide to 60 nmi from Fort Yukon, thence decreasing in graduated steps of one mile for every 5 nmi in length to 45 nmi from Fort Yukon), including the area within 16 miles each side of the centerline of the airway at and above 24,000 feet from Anchorage to Fort Yukon." is substituted therefor.

(b) V–480 (28 F.R. 8448) is amended to read: "V–480 from McGrath, Alaska, via Nenana, Alaska (14-mile wide airway from 45 nmi from McGrath to 45 nmi from Nenana), to Fairbanks, Alaska, ILS LMM."

2. In §§ 71.211 and 71.213 (27 F.R. 220–174, 175, November 10, 1962) add: "Fort Yukon, Alaska."

These amendments shall become effective 0001 e.s.t., January 9, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 15, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–12195; Filed, Nov. 21, 1963; 8:45 a.m.]

[Airspace Docket No. 63–SW–67]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation and Alteration of Federal Airways

On August 31, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 9646) stating that the Federal Aviation Agency proposed to amend Part 71 [New] of the Federal Aviation Regulations by realigning V–17 airway segment from Bridgeport, Tex., via Duncan, Tex., and the intersection of the Duncan VOR 011° and the Oklahoma City, Okla., VOR 180° True radials to Oklahoma City; realign V–77 east alternate airway segment from Wichita Falls, Tex., via the intersection of the Wichita Falls VOR 047° and the Duncan VOR 248° True radials; Duncan; intersection of the Duncan VOR 011° and the Oklahoma City VOR 180° True radials to Oklahoma City; and revoke V–16 north alternate airway segment from Mineral Wells, Tex., to Sulphur Springs, Tex.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the notice, § 71.123 (27 F.R. 220–6, November 10, 1962, 27 F.R. 12439, 28 F.R. 2229, 2671, 3585, 6873, 8400, 9200, 10513, 11347) is amended as follows:

1. In V–16 "Sulphur Springs, Tex., including an N alternate from Mineral Wells to Sulphur Springs via INT of Mineral Wells 062° and Sulphur Springs 275° radials;" is deleted and "Sulphur Springs, Tex.;" is substituted therefor.

2. In V–17 "Oklahoma City, Okla.;" is deleted and "Duncan, Tex.; INT of Duncan 011° and Oklahoma City, Okla., 180° radials; Oklahoma City;" is substituted therefor.

3. In V–77 "including an E alternate from Wichita Falls to Oklahoma City via INT of Wichita Falls 043° and Oklahoma City 180° radials;" is deleted and "including an E alternate from Wichita Falls to Oklahoma City via INT of Wichita Falls 047° and Duncan, Tex., 248° radials, Duncan, INT of Duncan 011° and Oklahoma City 180° radials;" is substituted therefor.

These amendments shall become effective 0001 e.s.t., January 9, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 15, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–12196; Filed, Nov. 21, 1963; 8:45 a.m.]

[Airspace Docket No. 63–WE–55]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Federal Airways, Transition Areas and Reporting Points, Alteration of Control Area Extension

On September 5, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 9698), stating that the Federal Aviation Agency proposed to amend Part 71 [New] of the Federal Aviation Regulations by revoking the segment of VOR Federal airway No. 108 from Linden, Calif., to Currant, Nev., including its south alternate from Mina, Nev., to Currant; revoke VOR Federal airway No. 1732 from Linden to Scottsbluff, Nebr.; revoke Mina and Currant as low altitude reporting points; revoke Currant as an intermediate altitude reporting point; revoke the Mina and Big Trees, Calif., transition areas; and alter the Fresno, Calif., control area extension.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, the following actions are taken:

1. In § 71.123 (27 F.R. 220–6, November 10, 1962, 28 F.R. 2230), the following changes are made: In V–108 "Linden; Mina, Nev.; to Currant, Nev., including an S alternate from Mina to Currant via Tonopah, Nev." is deleted and "to Linden." is substituted therefor.

2. In § 71.143 (27 F.R. 220–38, November 10, 1962), V–1732 is revoked.

3. In § 71.203 (27 F.R. 220–157, November 10, 1962), Currant, Nev., and Mina, Nev., are revoked.

4. In § 71.205 (27 F.R. 220–165, November 10, 1962), Currant, Nev., is revoked.

5. In § 71.181 (27 F.R. 220–139, November 10, 1962), Big Trees, Calif., and Mina, Nev., are revoked.

6. In § 71.165 (27 F.R. 220–59, November 10, 1962) the following change is made: In Fresno, Calif., "on the N by V–108, on the E, NE and SE by a line extending from the INT of the S edge of V–108 and longitude 120°00′00″ W." is deleted and "on the N by a line 5 miles S of and parallel to the Linden VORTAC 077° radial, on the E, NE and SE by a line extending from the INT of a line 5 miles S of and parallel to the Linden VORTAC 077° radial and longitude 120°00′00″ W." is substituted therefor.

These amendments shall become effective 0001 e.s.t. January 9, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 15, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–12197; Filed, Nov. 21, 1963; 8:45 a.m.]

[Airspace Docket No. 63–SW–28]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Transition Area; Modification

On October 23, 1963, there was published in the FEDERAL REGISTER (28 F.R. 11303) an amendment to § 71.181 of the Federal Aviation Regulations. This amendment designated the Deming, N. Mex., transition area.

Subsequent to publication of the amendment, precise cartographic measurements, attendant to the production of aeronautical charts, has revealed that the length of the transition area extension with a floor of 700 feet above the surface, based on the Deming VOR 264° radial, is not sufficient to join the Deming control zone extension and the transition area extension as intended. Therefore, action is taken herein to redescribe this portion of the Deming transition area as extending from the Deming VOR to 3.2 miles west of the VOR.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the effective date of the final rule as initially adopted may be retained.

In consideration of the foregoing, effective immediately, Airspace Docket No. 63–SW–28 (28 F.R. 11303) is hereby modified as follows: In the description of the Deming, N. Mex., transition area "extending from the VOR to 2.5 miles W of the VOR," is deleted and "extending from the VOR to 3.2 miles W of the Deming VOR," is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 15, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–12198; Filed, Nov. 21, 1963; 8:45 a.m.]

[Airspace Docket No. 63-WE-118]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Transition Area

The purpose of this amendment to § 71.181 of the Federal Aviation Regulations is to revoke the Sand Creek, Wyo., transition area.

The Federal Aviation Agency has determined that the Sand Creek transition area is no longer required for air traffic control purposes and therefore is no longer justified as an assignment of controlled airspace. Action is taken herein to revoke the Sand Creek transition area.

Since the change effected by this amendment is less restrictive in nature than the present requirements, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, § 71.181 (27 F.R. 220-139, November 10, 1962) is amended by revoking the following transition area: "Sand Creek, Wyo."

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 15, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-12199; Filed, Nov. 21, 1963; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [New]

[Reg. Docket No. 2056; Amdt. 108]

PART 95—IFR ALTITUDES [NEW]

Miscellaneous Amendments

This amendment is adopted to provide safety in air commerce for IFR operations by prescribing the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes also assure navigational coverage that is adequate and free of frequency interference for such a route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and public procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 [New] (14 CFR Part 95 [New]) is amended as follows:

Section 95.1001 *Direct route—U.S.* is amended to delete:

From Abilene, Tex., LOM (via ABI LOM 040° bearing); to Clyde INT, Tex.; MEA 3,200.

From Barksdale, La., LF/RBN; to Int. 094° M rad, Shreveport VOR and 055° M bearing from Barksdale LF/RBN; MEA 1,800.

From Britton, Tex., VOR; to Lucas INT, Tex.; MEA 3,300.

From Carter, Tex., VOR; to Dallas, Tex., VOR; MEA 2,200.

From Carter, Tex., VOR; to Parker INT, Tex.; MEA 2,100.

From Carter, Tex., VOR; to Int. 070° M rad, Carter VOR and 088° M rad, Dallas VOR; MEA *2,800. *2,000—MOCA.

From Carter, Tex., VOR; to Joshu INT, Tex.; MEA 2,100.

From Grand Isle, La., LF/RBN; to New Orleans, La., LF/RBN; MEA 1,300.

From Gregg County, Tex., VOR; to Int. 255° GGG-VOR, and 175° UIM-VOR; MEA 2,100.

From Lawton, Okla., VOR; to Fort Sill, INT, Okla.; MEA 2,700.

From Heflin INT, Ala.; to Int. 097° M rad, Anniston VOR and 345° M rad, LaGrange VOR; MEA 2,600.

From Gulfport, Miss., VOR; to Dog INT, Miss.; MEA *2,700. *1,400—MOCA.

From Dallas, Tex., ILS/LOM; to Alvord INT, Tex.; MEA *2,600. *2,200—MOCA.

From Atlanta, Ga., LFR; to Rome, Ga., LFR; MEA 3,100.

From Clinton INT, Tenn.; to Rutledge INT, Tenn.; MEA 4,000.

From Georgetown INT, Tenn.; to Etowah INT, Tenn.; MEA 5,000.

From Royston, Ga., VOR; to Int. Greenwood, S.C., VOR 061° M rad, and Royston, VOR 087° M rad; MEA 4,000.

Section 95.1001 *Direct route—U.S.* is amended by adding:

From Alvord INT, Tex.; to Lewisville, INT, Tex.; MEA *4,500. *2,600—MOCA. MAA 10,000.

From Lewisville INT, Tex.; to Dallas, Tex., ILS/LOM; MEA *2,600. *2,200—MOCA. MAA 10,000.

From Greater Southwest, Tex. VOR; to Int 070° M rad Greater Southwest VOR and 088° M rad, Dallas VOR; MEA *2,800. *2,000—MOCA.

From Kalamazoo, Mich., VOR; to South Bend, Ind., VOR; MEA 3,000.

From Greater Southwest, Tex., VOR; to Dallas, Tex., VOR; MEA 2,200.

From Greater Southwest, Tex., VOR; to Parker INT, Tex.; MEA 2,100.

From Grand Isle, La., LF/RBN; to New Orleans, La., LF/RBN; MEA 1,500.

From Superior INT, Colo.; to Englewood, Colo., LF/RBN; MEA 11,000.

From Englewood, Colo., LF/RBN; to Kiowa, Colo., VOR; MEA 8,200.

From Strasburg INT, Colo.; to Gill, Colo., VOR; MEA 7,800.

From Oklahoma City, Okla., VOR; to Prague INT, Okla.; MEA *4,000. *3,700—MOCA.

From Marianna, Fla., VOR; to Albany, Ga., VOR; MEA *2,000. *1,600—MOCA.

Section 95.1001 *Direct route—U.S.* is amended to read in part:

From Gage, Okla., VOR; to Ponca City, Okla., VOR; MEA *4,000. *3,600—MOCA.

From West Palm Beach, Fla., LF/RBN; to Fort Lauderdale, Fla., LF/RBN; MEA 2,000.

From Henrietta, Okla.; to Lawton, Okla., VOR; MEA *3,000. *2,300—MOCA.

From Int. 174° M rad, Addison, Tex., VOR, and 063° M rad, Benbrook VOR; to Lucas INT, Tex.; MEA 2,000.

From Battle Creek, Mich., VOR; to Centerville INT, Mich.; MEA 3,000.

From Battle Creek, Mich., VOR; to Kalamazoo, Mich., VOR; MEA 3,000.

From Battle Creek, Mich., VOR; to Sherwood INT, Mich.; MEA 3,000.

From Kalamazoo, Mich., VOR; to Centerville, INT, Mich.; MEA 3,000.

From Kalamazoo, Mich., VOR; to Lawton INT, Mich.; MEA 3,000.

From Kalamazoo, Mich., VOR; to Long Lake INT, Mich.; MEA 3,000.

From South Bend, Ind., VOR; to Lawton INT, Mich.; MEA 3,000.

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

From Muskegon, Mich., VOR; to *Ada INT, Mich.; MEA **2,600. *2,900—MRA. **2,000—MOCA.

From Ada INT, Mich.; to Lansing, Mich., VOR; MEA 2,200.

From *Cardinal INT, Wis.; to **Seaweed INT, Wis.; MEA ***2,300. *2,700—MCA Cardinal INT, westbound. **3,500—MRA. ***1,600—MOCA.

From Seaweed INT, Wis.; to *Minnow INT, Mich.; MEA **2,300. *2,500—MRA. **1,600—MOCA.

From *Sunfish INT, Wis., via S alter.; to Bullfrog INT, Mich., via S alter.; MEA **2,300. *2,700—MRA. **1,600—MOCA.

From Bullfrog INT, Mich., via S alter.; to Muskegon, Mich., VOR, via S alter.; MEA *2,500. *1,900—MOCA.

From Muskegon, Mich., VOR, via S alter.; to Lansing, Mich., VOR, via S alter.; MEA 2,200.

Section 95.6003 *VOR Federal airway 3* is amended to read in part:

From Kennebunk, Maine, VOR; to Augusta, Maine, VOR; MEA *2,500. *2,000—MOCA.

From Augusta, Maine, VOR; to Bangor, Maine, VOR; MEA *2,900. *2,300—MOCA.

From Bangor, Maine, VOR; to Lee INT, Maine; MEA *2,700. *2,000—MOCA.

From Lee INT, Maine; to Houlton, Maine, VOR; MEA 2,000.

Section 95.6004 *VOR Federal airway 4* is amended to read in part:

From Tieton INT, Wash.; to Gleed INT, Wash.; southeastbound; MEA 5,500; northwestbound; MEA 7,000.

From Tieton INT, Wash., via S alter.; to Gleed INT, Wash., via S alter., southeastbound; MEA 5,500; northwestbound; MEA 7,000.

Section 95.6006 *VOR Federal airway 6* is amended to read in part:

From Youngstown, Ohio, VOR; to Mercer INT, Ohio; MEA 2,900.

From Mercer INT, Ohio; to Wesley INT, Ohio; MEA 3,300.

From Wesley INT, Ohio; to Clarion, Pa., VOR; MEA 3,400.

From Medicine Bow, Wyo., VOR; to *Little Horse INT, Wyo.; MEA **10,500. *10,500—MRA. **9,500—MOCA.

Section 95.6007 *VOR Federal airway 7* is amended to read in part:

From Racine INT, Wis.; to Oakwood INT, Wis.; MEA 2,500.

From Oakwood INT, Wis.; to Milwaukee, Wis., VOR; MEA *2,700. *2,500—MOCA.

From Milwaukee, Wis., VOR; to Calvary INT, Wis.; MEA *3,100. *2,500—MOCA.

From Racine INT, Wis., via E alter.; to Oakwood INT, Wis., via E alter.; MEA 2,500.

From Oakwood INT, Wis., via E alter.; to Milwaukee, Wis., VOR, via E alter.; MEA *2,700. *2,500—MOCA.

From Cross City, Fla., VOR, via W alter.; to *Lobster INT, Fla., via W alter.; MEA **2,000. *2,700—MRA. **1,500—MOCA.

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

From Bryce Canyon, Utah, VOR; to Hanksville, Utah, VOR; MEA 13,300.

From Reedsburg INT, Ohio; to Briggs, Ohio, VOR; MEA 3,000.

Section 95.6009 *VOR Federal airway 9* is amended to read in part:

From *Elgin INT, Ill.; to Marengo INT, Ill.; MEA 2,300. *2,500—MRA.

From Marengo INT, Ill.; to Harvard INT, Ill.; MEA *2,900. *2,300—MOCA.

From Harvard INT, Ill.; to *Elkhorn INT, Ill.; MEA **2,900. *3,000—MRA. **2,400—MOCA.
From Milwaukee, Wis., VOR; to Eden INT, Wis.; MEA *3,100. *2,500—MOCA.
From McComb, Miss., VOR, via E alter.; to *Brandon INT, Miss., via E alter.; MEA 2,000. *3,400—MRA.
From Brandon INT, Miss., via E alter.; to Jackson, Miss., VOR, via E alter.; MEA 2,000.
From Jackson, Miss., VOR, via E alter.; to Vaughan INT, Miss., via E alter.; MEA 2,000. *3,500—MRA.
From Vaughan INT, Miss., via E alter.; to Greenwood, Miss., VOR, via E alter.; MEA 2,000.
From Greenwood, Miss., VOR, via W alter.; to Jackson, Miss., VOR, via W alter.; MEA 2,000.

Section 95.6010 *VOR Federal airway 10* is amended to read in part:

From Long Lake INT, Mich.; to Litchfield, Mich., VOR; MEA *3,000. *2,300—MOCA.
From Litchfield, Mich., VOR; to Adrian INT, Mich.; MEA *3,000. *2,300—MOCA.
From Adrian INT, Mich.; to Carleton, Mich., VOR; MEA *2,500. *2,000—MOCA.
From Carleton, Mich., VOR; to U.S.-Canadian Border; MEA *2,400. *2,000—MOCA.
From U.S.-Canadian Border; to Gill INT, Ohio; MEA *3,500. *2,500—MOCA.

Section 95.6011 *VOR Federal airway 11* is amended to read in part:

From Pioneer INT, Ohio; to Hudson INT, Mich.; MEA *3,500. *2,300—MOCA.
From Hudson INT, Mich.; to Salem, Mich., VOR; MEA *3,000. *2,500—MOCA.

Section 95.6011 *VOR Federal airway 11* is amended by adding:

From Mobile, Ala., VOR; to Laurel, Miss., VOR; MEA 2,000.
From Laurel, Miss., VOR; to Jackson, Miss., VOR; MEA 2,000.

Section 95.6013 *VOR Federal airway 13* is amended to read in part:

From Fayetteville, Ark., VOR; to Neosho, Mo., VOR; MEA *3,000. *2,700—MOCA.

Section 95.6014 *VOR Federal airway 14* is amended to read in part:

From Tulsa, Okla., VOR, via S alter.; to *Pryor INT, Okla., via S alter.; MEA 2,000. *2,800—MRA.

Section 95.6015 *VOR Federal airway 15* is amended to read in part:

From Okmulgee, Okla., VOR; to *Pryor INT, Okla.; MEA 2,700. *2,800—MRA.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

From Mustang, INT, Tex.; to Big Spring, Tex., VOR; MEA *4,400. *3,900—MOCA.

Section 95.6016 *VOR Federal airway 16* is amended to delete:

From Big Spring, Tex., VOR, via S alter.; to *Lazy X INT, Tex., via S alter.; MEA **4,000. *4,400—MRA. **3,800—MOCA.
From Lazy X INT, Tex., via S alter.; to Abilene, Tex., VOR, via S alter.; MEA 4,000.
From Abilene, Tex., VOR, via S alter.; to Clyde INT, Tex., via S alter.; MEA *3,300. *3,200—MOCA.
From Clyde INT, Tex., via S alter.; to Cisco INT, Tex., via S alter.; MEA *4,000. *3,200—MOCA.
From Cisco INT, Tex., via S alter.; to Mineral Wells, Tex., VOR, via S alter.; MEA *4,000. *3,100—MOCA.

Section 95.6017 *VOR Federal airway 17* is amended to read in part:

From *Custer INT, Okla., via W alter.; to Gage, Okla., VOR, via W alter.; MEA **4,300. *4,300—MRA. **3,900—MOCA.
From Mineral Wells, Tex., VOR; to Bridgeport, Tex., VOR; MEA 2,500.

Section 95.6018 *VOR Federal airway 18* is amended to read in part:

From Monroe, La., VOR, via N alter.; to *Girard INT, La., via N alter.; MEA 2,300. *2,900—MRA.
From Girard INT, La., via N alter.; to *Phoenix INT, Miss., via N alter.; MEA 2,300. *2,200—MRA.
From Phoenix INT, Miss., via N alter.; to Jackson, Miss., VOR, via N alter.; MEA 2,000.
From Jackson, Miss., VOR, via N alter.; to *Trace INT, Miss., via N alter.; MEA 2,000. *2,600—MRA.
From Trace INT, Miss., via N alter.; to *Stratton INT, Miss., via N alter.; MEA 2,000. *3,500—MRA.
From Stratton INT, Miss., via N alter.; to Meridian, Miss., VOR, via N alter.; MEA 2,000.
From Monroe, La., VOR, via S alter.; to Jackson, Miss., VOR, via S alter.; MEA *2,600. *1,700—MOCA.
From Jackson, Miss., VOR, via S alter.; to *Newton INT, Miss., via S alter.; MEA 2,000. *2,200—MRA.
From Newton INT, Miss., via S alter.; to Meridian, Miss., VOR, via S alter.; MEA 2,000.

Section 95.6020 *VOR Federal airway 20* is amended to delete:

From Lake Charles, La., VOR, via S alter.; to *Grand Lake INT, La., via S alter.; MEA **1,500. *2,200—MRA. **1,300—MOCA.
From Grand Lake INT, La., via S alter.; to Lafayette, La., VOR, via S alter.; MEA *2,200. *2,000—MOCA.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

From Kent INT, Ala.; to LaGrange, Ga., VOR; MEA *2,600. *2,100—MOCA.

Section 95.6023 *VOR Federal airway 23* is amended to read in part:

From Fresno, Calif., VOR, via W alter.; to Bland INT, Calif., via W alter.; MEA 2,000.
From Bland INT, Calif., via W alter.; to Mendota INT, Calif., via W alter.; westbound, MEA 4,500; eastbound, MEA 2,000.
From Mendota INT, Calif., via W alter.; to Las Banos, Calif., VOR, via W alter.; MEA 4,500.
From Valley INT, Calif., via E alter.; to Lang INT, Calif., via E alter.; northbound, MEA 7,000; southbound, MEA 6,500.
From Medford, Oreg., VOR to Milo INT, Oreg., southbound, MEA 6,500; northbound, MEA 7,000.
From Medford, Oreg., VOR, via W alter.; to Roseburg, Oreg., VOR, via W alter.; MEA 7,000.

Section 95.6026 *VOR Federal airway 26* is amended to read in part:

From Wausau, Wis., VOR; to Wittenberg INT, Wis.; MEA *3,100. *2,400—MOCA.
From Wittenberg INT, Wis.; to Wolf INT, Wis.; MEA *3,000. *2,400—MOCA.
From Wolf INT, Wis.; to Green Bay, Wis., VOR; MEA *2,600. *2,100—MOCA.
From Green Bay, Wis., VOR; to Pine Grove INT, Wis.; MEA 3,000.
From Pine Grove INT, Wis.; to Nero INT, Wis.; MEA *2,700. *2,000—MOCA.
From Salem, Mich., VOR; to Park INT, Mich.; MEA *2,600. *2,000—MOCA.
From Park INT, Mich.; to U.S.-Canadian Border; MEA *2,500. *2,300—MOCA.
From U.S.-Canadian Border; to Cleveland, Ohio, VOR; MEA *3,000. *2,000—MOCA.

Section 95.6030 *VOR Federal airway 30* is amended to read in part:

From Milwaukee, Wis., VOR, via S alter.; to *Pike INT, Wis., via S alter.; MEA **2,700. *4,000—MRA. **2,500—MOCA.
From Pullman, Mich., VOR; to Litchfield, Mich., VOR; MEA *3,000. *2,200—MOCA.
From Litchfield, Mich., VOR; to Weston INT, Ohio; MEA *3,000. *2,200—MOCA.
From Weston INT, Ohio; to Waterville, Ohio, VOR; MEA 2,200.

Section 95.6037 *VOR Federal airway 37* is amended to read in part:

From Statesville INT, N.C.; to Burch INT, N.C.; MEA *5,000. *3,000—MOCA.
From Burch INT, N.C.; to Pulaski, Va., VOR; MEA *6,000. *5,600—MOCA.

Section 95.6039 *VOR Federal airway 39* is amended to read in part:

From Allentown, Pa., VOR; to Tannersville, Pa., VOR; MEA 3,000.
From Kennebunk, Maine, VOR; to Augusta, Maine, VOR; MEA *2,500. *2,000—MOCA.
From Augusta, Maine, VOR; to Millinocket, Maine, VOR; MEA *3,500. *2,300—MOCA.

Section 95.6042 *VOR Federal airway 42* is amended to read in part:

From Allen INT, Mich., via E alter.; to Dyke INT, Mich., via E alter.; MEA *2,700. *2,300—MOCA.
From Dyke INT, Mich., via E alter.; to U.S.-Canadian Border, via E alter.; MEA 2,300.

Section 95.6045 *VOR Federal airway 45* is amended to read in part:

From Waterville, Ohio, VOR; to Adrian INT, Mich.; MEA *2,500. *2,000—MOCA.
From Adrian INT, Mich.; to Jackson, Mich., VOR; MEA *3,000. *2,300—MOCA.
From Jackson, Mich., VOR; to Leslie INT, Mich.; MEA *3,000. *2,300—MOCA.
From Leslie INT, Mich.; to Lansing, Mich., VOR; MEA 3,000.

Section 95.6047 *VOR Federal airway 47* is amended to read in part:

From Waterville, Ohio, VOR; to Dundee INT, Mich.; MEA *2,400. *2,000—MOCA.
From Dundee INT, Mich.; to Salem, Mich., VOR; MEA *2,800. *2,300—MOCA.

Section 95.6051 *VOR Federal airway 51* is amended to read in part:

From *Bunnel INT, Fla.; to Jacksonville, Fla., VOR; MEA **1,800. *3,000—MRA. **1,400—MOCA.

Section 95.6053 *VOR Federal airway 53* is amended to read in part:

From Holston Mountain, Tenn., VOR; to Whitesburg, Ky., VOR; MEA 6,400.
From Whitesburg, Ky., VOR; to Lexington, Ky., VOR; MEA 4,000.

Section 95.6055 *VOR Federal airway 55* is amended to read in part:

From Nero INT, Wis.; to Pine Grove INT, Wis.; MEA *2,700. *2,000—MOCA.
From Pine Grove INT, Wis.; to Green Bay, Wis., VOR; MEA 3,000.
From Green Bay, Wis., VOR; to Bear Creek INT, Wis.; MEA *2,700. *2,000—MOCA.
From Bear Creek INT, Wis.; to Big Falls INT, Wis.; MEA *2,900. *2,100—MOCA.
From Big Falls INT, Wis.; to Stevens Point, Wis., VOR; MEA *3,000. *2,400—MOCA.

Section 95.6056 *VOR Federal airway 56* is amended to read in part:

From *Junction City INT, Ga.; to **Butler INT, Ga.; MEA ***2,200. *3,000—MRA. **3,000—MRA. ***1,800—MOCA.

Section 95.6061 *VOR Federal airway 61* is amended to read in part:

From Postoak INT, Tex.; to *Wichita Falls, Tex., VOR; MEA 3,000. *3,000—MCA Wichita Falls VOR, southeastbound.

Section 95.6062 *VOR Federal airway 62* is amended to read in part:

From Lubbock, Tex., VOR; to *Spur INT, Tex.; MEA **5,800. *6,500—MRA. **4,500—MOCA.
From Spur INT, Tex.; to *Hamlin INT, Tex.; MEA **6,500. *6,000—MRA. **3,600—MOCA.

Section 95.6062 *VOR Federal airway 62* is amended by adding:

From Abilene, Tex., VOR; to Clyde INT, Tex.; MEA *3,300. *3,200—MOCA.
From Clyde INT, Tex.; to Cisco INT, Tex.; MEA *4,000. *3,200—MOCA.
From Cisco INT, Tex.; to *Mill INT, Tex.; MEA **5,500. *3,500—MRA. **3,100—MOCA.
From Mill INT, Tex.; to Joshua INT, Tex.; MEA *3,500. *2,300—MOCA.
From Joshua INT, Tex.; to Britton, Tex., VOR; MEA 2,000.

Section 95.6063 *VOR Federal airway 63* is amended to read in part:

From Freeport INT, Ill.; to Janesville, Wis., VOR; MEA *2,700. *2,500—MOCA.
From Fayetteville, Ark., VOR; to Garfield INT, Mo.; MEA *3,000. *2,700—MOCA.

Section 95.6066 *VOR Federal airway 66* is amended to read in part:

From Midland, Tex., VOR; to By Pass INT, Tex.; MEA 4,400.
From By Pass INT, Tex.; to Hyman, Tex., VOR; MEA *4,100. *3,800—MOCA.
From Hyman, Tex., VOR; to *Lazy X INT, Tex.; **6,000. *4,400—MRA. **3,800—MOCA.
From Lazy X INT, Tex.; to Abilene, Tex., VOR; MEA 4,000.

Section 95.6068 *VOR Federal airway 68* is amended to delete:

From San Angelo, Tex., VOR, via N alter.; to Eden INT, Tex., via N alter.; MEA 3,500.
From Eden INT, Tex., via N alter.; to junction, Tex., VOR, via N alter.; MEA 3,600.

Section 95.6070 *VOR Federal airway 70* is amended to read in part:

From Picayune, Miss., VOR; to Int. 010° M rad, Mobile VOR and 243° M rad, Evergreen VOR; MEA *3,000. *2,600—MOCA.
From Int. 010° M rad, Mobile VOR and 243° M rad, Evergreen VOR; to Evergreen, Ala., VOR; MEA *2,000. *1,500—MOCA.

Section 95.6071 *VOR Federal airway 71* is amended by adding:

From Baton Rouge, La., VOR; to Natchez, Miss., VOR; MEA *2,000. *1,700—MOCA.
From Natchez, Miss., VOR; to Monroe, La., VOR; MEA *2,000. *1,500—MOCA.

Section 95.6074 *VOR Federal airway 74* is amended to read in part:

From Tulsa, Okla., VOR, via N alter.; to *Pryor INT, Okla., via N alter.; MEA 2,000. *2,800—MRA.

Section 95.6076 *VOR Federal airway 76* is amended to read in part:

From Big Spring, Tex., VOR; to Hyman, Tex., VOR; MEA *4,000. *3,800—MOCA.
From Hyman, Tex., VOR; to San Angelo, Tex., VOR; MEA *4,100. *3,800—MOCA.

Section 95.6077 *VOR Federal airway 77* is amended to delete:

From Cotulla, Tex., VOR; to Dilley INT, Tex.; MEA *3,000. *1,800—MOCA.
From Dilley INT, Tex.; to *Sabinal INT, Tex.; MEA **3,000. *5,500—MRA. **2,000—MOCA.
From Sabinal INT, Tex.; to Junction, Tex., VOR; MEA *4,700. *3,500—MOCA.
From Junction, Tex., VOR; to San Angelo, Tex., VOR; 3,600.

Section 95.6077 *VOR Federal airway 77* is amended to read in part:

From *Wichita Falls, Tex., VOR; to Fort Sill INT, Okla.; MEA **2,800. *3,000—MCA Wichita Falls VOR, southwestbound. **2,400—MOCA.
From *Wichita Falls, Tex., VOR, via E alter.; to Bray INT, Okla., via E alter.; MEA **2,800. *3,000—MCA Wichita Falls VOR, southwestbound. **2,500—MOCA.

Section 95.6084 *VOR Federal airway 84* is amended to read in part:

From Pullman, Mich., VOR; to Orangeville INT, Mich.; MEA 3,000.

Section 95.6089 *VOR Federal airway 89* is amended to read in part:

From Cheyenne, Wyo., VOR, via E alter.; to Scottsbluff, Nebr., VOR, via E alter.; MEA 7,800.
From Cheyenne, Wyo., VOR; to *Little Horse INT, Wyo.; MEA 7,800. *10,500—MRA.
From Little Horse INT, Wyo.; to Chadron, Nebr., VOR; MEA 7,800.

Section 95.6090 *VOR Federal airway 90* is amended to read in part:

From Litchfield, Mich., VOR; to Bridgewater INT, Mich.; MEA *3,000. *2,300—MOCA.
From Bridgewater INT, Mich.; to U.S.-Canadian Border; MEA 2,300.

Section 95.6092 *VOR Federal airway 92* is amended to read in part:

From Reedsburg INT, Ohio; to Briggs, Ohio, VOR; MEA 3,000.

Section 95.6093 *VOR Federal airway 93* is amended to read in part:

From Hiram INT, Maine; to Augusta, Maine, VOR; MEA *4,000. *3,400—MOCA.
From Augusta, Maine, VOR; to Bangor, Maine, VOR; MEA *2,900. *2,300—MOCA.
From Bangor, Maine, VOR; to Princeton, Maine, VOR; MEA *3,200. *2,500—MOCA.
From Princeton, Maine, VOR; to U.S.-Canadian Border; MEA *2,500. *1,500—MOCA.

Section 95.6094 *VOR Federal airway 94* is amended to delete:

From *Salt Flat, Tex., VOR; to **Caverns INT, N. Mex.; MEA 10,800. *10,000—MCA Salt Flat VOR, northeastbound.
From Caverns INT, N. Mex.; to Carlsbad, N. Mex., VOR; MEA 7,000.
From *Carlsbad, N. Mex., VOR; to Hobbs, N. Mex., VOR; MEA 5,300. *7,000—MCA Carlsbad VOR, southwestbound.
From Abilene, Tex., VOR; to Clyde INT, Tex.; MEA *3,300. *3,200—MOCA.
From Clyde INT, Tex.; to Cisco INT, Tex.; MEA *4,000. *3,200—MOCA.
From Cisco INT, Tex.; to *Mill INT, Tex.; MEA **5,500. *3,500—MRA. **3,100—MOCA.

Section 95.6094 *VOR Federal airway 94* is amended by adding:

From *Salt Flat, Tex., VOR; to **Gore INT, Tex.; MEA 10,000. *9,100—MCA Salt Flat VOR, eastbound. **7,200—MCA Gore INT, westbound.
From Gore INT, Tex.; to Wink, Tex., VOR; MEA 6,000.
From Wink, Tex., VOR; to Midland, Tex., VOR; MEA 5,500.
From Midland, Tex., VOR; to By Pass INT, Tex.; MEA 4,400.
From By Pass INT, Tex.; to Hyman, Tex., VOR; MEA *4,100. *3,800—MOCA.
From Hyman, Tex., VOR; to Dyess, Tex., VOR; MEA *4,000. *3,800—MOCA.
From Dyess, Tex., VOR; to *Mill INT, Tex.; MEA **5,500. *3,500—MRA. **3,100—MOCA.

Section 95.6097 *VOR Federal airway 97* is amended to read in part:

From Woodstock INT, Ill.; to Janesville, Wis., VOR; MEA *2,900. *2,300—MOCA.
From Scallop INT, Fla.; to *Lobster INT, Fla.; MEA **6,000. *2,700—MRA. **1,000—MOCA.
From Montezuma INT, Ga., via E alter.; to *Butler INT, Ga., via E alter.; MEA **5,000. *3,000—MRA. **1,800—MOCA.

Section 95.6098 *VOR Federal airway 98* is amended to read in part:

From Litchfield, Mich., VOR; to Dundee INT, Mich.; MEA *3,000. *2,500—MOCA.
From Dundee INT, Mich.; to Carleton, Mich., VOR; MEA *2,500. *2,000—MOCA.
From Carleton, Mich., VOR; to U.S.-Canadian Border; MEA *2,400. *2,300—MOCA.

Section 95.6100 *VOR Federal airway 100* is amended to read in part:

From Rockford, Ill., VOR; to Marengo INT, Ill.; MEA 2,600.
From Keeler, Mich., VOR; to Jackson, Mich., VOR; MEA *3,000. *2,300—MOCA.
From Jackson, Mich., VOR; to Salem, Mich., VOR; MEA *3,000. *2,400—MOCA.

Section 95.6102 *VOR Federal airway 102* is amended to delete:

From Roswell, N. Mex., VOR; to Ranch INT, N. Mex.; eastbound, MEA 7,000; westbound, MEA 5,000.
From Ranch INT, N. Mex.; to *Caprock INT, N. Mex.; MEA **7,500. *7,500—MRA. **7,100—MOCA.
From Caprock INT, N. Mex.; to *Whiteface INT, Tex.; MEA **7,000. *6,000—MRA. **5,500—MOCA.
From Whiteface INT, Tex.; to Lubbock, Tex., VOR; MEA 4,900.

Section 95.6102 *VOR Federal airway 102* is amended by adding:

From *Salt Flat, Tex., VOR; to **Caverns INT, N. Mex.; MEA 10,800. *10,000—MCA Salt Flat VOR, northeastbound.
From Caverns INT, N. Mex.; to Carlsbad, N. Mex., VOR; MEA 7,000.
From *Carlsbad, N. Mex., VOR; to Hobbs, N. Mex., VOR; MEA 5,300. *7,000—MCA Carlsbad VOR, southwestbound.
From Hobbs, N. Mex., VOR; to Lubbock, Tex., VOR; MEA 5,300.

Section 95.6102 *VOR Federal airway 102* is amended to read in part:

From Guthrie, Tex., VOR via S alter.; to *Wichita Falls, Tex., VOR via S alter.; MEA 3,000. *3,000—MCA Wichita Falls VOR, southwestbound.

Section 95.6114 *VOR Federal airway 114* is amended to read in part:

From *Wichita Falls, Tex., VOR; to Stoneburg INT, Tex.; MEA 3,000. *3,000—MCA Wichita Falls VOR, southeastbound.

Section 95.6115 *VOR Federal airway 115* is amended to read in part:

From Knoxville, Tenn., VOR; to Whitesburg, Ky., VOR; MEA 5,400.
From Whitesburg, Ky., VOR; to Charleston, W. Va., VOR; MEA 4,000.

Section 95.6116 *VOR Federal airway 116* is amended to read in part:

From Keeler, Mich., VOR; to Jackson, Mich., VOR; MEA *3,000. *2,300—MOCA.
From Jackson, Mich., VOR; to Salem, Mich., VOR; MEA *3,000. *2,400—MOCA.
From Salem, Mich., VOR; to U.S.-Canadian Border; MEA *2,600. *2,300—MOCA.

Section 95.6119 *VOR Federal airway 119* is amended to read in part:

From Clarion, Pa., VOR; to Fitzgerald, Pa., VOR; MEA 3,500.

Section 95.6121 *VOR Federal airway 121* is amended to read in part:

From Medford, Oreg., VOR; to Roseburg, Oreg., VOR; MEA 7,000.

Section 95.6133 *VOR Federal airway 133* is amended to read in part:

From U.S.-Canadian Border; to Express INT, Mich.; MEA *2,500. *2,300—MOCA.
From Express INT, Mich.; to Salem, Mich., VOR; MEA *2,800. *2,300—MOCA.
From Salem, Mich., VOR; to Russell INT, Mich.; MEA *2,900. *2,600—MOCA.

Section 95.6134 *VOR Federal airway 134* is amended to read in part:

From Shady Grove INT, Ala.; to Tuskegee, Ala., VOR; MEA 2,000.
From Tuskegee, Ala., VOR; to Raymond INT, Ga.; MEA *2,500. *2,200—MOCA.

Section 95.6140 *VOR Federal airway 140* is amended to read in part:

From Tulsa, Okla., VOR; to *Pryor INT, Okla.; MEA 2,000. *2,800—MRA.
From Pryor INT, Okla.; to Fayetteville, Ark., VOR; MEA *3,000. *2,600—MOCA.
From Adair INT, Okla., via N alter.; to Fayetteville, Ark., VOR, via N alter.; MEA *3,000. *2,700—MOCA.
From *Spring Valley INT, Ark.; to Flippin, Ark., VOR; MEA **3,800. *4,800—MRA. **3,100—MOCA.
From London, Ky., VOR; to Whitesburg, Ky., VOR; MEA 4,000.
From Whitesburg, Ky., VOR; to Bluefield, W. Va., VOR; MEA 4,800.

Section 95.6152 *VOR Federal airway 152* is amended to read in part:

From Oak Hill INT, Fla., via S alter.; to Smyrna INT, Fla., via S alter.; MEA *1,800. *1,400—MOCA.
From Smyrna INT, Fla., via S alter.; to Daytona Beach, Fla., VOR, via S alter.; MEA *1,500. *1,400—MOCA.

Section 95.6154 *VOR Federal airway 154* is amended to read in part:

From Tuskegee, Ala., VOR; to Maryn INT, Ala.; MEA *2,100. *1,700—MOCA.
From Maryn INT, Ala.; to Columbus, Ga., VOR; MEA *2,000. *1,900—MOCA.
From *Junction City INT, Ga.; to **Butler INT, Ga.; MEA ***2,200. *3,000—MRA. **3,000—MRA. ***1,800—MOCA.

Section 95.6157 *VOR Federal airway 157* is amended to read in part:

From Taylor, Fla., VOR; to Waycross, Ga., VOR; MEA 2,200.
From Waycross, Ga., VOR; to Alma, Ga., VOR; MEA *2,000. *1,300—MOCA.

Section 95.6159 *VOR Federal airway 159* is amended to read in part:

From Eufaula, Ala., VOR; to Tuskegee, Ala., VOR; MEA 2,000.

Section 95.6163 *VOR Federal airway 163* is amended to read in part:

From Mineral Wells, Tex.; to Bridgeport, Tex., VOR; MEA 2,500.

Section 95.6168 *VOR Federal airway 168* is amended to read in part:

From Medicine Bow, Wyo., VOR; to Scottsbluff, Nebr., VOR; MEA *10,200. *9,300—MOCA.
From Scottsbluff, Nebr., VOR; to Snake INT, Nebr., eastbound, MEA *13,000; westbound, MEA *6,200. *5,500—MOCA.

Section 95.6169 *VOR Federal airway 169* is amended to read in part:

From Sidney, Nebr., VOR; to Scottsbluff, Nebr., VOR; MEA *6,400. *5,700—MOCA.

Section 95.6170 *VOR Federal airway 170* is amended to read in part:

From Hickory INT, Mich.; to Leslie INT, Mich.; MEA *3,500. *3,000—MOCA.
From Leslie INT, Mich.; to Salem, Mich., VOR; MEA *3,000. *2,500—MOCA.

Section 95.6171 *VOR Federal airway 171* is amended to read in part:

From Malta INT, Ill.; to Rockford, Ill., VOR; MEA *2,700. *2,100—MOCA.

Section 95.6172 *VOR Federal airway 172* is amended to read in part:

From Charlotte INT, Iowa; to Polo, Ill., VOR; MEA *2,700. *2,200—MOCA.
From Polo, Ill., VOR; to Malta INT, Ill.; MEA *2,700. *2,000—MOCA.

Section 95.6177 *VOR Federal airway 177* is amended to read in part:

From Marengo INT, Ill.; to Janesville, Wis., VOR; MEA *2,700. *2,000—MOCA.

Section 95.6188 *VOR Federal airway 188* is amended to read in part:

From Carleton, Mich., VOR; to U.S.-Canadian Border; MEA *2,400. *2,000—MOCA.
From U.S.-Canadian Border; to Gill INT, Ohio; MEA *3,500. *2,500—MOCA.

Section 95.6191 *VOR Federal airway 191* is amended to read in part:

From *Pike INT, Wis.; to Milwaukee, Wis., VOR; MEA **2,700. *4,000—MRA. **2,500—MOCA.
From Milwaukee, Wis., VOR; to Eden INT, Wis.; MEA *3,100. *2,500—MOCA.

Section 95.6193 *VOR Federal airway 193* is amended to read in part:

From Pullman, Mich., VOR; to White Cloud, Mich., VOR; MEA 2,200.
From Pellston, Mich., VOR; to Sault Ste. Marie, Mich., VOR; MEA *2,600. *2,400—MOCA.

Section 95.6195 *VOR Federal airway 195* is amended to read in part:

From Cordelia INT, Calif.; to Williams, Calif., VOR; MEA *6,000. *5,000—MOCA.

Section 95.6202 *VOR Federal airway 202* is amended to read in part:

From San Simon, Ariz., VOR; to Silver City INT, N. Mex.; MEA *12,000. *10,000—MOCA.
From Silver City INT, N. Mex.; to *Truth or Consequences, N. Mex., VOR; MEA **13,000. *10,000—MCA Truth or Consequences VOR, southwestbound. **12,000—MOCA.

Section 95.6203 *VOR Federal airway 203* is amended to read in part:

From Porter INT, N.Y.; to Wilcox INT, N.Y.; MEA *5,000. *4,900—MOCA.
From Wilcox INT, N.Y.; to Tupper Lake INT, N.Y.; MEA *7,000. *6,000—MOCA.

Section 95.6206 *VOR Federal airway 206* is amended to read in part:

From Tina INT, Mo.; to Kirksville, Mo., VOR; MEA *3,100. *2,200—MOCA.

Section 95.6207 *VOR Federal airway 207* is amended to read in part:

From Pine Bluffs INT, Colo.; to Scottsbluff, Nebr., VOR; MEA *7,000. *6,900—MOCA.

Section 95.6211 *VOR Federal airway 211* is deleted.

Section 95.6216 *VOR Federal airway 216* is amended to read in part:

From *Sunfish INT, Wis.; to Bullfrog INT, Mich.; MEA **2,300. *2,700—MRA. **1,600—MOCA.
From Bullfrog INT, Mich.; to Muskegon, Mich., VOR; MEA *2,500. *1,900—MOCA.

Section 95.6217 *VOR Federal airway 217* is amended to read in part:

From Green Bay, Wis., VOR; to Rhinelander, Wis., VOR; MEA *3,600. *3,000—MOCA.

Section 95.6218 *VOR Federal airway 218* is amended to read in part:

From Rewey, Wis., VOR; to Rockford, Ill., VOR; MEA *3,200. *2,500—MOCA.
From Rockford, Ill., VOR; to Malta INT, Ill.; MEA *2,700. *2,100—MOCA.
From Keeler, Mich., VOR; to Cooper INT, Mich.; MEA *3,000. *2,200—MOCA.
From Cooper INT, Mich.; to Lansing, Mich., VOR; MEA *3,000. *2,400—MOCA.
From Fowler INT, Mich.; to Pontiac, Mich., VOR; MEA *2,800. *2,400—MOCA.
From Pontiac, Mich., VOR; to Plains INT, Mich.; MEA *2,800. *2,400—MOCA.

Section 95.6221 *VOR Federal airway 221* is amended to read in part:

From Garrett INT, Ind.; to Litchfield, Mich., VOR; MEA *3,000. *2,500—MOCA.
From Litchfield, Mich., VOR; to Jackson, Mich., VOR; MEA *3,000. *2,300—MOCA.
From Jackson, Mich., VOR; to Salem, Mich., VOR; MEA *3,000. *2,400—MOCA.
From Salem, Mich., VOR; to Belle INT, Mich.; MEA *2,800. *2,700—MOCA.

Section 95.6222 *VOR Federal airway 222* is amended to read in part:

From Selma INT, Tex.; to Hunter INT, Tex.; MEA *2,600. *2,500—MOCA.
From Hunter INT, Tex.; to Redwood INT, Tex.; MEA *2,700. *2,500—MOCA.
From Redwood INT, Tex.; to Lockhart INT, Tex.; MEA 2,500.

Section 95.6241 *VOR Federal airway 241* is amended to read in part:

From Big Spring INT, Ga., via W alter.; to Raymond INT, Ga., via W alter.; MEA *2,500. *2,200—MOCA.
From Columbus, Ga., VOR; to Woodbury INT, Ga.; MEA 2,700.
From Woodbury INT, Ga.; to Atlanta, Ga., VOR; MEA *2,500. *2,100—MOCA.

Section 95.6243 *VOR Federal airway 243* is amended to read in part:

From Montezuma INT, Ga., via W alter.; to *Butler INT, Ga., via W alter.; MEA **5,000. *3,000—MRA. **1,800—MOCA.
From Jacksonville, Fla., VOR; to Callahan INT, Fla.; MEA *1,600. *1,300—MOCA.
From Callahan INT, Fla.; to Cabins INT, Fla.; MEA *2,000. *1,300—MOCA.
From Cabins INT, Fla.; to Waycross, Ga., VOR; MEA 2,200.
From Waycross, Ga., VOR; to Vienna, Ga., VOR; MEA *2,200. *1,700—MOCA.
From Cabins INT, Fla., via E alter.; to Alma, Ga., VOR via E alter.; MEA *2,000. *1,600—MOCA.
From Alma, Ga., VOR via E alter.; to Rochelle INT, Ga., via E alter.; MEA *2,000. *1,400—MOCA.
From Rochelle INT, Ga., via E alter.; to Vienna, Ga., VOR via E alter.; MEA *2,200. *1,700—MOCA.

Section 95.6255 *VOR Federal airway 255* is amended to read in part:

From Cordova, Ill., VOR; to Thomson INT, Ill.; MEA 2,300.

From Thomson INT, Ill.; to Rockford, Ill., VOR; MEA *2,700. *2,300—MOCA.

Section 95.6264 *VOR Federal airway 264* is amended to read in part:

From *Los Angeles, Calif., VOR; to **Alhambra INT, Calif.; MEA 4,000. *2,000—MCA Los Angeles VOR, northeastbound. **4,600—MCA Alhambra INT, eastbound.
From Alhambra INT, Calif.; to *Pomona, Calif., VOR; MEA 5,500. *8,300—MCA Pomona VOR, eastbound.

Section 95.6267 *VOR Federal airway 267* is amended to read in part:

From Fontana INT, N.C.; to *Kinzel INT, Tenn.; MEA **7,000. *6,000—MCA Kinzel INT, southbound. **6,800—MOCA.
From Kinzel INT, Tenn.; to Knoxville, Tenn., VOR; MEA 4,000.

Section 95.6274 *VOR Federal airway 274* is amended to read:

From Pullman, Mich., VOR; to Byron INT, Mich.; MEA 2,200.
From Byron INT, Mich.; to *Ada INT, Mich.; MEA 2,900. *2,900—MRA.
From Ada INT, Mich.; to *Orleans INT, Mich.; MEA 4,000. *4,000—MRA.
From Orleans INT, Mich.; to Saginaw, Mich., VOR; MEA *4,000. *2,200—MOCA.

Section 95.6275 *VOR Federal airway 275* is amended to read in part:

From Waterville, Ohio, VOR; to Carleton, Mich., VOR; MEA *2,400. *2,000—MOCA.

Section 95.6302 *VOR Federal airway 302* is amended to read:

From Augusta, Maine, VOR; to Rockland INT, Maine; MEA *2,200. *1,500—MOCA.

Section 95.6314 *VOR Federal airway 314* is amended to read in part:

From Princeton, Maine, VOR; to U.S.-Canadian, Border; MEA *2,500. *1,500—MOCA.

Section 95.6401 *Hawaii VOR Federal airway 1* is amended to read in part:

From *Hibiscus INT, Hawaii; to **Redwood INT, Hawaii; MEA ***2,000. *4,000—MRA. **9,000—MRA. ***1,200—MOCA.

Section 95.6403 *Hawaii VOR Federal airway 3* is amended to read in part:

From *Hilo, Hawaii, VOR; to **Shoals INT, Hawaii; MEA 2,000. *3,000—MCA Hilo VOR, southbound. **9,000—MRA.

Section 95.6431 *VOR Federal airway 431* is amended to read:

From Cambridge, N.Y., VOR; to Glens Falls, N.Y., VOR; MEA 4,000.
From Glens Falls, N.Y., VOR; to Wilcox INT, N.Y., MEA *5,000. *4,900—MOCA.

Section 95.6471 *VOR Federal airway 471* is amended to read in part:

From Bar Harbor, Maine, VOR; to Bangor, Maine, VOR; MEA *3,000. *2,200—MOCA.
From Bangor, Maine, VOR; to Millinocket, Maine, VOR; MEA *3,000. *2,300—MOCA.

Section 95.6486 *VOR Federal airway 486* is amended to read:

From Tuba City, Ariz., VOR; to Dove Creek, Colo., VOR; MEA 11,000.

Section 95.6489 *VOR Federal airway 489* is amended by adding:

From Albany, N.Y., VOR; to Glens Falls, N.Y., VOR; MEA *3,000. *2,500—MOCA.
From Glens Falls, N.Y., VOR; to Crown INT, N.Y.; MEA *6,000. *4,700—MOCA.
From Crown INT, N.Y.; to Lewis INT, N.Y.; MEA *6,000. *5,200—MOCA.
From Lewis INT, N.Y.; to *Keeseville INT, N.Y.; MEA **5,000. *4,000—MCA Keeseville INT, southbound. **4,500—MOCA.
From Keeseville INT, N.Y.; to Plattsburgh, N.Y., VOR; MEA 3,100.

Section 95.6809 *VOR Federal airway 809* is amended to read in part:

From Milo INT, Oreg.; to Medford, Oreg., VOR; southbound; MEA *6,500; northbound; MEA 7,000.

Section 95.6810 *VOR Federal airway 810* is amended to read in part:

From Leroy INT, Mich.; to Litchfield, Mich., VOR; MEA *3,000. *2,200—MOCA.
From Litchfield, Mich., VOR; to Bridgewater INT, Mich.; MEA *3,000. *2,300—MOCA.
From Bridgewater INT, Mich.; to U.S.-Canadian Border; MEA 2,300.
From Rockford, Ill., VOR; to Marengo INT, Ill.; MEA 2,600.

Section 95.6819 *VOR Federal airway 819* is amended to read in part:

From Ocala, Fla., VOR; to Gainesville, Fla., VOR; MEA *1,700. *1,300—MOCA.
From Taylor, Fla., VOR; to Waycross, Ga., VOR; MEA 2,200.
From Waycross, Ga., VOR; to Alma, Ga., VOR; MEA *2,000. *1,300—MOCA.

Section 95.6837 *VOR Federal airway 837* is amended to read in part:

From Kent INT, Ala.; to LaGrange, Ga., VOR; MEA *2,600. *2,100—MOCA.
From Picayune, Miss., VOR; to Int. 010° M rad, Mobile VOR and 243° M rad, Evergreen VOR; MEA *3,000. *2,600—MOCA.
From Int 010° M rad, Mobile VOR and 243° M rad, Evergreen VOR; to Evergreen, Ala., VOR; MEA *2,000. *1,500—MOCA.

Section 95.6839 *VOR Federal airway 839* is amended to read in part:

From Ocala, Fla., VOR; to Gainesville, Fla., VOR; MEA *1,700. *1,300—MOCA.
From Statesville INT, N.C.; to Burch INT, N.C.; MEA *5,000. *3,000—MOCA.
From Burch INT, N.C.; to Pulaski, Va., VOR; MEA *6,000. *5,600—MOCA.
From Taylor, Fla., VOR; to Waycross, Ga., VOR; MEA 2,200.
From Waycross, Ga., VOR; to Alma, Ga., VOR; MEA *2,000. *1,300—MOCA.

Section 95.6845 *VOR Federal airway 845* is amended to read in part:

From Tiff City INT, Mo.; to *Pryor INT, Okla.; MEA **2,800. *2,800—MRA. **2,100—MOCA.

Section 95.6846 *VOR Federal airway 846* is amended to read in part:

From Malta INT, Ill.; to Polo, Ill., VOR; MEA *2,700. *2,000—MOCA.
From Polo, Ill., VOR; to Charlotte INT, Ill.; MEA *2,700. *2,200—MOCA.

Section 95.6854 *VOR Federal airway 854* is amended to read in part:

From Malta INT, Ill.; to Polo, Ill., VOR; MEA *2,700. *2,000—MOCA.
From *Ogden, Utah, VOR; to Lucin, Utah, VOR; MEA 9,000. *11,000—MCA Ogden VOR, eastbound.

Section 95.6855 *VOR Federal airway 855* is amended to read in part:

From Malta INT, Ill.; to Rockford, Ill., VOR; MEA *2,700. *2,100—MOCA.

Section 95.6856 *VOR Federal airway 856* is amended to read in part:

From Leroy INT, Mich.; to Litchfield, Mich., VOR; MEA *3,000. *2,200—MOCA.
From Litchfield, Mich., VOR; to Bridgewater INT, Mich.; MEA *3,000. *2,300—MOCA.
From Bridgewater INT, Mich.; to U.S.-Canadian Border; MEA 2,300.

Section 95.6859 *VOR Federal airway 859* is amended to read in part:

From Tiff City INT, Mo.; to *Pryor INT, Okla.; MEA **2,800. *2,800—MRA. **2,100—MOCA.

Section 95.6880 *VOR Federal airway 880* is amended to read in part:

From U.S.-Canadian Border; to Salem, Mich., VOR; MEA *2,600. *2,300—MOCA.
From Salem, Mich., VOR; to Leslie INT, Mich.; MEA *3,000. *2,500—MOCA.
From Leslie INT, Mich.; to Hickory INT, Mich.; MEA *3,500. *3,000—MOCA.

Section 95.6881 *VOR Federal airway 881* is amended to read in part:

From Gainesville, Fla., VOR; to Ocala, Fla., VOR; MEA *1,700. *1,300—MOCA.
From Alma, Ga., VOR; to Waycross, Ga., VOR; MEA *2,000. *1,300—MOCA.
From Waycross, Ga., VOR; to Taylor, Fla., VOR; MEA 2,200.

Section 95.1522 *VOR Federal airway 1522* is amended to delete:

From Los Angeles, Calif., VOR; to Daggett, Calif., VOR; MEA 14,500; MAA 24,000.
From Daggett, Calif., VOR; to Las Vegas, Nev., VOR; MEA 14,500; MAA 24,000.
From Las Vegas, Nev., VOR; to Mormon Mesa, Nev., VOR; MEA 14,500; MAA 24,000.

Section 95.1522 *VOR Federal airway 1522* is amended by adding:

From Los Angeles, Calif., VOR; to Ontario, Calif., VOR; MEA 14,500; MAA 24,000.
From Ontario, Calif., VOR; to Hector, Calif., VOR; MEA 14,500; MAA 24,000.
From Hector, Calif., VOR; to Boulder, Nev., VOR; MEA 14,500; MAA 24,000.
From Boulder, Nev., VOR; to Mormon Mesa, Nev., VOR; MEA 14,500; MAA 24,000.

Section 95.1538 *VOR Federal airway 1538* is amended to read in part:

From Knoxville, Tenn., VOR; to Whitesburg, Ky., VOR; MEA 14,500; MAA 24,000.
From Whitesburg, Ky., VOR; to Charleston, W. Va., VOR; MEA 14,500; MAA 24,000.

Section 95.1540 *VOR Federal airway 1540* is amended to read in part:

From London, Ky., VOR; to Whitesburg, Ky., VOR; MEA 14,500; MAA 24,000.
From Whitesburg, Ky., VOR; to Bluefield, Ky., VOR; MEA 14,500; MAA 24,000.

Section 95.1547 *VOR Federal airway 1547* is amended to delete:

From Los Angeles, Calif., VOR; to Ontario, Calif., VOR; MEA 14,500; MAA 24,000.
From Ontario, Calif., VOR; to Hector, Calif., VOR; MEA 14,500; MAA 24,000.

From Hector, Calif., VOR; to Boulder, Nev., VOR; MEA 14,500; MAA 24,000.
From Boulder, Nev., VOR; to Mormon Mesa, Nev., VOR; MEA 14,500; MAA 24,000.

Section 95.1547 *VOR Federal airway 1547* is amended by adding:

From Los Angeles, Calif., VOR; to Daggett, Calif., VOR; MEA 14,500; MAA 24,000.
From Daggett, Calif., VOR; to Las Vegas, Nev., VOR; MEA 14,500; MAA 24,000.
From Las Vegas, Nev., VOR; to Morman Mesa, Nev., VOR; MEA 14,500; MAA 24,000.

Section 95.1610 *VOR Federal airway 1610* is amended to read in part:

From Houston, Tex., VOR; to Sabine Pass, Tex., VOR; MEA 14,500; MAA 24,000.
From Sabine Pass, Tex., VOR; to Lake Charles, La., VOR; MEA 14,500; MAA 24,000.

Section 95.1630 *VOR Federal airway 1630* is amended to read in part:

From Houston, Tex., VOR; to Sabine Pass, Tex., VOR; MEA 14,500; MAA 24,000.
From Sabine Pass, Tex., VOR; to Tibby, La., VOR; MEA 14,500; MAA 24,000.
From Tibby, La., VOR; to New Orleans, La., VOR; MEA 14,500; MAA 24,000.

Section 95.1667 *VOR Federal airway 1667* is amended to read in part:

From Holston Mountain, Tenn., VOR; to Whitesburg, Ky., VOR; MEA 14,500; MAA 24,000.
From Whitesburg, Ky., VOR; to Lexington, Ky., VOR; MEA 14,500; MAA 24,000.

Section 95.1692 *VOR Federal airway 1692* is deleted.

These amendments are made under the authority of sections 307(c), 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775).

These rules shall become effective December 12, 1963.

Issued in Washington, D.C., on November 15, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63-12157; Filed, Nov. 21, 1963; 8:45 a.m.]

[Reg. Docket No. 2042; Amdt. 348]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 [New] (14 CFR Part 97 [New]) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
BLI VOR	BG LFR	Direct	1500	T-dn	300-1	300-1	200-½
White Rock LF Int	BG LFR	Direct	1500	C-dn	700-1	700-1	700-1½
				A-dn	800-2	800-2	800-2
				If aircraft equipped with operational ADF and is utilized from BG LFR to Runway 12, the following minimum applies:			
				S-dn-12	500-1	500-1	500-1

Procedure turn W side NW crs, 295° Outbnd, 115° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 114°—2.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.6 miles after passing BG LFR, turn right, climb to 1500′ direct to BG LFR, thence continue climb on NW crs BG LFR within 10 miles.
Other changes: Deletes transition from Custer Int (final).

City, Bellingham; State, Wash.; Airport Name, Bellingham Municipal; Elev., 158′; Fac. Class., SBRAZ; Ident., BG; Procedure No. 1, Amdt. 10; Eff. Date, 30 Nov. 63; Sup. Amdt. No. 9; Dated 11 Nov. 61

Burley VOR	BY-LFR	Direct	6000	T-dn*	300-1	300-1	NA
				C-dn	600-1	600-1	NA
				S-dn-20	400-1	400-1	NA
				A-dn	800-2	800-2	NA

Procedure turn W side NE crs, 006° Outbnd, 186° Inbnd, 6000′ within 10 miles.
Minimum altitude over facility on final approach crs, 4900′.
Crs and distance, facility to airport, 198°—2.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing BY-LFR, make a climbing right turn direct to BY-LFR. Climb to 6000′ on N crs within 10 miles.
*500-1 required for takeoff on Runways 10, 28, and 24.

City, Burley; State, Idaho; Airport Name, Burley Municipal; Elev., 4150′; Fac. Class., SBMRAZ; Ident., BY; Procedure No. 1, Amdt. 8; Eff. Date, 30 Nov. 63; Sup. Amdt. No. 7; Dated, 24 Feb. 62

				T-d	500-1	500-1	500-1
				C-d	1000-2	1000-2	1000-2
				A-d	1500-3	1500-3	1500-3

Procedure turn N side of crs, 071° Outbnd, 251° Inbnd, 9100′ within 10 miles.
Minimum altitude over facility on final approach crs, 8300′.
Crs and distance, facility to airport, 257°—4.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles after passing SIR-LFR, climb to 10,000′ on W crs SIR LFR within 15 miles.
NOTE: High unlighted terrain surrounding airport.

City, Rawlins; State, Wyo.; Airport Name, Municipal; Elev., 6784′; Fac. Class., SBRAZ; Ident., SIR; Procedure No. 1, Amdt. 9; Eff. Date, 30 Nov. 63; Sup. Amdt. No. 8; Dated, 26 Oct. 63

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
AEX VOR	ESF RBn	Direct	1700	T-dn	300-1	300-1	200-½
AX LFR	ESF RBn	Direct	1700	C-dn	400-1	500-1	500-1½
Marks Int	ESF RBn	Direct	1700	S-dn-32	400-1	400-1	400-1
Bunkie Int	ESF RBn	Direct	1700	A-dn	800-2	800-2	800-2
Clew Int	ESF RBn	Direct	1700				
Larto Int	ESF RBn	Direct	1700				

Radar vectoring utilizing England AFB Radar authorized in accordance with approved patterns.
Procedure turn E side of crs, 140° Outbnd, 320° Inbnd, 1700′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 320°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing ESF RBn, climb to 2000′ on crs of 320° from ESF RBn.
CAUTION: Radio tower 678′ 8 miles SW of airport.

City, Alexandria; State, La.; Airport Name, Esler; Elev., 108′; Fac. Class., MHW; Ident., ESF; Procedure No. 1, Amdt. 1; Eff. Date, 30 Nov. 63; Sup. Amdt. No. Orig.; Dated, 12 Nov. 60

BTL-VOR	LOM	Direct	2400	T-dn	300-1	300-1	200-½
Hickory Int	LOM	Direct	2400	C-dn	400-1	500-1	500-1½
Bellevue Int	LOM (final)	Direct	2000	S-dn-22	400-1	400-1	400-1
Jackson VOR	LOM	Direct	2500	A-dn	800-2	800-2	800-2
Litchfield VOR	LOM	Direct	2600				
Lansing VOR	LOM	Direct	2500				

Procedure turn N side of crs, 044° Outbnd, 224° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 224°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing BT LOM, make left climbing turn to 3000′ and proceed to the Leroy Int via BTL R-176 or, when directed by ATC, climb to 2400′, turn left and return to BT LOM.
NOTE: When authorized by ATC, DME from BTL-VOR may be used to establish position Inbnd at 3000′ on 224° bearing to LOM via 12-mile arc from BTL VOR for straightin approach with elimination of procedure turn. Final approach from holding pattern at LOM not authorized. Procedure turn required.
Other change: Deletes transition from BQ-LFR.

City, Battle Creek; State, Mich.; Airport Name, Kellogg; Elev., 941′; Fac. Class., LOM; Ident., BT; Procedure No. 1, Amdt. 1; Eff. Date, 30 Nov. 63: Sup. Amdt. No. Orig.; Dated, 9 Sept. 61

CID VOR	LOM	Direct	2000	T-dn	300-1	300-1	200-½
IOW VOR	LOM	Direct	2500	C-dn	400-1	500-1	500-1½
Watkins Int	LOM (final)	Direct	1900	S-dn-8	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 265° Outbnd, 085° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 085°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing LOM, climb to 2500′ on crs 085° within 15 miles or, when directed by ATC, make right climbing turn to 2000′ and proceed to LOM.

City, Cedar Rapids; State, Iowa; Airport Name, Cedar Rapids Municipal; Elev., 863′; Fac. Class., LOM; Ident., CI; Procedure No. 1, Amdt. Orig.; Eff. Date, 30 Nov. 63; Sup. Amdt. No. (Formerly Procedure No. 4)

PROCEDURE CANCELLED, EFFECTIVE 30 NOV. 1963.

City, Cedar Rapids; State, Iowa; Airport Name, Municipal; Elev., 863′; Fac. Class., LOM; Ident., CI; Procedure No. 4, Amdt. 1; Eff. Date, 6 Oct. 62; Sup. Amdt. No. Orig.; Dated, 12 Aug. 61

Bar Int	LOM (final)	Direct	1500	T-dn*	300-1	300-1	200-½
LFT VOR	LOM	Direct	1500	C-dn	400-1	500-1	500-1½
LFT RBn	LOM	Direct	1500	S-dn-19	400-1	400-1	400-1
				A-dn	800-2	800 2	800-2

Procedure turn W side of crs, 013° Outbnd, 193° Inbnd, 1500′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 190°—5.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles after passing LOM, climb to 1500′ on a 193° crs from the LOM within 20 miles.
CAUTION: 494′ TV tower 3.0 miles WNW airport. 539′ TV tower 7 miles NW of airport.
*300-1 required for takeoff on Runway 28.

City, Lafayette; State, La.; Airport Name, Lafayette; Elev., 42′; Fac. Class., LOM; Ident., LF; Procedure No. 2, Amdt. 1; Eff. Date, 30 Nov. 63; Sup. Amdt. No. Orig.; Dated, 4 Mar. 61

NUN VOR	LOM	Direct	1500	T-dn	300-1	300-1	200-½
PNS RBn	LOM	Direct	1500	C-dn	400-1	500-1	500-1½
Gonzales Int	LOM (final)	Direct	1300	S-dn-16	400-1	400-1	400-1
Harold Int	LOM	Direct	1400	A-dn	800-2	800-2	800-2
Elberta Int	LOM	Direct	1400				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side N crs, 343° Outbnd, 163° Inbnd, 1400′ within 10 miles. Beyond 10 miles not authorized. Procedure turn nonstandard due ATC.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 163°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 1200′ on crs of 163° from the LOM within 10 miles or, when directed by ATC, climb to 1200′ on crs of 100° from the Pensacola RBn within 15 miles.
CAUTION: Warning area 10 miles S of PNS RBn.

City, Pensacola; State, Fla.; Airport Name, Pensacola Municipal; Elev., 121′; Fac. Class., LOM; Ident., PN; Procedure No. 1, Amdt. 8; Eff. Date, 30 Nov. 63; Sup. Amdt. No. 7; Dated, 13 Oct. 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Pensacola VOR	PNS RBn	Direct	1500	T-dn	300–1	300–1	200–½
Harold Int	PNS RBn	Direct	1400	C-dn	400–1	500–1	500–1½
				S-dn-34	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 163° Outbnd, 343° Inbnd, 1200′ within 10 miles. Beyond 10 miles not authorized due warning area.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 343°—1.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 miles after passing RBn, climb to 1400′ on 343° crs from RBn within 15 miles or, when directed by ATC, turn right, climb to 1400′ on crs of 030° from Pensacola RBn within 15 miles.
CAUTION: Warning area beyond 10 miles S of PNS RBn.

City, Pensacola; State, Fla.; Airport Name, Pensacola Municipal; Elev., 121′; Fac. Class., SABH; Ident., PNS; Procedure No. 2, Amdt. 1; Eff. Date, 30 Nov. 63; Sup. Amdt. No. Orig.; Dated, 27 Oct. 62

Savannah VOR	LOM	Direct	1700	T-dn	300–1	300–1	200–½
Marlow Int	LOM	Direct	1700	C-dn	400–1	500–1	500–1½
				S-dn-9	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 272° Outbnd, 092° Inbnd, 1700′ within 10 miles. Beyond 10 miles not authorized. Nonstandard due to restricted area.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 092°—5.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing LOM, climb to 1700′ on crs of 092° within 15 miles or, when directed by ATC, turn left, climbing to 1700′ direct to SAV VOR.

City, Savannah; State, Ga.; Airport Name, Travis Field; Elev., 50′; Fac. Class., LOM; Ident., SA; Procedure No. 1, Amdt. 6; Eff. Date, 30 Nov. 63; Sup. Amdt. No. 5; Dated, 17 Mar. 62

Shell Rock Int	LOM (final)	Direct	2300	T-dn	300–1	300–1	200–½
New Hartford Int	LOM	Direct	2300	C-dn	400–1	500–1	500–1½
Waverly Int	LOM	Direct	2300	S-dn-12	400–1	400–1	400–1
ALO VOR	LOM	Direct	2300	A-dn	800–2	800–2	800–2
Reinbeck Int	LOM	Direct	2300				

Procedure turn W side of crs, 303° Outbnd, 123° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 123°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing AL LOM, climb to 2500′ on ALO VOR R–094 within 20 miles or, when directed by ATC, (1) climb to 2500′ on ALO VOR R–141 within 20 miles, (2) climb to 2500′ on 123° bearing from LOM within 15 miles.

City, Waterloo; State, Iowa; Airport Name, Waterloo Municipal; Elev. 870′; Fac. Class., LOM; Ident., AL; Procedure No. 1, Amdt. 4; Eff. Date, 30 Nov. 63; Sup. Amdt. No. 3; Dated, 20 Jan. 62

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
XX LFR	BLI VOR	Direct	2000	T-dn	300–1	300–1	200–½
Maple Ridge LF Int	BLI VOR	Direct	2000	C-n	700–1	700–1	700–1½
White Rock LF Int	BLI VOR	Direct	2000	C-n	700–2	700–2	700–2
				A-dn	800–2	800–2	800–2
				*If aircraft equipped to receive VOR and FM simultaneously and Ferndale FM identified, the following minimums apply:			
				C-dn	700–1	700–1	700–1½
				S-dn-16	500–1	500–1	500–1

Procedure turn W side of crs, 326° Outbnd, 146° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′; over Ferndale FM, 900′.
Crs and distance, facility to airport, 146°—8.9 miles; Ferndale FM to airport, 146°—3.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing Ferndale FM, or 8.9 miles after passing BLI VOR, turn right and return to BLI VOR climbing to 2000′.
Other change: Deletes transition from BG LFR.
*If Ferndale FM not identified, minimum authorized altitude over airport, 900′.

City, Bellingham; State, Wash.; Airport Name, Bellingham Municipal; Elev., 158′; Fac. Class., H-BVOR; Ident., BLI; Procedure No.1, Amdt. 4; Eff. Date, 30 Nov. 63; Sup. Amdt. No. 3; Dated, 28 Oct. 61

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-30	400-1	400-1	400-1
				A-dn*	NA	NA	NA

Procedure turn E side of crs 114° Outbnd, 294° Inbnd, 2900′ within 10 miles.
Minimum altitude over facility on final approach crs, 2800′.
Crs and distance, facility to airport, 294°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing BRD-VOR, make right climbing turn to 2900′ and return to VOR.
*Alternate minimums of 800–2 authorized for air carriers with weather reporting service available at the airport.

City, Brainerd; State, Minn.; Airport Name, Crow Wing County; Elev., 1226′; Fac. Class., L-BVOR; Ident., BRD; Procedure No. 1, Amdt. Orig.; Eff. Date, 30 Nov. 63

Burley LFR	BYI-VOR	Direct	6000	T-dn*	300-1	300-1	NA
Hazelton Int	BYI-VOR (final)	Direct	5300	C-dn	600-1	600-1	NA
				A-dn	800-2	800-2	NA

Procedure turn S side crs, 274° Outbnd, 094° Inbnd, 6000′ within 10 miles.
Minimum altitude over facility on final approach crs, 5300′.
Crs and distance, facility to airport, 103°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing BYI-VOR, turn left, climb to 7000′ on R-054 within 20 miles.
*500-1 required for takeoff Runways 10, 28, and 24.

City, Burley; State, Idaho; Airport Name, Burley Municipal; Elev., 4150′; Fac. Class., BVORTAC; Ident., BYI; Procedure No. 1, Amdt. 3; Eff. Date, 30 Nov. 63; Sup. Amdt. No. 2; Dated, 3 Oct. 59

IOW-VOR	CID-VOR	Direct	2500	T-dn	300-1	300-1	200-½
Belle Plaine Int	Watkins Int	Direct	2500	C-dn	400-1	500-1	500-1½
Watkins Int	CID VOR (final)	Direct	1700	S-dn-8	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 260° Outbnd, 080° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 088°—2.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 miles after passing CID-VOR, climb to 2500′ on R-088 CID-VOR within 15 miles or, when directed by ATC, make a right climbing turn to 2000′ and proceed to VOR.

City, Cedar Rapids; State, Iowa; Airport Name, Cedar Rapids Municipal; Elev., 863′; Fac. Class., BVORTAC; Ident., CID; Procedure No. 1, Amdt. 6; Eff. Date, 30 Nov. 63; Sup. Amdt. No. 5, Dated, 2 Feb. 63

Lisbon Int	Ely Int* (final)	Via crs 200°—1.9 miles to CID VOR R-087.	2500	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-26	400-1	400-1	400-1
Solon Int	Ely Int* (final)	Via crs 340°—1.8 miles to CID VOR R-087.	2500	A-dn	800-2	800-2	800-2
CID VOR	Ely Int*	Direct	2500				
IOW VOR	Ely Int*	Direct	2500				

Procedure turn N side of crs, 087° Outbnd, 267° Inbnd, 2500′ within 10 miles of Ely Int.*
Minimum altitude over Ely Int* on final approach crs, 2500′.
Crs and distance, Ely Int* to airport, 267°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing Ely Int,* proceed to CID VOR via R-087, climbing to 2000′ or, when directed by ATC, make right turn climbing to 2500′ and return to Ely Int.*
NOTE: Operating dual VOR equipment required to execute this procedure.
*Ely Int: Int CID VOR R-087 and IOW VOR R-358.

City, Cedar Rapids; State, Iowa; Airport Name, Cedar Rapids Municipal; Elev., 863′; Fac. Class., BVORTAC; Ident., CID; Procedure No. 2, Amdt. 1; Eff. Date, 30 Nov. 63; Sup. Amdt. No. Orig.; Dated, 28 Oct. 61

				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-31	400-1	400-1	400-1
				A-dn*	800-2	800-2	800-2

Procedure turn E side of crs, 155° Outbnd, 335° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 2100′.
Crs and distance, facility to airport, 335°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles after passing DBQ VOR, make left climbing turn to 2300′ and return to DBQ VOR.
AIR CARRIER NOTE: Alternate minimums authorized 24 hours daily for air carriers with weather reporting service at the airport.
*Alternate minimums not authorized 2100 to 0600 local time.

City, Dubuque; State, Iowa; Airport Name, Dubuque Municipal; Elev., 1075′; Fac. Class., M-BVOR; Ident., DBQ; Procedure No. 1, Amdt. 1; Eff. Date, 30 Nov. 63; Sup. Amdt. No. Orig.; Dated, 2 Nov. 57

				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				A-dn*	800-2	800-2	800-2

Procedure turn N side of crs, 073° Outbnd, 253° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 253°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing DYR-VOR, turn left, climb to 1600′, return to DYR VOR and contact ATC for further clearance.
*Weather service not available 2200 to 0600. During this period, alternate minimums authorized only for air carriers having approval of their arrangements for weather service at this airport.

City, Dyersburg; State, Tenn.; Airport Name, Dyersburg Municipal; Elev., 337′; Fac. Class., BVORTAC; Ident., DYR; Procedure No. 1, Amdt. 8; Eff. Date, 30 Nov. 63; Sup. Amdt. No. 7; Dated, 15 June 63

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn* C-dn# S-dn-1 A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	200-½ 500-1½ 400-1 800-2

Procedure turn W side of crs, 165° Outbnd, 345° Inbnd, 1500′ within 10 miles. Beyond 10 miles not authorized. Procedure turn nonstandard due to ATC requirements.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 345°—3.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles after passing LFT-VOR, climb to 1500′ on R-005 within 15 miles or, when directed by ATC, turn right, climb to 1500′ on R-278 within 20 miles.
Other change: Deletes transition from Lafayette RBn.
#CAUTION: 494′ TV tower 3.0 miles WNW of airport. 539′ TV tower 7 miles NW of airport.
*500-1 required for takeoffs on Runway 28.

City, Lafayette; State, La.; Airport Name, Lafayette; Elev., 42′; Fac. Class., BVOR; Ident., LFT; Procedure No. 1, Amdt. 5; Eff. Date, 30 Nov. 63; Sup. Amdt. No. 4; Dated, 16 July 60

Spencer Int	LWS-VOR	Direct	6500	T-dn C-dn A-dn*	300-1 600-1 800-2	300-1 600-1 800-2	300-1 600-1½ 800-2

Procedure turn N side of crs, 055° Outbnd, 235° Inbnd, 4800′ within 10 miles.
Minimum altitude over facility on final approach crs, 4000′.
Crs and distance, facility to airport, 246°—5.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing LWS VOR, climb to 4800′ on R-246 within 15 miles of LWS-VOR.
NOTE: Final approach from holding pattern at LWS VOR not authorized, procedure turn required.
*Weather service 0330-1930 P.s.t. Alternate minimums not authorized when weather service not available.

City, Lewiston; State, Idaho; Airport Name, Lewiston-Nez Perce County; Elev., 1438′; Fac. Class., L-BVOR; Ident., LWS; Procedure No. 1, Amdt. 1; Eff. Date, 30 Nov. 63; Sup. Amdt. No. Orig.; Dated, 10 June 61

				T-d T-n C-d C-n A-dn*	1000-1 1000-2 1900-1 1900-2 2000-2	1000-1 1000-2 1900-1 1900-2 2000-2	1000-1 1000-2 1900-1½ 1900-2 2000-2

Procedure turn W side of crs, 157° Outbnd, 337° Inbnd, 4300′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 3400′.
Crs and distance, facility to airport, 337°—3.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles after passing RBG VOR, climb to 3700′ Outbnd on R-336 within 15 miles of RBG VOR, thence reverse crs and return to RBG VOR climbing to 4300′.
CAUTION: High terrain all quadrants.
NOTE: Final approach from holding pattern at RBG VOR not authorized, procedure turn required.
*Weather service 0530-2130 P.s.t. Alternate minimums not authorized when weather service not available.

City, Roseburg; State, Oreg.; Airport Name, Roseburg Municipal; Elev., 525′; Fac. Class., L-BVOR; Ident., RBG; Procedure No. 1, Amdt. 1; Eff. Date, 30 Nov. 63; Sup. Amdt. No. Orig.; Dated, 22 June 63

4. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
AZO-VOR	BTL-VOR	Direct	2200	T-dn	300-1	300-1	200-½
LFD-VOR	BTL-VOR	Direct	2600	C-dn	500-1	500-1	500-1½
AZO-VOR	Fulton Int**	Direct	2000	S-dn-4	500-1	500-1	500-1
Fulton Int**	West Int* (final)	Direct	2000	A-dn	800-2	800-2	800-2
LeRoy Int	BTL-VOR	Direct	2200	The following minimums apply for aircraft equipped with dual VOR and West Int* identified:			
				C-dn	400-1	500-1	500-1½
				S-dn-4	400-1	400-1	400-1

Procedure turn E side of crs, 216° Outbnd, 036° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.*
Facility on airport.
Crs and distance, West Int* to airport, 036°—3.9 miles.
Crs and distance, breakoff point to Runway 4, 044°—0.42 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over BTL VOR, (1) climb to 3000′, proceed to Hickory Int via BTL R-331, or (2) climb on R-036 to 2400′, turn left, proceed to BTL VOR.
Other change: Deletes transition from BQ-LFR.
*West Int: Int BTL-VOR R-216 and AZO-VOR R-087.
**Fulton Int: Int AZO-VOR R-101 and BTL-VOR R-216.

City, Battle Creek; State, Mich.; Airport Name, Kellogg; Elev., 941′; Fac. Class., L-BVORTAC; Ident., BTL; Procedure No. TerVOR-4, Amdt. 4; Eff. Date, 30 Nov. 63; Sup. Amdt. No. 3; Dated, 31 Dec. 60

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
BT LOM	BTL-VOR	Direct	2400	T-dn	300-1	300-1	200-½
LFD-VOR	BTL-VOR	Direct	2600	C-dn	600-1	600-1	600-1½
LeRoy Int	BTL-VOR	Direct	2400	S-dn-22	600-1	600-1	600-1
AZO-VOR	BTL-VOR	Direct	2400	A-dn	800-2	800-2	800-2
				Following minimums apply for aircraft equipped with VOR and ADF receivers after passing BT LOM:*			
				C-dn	400-1	500-1	500-1½
				S-dn	400-1	400-1	400-1

Procedure turn W side of crs, 051° Outbnd, 231° Inbnd, 2400′ within 10 miles.
Minimum altitude over BTL-VOR on final approach crs, 1500′.*
Facility on airport.
Crs and distance, breakoff point to Runway 22, 224°—0.35 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over BTL VOR, climb to 3000′, turn left and proceed to LeRoy Int via R-176 or, when directed by ATC, climb to 2400′, turn left and return to BTL VOR.
Other change: Deletes transition from BQ-LFR.

City, Battle Creek; State, Mich; Airport Name, Kellogg; Elev., 941′; Fac. Class., L-BVORTAC; Ident., BTL; Procedure No. TerVOR-22, Amdt. 4; Eff. Date, 30 Nov. 63; Sup. Amdt. No. 3; Dated, 31 Dec. 60

Leslie Int	JXN VOR	Direct	2300	T-dn	300-1	300-1	200-½
Brooklyn Int	JXN VOR	Direct	2300	C-dn	500-1	500-1	500-1½
LFD VOR	JXN VOR	Direct	2700	S-dn-13	500-1	500-1	500-1
Springport Int#	Cloverleaf Int* (final)	Direct	2100	A-dn	800-2	800-2	800-2
				If aircraft dual omni equipped and Cloverleaf Int* received, the following minimums apply:			
				C-dn	400-1	500-1	500-1½
				S-dn-13	400-1	400-1	400-1

Procedure turn W side of crs, 308° Outbnd, 128° Inbnd, 2300′ within 10 miles.
Facility on airport.
Minimum altitude over JXN VOR on final approach crs, 1500′*.
Crs and distance, Cloverleaf Int* to airport, 128°—4.4 miles.
Crs and distance, breakoff point to Runway 13, 135°—0.30 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over JXN VOR, climb to 2300′ on R-128 within 10 miles. Reverse crs, proceed to JXN VOR.
CAUTION: Tower 11.3 miles NW, 1946′; tower 2.2 miles SE, 1330′; tower 3.0 miles NE, 1310′.
#Springport Int: Int JXN VOR R-308 and LAN R-180.
*Cloverleaf Int: Int JXN VOR R-308 and LFD VOR R-036.

City, Jackson; State, Mich; Airport Name, Reynolds Municipal; Elev., 1000′; Fac. Class., BVOR; Ident., JXN; Procedure No. TerVOR-13, Amdt. 1; Eff. Date, 30 Nov. 63; Sup. Amdt. No. Orig.; Dated, 21 Nov. 59

Leslie Int	JXN VOR	Direct	2300	T-dn	300-1	300-1	200-½
Brooklyn Int	JXN VOR	Direct	2300	C-dn	700-1	700-1	700-1½
Litchfield VOR	JXN VOR	Direct	2700	S-dn-31	700-1	700-1	700-1
Brooklyn Int	Town Int* (final)	Direct	1800	A-dn	800-2	800-2	800-2
				If aircraft dual omni equipped and Town Int* received, the following minimums apply:			
				C-dn	500-1	500-1	500-1½
				S-dn-31	500-1	500-1	500-1

Procedure turn E side of crs, 143° Outbnd, 323° Inbnd, 2300′ within 10 miles.
Facility on airport.
Minimum altitude over JXN VOR on final approach crs, 1700′.*
Crs and distance, Town Int* to airport, 323°—2.5 miles.
Crs and distance, breakoff point to Runway 31, 315°—0.27 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over JXN VOR, climb to 2300′ on R-308 within 10 miles. Reverse course, proceed to JXN VOR.
CAUTION: Tower 2.2 miles SE, 1330′; tower 11.3 miles NW, 1946; tower 3.0 miles NE, 1310′.
*Town Int: Int JXN VOR R-143 and LFD VOR R-058.

City, Jackson; State, Mich.; Airport Name, Reynolds Municipal; Elev., 1000′; Fac. Class., BVOR; Ident., JXN; Procedure No. TerVOR-31, Amdt. 2; Eff. Date, 30 Nov. 63; Sup. Amdt. No. 1; Dated, 6 May 61

Goodsprings Int	LAS VOR	Direct	7000	T-dn	300-1	300-1	200-½
LAS VOR	Sunrise Int*	Direct	5500	C-dn	500-1	500-1	500-1½
LAS RBn	Sunrise Int*	Direct	5600	A-dn	800-2	800-2	800-2
BLD VOR	Kids Int	Direct	5300				
Lakeview Int	Kids Int	Direct	5000				
Kids Int	Sunrise Int* (final)	Direct	3500				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 065° Outbnd, 245° Inbnd, 5000′ within 10 miles of Sunrise Int.* Nonstandard due high terrain N.
Minimum altitude over Sunrise Int* on final approach crs, 3500′; over VOR, 2700′.
VOR on airport. Crs and distance, Sunrise Int* to airport, 245°—4.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of VOR, turn left and climb to 5000′ on R-065 to Kids Int.
*Sunrise Int: Int LAS VOR R-065, BLD R-284 or 166° bearing from LAS RBn.

City, Las Vegas; State, Nev.; Airport Name, McCarran Field; Elev., 2171′; Fac. Class., B-VORTAC; Ident., LAS; Procedure No. TerVOR R-065, Amdt. Orig.; Eff. Date, 30 Nov. 63

PROCEDURE CANCELLED, EFFECTIVE 30 NOV. 1963.

City, Twin Falls; State, Idaho; Airport Name, Twin Falls Municipal (Joslin Field); Elev., 4148′; Fac. Class., BVOR; Ident., TWF; Procedure No. TerVOR-7, Amdt. 3; Eff. Date, 25 May 63; Sup. Amdt. No. 2; Dated, 23 Sept. 61

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Rock Creek Int	TWF VOR	Direct	8000	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-25	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 068° Outbnd, 248° Inbnd, 5600′ within 10 miles.
Minimum altitude over facility on final approach crs, 4600′.
Facility on airport.
Crs and distance, breakoff point to approach end of Runway 25, 253°—0.3 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of TWF VOR, turn right, climb to 5600′ on R-293 within 20 miles.
Other change: Deletes transition from Buhl Int.

City, Twin Falls; State, Idaho; Airport Name, Twin Falls Municipal (Joslin Field); Elev., 4148; Fac. Class., BVOR; Ident., TWF; Procedure No. TerVOR-25, Amdt. 4; Eff. Date, 30 Nov. 63; Sup. Amdt. No. 3; Dated, 25 May 63

5. By amending the following very high frequency omnirange-distance measuring equipment (VOR–DME) procedures prescribed in § 97.15 to read:

VOR–DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
19.0-mile DME Fix R-087	9.0-mile DME Fix R-087	Direct	2500	T-dn	300-1	300-1	200-½
9.0-mile DME Fix R-087	6.0-mile DME Fix R-087	Direct	1400	C-dn	400-1	500-1	500-1½
				S-dn-26	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 087° Outbnd, 267° Inbnd, 2500′ between 9.0 and 19.0 miles.
Crs and distance, 6.0-miles DME fix to airport, 087°—2.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 3.9-mile DME Fix R-087, proceed to CID-VOR via R-087 climbing to 2000′ or, when directed by ATC, make right turn climbing to 2500′ and return to 9.0-mile DME Fix R-087.
NOTE: When authorized by ATC, DME may be used to position aircraft for final approach at 2500′ between radials 060° clockwise to 160° within 19 miles, with the elimination of procedure turn.

City, Cedar Rapids; State, Iowa; Airport Name, Cedar Rapids Municipal; Elev., 863′; Fac. Class., BVORTAC; Ident., CID; Procedure No. VOR/DME No. 1, Amdt. 2; Eff. Date, 30 Nov. 63; Sup. Amdt. No. 1; Dated, 8 Dec. 62

Opal Int	12-mile DME Fix MSY R-079	Direct	1500	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	NA	NA	NA

Procedure turn not authorized.
Minimum altitude over 12-mile DME fix on final approach crs, 1500′.
Crs and distance, 12-mile DME fix to airport, 259°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 7.7-mile DME fix, turn right, climb to 1500′ on MSY VOR R-064 within 20 miles.
NOTE: Radar vectoring authorized to position aircraft on the final approach radial in accordance with current procedures.

City, New Orleans; State, La.; Airport Name, New Orleans-Lakefront; Elev., 10′; Fac. Class., BVORTAC; Ident., MSY; Procedure No. 1, Amdt. Orig.; Eff. Date, 30 Nov. 63

Rencona Int/15-mile DME fix	5-mile DME fix R-104	Direct	9000	T-d	400-1	400-1	400-1
5-mile DME fix R-104	SAF VOR	Direct	8000	T-n#	400-1½	400-1½	400-1½
10-mile DME fix R-104	10-mile DME fix R-154	10-mile orbit	8000	C-d	700-1	700-1½	700-1½
15-mile DME fix R-154	10-mile DME fix R-154	Direct	9000	C-n#	1000-1	1000-1½	1000-1½
10-mile DME fix R-154	7-mile DME fix R-154	Direct	7700	S-d-33	500-1	500-1	500-1
7-mile DME fix R-154	SAF VOR (final)	Direct	7500	S-n-33	500-1½	500-1½	500-1½
15-mile DME fix R-354	SAF VOR	Direct	8500	A-dn#	1000-2	1000-2	1000-2

Procedure turn E side of crs, 152° Outbnd, 332° Inbnd, 8500′ within 10 miles.
Minimum altitude over facility on final approach crs, 7500′.
Crs and distance, facility to airport, 332°—4.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 4.2-mile DME fix on R-332, make right climbing turn, returning directly to SAF VOR. Continue climb to 9000′ on R-152 within 15 miles of VOR or, when directed by ATC, turn right and climb to 9000′ on SAF VOR R-354 within 20 miles of VOR.
CAUTION: High terrain exceeding 7000′ 5 miles W of airport; 12000′ 20 miles NE of airport; and an 8928′ peak 14 miles S of SAF VOR on R-185.
#Runway 10–28 not authorized for air carrier night operations.

City, Santa Fe; State, N. Mex.; Airport Name, Santa Fe-County Municipal; Elev., 6344′; Fac. Class., M-BVORTAC; Ident., SAF; Procedure No. 1, Amdt. Orig.; Eff. Date, 30 Nov. 63

6. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
BTL VOR	LOM	Direct	2400	T-dn	300-1	300-1	200-½
IXN VOR	Bellevue Int	Direct	2500	C-dn	400-1	500-1	500-1½
LFD VOR	LOM	Direct	2600	S-dn-22*	300-¾	300-¾	300-¾
LAN VOR	Bellevue Int	Direct	2500	A-dn	800-2	800-2	800-2
Bellevue Int	LOM (final)	Via NE crs ILS	2200				
Hickory Int	LOM	Direct	2400				

Procedure turn N side NE crs, 044 Outbnd, 224 Inbnd, 2400′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2200′.
Altitude of glide slope and distance to approach end of runway at LOM, 2160′—3.7 miles; at LMM, 1155′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make left climbing turn to 3000′ and proceed to Leroy Int via BTL VOR R-176 or, when directed by ATC, climb to 2400′, turn left and return to BT LOM.
NOTE: (1) When authorized by ATC, DME from BTL-VOR may be used to establish position Inbnd at 3000′ on NE crs ILS via 12-mile arc from BTL VOR for straight-in approach with elimination of procedure turn. (2) No approach lights. (3) Final approach from holding pattern at LOM not authorized. Procedure turn required.
Other change: Deletes transition from BQ-LFR.
*400-1 required when glide slope not utilized.

City, Battle Creek; State, Mich.; Airport Name, Kellogg; Elev., 941′; Fac. Class., ILS; Ident., I-BTL; Procedure No. ILS-22, Amdt. 1; Eff. Date, 30 Nov. 63; Sup. Amdt. No. Orig.; Dated, 9 Sept. 61

CID-VOR	LOM	Direct	2000	T-dn	300-1	300-1	200-½
IOW-VOR	LOM	Direct	2500	C-dn	400-1	500-1	500-1½
Watkins Int	LOM (final) (via localizer crs)	025°—0.5 mile	1900	S-dn 8#	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Procedure turn N side of crs, 265° Outbnd, 085° Inbnd, 2000′ within 10 miles.
Minimum altitude at glide slope int Inbnd, 1900′.
Altitude of glide slope and distance to approach end of Runway at OM, 1838′—3.6 miles; at MM, 1047′—0.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2500′ on 085° bearing from LOM within 15 miles or, when directed by ATC, make right climbing turn to 2000′ and proceed to LOM.
#400-¾ required when glide slope not utilized.

City, Cedar Rapids; State, Iowa; Airport Name, Municipal; Elev., 863′; Fac. Class., ILS; Ident., I-CID; Procedure No. ILS-8, Amdt. 3; Eff. Date, 30 Nov. 63; Sup. Amdt. No. 2; Dated, 6 July 63

Haletown Int	CQN RBn	Direct	3400	T-dn	300-1	300-1	#200-½
Chattanooga VOR	CQN RBn	Direct	3000	C-dn	600-1½	700-1½	700-2
Dunlap Int	CQN RBn	Direct	3400	S-dn-19*	200-½	200-½	200-½
Chicamauga Int	CQN RBn	Direct	3000	A-dn	600-2	700-2	700-2
Whitwell Int	CQN RBn	Direct	3400				
Bridgeport Int	CQN RBn	Direct	3400				
Coalmont Int	CQN RBn	Direct	3400				
Georgetown Int	CQN RBn	Direct	3000				
Crandall Int	CQN RBn	Direct	3000				
Riceville Int	CQN RBn	Direct	3000				

Procedure turn E side N crs, 015° Outbnd, 195° Inbnd, 3000′ within 10 miles of CQN RBn (nonstandard due terrain W).
Minimum altitude at glide slope Int. Inbnd, 3000′.
Altitude of glide slope and distance to approach end of runway at CQN RBn, 2940′—7.7 miles; at OM, 1900′—4.1 miles; at MM, 890′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3000′ on S crs ILS within 15 miles or, when directed by ATC, turn left and proceed direct to CHA-VOR at 2500′.
CAUTION: Due to high terrain and towers, aircraft with limited climb capability departing on routes W through N, should request clearance to climb on a track of 016° or 196° from LMM to 3000′ MSL before continuing climb on crs.
*500-¾ required when glide slope not utilized. 600-1 required when glide slope and OM not utilized.
#Takeoff on Runways 14-32 with less than 300-1 not authorized.

City, Chattanooga; State, Tenn.; Airport Name, Lovell Field; Elev., 682′; Fac. Class., ILS; Ident., I-CHA; Procedure No. ILS-19, Amdt. 12; Eff. Date, 30 Nov. 63; Sup. Amdt. No. 11; Dated, 17 Nov. 62

Lafayette VOR	LOM	Direct	1500	T-dn*	300-1	300-1	200-½
Bar Int	LOM (final)	Direct	1500	C-dn	400-1	500-1	500-1½
				S-dn-19	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Procedure turn W side of crs, 013° Outbnd, 193° Inbnd, 1500′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude at glide slope interception Inbnd, 1500′.
Altitude of glide slope and distance to approach end of runway at OM, 1500′—5.2 miles; at MM, 236′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1500′ on S crs of ILS within 10 miles or, when directed by ATC, turn right, climb to 1500′ on R-278 of Lafayette VOR within 20 miles.
CAUTION: 494′ TV tower 3.0 miles WNW of airport. 539′ TV tower 7 miles NW of airport.
Other change: Deletes transition from Lafayette RBn.
*500-1 required for takeoff on Runway 28.

City, Lafayette; State, La.; Airport Name, Lafayette; Elev., 42′; Fac. Class., ILS; Ident., I-LFT; Procedure No. ILS-19, Amdt. 2; Eff. Date, 30 Nov. 63; Sup. Amdt. No. 1; Dated, 21 Oct. 61

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
NUN VOR	LOM	Direct	1500	T-dn	300–1	300–1	200–½
Pensacola RBn	LOM	Direct	1500	C-dn	400–1	500–1	500–1½
Gonzalez Int	LOM (final)	Direct	1300	S-dn-16*	300–¾	300–¾	300–¾
Harold Int	LOM	Direct	1400	A-dn	600–2	600–2	600–2
Elberta Int	LOM	Direct	1400				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side N crs, 343° Outbnd, 163° Inbnd, 1400′ within 10 miles. Not authorized beyond 10 miles. Procedure turn nonstandard due ATC.
Minimum altitude at glide slope Int Inbnd, 1300′.
Altitude of glide slope and distance to approach end of runway at OM 1266—3.8 miles at MM 329′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1200′ on SE crs of ILS within 10 miles or, when directed by ATC, climb to 1200′ on R–100 of the NUN VOR within 15 miles.
CAUTION: Warning area 10 miles S of PNS RBn.
*400–¾ required when glide slope not utilized.

City, Pensacola; State, Fla.; Airport Name, Municipal; Elev., 121′; Fac. Class., ILS; Ident., I–PNS; Procedure No. ILS–16, Amdt. 7; Eff. Date, 30 Nov. 63; Sup Amdt. No. 6; Dated, 13 Oct. 62

Pensacola VOR via	Blanchard Int/PNS RBn	Via R–100 NUN VOR.	1500	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-34	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side S crs, 163° Outbnd, 343° Inbnd, 1200′ within 10 miles of Blanchard Int/PNS RBn. Beyond 10 miles not authorized due warning area.
No glide slope. Minimum altitude over Blanchard Int/PNS RBn, 700′.
Crs and distance, Blanchard Int/Pns RBn to approach end of Runway 34, 343°—1.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 miles after passing Blanchard Int/PNS RBn, climb to 1400′ on the ILS NW crs within 15 miles or, when directed by ATC, turn right, climb to 1400′ on R–053 of the Pensacola (NUN) VOR within 15 miles.

City, Pensacola; State, Fla.; Airport Name, Pensacola Municipal; Elev., 121′; Fac. Class., ILS; Ident., I–PNS; Procedure No. ILS–34, Amdt. 7; Eff. Date, 30 Nov. 63; Sup. Amdt. No. 6; Dated, 13 Oct. 62

Marlow Int	LOM	Direct	1700	T-dn	300–1	300–1	200–½
SAV VOR	LOM	Direct	1700	C-dn	400–1	500–1	500–1½
				S-dn-9*	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 272° Outbnd, 092° Inbnd, 1700′ within 10 miles. Beyond 10 miles not authorized. Nonstandard due to restricted area.
Minimum altitude at glide slope interception Inbnd, 1700′.
Altitude of glide slope and distance to approach end of runway at OM, 1686′—5.8 miles; at MM, 219′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1700′ on crs of 092° from LOM within 15 miles or, when directed by ATC, turn left, climbing to 1700′ direct to SAV VOR.
*400–¾ required when glide slope not utilized.

City, Savannah; State, Ga.; Airport Name, Travis Field; Elev., 50′; Fac. Class., ILS; Ident., I–SAW; Procedure No. ILS–9, Amdt. 7; Eff. Date, 30 Nov. 63; Sup. Amdt. No. 6; Dated, 17 Mar. 62

Shell Rock Int	LOM (final)	Direct	2300	T-dn	300–1	300–1	200–½
New Hartford Int	LOM	Direct	2300	C-dn	400–1	500–1	500–1½
Waverly Int	LOM	Direct	2300	S-dn-12	200–½	200–½	200–½
ALO–VOR	LOM	Direct	2300	A-dn	600–2	600–2	600–2
Reinbeck Int	LOM	Direct	2300				

Procedure turn W side of crs, 303° Outbnd, 123° Inbnd, 2300′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2300′.
Altitude of glide slope and distance to approach end of runway at LOM, 2239′—4.5 miles; at LMM, 1060′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2500′ on the ALO–VOR R–094 within 20 miles or, when directed by ATC, (1) climb to 2500′ on the ALO–VOR R–141 within 20 miles, (2) climb to 2500′ on SE crs of ILS within 10 miles.

City, Waterloo; State, Iowa; Airport Name, Waterloo Municipal; Elev., 870′; Fac. Class., ILS; Ident., I–ALO; Procedure No. ILS–12, Amdt. 3; Eff. Date, 30 Nov. 63; Sup. Amdt. No. 2; Dated, 24 Feb 62

7. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
		Within:		Surveillance approach			
100° 200°	200° 100°	3 miles 11.5 miles	2000 2000	T-dn C-dn S-dn-11/29 A-dn	300-1 500-1 500-1 800-2	300-1 500-1½ 500-1 800-2	200-½ 600-1½ 500-1 800-2
				Precision approach			
				S-dn-29	200-½	200-½	200-½

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runway 29: Turn right, climb to 2000′ on SNS VOR R-293 to Moss Landing Int. Hold SE in a 1-minute holding pattern, 113° Outbnd, 293° Inbnd, right turn or, when directed by ATC, climb to 2000′ on crs 290° to intercept the 015° bearing from Monterey LOM, thence direct to the Monterey LOM. Runway 11: Turn left, climb to 2000′ on SNS VOR R-293 to Moss Landing Int. Hold SE in a 1-minute holding pattern, 113° Outbnd, 293° Inbnd, right turn or, when directed by ATC, climb to 2000′ on crs 290° to intercept the 015° bearing from Monterey LOM, thence direct to the Monterey LOM.

NOTE: Authorized for military use only except by prior arrangement.

City, Fort Ord; State, Calif.; Airport Name, Fritzsche AAF; Elev., 134′; Fac. Class. and Ident., Fort Ord Radar; Procedure No. 1, Amdt. 1; Eff. Date, 30 Nov. 63; Sup. Amdt. No. Orig.; Dated, 9 Mar. 63

Radar terminal area maneuvering sectors and altitudes														Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less		More than 2-engine, more than 65 knots
															65 knots or less	More than 65 knots	
														Surveillance approach			
000°...	360°	15 miles	1700′											T-dn C-dn S-dn-5, 9, 18-36 S-dn-23, 27 A-dn	300-1 400-1 400-1 500-1 800-2	300-1 500-1 400-1 500-1 800-2	200-½ 500-1½ 400-1 500-1 800-2

Radar terminal area altitudes—all bearings are from radar site located on Hunter AFB with sector azimuths progressing clockwise.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished on Runways 5-23, 18-36, 9-27, climb to 1700′ proceeding direct to SAV VOR or, when directed by ATC, climb to 1700′ proceeding direct to SAV LOM.

CAUTION: R-3005 9.0 miles SW of Travis Field.

City, Savannah; State, Ga.; Airport Name, Travis Field; Elev., 50′; Fac. Class. and Ident., Hunter AFB Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 30 Nov. 63

These procedures shall become effective on the dates specified therein.

These amendments are made under the authority of sections 307(c), 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775).

Issued in Washington, D.C., on October 29, 1963.

W. LLOYD LANE,
Acting Director, Flight Standards Service.

[F.R. Doc. 63-11653; Filed, Nov. 21, 1963; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 3]

PART 776—WHEAT STABILIZATION PROGRAM

Subpart—1962 Wheat Stabilization Program Regulations

REQUIREMENTS OF ELIGIBILITY; FINAL PAYMENT

The regulations governing the 1962 Wheat Stabilization Program, 26 F.R. 11347, are amended as follows:

1. Section 776.5(b)(4) is amended by adding the following new sentence at the end of such subparagraph:

§ 776.5 Requirements of eligibility.

* * * * *

(b) * * *

(4) * * * Notwithstanding any other provision hereof, a producer shall be considered to be in compliance with the normal conserving acreage requirement for the farm if the county committee, taking into account the information available to the producer as to the number of acres of conserving crops or uses necessary to meet such requirement, the information available to the producer as to the number of acres of such crops or uses on the farm in the year for which compliance is being determined, and the extent to which such producer failed to meet such requirement, determines with the approval of a representative of the State committee, that the producer made a good faith effort to comply with such requirement and could not reasonably be expected to have known that he was not in compliance with such requirement.

* * * * *

2. Section 776.18(b) is amended by changing the first sentence thereof to read as follows:

§ 776.18 Final payment.

* * * * *

(b) The total diverted acreage of wheat on the farm shall be determined by subtracting the wheat acreage on the farm as defined in the regulations governing the Wheat Marketing Quota for 1961 and Subsequent Years from the larger of (1) the farm acreage allotment for the 1962 crop of wheat which would be in effect except for the reduction thereof as provided in section 334(c)(2) of the Agricultural Adjustment Act of 1938, as amended, or (2) the highest actual acreage of wheat on the farm for harvest in any of the years 1959, 1960 or 1961, but not in excess of 15 acres. * * *

* * * * *

(Sec. 124(i), 75 Stat. 300)

Issued at Washington, D.C., on 19th day of November, 1963.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 63-12237; Filed, Nov. 21, 1963; 8:48 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER I—DETERMINATION OF PRICES

[Sugar Determination 873.15, Amdt. 1]

PART 873—SUGARCANE: FLORIDA

1962 Crop Prices; Fair and Reasonable Prices

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended, and as further amended by Public Law 87-535 and Public Law 87-539 (herein referred to as "act"), paragraphs (a)(6) and the first sentence of paragraph (a)(7) of § 873.15 of Chapter VIII of Title 7 of the Code of Federal Regulations (27 F.R. 10787) published November 6, 1962, are amended to read as follows:

§ 873.15 Fair and reasonable prices for the 1962 crop of Florida sugarcane.

* * * * *

(a) *Definitions.* * * *

(6) "Average percent sucrose in normal juice" means (i) the average percent crusher juice sucrose of the producers' sugarcane multiplied by a factor representing the ratio of factory normal juice sucrose to factory crusher juice sucrose at the processor's mill; or (ii) the average percent sample mill juice sucrose of the producers' sugarcane multiplied by a factor representing the ratio of factory normal juice sucrose to the average sample mill juice sucrose analyses of producers' sugarcane; or (iii) the average percent crusher juice sucrose of the producers' sugarcane multiplied by a factor representing the ratio of the average normal juice sucrose for all Florida mills to the average crusher juice sucrose for all such mills during the preceding five years. However, the method in subdivision (ii) of this subparagraph, shall be used by the processor where the crusher juice is diluted or where the sugarcane of one producer is commingled with the sugarcane of another producer.

(7) "Average percent crusher juice sucrose" referred to in subparagraph (6) (i) and (iii) of this paragraph means the percentage of sucrose in crusher juice as determined by direct analysis. * * *

* * * * *

STATEMENT OF BASES AND CONSIDERATIONS

In the procedures described in subdivisions (i) and (ii) of paragraph (a)(6) of S.D. 873.15, the percent sucrose in normal juice of each producer's sugarcane is derived from direct analyses of the percent sucrose content of juice extracted from such sugarcane by either crusher or sample mills. Normal juice sucrose of each producer's sugarcane is determined from such analyses by applying factors expressing the ratio of factory normal juice sucrose to (1) factory crusher juice sucrose or (2) the average sample mill juice sucrose analyses of producers' sugarcane existing at each Florida sugarcane mill. The factory operated by the Florida Cane Products Corporation did not record and compile the daily average Brix, sucrose and purity of the factory crusher, normal and dilute juices. Thus, it is impossible to relate crusher juice sucrose analyses of each producer's sugarcane to normal juice sucrose in line with this factory's operating experience. Normal juice is one of the factors needed to calculate the payment for sugarcane of individual producers, and it is necessary that another method of determining normal juice be established. Therefore this amendment provides for an additional procedure whereby the percent sucrose extracted in crusher juice is multiplied by a factor based on the relationship between factory average normal juice sucrose to factory average crusher juice sucrose at all Florida sugar mills for the preceding 5 years.

Accordingly, I hereby find and conclude that the foregoing amendment will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932, 7 U.S.C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U.S.C. Sup. 1131, as amended by Pub. Law 87-535, Pub. Law 87-539)

Signed at Washington, D.C., on November 18, 1963.

CHARLES S. MURPHY,
Acting Secretary of Agriculture.

[F.R. Doc. 63-12236; Filed, Nov. 21, 1963; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[970.304 Amdt. 1]

PART 970—CARROTS GROWN IN SOUTH TEXAS

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 142 and Order No. 970, both as amended (7 CFR Part 970), regulating the handling of carrots grown in designated counties in South Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.), and upon the basis of the recommendation and information submitted by the South Texas Carrot Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to

the limitation of shipments hereinafter set forth will maintain orderly marketing conditions tending to increase returns to carrot growers in the production area.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) the marketing season for 1963–64 crop South Texas carrots has begun, and shipments are now being made, (2) to maximize benefits to growers, this amendment should apply to as many shipments of carrots as possible during the remainder of the 1963–64 season, (3) regulations have been issued under the order since 1960, so compliance with this amendment will not require any special preparation on the part of handlers, (4) information regarding the committee's recommendation has been disseminated to producers and handlers in the production area, and (5) this amendment relieves restrictions on the handling of carrots.

Order, as amended. In § 970.304 (28 F.R. 11666), amend paragraph (b)(1) to read as follows:

§ 970.304 Limitation of shipments.

* * * * *

(b) *Sizing requirements*—(1) *Medium-to-large.* ¾ inch minimum diameter to 1½ inches maximum diameter, 5½ inches minimum length, with an average of 30 percent by count 1 inch minimum diameter or larger and no sample with less than 15 percent by count 1 inch or larger in diameter.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.)

Dated: November 18, 1963, to become effective November 19, 1963.

ARTHUR E. BROWNE,
Acting Director,
Fruit and Vegetable Division.

[F.R. Doc. 63–12214; Filed, Nov. 21, 1963; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Designation of Free, Infected, and Eradication Areas

Pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), §§ 74.2 and 74.3 of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, are hereby amended to read, respectively, as follows:

§ 74.2 Designation of free and infected areas.

(a) Notice is hereby given that sheep in the following States, Territories, and District, or parts thereof as specified, are not known to be infected with scabies, and such States, Territories, District, and parts thereof, are hereby designated as free areas:

(1) Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virgin Islands of the United States, Virginia, Washington, Wisconsin, and Wyoming;

(2) The following counties in Nebraska: Arthur, Banner, Blaine, Brown, Chase, Cherry, Cheyenne, Deuel, Dundy, Gardon, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Merrill, Perkins, Rock, Sheridan, Scotts Bluff, and Thomas;

(3) The following counties in Hawaii: Honolulu, Kauai, and Maui;

(4) The following counties in Missouri: Jackson, Lafayette, Saline, Cooper, Moniteau, Cole, Osage, Gasconade, Franklin, St. Louis; and all Counties in the State of Missouri lying south thereof;

(5) The following Counties in Illinois: Madison, Bond, Clinton, Marion, Clay, Richland, and Lawrence; and all Counties in the State of Illinois lying south thereof;

(6) All Counties in New Mexico except those portions of Lincoln County and Socorro County lying within the area bounded by a line beginning at a point on U.S. Highway No. 54 where said highway crosses the Lincoln-Torrance County Line at the town of Corona, New Mexico; and thence, running in a westerly direction along the Lincoln-Torrance County Line and the Socorro-Torrance County Line to New Mexico State Highway No. 10; thence, running in a southerly and southeasterly direction along New Mexico Highway No. 10 to its intersection with U.S. Highway No. 54; thence, running in a southerly direction along U.S. Highway No. 54 to its intersection with U.S. Highway No. 380 at the town of Carrizozo, New Mexico; thence running in a southeasterly direction along U.S. Highway No. 380 to its intersection with New Mexico State Highway No. 48 at the town of Capitan, New Mexico; thence, running in an easterly direction along New Mexico State Highway No. 48 to its intersection with the Lincoln-Chaves County Line; thence, running northward along the Lincoln-Chaves County Line and the Lincoln-DeBaca County Line to the northeastern corner of Lincoln County; thence, running westerly along the Lincoln-Guadalupe County Line to its intersection with the Lincoln-Torrance County Line; thence, running southerly along the Lincoln-Torrance County Line to the southeast corner of Torrance County; thence, running westerly along the Lincoln-Torrance County Line to the point of beginning at the town of Corona, New Mexico.

(b) Notice is hereby given also that sheep scabies exists in all States and Territories and parts of States not designated as free areas in paragraph (a) of this Section, and they are hereby designated as infected areas.

§ 74.3 Designation of eradication areas.

(a) Notice is hereby given that sheep in the following States, or parts thereof as specified, are being handled systematically to eradicate scabies in sheep, and such States, and parts thereof, are hereby designated as eradication areas:

(1) Kentucky and Tennessee;

(2) All Counties in Nebraska except Arthur, Banner, Blaine, Brown, Chase, Cherry, Cheyenne, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Merrill, Perkins, Rock, Sheridan, Scotts Bluff, and Thomas;

(3) All Counties in Hawaii except Honolulu, Kauai, and Maui;

(4) The following Counties in West Virginia: Berkeley, Fayette, Grant, Greenbrier, Hampshire, Hardy, Jefferson, Mercer, Mineral, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Raleigh, Randolph, Summers, Tucker, Upshur, and Webster;

(5) All Counties in Missouri except Jackson, Lafayette, Saline, Cooper, Moniteau, Cole, Osage, Gasconade, Franklin, St. Louis; and all Counties in the State of Missouri lying south thereof;

(6) All Counties in Illinois except Madison, Bond, Clinton, Marion, Clay, Richland, and Lawrence; and all Counties in the State of Illinois lying south thereof;

(7) The designated parts of the following Counties in New Mexico: Those portions of Lincoln County and Socorro County lying within the area bounded by a line beginning at a point on U.S. Highway No. 54 where said highway crosses the Lincoln-Torrance County Line at the town of Corona, New Mexico; and thence, running in a westerly direction along the Lincoln-Torrance County Line and the Socorro-Torrance County Line to New Mexico State Highway No. 10; thence, running in a southerly and southeasterly direction along New Mexico Highway No. 10 to its intersection with U.S. Highway No. 54; thence, running in a southerly direction along U.S. Highway No. 54 to its intersection with U.S. Highway No. 380 at the town of Carrizozo, New Mexico; thence running in a southeasterly direction along U.S. Highway No. 380 to its intersection with New Mexico State Highway No. 48 at the town of Capitan, New Mexico; thence, running in an easterly direction along New Mexico State Highway No. 48 to its intersection with the Lincoln-Chaves County Line; thence, running northward along the Lincoln-Chaves County Line and the Lincoln-Debaca County Line to the northeastern corner of Lincoln County; thence, running westerly along the Lincoln-Guadalupe County Line to its intersection with the Lincoln-Torrance County Line; thence, running southerly along the Lincoln-Torrence

County Line to the southeast corner of Torrance County; thence, running westerly along the Lincoln-Torrance County Line to the point of beginning at the town of Corona, New Mexico.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 19 F.R. 74, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments delete portions of the Counties of Lincoln and Socorro in New Mexico from the free areas and add such portions of these Counties to the infected areas and to the eradication areas, as sheep scabies is known to exist therein. After the effective date of these amendments, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in 9 CFR Part 74, as amended, will apply to these portions of said Counties.

The amendments impose certain restrictions necessary to prevent the spread of scabies, a communicable disease of sheep, and must be made effective immediately in order to accomplish their purpose in the public interest. 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 amendments are impracticable and contrary to the public interest, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 18th day of November 1963.

B. T. SHAW,
Administrator,
Agricultural Research Service.

[F.R. Doc. 63–12215; Filed, No. 21, 1963; 8:47 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Q]

PART 217—PAYMENT OF INTEREST ON DEPOSITS

Withdrawal of Uninsured Portion of Deposit After Bank Merger

§ 217.133 Withdrawal of uninsured portion of deposit after bank merger.

(a) The opinion of the Board of Governors of the Federal Reserve System has been requested as to whether a member bank may permit the immediate withdrawal of time or savings deposits when the bank has absorbed another bank by merger and depositors common to both banks have such accounts in the resulting bank in excess of $10,000, the amount covered by deposit insurance.

(b) If such accounts are represented by time certificates, it is questionable whether the circumstances described would constitute an "emergency" under § 217.4(d) where payment before maturity would be necessary to prevent "great hardship" to the depositor. However, in view of the equities of the situation, the Board would not object to a liberal interpretation of this provision of the regulation. Attention is called to the fact that in connection with such a withdrawal the depositor must forfeit up to three months of accrued and unpaid interest. Thus, in the case presented, the depositor would have the choice of allowing funds in excess of $10,000 to remain on deposit without the benefit of insurance, or withdrawing the funds at a sacrifice of some interest.

(c) If the two accounts are in the form of savings deposits, and if the bank permits the withdrawal of savings deposits without requiring advance written notice, the customer could withdraw any part of his savings deposit at any time and the bank, if it wishes, could pay accrued interest up to the time of the withdrawal.

(12 U.S.C. 248(i). Interprets or applies 12 U.S.C. 264(c)(7), 371, 371a, 371b, 461)

Dated at Washington, D.C., this 13th day of November, 1963.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 63–12212; Filed, Nov. 21, 1963; 8:46 a.m.]

[Reg. Q]

PART 217—PAYMENT OF INTEREST ON DEPOSITS

Interest on Time Certificate Falling Due on Holiday

§ 217.134 Interest on time certificate falling due on holiday.

(a) The opinion of the Board of Governors of the Federal Reserve System has been requested on the question whether an extra day's interest may be paid by a member bank on a time certificate of deposit which falls due on a day declared by State law to be a legal holiday.

(b) It is provided in § 217.3(f) that after the date of "maturity" of any time deposit such deposit is a demand deposit and no interest may be paid thereon for any period subsequent to the date of maturity.

(c) The date on which an obligation is due and payable is, of course, determined by the terms of the contract subject to State law, and in most jurisdictions an obligation falling due on a Sunday or a holiday comes due on the next succeeding business day. As far as this Part 217 is concerned, the "maturity" of a time certificate is the day it is legally due and payable; and the funds represented thereby do not become a demand deposit until after that date. Accordingly, where a certificate by its terms falls due on a Sunday or a holiday and under State law is due and payable on the next succeeding business day, this Part 217 would not preclude payment of interest on the deposit until and including the day on which it is so payable.

(12 U.S.C. 248(i). Interprets or applies 12 U.S.C. 264(c)(7), 371, 371a, 371b, 461)

Dated at Washington, D.C., this 14th day of November, 1963.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 63–12211; Filed, Nov. 21, 1963; 8:46 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[9th Gen. Rev. of Export Regs., Amdt. 72]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

Agricultural Commodities

1. Section 373.5 *Licensing policy for agricultural commodities and manufactures thereof covering shipments to Subgroup A destinations and Cuba* is amended to read as follows:

§ 373.5 Licensing policy for agricultural commodities and manufactures thereof covering shipments to Subgroup A destinations and Cuba.

(a) *Exportations and reexportations to Cuba, Communist China, North Korea, and the Communist-controlled area of Viet-Nam.* It is the general policy of the Office of Export Control to deny applications for validated licenses to export, and requests for authorizations to reexport, any agricultural commodity or manufacture thereof to Cuba, Communist China, North Korea, or the Communist-controlled area of Viet-Nam.

(b) *Exportations and reexportations of wheat and wheat flour*—(1) *Destinations and estimated total to be licensed.* The Office of Export Control will issue licenses for exportation to all Subgroup A countries except Communist China, North Korea, or the Communist-controlled area of Viet-Nam. All such export licenses issued will bear an expiration date of May 31, 1964.

(2) *Percentage of participation.* No American exporter will be permitted to participate in these wheat and wheat flour export transactions to an extent greater than 25 percent of the total quantity expected to be purchased in the U.S. License applications which meet all the requirements for approval will be processed promptly if there is sufficient evidence that the provisions of the 25 percent participation rule is met.

(3) *Certification.* The exporter shall enter the following certification on the license application in the space entitled "additional information" or on an attachment thereto:

I (We) certify that with respect to the commodities described on this application (1) the price will be on the basis of the prevailing world price at the time the contract is concluded; (2) the payment will be made in United States dollars or gold; (3) the terms of sale will be cash or normal commercial credit; (4) the exportation from the U.S. will not be financed under Public Law 480; (5) the sale does not involve (me) (us) in any barter arrangement; (6) the commodities were produced in the United States; (7) at least 50 percent of the commodities exported under any export license resulting from this application will be exported in United States flag ocean carriers unless authorization to do otherwise is obtained from the Maritime Administration; and (8) upon completion of shipping arrangements for all the commodities to be exported under any export license resulting from this application, the Maritime Administration will be notified promptly of the name(s) of the carrier(s), the carrier's flag of registration, the quantity of each shipment, and the export license number under which the shipment(s) is made.

NOTE: Communications with Maritime Administration should be addressed to the Office of Ship Operations, Maritime Administration, 441 G Street NW., Washington, D.C., 20235.

(4) *Additional information.* The following information shall be included on the license application or on an attachment thereto:

(i) The proposed shipping date, if known;

(ii) The specific terms of sale, i.e., cash, credit and credit terms if applicable;

(iii) All the details of the financing arrangements, including the names of financial institutions or facilities participating in the financing, must be included on the application. If the financing arrangements are not completed at the time of application submission, the applicant shall state on the application that the Office of Export Control will be provided this information promptly as soon as the financing arrangements are completed. The notification shall refer to the application case number, or if the case number is unknown, the export license number, the applicant's reference number, or the date of submission of the application.

(iv) The name and address of the firm which registered the export sale transaction with the U.S. Department of Agriculture, together with the registration number assigned by the Department of Agriculture. If the export sale transaction has not been registered with the Department of Agriculture at the time of application submission, the applicant shall state on the application that the Office of Export Control will be advised promptly as soon as the Department of Agriculture registration is made. The notification to the Office of Export Control shall refer to the application case number, or if the case number is unknown, the export license number, the applicant's reference number or the date of submission of the application.

NOTE: The applicant is not required to complete item 10 of the application with regard to the name and address of the supplier.

(5) *Single transaction statement by consignee and purchaser.* Each application shall be accompanied by a Form FC–842, Single Transaction Statement by Consignee and Purchaser, completed in accordance with the provisions of § 373.65.

NOTE: In accordance with the provisions of §§ 371.4 and 372.12 of this chapter, wheat and wheat flour may not be reexported to any Subgroup A country unless specific authorization is received from the Office of Export Control.

(c) *Exportations and reexportations of agricultural commodities and manufactures thereof other than wheat or wheat flour*—(1) *Destinations.* License applications covering agricultural commodities and manufactures thereof, other than wheat or wheat flour, will be considered for approval in accordance with the provisions of this paragraph (c) for exportations to any Subgroup A country except Communist China, North Korea, or the Communist-controlled area of Viet-Nam.

(2) *Certification.* The exporter shall enter the following certification on the license application in the space entitled "additional information" or on an attachment thereto:

I (We) certify that with respect to the commodities described on this application (1) the terms of sale will be cash or normal commercial credit; (2) the exportation from the United States will not be financed under Public Law 480; (3) the commodities were produced in the United States; and (4) the sale will not involve (me) (us) in any barter arrangement.

(3) *Terms of sale.* The specific terms of sale, i.e., cash, credit and credit terms if applicable, shall be entered on the license application in the space entitled "additional information" or on an attachment thereto.

(4) *Financing arrangements.* All the details of the financing arrangements, including the names of the financing institutions or facilities participating in the financing, shall be entered on the license application. If the financing arrangements are not completed at the time of application submission, the applicant shall state on the application that the Office of Export Control will be provided this information promptly as soon as the financing arrangements are completed. The notification shall refer to the application case number or if the case number is unknown, the export license number, the applicant's reference number, or the date of submission of the application.

(5) *Completed Form FC–842.* Each application shall be accompanied by a Form FC–842, Single Transaction Statement by Consignee and Purchaser, completed in accordance with the provisions of § 373.65.

(6) *Reexportations.* Requests for authorization to reexport agricultural commodities and manufactures thereof, other than wheat and wheat flour, will be considered for approval in accordance with the provisions of this subparagraph for shipment to any Subgroup A country except Communist China, North Korea, or the Communist-controlled area of Viet-Nam if the exportation from the United States was not financed under the Public Law 480 program, or the Agency for International Development program, and if the terms of sale of the exportation from the United States were cash or normal commercial credit. Such requests shall be submitted by letter to the Office of Export Control by the United States exporter in accordance with the provisions of § 372.12 of this chapter and shall contain the following certification:

I (We) certify that with respect to the commodities described herein (1) the exportation from the United States was not financed under the Public Law 480 program, or the Agency for International Development program; and (2) the terms of sale of the exportation from the United States were cash or normal commercial credit.

2. Section 379.3 *Presentation of Shipper's Export Declaration,* paragraph (c) *Number of copies to be presented,* subparagraph (3) *Additional copies of declaration* is amended by adding a new subdivision (iv) to read as follows:

§ 379.3 Presentation of Shipper's Export Declaration.

* * * * *

(c) *Number of copies to be presented.* * * *

(3) *Additional copies of declaration.* * * *

(iv) Exportation of any agricultural commodity moving under a validated license to a Subgroup A destination.

* * * * *

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003)

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc. 63–12228; Filed, Nov. 21, 1963; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 711—NAVAL RESERVE OFFICERS TRAINING CORPS

Miscellaneous Amendments

Scope and purpose. Part 711 is amended to conform with the Naval Reserve Officers Training Corps Regulations, 1960, NAVPERS 15034G, as updated by Changes 3 and 4 (Bureau of Naval Personnel Notices 1533 of July 2 and October 31, 1963).

1. Section 711.301(b) is revised to read as follows:

§ 711.301 Types of NTROTC students.

* * * * *

(b) Contract NROTC students have the status of civilians who have entered into a contract with the Secretary of the Navy, but may concurrently hold an enlisted Reserve status in the United States Navy or Marine Corps. They are not entitled to the compensation or benefits paid Regular NROTC students except that they are entitled to the uniform issue specified in § 711.1003, payment of commutation of subsistence during their final two years of NROTC training (§ 711.903), and the practice cruise compensations specified in § 711.902. Contract NROTC students agree to accept a commission as a Reserve Officer in the U.S. Navy or U.S. Marine Corps and to serve on active duty for a period of two years, except that those individuals whose applications for enrollment in the Marine Corps option were approved by their respective Commanding Officers subsequent to June 30, 1959, and those whose applications for training leading to a commission in the U.S. Naval Reserve are approved by their respective Commanding Officers subsequent to June 30, 1962, will be required to serve on active duty for three years. Contract students may apply for appointment in the U.S. Marine Corps under conditions outlined in §§ 711.314(f) and 711.803. Such appointments require the Contract student to serve as a commissioned officer for the same period of time as that prescribed for graduates of the Regular NROTC program. Contract students are required to make one summer practice cruise. Those desiring to achieve the status of Regular students must qualify through procedures established by the Chief of Naval Personnel.

* * * * *

2. Section 711.302 (a) and (d) are revised to read as follows:

§ 711.302 Naval Science students.

(a) With the approval of the Professor of Naval Science and the academic authorities, civilian students, citizens of the United States, who have not entered into any contract with the Navy may be permitted to pursue Naval Science courses for college credit provided the acceptance of such students will not affect adversely the instruction given to NROTC students. Civilian students who are not citizens of the United States may be so enrolled only on specific authorization of the Chief of Naval Personnel. They will be designated as Naval Science students. Since they are not members of the NROTC, either as Regular or Contract students, they will not be eligible, except as specifically authorized by the Chief of Naval Personnel, to make NROTC practice cruises, to be issued uniforms, to have access to classified information, except as indicated in paragraph (e) of this section, or to be paid any compensation or benefits. They may withdraw at their own request upon approval of the Professor of Naval Science.

* * * * *

(d) A Regular or Contract student who is attending an institution having compulsory military training, and who is disenrolled from the NROTC for reasons other than disciplinary or inaptitude, prior to the completion of the military requirements of the institution, shall, if he so requests, be enrolled as a Naval Science student until the military training requirements of the institution have been completed. This procedure may be dispensed with only if the student desires to transfer to the Army or Air Force ROTC and such transfer is approved by the Professor of Military Science and Tactics or the Professor of Air Science and Tactics in accordance with the Statement of Joint ROTC Policies as approved by the Secretary of Defense. A student disenrolled from the NROTC for disciplinary reasons or inaptitude shall not be permitted to enroll as a Naval Science student without the specific approval of the Chief of Naval Personnel.

* * * * *

3. Section 711.304 is amended by revising the introductory paragraph of paragraph (a) and by revising paragraph (b) to read as follows:

§ 711.304 Enrollment procedures.

(a) *Regular NROTC students.* These students are enrolled after a competitive selection procedure established by the Chief of Naval Personnel. Applicants are selected on a nationwide competitive basis. Detailed directives and procedures for applying for the program are issued from time to time. Such students must be qualified for admission to an NROTC institution under the regulations of that institution.

* * * * *

(b) *Contract NROTC students.* These students are enrolled by the Professor of Naval Science within limited numbers specified by the Chief of Naval Personnel in accordance with instructions issued from time to time. Such students must meet the qualifications specified for all NROTC enrollees in § 711.305 and must be in attendance at an NROTC institution. Applicants for the Contract Program who were former Regular NROTC students may be enrolled only with the specific approval of the Chief of Naval Personnel in each case. Furthermore, their active duty obligation, if enrolled, will be three years if they had received less than two years subsidized education. If they had received two or more years of subsidized education, they will have an active duty obligation of four years.

* * * * *

4. Section 711.307(c) is revised to read as follows:

§ 711.307 Reenrollment of former NROTC students.

* * * * *

(c) Students accepted for enrollment as Contract students who had previously received two or more years of subsidized education in the Regular NROTC Program will, upon appointment to commissioned grade, be required to serve on active duty for a period of four years.

5. Section 711.311 is amended by revising the introductory paragraph and paragraph (i) to read as follows:

§ 711.311 Leave of absence.

In certain cases, because of institutional requirements for certain degrees, minor academic deficiencies, illness, or other legitimate reasons, it may become necessary to allow a student one or more additional semesters to enable him to qualify for his first baccalaureate degree. Similarly, certain students may require additional time because of participation in special educational programs which lead to a master's degree as the first degree, or to a baccalaureate and master's degree simultaneously, or to a baccalaureate which is awarded conditional on subsequent qualification for a master's degree. If authorized by the Chief of Naval Personnel, after consideration of the recommendation of the Professor of Naval Science, such additional time may be allowed. However, the total time during which a Regular student may be retained in a regularly enrolled NROTC status, receiving benefits and retainer pay, may not exceed four academic years. Similarly, a Contract student may not receive commutation of subsistence for a period exceeding two academic years plus one intervening summer vacation.

* * * * *

(i) The Professor of Naval Science is authorized to place in or to remove from leave status, students of the types described in paragraphs (b) to (h), inclusive, of this section. While prior approval of the Chief of Naval Personnel will not be required in these cases, the Professor of Naval Science, by appropriate entry on the next Officer Candidate Personnel Diary (NavPers 501), shall advise him of such action whenever taken.

* * * * *

6. Section 711.313 is amended by revising paragraphs (b) and (k)(3) to read as follows:

§ 711.313 Disenrollment.

* * * * *

(b) *Physical.* The Professor of Naval Science shall immediately place in a leave status, for physical reasons, any student who apparently because of accident, illness or as indicated on the annual or other physical examinations, apparently does not meet the required physical standards for retention in the NROTC. (If a Regular student, the Navy Finance

Officer shall be notified immediately so that payment of retainer pay may be suspended.) A Report of Medical Examination (Standard Form 88), in duplicate, Report of Medical History (Standard Form 89), original, and/or all available clinical data shall be forwarded immediately to the Chief of Naval Personnel. The Professor of Naval Science will be advised of the final disposition of the student upon completion of the final review of his physical qualifications for retention in the program. In the event disenrollment is directed, NavPers 364 shall be submitted, citing thereon the authority for such action. If a student who has been placed in a leave of absence status for physical reasons continues his attendance at college and participates in all assigned NROTC classes and laboratory work (with the possible exception of military drill) in anticipation of later being found physically qualified, the Professor of Naval Science, upon receipt of notification of such physical qualification from the Chief of Naval Personnel, may authorize retroactive payments of all financial benefits (tuition, fees, retainer pay and commutation of subsistence) which had been suspended during the period of leave. Nothing in the preceding sentence shall be construed as authorizing total financial benefits in excess of those specified in Subpart I.

* * * * *

(k) *Military status of Regular students on disenrollment.* * * *

* * * * *

(3) Those procured from civilian sources and appointed Midshipman, Naval Reserve, on or after July 1, 1958 who had no military status with any component of the Armed Forces at the time of such appointment, will be transferred to the Ready Reserve of the U.S. Naval Reserve in a grade deemed appropriate by the Secretary of the Navy to fulfill the remaining period of the six-year military obligation incurred at the time of appointment.

* * * * *

7. Section 711.314 is amended by revising paragraphs (a) and (e)(1) to read as follows:

§ 711.314 **Commissioning procedure.**

(a) A Regular or Contract NROTC student, upon successful completion of the prescribed Naval Science courses, satisfactory completion of the requirements for final award of a first degree, and if in all other respects qualified, will be commissioned as an ensign or second lieutenant, regular or reserve, respectively, in the U.S. Navy or Marine Corps, dependent upon the needs of the service, and subject to a review of the recommendations of the Professor of Naval Science by the Chief of Naval Personnel or Commandant of the Marine Corps, as appropriate, and final approval by the Secretary of the Navy. Appointment in any other grade is not authorized. The Professor of Naval Science shall determine whether the student is in all respects academically qualified for appointment. However, the responsibility of the Professor of Naval Science shall not extend to the point of determining whether a Staff Corps candidate is professionally qualified for Staff Corps appointment, because statutes impose special requirements in many such cases. No student shall be recommended for appointment until he has been carefully appraised by the Professor of Naval Science not only academically but also for officer-like qualities and general ability. Candidates need not submit individual applications for commissions except as noted below.

* * * * *

(e) * * *

(1) Request for Staff Corps commissions for those who so desire and who have been nominated in accordance with existing instructions. Each applicant for appointment in the Staff Corps, Regular Navy or Naval Reserve, shall indicate in his request therefor, the type of appointment desired if not selected for appointment in the Staff Corps. (Requests for Supply Corps commissions will not be required, however, from Supply Option students desiring to be commissioned in the Supply Corps.)

* * * * *

8. Section 711.506(b) is revised to read as follows:

§ 711.506 **Curriculum requirements and limitations.**

* * * * *

(b) Regular NROTC students are required to complete satisfactorily one year of college physics by the end of their second year as a Regular NROTC student. Those appointed Midshipmen, Naval Reserve, in 1958, and thereafter must complete satisfactorily one year of college mathematics within two years of their appointment. Contract students must complete satisfactorily mathematics through trigonometry (in secondary school or college) or one quarter or semester of college mathematics by the end of their second year in the Program. (See § 711.311(f).) In those instances where a Regular NROTC student has received credit at the university for one year of college mathematics, such credit having been established by means of advanced placement tests, the Chief of Naval Personnel will consider that the mathematics requirement of this section has been met. The same type of consideration may be applied to the physics requirement of the Regular NROTC student and to the mathematics requirement of the Contract NROTC student.

* * * * *

9. Section 711.513(c) is revised to read as follows:

§ 711.513 **Military organization.**

* * * * *

(c) Effective with the beginning of the academic year 1963–1964, the Battalion Commander will, in all cases, be given the rank of Midshipman lieutenant commander (a "4-striper") regardless of the designation given the Army or Air Force ROTC student commander on the same campus.

* * * * *

10. Section 711.802(d)(5)(ii) is revised to read as follows:

§ 711.802 **Training.**

* * * * *

(d) * * *

(5) *Clothing and equipment.* * * *

(ii) Equipment required for the training of all NROTC students at summer training will be issued by the Marine Corps training activity and accounted for as prescribed by current directives.

* * * * *

11. Section 711.901 is amended by revising the heading of paragraph (a) and by revising paragraphs (a)(3), (b), (c) and (d) to read as follows:

§ 711.901 **Retainer pay.**

(a) *General entitlement.* * * *

* * * * *

(3) Unless provided otherwise (see § 711.902a), Regular NROTC students who are absent due to illness or injury may be paid retainer pay covering such absence not to exceed thirty days during each continuous period of hospitalization. Payment of retainer pay will be resumed upon their return and resumption of studies. In certain cases, as specified in § 711.311 and § 711.506(d), it may become necessary to allow a student one or more additional semesters to enable him to qualify for a first baccalaureate degree. As specified by law, however, the maximum period for the payment of such retainer pay and the educational benefits specified in § 711.907, is four years. Students granted leave of absence for illness, who are required to complete their academic work at their own expense for tuition and fees since they had been in attendance a sufficient time for the college to require full payment for such expenses, are entitled to receive retainer pay during periods while actually undergoing instruction provided that the total amount so expended does not exceed the amounts to which other members of the class in which they originally enrolled were entitled.

* * * * *

(b) *Pay record*—(1) *Custody.* Except as hereinafter prescribed, the retainer Navy Pay Record (NavCompt Form 2045) of a Naval Reserve Officers Training Corps Regular student will be in the custody of and maintained by the Navy Finance Office of the Naval District in which the student is attending college.

(2) *Opening and closing.* A Navy pay record will be opened for each Regular student on the date of commencement of retainer pay as explained in subparagraph (3) of this paragraph. Retainer pay records will be regularly closed as of December 31 and new pay records opened as of January 1 of each year. Retainer pay records will also be opened and closed at such other times as are specified in the Navy Comptroller Manual.

(3) *Commencement of retainer pay.* Entitlement to retainer pay will commence on the effective date of appointment as Midshipman, or on the date the Midshipman commences classes at the institution at which enrolled, whichever is later. The commencement of retainer pay will be substantiated by a properly executed Acceptance and Oath of Office (NavPers Form 339) and a Military Pay

Order (DD Form 114) from the Commanding Officer of the NROTC unit indicating the Midshipman's social security number and the date on which classes were commenced.

(4) *Suspension of retainer pay.* The retainer pay of an NROTC Midshipman will be suspended pending final determination by the Secretary of the Navy when the Commanding Officer of the NROTC unit submits a Recommendation for Disenrollment (as distinguished from Report of Disenrollment) on NROTC Student Disenrollment Report (NavPers 364) (copy to be sent to appropriate Navy Finance Office). The only exception to the foregoing is in the case of a fleet-source member holding a dual enlistment-midshipman status, who is entitled to continuation of retainer pay pending final action by the Secretary of the Navy. The retainer pay will also be suspended when a student is placed in a leave of absence status (physical reasons) pending final disposition by the Chief of Naval Personnel. A Military Pay Order (DD Form 114) will substantiate such suspension.

(5) *Termination of retainer pay.* If the student is reported by the Commanding Officer of the NROTC unit as having been disenrolled on NROTC Student Disenrollment Report (NavPers 364), his retainer pay will be terminated on the effective date indicated thereon. If recommended for disenrollment by the Commanding Officer of the NROTC unit, entitlement to retainer pay will terminate on the date of disenrollment from the NROTC as indicated in the termination of appointment as Midshipman approved by the Secretary of the Navy. In the case of a member holding dual enlisted-midshipman status, retainer pay will terminate on the date of the delivered endorsement by the Commanding Officer on the termination of appointment and concurrent change to enlisted status. A student placed in a leave of absence status (other than for physical reasons) will likewise have his pay terminated. A Military Pay Order (DD Form 114) will be submitted to the disbursing officer to substantiate such termination.

(c) *Procedure for payment.* Naval Reserve Officers Training Corps Regular students will be paid retainer pay to which entitled by check drawn as of the last day of each month. Checks will be forwarded to the Commanding Officer of the NROTC Unit for delivery to the students. The Commanding Officer will advise the Disbursing Officer prior to the last day of each month of the names of students for whom checks will not be drawn.

12. Section 711.902(c) is revised to read as follows:

§ 711.902 Active duty pay.

* * * * *

(c) *Payments.* Payments will be made to Regular and Contract students on a summer cruise (or training period) as directed by the commanding officer of the cruise ship or station. On completion of the summer cruise, Regular and Contract students will be paid in full to include date of detachment. If otherwise entitled, checks will be drawn for those students not present for final payment and such checks delivered to the Commanding Officer of the NROTC Unit for further delivery to the students concerned.

13. Subpart I is amended by inserting, after § 711.902, new § 711.902a to read as follows:

§ 711.902a Payments and other benefits in cases of disability or death.

Regular NROTC students who are called or ordered to perform active duty (for training) or inactive-duty training (drills) and suffer disability or death in line of duty are entitled to benefits in accordance with paragraph 044750 of the Navy Comptroller Manual and the statutory and regulatory provisions referred to therein. See also § 711.1401 for additional references to laws and regulations under which Regular and Contract NROTC students may be entitled to benefits for disability or death in line of duty. Contract students will receive subsistence in kind while undergoing treatment at naval medical facilities and will not be paid a subsistence allowance during this period.

14. Section 711.903 is amended by revising paragraphs (c)(3), (d)(1) and (e) to read as follows:

§ 711.903 Subsistence allowances—Contract students.

* * * * *

(c) *Termination of entitlement* * * *

* * * * *

(3) *Absence due to illness.* Unless provided otherwise (see § 711.902a), students who are absent due to illness or injury may be paid commutation covering such absence for a period not to exceed thirty days during each continuous period of hospitalization. Payment for such absence will not be made until the student's return and resumption of instruction.

* * * * *

(d) *Commutation of subsistence certificates*—(1) *Normal submission.* Subsistence Roll—NROTC (NavCompt Form 2042/NavPers 384) will be prepared and certified by the Commanding Officer of the NROTC Unit on the last day of each month of the academic year and forwarded in quintuplicate to the Navy Finance Office or District Disbursing Office of the Naval District in which the college or university is located. For the last month of the academic year, certificates will be prepared to cover the period actually in attendance and under the supervision of the Commanding Officer concerned.

* * * * *

(e) *Payment of commutation of subsistence.* Payment of commutation of subsistence will be made by the Navy Finance Office or District Disbursing Office of the Naval District in which the college or university is located. Checks will be made payable to the order of the individual students and forwarded to the Commanding Officer of the NROTC Units for delivery. Payment will be reported on Subsistence Roll—NROTC (NavCompt Form 2042/NavPers 384). The first subsistence roll will be supported by the Contract for Contract Student (NavPers Form 918) for each such student and each subsistence roll submitted thereafter will bear reference to the roll with which the contracts were filed.

15. Section 711.1002 is amended by revising paragraphs (a) and (d) to read as follows:

§ 711.1002 Authorized uniforms.

* * * * *

(a) *Service dress uniforms.*

Uniform	Coat	Trousers	Cap cover	Shirt	Necktie	Shoes	Socks	Awards
Service dress:								
Blue, A	Blue	Blue [1]	Blue	White	Black	Black	Black	Ribbons.
Blue, B	Blue	Blue [1]	White	White	Black	Black	Black	Ribbons.
White	White	White	White			White	White	Ribbons.
Khaki	Khaki [2]	Khaki [1]	Khaki	Khaki	Black	Brown	Khaki	Ribbons.

[1] Khaki web belt will be worn with khaki trousers; black belt with blue trousers.
[2] The coat may be removed indoors. It may be omitted when authorized by the senior officer present.

* * * * *

(d) *Authorized modifications to designated uniforms*—(1) *Cap, garrison, khaki.* May be prescribed with khaki working uniform in lieu of combination cap.

(2) *Coat, khaki.* May be removed indoors. May be omitted when authorized by senior officer present.

(3) *Gloves, gray.* May be worn and may be prescribed with Service Dress Blue A and B. May be prescribed for wear with Working Blue A and B uniforms. Shall be worn with the blue overcoat.

(4) *Gloves, white.* May be worn and may be prescribed with Service Dress Blue A and B, Service Dress White and Working Blue B.

(5) *Leggings.* May be prescribed for wear with Working Blue A and B uniforms.

(6) *Outer garments*—(i) *Cap cover, rain.* May be worn with the blue overcoat.

(ii) *Overcoat, blue.* May be worn with any uniform and may be prescribed.

(iii) *Sweater.* Worn with uniforms as prescribed. Shall not be worn over a shirt.

(iv) *Raincoat, lightweight, blue.* May be worn with any uniform.

16. Section 711.1003 is amended by revising paragraph (a) to read as follows and by deleting paragraph (d):

§ 711.1003 **Uniform outfit.**

(a) An outfit of essential uniforms shall be furnished to each NROTC Midshipman after his enrollment. This outfit will, in general, include the following items:

Item	Quantity
Belts:	
Black	1
Khaki web	1
Cap, combination, with insignia	1
Cap Covers:	
Khaki, service dress	1
Khaki, working	1
Rain, blue	1
White	2
Coats:	
Blue	1
Khaki, service dress	1
Gloves, gray, pair	1
Insignia, as required	
Neckties, black:	
Four-in-hand	1
Bow	1
Overcoat, blue, with liner	1
Shirts:	
Blue flannel	1
Khaki	4
Sweater, blue	1
Trousers:	
Blue, service, pair	1
Khaki, working, pair	2
Khaki, service dress, pair	1

NOTE. NROTC Midshipmen will furnish at their own expense necessary socks, white shirts, shoes, and underwear, as these items are normal items for civilian wear. (Attention is invited to the fact that both brown and black shoes and socks are required.)

NOTE. A blue, lightweight raincoat has been authorized as an optional item of uniform for NROTC Midshipmen. This uniform can be purchased through the Uniform Shop. It must be purchased at the Midshipman's own expense and cannot be prescribed as a required item. Also, the blue cap cover becomes optional.

* * * * *

(d) [Deleted.]

17. Section 711.1004(b) is revised to read as follows:

§ 711.1004 **Cruise uniform.**

* * * * *

(b) The following articles of uniform, which are in addition to those prescribed in § 711.1003, shall be issued organizationally to Midshipmen, as necessary, to meet summer training requirements:

Item	Quantity
Bag, sea	1
Belts, White web	1
Cap, garrison, khaki	1
Cap Cover: Khaki, cotton	1
Coat: White service	3
Gloves, White, pair	1
Hat, White, working	3
Jumpers, white, working	6
Neckerchief	1
Shirts:	
Blue chambray	4
Khaki, cotton	2
Tropical white	4
Trousers:	
Dungaree	4
Khaki, cotton	3
White, working	6
White, service	5

NOTE. Additional uniforms issued for summer cruises will not exceed those listed above and will be issued in accordance with the annual cruise directive published by the Chief of Naval Personnel.

18. Section 711.1016 is revised to read as follows:

§ 711.1016 **Return of excess clothing.**

Commanding Officers are authorized to retain at the Unit adequate uniform items to meet normal interim uniform issue requirements. This does not include stocks of clothing required for initial outfitting or for cruise outfitting. Commanding Officers will take action to ensure that the amount of uniform items on hand does not exceed the average annual replacement issues as demonstrated by the Unit during the three preceding years. Clothing in excess of normal interim uniform issue requirements will be returned to the supplying activity immediately.

19. Section 711.1301 is amended by revising the listing of "Rice Institute, Houston Tex." to read as follows:

§ 711.1301 **NROTC units.**

* * * * *

Rice University, Houston Tex.

* * * * *

20. Part 711 is amended by inserting Subpart N to read as follows:

Subpart N—Appendix 2: Disability and Death Benefits for Members of the Naval Reserve Officers Training Corps

§ 711.1401 **Benefits in the event of disability or death.**

(a) *Applicable Statutes.* There are four principal statutory provisions or groups of provisions for disability and death benefits of members of the NROTC:

(1) 10 U.S.C. 6148 provides for disability and death benefits for the Naval Reserve and is thus applicable to Regular NROTC students appointed Midshipmen, USNR. While previously included in this statutory provision, benefits consisting of entitlement to pay and allowances are now dealt with separately (listed in subparagraph (2) of this paragraph).

(2) 37 U.S.C. 204(i) in conjunction with 204(g) provides for pay and allowances; it applies to members of the Naval Reserve and, hence, to Regular NROTC students appointed Midshipmen, USNR.

(3) 38 U.S.C., Veterans' Benefits; various provisions of Title 38 (administered by the Veterans Administration) may be applicable to Regular NROTC students appointed Midshipmen, USNR, dependent on statutory requirements and controlling definitions of terms, such as "veteran" and "active naval service" (38 U.S.C. 101(2), (24)). 38 U.S.C. 403 declares applicable the provisions for dependency and indemnity compensation for service-connected deaths and the provisions of 38 U.S.C. 722 ("Service disabled veterans' insurance)" to Regular and Contract NROTC students in regard to annual training duty for a period of 14 days or more and travel to and from such duty.

(4) 5 U.S.C. 802 as modified by 38 U.S.C. 417(b)(2) renders applicable the benefits of the Federal Employees' Compensation Act (5 U.S.C. 751–793) to Regular and Contract NROTC students in regard to disability incurred in flight instruction or during the traditional practice cruise or training period or camp or while performing travel to or from such cruise, training period or camp but is inapplicable in death cases in which a person is eligible for dependency and indemnity compensation under 38 U.S.C. 403. (5 U.S.C. 802 is administered by the Bureau of Employees' Compensation in the Department of Labor.)

(b) *Additional statutory provisions and implementing regulations.* In addition to the statutes referred to in paragraph (a) of this section, there are others providing specific rights (see 10 U.S.C. 1481(a)(4) on care and disposition of remains and 24 U.S.C. 279a(5) and 281(a)(3) on headstones and burial in national cemeteries) or providing against duplication of benefits (see 38 U.S.C. 3104). 10 U.S.C. 1475(a)(4) authorizes payment of the death gratuity for Contract as well as Regular students dying while performing annual training duty for a period of more than 13 days or while performing authorized travel to or from that annual training duty. In addition to § 711.902a and the provisions of the Navy Comptroller Manual referred to therein, there are also extensive other regulations implementing statutes referred to in this section, including the following:

(1) Part 728 of this chapter, Medical Care for Eligible Persons at Naval Medical Facilities, §§ 728.22 and 728.26 dealing with members of the Naval Reserve, including Regular NROTC students, and § 728.25 dealing with Contract NROTC students.

(2) Judge Advocate General Instruction P5800.7, JAG Manual, including instructions on investigations and line of duty determinations; see, e.g., chaps. VII and VIII and sec. 0911.

(3) Bureau of Medicine and Surgery Instruction 5360.1A, Decedent Affairs Manual, article B203.2.

(c) *Extent of coverage.* The statutes referred to indicate that, in order for benefits to accrue in any particular case, certain conditions have to be met, such as line of duty, active duty, inactive-duty training, attending a cruise, injury or disease, and disability. Moreover, the statute may apply either to Regular or Contract NROTC students or both. In view hereof, the question of coverage of an NROTC student must be determined on the basis of the facts of the case and the applicable law. For purposes of this section it is sufficient to set forth the following areas which represent the great bulk of pertinent situations.

(1) *Military drills.* Benefits for disability or death may accrue to Regular NROTC students who are disabled or die as a result of injury incurred in line of duty while participating in the normal NROTC Military Drills. This coverage does not extend to Contract NROTC students (but see § 728.75(a) of this chapter, "Civilian humanitarian" for emergency cases).

(2) *Summer cruise.* In case of disability or death as a result of injury or

disease incurred while participating in the traditional NROTC summer cruise, benefits may attach for all NROTC students both Regular and Contract. Nevertheless, because of the conditions involved, such as line of duty, an individual determination must be made in each instance.

(3) *Traveling.* Coverage is also provided for disabilities or deaths which occur while traveling to or from the traditional NROTC summer cruises. In any given case, however, the question whether the student was actually "traveling to or from" the cruise may become an issue on which the receipt of benefits will depend.

(4) *Flight instruction.* Where flight instruction is part of the NROTC Program, benefits will accrue for all NROTC students, both Regular and Contract, if disability is incurred from injury in line of duty and as the proximate result of the performance of the training. Whether the various legal conditions are met, however, may become a question on which the receipt of benefits will depend.

(5) *Academic instruction.* No benefits from the military laws discussed accrue to any NROTC students who are injured or contract disease as a result of participating in their normal academic curriculum. This area is not considered as falling within the categories of duty or training for which benefits are prescribed.

(d) *Extent of benefits.* The benefits which may accrue in any given situation including, e.g., simple treatment or hospitalization, depend on the particular circumstances and the law involved. Under 10 U.S.C. 6148, e.g., Regular NROTC students are entitled, if otherwise eligible, to the same benefits as members of the Regular Navy and, under 5 U.S.C. 802, Contract NROTC students are accorded benefits, if otherwise eligible, as civilian employees of the Federal Government.

(6) *Determination of eligibility.* Benefits may be applicable in any situation (except as set forth in this section) where an NROTC student is disabled or dies as a result of, or during the course of, participation in NROTC activities. Therefore, in the event of disability or death under such circumstances, a complete statement of all facts surrounding the incurrence of the disability or death will provide a firm basis from which a determination as to entitlement to benefits may be made. This is not to say that every incident involving an NROTC student needs to be the subject of a report for this purpose. But where it appears to the cognizant commander that benefits may be applicable, or where reports are otherwise required (as, e.g., under sec. 0911 of the JAG Manual), the question should be raised.

(R.S. 161, sec. 4, 70 Stat. 805, secs. 5031, 6148, 6901, 70A Stat. 278, 383, 420, as amended, sec. 204(i), 76 Stat. 458; 5 U.S.C. 22, 802, 10 U.S.C. 5031, 6148, 6901, 37 U.S.C. 204(i))

Dated: November 15, 1963.

By direction of the Secretary of the Navy.

[SEAL] ROBERT D. POWERS, Jr.,
Rear Admiral, U.S. Navy, Acting Judge Advocate General of the Navy.

[F.R. Doc. 63-12186; Filed, Nov. 21, 1963; 8:45 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER M—FORESTRY

PART 141—GENERAL FOREST REGULATIONS

Trespass

On page 5581 of the FEDERAL REGISTER of June 6, 1963, there was published a notice and text of a proposed amendment to § 141.22 of Title 25, Code of Federal Regulations. The purpose of the amendment is to clarify the authority for disposing of timber cut in trespass which is still on land under the direct control of the Government, and timber cut in trespass which has been moved to land not under the direct control of the Government.

Interested persons were given 30 days within which to submit comments, suggestions, or objections with respect to the proposed amendment. Two responses were received of which one was not applicable. The other comments and suggestions have been considered, and insofar as possible, have been included. This amendment shall become effective at the beginning of the 30th calendar day following the date of publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

NOVEMBER 16, 1963.

Section 141.22 is amended to read as follows:

§ 141.22 Trespass.

(a) Federal statutes provide that:

(1) Willful and unauthorized setting fire to timber, underbrush, or grass or other inflammable material upon any Indian reservation or lands belonging to or occupied by any tribe or group of Indians under authority of the United States, or upon any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, is punishable by fine of not more than $5,000 or imprisonment of not more than 5 years, or both.

(2) Whoever, having kindled or caused to be kindled, a fire in or near any forest, timber, or other inflammable material on such lands, leaves said fire without totally extinguishing it, or permits such fire to spread beyond his control, or leaves such fire unattended, shall be fined not more than $500 or imprisoned not more than 6 months, or both.

(3) The unlawful cutting or wanton injury or destruction of trees standing, growing, or being upon such lands is punishable by fine of not more than $1,000 or imprisonment of not more than one year, or both.

(4) Section 1 of the act of June 25, 1948 (62 Stat. 787; 18 U.S.C. 1853) provides penalties for the unlawful cutting of timber on Government lands and on Indian lands under Government supervision.

(b) The Secretary may mark and forbid the removal of timber from restricted or trust Indian lands or direct its removal to a point of safekeeping when he has reason to believe that such timber was unlawfully cut. Any such timber that can be positively identified as Indian trust property should be sold to prevent its deterioration. When any timber cut in trespass is found to be removed to land not under Government supervision, the owner of the land should be notified that such timber is Indian trust property and any further action should be upon advice of the Office of the Solicitor of the Department of the Interior. Any timber sold under this § 141.22 may be disposed of under the provisions of this Part 141 insofar as they are applicable. The Secretary may accept payment of damages in full in the settlement of civil trespass cases without resort to court action.

[F.R. Doc. 63-12213; Filed, Nov. 21, 1963; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER C—CARRIERS BY WATER

PART 306—TRANSFERS OF CERTIFICATES AND PERMITS TO OPERATE

Miscellaneous Amendments

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 31st day of October A.D. 1963.

There being under consideration rules and regulations governing applications under section 312 of the Interstate Commerce Act, as amended, 49 U.S.C. 912, for approval of transfers of certificates and permits to operate as a water carrier in interstate or foreign commerce, and the matter of notice to persons interested in the proposed transfers (49 CFR Part 306):

§ 306.4 [Amended]

It is ordered, That § 306.4 *Required exhibits,* be, and it is hereby, amended by deleting therefrom paragraph (f), certificate of notice of the filing of such applications upon water-line competitors.

It is further ordered, That paragraphs (b) and (c) of § 306.6 *Procedure,* be, and they are hereby, amended to read as follows:

§ 306.6 Procedure.

* * * * *

(b) There shall be filed with the Secretary of the Commission, Washington, D.C., the original application and four copies thereof for the use of the Commission and one copy shall be delivered in person, or by mail, to the Governor of each State in which any port of point served by the transferor is located. Proof of such delivery shall be made as a part of the original application filed with the Commission. Each copy shall conform in all respects to the original and shall be complete in itself, except that the signature in the copies may be stamped or typed and the notarial seal omitted.

(c) In those proceedings in which no oral hearing is held, if the application is approved, prior to the effective date, a synopsis of the order of approval will be published in the FEDERAL REGISTER. The notice accompanying such publication will refer to section 17(8) of the Interstate Commerce Act and include a requirement that if a petition is timely filed by an interested person seeking reconsideration or oral hearing, such petition must specify with particularity the alleged errors and shall cite in all cases, the particular section or sections of the rules and regulations in this part, and the arguments based thereon, which petitioner believes warrant a conclusion different from that set forth in the affirmative order. In the absence of citation of the particular section relied upon, the petition may be rejected. If the petition contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted in affidavit form. In this connection see also § 1.225 of this chapter (special rules of practice of the Commission).

* * * * *

It is ordered, That this order shall be effective on and after January 1, 1964.

And it is further ordered, That notice of this order will be given to the general public by depositing a copy in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register.

(Secs. 12, 17, 24 Stat. 383, as amended, 385, as amended, secs. 304, 312, 54 Stat. 933, 944; and 49 U.S.C. 12, 17, 904, 912)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63-12220; Filed, Nov. 21, 1963; 8:47 a.m.]

SUBCHAPTER D—FREIGHT FORWARDERS

PART 415—TRANSFERS OF OPERATING RIGHTS

Procedure

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 31st day of October A.D. 1963.

There being under consideration rules and regulations governing applications under section 410(g) of the Interstate Commerce Act, as amended, 49 U.S.C. 910(g), for approval of transfers of operating rights as a freight forwarder in interstate or foreign commerce, and the matter of notice to persons interested in the proposed transfers (49 CFR Part 415):

It is ordered, That § 415.5 *Procedure,* be, and it is hereby, amended by relettering paragraph (e) as paragraph (f) and inserting new paragraph (e) to read as follows:

§ 415.5 Procedure.

* * * * *

(e) In those proceedings in which no oral hearing is held, if the application is approved, prior to the effective date, a synopsis of the order of approval will be published in the FEDERAL REGISTER. The notice accompanying such publication will refer to section 17(8) of the Interstate Commerce Act and include a requirement that if a petition is timely filed by an interested person seeking reconsideration or oral hearing, such petition must specify with particularity the alleged errors and shall cite in all cases, the particular section or sections of the rules and regulations of this part, and the arguments based thereon, which petitioner believes warrant a conclusion different from that set forth in the affirmative order. In the absence of citation of the particular section relied upon, the petition may be rejected. If the petition contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted in affidavit form. In this connection see also § 1.225 of this chapter (special rules of practice of the Commission).

* * * * *

It is further ordered, That this order shall be effective on and after January 1, 1964.

And it is further ordered, That notice of this order will be given to the general public by depositing a copy in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register.

(Secs. 12, 17, 24 Stat. 383, as amended, 385, as amended, secs. 403, 410, 56 Stat. 285, 291, as amended; and 49 U.S.C. 12, 17, 1003, 1010)

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63-12221; Filed, Nov. 21, 1963; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1046]

] Docket No. AO–123–A27 [

MILK IN LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Sheraton Hotel, 500 South Fourth Street, Louisville, Kentucky, beginning at 9:30 a.m., e.s.t, on November 26, 1963, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Louisville-Lexington-Evansville marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Kyana Milk Producers, Inc.:

Proposal No. 1. The level of the Class I price pursuant to § 1046.51(a), should be increased at least 35 cents effective at the earliest possible date and to continue through April 1964.

Proposed by the Milk Marketing Orders Division, Agricultural Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 3920 Bardstown Road, Louisville, Kentucky, 40218, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington, D.C., 20250, or may be there inspected.

Signed at Washington, D.C., on November 19, 1963.

LINLEY E. JUERS,
Acting Deputy Administrator, Regulatory Programs.

[F.R. Doc. 63–12235; Filed, Nov. 21, 1963; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–SO–94]

TRANSITION AREA

Proposed Designation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Vicksburg, Miss., area, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29, has under consideration the designation of a transition area at Vicksburg. The proposed transition area would be designated as that airspace extending upward from 700 feet above the surface within a 6-mile radius of the Vicksburg Municipal Airport (latitude 32°14'20'' N., longitude 90°55'40'' W.); within 2 miles each side of the 276° True bearing from the Vicksburg Municipal Airport, extending from the 6-mile radius area to 8 miles west of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles south and 5 miles north of the 276° True bearing from the Vicksburg Municipal Airport, extending from the airport to 12 miles west; and within 5 miles each side of the 096° True bearing from the Vicksburg Municipal Airport, extending from the airport to 12 miles east. This would provide protection for aircraft executing instrument holding, approach and departure procedures at the Vicksburg Municipal Airport.

Communications within the proposed transition area would be provided through remote communications facilities with the FAA Memphis, Tenn., ARTC Center.

The floor of the airway that traverses the transition area proposed herein would automatically coincide with the floors of the transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga., 30320. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 15, 1963.

H. B. HELSTROM,
Acting Chief, Airspace Utilization Division.

[F.R. Doc. 63–12188; Filed, Nov. 21, 1963; 8:45 a.m.]

[14 CFR Part 73 [New]]

[Airspace Docket No. 63–SW–80]

RESTRICTED AREA

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering an amendment to § 73.38 of the Federal Aviation Regulations, the substance of which is stated below.

The Department of Navy has proposed to increase the altitude limits of the Rabbit Island, La., Restricted Area R–3802 from "Surface to 2,500 feet MSL" to "Surface to 12,000 feet MSL"; extend the time of designation from "Sunrise to sunset, Monday through Friday" to "Continuous"; and change the using agency from "Commanding Officer, NAAS, New Iberia, La." to "Commanding Officer, Naval Air Station, New Orleans, La."

The Department of Navy has stated the above changes are necessary in order to accommodate the training activity formerly conducted at Pearl River, Mississippi, R–4403, which was revoked in Airspace Docket No. 63–WA–58 (28 F.R. 9430) effective August 28, 1963. This consolidation would provide special use airspace for training squadrons based at NAS New Orleans and other Navy squadrons deployed from such bases as NAS Olathe and NAS Memphis. Bombing and rocketry exercises will be the primary use made of this restricted area using both jet and prop type aircraft, and searchlight practice runs will be made on the target during hours of darkness.

No change is proposed to the existing boundary. The area is isolated from airways, routes and control areas, and therefore, joint use of this airspace would not be justified.

If this action is taken, Rabbit Island, La., R–3802 would be redescribed as follows:

R–3802 Rabbit Island, La.

Boundary. A circular area with a three-nautical mile radius centered on latitude 29°30′35″ N., longitude 91°35′45″ W.

Designated altitude. Surface to 12,000 feet MSL.

Time of designation. Continuous.

Using agency. Commanding Officer, Naval Air Station, New Orleans, Louisiana.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Forth Worth, Texas, 76101. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 15, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–12187; Filed, Nov. 21, 1963; 8:45 a.m.]

Notices

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File 23-615]

DEUTRANEX, G.M.B.H., AND JUERGEN STAU

Order Denying Export Privileges for an Indefinite Period

In the matter of Deutranex, G.m.b.H. and Mr. Juergen Stau, Parkallee 25, Hamburg 13, Federal Republic of Germany; respondents.

The Director, Export Control Investigations Division, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above respondents all export privileges for an indefinite period because of the failure of said respondents to furnish responsive answers to interrogatories and to produce certain records and other documents without good cause being shown. This application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations). In accordance with the usual practice, the application was referred to the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted.

The report of the Compliance Commissioner and the evidence in support of the application have been considered. The evidence shows, and I find, that Deutranex, G.m.b.H. is a limited liability company with a place of business in Hamburg, Federal Republic of Germany, and that Juergen Stau is the manager and one of the principals in said firm; that the aforesaid Investigations Division is conducting an investigation: (1) Into the disposition by said firm of certain electronics equipment of U.S. origin received by said firm, and (2) as to the business relationship and connection of said respondents with K. B. Byrrild-Steffensen, Hamburg, who has been denied U.S. export privileges.

It is impracticable to issue subpoenas to the respondents. Relevant and material interrogatories were served on them pursuant to § 382.15 of the Export Regulations in which, among other things, they were requested to produce certain records and other documents. The respondents have furnished answers to the interrogatories, but the answers to a number of the interrogatories are not responsive and the respondents have failed to produce certain records and other documents which were requested. Good cause has not been shown for failure to furnish responsive answers or to produce the records and documents. I find that an order denying export privileges to the respondents for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended.

Accordingly, it is hereby ordered: I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondents, their successors or assigns, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of generality of the foregoing, participation prohibited in any such transaction, either in the U.S. or abroad, shall include participation, directly or indirectly, in any manner or capacity, (a) as parties or as representatives of a party to any validated export license application, (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successor and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondents provide responsive answers, written information and documents in response to the interrogatories heretofore served upon them or give adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with any such respondents or related party, or whereby any such respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondents.

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondents may move at any time to vacate or modify this indefinite denial order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C., 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner at Washington, D.C. at the earliest convenient date.

Dated: November 19, 1963.

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc. 63-12223; Filed, Nov. 21, 1963; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-203]

GENERAL ELECTRIC CO.

Notice of Issuance of Facility License

Please take notice that no request for a formal hearing having been filed following publication of notice of the proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued Facility License No. CX-20 to General Electric Company, authorizing operation of the Mixed Spectrum Critical Assembly located in Building 105 of the Vallecitos Atomic Laboratory in Alameda County, California.

The license, as issued, is substantially as set forth in the Notice of Proposed Issuance of Facility License published in the FEDERAL REGISTER July 12, 1963, 28 F.R. 7193. The only change made in the license as originally proposed is the deletion from section 3.A. of the phrase "in accordance with the procedures and limitations described in the application and

this license," inasmuch as this requirement is set forth in section 4 of the license.

Dated at Bethesda, Md., this 13th day of November 1963.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 63-12184; Filed, Nov. 21, 1963; 8:45 a.m.]

[Docket No. 50-134]

WORCESTER POLYTECHNIC INSTITUTE

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 3, set forth below, to Facility License No. R-61. The license, as previously amended, authorizes Worcester Polytechnic Institute ("the licensee") to possess and operate the one kilowatt pool-type training and research nuclear reactor located on the Institute's campus at Worcester, Massachusetts. The amendment authorizes the licensee to acquire and use an additional fuel element having removable fuel plates and to modify the reactor facility and operating procedures as described in the Safeguards Report for the Worcester Polytechnic Open Pool Training Reactor, dated July 15, 1960, and amendments thereto, dated December 19, 1962, March 4, 1963, and September 3, 1963.

The Commission has found that:

1. Operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

2. The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

3. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated.

Within fifteen days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation and (2) the licensee's application for license amendment dated December 19, 1962, and supplements thereto dated March 4, 1963, and September 3, 1963, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Bethesda, Md., this 14th day of November 1963.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-61; Amdt. No. 3]

License No. R-61, as amended, which authorizes Worcester Polytechnic Institute to possess and operate the one kilowatt pool-type training and research nuclear reactor located on the Institute's campus at Worcester, Massachusetts, is hereby further amended as follows:

1. Worcester Polytechnic Institute is authorized to acquire and use an additional fuel element having removable fuel plates and to modify the reactor facility and operating procedures as described in the Safeguards Report for the Worcester Polytechnic Institute Open Pool Training Reactor, dated July 15, 1960, and amendments thereto, dated December 19, 1962, March 4, 1963, and September 3, 1963.

This amendment is effective as of the date of issuance.

Date of issuance: November 14, 1963.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 63-12185; Filed, Nov. 21, 1963; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 14874; Order E-20193]

BONANZA AIR LINES, INC., AND WESTERN AIR LINES., INC.

Order Regarding "Thrift" Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of November 1963.

By tariff revisions[1] bearing a posting date of October 16, 1963, and marked to become effective December 1, 1963, Western Air Lines, Inc. (Western), proposed a "Thrift-Air" one-way fare of $11.43 ($5.72 for accompanied children) between Los Angeles, California, and Las Vegas, Nevada. The tariff bears no expiration date, and would apply on DC-6B aircraft having no fewer than 90 seats. No food or beverage (except coffee) would be provided.

Complaints have been filed by Trans World Airlines, Inc., (TWA), Docket 14831, Pacific Air Lines, Inc. (Pacific), Docket 14835, and Bonanza Air Lines, Inc. (Bonanza), Docket 14836. Western has filed an answer thereto.[2]

Bonanza filed[3] on October 28, 1963, marked to become effective December 1, 1963, a defensive thrift tariff applicable between Los Angeles and Las Vegas, at $11.43 one way, applicable on F-27 thrift-fare flights scheduled to depart during "off-peak" hours. Bonanza's tariff bears no expiration date.

TWA and Western in Dockets 14870 and 14863 have requested suspension and investigation of Bonanza's thrift tariff. Bonanza has filed an answer.

In support of its tariff and in answer to complaints, Western states that in view of its success with the same thrift fare in the Los Angeles-San Francisco market, it has decided to extend the benefits of this low-fare service to its second largest market—Los Angeles-Las Vegas; that the economic success of this fare should be even greater in this shorter-haul market; and that the shorter mileage reduces the Los Angeles-Las Vegas break-even load factor 31 percent below that for Los Angeles-San Francisco. Western also states that in the Los Angeles-San Francisco market it started with six daily round-trip flights, and has increased this frequency to 15 daily round trips, having carried 300,000 passengers in this service during the last year for which traffic figures are available. Western asserts the basic standard for determining the reasonableness of a fare is its relationship to the cost of providing the service, i.e., that service in a 92-seat DC-6B justifies a lower fare than does an F-27 in first-class configuration; in addition, Western says that its DC-6B aircraft are fully depreciated, which would reduce the cost of operations. Western further claims there is no discrimination present in the proposal since the passenger will have a choice of three fares for three separate services: First-class, coach, or thrift.

Bonanza justifies its filing on the grounds that it is defensive and necessary to prevent diversion by Western; that the impact of low coach fares on Bonanza's traffic will be particularly severe because of the short-haul nature of the Los Angeles-Las Vegas market, where high-density seating would not be a passenger deterrent; that since the Board has permitted competition with a different type of fare in other markets, Bonanza proposes an off-peak service here to compete with Western's high-density service; and that the off-peak fares will give Bonanza an opportunity, at minimal cost, to develop new traffic at times when Las Vegas travelers do not ordinarily use air service.

TWA, Bonanza, and Pacific request suspension and investigation of the pro-

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[1] Revisions to Western's C.A.B. No. 20.

[2] Bonanza filed a motion for permission to file a reply. The matters contained in Bonanza's proposed reply, insofar as they may be pertinent, have been previously considered. The Board's rules of practice (14 CFR 302.6) make no provision for reply to answers. Bonanza's motion, therefore, will be denied.

[3] Bonanza's C.A.B. No. 41.

posed tariff of Western. TWA and Pacific claim, inter alia, serious diversion of traffic if the tariff is permitted to become effective; and TWA further asserts that Western is proposing to add to the welter of fares in the Los Angeles-Las Vegas market a new fare that would undercut existing fares by $6.00 to $10.00, without economic justification.

TWA and Pacific both point out that Western's exhibits in the California-Nevada Excursion Fare Investigation (Docket 10976) indicate that the proposed fare would be uneconomic in this market and that evidence is lacking that attainment of the claimed break-even load factor is possible. Pacific also states that the purpose of Western's San Francisco-Los Angeles thrift fare, which the Board permitted, was to compete with the intrastate services of Pacific Southwest Airlines, but Western is not faced with that situation in the Los Angeles-Las Vegas market. Bonanza's complaint is based on an alleged lack of supporting economic data and on the possible discrimination that would exist if different fares are charged for similar services. Bonanza further states that the establishment of a fare structure on the basis of fully depreciated equipment is questionable, as the Board noted in the States-Alaska Fare Case.

The complaints of TWA and Western request suspension and investigation of Bonanza's proposed thrift fare principally on the basis that the hours proposed for applicability of these fares are not "off peak" in this market. They also contend that the fare is uneconomic, would dilute revenues, and would divert traffic from competing carriers.

Upon consideration of all pertinent matters involved herein, we find that Western's proposed thrift tariff in the Las Vegas-Los Angeles market should be permitted to become effective. The fare proposed appears to cover the cost of the service, and the yield is within the range of other fares now in effect for similar services. Under these circumstances, we do not find Western's proposal unreasonable. However, since this is an experimental fare, we will expect an expiration date of September 30, 1964, to be added to the proposed tariff, and require Western to maintain records that will show the type and amount of traffic carried (including load factors), and revenues derived from this service, as well as from other services in the Los Angeles-Las Vegas market.

With respect to Bonanza's thrift tariff proposal, which is characterized as defensive and "off-peak," we are not persuaded that the 9 eastbound and 6 westbound flights flown by all the carriers in the market during the alleged off-peak hours are truly off peak, and no evidence supporting that view has been supplied. The load factors which would be required to break even at this fare do not appear to be reasonably attainable. We will, therefore, suspend and investigate Bonanza's tariff proposal. If Bonanza wishes to refile its tariff and will adequately substantiate, with traffic data, its "off-peak" hours proposal, we would be willing to consider such a filing on its merits at the proper time.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the fares and provisions in Bonanza Air Lines, Inc.'s, C.A.B. No. 41, including 1st Revised Page 3 thereto, are or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions;

2. Pending hearing and decision by the Board, Bonanza Air Lines, Inc.'s, C.A.B. No. 41, including 1st Revised Page 3 thereto, is suspended and its use deferred to and including February 28, 1964, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The complaints in Dockets 14831, 14835, and 14836 are dismissed.

4. The complaints of Trans World Airlines, Inc., in Docket 14870, and Western Air Lines, Inc., in Docket 14863, to the extent granted, are consolidated in the investigation of Bonanza's tariff in this docket;

5. The motion of Bonanza Air Lines, Inc. to file a reply to Western Air Lines, Inc's. answer is denied;

6. This investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

7. A copy of this order be filed with the aforesaid tariffs and be served upon Bonanza Air Lines, Inc., Pacific Air Lines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc., which are made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 63-12229; Filed, Nov. 21, 1963; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN PRESIDENT LINES, LTD., AND UNITED STATES LINES CO.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 9280, between American President Lines, Ltd. and United States Lines Company, provides for the appointment by United States Lines of American President Lines as its general passenger agent in the State of Hawaii, which appointment American President Lines accepts, with respect to the vessels designated and operated by United States Lines in its Trans-Atlantic Services. The agreement also provides the rate of compensation to be paid by United States Lines to American President Lines for the performance of the services described in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing should such hearing be desired.

Dated: November 19, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-12230; Filed, Nov. 21, 1963; 8:48 a.m.]

AMERICAN PRESIDENT LINES, LTD., AND UNITED STATES LINES CO.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 9281, between American President Lines, Ltd. and United States Lines Company, provides for the appointment by American President Lines of United States Lines as its general passenger agent in France (except Marseilles), Switzerland, Belgium, Holland, Luxemburg, Germany and Austria, which appointment United States Lines accepts, with respect to the vessels designated and operated by American President Lines in its various services. The agreement also provides the rates of compensation to be paid by American President Lines to United States Lines for the performance of the services described in the agreement principally through its offices in the cities of Paris, Antwerp, Hamburg, Bremen and Vienna.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: November 19, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-12231; Filed, Nov. 21, 1963; 8:48 a.m.]

MEMBER LINES OF MEDITERRANEAN-U.S.A. GREAT LAKES WESTBOUND FREIGHT CONFERENCE AND MEDCHI FREIGHT POOL AGREEMENT

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 9020-1, between the member lines of the Mediterranean-U.S.A. Great Lakes Westbound Freight Conference (Agreement 8260, as amended), modifies the basic Medchi Freight Pool Agreement (9020) which covers the pooling and division of revenue on cargo, with certain exceptions, loaded at ports on the West Coast of Italy, Sicily and Sardinia, Marseilles, France, Barcelona, Valencia and Sevilla, Spain, and Lisbon and Leixoes, Portugal, to provide (1) for the reduction in the penalty stated for delay in delivery of manifests, and (2) for the suspension of penalties for the 1963 pool period in the event that members do not reach their full minimum service obligations by ten percent.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: November 19, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-12232; Filed, Nov. 21, 1963; 8:48 a.m.]

NIAGARA FRONTIER PORT AUTHORITY AND PITTSTON STEVEDORING CORP., INC.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to Section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814);

Agreement No. T-34, between the Niagara Frontier Port Authority (Niagara) and the Pittston Stevedoring Corporation, Inc., (Pittston) provides for the lease of docks, piers and other waterfront property at Buffalo, New York, to be operated by Pittston as a public terminal. Pittston will pay to Niagara a fixed rental plus wharfage fees on all cargo handled through the facility, and will publish a tariff listing terminal rules and rates for the use of the facility.

Interested parties may inspect the agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commisison in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should a hearing be desired.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

NOVEMBER 19, 1963.

[F.R. Doc. 63-12233; Filed, Nov. 21, 1963; 8:48 a.m.]

PACIFIC FAR EAST LINE, INC., AND UNITED STATES LINES CO. (AMERICAN PIONEER LINE)

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 9279, between Pacific Far East Line, Inc., and United States Lines Company (American Pioneer Line), provides for a through billing arrangement for commercial cargo, military household goods, personal effects, and unaccompanied baggage transported between ports of call of Pacific Far East Line, Inc., and United States Lines Company (American Pioneer Line) in Hong Kong, Japan, Korea, Okinawa, Ryukyus Islands, and Taiwan and ports of call of PFEL and Pioneer on the Pacific Coast of the United States and Hawaii, with transhipment in Japan, in accordance with the terms and conditions set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: November 19, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-12234; Filed, Nov. 21, 1963; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-18340]

COLORADO INTERSTATE GAS CO.

Further Notice of Application

NOVEMBER 18, 1963.

On May 19, 1959, a notice of Colorado Interstate Gas Company's application for a certificate of public convenience and necessity was issued in Docket No. G-18340. Such notice was published in the FEDERAL REGISTER on May 26, 1959 (24 F.R. 4216), and further, such notice provided that protests or petitions to intervene be filed with the Federal Power Commission on or before June 25, 1959. Public Service Company of Colorado filed a petition to intervene in support of the subject application; no other petition to intervene or protest to the granting of the application has been filed in this proceeding.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application. Where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-12200; Filed, Nov. 21, 1963; 8:46 a.m.]

[Docket No. CP61-143 etc.]

COLORADO INTERSTATE GAS CO. ET AL.

Notice of Applications To Amend

NOVEMBER, 15, 1963.

Colorado Interstate Gas Company, Docket No. CP61-143; Natural Gas Pipeline Company of America, Docket No.

CP61–149; Arkansas Louisiana Gas Company, Docket No. CP61–163.

Take notice that on September 16, 1963, September 13, 1963, and September 20, 1963, Colorado Interstate Gas Company (Colorado), Colorado Springs, Colorado, in Docket No. CP61–143, Natural Gas Pipeline Company of America (Natural), Chicago, Illinois, in Docket No. CP61–149 and Arkansas Louisiana Gas Company (Arkansas Louisiana), Shreveport, Louisiana, in Docket No. CP61–163, filed, respectively, applications to amend the Commission's order issued January 3, 1963, in Docket No. CP61–143, et al., to authorize the extension of the duration of the certificates of public convenience and necessity, issued by said order, to May 1, 1964, all as more fully set forth in the applications to amend on file with the Commission and open to public inspection.

The order of January 3, 1963, issued certificates authorizing Colorado to sell up to 25,000 Mcf of natural gas per day at 14.5 cents per Mcf to Arkansas Louisiana and authorizing the exchange of natural gas among Colorado, Arkansas Louisiana and Natural in order to effect said sale of gas. Said certificates were limited in duration to a period extending through December 31, 1963.

The gas sold by Colorado is delivered to Arkansas Louisiana by Natural in Grady County, Oklahoma; Colorado deliveries equivalent volumes to Natural at an interconnecting point between the two systems in the Mocane field, Oklahoma. Colorado states that it has an excess supply of gas and, therefore, desires to continue to make the subject sale to Arkansas Louisiana until May 1, 1964, in order to comply with minimum take provisions of its gas purchase and lease agreements; further, Applicant estimates that by the end of 1964 it will not have taken its minimum take supply obligations to the accumulated extent of 114,319 MMcf. Arkansas Louisiana states that it has need for gas under the subject arrangement through the forthcoming heating season.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 9, 1963.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63–12201; Filed, Nov. 21, 1963; 8:46 a.m.]

[Docket No. CP64–39 etc.]

COLORADO-WYOMING GAS CO. ET AL.

Notice of Applications, Consolidation and Setting Date of Hearing

NOVEMBER 15, 1963.

Colorado-Wyoming Gas Company, Docket Nos. CP64–39, CP64–50; Colorado Interstate Gas Company, Docket No. CP64–45; Cheyenne Light, Fuel and Power Company, Docket No. CP64–51.

Take notice that on August 9, 1963, Colorado-Wyoming Gas Company (Colorado-Wyoming), a Delaware corporation, with its principal office in Denver, Colorado, filed in Docket No. CP64–39 an application for a certificate of public convenience and necessity (1) to construct, pursuant to section 7(c) of the Natural Gas Act, as amended, metering facilities to enable it to purchase gas from Colorado Interstate Gas Company (CIG), a Delaware corporation, at a new delivery point near Norfolk, Weld County, Colorado, (2) to abandon, pursuant to section 7(b) of the Act, all of Colorado-Wyoming's facilities in the State of Wyoming, (3) to sell a portion of the facilities to be abandoned to Cheyenne Light, Fuel and Power Company (Cheyenne Company), a Wyoming corporation engaged in the distribution and sale of natural gas in and near the City of Cheyenne, Wyoming, (4) to sell to CIG 3.6 miles of sixteen-inch pipeline near the Wyoming-Colorado state line, and (5) to retire approximately one mile of six-inch pipeline near the Wyoming-Colorado state line, all as more fully set forth in the application on file with the Commission and open to public inspection.

The total estimated cost of the new facilities is $12,000 which Colorado-Wyoming proposes to finance from current working funds. The original cost depreciated of the facilities in Wyoming to be sold to Cheyenne Company is $171,141. The original cost depreciated of the facilities to be sold to CIG is $35,559. The original cost depreciated of approximately one mile of six-inch line to be retired is $1,307.

Colorado-Wyoming's contract demand for peak day gas from CIG for the 1963–64 heating season will be reduced by 26,000 Mcf. The Cheyenne Company will purchase its gas requirements directly from CIG, and will enter into a service agreement with CIG for a contract demand for 26,000 Mcf for said 1963–64 heating season.

Take further notice that Colorado Interstate Gas Company (CIG), with its principal office in Colorado Springs, Colorado, filed on August 19, 1963, an abbreviated application for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, as amended, seeking authorization for the construction, acquisition and operation of facilities necessary to deliver gas to Cheyenne Company and Colorado-Wyoming at new delivery points. CIG proposes to commence service to Cheyenne Company which is now being rendered by Colorado-Wyoming. CIG will purchase 3.6 miles of 16-inch line from Colorado-Wyoming at a net book value of approximately $36,000 and construct a new meter station at a cost of approximately $28,000.

Additionally, on August 23, 1963, Colorado-Wyoming in Docket No. CP64–50, and Cheyenne Company in Docket No. CP64–51, filed concurrent applications, under section 1(c) of the Natural Gas Act, as amended, requesting that orders be issued by the Commission exempting Colorado-Wyoming and Cheyenne Company from the provisions of the Natural Gas Act, subject to the grant of the necessary certificate authority sought by Colorado-Wyoming in Docket No. CP64–39 and CIG in Docket No. CP64–45.

These related matters should be heard on a consolidated record and disposed of under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 1(c), 7(b) and 7(c) of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on January 7, 1964, at 10:00 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 12th day of December 1963.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63–12202; Filed, Nov. 21, 1963; 8:46 a.m.]

[Docket No. CP63–126 etc.]

EL PASO NATURAL GAS CO. ET AL.

Notice of Amendments to Application and Date for Reconvening of Hearing

NOVEMBER 15, 1963.

El Paso Natural Gas Company, Docket No. CP63–126; Pan American Petroleum Corporation, Docket No. CI63–1455; Pan American Petroleum Corporation, Docket Nos. CI64–169, CI64–170, CI64–171, CI64–172, CI64–173, CI64–174, CI64–175, CI64–176, CI64–177, CI64–178, CI64–179, CI64–180.

Take notice that El Paso Natural Gas Company (El Paso), a Delaware corporation with its principal place of business in El Paso, Texas, 79999, and Pan American Petroleum Corporation (Pan American), a Delaware corporation with its principal place of business at 511 South Boston Avenue, Tulsa 3, Oklahoma, filed on November 5 and 6, 1963, amendments to their applications for certificates of public convenience and necessity in Docket Nos. CP63–126 and CI64–175, respectively, with the permission of the Presiding Examiner, pursuant to Section 1.11(a) of the Commission's rules of practice and procedure. El Paso's original application in Docket No. CP63–126 was filed on November 7, 1962, and supplemented on March 11, 1963. Pan American's original application for a declaratory order disclaiming the necessity for Pan American to make filings or in the alternative, for a certificate of public convenience and necessity was filed August 5, 1963. Pan American states that the filing of the amendment to its application in Docket No. CI64–175 has rendered unnecessary or moot all of its other applications which have been consolidated in this proceeding; therefore, on November 6, 1963, Pan American also filed notices of withdrawal of all of its applications in Docket Nos. CI64–169 through CI64–180 with the sing

eption of its application in Docket No. 4–175, as amended. El Paso's and America's applications and amendts thereto are on file with the Comion and open for public inspection. Paso's original application in Docket CP63–126 was fully described in the retary's notice dated June 4, 1963, published in the FEDERAL REGISTER June 11, 1963, 28 F.R. 5696; Pan erican's original application in Dock- No. CI64–175 and other applications ed simultaneously therewith were fully scribed in the Secretary's notice dated gust 16, 1963, and published in the DERAL REGISTER on August 23, 1963, 28 R. 9333.

El Paso's application, as originally filed d supplemented on March 11, 1963, had ught authorization to construct about 1.8 miles of pipeline and well-connect- facilities, at an estimated cost of 1,548,000, in order to receive into its tem natural gas to be produced by uthwest Production Company (Southst) whose application in Docket No. 63–618 had requested a certificate auorizing it to sell to El Paso natural gas be produced from leaseholds which uthwest proposed to acquire from Pan erican with funds initially to be adnced by El Paso. The interests which uthwest had proposed to acquire were nfined to the Dakota formation undering about 81,000 acres located in the n Juan Basin area in San Juan and o Arriba Counties, New Mexico.

On September 4, 1963, a prehearing nference was held at which many ises were raised relating to the original plications. On September 10, 1963, El so and Pan American presented some rect testimony and exhibits but Southst requested that it be given until ptember 20, 1963, to prepare its direct stimony. However, on September 20, 63, Southwest indicated that it prosed to file a notice of withdrawal of s application in Docket No. CI63–618, d the Examiner granted El Paso's and n American's request that the hearg be recessed until October 17, 1963, in der that El Paso and Pan American ght have sufficient time within which amend their proposals so as to proceed th a transaction not involving Southest as a party. Southwest's request to thdraw its application was granted and s application in Docket No. CI63–618 as severed from the other dockets in is consolidated proceeding by the Comission's order issued herein on October , 1963. At the hearing held on October , 1963, El Paso and Pan American reed to file amendments to their rective applications by November 6, 63, pursuant to § 1.11(a) of the Comission's rules of practice and procedure.

In its application in Docket No. CI64–5, as amended, Pan American is now questing a certificate authorizing it to ll to El Paso in interstate commerce for sale natural gas in accordance with e terms and conditions of a contract, ted October 2, 1963, between El Paso d Pan American. The gas which Pan merican proposes to sell under the oresaid contract is to be produced from e Dakota formation underlying approximately 74,636 acres located in the n Juan Basin area, San Juan and Rio Arriba Counties, New Mexico, including Pan American's interest in gas produced from wells which were previously described in Pan American's applications in Docket Nos. CI64–169, CI64–171, CI64–173, CI64–175, CI64–177, and CI64–179.

Exhibit H to El Paso's application in Docket No. CP63–126, as amended, indicates that Pan American currently estimates the original recoverable reserves committed to El Paso under the contract to be 764 billion cubic feet at 14.73 psia, although Article IV, section 4, of the contract refers to 227 billion cubic feet of presently developed gas reserves attributable to existing wells. The initial price stated in the contract is 13 cents per Mcf, at a pressure base of 15.025 psia, with provision for a one-cent escalation in price on January 1, 1969, and at the end of each five-year period thereafter.

El Paso, in recognition of the unrecovered development costs already incurred by Pan American and of the additional costs yet to be incurred by Pan American, agrees to make a prepayment on January 6, 1964, of $2,692,787 to Pan American for a total quantity of 20,713,750 Mcf of gas which it is estimated would be approximately equal to the quantity of gas which would be purchased under the contract over a two-year period at a rate of one Mcf per day for each 8,000 Mcf of presently developed reserves. El Paso is obligated during each calendar year to take or pay for a volume of gas based upon purchasing one Mcf per day for each 8,000 Mcf of Pan American's net working interest reserves of recoverable Dakota formation gas which El Paso and Pan American estimate can be produced based upon a reserve determination made at the end of each succeeding three-year period, provided the wells then existing are able to produce at least 125 percent of the quantity of gas allocated to them pursuant to a calculation based upon El Paso's then existing line pressure used in conjunction with a deliverability formula set forth in Article IV, section 1, of the contract. If the wells are not able to produce 125 percent of the quantity arrived at by use of the aforesaid formula, El Paso is obligated to take or pay for 80 percent of the quantity of gas such wells are capable of producing at the then existing pressure in El Paso's pipeline.

Article IV, section 6, of the contract states that if El Paso is able to take in any one year the minimum volumes of gas it is obligated to purchase under the above-described procedure, Pan American will thereafter apply the value of all gas delivered in excess of the annual minimum quantity as an offset to (a) any take-or-pay amounts accruing during the preceding five-year period and to (b) the aforementioned prepayment of $2,692,787 after all take-or-pay amounts have been recovered.

Section 7 of Article IV of the contract provides that after January 1, 1976, if El Paso is able to take the annual minimum quantity during any calendar year, Pan American will allow El Paso a further offset of five percent of amounts payable to Pan American after deduction of the offsets described in section 6 supra. This further five percent offset is to be applied first to reduction of the initial prepayment of $2,692,787 until such prepayment has been recovered, and thereafter to reduction of take-or-pay amounts which may have accrued prior to the immediately preceding five calendar years.

Article XXII of the contract between El Paso and Pan American states that the contract is for a term of 20 years unless at the end of such 20-year period, El Paso has not recovered through the above-described offsets all of the initial prepayment of $2,692,787 and take-or-pay amounts which have accrued under Article IV of the contract. If El Paso has not recovered all of the initial prepayment or take-or-pay amounts, Pan American has the option of (1) extending the contract so as to permit El Paso to recover such amounts pursuant to sections 6 and 7 of Article IV or (2) paying to El Paso in cash at the end of the 20-year period, or at any time thereafter, any portion of the prepayment or take-or-pay amounts which El Paso has not recovered. If Pan American elects to pay the cash amount, the contract will thereupon be terminated.

In its application in Docket No. CP63–126, as amended, El Paso seeks authorization to construct and operate a total of approximately 269.6 miles of field pipelines, consisting of 4½-inch through 20-inch pipe of varying lengths, and the necessary measuring, regulating, and connecting facilities required for attachment of Pan American's wells to El Paso's system in the San Juan Basin. The total estimated cost of these facilities, including allowance for overhead and contingency provisions, is $10,742,300.

Exhibit N of the amendment to El Paso's application shows that if El Paso's purchases under its contract with Pan American are 10,370,083 Mcf in 1964, 20,683,499 Mcf in 1965, 30,810,541 Mcf in 1966, and 40,687,090 Mcf in 1967 (all volumes expressed at 15.025 psia), El Paso will have recovered the initial prepayment of $2,692,787 by the end of 1967. Exhibit N also shows that small take-or-pay amounts accrue in 1974 and 1975 but that El Paso apparently expects to recover such amounts in 1976 by purchasing 33,083,794 Mcf of gas in that year.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, the consolidated hearing will reconvene on December 4, 1963, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., 20426, Harry W. Frazee, Presiding Examiner, concerning the matters involved in and the issues presented by the consolidated applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 4, 1963. Parties who have already been permitted to intervene in this consolidated proceeding shall be considered interveners in all dockets herein, as the applications therein have been amended, without the necessity of their having to file additional petitions re-

questing permission to intervene in Docket Nos. CP63–126, et al.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63–12203; Filed, Nov. 21, 1963; 8:46 a.m.]

[Docket No. RI62–535]

HILL & WAGNER ET AL.

Order Redesignating Proceeding

NOVEMBER 15, 1963.

Hill & Wagner (Operator), et al. (formerly W. D. Kennard); Docket No. RI62–535.

On August 12, 1963, Hill & Wagner (Operator), et al. (Hill & Wagner) filed with the Commission notice of succession and related assignment to W. D. Kennard's (Kennard) FPC Gas Rate Schedule No. 4 involved in the above-entitled rate suspension proceeding.

The proceeding in Docket No. RI62–535 relates to a rate increase, from 16.5 cents to 17.5 cents per Mcf, filed by W. D. Kennard on June 5, 1962, contained in Supplement No. 5 to Kennard's FPC Gas Rate Schedule No. 4 [1] for sales of natural gas to Florida Gas Transmission Company [2] from the McGill Field, Kenedy County, Texas. By Commission order issued June 29, 1962, in said docket, the proposed increased rate was suspended until December 6, 1962, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act. Motion pursuant to section 4(e) of the Natural Gas Act was never filed by Kennard.

By order issued October 31, 1963, in Docket No. CI60–655, the Commission amended the certificate authorization heretofore issued to W. D. Kennard substituting as certificate holder thereunder Hill & Wagner. Hill & Wagner's notice of succession and related assignment were accepted for filing effective as of July 31, 1963, the date of transfer of the property involved, and Kennard's FPC Gas Rate Schedule No. 4 and supplements thereto were redesignated as Hill & Wagner's FPC Gas Rate Schedule No. 1 with Supplements Nos. 1 through 5 thereto. The assignment, dated July 31, 1963, was designated as Supplement No. 6 to Hill & Wagner's FPC Gas Rate Schedule No. 1.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act that Hill & Wagner (Operator), et al., be substituted as Respondent for W. D. Kennard in the proceeding in Docket No. RI62–535, and that said proceeding be redesignated accordingly.

The Commission orders: Hill & Wagner (Operator), et al., is hereby substituted as Respondent in lieu of W. D. Kennard in the proceeding in Docket No. RI62–535, and said proceeding is redesignated accordingly.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63–12204; Filed, Nov. 21, 1963; 8:46 a.m.]

[1] Redesignated as Supplement No. 5 to Hill & Wagner's FPC Gas Rate Schedule No. 1.

[2] Formerly Coastal Transmission Corporation.

[Docket No. CP64–68]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

NOVEMBER 18, 1963.

Take notice that on September 19, 1963, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois, 60603, filed in Docket No. CP64–68 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1964 and the operation of meter stations, lateral pipelines and taps on Applicant's existing natural gas transmission system to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The total cost of all facilities for which authorization is sought herein will not exceed a maximum of $3,500,000, with no single project to exceed a cost of $500,000.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas generally co-extensive with said system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 6, 1963.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63–12205; Filed, Nov. 21, 1963; 8:46 a.m.]

[Docket No. CP64–58]

NORTHERN NATURAL GAS CO.

Notice of Application

NOVEMBER 18, 1963.

Take notice that on September 6, 1963, Northern Natural Gas Company (Applicant) of 2223 Dodge Street, Omaha 1, Nebraska, filed in Docket No. CP64–58 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of measuring and regulating facilities for the sale of natural gas from its transportation system to Archer-Daniels Midland Company for use in a dehydration plant, the estimated volume thereof not to exceed 395,000 Mcf a year.

Applicant proposes to construct the necessary facilities at an estimated cost of $8,530.

A temporary certificate was issued by the Commission on October 15, 1963.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 6, 1963.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63–12206; Filed, Nov. 21, 1963; 8:46 a.m.]

[Docket No. CP64-46]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

NOVEMBER 18, 1963.

Take notice that on August 21, 1963 Texas Gas Transmission Corporation (Applicant), filed in Docket No. CP64-46 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 1.14 miles of 4-inch pipeline and one purchase meter station, to be located in the Perry Field, Vermilion Parish, Louisiana, as hereinafter described, all as more fully described, in the application in this proceeding which is on file with the Commission and is open to public inspection.

Applicant states that the facilities will be used to transport, for the account of Hope Natural Gas Company (Hope), gas to be produced by Hope and gas to be purchased by Hope from Exchange Oil & Gas Company in the Perry Field.

The transportation by Applicant, for the account of Hope, will be rendered under the certificate issued to it on August 10, 1959, in Docket No. G-17335.

The estimated cost of the facilities is $32,860, to be financed from cash on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 6, 1963.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-12209; Filed, Nov. 21, 1963; 8:46 a.m.]

[Docket Nos. RI64-298, RI64-299]

PAN AMERICAN PETROLEUM CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates;[1] and Allowing Rate Changes To Become Effective Subject to Refund

NOVEMBER 15, 1963.

Pan American Petroleum Corporation, Docket No. RI64-298; Pan American Petroleum Corporation (Operator), et al., Docket No. RI64-299.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The sales are made at a pressure base of 15.025 psia. The proposed changes, which constitute increased rates and charges, are designated as follows:

Docket No.	Respondent	Rate schedule	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI64-298	Pan American Petroleum Corp., P.O. Box 1410, Fort Worth, Tex., 76101 Attn; Mr. J. K. Smith.	320	2	El Paso Natural Gas Co. (Pine Lake Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	$623	10-21-63	[1] 1-1-64	[2] 1-2-64	11.21038	[3 4] 12.2295	RI63-481
RI64-299	Pan American Petroleum Corporation (Operator), et al.	117	21	El Paso Natural Gas Co. (Flora Vista Mesa Verde Field, San Juan County, N. Mex.) (San Juan Basin Area).	575	10-18-63	[10] 11-18-63	[2] 11-19-63	[6 7] 13.0	[5 6 7 8 9] 13.2295	----------

[1] Contractually provided for effective date.
[2] The suspension period is limited to 1 day.
[3] Periodic and tax reimbursement increase.
[4] Includes 1.0 cent per Mcf periodic increase plus proportionate increase in tax reimbursement based on the full 2.55 percent tax rate.
[5] Tax reimbursement increase.
[6] Includes 1.0 cent per Mcf added to reflect minimum guarantee for liquids.
[7] Applicable only to acreage added by Supplement No. 20 (all previously dedicated acreage at 13.22950 cents and 13.23085 cents per Mcf in effect subject to refund in Docket No. RI63-487).
[8] Reflects partial reimbursement for full 2.55 percent New Mexico emergency school tax.
[9] Tax reimbursement computed on basis of 12.0 cents per Mcf.
[10] The stated effective date is the first day after expiration of the required statutory notice.

Pan American Petroleum Corporation (Operator), et al. (Pan American) request an effective date of November 1, 1963, for their proposed rate increase contained in Supplement No. 21 to Pan American's FPC Gas Rate Schedule No. 117. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Pan American's proposed rate filing and such request is denied.

Supplement No. 21 to Pan American's FPC Gas Rate Schedule No. 117 provides for tax reimbursement computed on the contract base rate of 12.0 cents per Mcf exclusive of 1.0 cents per Mcf minimum guarantee for liquids. The addition of this minimum guarantee of 1.0 cents per Mcf to the base rate of 12.0 cents per Mcf plus tax reimbursement results in a total proposed rate in excess of the 13.0 cents area ceiling for increased rates in the San Juan Basin Area.

The increased rate contained in Supplement No. 21 to Pan American's FPC Gas Rate Schedule No. 117 reflects partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax which was increased from 2.0 percent to 2.55 percent on April 1, 1963. The increased rate contained in Supplement No. 2 to Pan American Petroleum Corporation's (also referred to herein as Pan American) FPC Gas Rate Schedule No. 320 reflects a periodic increase plus proportionate reimbursement based on the full 2.55 percent New Mexico Emergency School Tax rate.

The buyer, El Paso Natural Gas Company (El Paso), has protested the rate increases filed by Pan American. El Paso questions the right of Pan American under its tax reimbursement clauses to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher tax rate of at least 0.55 percent, El Paso claims there is controversy as to whether or not the new legislation effected an increased tax rate in excess of 0.55 percent. Under the circumstances, we shall provide that the hearings provided for herein shall concern themselves with the contractual basis for Pan American's rate filings, as well as the statutory lawfulness of the increased rate contained in Supplement No. 21 to Pan American's FPC Gas Rate Schedule No. 117.

The increased rate contained in Supplement No. 2 to Pan American's FPC Gas Rate Schedule No. 320 is below the area ceiling price but is suspended because of El Paso's protest. The proposed increased rate and charge contained in Supplement No. 21 to Pan American's

[1] This order does not provide for the consolidation for hearing or disposition of the matters covered herein, nor should it be so construed.

FPC Gas Rate Schedule No. 117 is suspended because it exceeds the applicable area price level for increased rates for the San Juan Basin Area as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR Ch. I, Part 2, § 2.56) and because of El Paso's aforementioned protest.

Since the proposed rate increases filed by Pan American reflect tax reimbursement, the suspension period for each may be shortened to one day from the proposed effective date (Supplement No. 2 to Pan American's FPC Gas Rate Schedule No. 320) and from the date of expiration of the 30-days' statutory notice (Supplement No. 21 to Pan American's FPC Gas Rate Schedule No. 117).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the contractual basis for Pan American's proposed rate filings which El Paso has protested, and the statutory lawfulness of the increased rate and charge contained in Supplement No. 21 to Pan American's FPC Gas Rate Schedule No. 117, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the contractual basis of the proposed rate filings which El Paso has protested, and the statutory lawfulness of the rate and charge contained in Supplement No. 21 to Pan American's FPC Gas Rate Schedule No. 117.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Pan American, as set forth above, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Pan American shall execute and file under each of the above-designated docket numbers with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Pan American is advised to the contrary within 15 days after the filing of its respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention 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 1.37(f)) on or before January 2, 1964.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63–12207; Filed, Nov. 21, 1963; 8:46 a.m.]

[Docket No. RI64–300]

DON M. ROUNDS ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

NOVEMBER 15, 1963.

Don M. Rounds, d.b.a. Don M. Rounds Company (Operator), et al., Docket No. RI64–300.

On October 18, 1963, Don M. Rounds, d.b.a. Don M. Rounds Company, (Operator), et al. (Rounds)[1] tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated October 16, 1963.
Purchaser and producing area: Kansas-Nebraska Natural Gas Company, Inc. (West Plains-North Field, Logan County, Colorado).
Rate schedule designation: Supplement No. 1 to Rounds' FPC Gas Rate Schedule No. 1.
Effective date: November 18, 1963.[2]
Amount of annual increase: $750.
Effective rate: 12.8262 cents per Mcf.[3]
Proposed rate: 13.7424 cents per Mcf.[3 4 5]
Pressure base: 15.025 psia.

Rounds requests a retroactive effective date of February 1, 1962, for his proposed periodic rate increase. Good cause has not been shown for granting Rounds' request for the February 1, 1962 effective date and such request is denied.

The proposed increased rate and charge exceeds the applicable area ceiling price for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR Ch. I, Part 2, § 2.56).

The increased rate and charge so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 1 to Rounds' FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Rounds' FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, Supplement No. 1 to Rounds' FPC Gas Rate Schedule No. 1 is hereby suspended and the use thereof deferred until April 18, 1964, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 2, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63–12208; Filed, Nov. 21, 1963; 8:46 a.m.]

[1] Address is: Petroleum Club Building, Denver, Colo.

[2] The stated effective date is the first day after expiration of the required thirty days' notice.

[3] Subject to downward Btu adjustment.

[4] Periodic rate increase.

[5] 1.0 cent per Mcf periodic increase at pressure base of 16.4 psia.

FEDERAL RESERVE SYSTEM

BAYSTATE CORP.

Application for Approval of Acquisition of Shares

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), by Baystate Corporation, which is a bank holding company located in Boston, Massachusetts, for the prior approval of the Board of the acquisition by Applicant of up to 100 percent of the voting shares of Merrimack Valley National Bank, Haverhill, Haverhill, Massachusetts.

In determining whether to approve this application submitted pursuant to section 3(a)(2) of the Bank Holding Company Act, the Board is required by that Act to take into consideration the following factors: (1) The financial history

and condition of the company and the bank concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., 20551.

Dated at Washington, D.C., this 18th day of November 1963.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 63-12210; Filed, Nov. 21, 1963; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NORTH DAKOTA AND OKLAHOMA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of North Dakota and Oklahoma natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NORTH DAKOTA

Richland.

OKLAHOMA

Haskell. Kiowa.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 19th day of November 1963.

ORVILLE L. FREEMAN, *Secretary.*

[F.R. Doc. 63-12217; Filed, Nov. 21, 1963; 8:47 a.m.]

COOPERATIVE STATE RESEARCH SERVICE

Designation

Pursuant to the authority contained in Reorganization Plan No. 2 of 1953 (5 U.S.C. 511 Note), the title of Cooperative State Experiment Station Service is changed to Cooperative State Research Service.

All references to the functions of Cooperative State Experiment Station Service and regulations, instructions or documents of or relating to the Cooperative State Experiment Station Service, insofar as they have present, future or continuing effect, shall be deemed to be references to or actions of the Cooperative State Research Service.

Done at Washington, D.C., this 18th day of November 1963.

JOSEPH M. ROBERTSON, *Administrative Assistant Secretary.*

[F.R. Doc. 63-12216; Filed, Nov. 21, 1963; 8:47 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ERWIN POLLINI

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, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses and also subject to the provisions of Treasury Circular No. 655, as amended, 31 C.F.R. 211.3 and of Executive Order No. 8389, as amended, 5 F.R. 1400, 6 F.R. 2897:

Claimant, Claim No., Property, and Location

Erwin Pollini, Poetenweg 11, Zwickau, Saxony, East Germany; Claim No. 42902; Vesting Orders Nos. 8159, 9205, 16796, 17670. $10,319.83 in the Treasury of the United States.

Executed at Washington, DC., on November 15, 1963.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 63-12257; Filed, Nov. 21, 1963; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 19, 1963.

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

LONG-AND-SHORT HAUL

FSA No. 38661: *Petroleum and petroleum products to Pea Ridge, Mo.* Filed by Southwestern Freight Bureau, agent (No. B-8473), for interested rail carriers. Rates on petroleum and petroleum products, in carloads, from points in southwestern territory, to Pea Ridge, Mo.

Grounds for relief: Grouping.

Tariff: Supplement 97 to Southwestern Freight Bureau, agent, tariff I.C.C. 4410.

FSA No. 38662: *Liquefied petroleum gas from Gallup and Wingate, N. Mex.* Filed by Southwestern Freight Bureau, agent (No. B-8474), for interested rail carriers. Rates on liquefied petroleum gas, in tank carloads, from Gallup and Wingate, N. Mex., to points in southwestern and western trunkline territories also Mississippi River crossings, Memphis, Tenn., and south thereof.

Grounds for relief: Market competition.

Tariffs: Supplements 97, 321 and 56 to Southwestern Freight Bureau, agent, tariffs I.C.C. 4410, 4279 and 4395, respectively.

FSA No. 38663: *Sand to Portsmouth, Ohio and Pennsylvania points.* Filed by Southwestern Freight Bureau, agent (No. B-8476), for interested rail carriers. Rates on sand, as described in the application, in carloads, from points in Arkansas, Missouri, Oklahoma, and Texas, to Portsmouth, Ohio, Bradford, Columbia, Indiana, Mertztown, and Punxsutawney, Pa.

Grounds for relief: Market competition, and modified shortline distance formula.

Tariff: Supplement 221 to Southwestern Freight Bureau, agent, tariff I.C.C. 4319.

FSA No. 38664: *Substituted service—NYNH&H for All States Freight, Inc.* Filed by The New York, New Haven and Hartford Railroad Company (No. 234), jointly with All States Freight, Inc. Rates on property loaded in highway trailers and transported on railroad flatcars, between Harlem River, N.Y., on the one hand, and, New Haven, Conn., Boston and Springfield, Mass., and Providence, R.I., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motortruck competition.

FSA No. 38665: *Lumber to points in Iowa and Minnesota.* Filed by Trans-Continental Freight Bureau, agent (No. 414), for interested rail carriers. Rates on lumber, in carloads, from Livingston and Manhattan, Mont., also points grouped therewith, to points in Iowa and Minnesota.

Grounds for relief: Market and private truck competition.

Tariff: Supplement 132 to Trans-Continental Freight Bureau, agent, tariff I.C.C. 1581.

FSA No. 38666: *T.O.F.C. service—class and commodity rates from and to WTL territory.* Filed by Western Trunk Line Committee, agent (No. A-2337), for interested rail carriers. Rates on property moving on class and commodity rates, loaded in or on highway trailers and transported on railroad flat cars, between Gallatin and Portland, Tenn., on the one hand, and points in western trunkline territory, on the other.

Grounds for relief: Motortruck competition.

Tariff: Supplement 52 to Western Trunk Line Committee, agent, tariff I.C.C. A–4379.

FSA No. 38667: *Plaster, gypsum wallboard and related articles from Cody, Wyo.* Filed by Western Trunk Line Committee, agent (No. A-2339), for interested rail carriers. Rates on plaster and/or gypsum wallboard and related articles, in carloads, from Cody, Wyo., to Duluth, Minneapolis, Minn., Transfer, St. Paul, Minn., and Superior, Wis.

Grounds for relief: Carrier competition.

Tariff: Supplement 31 to Western Trunk Line Committee, agent, tariff I.C.C. A–4421.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63–12218; Filed, Nov. 21, 1963; 8:47 a.m.]

[Notice 900]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 19, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 66218. By order of November 14, 1963, the Transfer Board approved the transfer to Marvin Feldman, doing business as E. Roseman Company, Philadelphia, Pa., of Certificate in No. MC 47656, issued February 14, 1941, to Elias Roseman, Philadelphia, Pa., authorizing the transportation of household goods and antiques, over irregular routes, between Philadelphia, Pa., on the one hand, and on the other, points in New York, New Jersey and Delaware. Leonard M. Sagot, Suite 710, Two Penn Center Plaza, Philadelphia, Pa., 19102, attorney for applicants.

No. MC–FC 66359. By order of November 14, 1963, the Transfer Board approved the transfer to Addieville Trucking Company, Inc., Addieville, Ill., of Permit in No. MC 123534 (Sub-No. 2), issued March 6, 1962, to William Brennecke, doing business as Addieville Trucking Company, Addieville, Ill., authorizing the transportation, over irregular routes: of Dairy products, and similar commodities, between St. Louis, Mo., on the one hand, and, on the other, specified portions of Illinois and Indiana. G. F. Gunn, Jr., 314 North Broadway, St. Louis 2, Mo., attorney for applicants.

No. MC–FC 66364. By order of November 14, 1963, the Transfer Board approved the transfer to Lime City Trucking Company, Incorporated, Huntington, Ind., of the operating rights in Certificates in Nos. MC 20872 and MC 20872 (Sub-No. 2), MC 20872 (Sub-No. 5), MC 20872 (Sub-No. 6) and MC 20872 (Sub-No. 9) issued by the Commission, September 21, 1948, August 26, 1948, July 11, 1950, February 18, 1952, and October 31, 1960, respectively to Clem J. Getty, doing business as Lime City Trucking Company, Huntington, Ind., authorizing the transportation, over specified regular routes, of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between specified points in Illinois and Indiana, and cedar chests from points in Indiana, New York, and Kentucky, to points in Illinois, Ohio, Pennsylvania, and a portion of Michigan. Donald W. Smith, 511 Fidelity Building, Indianapolis, Ind., attorney for applicants.

No. MC–FC 65490. By supplemental order of November 15, 1963, the Transfer Board approved the transfer to Arlington J. Williams, Inc., New Castle, Del., of the operating rights in Permit in No. MC 113024 (Sub-No. 18), issued June 20, 1963, to Arlington John Williams, doing business as A. J. Williams, New Castle, Del., authorizing the transportation, over irregular routes, of control panels and related control equipment, uncrated and blanket-wrapped (restricted against the transportation of such commodities requiring special equipment or special handling), from the plant site of the Borg-Warner Corporation, Pesco Division, at Santa Ana, Calif., to Waynesboro, Martinsville, and Ampthill, Va., Wilmington and Seaford, Del., Chattanooga and Old Hickory, Tenn., Graingers, N.C., and Lugoff, S.C., with no transportation for compensation on return except as otherwise authorized. The operations authorized are limited to a transportation service to be performed under a continuing contract, or contracts, with E. I. Du Pont de Nemours and Company, of Wilmington, Del. Samuel W. Earnshaw, 983 National Press Building, Washington, D.C., attorney for applicants.

No. MC–FC 66036. By order of November 14, 1963, the Transfer Board approved the transfer to Ronald W. Whiteford, doing business as Indiana-Michigan Express, South Bend, Ind., of Certificate in No. MC 60845, issued March 28, 1951, to L. H. McCowen, doing business as E. S. Small & Son, Benton Harbor, Michigan, authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities over regular routes, between Benton Harbor, Mich., and South Bend, Ind., serving specified intermediate and off-route points; and household goods, over irregular routes, between Benton Harbor, Mich., on the one hand, and, on the other, Michigan City and Gary, Ind., and Chicago, Ill. Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind., attorney for applicants.

No. MC–FC 66369. By order of November 14, 1963, the Transfer Board approved the transfer to George Hartlage, doing business as Hartlage Truck Service, St. Louis, Mo., of the operating rights in Certificate in No. MC 80434, issued July 5, 1963, to Daniel's Express & Transfer, Inc., St. Louis, Mo., authorizing the transportation, over irregular routes, of: General commodities, excluding household goods, commodities in bulk, and other specified commodities between points in the St. Louis, Mo.-East St. Louis, Ill. commercial zone, as defined by the Commission. Austin C. Knetzger, 722 Chestnut Street, St. Louis 1, Mo., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63–12219; Filed, Nov. 21, 1963; 8:47 a.m.]

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PART II

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 28 NUMBER 228

Washington, Friday, November 22, 1963

FEDERAL COMMUNICATIONS COMMISSION

Reorganization and Revision of Chapter

Subchapter A—General

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

REORGANIZATION AND REVISION OF CHAPTER

Subchapter A

The Commission having under consideration the need for editorial revision of its rules and regulations, and the opportunity for such revision afforded by the reprinting of Title 47 of the Code of Federal Regulations; and

It appearing, that the needs of the public and of the Commission will be served by editorial revision of the Commission's rules and regulations; and

It further appearing, that Subchapter A of Title 47 is ready for publication now, and that Subchapters B—D will be published separately at later dates; and

It further appearing, that numerous provisions of the rules and regulations have been rearranged and renumbered, that cross-reference tables for the entire chapter should be provided for the convenience of the public; and

It further appearing, that the changes effected by revision of the rules are editorial in nature, and hence that compliance with the notice, procedural, and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary; and

It further appearing, that authority for revision of the rules and regulations is set forth in sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended, and in § 0.341(a) of the Commission's rules;

It is ordered, This 31st day of October 1963, effective November 23, 1963, that Parts 0, 1, 2, 5, 13, 15, 17, and 18 of the rules and regulations of the Federal Communications Commission are revised to read as set forth below; and

It is further ordered, That this order shall not be construed as advancing the effective date of any rule change previously adopted by the Commission.

Released: November 18, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

REDESIGNATION TABLE

PART 0

No change in number of part. Following sections were redesignated.

Old	New	Old	New
0.1	0.1	0.19	0.80
0.2 (a–b)	0.2	0.20	0.81
(c)	0.181	0.21	0.91
0.3	0.3	0.22	0.92
0.5	0.5	0.23	0.93
0.10	0.71	0.24	0.94
0.11	0.73	0.25	0.95
0.12	0.72	0.26	0.96
0.13	0.74	0.27	0.97
0.14	0.75	0.28	0.98
0.15	0.76	0.29	0.99
0.16	0.77	0.41	0.111
0.17	0.78	0.42	0.113
0.18	0.79	0.43	0.112
0.44	0.113	0.225	0.357
0.45	0.114	0.231	0.341
0.46	0.115	0.232	0.347
0.47	0.116	0.241	0.281
0.48	Deleted	0.242	0.287
0.49	0.121	0.251	0.291
0.61	0.131	0.252	0.293
0.62	0.133	0.253	0.294
0.63	0.132	0.254	0.295
0.64	0.133	0.255	0.296
0.65	0.134	0.256	0.297
0.66	0.135	0.257	0.302
0.67	0.136	0.258	0.303
0.68	0.137	0.259	0.304
0.69	0.138	0.260	0.305
0.70	0.139	0.261	0.307
0.81	0.151	0.262	0.292
0.82	0.152	0.263	0.298
0.91	0.11	0.271	0.311
0.92	0.12	0.272	0.313
0.93	0.14	0.281	0.314
0.94	0.15	0.282	0.317
0.95	0.16	0.284	0.316
0.96	0.17	0.285	0.315
0.97	0.19	and	0.385
and	0.183	0.286	0.386
0.98	0.18	Preceding	
0.111	0.41	0.291	0.333
0.112	0.42	0.291	0.331
0.113	0.43	0.292	0.332
0.114	0.44	0.293	0.337
0.115	0.45	0.322	0.251
0.116	0.46	0.323	0.257
0.117	0.47	0.331	0.241
0.120	0.31	0.332	0.243
0.121	0.32	0.333	0.247
0.122	0.33	0.341	0.261
0.123	0.34	0.361	0.231
0.124	0.35	0.401	
0.125	0.36	(a–c)	0.401
0.126	0.37	(d–e)	0.403
0.131	0.51	0.402	0.411
0.132	0.52	0.404	0.415
0.133	0.53	0.405	0.413
0.134	0.54	0.406	
0.135	0.55	(a–f)	0.417
0.136	0.56	(g)	0.419
0.141	0.171	(h)	0.421
0.151	0.61	(i)	0.425
0.161	0.181	(j)	0.423
0.162	0.184	(k)	0.417(b) (2)
0.201	0.201	(l)	0.417(c)
0.202	0.203	0.407	0.427
0.206	0.361	0.408	0.407
0.207	0.365	0.409	0.441
0.211	0.211	0.410	0.449
0.212	0.212(a)	0.411	0.451
0.213	0.212(b)	0.412	0.453
0.214	0.214	0.413	
0.215	0.215	(a–b)	0.443
0.216	0.186	(c)	0.445
0.217	0.383	0.414	0.447
0.218	0.218	0.415	0.405
0.219	0.381	0.416	0.429
0.224	0.351	0.417	0.431

New	Old	New	Old
0.1	0.1	0.37	0.126
0.2	0.2 (a–b)	0.41	0.111
0.3	0.3	0.42	0.112
0.5	0.5	0.43	0.113
0.11	0.91	0.44	0.114
0.12	0.92	0.45	0.115
0.13	New	0.46	0.116
0.14	0.93	0.47	0.117
0.15	0.94	0.51	0.131
0.16	0.95	0.52	0.132
0.17	0.96	0.53	0.133
0.18	0.98	0.54	0.134
0.19	New	0.55	0.135
(See 0.97)		0.56	0.136
0.20	New	0.61	0.151
0.31	0.120	0.71	0.10
0.32	0.121	0.72	0.12
0.33	0.122	0.73	0.11
0.34	0.123	0.74	0.13
0.35	0.124	0.75	0.14
0.36	0.125	0.76	0.15
0.77	0.16	0.291	0.251
0.78	0.17	0.292	0.262
0.79	0.18	0.293	0.252
0.80	0.19	0.294	0.253
0.81	0.20	0.295	0.254
0.91	0.21	0.296	0.255
0.92	0.22	0.297	0.256
0.93	0.23	0.298	0.263
0.94	0.24	0.302	0.257
0.95	0.25	0.303	0.258
0.96	0.26	0.304	0.259
0.97	0.27	0.305	0.260
0.98	0.28	0.307	0.261
0.99	0.29	0.311	0.271
0.111	0.41	0.313	0.272
0.112	0.43	0.314	0.281
0.113	0.42	0.315	New
and	0.44	(See 0.285)	
0.114	0.45	0.316	0.284
0.115	0.46	0.317	0.282
0.116	0.47	0.331	0.291
0.121	0.49	0.332	0.292
0.131	0.61	0.333	Text preceding 0.291
0.132	0.63		
0.133	0.62	0.337	0.293
and	0.64	0.341	0.231
0.134	0.65	0.347	0.232
0.135	0.66	0.351	0.224
0.136	0.67	0.357	0.225
0.137	0.68	0.361	0.206
0.138	0.69	0.365	0.207
0.139	0.70	0.371(a)	0.351
0.151	0.81	(b)	New
0.152	0.82	0.381	0.219
0.161	New	0.383	0.217
(See 0.206)		0.385	0.285
0.171	0.141	0.386	0.286
0.181	0.2(c)	0.387	New
and	0.161	0.401	0.401 (a–c)
0.182	0.91(d)	0.403	0.401 (d–e)
0.183	0.97	0.405	0.415
0.184	0.162	0.407	0.408
0.186	0.216	0.411	0.402
0.201	0.201	0.413	0.405
0.203	0.202	0.415	0.404
0.211	0.211	0.417	0.406 (a–f), (k–l)
0.212	0.212		
and	0.213	0.419	0.406(g)
0.214	0.214	0.421	0.406(h)
0.215	0.215	0.423	0.406(j)
0.218		0.425	0.406(i)
(a–b)	0.218	0.427	0.407
(c)	New	0.429	0.416
0.231	0.361	0.431	0.417
0.241	0.331	0.441	0.409
0.243	0.332	0.443	0.413 (a–b)
0.247	0.333	0.445	0.413(c)
0.251	0.322	0.447	0.414
0.257	0.323	0.449	0.410
0.261	0.341	0.451	0.411
0.281	0.241	0.453	0.412
0.287	0.242		

PART 1

No change in number of part. Following sections were redesignated.

Old section	New section	Old section	New section
1.10	1.1	1.44	1.296
1.11	1.41	1.45	1.297
1.12	1.44	1.46	1.298
1.13	1.45	1.47	1.301
1.14	1.8	1.48	1.303
1.15	1.3	1.50	1.42
1.16	1.108	1.51	1.48
1.17	1.2	1.52	1.49
1.18	1.4	1.53	1.50
1.19	1.43	1.54	1.51
1.21	1.21	1.55	1.52
1.22	1.22	1.56	1.47
1.23	1.23	1.57	1.5
1.24	1.24	1.63	1.87
1.25	1.25	1.64	1.110
1.26	1.26	1.65	1.62
1.41	1.291	1.66	1.68
1.42	1.292	1.67	1.61
1.43	1.294	1.68	1.502

Old section	New section
1.70	1.83
1.71	1.84
1.72	1.85
1.73	1.77(g)
1.74	1.77(d)
1.75	1.77(f)
1.76	1.89
1.77	1.91
1.78	1.92
1.79	1.6
1.80	1.80
1.81	1.101
1.82	1.102
1.83	1.104
1.84	1.106
1.85	1.115
1.86	1.117
1.87	1.113
1.101	1.201
1.102	1.202
1.103	1.219(a–b)
1.104	1.223
1.105	1.225
1.106	1.227
1.111	1.251
1.112	1.253
1.113	1.46, 1.205
1.121	1.311
1.122	1.312
1.123	1.313
1.124	1.314
1.125	1.315
1.126	1.316
1.127	1.317
1.128	1.318
1.129	1.319
1.131	1.331
1.132	1.333–1.335
1.132 (note)	1.333 and 1.338
1.133	1.336(b) and 1.339
1.134(a)	1.336
(b)	1.336(b) and 1.337
1.135	1.340
1.140(a, c–e)	1.221
(b)	1.254
1.141	1.229
1.142	1.255
1.143	1.241 and 1.245
1.144	1.243
1.146	1.258
1.147	1.260
1.148	1.261
1.149	1.263
1.150	1.264
1.151(a, e–f)	1.267
(b–d)	1.274
1.152(a)	1.271
(b)	1.273
1.153	1.276
1.154	1.277
1.155	1.279
1.156	1.204
1.157	1.282
1.158	1.203
1.171	1.351
1.172	1.352
1.173	1.353
1.174	1.354
1.175	1.355
1.176	1.356
1.177	1.357
1.178	1.358
1.179	1.359
1.180	1.360
1.181	1.361
1.192	1.111
1.193	1.120
1.202	1.401
1.203	1.403
1.204	1.405
1.205	1.407
1.211	1.412
1.212	1.413
1.213	1.415
1.214	1.417
1.215	1.419
1.216	1.421
1.217	1.423
1.218	1.425
1.219	1.427
1.300	1.501
1.301	1.511
1.302	1.512
1.303	1.513
1.304	1.514
1.305	1.516
1.306	1.564
1.307	1.566
1.308	1.518
1.309	1.519
1.310	1.520
1.311	1.522
1.312	1.568
1.313	1.599
1.314	1.598
1.315	1.601
1.316	1.525
1.321	1.531
1.322	1.533
1.323	1.534
1.324	1.548
1.325	1.536
1.326	1.537
1.327	1.538
1.328	1.539
1.329	1.540
1.330	1.541
1.331	1.542
1.332	1.543
1.333	1.544
1.334	1.545
1.335	1.546
1.336	1.547
1.337	1.549
1.341	1.611
1.342	1.613
1.343	1.615
1.351	1.569
1.352	1.570
1.353	1.561
1.354	1.571
1.355	1.572
1.356	1.573
1.357	1.574
1.358	1.578
1.359	1.580
1.360	1.562
1.361(a)	1.587
(b–d)	1.591
1.362(a)	1.593
(b–h)	1.594
(i–j)	1.592
1.363	1.605
1.364	1.603
1.365	1.597
1.370	1.621
1.401	1.701
1.402	1.703
1.411	1.711
1.412	1.713
1.416	1.716
1.417	1.717
1.418	1.718
1.421	1.721
1.422	1.722
1.423	1.723
1.424	1.724
1.425	1.725
1.426	1.726
1.427	1.727
1.428	1.728
1.429	1.729
1.430	1.730
1.431	1.731
1.432	1.732
1.433	1.733
1.434	1.734
1.435	1.735
1.440	1.741
1.441	1.742
1.442	1.743
1.443	1.744
1.444	1.745
1.445	1.746
1.446	1.747
1.447	1.748
1.448	1.749
1.449	1.761
1.450	1.762
1.451	1.763
1.452	1.764
1.453	1.765
1.454	1.766
1.455	1.767
1.461	1.771
1.462	1.772
1.463	1.773
1.468	1.781
1.469	1.783
1.471	1.785
1.472	1.786
1.473	1.787
1.474	1.788
1.475	1.789
1.476	1.790
1.477	1.791
1.478	1.792
1.479	1.793
1.480	1.794
1.483	1.801
1.484	1.802
1.485	1.803
1.486	1.804
1.487	1.805
1.490	1.811
1.491	1.812
1.492	1.813
1.493	1.814
1.500	1.901
1.501	1.911
1.502	1.912
1.503	1.913
1.504	1.914
1.505	1.918
1.506	1.961
1.507	1.956
1.521	1.921
1.522	1.922
1.523	1.923
1.524	1.924
1.525	1.925
1.526	1.926
1.527	1.927
1.528	1.929
1.529	1.928
1.530	1.934
1.531	1.931
1.532	1.932
1.533	1.933
1.534	1.930
1.541	1.951
1.542	1.952
1.543	1.955
1.544	1.915
1.545	1.958
1.546	1.953
1.547	1.962
1.548	1.971
1.549	1.973
1.550	1.959
1.551	1.916
1.561	1.981
1.581	1.991
1.600	1.1101
1.601	1.1103
1.602	1.1105
1.620	1.1111
1.621	1.1113
1.622	1.1115
1.623	1.1117
1.624	1.1119
App	App.

New section	Old section
1.1	1.10
1.2	1.17
1.3	1.15
1.4	1.18
1.5	1.57
1.6	1.79
1.8	1.14
1.21	1.21
1.22	1.22
1.23	1.23
1.24	1.24
1.25	1.25
1.26	1.26
1.41	1.11
1.42	1.50
1.43	1.19
1.44	1.12
1.45	1.13
1.46	1.113
1.47	1.56
1.48	1.51
1.49	1.52
1.50	1.53
1.51	1.54
1.52	1.55
1.61	1.67
1.62	1.65
1.68	1.66
1.77(a–c)	New
(d)	1.74
(e)	New
(f)	1.75
(g)	1.73
(h)	New
1.80	1.80
1.81	New
1.83	1.70
1.84	1.71
1.85	1.72
1.87	1.63
1.89	1.76
1.91	1.77
1.92	1.78
1.101	1.81
1.102	1.82
1.104	1.83
1.106	1.84
1.108	1.16
1.110	1.64
1.111	1.192
1.113	1.87
1.115	1.85
1.117	1.86
1.120	1.193
1.201	1.101
1.202	1.102
1.203	1.158
1.204	1.156
1.205	1.113
1.207	New
1.221	1.103; 1.140(a, c–e)
1.223	1.104
1.225	1.105
1.227	1.106
1.229	1.141
1.241	1.143
1.243	1.144
1.245	1.143(b)
1.251	1.111
1.253	1.112
1.254	1.140(b)
1.255	1.142
1.258	1.146
1.260	1.147
1.261	1.148
1.263	1.149
1.264	1.150
1.267	1.151(a, e–f)
1.271	1.152(a)
1.273	1.152(b)
1.274	1.151 (b–d)
1.276	1.153
1.277	1.154
1.279	1.155
1.282	1.157
1.291	1.41
1.292	1.42
1.294	1.43
1.296	1.44
1.297	1.45
1.298	1.46
1.301	1.47
1.303	1.48
1.311	1.121
1.312	1.122
1.313	1.123
1.314	1.124
1.315	1.125
1.316	1.126
1.317	1.127
1.318	1.128
1.319	1.129
1.331	1.131
1.333	1.132
1.334	1.132
1.335	1.132
1.336	1.134
1.337	1.134(b)
1.338	1.132 note; 1.134(b)
1.339	1.133
1.340	1.135
1.351	1.171
1.352	1.172
1.353	1.173
1.354	1.174
1.355	1.175
1.356	1.176
1.357	1.177
1.358	1.178
1.359	1.179
1.360	1.180
1.361	1.181
1.401	1.202
1.403	1.203
1.405	1.204
1.407	1.205
1.411	New, but see 1.211
1.412	1.211
1.413	1.212
1.415	1.213
1.417	1.214
1.419	1.215
1.421	1.216
1.423	1.217
1.425	1.218
1.427	1.219
1.501	1.300
1.502	1.68
1.511	1.301
1.512	1.302
1.513	1.303
1.514	1.304
1.516	1.305
1.518	1.308
1.519	1.309
1.520	1.310
1.522	1.311
1.525	1.316
1.531	1.321
1.533	1.322
1.534	1.323
1.536	1.325
1.537	1.326
1.538	1.327
1.539	1.328
1.540	1.329
1.541	1.330
1.542	1.331
1.543	1.332
1.544	1.333
1.545	1.334
1.546	1.335
1.547	1.336
1.548	1.324
1.549	1.337
1.561	1.353
1.562	1.360
1.564	1.306
1.566	1.307
1.568	1.312
1.569	1.351
1.570	1.352
1.571	1.354
1.572	1.355
1.573	1.356
1.574	1.357
1.578	1.358
1.580	1.359
1.587	1.361(a)
1.591	1.361 (b–d)
1.592	1.361 (i–j)
1.593	1.362(a)
1.594	1.362 (b–h)
1.597	1.365
1.598	1.314
1.599	1.313
1.601	1.315
1.603	1.364
1.605	1.363
1.611	1.341
1.613	1.342
1.615	1.343
1.621	1.370
1.701	1.401
1.703	1.402
1.711	1.411
1.713	1.412
1.716	1.416
1.717	1.417
1.718	1.418
1.721	1.421
1.722	1.422
1.723	1.423
1.724	1.424
1.725	1.425
1.726	1.426
1.727	1.427
1.728	1.428
1.729	1.429
1.730	1.430
1.731	1.431
1.732	1.432
1.733	1.433
1.734	1.434
1.735	1.435
1.741	1.440
1.742	1.441
1.743	1.442
1.744	1.443
1.745	1.444
1.746	1.445
1.747	1.446
1.748	1.447
1.749	1.448
1.761	1.449
1.762	1.450
1.763	1.451
1.764	1.452
1.765	1.453
1.766	1.454
1.767	1.455
1.771	1.461
1.772	1.462
1.773	1.463
1.781	1.468
1.783	1.469
1.785	1.471
1.786	1.472
1.787	1.473
1.788	1.474
1.789	1.475
1.790	1.476
1.791	1.477
1.792	1.478
1.793	1.479
1.794	1.480
1.801	1.483
1.802	1.484
1.803	1.485
1.804	1.486
1.805	1.487
1.811	1.490
1.812	1.491
1.813	1.492
1.814	1.493
1.901	1.500
1.911	1.501
1.912	1.502
1.913	1.503
1.914	1.504
1.915	1.544
1.916	1.551
1.918	1.505

New section	Old section
1.921	1.521
1.922	1.522
1.923	1.523
1.924	1.524
1.925	1.525
1.926	1.526
1.927	1.527
1.928	1.529
1.929	1.528
1.930	1.534
1.931	1.531
1.932	1.532
1.933	1.533
1.934	1.530
1.951	1.541
1.952	1.542
1.953	1.546
1.955	1.543
1.956	1.507
1.958	1.545
1.959	1.550
1.961	1.506
1.962	1.547
1.971	1.548
1.973	1.549
1.981	1.561
1.991	1.581
1.1101	1.600
1.1103	1.601
1.1105	1.602
1.1111	1.620
1.1113	1.621
1.1115	1.622
1.1117	1.623
1.1119	1.624
App	App.

PART 2

No change in number of part. Following sections were redesignated.

Old	New
2.501	2.551
2.510	2.561
2.511	2.563
2.512	2.565
2.520	2.571
2.521	2.573
2.522	2.575
2.523	2.577
2.524	2.579
2.525	2.582
2.530	2.591
2.540(a)	2.584(b)
(b)	2.567(a), 2.584(a), 2.593(a)
(c)	2.567(b)
(d)	2.584(c)
(e)	2.584(d)
(f)	2.567(c), 2.584(e), 2.593(b)
(g)	2.567(d), 2.584(f)
2.541	2.553
2.542	2.557
2.543	2.555

New	Old
2.551	2.501
2.553	2.541
2.555	2.543
2.557	2.542
2.561	2.510
2.563	2.511
2.565	2.512
2.567(a)	2.540(b)
(b)	(c)
(c)	(f)
(d)	(g)
2.571	2.520
2.573	2.521
2.575	2.522
2.577	2.523
2.579	2.524
2.582	2.525
2.584(a)	2.540(b)
(b)	(a)
(c)	(d)
(d)	(e)
(e)	(f)
(f)	(g)
2.591	2.530
2.593(a)	2.540(b)
(b)	(f)

PART 3

Part 3 will be redesignated as Part 73. No other change in section numbers.

PART 4

Part 4 will be redesignated as Part 74. No other change in section numbers.

PART 5

No change in number of part. No change in section numbers.

PART 6

Part 6 will be redesignated as Part 23. No other change in section numbers.

PART 7

Part 7 will be redesignated as Part 81. No other change in section numbers.

PART 8

Part 8 will be redesignated as Part 83. No other change in section numbers, except §§ 8.801 and 8.803 redesignated as §§ 83.701 and 83.702.

PART 9

Part 9 will be redesignated as Part 87. The following sections will be redesignated:

Part 9	Part 87
9.1	87.1
9.2	87.3
9.3	87.5
9.4	87.51
9.5	87.53
9.101	87.21
9.102	87.23
9.103	87.25
9.104	87.27
9.105	87.29
9.106	87.31
9.107	87.125
9.108	87.41
9.109	87.39
9.110	87.43
9.111	87.45
9.112	87.47
9.113	87.49
9.117	87.37
9.118	87.95
9.119	87.97
9.120	87.127
9.121	87.129
9.141	87.91
9.142	87.93
9.151	87.99
9.152	87.10
9.153	87.103
9.154	87.105
9.155	87.107
9.156	87.109
9.178	87.61
9.179	87.63
9.180	87.65
9.181	87.67
9.182	87.69
9.183	87.71
9.184	87.73
9.185	87.75
9.186	87.111
9.187	87.77
9.188	87.79
9.189	87.113
9.190	87.81
9.191	87.115
9.192	87.117
9.193	87.123
9.194	87.119
9.195	87.121
9.311	87.181
9.312	87.183
9.313	87.185
9.314	87.187
9.315	87.183(d)
9.321	87.195
9.331	87.201
9.411	87.401
9.412	87.403
9.413	87.405
9.414	87.407
9.415	87.409
9.416	87.411
9.431	87.291
9.432	87.293
9.433	87.295
9.434	87.297
9.435	87.299
9.436	87.301
9.437	87.303
9.438	87.305
9.439	87.307
9.440	87.309
9.441	87.451
9.442	87.453
9.443	87.455
9.446	87.461
9.447	87.463
9.451	87.431
9.452	87.433
9.453	87.435
9.454	87.437
9.511	87.501
9.512	87.503
9.513	87.505
9.611	87.331
9.612	87.333
9.613	87.335
9.614	87.337
9.711	87.341
9.712	87.343
9.713	87.345
9.714	87.347
9.715	87.349
9.716	87.351
9.717	87.353
9.718	87.355
9.719	87.357
9.811	87.235
9.812	87.237
9.813	87.239
9.814	87.241
9.815	87.243
9.911	87.511
9.912	87.513
9.913	87.515
9.914	87.517
9.1001	87.251
9.1002	87.253
9.1003	87.255
9.1004	87.257
9.1005	87.259
9.1101	87.321
9.1102	87.323
9.1103	87.325
9.1104	87.327
9.1105	87.329
9.1201	87.161
9.1202	87.163
9.1203	87.165
9.1204	87.167
9.1205	87.169
9.1301	87.441
9.1302	87.443
9.1401	87.141
9.1402	87.143
9.1403	87.145
9.1404	87.147
9.1405	87.149
9.1406	87.151
9.1407	87.153
9.1501	87.271
9.1502	87.273
9.1503	87.275
9.1504	87.277

PART 10

Part 10 will be redesignated as Part 89. The following sections will be redesignated:

Old	New
Subpart A—Gen. Info.	No change
10.1	89.1
10.2	89.3
10.3	89.5
10.4	98.7
10.5	89.9
10.6	89.11
10.7	89.13
10.8	89.15
10.9	89.17
Subpart B—Appls., Authorizations and Notifications.	"Subpart B" deleted
10.51	89.51
10.52	89.53
10.53	89.55
10.54	89.57
10.55	89.59
10.56	89.61
10.58	89.63
10.60	89.65
10.61	89.67
10.62	89.69
10.63	89.71
10.64	89.73
10.65	89.75
10.66	89.77
10.68	89.79
10.69	89.81
10.70	89.83
Subpart C—Tech. Standards.	"Subpart C" deleted
10.101	89.101
10.102(a)	89.103(a)
(b–c)	Deleted
(d)	(b)
10.103	89.105
10.104	89.107
(b) (3–4, 6)	Deleted
(b) (5)	(b) (3)
10.105	89.109
(d–g)	Deleted
10.106	89.111
10.107	89.113
10.108	89.115
10.109	89.117
10.110	89.119
10.111	89.121
Subpart D—Opr. Requirements.	"Subpart D" deleted
10.151	89.151
10.152	89.153
10.153	89.155
10.154	89.157
10.155	89.163
10.156	89.165
10.157	89.167
10.158	89.169
10.159	89.171
10.160	89.173
10.161	89.175
10.162	89.177
10.163	89.179
10.164	89.159
10.165	89.161
Subpart E—Dev'l. Opr.	Subpart C—Dev'l. Opr.
10.201	89.201
10.202	89.203
10.203	89.205
10.204	89.207
10.205	89.209
10.206	89.211
10.207	89.213
10.208	89.215
Subpart F—Police Radio Service.	Subpart G—Police Radio Service
10.251	89.301
10.252	89.303
10.253	89.305
10.254	89.307
10.255	89.309
(h) (18–23)	Deleted
Subpart G—Fire Radio Service.	Subpart J—Fire Radio Service.
10.301	89.351
10.302	89.353
10.303	89.355
10.304	89.357
10.305	89.359
Subpart H—Forestry-Conservation Radio Serv.	Subpart N—Forestry-Conservation Radio Serv.
10.351	89.451
10.352	89.453
10.353	89.455
10.354	89.457
10.355	89.459
(e) (16–22)	Deleted
Subpart I—Highway Maintenance Radio Serv.	Subpart L—Highway Maintenance Radio Serv.
10.401	89.401
10.402	89.403
10.403	89.405
10.404	89.407
10.405	89.409
(f) (10–15)	Deleted
(f) (16)	(f) (10)
Subpart J—Special Emer. Radio Serv.	Subpart P—Special Emer. Radio Serv.
10.450	89.501
10.451	89.503

Old	New
10.452	89.509
10.453	89.507
10.454	89.505
10.455	89.513
10.456	89.511
10.457	89.517
10.458	89.515
10.459	89.519
10.460	89.521
10.461	89.523
10.462	89.525
Subpart K—State Guard Radio Service.	Subpart R—State Guard Radio Service
10.501	89.551
10.502	89.553
10.503	89.555
10.504	89.557
10.505	89.559
Subpart L—Local Govt. Radio Service.	Subpart E—Local Govt. Radio Service
10.551	89.251
10.552	89.253
10.553	89.255
10.554	89.257
10.555	89.259
(g) (5)	Deleted
(g) (6)	(g) (5)
(g) (7)	(g) (6)

PART 11

Part 11 will be redesignated as Part 91. No other change in section numbers.

PART 12

Part 12 will be redesignated as Part 97. The following sections will be redesignated.

Old	New	Old	New
12.0	97.1	12.82	97.87
12.1	97.3(a)	12.85	97.53
12.2	(b)	12.86	97.55
12.3	(c)	12.90	97.95
12.4	(d)	12.91	97.97
12.5	(e)	12.93	97.99
12.6	(f)	12.94	97.101
12.7	(g)	12.101	97.89
12.9	(h)	12.102	97.111
12.10	(i)	12.103	97.113
12.20	97.5	12.104	97.115, 97.93
12.21	97.9		
12.22	97.11	12.105	97.117
12.23	97.7	12.106	97.91
12.25	97.83	12.107	97.69
12.26	97.57	12.111	97.61
12.27	97.13	12.113	97.63
12.28	97.79	12.114	97.65
12.29	97.59(a) and (c)	12.131	97.67
		12.132	97.71
12.30	97.141	12.133	97.73
12.31	97.143	12.134	97.93
12.41	97.19	12.135	97.75
12.42	97.21	12.136	97.103
12.43	97.23	12.137	97.105
12.44(a)	97.29, 97.27	12.151	97.77
		12.152	97.131
(b)	97.35(c)	12.153	97.133
(c)	97.29(b)	12.154	97.135
12.45	97.35	12.155	97.137
12.46	97.25	12.156	97.107
12.47	97.29(d)	12.157	97.119
12.48	97.31	12.158	97.121
12.49	97.33	12.159	97.123
12.50	97.29(c)	12.160	97.125
12.60	97.45	12.161	97.127
12.61	97.37	12.162	97.129
12.62	97.39	12.200	97.161
12.63	97.41	12.201	97.163
12.64	97.43	12.202	97.165
12.65	97.59(b)	12.211	97.167
12.66	97.81	12.212	97.169
12.67	97.47	12.213	97.171
12.68	97.85	12.214	97.173
12.69	97.139	12.215	97.175
12.70	97.49	12.221	97.177
12.81	97.51	12.222	97.179
12.223	97.181	12.243	97.207
12.224	97.183	12.244	97.209
12.225	97.185	12.245	97.211
12.226	97.187	12.246	97.213
12.227	97.189	12.251	97.215
12.228	97.191	12.252	97.217
12.231	97.193	12.253	97.219
12.232	97.195	12.254	97.221
12.233	97.197	12.255	97.223
12.234	97.199	12.256	97.225
12.235	97.201	12.257	97.227
12.241	97.203	Appendices 1–4	Appendices 1–4
12.242	97.205		

PART 13

No change in number of part. No change in section numbers.

PART 14

Part 14 will be redesignated as Part 85. No other change in section numbers.

PART 15

No change in number of part. Section 15.166 was deleted and the following sections were redesignated.

Subpart C—Radio Receivers

Old	New	Old	New
15.61	15.61	15.67	15.81
15.62	15.63	15.68	15.72
15.63	15.75	15.69	15.82
15.64	15.69	15.70	15.65
15.65	15.70	15.71	15.66
15.66	15.71		

Subpart E—Low Power Comm. Devices

Old	New	Old	New
15.201	15.201	15.210	15.222
15.202	15.202	15.211	15.229
15.203	15.203	15.212	15.212
15.204	15.204	15.213	15.213
15.205	15.205	15.214	15.235
15.206	15.211	15.215	15.236
15.207	15.221	15.216	15.237
15.208	15.227	15.217	15.238
15.209	15.228		

Subpart C—Radio Receivers

New	Old	New	Old
15.61	15.61	15.71	15.66
15.63	15.62	15.72	15.68
15.65	15.70	15.75	15.63
15.66	15.71	15.81	15.67
15.69	15.64	15.82	15.69
15.70	15.65		

Subpart E—Low Power Comm. Devices

New	Old	New	Old
15.201	15.201	15.222	15.210
15.202	15.202	15.227	15.208
15.203	15.203	15.228	15.209
15.204	15.204	15.229	15.211
15.205	15.205	15.235	15.214
15.211	15.206	15.236	15.215
15.212	15.212	15.237	15.216
15.213	15.213	15.238	15.217
15.221	15.207		

PART 16

Part 16 will be redesignated as Part 93. No other change in section numbers.

PART 17

No change in number of part. No change in section numbers.

PART 18

No change in number of part. Following sections were redesignated.

Old	New	Old	New
18.1	18.1	18.5(a)	18.181
18.2	18.3	(b)	18.182(a)
18.3	18.21(a)	(c)	18.182(b)
18.4	18.11	(d)	18.182(c)
		(e)	18.183
18.6	18.13	18.49	18.29
18.7	18.14	18.51	18.262
18.8	18.17	18.70	18.71
18.11	18.141	18.71	18.72
18.12	18.142	18.72	18.73
18.13	18.143	18.73	18.74
18.14	18.144	18.74	18.75
18.15	18.145	18.75	18.76
18.16	18.146	18.76	18.77
18.31	18.261	18.77	18.78
18.41(a)	18.21(b)	18.78	18.79
(b)	(c)	18.80	18.80
18.42	18.22	18.81	18.81
18.43	18.23	18.82	18.82
18.44	18.24	18.84	18.84
18.45	18.25	18.101–18.122	18.101–18.122
18.46	18.26		
18.47	18.27		
18.48	18.28		

New	Old	New	Old
18.1	18.1	18.77	18.76
18.3	18.2	18.78	18.77
18.11	18.4	18.79	18.78
18.13	18.6	18.80	18.80
18.14	18.7	18.81	18.81
18.17	18.8	18.82	18.82
18.21(a)	18.3	18.84	18.84
(b)	18.41(a)	18.101–18.122	18.101–18.122
(c)	(b)		
18.22	18.42		
18.23	18.43	18.141	18.11
18.24	18.44	18.142	18.12
18.25	18.45	18.143	18.13
18.26	18.46	18.144	18.14
18.27	18.47	18.145	18.15
18.28	18.48	18.146	18.16
18.29	18.49	18.181	18.5(a)
18.71	18.70	18.182(a)	18.5(b)
18.72	18.71	(b)	(c)
18.73	18.72	(c)	(d)
18.74	18.73	18.183	18.5(e)
18.75	18.74	18.261	18.31
18.76	18.75	18.262	18.51

PART 19

Part 19 will be redesignated as Part 95. The following sections will be redesignated:

Old	New	Old	New
19.1	95.1	19.41	95.53
19.2	95.3	19.42	95.55
19.3	95.5	19.43	95.57
19.4	95.7	19.44	95.59
19.11	95.11	19.45	95.61
19.12	95.13	19.51	95.63
19.13	95.15	19.52	95.65
19.14	95.17	19.53	95.67
19.15	95.19	19.54	95.69
19.16	95.25	19.61	95.81
19.17	95.27	19.62	95.87
19.18	95.21	19.63	95.91
19.19	95.23	19.64	95.93
19.21	95.29	19.71	95.95
19.22	95.31	19.72	95.101
19.23	95.33	19.73	95.103
19.24	95.35	19.74	95.105
19.25	95.37	19.81	95.111
19.31	95.41	19.82	95.113
19.32	95.43	19.83	95.115
19.33	95.45	19.91	95.117
19.34	95.47	19.92	95.119
19.35	95.49	19.93	95.121
19.36	95.51		

PART 20

Part 20 will be redesignated as Part 99. The following sections will be redesignated:

Old	New	Old	New
20.1	99.1	20.9	(i)
20.2	99.3(b)	20.11	99.7
20.3	(a) and (c)	20.12	99.9
		20.13	99.11
20.4	(d)	20.14	99.13
20.5	(e)	20.15	99.15
20.6	(f)	20.21	99.17
20.7	(g)	20.22	99.19
20.8	(h)	20.23	99.21

Old	New	Old	New
20.24	99.23	20.31	99.33
20.25	99.25	20.32	99.35
20.26	99.27	20.33	99.37
20.29	99.29	20.34	99.39
20.30	99.31	20.35	99.41

PART 21

No change in number of part. No change in section numbers.

PART 23

Part 23 will be redesignated from Part 6. No other change in section numbers.

No change in part or section numbers in the following:

PART 25
PART 31
PART 33
PART 34
PART 35
PART 41
PART 42
PART 43
PART 51
PART 52
PART 61
PART 62
PART 63
PART 64
PART 66

PART 73

Part 73 will be redesignated from Part 3. No other change in section numbers.

PART 74

Part 74 will be redesignated from Part 4. No other change in section numbers.

PART 81

Part 81 will re redesignated from Part 7. No other change in section numbers.

PART 83

Part 83 will be redesignated from Part 8. No other change in section numbers.

PART 85

Part 85 will be redesignated from Part 14. No other change in section numbers.

PART 87

Part 87 will be redesignated from Part 9. The following sections will be redesignated:

Part 87	Part 9	Part 87	Part 9
87.1	9.1	87.101	9.152
87.3	9.2	87.103	9.153
87.5	9.3	87.105	9.154
87.21	9.101	87.107	9.155
87.23	9.102	87.109	9.156
87.25	9.103	87.111	9.186
87.27	9.104	87.113	9.189
87.29	9.105	87.115	9.191
87.31	9.106	87.117	9.192
87.37	9.117	87.119	9.194
87.39	9.109	87.121	9.195
87.41	9.108	87.123	9.193
87.43	9.110	87.125	9.107
87.45	9.111	87.127	9.120
87.47	9.112	87.129	9.121
87.49	9.113	87.141	9.1401
87.51	9.4	87.143	9.1402
87.53	9.5	87.145	9.1403
87.61	9.178	87.147	9.1404
87.63	9.179	87.149	9.1405
87.65	9.180	87.151	9.1406
87.67	9.181	87.153	9.1407
87.69	9.182	87.161	9.1201
87.71	9.183	87.163	9.1202
87.73	9.184	87.165	9.1203
87.75	9.185	87.167	9.1204
87.77	9.187	87.169	9.1205
87.79		87.181	9.311
87.81	9.190	87.183	9.312
87.91	9.141		and 9.315
87.93	9.142	87.185	9.313
87.95	9.118	87.187	9.314
87.97	9.119	87.195	9.321
87.99	9.151	87.201	9.331
87.211	9.611	87.337	9.614
	and 9.711	87.341	9.711
87.235	9.811	87.343	9.712
87.237	9.812	87.345	9.713
87.239	9.813	87.347	9.714
87.241	9.814	87.349	9.715
87.243	9.815	87.351	9.716
87.251	9.1001	87.353	9.717
87.253	9.1002	87.355	9.718
87.255	9.1003	87.357	9.719
87.257	9.1004	87.401	9.411
87.259	9.1005	87.403	9.412
87.271	9.1501	87.405	9.413
87.273	9.1502	87.407	9.414
87.275	9.1503	87.409	9.415
87.277	0.1504	87.411	9.416
87.291	9.431	87.431	9.451
87.293	9.432	87.433	9.452
87.295	9.433	87.435	9.453
87.297	9.434	87.437	9.454
87.299	9.435	87.441	9.1301
87.301	9.436	87.443	9.1302
87.303	9.437	87.451	9.441
87.305	9.438	87.453	9.442
87.307	9.439	87.455	9.443
87.309	9.440	87.461	9.446
87.321	9.1101	87.463	9.447
87.323	9.1102	87.501	9.511
87.325	9.1103	87.503	9.512
87.327	9.1104	87.505	9.513
87.329	9.1105	87.511	9.911
87.331	9.611	87.513	9.912
87.333	9.612	87.515	9.913
87.335	9.613	87.517	9.914

PART 89

Part 89 will be redesignated from Part 10. The following sections will be redesignated:

New	Old
Subpart A—Gen. Info.	Same
89.1	10.1
89.3	10.2
89.5	10.3
89.7	10.4
89.9	10.5
89.11	10.6
89.13	10.7
89.15	10.8
89.17	10.9
Appls., Authorizations and Notifications.	Subpart B—same title
89.51	10.51
89.53	10.52
89.55	10.53
89.57	10.54
89.59	10.55
89.61	10.56
89.63	10.58
89.65	10.60
89.67	10.61
89.69	10.62
89.71	10.63
89.73	10.64
89.75	10.65
89.77	10.66
89.79	10.68
89.81	10.69
89.83	10.70
Tech. Stds.	Subpart C—same title
89.101	10.101
89.103(a)	10.102(a)
(b)	(d)
89.105	10.103
89.107	10.104
(b)(3)	(b)(5)
89.109	10.105
89.111	10.106
89.113	10.107
89.115	10.108
89.117	10.109
89.119	10.110
89.121	10.111
Operating Requirements	Subpart D—same title
89.151	10.151
89.153	10.152
89.155	10.153
89.157	10.154
89.159	10.164
89.161	10.165
89.163	10.155
89.165	10.156
89.167	10.157
89.169	10.158
89.171	10.159
89.173	10.160
89.175	10.161
89.177	10.162
89.179	10.163
Subpart C—Dev'l. Opr.	Subpart E—Dev'l. Opr.
89.201	10.201
89.203	10.202
89.205	10.203
89.207	10.204
89.209	10.205
89.211	10.206
89.213	10.207
89.215	10.208
Subpart E—Local Govt. Radio Serv.	Subpart L—Local Govt. Radio Serv.
89.251	10.551
89.253	10.552
89.255	10.553
89.257	10.554
89.259	10.555
(g)(5)	(g)(6)
(g)(6)	(g)(7)
Subpart G—Police Radio Service	Subpart F—Police Radio Service
89.301	10.251
89.303	10.252
89.305	10.253
89.307	10.254
89.309	10.255
Subpart J—Fire Radio Serv.	Subpart G—Fire Radio Serv.
89.351	10.301
89.353	10.302
89.355	10.303
89.357	10.304
89.359	10.305
Subpart L—Highway Maintenance Radio Serv.	Subpart I—Highway Maintenance Radio Serv.
89.401	10.401
89.403	10.402
89.405	10.403
89.407	10.404
89.409	10.405
(f)(10)	(f)(16)
Subpart N—Forestry-Conservation Radio Serv.	Subpart H—Forestry-Conservation Radio Serv.
89.451	10.351
89.453	10.352
89.455	10.353
89.457	10.354
89.459	10.355
Subpart P—Spec. Emer. Radio Serv.	Subpart J—Spec. Emer. Radio Serv.
89.501	10.450
89.503	10.451
89.505	10.454
89.507	10.453
89.509	10.452
89.511	10.456
89.513	10.455
89.515	10.458
89.517	10.457
89.519	10.459
89.521	10.460
89.523	10.461
89.525	10.462
Subpart R—State Guard Radio Service	Subpart K—State Guard Radio Service
89.551	10.501
89.553	10.502
89.555	10.503
89.557	10.504
89.559	10.505

PART 91

Part 91 will be redesignated from Part 11. No other change in section number.

PART 93

Part 93 will be redesignated from Part 16. No other change in section numbers.

PART 95

Part 95 will be redesignated from Part 19. The following sections will be redesignated:

New	Old	New	Old
95.1	19.1	95.53	19.41
95.3	19.2	95.55	19.42
95.5	19.3	95.57	19.43
95.7	19.4	95.59	19.44
95.11	19.11	95.61	19.45
95.13	19.12	95.63	19.51
95.15	19.13	95.65	19.52
95.17	19.14	95.67	19.53
95.19	19.15	95.69	19.54
95.21	19.18	95.81	19.61
95.23	19.19	95.87	19.62
95.25	19.16	95.91	19.63
95.27	19.17	95.93	19.64
95.29	19.21	95.95	19.71
95.31	19.22	95.101	19.72
95.33	19.23	95.103	19.73
95.35	19.24	95.105	19.74
95.37	19.25	95.111	19.81
95.41	19.31	95.113	19.82
95.43	19.32	95.115	19.83
95.45	19.33	95.117	19.91
95.47	19.34	95.119	19.92
95.49	19.35	95.121	19.93
95.51	19.36		

PART 97

Part 97 will be redesignated from Part 12. The following sections will be redesignated:

New	Old	New	Old
97.1	12.0	97.73	12.133
97.3(a)	12.1	97.75	12.135
(b)	12.2	97.77	12.151
(c)	12.3	97.79	12.28
(d)	12.4	97.81	12.66
(e)	12.5	97.83	12.25
(f)	12.6	97.85	12.68
(g)	12.7	97.87	12.82
(h)	12.9	97.89	12.101
(i)	12.10	97.91	12.106
97.5	12.20	97.93	12.134
97.7	12.23	97.93	12.104 (second sent.)
97.9	12.21		
97.11	12.22		
97.13	12.27	97.95	12.90
97.19	12.41	97.97	12.91
97.21	12.42	97.99	12.93
97.23	12.43	97.101	12.94
97.25	12.46	97.103	12.136
97.27	12.44(a) (part and 1–4)	97.105	12.137
		97.107	12.156
97.29(a)	12.44(a)	97.111	12.102
(b)	(c)	97.113	12.103
(c)	12.50	97.115	12.104 (first sent.)
(d)	12.47		
97.31	12.48		
97.33	12.49	97.117	12.105
97.35(a–b)	12.45	97.119	12.157
(c)	12.44(b)	97.121	12.158
97.37	12.61	97.123	12.159
97.39	12.62	97.125	12.160
97.41	12.63	97.127	12.161
97.43	12.64	97.129	12.162
97.45	12.60	97.131	12.152
97.47	12.67	97.133	12.153
97.49	12.70	97.135	12.154
97.51	12.81	97.137	12.155
97.53	12.85	97.139	12.69
97.55	12.86	97.141	12.30
97.57	12.26	97.143	12.31
97.59(a) and (c)	12.29	97.161	12.200
(b)	12.65	97.163	12.201
97.61	12.111	97.165	12.202
97.63	12.113	97.167	12.211
97.65	12.114	97.169	12.212
97.67	12.131	97.171	12.213
97.69	12.107	97.173	12.214
97.71	12.132	97.175	12.215
		97.177	12.221
97.179	12.222	97.205	12.242
97.181	12.223	97.207	12.243
97.183	12.224	97.209	12.244
97.185	12.225	97.211	12.245
97.187	12.226	97.213	12.246
97.189	12.227	97.215	12.251
97.191	12.228	97.217	12.252
97.193	12.231	97.219	12.253
97.195	12.232	97.221	12.254
97.197	12.233	97.223	12.255
97.199	12.234	97.225	12.256
97.201	12.235	97.227	12.257
97.203	12.241		

PART 99

Part 99 will be redesignated from Part 20. The following sections will be redesignated:

New	Old	New	Old
99.1	20.1	99.15	20.15
99.3(a) and (c)	20.3	99.17	20.21
		99.19	20.22
(b)	20.2	99.21	20.23
(d)	20.4	99.23	20.24
(e)	20.5	99.25	20.25
(f)	20.6	99.27	20.26
(g)	20.7	99.29	20.29
(h)	20.8	99.31	20.30
(i)	20.9	99.33	20.31
99.7	20.11	99.35	20.32
99.9	20.12	99.37	20.33
99.11	20.13	99.39	20.34
99.13	20.14	99.41	20.35

SUBCHAPTER A—GENERAL

Part	
0	Commission organization.
1	Practice and procedure.
2	Frequency allocations and radio treaty matters; general rules and regulations.
5	Experimental radio services (other than broadcast).
13	Commercial radio operators.
15	Radio frequency devices.
17	Construction, marking, and lighting of antenna structures.
18	Industrial, scientific, and medical equipment.

SUBCHAPTER B—COMMON CARRIER SERVICES

21	Domestic public radio services (other than maritime mobile).
23	International fixed public radiocommunication services.
25	Satellite communications.
31	Uniform system of accounts for Class A and Class B telephone companies.
33	Uniform system of accounts for Class C telephone companies.
34	Uniform system of accounts for radiotelegraph carriers.
35	Uniform system of accounts for wire-telegraph and ocean-cable carriers.
41	Telegraph and telephone franks.
42	Preservation of records of communication common carriers.
43	Reports of communication common carriers and certain affiliates.
51	Occupational classification and compensation of employees of Class A and Class B telephone companies.
52	Classification of wire-telegraph employees.
61	Tariffs.
62	Applications to hold interlocking directorates.
63	Extension of lines and discontinuance of service by carriers.
64	Miscellaneous rules relating to common carriers.
66	Applications relating to consolidation, acquisition, or control of telephone companies.

SUBCHAPTER C—BROADCAST RADIO SERVICES

73	Radiobroadcast services.
74	Experimental, auxiliary, and special broadcast services.

SUBCHAPTER D—SAFETY AND SPECIAL RADIO SERVICES

Part	
81	Stations on land in the maritime services.
83	Stations on shipboard in the maritime services.
85	Public fixed stations and stations of the maritime services in Alaska.
87	Aviation services.
89	Public safety radio services.
91	Industrial radio services.
93	Land transportation radio services.
95	Citizens radio service.
97	Amateur radio service.
99	Disaster communication service.

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Subpart A—Organization

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0.2	Commissioners.
0.3	Chairman.
0.5	General description of Commission organization.

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0.11	Functions of the Office.
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0.13	Immediate Office of the Executive Director.
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0.15	Manpower Utilization and Survey Division.
0.16	Data Processing Division.
0.17	Office Services Division.
0.18	Mail and Files Division.
0.19	Office of Emergency Communications.
0.20	Office of Security.

OFFICE OF CHIEF ENGINEER

0.31	Functions of the Office.
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0.35	Technical Division.
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0.76	Hearing Division.
0.77	Rules and Standards Division.
0.78	License Division.
0.79	Research and Education Division.
0.80	Office of Network Study.
0.81	Complaints and Compliance Division.

COMMON CARRIER BUREAU

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0.92 Responsibilities of the Bureau Chief.
0.93 Units in the Bureau.
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GENERAL COUNSEL

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SECRETARY

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CHIEF, BROADCAST BUREAU

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0.292 Additional authority concerning radio matters.
0.293 Authority concerning position of officer.
0.294 Authority concerning section 214 of the Act.
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0.317 Record of actions taken.

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0.331 Authority delegated.
0.332 Additional authority delegated.
0.333 Authority delegated jointly to the Chiefs of the Common Carrier and Safety and Special Radio Services Bureaus.
0.337 Record of actions taken.

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0.341 Authority of hearing examiner.
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0.381 Defense Commissioner.
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AUTHORITY: §§ 0.1–0.453 issued under secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Implement sec. 3(a)(1), 60 Stat. 238; 5 U.S.C. 1002(a)(1). Additional authority is cited in parentheses following the sections affected.

Subpart A—Organization

AUTHORITY: §§ 0.1–0.181 issued under sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155. Additional authority is cited in parentheses following the sections affected.

GENERAL

§ 0.1 Statutory authority.

The Federal Communications Commission was created by the Communications Act of 1934, as amended. This Act is printed in Title 47 of the United States Code beginning with section 151. Pamphlet copies of the Act, as revised, may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C.

§ 0.2 Commissioners.

(a) The Federal Communications Commission is composed of seven members appointed by the President, subject to Senate confirmation, one of whom the President designates Chairman. The Commission will, in the case of a vacancy in the Office of the Chairman of the Commission, or in the absence or inability of the Chairman to serve, temporarily designate one of its members to act as Chairman until the cause or circumstance requiring such designation shall have been eliminated or corrected.

(b) There are two standing committees of Commissioners, the Telegraph Committee and the Telephone Committee, each composed of three Commissioners. These committees are delegated authority to act or study and report on certain telephone and telegraph matters from time to time.

(Secs. 4, 5, 48 Stat. 1066, 1068, as amended; 47 U.S.C. 154, 155)

§ 0.3 Chairman.

(a) The Chairman of the Commission is the Chief Executive Officer of the

Commission. As such he has the following duties and responsibiilties:

(1) To preside at all meetings and sessions of the Commission.

(2) To represent the Commission in all matters relating to legislation and legislative reports; however, any other Commissioner may present his own or minority views.

(3) To represent the Commission in all matters requiring conferences or communications with other governmental officers, departments or agencies.

(4) To coordinate and organize the work of the Commission in such a manner as to promote prompt and efficient disposition of all matters within the jurisdiction of the Commission. The Executive Director, under the supervision of the Chairman, assists him in carrying out these duties and responsibilities.

(Sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155)

§ 0.5 General description of Commission organization.

The Commission's staff is divided into the following principal units (the defense and emergency preparedness functions of the Commission are set forth separately, beginning at § 0.181):

(a) Office of Executive Director.
(b) Office of Chief Engineer.
(c) Office of General Counsel.
(d) Office of the Secretary.
(e) Office of Reports and Information.
(f) Broadcast Bureau.
(g) Common Carrier Bureau.
(h) Field Engineering Bureau.
(i) Safety and Special Radio Services Bureau.
(j) Office of Hearing Examiners.
(k) Review Board.
(l) Office of Opinions and Review.

Office of Executive Director

§ 0.11 Functions of the Office.

The Executive Director is designated by the Commission and is directly responsible to the Commission under the supervision of the Chairman. He has the following duties and responsibilities:

(a) To provide sustained administrative leadership and coordination of staff activities in carrying out the policies of the Commission, through overall supervision and coordination, but not control, of such staff activities. In this capacity, he coordinates the activities of policy making staff officers to assure that adequate information and recommendations in important policy areas are expeditiously considered by the staff and brought promptly to the attention of the Commission.

(b) To review with the Commission and with heads of the several bureaus and offices, the program and procedures of the Commission and to make recommendations thereon as may be necessary to administer the Communications Act most effectively in the public interest.

(c) To assist the Chairman in carrying out the administrative and executive responsibilities delegated to the Chairman as the administrative head of the agency and, in connection therewith, to plan, direct, coordinate, and manage the administrative affairs of the Commission with respect to the functions of personnel, budget, planning, office services, mail and files, messenger and chauffeur services, and international telecommunications settlements.

(d) Under the general direction of the Defense Commissioner, and with the advice and assistance of the heads of the several bureaus and offices, to coordinate the defense activities of the Commission and to keep the Defense Commissioner informed as to significant developments in this area.

§ 0.12 Units in the Office.

(a) Immediate office of the Executive Director.
(b) Budget and Fiscal Division.
(c) Manpower Utilization and Survey Division.
(d) Data Processing Division.
(e) Office Services Division.
(f) Mail and Files Division.
(g) Office of Emergency Communications.
(h) Office of Security.

§ 0.13 Immediate Office of the Executive Director.

The Immediate Office of the Executive Director plans, directs, and coordinates the functions of the Office. It is composed of the immediate offices of the Executive Director and of the Deputy Executive Director.

§ 0.14 Budget and Fiscal Division.

The Budget and Fiscal Division develops and recommends to the Executive Director, Chairman, and Commission policies and procedures governing administration of the budget and fiscal activities of the Commission; issues suitable instructions and provides advice and assistance to the constituent units of the Commission concerning preparation of budget estimates, supporting data, systems of records and reports, and workload data; develops, recommends, and maintains formalized instructions such as the Budget, Finance, and Travel Manuals; coordinates budgets and justifications for presentation to the Bureau of the Budget and Congressional appropriations committees; prepares and recommends to the Executive Director, Chairman, and Commission proposed allotments and apportionments of the Commission's appropriations, and maintains prescribed fiscal controls; audits obligations and authorizes by certification expenditures of Commission funds; maintains its central fiscal and leave records; prepares financial reports; performs the payroll functions of the Commission; and makes settlements with foreign administrations for radiotelegraph traffic to and from ships under U.S. registration through foreign coastal stations.

§ 0.15 Manpower Utilization and Survey Division.

The Manpower Utilization and Survey Division advises, assists and makes recommendations to the Executive Director, Chairman, and Commission on matters dealing with personnel management, manpower utilization, and management analysis; administers all phases of the personnel program including recruitment, placement, classification, compensation, training, employee utilization, employee services and similar programs; develops, recommends and implements policies and programs; develops, and recommends to the Executive Director, Chairman, and Commission, a program of manpower utilization and control; provides advice and assistance to the operating bureaus on personnel management and techniques for improving management and manpower utilization; develops and recommends to the Executive Director, Chairman, and Commission a program of management analysis and administers such segments thereof as organization analysis, general management studies, systems and procedures studies, and management control programs in such areas as directives, reports, correspondence and communications, and organization; and provides advice and assistance to the operating bureaus on organizational and functional arrangements.

§ 0.16 Data Processing Division.

The Data Processing Division reviews and analyzes the data processing system requirements of the Commission; develops and recommends electronic or other data processing systems needed to fulfill the objectives of the Commission; operates the computer installation and associated peripheral and tabulating equipment in accordance with approved systems and manuals of procedure; measures the effectiveness of the installed systems against anticipated results; continuously re-evaluates changing Commission responsibilities and information needs to determine the data processing systems most advantageous for the Commission's use; and conducts the Commission's Forms Control Program contemplated by the Federal Reports Act of 1942.

§ 0.17 Office Services Division.

The Office Services Division acts for the Commission in the procurement, maintenance, disposal, and administration of supplies, equipment, real and personal property, contractual services, and printed matter; develops, recommends and maintains the Service, Supplies and Property Manual; establishes and maintains duplicating facilities and performs or secures all duplicating required for Commission activities; determines the need for, acquires and maintains telephone facilities and service; and provides building management services and related facilities at the seat of Government.

§ 0.18 Mail and Files Division.

The Mail and Files Division receives and records incoming and outgoing Commission mail, maintains central correspondence files, and operates intra-agency messenger and chauffeur services.

§ 0.19 Office of Emergency Communications.

The functions of the Office of Emergency Communications are set forth as § 0.183, in connection with other defense and emergency functions of the Commission.

§ 0.20 Office of Security.

The Office of Security is responsible for the management and security of records; for office space management and office security; and for personnel security. The Chief of the Office serves as the Security Officer, the Personnel Security Officer, and the Records Officer.

OFFICE OF CHIEF ENGINEER

§ 0.31 Functions of the Office.

The Office of the Chief Engineer has the following duties and responsibilities:

(a) To plan and direct broad programs to develop information on the progress of communication techniques and equipment, radio wave propagation, and new uses for communications, and to advise the Commission and bureaus in such matters.

(b) To represent the Commission on various national and international organizations devoted to the progress of communications and the development of information and standards relative thereto.

(c) To conduct scientific and technical studies in advanced phases of terrestrial and space communications and to conduct special projects to obtain theoretical and experimental data on new or improved techniques.

(d) To develop and administer procedures to acquire, store, and retrieve scientific and technical information useful in the engineering work of the Commission.

(e) To advise and represent the Commission on the allocation of radio frequencies, including international agreements pertaining to frequency allocations and usage.

(f) In cooperation with the General Counsel, to render advice to the Commission, participate in and coordinate the staff work with respect to general frequency allocation proceedings and other proceedings not within the jurisdiction of any single bureau, and to render advice with respect to rule making matters and proceedings affecting more than one bureau.

(g) To collaborate with the bureaus in the formulation of the technical requirements of the rules and regulations, and to advise the Commission on such matters.

(h) To administer Part 5 of this chapter, including licensing, record keeping, and rule making.

(i) To perform all engineering and management functions of the Commission with respect to formulating rules and regulations, technical standards, and general policies for Parts 15 and 18 of this chapter, and for type approval, type acceptance, and certification of radio equipment for compliance with the Commission's rules.

(j) To maintain liaison with other agencies of government and with technical experts representing foreign governments, and to deal with members of the public and of the industries concerned.

(k) To calibrate and standardize technical equipments and installations used by the Commission.

(l) To exercise such authority as may be assigned or referred by the Commission pursuant to section 5(d) of the Communications Act of 1934, as amended.

§ 0.32 Units in the Office.

The Office of Chief Engineer comprises the following units:

(a) Immediate Office of the Chief Engineer.

(b) Research Division.

(c) Technical Division.

(d) Laboratory Division.

(e) Frequency Allocation and Treaty Division.

§ 0.33 Immediate Office of the Chief Engineer.

The immediate Office of the Chief Engineer advises the Commission and bureaus on technical matters and directs and coordinates the functions of the Office.

§ 0.34 Research Division.

The Research Division analyzes and disseminates to the Commission and the several operating bureaus, technical and scientific data relating to advanced phases of terrestrial and space communications; conducts scientific studies in wave propagation, satellite and space communications; studies technical aspects of potential new uses of radio; conducts special projects to obtain theoretical and experimental data on new or improved techniques; provides engineering assistance to the Commission and the several bureaus in the development of computer programs and automatic data processing techniques; develops procedures to acquire, store, and retrieve scientific and technical information; and maintains familiarity with relevant research activities by means of visits, conferences, and correspondence.

§ 0.35 Technical Division.

The Technical Division develops practical applications for results of research, including research conducted by the Research Division; develops technical rules and standards for the various radio services in consultation with the bureaus concerned; conducts technical studies of equipment design and performance; acts on applications for type acceptance of equipment and issues lists of type accepted and type approved equipment; administers Part 5 of the Commission's rules regulating the Experimental Radio Services; performs engineering and management functions with respect to formulating rules, technical standards and general policy for Parts 15 and 18 of the Commission's rules; performs rule making for that portion of Part 2 of the Commission's rules relative to equipment; provides Commission representation at national and international conferences; and reviews patents as they are issued by the Patent Office to determine which patents may dominate radio services regulated by the Commission and notifies the General Counsel as to such findings.

§ 0.36 Laboratory Division.

The Laboratory Division studies new phenomena, proposed new systems, and new equipment looking toward the greater use of radio, the reduction of interference, and the establishment of appropriate rules and regulations; participates in various intergovernmental, national, and international organizations looking toward the standardization of equipment and measuring units and methods as well as the more efficient use of the radio spectrum or the reduction of interference; designs and assembles apparatus for special tests and studies, and performs special tests and studies concerning propagation, equipment or systems, and evaluates the results of such tests or studies with regard to the Commission's problems, often looking toward new or modified rules; makes type approval tests on equipment including those equipments under Parts 18, 73, 74, 83, and 95 of this chapter requiring type approval, and makes recommendations regarding type approval; provides information and comments on test procedures and test results to assist the Technical Research Division in its evaluation of material supporting certifications and applications for type acceptance; conducts special tests of equipments for the Technical Research Division in connection with the certification and type acceptance program; studies equipment problems of data procurement and enforcement and develops, designs, and constructs equipment for use in connection with the Commission's Field Engineering Bureau activities as well as other Commission activities; standardizes and calibrates equipment and installation for the Field Engineering Bureau; and makes tests of radio devices for other government departments.

§ 0.37 Frequency Allocation and Treaty Division.

The Frequency Allocation and Treaty Division makes continuing studies of new technical developments affecting frequency requirements and of utilization of the frequencies between the several radio services to establish their allocation requirements; proposes adjustments in the Table of Frequency Allocation when necessary; provides Commission representation on, and coordination with, the Interdepartment Radio Advisory Committee and, as may be required, on other national and international telecommunication bodies; coordinates frequency allocation policy matters involving government users of radio with the Office of Emergency Planning; maintains the Commission's master frequency record of assignments made; notifies United States frequency assignments to the International Frequency Registration Board of the International Telecommunication Union; performs staff functions relating to international communications conferences and agreements having to do with frequency allocation and assignment; and communicates as necessary with administrations in foreign countries, through appropriate channels, concerning matters which relate to assignment of radio frequencies and to control of radio interference.

OFFICE OF GENERAL COUNSEL

§ 0.41 Functions of the Office.

The Office of the General Counsel has the following duties and responsibilities:

(a) To advise and represent the Commission in matters of litigation.

(b) To advise and make recommendations to the Commmission with respect to proposed legislation and to coordinate the preparation of Commission views thereon for submission to Congress.

(c) To participate in international conferences and in the implementation of international agreements.

(d) To interpret the statutes, international agreements, and international regulations affecting the Commission.

(e) To prepare and make recommendations and interpretations concerning procedural rules of general applicability and to review all rules for consistency with other rules, uniformity, and legal sufficiency.

(f) To conduct research in legal matters as directed by the Commission.

(g) In cooperation with the Chief Engineer, to participate in, render advice to the Commission, and coordinate the staff work with respect to general frequency allocation proceedings and other proceedings not within the jurisdiction of any single bureau, and to render advice with respect to rule making matters and proceedings affecting more than one bureau.

(h) To perform all legal functions with respect to experimental operations under Part 5 of this chapter; the operation of restricted radiation devices under Parts 15 and 18 of this chapter; and type approval and type acceptance of radio equipment.

(i) To exercise such authority as may be assigned or referred to it by the Commission pursuant to section 5(d) of the Communications Act of 1934, as amended.

(j) To cooperate with the Common Carrier Bureau and the Office of Chief Engineer on all matters pertaining to space satellite communications.

(k) To study the licensing practices of patentees and assignees in communications services regulated by the Commission, particularly in situations referred to it by the Office of Chief Engineer; and, in collaboration with the Office of Chief Engineer, to develop appropriate recommendations for Commission action.

(l) To interpret statutes and executive orders affecting the Commission's national defense responsibilities, and to perform such functions involving implementation of such statutes and executive orders as may be assigned to it by the Commission or the Defense Commissioner.

(m) To perform all legal functions with respect to leases, contracts, tort claims and such other internal legal problems as may arise.

(n) To prepare the bound volumes of the FCC Reports.

(o) To review the national security aspects of applications for commercial operator licenses or permits forwarded to it by the Field Engineering Bureau, and of applications for amateur operator and station licenses submitted to it by the Safety and Special Radio Services Bureau.

§ 0.42 Units in the Office.

The Office of General Counsel is divided into the following units:

(a) Immediate Office of the General Counsel.

(b) Litigation Division.

(c) Legislation Division.

(d) Administrative Law and Treaties Division.

(e) Enforcement and Defense Division.

§ 0.43 Immediate Office of the General Counsel.

The Immediate Office of the General Counsel directs and coordinates the functions of the Office.

§ 0.44 Litigation Division.

The Litigation Division advises and represents the Commission in all matters of litigation to which the Commission is a party, advises the Commission as to legal questions involved in proposed actions and policies in the light of past and pending litigation, and conducts research in legal matters as directed by the General Counsel.

§ 0.45 Legislation Division.

The Legislation Division advises and makes recommendations to the Commission with respect to proposed legislation and coordinates the preparation of Commission views thereon for submission to Congress, interprets statutes affecting the Commission, and conducts research in legal matters as directed by the General Counsel.

§ 0.46 Administrative Law and Treaties Division.

The Administrative Law and Treaties Division has the following duties and responsibilities:

(a) To conduct research in legal matters and prepare legal opinions as directed by the General Counsel.

(b) To participate in international conferences and in the implementation of international agreements, and to interpret international agreements and international regulations affecting the Commission.

(c) To prepare and/or coordinate recomendations concerning procedural rules of general applicability, and to maintain liaison with Government agencies and private organizations concerned with improving the Commission's procedures.

(d) To coordinate rule making matters and proceedings affecting more than one Bureau.

(e) In cooperation with the Office of Chief Engineer, to participate in general frequency allocation proceedings affecting more than one Bureau and in rule making proceedings involving Parts 5, 15, or 18 of this chapter.

(f) To cooperate with the Common Carrier Bureau and the Office of Chief Engineer on matters pertaining to satellite communications.

(g) To study and develop recommendations with regard to the licensing practices of patentees and assignees in communications services regulated by the Commission.

(h) To perform any additional functions assigned to it by the General Counsel.

§ 0.47 Enforcement and Defense Division.

The Enforcement and Defense Division has the following duties and responsibilities:

(a) To advise the Commission and to take action, usually upon recommendations submitted by the operating bureaus, as to civil and criminal proceedings to enforce the Communications Act, the rules and regulations of the Commission, and Commission orders in the courts of the United States.

(b) To interpret statutes and executive orders affecting the Commission's national defense responsibilities, and to perform the functions of the Office of General Counsel involving implementation of such statutes and executive orders.

(c) To perform all legal functions involved in administering and enforcing the rules and regulations of the Commission pertaining to the Experimental Radio Service (Part 5 of this chapter), Radio Frequency Devices (Part 15 of this chapter), the Industrial, Scientific, and Medical Service (Part 18 of this chapter), and type approval and type acceptance of radio equipment, including educational functions directed to obtaining voluntary compliance with the provisions of Parts 15 and 18 of this chapter.

(d) To perform all legal functions with respect to leases, contracts, tort claims and such other internal legal problems as may arise.

(e) To prepare the bound volumes of the FCC Reports.

(f) To review the national security aspects of applications for commercial operator licenses or permits submitted for review by the Field Engineering Bureau, and of applications for amateur operator and station licenses submitted for review by the Safety and Special Radio Services Bureau.

(g) To perform any additional functions assigned to it by the General Counsel.

Office of the Secretary

§ 0.51 Functions of the Office.

The Office of the Secretary has the following duties and responsibilities:

(a) To maintain minutes and records of official Commission actions and sign official Commission correspondence and documents.

(b) Upon obtaining the approval of the chief of the bureau or head of the staff office primarily responsible for the particular part or section of the rules involved, to make nonsubstantive, editorial revisions of the Commission's rules and regulations.

(c) To maintain dockets of all Commission hearing proceedings.

(d) To maintain library and reference facilities.

(e) To direct and supervise the development and execution of a technical assistance program in cooperation with

the Foreign Operations Administration and other Government agencies.

§ 0.52 Units in the Office.

The Office of the Secretary is divided into the following units:

(a) Dockets Division.
(b) Minute and Rules Division.
(c) Library Division.
(d) Technical Assistance Division.

§ 0.53 Dockets Division.

The Dockets Division maintains the official dockets of all Commission hearing cases.

§ 0.54 Minute and Rules Division.

The Minute and Rules Division maintains official minutes of all Commission actions and notations of Commission meetings; submits to the Office of the Federal Register all official Commission documents which require publication; maintains the Commission's official copy of the rules and regulations with history and background; and acts as provided for in § 0.51(b).

§ 0.55 Library Division.

The Library Division catalogues and maintains books, periodicals, and other reference material; provides reading and reference room facilities and service; and provides library research and reference service to Commissioners and staff members.

§ 0.56 Technical Assistance Division.

The Technical Assistance Division develops, in cooperation with the Agency for International Development, technical assistance programs with respect to communications in accordance with Commission policies, and maintains liaison with the Agency for International Development and other government agencies concerning technical assistance.

OFFICE OF REPORTS AND INFORMATION

§ 0.61 Functions of the Office.

The Office of Reports and Information is responsible for releasing public announcements of the Commission; is the central depository of this material for reference and call; prepares certain informational publications and material, including annual reports, and is the contact point for the press, industry and public in the matter of general information relating to the Commission and its activities.

BROADCAST BUREAU

§ 0.71 Functions of the Bureau.

The Broadcast Bureau assists, advises, and makes recommendations to the Commission with respect to the development of a regulatory program for the broadcast services and is responsible for the performance of any work, function, or activities to carry out that program in accordance with applicable statutes, international agreements, rules and regulations, and policies of the Commission. The Bureau performs the following functions:

(a) Receives, examines, files, indexes, records and processes applications in the broadcast services, makes recommendations to the Commission thereon and issues authorizations in accordance with Commission instructions and directions.

(b) Processes petitions in broadcast matters (protests and orders of designation) not specified in § 0.171.

(c) By notification in accordance with the procedures set forth in the North American Regional Broadcasting Agreement, establishes priorities for United States stations under this and associated agreements. Receives and examines notifications of assignments in other North American countries, and resolves conflicts by negotiation.

(d) Participates in hearings involving applications, rule making, and other matters which pertain to the radio broadcast services, including proceedings pursuant to sections 312 and 316 of the Communications Act of 1934, as amended.

(e) Makes recommendations to the Commission concerning the promulgation of rules and standards in the broadcast services.

(f) Participates in international conferences with respect to broadcast services, and in implementation of international broadcast agreements.

(g) Studies frequency requirements in the broadcast services and makes recommendations with respect to the allocation of frequencies and the drafting of frequency assignment plans in such services.

(h) Confers with government and industry groups interested in the problems of broadcast services.

(i) Studies and establishes technical requirements for equipment in the broadcast services in accordance with standards established by the Commission.

(j) Exercises such authority as may be assigned or referred by the Commission pursuant to section 5(d) of the Communications Act of 1934, as amended.

§ 0.72 Units in the Bureau.

The Broadcast Bureau is divided into the following units:

(a) Office of the Bureau Chief.
(b) Broadcast Facilities Division.
(c) Renewal and Transfer Division.
(d) Hearing Division.
(e) Rules and Standards Division.
(f) License Division.
(g) Research and Education Division.
(h) Office of Network Study.
(i) Complaints and Compliance Division.

§ 0.73 Office of the Bureau Chief.

The Office of the Bureau Chief is composed of the immediate offices of the Chief and the Assistant Chiefs of the Broadcast Bureau, and of the Administrative Assistant. It assists the Chief of the Broadcast Bureau in planning, directing, coordinating and executing the functions of the Bureau.

§ 0.74 Broadcast Facilities Division.

The Broadcast Facilities Division is responsible for all functions indicated in the statement contained in § 0.71, insofar as such functions pertain to standard (AM), FM, television, international, experimental, and auxiliary broadcast services, excluding functions stated in §§ 0.75, 0.76, 0.77, and 0.81.

§ 0.75 Renewal and Transfer Division.

The Renewal and Transfer Division is responsible for all functions indicated in the statement contained in § 0.71, insofar as such functions pertain to applications for renewal or assignment of a license or construction permit, or for transfer of control of a corporate licensee or permittee.

§ 0.76 Hearing Division.

The Hearing Division is responsible for all functions indicated in the statement contained in § 0.71, insofar as such functions pertain to applications which have been designated for hearing or to proceedings pursuant to sections 312 and 316 of the Communications Act of 1934, as amended.

§ 0.77 Rules and Standards Division.

The Rules and Standards Division is responsible for all functions indicated in the statement contained in § 0.71, insofar as such functions relate to the development or revision of rules and standards, to international conferences, and to special projects in the broadcast services.

§ 0.78 License Division.

The License Division exercises responsibility for the receipt, initial examination, filing, indexing, recording and routing of all applications in the broadcast services; the clerical functions with respect to the issuance of broadcast authorizations; and for the maintenance of a public reference room in cooperation with the Dockets Division of the Office of the Secretary where public information with respect to all broadcast matters and all docketed proceedings may be examined.

§ 0.79 Research and Education Division.

The Research and Education Division compiles data and prepares reports to the Commission on the condition and status of the broadcast industry; studies the social and economic factors affecting communications; and advises the Bureau and the Commission with respect to the development and promotion of the educational broadcasting and the commercial broadcasting services.

§ 0.80 Office of Network Study.

The Office of Network Study conducts studies and compiles data relating to radio and television network operations necessary for the Commission to develop and maintain an adequate regulatory program.

§ 0.81 Complaints and Compliance Division.

The Complaints and Compliance Division is responsible for all functions indicated in the statement contained in § 0.71, insofar as such functions pertain to complaints concerning the conduct of radio and television broadcast operations and compliance with statutes, international agreements, and policies and rules of the Commission, except insofar as functions are specifically delegated to other bureaus and staff offices of the Commission.

COMMON CARRIER BUREAU

§ 0.91 Functions of the Bureau.

The Common Carrier Bureau develops, recommends, and administers the program of the Commission with respect to the regulation of the rates, services, accounting, and facilities of communication common carriers under applicable statutes, including the Communications Act of 1934, as amended, and the Communications Satellite Act of 1962, international agreements, and rules and regulations. The Bureau performs the following functions:

(a) Initiates rules and regulations, except as otherwise specifically provided in the functions of the other bureaus or staff offices.

(b) Collaborates with representatives of State regulatory commissions and with the National Association of Railroad and Utilities Commissioners in the conduct of cooperative studies of regulatory matters of common concern to this Commission and State commissions.

(c) Participates in international conference work involving common carrier matters.

(d) Assists, advises and makes recommendations to the Commission and represents the Commission in matters pertaining to common carrier regulation and licensing.

(e) Exercises such authority as may be assigned or referred to it by the Commission pursuant to section 5(d) of the Communications Act of 1934, as amended.

§ 0.92 Responsibilities of the Bureau Chief.

Subject to the policy determinations of the Commission, the Chief of the Bureau plans, directs, and coordinates the common carrier functions of the Commission listed in § 0.91.

§ 0.93 Units in the Bureau.

The Common Carrier Bureau is divided into the following units:

(a) Office of the Bureau Chief.
(b) International Division.
(c) Rates Division.
(d) Services and Facilities Division.
(e) Domestic Radio Division.
(f) Accounting Division.

§ 0.94 Office of the Bureau Chief.

The Office of the Chief of the Bureau includes:

(a) Office of Satellite Communications, which is responisble for the administration and implementation of those regulatory functions conferred upon the Commission by the Communications Satellite Act of 1962.

(b) Office of Planning and Special Projects, which is responsible for the conduct of studies and special proceedings with respect to the formulation or revision of common carrier regulatory policies and programs, common carrier rules (except accounting and financial reporting rules), and other special projects as assigned by the Bureau Chief.

(c) Office of Field Coordinator, which is responsible for coordinating the work of the Common Carrier Bureau Field Offices. The field offices are located at 90 Church Street, New York, New York, 10007; 180 New Montgomery Street, San Francisco, California, 94105; and 815 Olive Street, St. Louis, Missouri, 63101. These offices are responsible for conducting investigations and studies, as assigned by the Office of the Chief of the Bureau, to assure that there is adherence to the Communications Act and the Commission's rules and regulations. These offices also represent the Commission in contacts with the public and the carriers.

(d) Office of Administrative Assistant, which assists the Bureau Chief in performing the administrative functions of the Bureau and has administrative supervision over the Public Reference Room and the Mail and Files Unit.

§ 0.95 International Division.

The International Division is responsible for the Bureau's functions pertaining to international common carrier services, except international telephone rate matters.

§ 0.96 Rates Division.

The Rates Division is responsible for the Bureau's functions pertaining to domestic telegraph rates and tariffs and domestic and international telephone rates and tariffs, the revenue requirements of carriers, the cost of rendering services, and the depreciation rates used by carriers.

§ 0.97 Services and Facilities Division.

The Services and Facilities Division is responsible for the Bureau's functions pertaining to the adequacy and efficiency of domestic telephone and telegraph services and facilities and to all matters arising under Sections 214 and 221 of the Communications Act with respect to common carriers engaged in such services.

§ 0.98 Domestic Radio Division.

The Domestic Radio Division is responsible for the Bureau's functions pertaining to the regulation of the radio services of domestic communications common carriers, including the licensing of such carriers and the processing of radio applications.

§ 0.99 Accounting Division.

The Accounting Division is responsible for the Bureau's functions pertaining to the formulation and interpretation of, and the compliance with, the Commission's uniform systems of accounts, preservation of records rules, financial reporting requirements, and for processing statistical data.

FIELD ENGINEERING BUREAU

§ 0.111 Functions of the Bureau.

The Field Engineering Bureau is responsible for all Commission engineering activities performed in the field relating to radio stations including station inspections, surveys, monitoring, direction finding, signal measurement and investigations; for those enforcement activities performed in the field dealing with the suppression of interference and the inspection of devices possessing electromagnetic radiation characteristics; and such other field inspections or investigations as might be required by the Commission, or the bureaus and staff offices. The Bureau also performs the following functions:

(a) Develops rules and regulations which will provide such classes of commercial operators as may be required in the various radio services regulated by the Commission, and administers and enforces such rules and regulations.

(b) Prepares and conducts commercial radio operator examinations and issues commercial operator licenses.

(c) Conducts amateur examinations, and upgrades amateur licenses in situations where the upgrading can be accomplished by endorsements.

(d) Processes data with respect to proposed new or modified antenna structures covered in Part 17 of this chapter to determine whether such proposed construction will create hazards to air navigation.

(e) Represents the Commission and participates in inter-agency committees and in international conferences with respect to matters for which the Bureau is responsible.

(f) Enforces and administers Parts 15 and 18 of this chapter relative to equipment, interference, and related problems in the industrial, scientific and medical services arising from restricted radiation devices.

(g) Exercises such authority as may be assigned or referred by the Commission pursuant to section 5(d) of the Communications Act of 1934, as amended.

§ 0.112 Units in the Bureau.

The Bureau consists of the following units:

(a) Office of the Bureau Chief.

(b) Engineering and Facilities Division.

(c) Field Offices Division and its associated field organization consisting of district offices, sub-offices, marine offices, and mobile enforcement units.

(d) Monitoring Systems Division and its associated field organization consisting of monitoring stations.

§ 0.113 Office of the Bureau Chief.

The Office of the Bureau Chief plans, directs, and coordinates the functions of the Bureau. It includes an Associate Chief; an Assistant Chief; an administrative branch, which performs the administrative functions of the Bureau and is responsible for planning, coordinating, and administering the Bureau's employee technical and supervisory training programs; and an Attorney Advisor, who advises the Chief of the Bureau and the divisions of the Bureau on legal questions relative to such matters as applications for commercial operator licenses, interference problems, investigations, and other activities of the Bureau.

§ 0.114 Engineering and Facilities Division.

The Engineering and Facilities Division is responsible for all functions indicated in § 0.111 insofar as technical engineering standards are concerned; for the development of measuring procedures and techniques for the guidance of field personnel in performing engineering measurements; for the determination of technical equipment and facilities requirements of all Bureau field installations in the conduct of their assigned duties and for the provision of such equipment and facilities; the adminis-

tration, interpretation and revision of Part 17 of this chapter governing construction, marking, and lighting of antenna structures, including the processing of data concerning proposed new or modified antenna construction to insure no hazard to air navigation results from the proposed construction; for liaison with the Federal Aviation Agency in respect to matters concerning antenna tower construction and antenna hazards; and for liaison with the Office of the Chief Engineer and with other Government agencies with respect to technical engineering matters of Bureau concern.

§ 0.115 Field Offices Division.

The Field Offices Division is responsible for:

(a) The examination functions of the Bureau, including responsibility for Part 13 of this chapter concerning the licensing of commercial radio operators, and recommending action on matters of noncompliance with rules, acts, or treaties by these operators.

(b) The inspection functions of the Bureau, including responsibility for the development and making of recommendations with respect to the priority and frequency of station inspections.

(c) Planning enforcement and investigative programs for the Bureau; directing and supervising investigations by the field offices; and maintaining liaison with other bureaus and offices of the Commission with respect to the conduct of investigations in their behalf.

(d) The administration of Parts 15 and 18 of this chapter relative to equipment, interference and related problems involving the devices and equipment regulated by these parts, including review and action upon certifications submitted to the Commission pursuant to Part 18 of this chapter.

(e) Supervising and managing the activities of the Engineers in Charge of the district offices, the Radio Engineers in Charge of suboffices, the Marine Supervisors and the Engineers in Charge of mobile TV enforcement units; and performing those administrative activities which will insure the most effective performance of the field operations of the Bureau.

§ 0.116 Monitoring Systems Division.

The Monitoring Systems Division is responsible for standards, techniques and field operations indicated in § 0.111 for the radio monitoring function, including coordinating Commission monitoring activities with centralizing offices for international monitoring in other countries, with other Federal Government agencies, and with industry self-help groups. The monitoring stations, whose operations are directed and the results evaluated by this Division, perform surveillance of the radio spectrum, detect and locate illegal radio stations and sources of interference, enforce radio laws and regulations, gather facts through monitoring and engineering measurements to resolve interference problems and to assist the Commission in rulemaking, participate through direction finding in search and rescue operations involving distressed ships and aircraft, and perform monitoring and direction finding work under contractual arrangements with other Federal governmental agencies.

§ 0.121 Location of field offices and monitoring stations.

(a) District Offices and their suboffices are located at the following addresses:

Radio district	Address of the Engineer in Charge	Territory within district	
		States	Counties
1	Customhouse, Boston, Mass., 02109.	Connecticut	All counties.
		Maine	Do.
		Massachusetts	Do.
		New Hampshire	Do.
		Rhode Island	Do.
		Vermont	Do.
2	Federal Bldg., 641 Washington St., New York, N.Y., 10014.	New Jersey	Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren.
		New York	Albany, Bronx, Columbia, Delaware, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Rensselaer, Richmond, Rockland, Schenectady, Suffolk, Sullivan, Ulster, and Westchester.
3	New U.S. Customhouse, Philadelphia, Pa., 19106.	Delaware	New Castle.
		New Jersey	Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem.
		Pennsylvania	Adams, Berks, Bucks, Carbon, Chester, Cumberland, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Perry, Philadelphia, Schuylkill, and York.
4	U.S. Customhouse, Gay and Water Sts., Baltimore, Md., 21202.	Delaware	Kent and Sussex.
		Maryland	All except District 24.
		Virginia	Clarke, Fairfax all except District 24, Fauquier, Frederick, Loudoun, Page, Prince William, Rappahannock, Shenandoah, and Warren.
		West Virginia	Barbour, Berkeley, Grant, Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Mineral, Monongalia, Morgan, Pendleton, Preston, Randolph, Taylor, Tucker, Upshur.
5	Federal Bldg., Norfolk, Va., 23510.	North Carolina	All except District 6.
		Virginia	All except Districts 4 and 24.
6	2010 Atlanta Merchandise Mart, 240 Peachtree St., NE., Atlanta, Ga., 30303.	Alabama	All except District 8.
		Georgia	All counties.
	Suboffice: P.O. Box 77, Post Office Bldg., Savannah, Ga., 31402.	North Carolina	Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Cleveland, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Watauga, Yancey.
		South Carolina	All counties.
		Tennessee	Do.
7	P.O. Box 150, Federal Bldg., Miami, Fla., 33101.	Florida	All except District 8.
8	Federal Bldg., 600 South St., New Orleans, La., 70130.	Alabama	Baldwin and Mobile.
		Arkansas	All counties.
	Suboffice: U.S. Courthouse and Customhouse, Mobile, Ala., 36602.	Florida	Escambia.
		Louisiana	All counties.
		Mississippi	Do.
9	New Federal Office Bldg., 515 Rusk Ave., Room 5636, Houston, Tex., 77002.	Texas	City of Texarkana only.
		Texas	Angelina, Aransas, Atascosa, Austin, Bandera, Bastrop, Bee, Bexar, Blanco, Brazoria, Brazos, Brooks, Burleson, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, De Witt, Dimmit, Duval, Edwards, Fayette, Fort Bend, Frio, Galveston, Gillespie, Goliad, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Hidalgo, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kinney, Kleberg, La Salle, Lavaca, Lee, Liberty, Live Oak, Madison, Matagorda, Maverick, McMullen, Medina, Montgomery, Nacogdoches, Newton, Nueces, Orange, Polk, Real, Refugio, Sabine, San Augustine, San Jacinto, San Patricio, Starr, Travis, Trinity, Tyler, Uvalde, Val Verde, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Williamson, Wilson, Zapata, and Zavala.
	Suboffice: P.O. Box 1527, Post Office Bldg., 300 Wilow St., Beaumont, Tex., 77704.		
10	States General Life Ins. Bldg., 708 Jackson St., Dallas, Tex., 75202.	Oklahoma	All counties.
		Texas	All except District 9 and the city of Texarkana.
11	849 South Broadway, Los Angeles, Calif., 90014.	Arizona	All counties.
		California	Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura.
	Suboffice: Fox Theatre Bldg., 1245-7th Ave., San Diego, Calif., 92101.	Nevada	Clark.
12	Customhouse (555 Battery St.), San Francisco, Calif., 94126.	California	All except District 11.
		Nevada	All except Clark.
13	New U.S. Courthouse, 620 SW, Main St., Portland, Oreg., 97205.	Idaho	All except District 14.
		Oregon	All counties.
		Washington	Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum.
14	Federal Office Bldg. (First Ave. and Marion), Seattle Wash., 98104.	Idaho	Benewah, Bonner, Boundary, Clearwater, Idaho Kootenai, Latah, Lewis, Nez Perce, Shoshone.
		Montana	All counties.
		Washington	All except District 13.
15	New Customhouse (19th between California and Stout Sts.), Denver, Colo., 80202.	Colorado	All counties.
		Utah	Do.
		Wyoming	Do.
		Nebraska	Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Scotts Bluff, Sheridan, Sioux.
		New Mexico	All counties.
		South Dakota	Butte, Custer, Fall River, Lawrence, Meade Pennington, Shannon, Washabaugh.

Radio district	Address of the Engineer in Charge	Territory within district	
		States	Counties
16	Federal Courts Bldg., 6th and Market Sts., St. Paul, Minn., 55102.	Minnesota	All counties.
		Michigan	Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft.
		South Dakota	All counties except District 15.
		North Dakota	All counties.
		Wisconsin	All counties except District 18.
17	Federal Office Bldg., 911 Walnut St., Kansas City, Mo., 64106.	Iowa	All except District 18.
		Kansas	All counties.
		Missouri	Do.
		Nebraska	All except District 15.
18	U.S. Courthouse, 219 South Clark St., Chicago, Ill., 60604.	Illinois	All counties.
		Indiana	Do.
		Iowa	Allamakee, Buchanan, Cedar, Clayton, Clinton, Delaware, Des Moines, Dubuque, Fayette, Henry, Jackson, Johnson, Jones, Lee, Linn, Louisa, Muscatine, Scott, Washington, and Winneshiek.
		Wisconsin	Brown, Calumet, Columbia, Crawford, Dane, Dodge, Door, Fond du Lac, Grant, Green, Iowa, Jefferson, Kenosha, Kewaunee, Lafayette, Manitowoc, Marinette, Milwaukee, Oconto, Outagamie, Ozaukee, Racine, Richland, Rock, Sauk, Sheboygan, Walworth, Washington, Waukesha, and Winnebago.
		Kentucky	All counties except District 19.
19	New Federal Bldg., Detroit Mich., 48226.	Kentucky	Bath, Bell, Boone, Bourbon, Boyd, Bracken, Breathitt, Campbell, Carter, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Gallatin, Garrard, Grant, Greenup, Harlan, Harrison, Jackson, Jessamine, Johnson, Kenton, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, Madison, Magoffin, Martin, Mason, McCreary, Menifee, Montgomery, Morgan, Nicholas, Owen, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Wayne, Whitley, Wolf, and Woodford.
		Ohio	All counties.
		Michigan	All counties except District 16.
		West Virginia	All counties except District 4.
20	Post Office Bldg., Buffalo, N.Y., 14203.	New York	All except District 2.
		Pennsylvania	All except District 3.
21	P.O. Box 1021, Federal Bldg., Honolulu, Hawaii, 96808.	Hawaii and outlying Pacific possessions.	
22	P.O. Box 2987, Federal Bldg., San Juan, P.R., 00903.	Puerto Rico	
		Virgin Islands	
23	P.O. Box 644, U.S. P.O. and Courthouse Bldg., Anchorage, Alaska, 99501.	Alaska	
24	1101 Pennsylvania Ave. NW., Room 10110, Washington, D.C., 20555.	District of Columbia and 10 miles beyond the boundary of the District of Columbia in each direction.	

(b) The Marine Offices are located at the following addresses:

Marine Office, 221 N. Howard Ave., Spradlin Bldg., Tampa, Florida, 33606.
Marine Office, 356 West 5th Street, San Pedro, California, 90731.

(c) The Primary Monitoring Stations are located at the following addresses:

Federal Communications Commission, P.O. Box 89, Allegan, Michigan, 49010.
Federal Communications Commission, P.O. Box 788, Grand Island, Nebraska, 68801.
Federal Communications Commission, P.O. Box 632, Kingsville, Texas, 78363.
Federal Communications Commission, P.O. Box 31, Laurel, Maryland, 20810.
Federal Communications Commission, P.O. Box 989, Livermore, California, 94551.
Federal Communications Commission, P.O. Box 374, Canandaigua, New York, 14424.
Federal Communications Commission, P.O. Box 5165, Portland, Oregon, 97216.
Federal Communications Commission, P.O. Box 98, Powder Springs, Georgia, 30073.
Federal Communications Commission, P.O. Box 2215, Santa Ana, California, 92704.
Federal Communications Commission, P.O. Box 1035, Waipahu, Hawaii, 96797.

(d) The Secondary Monitoring Stations are located at the following addresses:

Federal Communications Commission, P.O. Box 810, Fairbanks, Alaska, 99701.
Federal Communications Commission, P.O. Box 5098, Fort Lauderdale, Florida, 33315.
Federal Communications Commission, P.O. Box 251, Chillicothe, Ohio, 45601.
Federal Communications Commission, Ambrose Monitoring Station, P.O. Box 6310, Denison, Texas, 75021.
Federal Communications Commission, Winter Harbor Monitoring Station, P.O. Box 64, Prospect Harbor, Maine, 04669.
Federal Communications Commission, P.O. Box 191, Spokane, Washington, 99200.
Federal Communications Commission, P.O. Box 1101, Douglas, Arizona, 85607.
Federal Communications Commission, P.O. Annex, Box 6303, Anchorage, Alaska, 99502.

Safety and Special Radio Services Bureau

§ 0.131 Functions of the Bureau.

The Safety and Special Radio Services Bureau assists, advises and makes recommendations to the Commission with respect to the development of a safety and special services regulatory program and is responsible for carrying out that program except insofar as functions are specifically delegated to other bureaus or staff offices of the Commission. The Bureau performs the following functions:

(a) Issues authorizations for radio stations in the safety and special radio services.

(b) Initiates rule making proceedings in the safety and special radio services.

(c) Participates in international conferences with respect to safety and special radio services.

(d) Studies frequency requirements in the safety and special radio services and makes recommendations with respect to the allocation of frequencies and the drafting of frequency assignment plans for safety and special radio services.

(e) Collaborates with Federal and State governmental agencies and industry groups interested in the problems of safety and special radio services.

(f) Studies technical requirements for equipment in accordance with standards established by the Office of the Chief Engineer.

(g) Plans and executes a safety and special services enforcement program, including educational campaigns conducted in collaboration with the Field Engineering Bureau.

(h) Performs all other functions or activities essential to the regulation of safety and special radio services: *Provided, however,* That all matters coming within the scope of Title II of the Communications Act of 1934, as amended, are within the jurisdiction of the Common Carrier Bureau.

(i) Exercises such authority as may be assigned or referred by the Commission pursuant to section 5(d) of the Communications Act of 1934, as amended.

§ 0.132 Units in the Bureau.

The Safety and Special Radio Services Bureau is divided into the following units:

(a) Office of the Bureau Chief.
(b) Legal, Policy, and Enforcement Office.
(c) Aviation Radio Division.
(d) Marine Radio Division.
(e) Public Safety Radio Division.
(f) Industrial Radio Division.
(g) Amateur and Citizens Radio Division.

§ 0.133 Office of the Bureau Chief.

The Office of the Bureau Chief plans, directs, and coordinates the functions of the Bureau. It is composed of the immediate offices of the Chief and the Assistant Chief of the Bureau, and the Office of the Administrative Assistant. The Office of the Administrative Assistant is responsible for the administrative program and the forms and procedure program of the Bureau.

§ 0.134 Legal, Policy, and Enforcement Office.

The Legal, Policy, and Enforcement Office advises the Bureau Chief on legal, legislative, and policy matters; advises the Chiefs of the Divisions on legal matters of unusual complexity; performs legal work affecting the Bureau as a whole; coordinates rule making proposed and drafted within the Bureau; studies general developments pertaining to the radio uses within the Bureau's responsibility; executes special assignments for the Bureau Chief of a legal or policy character; and plans and executes the enforcement program for the Bureau.

§ 0.135 Aviation Radio Division.

The Aviation Radio Division is responsible for all functions indicated in the statement contained in § 0.131, insofar as such functions pertain to aviation radio and safety matters, except for enforcement matters (§ 0.134).

§ 0.136 Marine Radio Division.

The Marine Radio Division is responsible for all functions indicated in the statement contained in § 0.131, insofar as such functions pertain to marine radio and safety services, to scheduled weather transmission, and to the Alaskan services, except for enforcement matters (§ 0.134).

§ 0.137 Public Safety Radio Division.

The Public Safety Radio Division is responsible for all functions indicated in the statement contained in § 0.131, insofar as such functions pertain to the public safety radio services, except for enforcement matters (§ 0.134).

§ 0.138 Industrial Radio Division.

The Industrial Radio Division is responsible for all functions indicated in the statement contained in § 0.131, insofar as such functions pertain to the industrial and the land transportation radio services, except for enforcement matters (§ 0.134).

§ 0.139 Amateur and Citizens Radio Division.

The Amateur and Citizens Radio Division is responsible for all functions indicated in the statement contained in § 0.131, insofar as such functions pertain to the amateur and the citizens radio services, the disaster communications service, and the radio amateur civil emergency service, except for enforcement matters (§ 0.134).

OFFICE OF HEARING EXAMINERS

§ 0.151 Functions of the Office.

The Office of Hearing Examiners consists of a Chief Hearing Examiner, an Assistant Chief Hearing Examiner, and as many other Hearing Examiners qualified and appointed pursuant to the requirements of section 11 of the Administrative Procedure Act as the Commission may find necessary. It is responsible for hearing and conducting all adjudicatory cases designated for any evidentiary adjudicatory hearing other than those designated to be heard by the Commission en banc or by one or more members of the Commission, and for such other hearings as the Commission may assign.

§ 0.152 Responsibilities of the Chief Hearing Examiner.

The Chief Hearing Examiner and, in his absence, an Acting Chief Hearing Examiner appointed by the Chief Hearing Examiner, have the following administrative responsibilities:

(a) To coordinate and supervise administratively the activities of the Office of Hearing Examiners.

(b) To prepare and maintain hearing calendars, showing the time and place of the commencement of hearings.

(c) To receive, correlate and approve recommendations of the Hearing Examiners of the Commission on matters relating to changes in rules and regulations governing hearing procedures, and recommend to the Commission desirable changes in said rules and regulations to promote the simplified and expeditious conduct of proceedings.

(d) To require and prepare reports, statistical data and other information requested or required by the U.S. Civil Service Commission or other offices or agencies of the U.S. Government concerned with the proper operation of the Office of Hearing Examiners.

(e) To serve, upon instruction of the Commission or the Chairman, as liaison for the Commission and the Office of Hearing Examiners in the making of appropriate arrangements for the securing of advice or information from representatives of other agencies, bar associations, and other interested persons in connection with the formulation and improvement of administrative procedures and practices applicable to the Commission's proceedings.

(f) To exercise such authority as may be assigned to him by the Commission pursuant to section 5(d) of the Communications Act, as amended.

REVIEW BOARD

§ 0.161 Functions of the Board.

The Review Board is a permanent body with continuing functions, composed of three or more Commission employees designated by the Commission. The Board reviews initial decisions and other hearing matters referred to it by the Commission, takes original action on certain interlocutory matters which arise during the course of hearing proceedings, and performs such additional duties not inconsistent with these functions as may be assigned to it by the Commission.

OFFICE OF OPINIONS AND REVIEW

§ 0.171 Functions of the Office.

The Office of Opinions and Review is composed of legal, engineering, accounting, and other personnel and is headed by a Chief. It assists and makes recommendations to the Commission, and to individual commissioners designated to review initial decisions, in the disposition of matters arising in cases of adjudication (as defined in the Administrative Procedure Act and such other cases as by Commission policy are handled in the same manner) which have been designated for hearing.

DEFENSE AND EMERGENCY PREPAREDNESS FUNCTIONS

§ 0.181 The Defense Commissioner.

A Defense Commissioner and two Alternate Defense Commissioners are designated by the Commission. The Defense Commissioner directs the defense activities of the Commission and has the following duties and responsibilities:

(a) To keep the Commission informed as to significant developments in the field of emergency preparedness, defense mobilization, and any defense activities that involve formulation or revision of Commission policy in any area of responsibility of the Commission.

(b) To represent the Commission in national defense matters requiring conferences or communications with other governmental officers, departments, or agencies.

(c) To take such measures as will assure continuity of the Commission's functions under any foreseeable circumstances with a minimum of interruption.

(d) In the event of enemy attack, or the imminent threat thereof, or other disaster resulting in the inability of the Commission to function at its offices in Washington, D.C., to assume all of the duties and responsibilities of the Commission and the Chairman, until relieved or augmented by other Commissioners or members of the staff, as set forth in §§ 0.186 and 0.383.

(e) To perform such other duties and assume such other responsibilities related to the Commission's defense activities as may be necessary for the continuity of functions and the protection of personnel and property of the Commission.

§ 0.182 Executive Director.

Under the general direction of the Defense Commissioner, and with the advice and assistance of the heads of the several bureaus and offices, the Executive Director coordinates the defense activities of the Commission and keeps the Defense Commissioner informed as to significant developments in this area.

§ 0.183 Office of Emergency Communications.

The Office of Emergency Communications, under the supervision and direction of the Executive Director and in collaboration with, and with the concurrence of, the responsible Bureau Heads and Staff Officers, prepares and recommends to the Defense Commissioner national emergency plans and develops preparedness programs covering: (1) Provisions of service by common carriers, broadcasting facilities, and the safety and special radio services; (2) assignment of radio frequencies to Commission licensees under national emergency conditions; and (3) the protection, reduction of vulnerability, maintenance, and restoration of facilities operated by its licensees in a national emergency. These plans and programs shall be designed to develop a state of readiness in these areas with respect to all conditions of national emergency, including attack upon the United States, and will take into account the possibility of Government preferences or priority with common carriers or of exclusive Government use or control of communications services or facilities, when authorized by law. (See Executive Order 11092.) The Office of Emergency Communications, in collaboration with, and with the concurrence of, Bureau Heads and Staff Officers, prepares plans for assuring continuity of the Commission's functions in the event of national disaster, including plans for emergency mobilization, relocation sites, protection of Commission personnel, property, and records; and arranges for participation in the National Defense Executive Reserve program. The Office of Emergency Communications contains the Emergency Communication Systems Division and the Preparedness Plans Division, with

functions as set forth in paragraphs (a) and (b) of this section.

(a) *Emergency Communication Systems Division.* The Emergency Communication Systems Division develops and recommends plans and procedures for the following:

(1) *Broadcasting Service.* Construction, activation, deactivation of broadcasting facilities and services, the continuation or suspension of broadcasting services and facilities, and issuance of appropriate authorizations for such facilities, services, and personnel in an emergency.

(2) *Safety and Special Radio Services.* Authorization, operation, and use of safety and special radio services, facilities, and personnel in the national interest in an emergency.

(3) *Electromagnetic Radiation.* Control of radio stations in an emergency, except for those belonging to, or operated by, any department or agency of the United States Government.

(4) *Facilities protection.* Provide advice and guidance to achieve such industry protection as is necessary to maintain the integrity of the facilities and services provided by common carriers and radio station licensees, and promote a national program to stimulate disaster preparedness and damage control. The guidance shall include, but not be limited to, organizing and training facility employees, personnel shelter, evacuation and relocation plans, records protection, continuity of management, security, emergency repair and recovery of facilities, deconcentration and dispersal of facilities, and mutual aid associations for emergency.

(5) *Research.* Foster or conduct research in areas directly concerned with the Commission's emergency preparedness responsibilities.

(b) *Preparedness Plans Division.* (1) The Preparedness Plans Division develops and recommends plans and procedures for the following:

(i) *Common Carrier Service.* (*a*) Extension, discontinuance, or reduction of common carrier facilities or services, and issuance of appropriate authorizations for such facilities, services, and personnel in an emergency; and control of all rates, charges, practices, classifications, and regulations for service to Government and non-Government users during an emergency, in consonance with national economic stabilization policies.

(*b*) Development and administration of priority systems for public correspondence and for the use and resumption of leased inter-city private line service in an emergency.

(*c*) Use of common carrier facilities and services to overseas points to meet vital needs in an emergency.

(ii) *Radio frequency assignment.* Assignment of radio frequencies to, and their use by, Commission licensees in an emergency.

(iii) *Resource data.* Provision of assistance and data with respect to facilities operated by Commission licensees for national resource evaluation purposes of the Office of Emergency Planning.

(iv) *Investigation and enforcement.* Investigation of violations of pertinent law and regulations in an emergency, and development of procedures designated to initiate, recommend, or otherwise bring about appropriate enforcement actions required in the interest of national security.

(v) *Financial aid.* Provision of financial, credit, or other assistance to common carriers and Commission licensees who might need such assistance in various conditions of mobilization, particularly those resulting from attack.

(vi) *Conservation, salvage, and rehabilitation.* Stimulation of the development, by common carriers and by licensees, of standby plans for the conservation and salvage of supplies and equipment and the rehabilitation, restoration, or replacement of essential communication facilities after an attack.

(vii) *Claimancy.* Preparation to claim materials, manpower, equipment, supplies, and services needed in support of the common carriers and Commission licensees from the appropriate resource agencies, and work with such agencies in developing programs to insure availability of such resources in an emergency.

(viii) *Damage assessment.* Maintain a capability to assess the effects of attack on communication facilities and services subject to Commission regulation which are essential in a national emergency and to provide data to the Department of Defense.

(2) The Preparedness Plans Division, pursuant to the provisions of Executive Order 10346, has additional responsibility for the preparation of plans for assuring the continuity of the Commission's essential functions in the event of a national emergency including plans for the emergency mobilization of the Commission's personnel and other resources; protection of Commission personnel, property, and essential records; relocation sites, and arranging for the participation and training of the Commission's Executive Reserve unit in the National Defense Executive Reserve Program. In this connection the Preparedness Plans Division Chief, as required, serves as representative of the Commission for liaison and coordination of such defense activities at interagency committee meetings and with staff representatives of the Office of Emergency Planning, Office of Civil Defense of the Department of Defense, and with other federal agencies and local civil defense authorities.

(3) The Preparedness Plans Division coordinates and directs the activities of the Commission's Damage Assessment Unit and coordinates the activities of the Commission's Damage Assessment Officer assigned to the National Resources Evaluation Center of the Office of Emergency Planning.

(4) The Preparedness Plans Division plans for periodic tests and exercises to determine the state of operational readiness of the Commission and its emergency facilities to execute their essential emergency functions in the event of disaster.

(5) The Preparedness Plans Division performs such other duties related to the Commission's defense activities and responsibilities as may be assigned.

§ 0.184 Responsibilities of the bureaus and staff offices.

The heads of each of the several bureaus and staff offices, in rendering advice and assistance to the Executive Director in the performance of his duties with respect to defense activities, will have the following duties and responsibilities:

(a) To keep the Executive Director informed of the instigation, progress, and completion of programs, plans, or activities with respect to defense in which they are engaged or have been requested to engage.

(b) To render assistance and advice to the Executive Director on matters which relate to the functions of their respective bureaus or staff offices.

(c) To render such assistance and advice to other agencies as may be consistent with the functions of their respective bureaus or staff offices and the Commission's policy with respect thereto.

(d) To perform such other duties related to the Commission's defense activities as may be assigned to them by the Commission.

§ 0.186 Emergency Relocation Board.

(a) An Emergency Relocation Board, to be convened at the Commission's relocation headquarters, performs the functions of the Commission in the event of the inability of the Commission to function at its offices in Washington, D.C., resulting from disaster or the threat of imminent disaster from enemy attack or from natural causes, either:

(1) At the time of or under circumstances specified in a directive from the President.

(2) In the absence thereof, upon receipt of a warning signal indicating that an attack on the capital is likely.

(3) In the absence of either a directive or warning signal, immediately following an actual attack.

(b) The Board shall comprise such Commissioners as may be present and able to act or, if no Commissioner is present and able to act, the occupant of the following positions, in the order listed, who is present and able to act:

(1) The Chief, Field Engineering Bureau.

(2) The General Counsel.

(3) The Chief Engineer.

(4) The Chief, Safety and Special Radio Services Bureau.

(5) The Chief, Broadcast Bureau.

(6) The Chief, Common Carrier Bureau.

(7) The Executive Director.

(8) The Associate Chief, Field Engineering Bureau.

(9) The Deputy General Counsel.

(10) The Associate Chief Engineer.

(11) The Assistant Chief, Safety and Special Radio Services Bureau.

(12) An Assistant Chief, Broadcast Bureau.

(13) The Associate Chief, Common Carrier Bureau.

(14) The Chief of Division, ranking in the same order as indicated in subparagraphs (1) to (7) of this paragraph.

Subpart B—Delegations of Authority

AUTHORITY: §§ 0.201–0.387 issued under sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155. Additional authority is cited in parentheses following the sections affected.

GENERAL

§ 0.201 General provisions.

(a) There are three basic categories of delegations made by the Commission pursuant to section 5(d) of the Communications Act of 1934, as amended:

(1) *Delegations to act in non-hearing matters and proceedings.* The great bulk of delegations in this category are made to bureau chiefs and other members of the Commission's staff. This category also includes delegations to individual commissioners and to boards or committees of commissioners, such as the Telegraph and Telephone Committees.

(2) *Delegations to rule on interlocutory matters in hearing proceedings.* Delegations in this category are made to the Review Board and to the Chief Hearing Examiner.

NOTE: Interlocutory matters which are delegated neither to the Review Board nor to the Chief Hearing Examiner are ruled on by the presiding officer by virtue of the authority vested in him to control the course and conduct of the hearing. This authority stems from section 7 of the Administrative Procedure Act and section 409 of the Communications Act rather than from delegations of authority made pursuant to section 5(d) of the Communications Act. (See §§ 0.218 and 0.341.)

(3) *Delegations to review an initial decision.* Delegations in this category are made to individual commissioners, to panels of commissioners, or to the Review Board.

(b) Delegations are arranged in this subpart under headings denoting the person, panel, or board to whom authority has been delegated, rather than by the categories listed in paragraph (a) of this section.

(c) Procedures pertaining to the filing and disposition of interlocutory pleadings in hearing proceedings are set forth in §§ 1.291–1.298 of this chapter. Procedures pertaining to appeals from rulings of the presiding officer are set forth in § 1.301. Procedures pertaining to reconsideration of the presiding officer's rulings are set forth in § 1.303. Procedures pertaining to reconsideration and review of actions taken pursuant to delegated authority are set forth in §§ 1.101, 1.102, 1.104, 1.106, 1.113, 1.115, and 1.117. Procedures pertaining to exceptions to initial decisions are set forth in §§ 1.276–1.279.

(d) The Commission, by vote of a majority of the members then holding office, may delegate its functions either by rule or by order, and may at any time amend, modify, or rescind any such rule or order.

(1) Functions of a continuing or recurring nature are delegated by rule. The rule is published in the FEDERAL REGISTER and is included in this subpart.

(2) Functions pertaining to a particular matter or proceeding are delegated by order. The order is published in the FEDERAL REGISTER and associated with the record of that matter or proceeding, but neither the order nor any reference to the delegation made thereby is included in this subpart.

§ 0.203 Authority of person, panel, or board to which functions are delegated.

(a) The person, panel, or board to which functions are delegated shall, with respect to such functions, have all the jurisdiction, powers, and authority conferred by law upon the Commission, and shall be subject to the same duties and obligations.

(b) Except as provided in § 1.102 of this chapter, any action taken pursuant to delegated authority shall have the same force and effect and shall be made, evidenced, and enforced in the same manner as actions of the Commission.

COMMISSIONERS

§ 0.211 Chairman.

The responsibility for the general administration of internal affairs of the Commission is delegated to the Chairman of the Commission. The Chairman will keep the Commission advised concerning his actions taken under this delegation of authority. This authority includes:

(a) Actions of routine character as to which the Chairman may take final action.

(b) Actions of non-routine character which do not involve policy determinations. The Chairman may take final action on these matters but shall specifically advise the Commission on these actions.

(c) Actions of an important character or those which involve policy determinations. In these matters the Chairman will develop proposals for presentation to the Commission.

(d) To act within the purview of section 403(a) of the Federal Tort Claims Act, as amended, 28 U.S.C. 2672, upon tort claims directed against the Commission where the amount of damages does not exceed $2,500.

§ 0.212 Board of Commissioners.

(a) Whenever the Chairman or Acting Chairman of the Commission determines that a quorum of the Commission is not present or able to act, he may convene a Board of Commissioners. The Board shall be composed of all Commissioners present and able to act.

(b) Such Board of Commissioners is authorized to act with respect to all work, business, or functions of the Federal Communications Commission arising under the Communications Act of 1934, as amended, except that portion of the work, business, or functions of the Federal Communications Commission specifically delegated to individual Commissioners or employees. This authority shall not extend to the institution of investigations upon the Commission's own motion, or to rendering a final decision in such matters; to investigations specifically required by the Communications Act of 1934, as amended; or to any hearing in adjudicatory matters as defined in the Administrative Procedure Act.

(c) Actions taken by the Board shall be recorded in the same manner as actions taken by the entire Commission.

§ 0.214 Telegraph Committee.

(a) A Telegraph Committee, composed of three Commissioners, designated as such by the Commission or a majority thereof, will act, except as otherwise ordered by the Commission, upon all applications or requests submitted under sections 214 or 319 of the Communications Act of 1934, as amended, by carriers engaged principally in record communication, for certificates or authorization for the construction, acquisition, operation, or extension of telegraph wire, cable, or radio facilities, for temporary or emergency telegraph service, for supplementing existing telegraph facilities, or for discontinuance, reduction, or impairment of telegraph service, except those covered by §§ 0.291 and 0.294.

(b) Actions taken by the Telegraph Committee shall be recorded each week in writing and filed in the official minutes of the Commission.

§ 0.215 Telephone Committee.

(a) A Telephone Committee, composed of three Commissioners, designated as such by the Commission, or a majority thereof, will act, except as otherwise ordered by the Commission, upon all applications or requests submitted under sections 214 or 319 of the Communications Act of 1934, as amended, by carriers engaged principally in telephone communication, for certificates or authorizations for the construction, acquisition, operation, or extension of telephone or telegraph wire, cable, or radio facilities, for temporary or emergency telephone service, for supplementing existing telephone or telegraph facilities, or for discontinuance, reduction, or impairment of telephone or telegraph service, except those covered by §§ 0.291 and 0.294.

(b) Actions taken by the Telephone Committee shall be recorded each week in writing and filed in the official minutes of the Commission.

§ 0.218 Authority of, and delegated to, an individual commissioner or commissioners.

(a) One or more members of the Commission may be designated to preside in a hearing proceeding. The commission or commissioners designated to preside at such a hearing shall fix the time and place of the hearing and shall act upon all motions, petitions or other matters which may arise while the proceeding is in hearing status.

(b) One or more members of the Commission may be designated to review an initial decision issued in any hearing case.

(c) Except for actions taken during the course of a hearing and upon the record thereof, actions taken by a commissioner or commissioners pursuant to the provisions of this section shall be recorded in writing and filed in the official minutes of the Commission.

EXECUTIVE DIRECTOR

§ 0.231 Authority delegated.

The Executive Director, or his designee, upon securing concurrence of the General Counsel, is delegated authority

to execute in the name of the Commission all agreements pertaining to loan of United States Government property to radio station licensees for national defense purposes.

CHIEF ENGINEER

§ 0.241 Authority delegated to the Chief Engineer.

The Chief Engineer is delegated authority to act upon the following matters which are not in hearing status:

(a) With respect to type approval of radio frequency equipment and certification of radio frequency equipment as acceptable for licensing, to exercise all functions of the Commission pertaining to the:

(1) Examination of all applications for type approval of radio frequency equipment as provided for in this chapter; performance of tests, analysis of data, and determination of compliance with the provisions of this chapter; issuance of type approval certificates for radio frequency equipment which complies with the provisions of this chapter; and issuance of lists of type approved equipment.

(2) Examination of all applications for certification of radio frequency equipment as acceptable for licensing as provided for in this chapter; notification to the applicant that an examination of the certified technical information and data submitted in accordance with the provisions of this chapter indicates that the equipment does or does not appear to be acceptable for licensing in the particular radio service or services involved; and issuance of lists of radio frequency equipment certified as acceptable for licensing.

(b) With respect to stations operating in the Experimental Radio Service that are not engaged in the development of an established service and administered by a single Bureau, to act upon the following matters:

(1) Applications to assign frequencies, power, emission, and types of equipment and to approve the apparatus to be employed by these radio stations so as to provide the maximum results from the experimentation which can reasonably be expected of the licensee.

(2) Applications from existing licensees which involve a change in frequency, power, or type of emission.

(3) Applications which involve only a change in location, type, model, design or number of transmitters.

(4) Requests by licensees or permittees for cancellation of their station licenses, construction permits or other authorizations.

(5) Applications for license or modification of license to cover construction permit.

(6) Applications for renewal of licenses.

(7) Applications for extension of the expiration date of construction permits.

(8) For addition, modification, or coordination of programs of research or experimentation so as to provide the maximum results from the experimentation which can be reasonably expected of the licensee or licensees.

(9) Requests for operation with a modified antenna system where formal application is not required.

(10) Requests for extension of time within which to comply with technical requirements specified in authorizations, orders, rules, or releases of Commission.

(11) Representation of compliance with technical requirements specified in authorizations, orders, rules, or releases of the Commission (except formal applications).

(12) Requests to operate at a temporary location with a temporary antenna system.

(13) Request for special conditions of operation necessary to comply with technical requirements specified in authorizations, orders, rules, or releases of the Commission.

(14) Request for special temporary authority in emergency cases, at times outside of the regular office hours of the Commission and requiring immediate action during those hours.

(15) Request for exemption from station identification requirements.

(c) To assign new or modified call signs to stations in all of the radio services except the Citizens and Amateur Radio Services. See § 0.332(a).

§ 0.243 Authority delegated to the Chief Engineer upon securing concurrence of the General Counsel.

(a) The Chief Engineer, upon securing concurrence of the General Counsel, is delegated authority with respect to stations operating in the experimental radio services, other than experimental and developmental stations operating in established services under the jurisdiction of a single bureau, to act upon the following matters:

(1) Applications for construction permits for new stations.

(2) All requests for withdrawal of papers in accordance with § 1.8 of this chapter.

(3) Applications for consent to assignment and transfer of control of station authorizations.

(4) The extension of time previously ordered by the Commission within which transfers of control or assignment of licenses be effectuated.

(b) The Chief Engineer, upon securing concurrence of the General Counsel, is authorized to determine under § 1.80 of this chapter whether forfeiture liability has been incurred in connection with the operation of any station governed by Part 5 of this chapter, and to issue notices of apparent liability as provided in § 1.80.

§ 0.247 Authority to issue orders; record of actions taken.

In matters pertaining to authority granted in §§ 0.241 and 0.243, the Chief Engineer is authorized to make orders in letter form for the signature of the Secretary of the Commission. The application and authorization files and other appropriate files of the Office of the Chief Engineer are designated as the official minute entries of action taken pursuant to the aforesaid delegated authority. The authorization issued by the Office of the Chief Engineer in accordance with its assigned functions and the delegations of authority shall bear the signature of the Secretary of the Commission.

GENERAL COUNSEL

§ 0.251 Authority delegated.

(a) The General Counsel is delegated authority to act, in the absence of the Chairman, within the purview of section 403(a) of the Federal Tort Claims Act, as amended, 28 U.S.C. 2672, upon tort claims directed against the Commission where the amount of damages does not exceed $2,500.

(b) The General Counsel is delegated authority to act in matters which are not in hearing status, insofar as authority to act upon them is not delegated to any other bureau or office, on (1) requests for inspection of records under the provisions of § 0.417 and (2) requests for extension of time within which briefs and comments may be filed.

§ 0.257 Record of actions taken.

Actions taken in accordance with § 0.251 shall be recorded each week and filed in the official minutes of the Commission.

SECRETARY

§ 0.261 Authority delegated.

(a) The Secretary is delegated authority to make nonsubstantive, editorial revisions of the Commission's rules and regulations upon approval of the bureau or staff office primarily responsible for the particular part or section involved.

(b) The Secretary is delegated authority, upon securing the approval of the Field Engineering Bureau, to delete or modify, from time to time, as need may appear, the location of radio operator examination points as set forth in § 0.445 and in the appendix to Part 97 of this chapter.

(c) Actions taken in accordance with this section shall be recorded each week in writing and filed in the official minutes of the Commission.

CHIEF, BROADCAST BUREAU

§ 0.281 Authority delegated.

The Chief of the Broadcast Bureau is delegated authority to act upon applications, requests, and other matters which are not in hearing status relating to broadcast services as follows:

(a) Formal applications for broadcast authorizations:

(1) For construction permits for new or changed standard, FM, noncommercial educational FM, television, television translator, and UHF television booster facilities, or for modification thereof; for licenses or modification thereof; or for renewal of licenses for such facilities for the normal license term, which applications comply fully with the requirements of the Communications Act and the provisions of this chapter, accord with Commission policy and standards, are not mutually exclusive with any other application, and concerning which no petition to deny pursuant to § 1.580 of this chapter or other substantial objection has been filed.

(2) For assignment of broadcast licenses or permits or for transfer of con-

trol of broadcast licensees or permittees, which applications comply fully with the requirements of the Communications Act and the provisions of this chapter, accord with Commission policy and standards, and concerning which no petition to deny pursuant to § 1.580 of this chapter or other substantial objection has been filed.

(3) For new or modified experimental, developmental, and auxiliary broadcast authorizations covered by Part 74 of this chapter, or for renewal of authority for such facilities.

(4) For reinstatement of expired construction permits.

(5) For new or modified Subsidiary Communications Authorizations, or for renewal of such Authorizations.

(b) Designate for hearing, upon appropriate issues, mutually exclusive applications for new or modified standard, FM, noncommercial FM, and television facilities.

(c) Requests for temporary authority:

(1) For temporary waiver of technical operating requirements relating to overall system performance or elements thereof and rules requiring that specified items of equipment be employed.

(2) For operation with temporary antenna system.

(3) For operation with auxiliary transmitter as main transmitter.

(4) For operation with new or modified equipment pending repair of existing equipment or pending receipt and action upon a formal application.

(5) For operation with reduced power or to make other changes in operation of authorized equipment for technical reasons.

(6) For special operation necessary to facilitate equipment, program and service tests or to comply with technical requirements specified in authorizations, orders, rules or releases of the Commission.

(7) For operation with licensed, new, or modified equipment at a temporary site with a temporary antenna system when in case of an emergency it becomes impossible to continue operating at the regularly authorized site.

(8) For special operation of stations in the experimental, developmental and auxiliary broadcast services covered by Part 74 of this chapter.

(9) For temporary authority in emergency cases, at times outside of the regular office hours of the Commission, which require immediate action during such hours.

(10) For authority for television broadcast stations to operate with visual-to-aural power other than that specified in this chapter.

(d) Miscellaneous applications and requests:

(1) For temporary operation, for a lesser period of time than specified by §§ 73.71, 73.261, and 73.651 of this chapter, or to remain silent for temporary periods.

(2) For extension of time within which a transfer of control or assignment of license may be effectuated.

(3) For authority for FM broadcast stations to transmit multiplex facsimile in accordance with § 73.266 of this chapter.

(4) For authority to rebroadcast when authorization is required under Parts 73 and 74 of this chapter.

(5) For any permit required by the provisions of section 325(b) of the Communications Act.

(6) For cancellation of licenses, construction permits or other authorizations.

(7) For inspection of records under § 0.417, and withdrawal of papers in accordance with § 1.8 of this chapter.

(8) For extension of time within which to file briefs and comments with respect to rule making.

(9) For conducting equipment and program tests.

(10) For operation during daytime for specified periods with the nighttime facilities in order to check measurements and operation.

(11) For extensions of time within which to comply with technical requirements specified in authorizations, orders, and rules or releases of the Commission.

(12) For television site survey.

(13) For standard broadcast special field test authorizations.

(e) Applications or requests concerning experimental or developmental broadcast stations involving:

(1) Assignment from time to time of the frequency or frequencies, power, emission, and type of equipment to be employed by any experimental or developmental broadcast station, so as to provide the maximum results from the experimentation with the minimum interference.

(2) Addition, modification, or coordination of programs of research or experimentation of any experimental or developmental broadcast station, so as to provide the maximum results from the experimentation which can be reasonably expected of the licensee or licensees.

(f) To withdraw authorizations for equipment and service or program tests where the terms of the construction permit have not been met.

(g) Requests for modification of tower painting and lighting specifications.

(h) To issue such National Defense Emergency Authorizations as may be required to permit stations licensed by the Commission to participate in approved National Defense Plans during a national emergency, and to issue such further authorizations as may be appropriate under Executive Order 11092.

(i) To dismiss applications without prejudice (1) as provided in § 1.568 (a) and (b) of this chapter, or (2) where an application is not timely filed under the Commission's rules in order to receive comparative consideration with an application or applications with which it is mutually exclusive.

(j) To give written consent to applicants who request authority to make minor changes in effecting transfers of control, or assignment of licenses, previously authorized by the Commission.

(k) To advise licensees to cease operation in the event renewal applications are not filed with the Commission prior to the expiration date of the particular license.

(l) To defer action on those renewal license applications received subsequent to the fifteenth day of the month prior to the expiration date of the particular license.

(m) To grant, for good cause shown, requests for temporary authority to continue operation for a period not to exceed 90 days, where an application for renewal of license has been filed subsequent to the expiration of the particular license.

(n) To dismiss or return applications or petitions which are not acceptable under Commission rules.

(o) To extend the time to file oppositions to petitions relating to broadcast applications not designated for hearing.

(p) To administer, interpret, and apply orders or rules of practice and procedure promulgated by the Commission relating to financial and statistical data of stations in the broadcast service and broadcast networks and chains, including applications for extension of time in which to file financial and statistical statements and reports.

(q) To declare a construction permit for a broadcast facility automatically forfeited if the station authorized by the construction permit is not ready for operation within the time specified therein or within such further time as the Commission may have allowed for completion, and if no application for extension of construction permit has been granted by the Commission or timely filed by the permittee, and to place a notation of the forfeiture in the records of the Commission as of the expiration date of the construction permit.

(r) With respect to international broadcasting, to act upon requests for the use of frequencies and frequency hours for transmission to specific target areas subject to the conditions set forth in Part 73 of this chapter.

(s) To determine whether an application for modification constitutes a major change in facilities, and whether an amendment to an application constitutes a major amendment; and, if so, to so designate such change or amendment.

(t) To direct standard broadcast stations to refrain from pre-sunrise operation with their daytime facilities pursuant to § 73.87 of this chapter.

(u) To dismiss petitions and other pleadings which have clearly been rendered moot.

(v) To extend the time to file responses to official correspondence.

(w) With the concurrence of the General Counsel, to issue rulings and interpretations with respect to, and to act upon complaints arising under, section 315 of the Communications Act and §§ 73.120, 73.290, 73.590, or 73.657 of this chapter.

§ 0.287 Authority to issue orders; record of actions taken.

In matters pertaining to the authority delegated in § 0.281, the Chief of the Broadcast Bureau is authorized to make orders, including orders in letter form, for the signature of the Secretary of the Commission. All minutes of all actions taken by the Chief of the Broadcast Bureau pursuant to the authority delegated in § 0.281 shall be maintained for public inspection in the Broadcast Bureau. The authorizations and orders issued by the Broadcast Bureau in accordance with

its assigned functions and the delegations of authority shall bear the seal of the Commission and the signature of the Secretary.

CHIEF, COMMON CARRIER BUREAU

§ 0.291 Authority concerning radio matters.

The Chief of the Common Carrier Bureau is delegated authority to act upon the following applications, requests, and other matters which are not in hearing status, involving the use of radio, insofar as they apply to common carrier services (except marine and aeronautical), where the estimated construction cost is less than $2,000,000:

(a) From existing licensees for instruments of authorization, for the fixed public or fixed public press radio services, except applications in the international services involving:

(1) New points of communication, not already authorized to a station of the licensee at some other location or not already authorized by an outstanding construction permit or special temporary authorization; unless the application for a new point of communication is for the transmission or control of transmission or reception of addressed program or facsimile material.

(2) Changes in transmitter location other than local in character.

(3) The establishment of a new type of service.

(b) For the domestic public radio services, and for the fixed public services, in the possessions of the United States and in the State of Hawaii.

(c) For developmental stations which render or propose to render a common carrier service.

(d) For special temporary authorizations, including those filed at times outside of the regular office hours of the Commission in emergency cases.

(e) For operation with new or modified equipment pending repair of existing equipment, or pending receipt of and action upon formal applications; operation with licensed, new or modified equipment at a temporary location with a temporary antenna system in case of an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating at the licensed location; and, special operations necessary to facilitate equipment and service tests, or to comply with technical requirements specified in authorizations, orders, rules or releases of the Commission.

(f) For a change in location, type or model, design or number of transmitters; representations of compliance with technical requirements specified in authorizations, orders, rules or releases of the Commission (except formal applications).

(g) For equipment and service tests, or extensions thereof.

(h) To determine whether an application for modification constitutes a major change in facilities, and whether an amendment to an application constitutes a major amendment; and, if so, to so designate such change or amendment.

§ 0.292 Additional authority concerning radio matters.

The Chief of the Common Carrier Bureau is delegated authority to act on the following matters:

(a) To designate for hearing all mutually exclusive applications for radio facilities filed pursuant to Parts 21 and 23 of this chapter.

(b) To determine under § 1.80 of this chapter whether forfeiture liability has been incurred in connection with the operation of any station governed by Parts 21 and 23 of this chapter, and to issue notices of apparent liability as provided in § 1.80.

§ 0.293 Authority concerning position of officer.

The Chief of the Common Carrier Bureau is delegated authority to act upon applications under section 212 of the Communications Act for authority to hold the position of officer or director of more than one carrier subject to the Act, and to act upon applications for a finding that a carrier owns more than fifty percent of the stock of another or other carriers, or that a person owns fifty percent or more of the stock of two or more carriers.

§ 0.294 Authority concerning section 214 of the Act.

The Chief of the Common Carrier Bureau is delegated authority to act upon the following applications or requests under section 214 of the Communications Act:

(a) For a certificate authorizing the construction, acquisition, operation, or extension of lines, or for an authorization for temporary or emergency service or the supplementing of existing facilities involving an estimated construction or purchase cost of less than $2,000,000, or an annual rental of less than $100,000.

(b) For modification of a certificate or authorization under this section of the act where such amendment or modification involves an estimated construction or purchase cost of less than $2,000,000 or an annual rental of less than $100,000.

(c) For authority to discontinue, reduce, or impair telephone service where the applications are filed pursuant to the provisions of §§ 63.63, 63.65, and 63.66 of this chapter.

(d) For an authorization for temporary or emergency closure of telegraph offices, for any closure of a telegraph office at a military establishment, for closure of railroad-operated agency offices, for closure of company-operated main offices where substitute service is to be provided by telephone, teleprinter or facsimile-operated agency office in the same community and for any reduction in the hours of telegraph service in a community or part of a community in those cases where applicable Commission policy has been established.

(e) For informal requests for authority to discontinue, reduce or impair telegraph service filed pursuant to the provisions of §§ 63.63, 63.64, and 63.66 through 63.69 of this chapter.

(f) For reconsideration and dismissal of applications to discontinue, reduce or impair service where authority has been granted but will not be used by applicant because of conditions arising subsequent to the filing of the application.

§ 0.295 Authority concerning section 220 of the Act.

The Chief of the Common Carrier Bureau is delegated authority to interpret the regulations and to act upon the administration of such regulations promulgated by the Commission pursuant to section 220 of the Communications Act, relating to accounts, records and memoranda to be kept by carriers subject to the jurisdiction of the Commission.

§ 0.296 Authority concerning section 221(a) of the Act.

The Chief of the Common Carrier Bureau is delegated authority:

(a) To determine upon consideration of all relevant factors whether hearings shall be held on applications filed under section 221(a) of the Communications Act where no request therefor has been made by a telephone company, an association of telephone companies, a State Commission or local government authority;

(b) To fix the time and place for hearings he determines shall be held under paragraph (a) of this section or where a request therefor has been made by a telephone company, an association of telephone companies, a State Commission or local government authority; and to give reasonable notice in writing to the Governor of each of the States in which the physical property affected, or any part thereof, is situated, to the State Commission having jurisdiction over telephone companies, and to such other persons as he may deem advisable; and

(c) To act in all other cases upon applications filed under section 221(a) where the proposed expenditure for consolidation, acquisition or control is less than $500,000.

§ 0.297 Authority concerning tariff regulations.

The Chief of the Common Carrier Bureau is delegated authority to act upon all matters arising in connection with the administration of tariff regulations promulgated by the Commission pursuant to section 203 of the Communications Act, and, in connection with the administration of that section insofar as it relates to the modification of requirements thereof or made pursuant thereto, as authorized in particular instances by subsection (b) thereof, and to the rejection of tariffs as authorized by subsection (d) thereof.

§ 0.298 Authority under Communications Satellite Act.

The Chief of the Common Carrier Bureau is delegated authority to act upon applications from communications common carriers for authorization to purchase stock in the communications satellite corporation, pursuant to the provisions of section 304(b) of the Com-

munications Satellite Act of 1962 and of Subpart H of Part 25 of this chapter.

§ 0.302 Authority concerning records and papers.

The Chief of the Common Carrier Bureau is delegated authority to act upon the following matters insofar as they apply to records or papers involving common carriers:

(a) Requests for inspection of records under the provisions of § 0.417.

(b) Requests for withdrawal of papers in accordance with § 1.8 of this chapter.

§ 0.303 Authority concerning extension of time and waivers.

The Chief of the Common Carrier Bureau is delegated authority to act upon the following requests:

(a) For the extension of time in which to file annual, monthly and special reports required by the Commission pursuant to section 219 of the Communications Act.

(b) For the extension of the time prescribed in § 43.51 of this chapter for the filing of documents specified therein.

(c) For the extension of time within which briefs and comments may be filed with respect to proposed common carrier rule making.

(d) For extension of time previously ordered by the Commission within which the transfer of control or assignment of license be effectuated insofar as these apply to fixed public, fixed public press, domestic public or common carrier experimental radio services.

(e) For extension of time within which to comply with technical requirements specified in authorizations, orders, and rules or releases of the Commission insofar as these apply to fixed public, fixed public press, domestic public or common carrier experimental radio services.

(f) For waiver of or exception to any rule, regulation or requirement relating to the services under his jurisdiction and to act upon petitions or requests relating to the assignment of frequencies to common carrier operations but requiring action under § 2.102 of this chapter, when he finds that the operation for which permission is sought (1) is of a non-recurring nature and does not warrant a rule making proceeding with a view to establishing it on regular basis, (2) will not exceed 90 days, and (3) will cause no harmful interference to any service operating in accordance with the Table of Frequency Allocations. This delegation does not apply to requests for renewals of any authority to operate granted hereunder.

§ 0.304 Authority delegated jointly to Chiefs of Common Carrier and Safety and Special Radio Services Bureaus.

Authority is delegated jointly to the Chief of the Common Carrier Bureau and the Chief of the Safety and Special Radio Services Bureau to act upon applications in the maritime and aeronautical mobile services involving common carrier matters, in the public coastal service in Alaska, and in the fixed public services in Alaska. (For record of actions taken under this section, see § 0.337.)

§ 0.305 Orders in letter form.

Where appropriate, in acting upon matters referred to in the delegations of authority, the Chief of the Common Carrier Bureau is authorized to make orders in letter form for the signature of the Secretary of the Commission.

§ 0.307 Record of actions taken.

The application and authorization files in the License Branch and the appropriate central files of the Common Carrier Bureau are designated as the Commission's official records of actions by the Chief of the Bureau pursuant to the authority delegated to him. In case of joint authority of the Chiefs of Common Carrier Bureau and Safety and Special Radio Services Bureau, § 0.337 applies. The authorizations issued by the Chief, Common Carrier Bureau, in accordance with his assigned functions shall bear the seal of the Commission and the signature of the Secretary of the Commission.

Field Engineering Bureau

§ 0.311 Authority delegated to the Chief and to the Associate Chief of the Field Engineering Bureau.

(a) The Chief of the Field Engineering Bureau is delegated authority to act upon the following matters which are not in hearing status:

(1) Except as otherwise provided in § 1.61 of this chapter, with respect to the construction, marking, and lighting of antenna towers and supporting structures, to exercise the functions of the Commission as set forth in Part 17 of this chapter: *Provided, however,* That in cases in which the Federal Aviation Agency recommends denial of any application, the Chief of the Field Engineering Bureau advises the bureau concerned in order that it may submit the application to the Commission for appropriate action.

(2) Waiver of rules, regulations and orders of the Commission relating to the proper time for filing of renewals of commercial and amateur radio operator licenses.

(3) Temporary operation by radio station licensees, except licensees of standard and FM broadcast stations, with a licensed operator of lower grade than normally required or for waiver of other technical requirements for operators.

(4) With respect to the operation of industrial, scientific, and medical equipment subject to Part 18 of this chapter, to issue, in accordance with section 312 (c) of the act, (i) orders to show cause why a cease and desist order pursuant to section 312(b) should not be issued; and (ii) cease and desist orders, in those instances in which the allegations of the show cause order are, by regulation of the Commission, deemed to have been admitted.

(5) To suspend commercial operator licenses and to designate the matter for hearing, as provided for in § 1.85 of this chapter.

(6) To act on requests for a waiver of the English language provisions of §§ 13.22 and 13.23 of this chapter in the case of Spanish-speaking applicants in Puerto Rico and vicinity, and to issue licenses bearing appropriate restrictions to those applicants found qualified.

(7) To dismiss without prejudice applications for new and renewal commercial radio operator licenses in cases where prior to designation of such applications for hearing an applicant has failed to answer official correspondence or a request for additional information from the Commission.

(8) To act on requests for a provisional radio operator certificate.

(9) To act on requests by holders of a pilot certificate issued by the Civil Aeronautics Administration or the Federal Aviation Agency for a waiver of the United States citizenship requirement under section 303(l) of the Communications Act of 1934, as amended.

(10) To act on requests for waiver of the written examination requirements of §§ 13.21 and 13.22 of this chapter and to authorize oral examination in lieu thereof.

(11) To reject certifications of industrial heating equipment as provided in § 18.118(a) of this chapter and to accept certifications of industrial heating equipment as provided in § 18.118(d) of this chapter.

(12) To determine under § 1.80 of this chapter whether forfeiture liability has been incurred by any licensed commercial radio operator (except where the operator is also subject to liability as licensee of the station in question), and to issue notices of apparent liability as provided by § 1.80.

Note: Where the operator is also subject to liability as licensee of the station, the question of liability is determined, and the notice of apparent liability is issued, by the Chief of the Bureau or Office which exercises authority over the class of station involved. See §§ 0.243(b), 0.292(b), and 0.332(d).

(b) The Chief and the Associate Chief of the Field Engineering Bureau are authorized to declare that a state of general communications emergency exists and to act on behalf of the Commission pursuant to the provision of § 97.107 of this chapter with respect to the operation of amateur stations during a state of general communications emergency.

§ 0.313 Record of actions taken.

(a) Actions taken by the Chief or the Associate Chief of the Field Engineering Bureau in accordance with the delegations listed in § 0.311 shall be recorded each week in writing and filed in the official minutes of the Commission.

(b) The authorizations issued by the Bureau in accordance with its assigned functions and the delegations of authority transferred hereby shall bear the seal of the Commission and the signature of the Secretary of the Commission.

§ 0.314 Authority delegated to the Engineers in Charge.

The Engineers in Charge at each headquarters office of the 24 districts of the Field Engineering Bureau are delegated authority to act upon the following applications, requests, or other matters which are not in hearing status:

(a) For new, modified replacement, duplicate or renewal commercial radio operator license and provisional radio operator certificate.

(b) For temporary permission to operate standard and FM broadcast stations with licensed operators of lesser grade than normally required by the Commission's rules or for waiver of other technical requirements of operators at such stations.

(c) In cases of informal requests from broadcast stations to extend temporary authority for operation without any of the following: modulation monitor, frequency monitor, plate ammeter, plate voltmeter, base current meter, common point meter, and transmission line meter from FM and television stations.

(d) Relating to the time within which an applicant for amateur or commercial radio operator license may take an examination after having failed a previous examination (§§ 13.27 and 97.33 of this chapter).

(e) For periodic survey as required by section 385 of the Communications Act of 1934, as amended, and issuance of Communications Act radiotelephony certificates in accordance with § 83.501(b) of this chapter.

(f) Applications, in any acceptable form, filed at Commission field offices located in Alaska, for special temporary operator license authorization, in lieu of regular commercial radio operator license, when it is shown that there is a need for such authorization for use in connection with the protection of life or property during an emergency period.

(g) Requests for interim ship station and for interim radar ship station licenses as provided by Part 83 of this chapter governing stations on shipboard in the maritime services.

(h) For special operation necessary to facilitate equipment, program and service tests or to comply with technical requirements specified in authorizations, orders, rules or releases of the Commission.

(i) Operation during daytime for specified periods with the nighttime facilities in order to check measurements and operation.

(j) For ship radio inspection and certification of the ship radio license, pursuant to the requirements of section 362 (b) of the Communications Act of 1934, as amended.

(k) For a Safety Radiotelegraphy Certificate or a Safety Radiotelephony Certificate in accordance with the terms of Regulations 11 and 12, Chapter I, of the Safety Convention.

(l) For inspection or periodical survey as required by Article 11 of the Great Lakes Agreement and certification prescribed by Articles 12 and 13 thereof.

(m) Issuance of notices and orders to operators of industrial heating equipment, as provided in §§ 18.120 and 18.121 of this chapter.

(n) Requests for permission to resume operation of industrial heating equipment on a temporary basis, as provided in §§ 18.120 and 18.121 of this chapter, and requests for extensions of time within which to file final reports, as provided by § 18.122(b) of this chapter.

(o) Informal applications filed in accordance with the provisions of § 83.46 (c) of this chapter for temporary waivers of annual inspection of vessels as required by section 362(b) of the Communications Act of 1934, as amended.

§ 0.315 Authority delegated to Engineers in Charge who serve as FCC representatives to Regional Preparedness Boards.

Engineers in charge of Field Engineering Bureau district offices at Boston, Massachusetts; Baltimore, Maryland; Atlanta, Georgia; Detroit, Michigan; Dallas, Texas; Denver, Colorado; San Francisco, California; and Seattle, Washington, are designated as FCC representatives to Regional Preparedness Boards. Assistant engineers in charge of the same offices are designated as alternates. The authority delegated to FCC representatives to Regional Preparedness Boards is set forth in § 0.385, together with other defense and emergency preparedness delegations.

§ 0.316 Authority delegated to Marine Supervisors at marine offices, to engineers engaged in ship inspection duties at radio district offices, and to radio engineers at suboffices.

(a) The Radio Engineer at each suboffice of a district headquarters office of the Field Engineering Bureau is delegated authority to act upon all matters contained in § 0.314, except paragraph (b).

(b) The Marine Supervisor at each marine office of the Field Engineering Bureau is delegated authority to act upon matters set forth in § 0.314 (a), (d), (e), (g), (j), (k), and (o).

(c) Engineers engaged in ship inspection duties at radio district offices of the Field Engineering Bureau are delegated authority to act upon matters set forth in § 0.314 (e), (j), and (l).

§ 0.317 Record of actions taken.

All actions taken under § 0.314 or § 0.316 shall be recorded in the field office where such action has been taken, and except for actions taken under § 0.314 (c), (d), (h), and (i), a report thereof shall be sent to the Washington, D.C., office of the Field Engineering Bureau quarterly.

Chief, Safety and Special Radio Services Bureau

§ 0.331 Authority delegated.

The Chief of the Safety and Special Radio Services Bureau is delegated authority to act upon the following applications, requests, and other matters which are not in hearing status:

(a) Consistent with and pursuant to the rules governing the Disaster Communications Service and the Maritime, Aviation, Public Safety, Industrial, Amateur, Land Transportation, and Citizens Radio Services, except those rendering a common carrier service, on all applications for construction permits, modification of construction permits, extension of construction permits, station licenses, modification of station licenses, transfer of control or assignment of construction permits or station licenses, renewal of station licenses, amateur operator licenses, renewal or modification of amateur operator licenses and special temporary authorizations, except applications for construction permits for new public coast stations at locations other than Alaska.

(b) On the following matters insofar as they involve the Disaster Communications Service or the Maritime, Aviation, Public Safety, Industrial, Amateur, Land Transportation, or Citizens Radio Services:

(1) Requests for extensions of time for equipment or service tests or within which to comply with technical requirements specified in authorizations, orders and rules or releases of the Commission.

(2) Requests for inspection of Commission records under the provisions of § 0.417.

(3) Requests for withdrawal of papers in accordance with § 1.8 of this chapter.

(4) Requests for extension of time within which briefs and comments may be filed with respect to proposed rule making.

(5) To make the finding of emergency involving danger to life or property or due to damage to equipment, as provided by section 308(a) of the Communications Act of 1934, as amended.

(6) Cancellation of station licenses, construction permits or other authorizations upon the request of the licensee or permittee or upon abandonment of the station.

(7) Petitions or requests seeking waiver of or exception to any rule, regulation or requirement, and to act upon petitions or requests relating to the assignment of frequencies to the various safety and special radio services but requiring action under § 2.102 of this chapter, when he finds that the operation for which permission is sought (i) is of a nonrecurring nature and does not warrant rule making proceedings with a view to establishing it on a regular basis, (ii) will not exceed 180 days, and (iii) will cause no harmful interference to any service operating in accordance with the Table of Frequency Allocations. This delegation does not apply to requests for renewals of any authority to operate granted hereunder: *Provided, however,* That none of the foregoing limitations shall apply to petitions or requests for waiver of or exception to any requirement set forth in §§ 97.13, 97.27, 97.51, and 97.95 of this chapter, or to the requirements with regard to types of emission set forth in § 97.111.

(8) To issue, in accordance with section 312(c) of the Communications Act of 1934, as amended, (i) orders to show cause why an order of revocation pursuant to section 312(a) of the Act, or a cease and desist order pursuant to section 312(b) of the Act, should not be issued; and (ii) after waiver of hearing and termination of the hearing proceeding in revocation cases as prescribed by § 1.92 of this chapter, to issue orders of revocation, including a determination, as appropriate, that the restrictions of § 1.916 of this chapter are waived in advance, and also orders that revocation shall not issue.

(9) To grant the authorizations provided for in § 2.102(c) of this chapter.

(10) To cancel novice, technician, or conditional class amateur licenses as provided in § 12.45 of this chapter.

(11) To act upon all requests (to the extent that they relate to qualifications for the various amateur operator licenses) for waiver of the requirement of Part 97 of this chapter where it is alleged that, by reason of a protracted or permanent physical disability, the applicant is unable to meet the requirements of such rules.

(12) To issue, in accordance with section 316 of the Act, orders to modify ship radiotelephone stations by deleting therefrom any frequency when the use thereof has resulted in harmonic emissions found to be capable of causing interference to other radio services, and if a hearing thereon is requested, to designate such matters for hearing.

(13) To grant, in the absence of unusual circumstances:

(i) A 4-year waiver and renewals thereof of the spurious emission limitations of § 83.136 of this chapter for any radiotelegraph transmitter that fails to qualify for the "same vessel" exception to those limitations solely because the set was formerly used in a U.S. Government or foreign station and, therefore, has never been licensed by the Commission.

(ii) A 6-month waiver of the type acceptance requirement of § 83.139 of this chapter in cases substantially the same as those in which the Commission en banc has taken similar action.

(14) To deny requests for waiver of the type acceptance requirement of § 83.139 of this chapter and dismiss associated applications for ship station licenses in cases substantially the same as those in which the Commission en banc has taken similar action.

(c) Consistent with the provisions of section 309(f) of the Communications Act of 1934, as amended, to grant or deny requests for temporary authorizations and to issue orders stating the reasons therefor, but only prior to the time a petition to deny the application involved has been filed or the application has been designated for hearing.

§ 0.332 Additional authority delegated.

The Chief of the Safety and Special Radio Services Bureau is delegated authority to act upon the following applications, requests and other matters:

(a) Requests for assignment of call signs to new stations in the Citizens and Amateur Radio Services and for changes in the call signs of existing stations in those services.

(b) Applications or requests for exemption, pursuant to the provisions of section 352(b) and 383 of the Communications Act; Regulation 4, Chapter I of the Safety Convention; Regulation 5 or 6, Chapter IV of the Safety Convention; Regulation 12(b), Chapter V of the Safety Convention; or Article 6 of the Great Lakes Agreement:

(1) For emergency and renewal exemption of vessels;

(2) For initial exemption of vessels subject to Title III, Part III of the Act;

(3) For initial exemption of vessels of less than 100 gross tons subject to Title III, Part II of the Act or the Safety Convention;

(4) For exemption from Title III, Part II, of the Act of vessels operated in the Gulf of Mexico which participate in oil well drilling operations when the circumstances are substantially the same as those in precedent cases decided by the Commission en banc; and

(5) For initial exemption, in those cases wherein the sole reason for such exemption is to avoid requirements for more than one basic safety radio system on an individual vessel, from the radiotelegraph requirements of the Safety Convention or Title III, Part II of the Act, or both, of:

(i) Individual ocean-going vessels, transiting the St. Lawrence Seaway and not navigated solely on the Great Lakes, during the periods while such vessels are navigated on the Great Lakes and provided that exemption is conditioned upon compliance with the provisions of the Great Lakes Agreement;

(ii) Individual vessels transiting the St. Lawrence Seaway that are navigated only between United States Great Lakes ports and Canadian ports outside the Great Lakes, provided that such vessels are not navigated beyond a line running from Cape Gaspe, Province of Quebec, to Heath Point, Anticosti Island, and thence northward to Natashquan Point, Province of Quebec, and provided further that while so navigated the vessels comply with the provisions of the Great Lakes Agreement.

(c) Applications or requests for approval of schedules of transmissions by coast stations of information for the general benefit of mariners to a plurality of mobile stations or to designated fixed locations.

(d) Make determination and notification of incurrence of forfeitures under the provisions of sections 364, 386, 507, and 510 of the Communications Act, with reference to stations governed by the provisions of Parts 81–99 of this chapter.

(e) Applications made pursuant to section 504(b) of the Communications Act of 1934, as amended, for mitigation or remission of forfeitures imposed under sections 364, 386, 507, and 510 of the Act.

(f) Issue orders suspending the licenses of amateur operators in accordance with section 303(m)(1) of the Act and if a hearing thereon is requested, to designate such matters for hearing.

(g) Requests pursuant to the provisions of §§ 81.104(b)(1) and 81.189(c)(1) of this chapter for waiver or exception to the requirements of those sections concerning 2182 kc/s coast station facilities and watch.

(h) To dismiss applications without prejudice in cases where, prior to designation of such application for hearing, an applicant has failed to answer official correspondence or a request for additional information from the Commission.

§ 0.333 Authority delegated jointly to the Chiefs of the Common Carrier and Safety and Special Radio Services Bureaus.

Authority is delegated jointly to the Chief of the Common Carrier Bureau and the Chief of the Safety and Special Radio Services Bureau to act upon applications in the maritime and aeronautical mobile services involving common carrier matters, in the public coastal service in Alaska, and in the fixed public services in Alaska.

§ 0.337 Record of actions taken.

The history card pertaining to a certain station is designated to be the official record of the action taken by the Chief, Safety and Special Radio Services Bureau, in pursuance of the authority delegated to him in §§ 0.331 and 0.332, or jointly to him and the Chief of the Common Carrier Bureau in § 0.333. In cases where no history card is prepared, the application and authorization file pertaining to the station in question is designated to be the official record of the action taken by the Chief of the Bureau, or by him jointly with the Chief of the Common Carrier Bureau. The authorizations issued by the Chief, Safety and Special Radio Services Bureau, shall bear the seal of the Commission and the signature of the Secretary.

Hearing Examiners

§ 0.341 Authority of hearing examiner.

After a hearing examiner has been designated to preside at a hearing and until he has issued an initial decision or certified the record to the Commission for decision, or the proceeding has been transferred to another hearing examiner, all motions, petitions and other pleadings shall be acted upon by such hearing examiner, except the following:

(a) Those which are to be acted upon by the Review Board under § 0.365 (b) and (d).

(b) Those which are to be acted upon by the Chief Hearing Examiner under § 0.351.

(Sec. 7, 60 Stat. 241, 5 U.S.C. 1006; sec. 409, 48 Stat. 1096, as amended, 47 U.S.C. 409)

§ 0.347 Record of actions taken.

Except for actions taken during the course of the hearing and upon the record thereof, actions taken by a hearing examiner pursuant to § 0.341 shall be recorded each week in writing and filed in the official minutes of the Commission.

Chief Hearing Examiner

§ 0.351 Authority delegated.

The Chief Hearing Examiner shall act on the following matters in proceedings conducted by hearing examiners:

(a) Initial specifications of the time and place of hearings where not otherwise specified by the Commission and excepting actions under authority delegated by § 0.296.

(b) Designation of the hearing examiner to preside at hearings.

(c) Orders directing the parties or their attorneys to appear at a specified time and place before the hearing examiner for an initial prehearing conference in accordance with § 1.251(a) of this chapter. (The hearing examiner named to preside at the hearing may order an initial prehearing conference although the Chief Hearing Examiner may not have seen fit to do so and may order supplementary prehearing conferences in

accordance with § 1.251(b) of this chapter.)

(d) Petitions requesting a change in the place of hearing where the hearing is scheduled to begin in the District of Columbia or where the hearing is scheduled to begin at a field location and all appropriate proceedings at that location have not been completed. (See § 1.253 of this chapter.)

(e) Petitions of applicants requesting permission to file written appearances beyond expiration of the 20-day period provided for in § 1.221(c) of this chapter.

(f) Dismissal of applications with prejudice in accordance with the provisions of § 1.221(c) of this chapter.

(g) Petitions filed by an applicant requesting that its application or the proceedings thereon be dismissed, except as such petitions are acted on by the Review Board under § 0.365(b).

(h) In the absence of the hearing examiner who has been designated to preside in a proceeding, to discharge the hearing examiner's functions.

(i) All pleadings (such as motions for extension of time) which are related to matters to be acted upon by the Chief Hearing Examiner.

§ 0.357 Record of actions taken.

Actions taken by the Chief Hearing Examiner shall be recorded each week and filed in the official minutes of the Commission.

REVIEW BOARD

§ 0.361 General authority.

(a) The Review Board is a permanent body with continuing functions. The main function of the Board is to review matters referred to it by the Commission in hearing proceedings. The Board also takes original action on certain interlocutory matters which arise during the course of hearing proceedings. The hearing matters referred to the Board on a regular basis are listed in § 0.365. Other hearing matters may be referred to the Board for review on a case by case basis, either at the time of designation for hearing or upon consideration of exceptions. The Commission may, from time to time, assign the Board additional duties not inconsistent with these functions.

(b) Any matter referred to the Board on a regular basis or otherwise may, on its own motion or upon its consideration of the motion of any party, be certified by the Board to the Commission, with a request that the matter be reviewed by the Commission, if in the Board's judgment the matters at issue are of such a nature as to warrant Commission review of any decision which the Board might otherwise have made. If a majority of the members of the Commission then holding office vote to grant the Board's request, the matter shall be reviewed by the Commission.

(c) Whenever the Commission determines that a matter pending before the Board involves a novel or important issue of law or policy, it may, on its own motion, by the vote of a majority of the members then holding office, direct that any matter before the Board be certified to the Commission for decision. However, no petition requesting the Commission to take such action will be entertained.

(d) The Review Board shall decide each matter before it by majority vote in accordance with the Communications Act of 1934, as amended, rules and regulations, case precedent, and established policies of the Commission. In reviewing initial decisions referred to it, the Review Board is authorized to perform all of the review functions which would otherwise have been performed by the Commission under §§ 1.273–1.282 of this chapter.

(e) The Review Board is composed of three or more Commission employees. Members of the Board are designated by the Commission, serve indefinitely on a full-time basis, and are responsible only to the Commission. Neither the Commission nor any of its members will discuss the merits of any matter pending before the Board with the Board or any of its members.

(f) A minimum of three members will participate in each case referred to the Board. A majority of the members who participate in a case shall constitute a quorum. Any member assigned to a case who is not present at oral argument may, after reading the transcript of oral argument, participate in the Board's decision. However, so far as practicable, all of the members of the Board assigned to a case shall hear oral argument.

(g) Except in interlocutory matters, each opinion of the Review Board will be signed by one of its members, who shall be responsible for its preparation.

(h) Actions taken by the Review Board shall be recorded in writing and filed in the official minutes of the Commission.

§ 0.365 Authority delegated to the Review Board on a regular basis.

(a) *Review of initial decisions.* Unless the Commission specifies to the contrary at the time of designation for hearing or otherwise, the Review Board shall review initial decisions of hearing examiners in the following proceedings:

(1) Television translator proceedings.

(2) Standard (AM) and FM broadcast proceedings, except as follows:

(i) Revocation, renewal, cease and desist, and forfeiture proceedings.

(ii) Proceedings which involve section 319(c) of the Communications Act of 1934, as amended.

(iii) Proceedings which involve initial application for construction permit for a Class II–A station on clear channel frequencies.

(3) Proceedings on applications of communications common carriers filed under Title III of the Communications Act.

(4) Proceedings involving complaints against communications common carriers for recovery of overcharges.

(5) Safety and Special Radio Services proceedings.

(6) Proceedings involving suspension of operator licenses or permits.

(b) *Original action on interlocutory matters.* The Review Board shall take original action on the following interlocutory matters in proceedings conducted by hearing examiners:

(1) Petitions to amend, modify, enlarge, or delete issues upon which the hearing was ordered.

(2) Petitions to intervene.

(3) Requests for leave to file pleadings in addition to those authorized by § 1.294 of this chapter.

(4) Petitions by adverse parties requesting dismissal of an application.

(5) Joint requests for approval of agreements filed pursuant to § 1.525 of this chapter, and, if further hearing is not required on issues other than those arising out of the agreement, to terminate the proceeding and make appropriate disposition of all applications.

(6) Petitions for waiver of § 1.594 of this chapter insofar as that section requires that local notice of hearing be given within a certain time, at a certain place, or in a certain manner.

(7) Dismissal of applications with prejudice for failure to comply with the local notice requirements of § 1.594 of this chapter.

(8) Dismissal of cease and desist, suspension, and revocation proceedings.

(9) Petitions for acceptance of late written appearances pursuant to § 1.91(c), and petitions for acceptance of late written statements pursuant to § 1.92(b) of this chapter.

(10) Termination of hearing proceedings in accordance with § 1.92(c) of this chapter.

(c) *Action on appeals from interlocutory rulings.* The Review Board shall act on appeals from interlocutory rulings of the hearing examiner.

(d) *Action on pleadings filed in cases on matters before the Board.* The Review Board shall act on all pleadings filed in cases or matters which are before the Board.

CHIEF, OFFICE OF OPINIONS AND REVIEW

§ 0.371 Authority delegated.

(a) The Chief, Office of Opinions and Review, is delegated authority to act upon all uncontested motions or petitions for extension of time filed in any adjudicative hearing proceeding which is pending before the Commission en banc.

(b) Actions taken by the Chief, Opinions and Review, pursuant to the provisions of this section shall be recorded each week in writing and filed in the official minutes of the Commission.

DEFENSE AND EMERGENCY PREPAREDNESS DELEGATIONS

§ 0.381 Defense Commissioner.

(a) The authority delegated to the Commission under Executive Order 11092 is redelegated to the Defense Commissioner.

(b) Actions taken by the Defense Commissioner pursuant to paragraph (a) of this section shall be recorded in writing and filed in the official minutes of the Commission.

§ 0.383 Emergency Relocation Board.

(a) During any period in which the Commission is unable to function because of the circumstances set forth in § 0.186

(a), all work, business or functions of the Federal Communications Commission arising under the Communications Act of 1934, as amended, is assigned and referred to the Emergency Relocation Board.

(b) The Board, acting by a majority thereof, shall have the power and authority to hear and determine, order, certify, report or otherwise act as to any of the said work, business or functions so assigned or referred to it, and in respect thereof shall have all the jurisdiction and powers conferred by law upon the Commission, and be subject to the same duties and obligations.

(c) Any order, decision or report made or other action taken by the said Board in respect of any matters so assigned or referred shall have the same effect and force, and may be made, evidenced, and enforced in the same manner, as if made or taken by the Commission.

(d) Actions taken by the Board shall be recorded each week in writing and filed in the official minutes of the Commission.

§ 0.385 FCC representatives assigned to Regional Preparedness Boards of the Office of Emergency Planning during a wartime emergency period.

Engineers in charge of Field Engineering Bureau district offices at Boston, Massachusetts; Baltimore, Maryland; Atlanta, Georgia; Detroit, Michigan; Dallas, Texas; Denver, Colorado; San Francisco, California; and Seattle, Washington, are designated as FCC representatives to Regional Preparedness Boards. Assistant Engineers in Charge of the same offices are designated as alternates. These Boards will be activated in wartime emergency periods or during Civil Defense exercises. These FCC representatives will give advice and assistance to Regional Directors of the Office of Emergency Planning and to other Federal agencies within the respective Office of Emergency Planning region on matters relating to the functions and responsibilities of the FCC. They will also coordinate FCC operations within the region in the event of a regional "cut-off" situation. For the purpose of delegating authority to FCC representatives to act for the Commission, a regional "cut-off" situation shall be considered as existing when either no communication to higher authority within the FCC can be effected, or such communication as exists could not be expected to provide an answer from higher authority within the FCC in time to authorize urgent actions that the FCC representative determines cannot be delayed until such answer is received. The delegations of authority set forth in paragraphs (a), (b), and (c) of this section are made to these Engineers in Charge or to their alternates, to enable them to carry out their responsibilities.

(a) *When communication is available to higher authority within the FCC.* When instructions can be obtained from higher authority within the FCC, delegation of authority to FCC representatives assigned to Regional Preparedness Boards shall comprise that set forth in § 0.314. Action under this delegation must be consistent with any defense rules that supersede rules for normal conditions, wartime plans and emergency orders that may be adopted by the Commission, emergency legislation, Executive Orders, and any pertinent actions of other Government agencies taken pursuant to authority delegated to them under section 606 of the Communications Act of 1934, as amended.

(b) *During a temporary "cut-off" period when communication to higher authority within the FCC is disrupted.* When instructions cannot be obtained from higher authority within the FCC and when immediate action must be taken, delegation of authority to FCC representatives assigned to Regional Preparedness Boards of the Office of Emergency Planning shall comprise the following in addition to the delegations included in paragraph (a) of this section:

(1) Matters delegated to the Chief and Associate Chief of the Field Engineering Bureau under § 0.311(b).

(2) Matters delegated to the Chief, Broadcast Bureau by § 0.281.

(3) Matters delegated to the Chief, Safety and Special Radio Services Bureau by §§ 0.331–0.333, except for the authority to act on requests for waiver or rules governing the availability of frequencies below 25 megacycles in the Aviation and Maritime Services.

(4) Matters delegated to the Chief, Common Carrier Bureau by §§ 0.291, 0.294, 0.303(d)–(f), 0.304, 0.305, and 0.307.

(5) Matters delegated to the Office of the Chief Engineer by §§ 0.241 and 0.243

(6) Authority to act on requests for temporary authorizations for new or modified radio station operations, subject to the provisions of the Communications Act of 1934, as amended.

(7) Authority to act on requests for temporary authorization for all classes of radio operators, subject to the provisions of the Communications Act of 1934, as amended.

(8) Authority to waive temporarily any provisions of this chapter applicable to radio stations and radio operators, subject to the provisions of the Communications Act of 1934, as amended: *Provided, however,* That such authority shall not include waiver of rules governing the availability of frequencies below 25 megacycles in the Aviation and Maritime Services, nor any of the Emergency Broadcast System Rules.

(c) *General.* (1) All authorizations granted pursuant to authority contained in paragraph (b) of this section shall be reported to higher Commission authority at the earliest opportunity. Such authorizations shall be subject to review and cancellation or revision, without hearing, by the FCC representatives assigned to Regional Preparedness Boards or by higher Commission authority when the need for such action arises.

(i) Written authorizations granted pursuant to authority contained in paragraph (b) of this section shall show plainly on their face that they are temporary authorizations, not to exceed 30 days from the date of issue, and subject to review and cancellation or revision without hearing.

(ii) Where immediate oral authorizations are necessary, the applicant shall be orally informed of the limitations enumerated above in this subparagraph and the oral authorization shall be followed as soon as possible by a written authorization bearing the same date of issue as the date of oral authorization. If the "cut-off" period exceeds 30 days in duration, such authorizations may be renewed for additional periods of 30 days each.

(2) Actions taken under any delegation of authority must take into full account, and be in conformance with, any defense rules that supersede rules for normal conditions; wartime emergency plans and orders of the Commission; emergency legislation; Executive Orders; and any pertinent actions of other Government agencies taken pursuant to authority delegated to them under section 606 of the Communications Act of 1934, as amended.

(3) No actions shall be taken under any delegation of authority until full consideration is given to the effect of such actions on the continuance of vital radio communications, both Government and non-Government, on a world-wide or nation-wide basis and in adjacent regions. If the FCC representative assigned to the Regional Preparedness Board of the Office of Emergency Planning determines that interference to radio operations outside of a "cut-off" region may result by authorizing new or modified radio facilities (for example, a change of frequency or power of a radio station), he shall withhold such authorization unless directed to grant the temporary authorization by higher authority.

(4) Coordination shall be effected, where possible, with the FCC representatives assigned to Regional Preparedness Boards of the Office of Emergency Planning in adjacent regions before acting to authorize temporary requests for radio operations.

(5) New obligations incurred pursuant to delegation of authority specified in this section for personal service, procurement, contract agreements, and similar items shall not exceed the amount authorized by the Commission's Budget Officer in periodic emergency allotment authorizations.

§ 0.386 Record of actions taken.

Actions taken under § 0.385(b) by FCC representatives assigned to Regional Preparedness Boards of the Office of Emergency Planning shall be reported in writing to Chief, Field Engineering Bureau at the earliest opportunity.

§ 0.387 Other defense and emergency preparedness delegations; cross reference.

(a) For authority of the Chief of the Broadcast Bureau to issue National Defense Emergency Authorizations, see §§ 0.281(h) and 1.502.

(b) For authority of the Chief and Associate Chief of the Field Engineering Bureau to declare a general communications emergency, see § 0.311(b).

Subpart C—Information and Applications

GENERAL

§ 0.401 Location of Commission offices.

(a) The main offices of the Commission are located in the New Post Office Building, 13th Street and Pennsylvania Avenue NW., Washington, D.C., and in the 1101 Building, 11th Street and Pennsylvania Avenue NW., Washington, D.C. The mailing address for these offices is:

Federal Communications Commission,
Washington, D.C., 20554.

(b) The Commission's laboratory is located north of Laurel, Maryland. The mailing address is:

FCC Laboratory,
Box 31,
Laurel, Maryland, 20810.

(c) The locations of the field offices of the Field Engineering Bureau are listed in § 0.121.

(d) The locations of the field offices of the Common Carrier Bureau are listed in § 0.94(b).

(e) The Commission also maintains an office at Gettysburg, Pennsylvania. The mailing address for this office is:

Federal Communications Commission,
334 York Street,
Gettysburg, Pennsylvania, 17325.

§ 0.403 Hours; meetings.

(a) *Hours.* The offices of the Commission are open from 8:30 a.m. to 5 p.m., Monday through Friday, excluding legal holidays.

(b) *Meetings.* Unless otherwise directed, meetings of the Commission are held at its main office in Washington, D.C.

§ 0.405 Miscellaneous submittals or requests.

Persons desiring to make requests or submittals of a general nature should communicate with the Office of the Secretary of the Commission. Those who wish to apply for employment should communicate with the Chief, Manpower Utilization and Survey Division. Both offices are in Washington, D.C.

§ 0.407 Reports of violations.

Reports of violations of the Communications Act or of the Commission's rules and regulations may be submitted to the Commission in Washington or to any field office.

INFORMATION

§ 0.411 Public information.

Any person desiring to obtain information may do so by writing or coming in person to any of the Commission's offices. A broader range of information and more comprehensive information facilities are available at the Commission's main office in Washington, D.C., however, and inquiries of a general nature should ordinarily be submitted to that office.

§ 0.413 General information office.

The Office of Reports and Information is located in the New Post Office Building. Here the public may obtain copies of public notices of Commission actions, formal documents adopted by the Commission and other public releases, as they are issued. Back issues of public releases are available for inspection in this Office. Copies of fact sheets which answer recurring questions about the Commission's functions may be obtained from this Office.

§ 0.415 Public reference rooms.

Public reference rooms are maintained by the Commission where the public may inspect any material which is available for public inspection in accordance with § 0.417. Unless otherwise indicated, these rooms are located in the New Post Office Building, 13th Street and Pennsylvania Avenue NW., Washington, D.C. They are as follows:

(a) The Broadcast and Docket Reference Room. Here the public may inspect all broadcast applications and files relating thereto, lists described in §§ 0.419, 0.421, and 0.425, dockets relating to all Commission matters which have been designated for hearing or which are the subject of rule making proceedings, any other docketed matters, and undocketed petitions for rule making.

(b) The public may inspect all safety and special applications and files relating thereto at the offices of the Divisions of the Safety and Special Radio Services Bureau which process such applications. The categories of radio stations in the Safety and Special Radio Services, and the Divisions concerned therewith, are listed in § 1.951 of this chapter. The Marine Radio Division, the Public Safety Radio Division, and the Amateur and Citizens Radio Division are located in the 1101 Building, 11th Street and Pennsylvania Avenue NW., Washington, D.C. In addition, a complete file concerning amateur radio operators is available for inspection in the Amateur License Reference Room, which also is located in the 1101 Building.

(c) Information concerning applications filed by commercial radio operators may be obtained at the 1101 Building, 11th Street and Pennsylvania Avenue NW., Washington, D.C.

(d) The Common Carrier Reference Rooms, located in the 1101 Building, 11th Street and Pennsylvania Avenue NW. Here the public may inspect the following:

(1) All annual and other reports filed by common carriers pursuant to section 219(a) of the Communications Act.

(2) The schedules for all charges for interstate and foreign wire or radio communications filed pursuant to section 203 of the Communications Act.

(3) Contracts, agreements, or arrangements between carriers filed pursuant to section 211(a) of the Communications Act.

(4) All applications for common carrier authorizations, both radio and nonradio, and files relating thereto.

(e) The Experimental Services Branch of the Technical Division of the Office of the Chief Engineer. Here the public may inspect experimental license files.

(f) The Frequency Registration and Notification Branch of the Frequency Allocation and Treaty Division, Office of Chief Engineer. Here the public may inspect the frequency records of the Commission.

(g) The Technical Standards Branch of the Technical Division of the Office of the Chief Engineer. Here the public may inspect the Radio Equipment Lists (lists of type-approved and type-accepted equipment).

§ 0.417 Inspection of records.

(a) Subject to the provisions of sections 4(j) and 606 of the Communications Act of 1934, as amended, the following Commission records are open to public inspection:

(1) Tariff schedules required to be filed under section 203 of the Communications Act, all documents filed in connection therewith, and all communications related thereto.

(2) Valuation reports filed under section 213 of the Communications Act, including exhibits filed in connection therewith, unless otherwise ordered by the Commission, with reasons therefor, pursuant to section 213(f) of the Communications Act.

(3) Annual and monthly reports required to be filed under section 219 of the Communications Act.

(4) Contracts, agreements, or arrangements between carriers filed pursuant to section 211(a) of the Communications Act, except for those kept confidential by the Commission pursuant to secton 412 of the Act. The Commission will give appropriate consideration to a petition filed by any person showing that any such contract, agreement, or arrangement relates to foreign wire or radio communication; that its publication would place American communication companies at a disadvantage in meeting the competition of foreign communication companies; and that the public interest would be served by keeping its terms confidential.

(5) All applications and amendments thereto filed under Title II or Title III of the Communications Act, including all documents and exhibits filed with and made a part thereof; all communications opposing or endorsing any such application; all pleadings, briefs, and other papers filed with the Commission with respect to such applications; transcripts of testimony, depositions, and exhibits pertaining to such applications; orders and other documents issued by the Commission or the presiding officer in proceedings thereon; and all authorizations and certifications issued upon such applications. Pursuant to section 3(c) of the Administrative Procedure Act, however, the Commission may, upon a finding of good cause, either on its own motion or on motion of an applicant, permittee, or licensee, designate any of the material in this subparagraph as "not for public inspection".

(6) All petitions for issuance, amendment, or repeal of any rule, including all documents or exhibits filed with and made a part thereof; all communications opposing or endorsing any such petition; all pleadings, comments, briefs, and other papers filed in rule making proceedings; transcripts of testimony, depositions, and exhibits in such proceedings; and all orders and other documents issued by the Commission or the pre-

siding officer in such proceedings. Pursuant to section 3(c) of the Administrative Procedure Act, however, the Commission may, upon a finding of good cause, either on its own motion or on motion of any participant in the rule making proceeding, designate any of the material in this paragraph as not for public inspection.

(7) All minutes of Commission actions, except for minutes of classified matters (pursuant to section 4(j) of the Communications Act) and executive matters (pursuant to section 3 of the Administrative Procedure Act).

(8) The Master Frequency Records (Standard Form 128).

(9) Files relating to submarine cable landing licenses, except for maps showing the exact location of submarine cables, which are withheld from public inspection under section 4(j) of the Communications Act.

(b) Subject to statutory restrictions, the Commission may in its discretion open other records to public inspection, upon written request describing in detail the documents to be inspected and the reasons therefor. Normally, however, the following Commission records are not open to public inspection:

(1) The information filed under § 1.611 of this chapter, and network and transcription contracts filed under § 1.613 of this chapter. See 18 U.S.C. 1905.

(2) Information submitted by equipment manufacturers and other persons, in accordance with the provisions of §§ 2.557, 5.204, and 15.70 of this chapter. See 18 U.S.C. 1905.

(3) Personnel files. See 5 U.S.C. 631.

(Secs. 4, 213, 412 and 606, 48 Stat. 1066, 1074, 1099 and 1104, as amended; 47 U.S.C. 154, 213, 412 and 606. Sec. 1905, 62 Stat. 791; 18 U.S.C. 1905. Sec. 1753, Revised Statutes; 5 U.S.C. 631)

§ 0.419 The FCC Service Frequency Lists.

Lists of frequency assignments to radio stations authorized by the Commission are recapitulated periodically by means of a machine record system. All stations licensed by the Commission are included, except the following: Aircraft, Amateur, Citizens (except Class A), Civil Air Patrol, and Disaster. The resulting documents, the FCC Service Frequency Lists, consist of several volumes arranged by nature of service, in frequency order, including station locations, call signs and other technical particulars of each assignment. These documents are available for public examination at each of the Commission's Field Engineering Bureau field offices (see § 0.121) and, in Washington, D.C., at the Commission's Broadcast and Docket Reference Room and in the offices of the Frequency Registration and Notification Branch of the Frequency Allocations and Treaty Division, Office of the Chief Engineer. They may be purchased from the Seabrooke Printing Co., 514 10th Street NW., Washington, D.C., 20004.

§ 0.421 The NARBA List.

Pursuant to the North American Regional Broadcast Agreement and the U.S./Mexican Agreement, appropriate countries are notified of standard broadcast station assignments as they are made. The information thus supplied by notice includes frequency, station location, call letters, power and other technical particulars. Every 6 months, a recapitulative list containing this information for all existing standard broadcast stations, arranged in frequency order, is prepared by the Commission. This is the so-called NARBA List. These lists are available for public examination at each of the Commission's Field Engineering Bureau field offices (see § 0.121) and, in Washington, D.C., at the Commission's Broadcast and Docket Reference Room. They may be purchased from the Seabrooke Printing Co., 514 10th Street NW., Washington, D.C., 20004.

§ 0.423 The Radio Equipment Lists.

Lists of type approved and type accepted equipment (the Radio Equipment Lists) are prepared periodically by the Commission. These documents are available for public examination at each of the Commission's Field Engineering Bureau field offices (see § 0.121) and in Washington, D.C., in the offices of the Technical Standards Branch of the Technical Division of the Office of the Chief Engineer.

§ 0.425 Lists of authorized broadcast stations and pending broadcast applications.

Periodically the Commission prepares lists containing information about authorized broadcast stations and pending applications for such stations. These lists, which are prepared by an addressing machine, contain frequency, station locations, and other particulars. They are available for public examination at the Commission's Broadcast and Docket Reference Room, Washington, D.C., and may be purchased from Cooper-Trent, Inc., 1130 19th Street NW., Washington, D.C., 20006.

(a) For standard broadcast stations the lists are arranged as follows:

(1) Authorized stations arranged in frequency order, alphabetically by state and city, and by call letters.

(2) Pending applications for new stations and major changes in existing facilities arranged in frequency order and alphabetically by state and city.

(b) For FM broadcast stations the lists are arranged as follows:

(1) Authorized stations arranged by call letters and alphabetically by state and city.

(2) Pending applications for new stations and major changes in existing facilities arranged alphabetically by state and city.

(c) For television broadcast stations only one list is prepared. This list contains authorized stations and pending applications for new stations and major changes in existing facilities, and is arranged alphabetically by state and city.

(d) For television broadcast translator stations only one list is prepared. This list contains authorized stations and pending applications for new stations and major changes in existing facilities and is arranged alphabetically by state and city.

§ 0.427 Certified copies; requests for; costs.

Copies of any documents subject to inspection under the provisions of § 0.417, and copies of the documents described in §§ 0.421, 0.423, and 0.425 will be prepared and certified by the Secretary, under seal, on written request specifying the exact documents, the number of copies desired, and the date on which the same will be required. Such request must be made so as to permit a reasonable time for the preparation of such copies, and any cost incurred in the preparation of such copies must be prepaid by the person making application therefor: *Provided, however*, That, if requests are received from representatives of foreign governments or from persons residing in foreign countries, the criteria established by the Department of Commerce for the control of export of technical data will be taken into account before such certified copies will be made available.

§ 0.429 Where to obtain forms.

All forms for use in submitting applications for radio authorizations, together with instructions and information as to filing such forms, may be obtained at the Washington offices of the Commission or at any of the engineering field offices listed in § 0.121.

§ 0.431 Printed publications.

The Commission's printed publications may be obtained from the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402. These include, among other things, the Commission's rules and regulations, its annual reports to the Congress, and the FCC Reports.

APPLICATIONS

§ 0.441 Place of filing of applications for radio authorizations.

Class of station	Method of filing	Number of copies
(a) Alaskan fixed public and Alaskan public coastal.	Via Engineer in Charge, Radio District No. 14, Seattle, Wash., 98104.	3.
(b) Amateur	See §§ 0.443 and 0.445.	As specified in form.
(c) Interim ship station licenses.	See § 0.447	Do.
(d) Citizens	To Federal Communications Commission, Gettysburg, Pa., 17325.	Do.
(e) All others	To Secretary, Federal Communications Commission, Washington, D.C., 20554.	Do.

§ 0.443 Applications for amateur station and operator license and/or commercial operator license.

(a) Application for amateur station and operator license shall be filed in the appropriate engineering field office listed in § 0.121, except that applications for modification covering change of location or for renewal license shall be submitted to the Federal Communications Commission, Gettysburg, Pa., 17325.

Only one copy of the application is required.

(b) Application for commercial operator license shall be filed with any engineering field office listed in § 0.121 under whose supervision the applicant desires to be examined.

§ 0.445 Amateur operator examination points.

(a) Examinations for amateur radio operator licenses are conducted at each of the Field Engineering Bureau district offices listed in § 0.121 on the days designated by the Engineer in Charge of the district office. Examination schedules may be obtained from the Engineer in Charge.

(b) Examinations are also given frequently, by appointment, at the Commission's offices in the following cities:

Mobile, Ala.	Tampa, Fla.
Anchorage, Alaska.	Savannah, Ga.
San Diego, Calif.	Beaumont, Tex.
San Pedro, Calif.	

(c) Examinations are also given at greater intervals in the cities listed below, which are visited for that purpose by Commission examiners from the field offices for such locations. For current schedules, exact time, place, and other details, inquiry should be addressed to the office conducting examinations at the chosen point.

QUARTERLY POINTS

Birmingham, Ala.	Cleveland, Ohio.
Phoenix, Ariz.	Columbus, Ohio.
Little Rock, Ark.	Oklahoma City, Okla.
Fresno, Calif.	Tulsa, Okla.
Fort Wayne, Ind.	Pittsburgh, Pa.
Indianapolis, Ind.	Williamsport, Pa.
Davenport, Iowa.	Sioux Falls, S. Dak.
Des Moines, Iowa.	Knoxville, Tenn.
Louisville, Ky.	Memphis, Tenn.
Grand Rapids, Mich.	Nashville, Tenn.
St. Louis, Mo.	Corpus Christi, Tex.
Omaha, Nebr.	San Antonio, Tex.
Schenectady, N.Y.	Salt Lake City, Utah.
Syracuse, N.Y.	Charleston, W. Va.
Winston-Salem, N.C.	Milwaukee, Wis.
Cincinnati, Ohio	

SEMIANNUAL

Tucson, Ariz.	Jackson, Miss.
Hartford, Conn.	Albuquerque, N. Mex.
Jacksonville, Fla.	Wilmington, N.C.
Boise, Idaho.	Roanoke, Va.
Wichita, Kans.	Spokane, Wash.
Portland, Maine.	

ANNUAL

Fairbanks, Alaska.	Billings, Mont.
Bakersfield, Calif.	Great Falls, Mont.
Hilo, Hawaii.	Jamestown, N. Dak.
Lihue, Hawaii.	Klamath Falls, Oreg.
Wailuku, Hawaii.	Rapid City, S. Dak.
Bangor, Maine.	Amarillo, Tex.
Marquette, Mich.	El Paso, Tex.

(d) Arrangements have also been made, with the cooperation of other Federal agencies, for Extra Class and General Class examinations in outlying areas, as follows:

Alaska: Stations of the Alaska Communications System.

Guam: District Communications Officer, United States naval station.

Hawaii: At not exceeding one point on any island, by the Engineer in Charge (Honolulu).

§ 0.447 Applications for interim ship station licenses.

Formal applications for ship station licenses for use of radiotelephone or radar transmitting apparatus or both and applications for modification of such licenses shall, when accompanied by requests for interim ship station licenses, be filed in accordance with § 83.35 of this chapter and presented in person by applicants or their agents at the nearest field office of the Commission as shown in § 0.121 (a) and (b) or at the Commission's main office in Washington, D.C.: *Provided*, That, as an alternative procedure, an applicant, in Alaska, for such a ship station license may submit an application by mail to the Commission's Field Engineering Office at Anchorage, Alaska, when accompanied by a written request for an interim ship station license. Applications for renewal of ship station licenses are not subject to the provisions of this section.

§ 0.449 Applications for ship radio inspection and periodical survey.

Applications for ship radio inspection or for periodical survey shall be forwarded to the radio district office nearest the desired port of inspection or place of survey.

§ 0.451 Applications for exemption from compulsory ship radio requirements.

Applications for exemption filed under the provisions of section 352(b) or 383 of the Communications Act; Regulation 4, Chapter I of the Safety Convention; Regulation 5 or 6, Chapter IV of the Safety Convention; Regulation 12(b), Chapter V of the Safety Convention; or Article 6 of the Great Lakes Agreement, shall be filed at the Commission's offices in Washington, D.C.

§ 0.453 Non-radio common carrier applications.

All such applications shall be filed at the Commission's offices in Washington, D.C.

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APPENDIX—A PLAN OF COOPERATIVE PROCEDURE IN MATTERS AND CASES UNDER THE PROVISIONS OF SECTION 410 OF THE COMMUNICATIONS ACT OF 1934

AUTHORITY: §§ 1.1–1.1119 issued under secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Implement sec. 3(a)(2), 60 Stat. 238, 5 U.S.C. 1002(a)(2). Additional authority is cited in parentheses following the sections affected.

Subpart A—General Rules of Practice and Procedure

GENERAL

§ 1.1 Proceedings before the Commission.

The Commission may on its own motion or petition of any interested party hold such proceedings as it may deem necessary from time to time in connection with the investigation of any matter which it has power to investigate under the law, or for the purpose of obtaining information necessary or helpful in the determination of its policies, the carrying out of its duties or the formulation or amendment of its rules and regulations. For such purposes it may subpena witnesses and require the production of evidence. Procedures to be followed by the Commission shall, unless specifically prescribed in this part, be such as in the opinion of the Commission will best serve the purposes of such proceeding.

(Sec. 403, 48 Stat. 1094; 47 U.S.C. 403)

§ 1.2 Declaratory rulings.

The Commission may, in accordance with section 5(d) of the Administrative Procedure Act, on motion or on its own

motion issue a declaratory ruling terminating a controversy or removing uncertainty.

(Sec. 5(d), 60 Stat. 239; 5 U.S.C. 1004(d))

§ 1.3 Suspension, amendment, or waiver of rules.

The provisions of this chapter may be suspended, revoked, amended, or waived for good cause shown, in whole or in part, at any time by the Commission, subject to the provisions of the Administrative Procedure Act and the provisions of this chapter. Any provision of the rules may be waived by the Commission on its own motion or on petition if good cause therefor is shown.

CROSS REFERENCE: See Subpart C of this part for practice and procedure involving rule making.

§ 1.4 Computation of time.

(a) It is frequently necessary under Commission procedures to compute the terminal date of a period of time where the period begins with the occurrence of an act, event, or default and terminates a specified number of days thereafter. Unless otherwise provided by statute, the first day to be counted in computing the terminal date is the day after the day on which the act, event, or default occurs. The last day of such period of time is included in the computation and any action required must be taken on or before that day.

(b) When a Commission Decision, Order, or Memorandum is involved, the first day to be counted is the day after the day on which the complete text of the document is released by the Commission. When any other Commission action is involved, the first day to be counted is the day after the day on which the "Public Notice" of the action is released by the Commission.

(c) All petitions, pleadings, tariffs, or other documents filed with the Commission must be tendered for filing in complete form before 5:00 p.m. Any such document lodged with the Commission in complete form after 5:00 p.m. shall be deemed to be tendered for filing as of the next succeeding business day.

(d) For purposes of this section, the term "holiday" shall include Saturdays, Sundays, legal holidays or half holidays in the District of Columbia, and any other day on which the Commission's offices are closed prior to 5:00 p.m. The term "business day" shall include all other days.

(e) For purposes of this section, the term "filing period" means the number of days allowed or prescribed by statute, rule, order, notice, or other Commission action for filing any document with the Commission; the term does not include any additional days allowed for filing any document under paragraph (f), (g), or (i) of this section. The term "filing date" means the date upon which the document must be filed after all computations authorized by this section have been made.

(f) If the filing period is less than seven days, intermediate holidays shall be excluded in determining the filing date.

(g) Where service of a document is required by statute or by the provisions of this chapter, where the document is in fact served by mail (see § 1.47(f)), and where the filing period for a response thereto is 10 days or less, an additional three days, excluding holidays, will be allowed for filing the response. This paragraph shall not apply to documents which are filed pursuant to the provisions of § 1.89 or § 1.120(d).

(h) If both paragraphs (f) and (g) of this section are applicable, make the computations called for by paragraph (f) before making those called for by paragraph (g).

(i) If the filing date falls on a holiday, the document shall be filed on the next business day.

§ 1.5 Mailing address furnished by licensee.

(a) Each licensee shall furnish the Commission with an address to be used by the Commission in serving documents or directing correspondence to that licensee. Unless any licensee advises the Commission to the contrary, the address contained in the licensee's most recent application will be used by the Commission for this purpose.

(b) The licensee is responsible for making any arrangements which may be necessary in his particular circumstances to assure that Commission documents or correspondence delivered to this address will promptly reach him or some person authorized by him to act in his behalf.

§ 1.6 Availability of station logs and records for Commission inspection.

(a) Station records and logs shall be made available for inspection or duplication at the request of the Commission or its representative. Such logs or records may be removed from the licensee's possession by a Commission representative or, upon request, shall be mailed by the licensee to the Commission by either registered mail, return receipt requested, or certified mail, return receipt requested. The return receipt shall be retained by the licensee as part of the station records until such records or logs are returned to the licensee. A receipt shall be furnished when the logs or records are removed from the licensee's possession by a Commission representative and this receipt shall be retained by the licensee as part of the station records until such records or logs are returned to the licensee. When the Commission has no further need for such records or logs, they shall be returned to the licensee. The provisions of this rule shall apply solely to those station logs and records which are required to be maintained by the provisions of this chapter.

(b) Where records or logs are maintained as the official records of a recognized law enforcement agency and the removal of the records from the possession of the law enforcement agency will hinder its law enforcement activities, such records will not be removed pursuant to this section if the chief of the law enforcement agency promptly certifies in writing to the Federal Communications Commission that removal of the logs or records will hinder law enforcement activities of the agency, stating insofar as feasible the basis for his decision and the date when it can reasonably be expected that such records will be released to the Federal Communications Commission.

§ 1.8 Withdrawal of papers.

The granting of a request to dismiss or withdraw an application or a pleading does not authorize the removal of such application or pleading from the Commission's records.

PARTIES AND PRACTITIONERS

§ 1.21 Parties.

(a) Any party may appear before the Commission and be heard in person or by attorney.

(b) The appropriate Bureau Chief(s) of the Commission shall be deemed to be a party to every adjudicatory proceeding (as defined in the Administrative Procedure Act) without the necessity of being so named in the order designating the proceeding for hearing.

(c) When, in any proceeding, a pleading is filed on behalf of either the General Counsel or the Chief Engineer, he shall thereafter be deemed a party to the proceeding.

§ 1.22 Authority for representation.

Any person, in a representative capacity, transacting business with the Commission, may be required to show his authority to act in such capacity.

§ 1.23 Persons who may be admitted to practice.

(a) Any person who is a member in good standing of the bar of the Supreme Court of the United States or of the highest court of any state, territory, or of the District of Columbia, and is not under any order of any court suspending, enjoining, restraining, disbarring, or otherwise restricting him in the practice of law, may represent others before the Commission.

(b) When such member of the bar acting in a representative capacity appears in person or signs a paper in practice before the Commission, his personal appearance or signature shall constitute a representation to the Commission that, under the provisions of this chapter and the law, he is authorized and qualified to represent the particular party in whose behalf he acts. Further proof of authority to act in a representative capacity may be required.

§ 1.24 Censure, suspension, or disbarment of attorneys.

(a) The Commission may censure, suspend, or disbar any person who has practiced, is practicing or holding himself out as entitled to practice before it if it finds that such person:

(1) Does not possess the qualifications required by § 1.23;

(2) Has failed to conform to standards of ethical conduct required of practitioners at the bar of any court of which he is a member;

(3) Is lacking in character or professional integrity; and/or

(4) Displays toward the Commission or any of its hearing officers conduct which, if displayed toward any court of

the United States or any of its Territories or the District of Columbia, would be cause for censure, suspension, or disbarment.

(b) Before any member of the bar of the Commission shall be censured, suspended, or disbarred, charges shall be preferred by the Commission against such practitioner and he shall be afforded an opportunity to be heard thereon.

§ 1.25 Former commissioners and employees.

(a) No commissioner shall, for a period of one year following the termination of his services as a commissioner, represent any person before the Commission in a professional capacity, except that this restriction shall not apply to any former Commissioner who has served the full term for which he was appointed.

(b) No member, officer, or employee of the Commission (1) whose active service with the Commission has terminated but who is receiving pay while on annual leave not taken prior to separation from such active service, or (2) who is in any other leave status, shall appear as attorney or participate in the preparation or handling of any matter before, or to be submitted to, the Commission.

(c) Nothing in this section shall be construed as authorizing the performance of any act which is prohibited by the provisions of Title 18 U.S.C. Sec. 207.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154)

§ 1.26 Appearances.

Rules relating to appearances are set forth in §§ 1.87, 1.91, 1.221, and 1.703.

PLEADINGS, BRIEFS, AND OTHER PAPERS

§ 1.41 Informal requests for Commission action.

Except where formal procedures are required under the provisions of this chapter, requests for action may be submitted informally. Requests should set forth clearly and concisely the facts relied upon, the relief sought, the statutory and/or regulatory provisions (if any) pursuant to which the request is filed and under which relief is sought, and the interest of the person submitting the request.

§ 1.42 Applications, reports, complaints; cross-reference.

(a) Rules governing applications and reports are contained in Subparts D, E, and F of this part.

(b) Special rules governing complaints against common carriers arising under the Communications Act are set forth in Subpart E of this part.

§ 1.43 Requests for stay; cross-reference.

General rules relating to requests for stay of any order or decision are set forth in §§ 1.41, 1.44(e), 1.45 (d) and (e), and 1.298(a). See also §§ 1.102, 1.106(n), and 1.115(h).

§ 1.44 Separate pleadings for different requests.

(a) Requests requiring action by the Commission shall not be combined in a pleading with requests for action by a hearing examiner or by any person or persons acting pursuant to delegated authority.

(b) Requests requiring action by a hearing examiner shall not be combined in a pleading with requests for action by the Commission or by any person or persons acting pursuant to delegated authority.

(c) Requests requiring action by any person or persons pursuant to delegated authority shall not be combined in a pleading with requests for action by any other person or persons acting pursuant to delegated authority.

(d) Pleadings which combine requests in a manner prohibited by paragraph (a), (b), or (c) of this section may be returned without consideration to the person who filed the pleading.

(e) Any request to stay the effectiveness of any decision or order of the Commission shall be filed as a separate pleading. Any such request which is not filed as a separate pleading will not be considered by the Commission.

NOTE: Matters which are acted on pursuant to delegated authority are set forth in Subpart B of Part 0 of this chapter. Matters acted on by the hearing examiner are set forth in § 0.341.

§ 1.45 Pleadings; filing periods.

Except as otherwise provided in this chapter, pleadings in Commission proceedings shall be filed in accordance with the provisions of this section.

(a) *Oppositions.* Oppositions to any motion, petition, or request may be filed within 10 days after the original pleading is filed.

(b) *Replies.* The person who filed the original pleading may reply to oppositions within 5 days after the time for filing oppositions has expired. The reply shall be limited to matters raised in the oppositions, and the response to all such matters shall be set forth in a single pleading; separate replies to individual oppositions shall not be filed.

(c) *Additional pleadings.* Additional pleadings may be filed only if specifically requested or authorized by the Commission.

(d) *Requests for temporary relief; shorter filing periods.* Oppositions to a request for stay of any order or decision or to a request for other temporary relief shall be filed within 5 days after the request is filed. Replies shall be filed within 3 days after the time for filing oppositions has expired.

(e) *Ex parte disposition of certain pleadings.* As a matter of discretion, the Commission may rule ex parte upon requests for continuances and extensions of time, requests for permission to file pleadings in excess of the length prescribed in this chapter, and requests for temporay relief, without waiting for the filing of oppositions or replies.

NOTE: Where specific provisions conflict with the provisions of this section, the specific provisions are controlling. See, in particular, §§ 1.294(c) and 1.298(a).

§ 1.46 Motions for extension of time.

Extensions of time for filing any pleading, brief, or other paper may be granted upon motion for good cause shown, unless the time for filing is limited by statute.

§ 1.47 Service of documents and proof of service.

(a) Where the Commission or any person is required by statute or by the provisions of this chapter to serve any document upon any person, service shall (in the absence of specific provisions in this chapter to the contrary) be made in accordance with the provisions of this section.

(b) Where any person is required to serve any document filed with the Commission, service shall be made by that person or by his representative on or before the day on which the document is filed: *Provided, however,* That formal complaints, including supplemental, cross, and amended complaints, filed under section 208 of the Communications Act will be served by the Commission.

(c) Commission counsel who formally participate in any proceeding shall be served in the same manner as other persons who participate in that proceeding. The filing of a document with the Commission does not constitute service upon Commission counsel.

(d) Documents may be served upon a party, his attorney, or other duly constituted agent by delivering a copy or by mailing a copy to the last known address. When a party is represented by an attorney of record in a formal proceeding, service shall be made upon such attorney.

(e) Delivery of a copy pursuant to this section means handing it to the party, his attorney, or other duly constituted agent; or leaving it with the clerk or other person in charge of the office of the person being served; or, if there is no one in charge of such office, leaving it in a conspicuous place therein; or, if such office is closed or the person to be served has no office, leaving it at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein.

(f) Service by mail is complete upon mailing. If the person upon whom service by mail is being made resides 500 miles or more from the person effecting service, such mailing must be by airmail.

(g) Proof of service, as provided in this section, shall be filed before action is taken. The proof of service shall show the time and manner of service, and may be by written acknowledgment of service, by certificate of the person effecting the service, or by other proof satisfactory to the Commission. Failure to make proof of service will not affect the validity of the service. The Commission may allow the proof to be amended or supplied at any time, unless to do so would result in material prejudice to a party.

§ 1.48 Length of pleadings.

(a) Affidavits, statements, and other materials which are submitted with and factually support a pleading are not counted in determining the length of the pleading. Other materials submitted with the pleading will be disregarded.

(b) Timely requests by a party for permission to file pleadings in excess of the length prescribed by the provisions of this chapter may be granted upon good cause shown. Where the filing period is 10 days or less, the request shall

be made within 2 business days after the period begins to run. Where the filing period is more than 10 days, the request shall be filed at least 10 days before the filing date. (See § 1.4.) If a timely request is made, the pleading need not be filed earlier than two business days after the Commission acts upon the request.

§ 1.49 Specifications as to pleadings and documents.

All pleadings and documents (except printed briefs) filed in any proceeding shall, unless otherwise specifically provided, be on paper either 8 by 10½ or 14 inches or 8½ by 11, 13 or 14 inches, with left-hand margin not less than 1½ inches wide. This requirement shall not apply to original documents, or admissible copies thereof, offered as exhibits or to specially prepared exhibits. The impression shall be on one side of the paper only and shall be double-spaced, except that long quotations shall be single spaced and indented. All papers, except charts and maps, shall be typewritten or prepared by mechanical processing methods, other than letterpress or printing. The foregoing shall not apply to official publications. All copies must be clearly legible.

§ 1.50 Specifications as to briefs.

Briefs may be printed, typewritten, mimeographed, multigraphed, or multilithed. Printed briefs shall be in 10- or 12-point type, on good unglazed paper, 5⅞ inches wide by 9 inches long, with inside margin not less than 1½ inches wide, and with double spaced text and single spaced quotations. Typewritten, mimeographed, multigraphed, or multilithed briefs shall conform to the specifications for pleadings and documents set forth in § 1.49.

§ 1.51 Number of copies of pleadings, briefs, and other documents.

(a) Except in rule making proceedings (§ 1.419), or with regard to interlocutory matters acted on by the Review Board, the Chief Hearing Examiner, or the Presiding Officer (§ 1.292), or as otherwise specifically provided in this chapter, an original and 19 copies of all pleadings, briefs, and other documents required or permitted to be filed shall be furnished the Commission.

(b) When service of any document is made by the Commission, an additional copy of that document shall be filed for each party to the proceeding.

§ 1.52 Subscription and verification.

The original of all petitions, motions, pleadings, briefs, and other documents filed by any party represented by counsel, shall be signed by at least one attorney of record in his individual name, whose address shall be stated. Copies should be conformed. A party who is not represented by an attorney shall sign and verify the document and state his address. Except when otherwise specifically provided by rule or statute, documents signed by the attorney for a party need not be verified or accompanied by affidavit. The signature of an attorney constitutes a certificate by him that he has read the document; that to the best of his knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay. If the original of a document is not signed or is signed with intent to defeat the purpose of this section, it may be stricken as sham and false, and the matter may proceed as though the document had not been filed. An attorney may be subjected to appropriate disciplinary action, pursuant to § 1.24, for a willful violation of this rule or if scandalous or indecent matter is inserted.

GENERAL APPLICATION PROCEDURES

§ 1.61 Procedures for handling applications requiring special aeronautical study.

(a) All antenna surveys are conducted by the Antenna Survey Branch of the Engineering and Facilities Division, Field Engineering Bureau.

(b) Each operating bureau or office examines the applications for which it is responsible to ascertain whether or not antenna consideration is required. If such consideration is required, the antenna data is furnished to the Antenna Survey Branch.

(c) The Antenna Survey Branch then ascertains whether applicant is required to submit a "Notice of Proposed Construction or Alteration" (form FAA–117) to the Federal Aviation Agency.

(d) If form FAA–117 is not required, the application and appropriate antenna painting and lighting specifications are returned to the originating bureau or office for such further action as is necessary.

(e) If form FAA–117 is required, the originating bureau or office will be so advised. Unless the application includes a statement that form FAA–117 has been submitted to the Federal Aviation Agency, the originating bureau or office will notify the applicant to do so.

(f) Upon receipt of a report from the Federal Aviation Agency approving a proposed antenna, the Antenna Survey Branch prescribes antenna tower painting and lighting specifications or other conditions in accordance with the provisions of Part 17 of this chapter and forwards this information to the originating bureau or office. If the proposed tower is disapproved, a report of the disapproval is forwarded to the originating bureau or office.

§ 1.62 Operation pending action on renewal application.

(a) (1) Where there is pending before the Commission at the time of expiration of license any proper and timely application for renewal of license with respect to any activity of a continuing nature, in accordance with the provisions of section 9(b) of the Administrative Procedure Act, such license shall continue in effect without further action by the Commission until such time as the Commission shall make a final determination with respect to the renewal application. No operation by any licensee under this section shall be construed as a finding by the Commission that the operation will serve the public interest, convenience, or necessity, nor shall such operation in any way affect or limit the action of the Commission with respect to any pending application or proceeding.

(2) A licensee operating by virtue of this paragraph shall, after the date of expiration specified in the license, post, in addition to the original license, any acknowledgment received from the Commission that the renewal application has been accepted for filing or a signed copy of the application for renewal of license which has been submitted by the licensee, or in services other than broadcast and common carrier, a statement certifying that the licensee has mailed or filed a renewal application, specifying the date of mailing or filing.

(b) Where there is pending before the Commission at the time of expiration of license any proper and timely application for renewal or extension of the term of a license with respect to any activity not of a continuing nature, the Commission may in its discretion grant a temporary extension of such license pending determination of such application. No such temporary extension shall be construed as a finding by the Commission that the operation of any radio station thereunder will serve the public interest, convenience, or necessity beyond the express terms of such temporary extension of license, nor shall such temporary extension in any way affect or limit the action of the Commission with respect to any pending application or proceeding.

(c) Except where an instrument of authorization clearly states on its face that it relates to an activity not of a continuing nature, or where the non-continuing nature is otherwise clearly apparent upon the face of the authorization, all licenses issued by the Commission shall be deemed to be related to an activity of a continuing nature.

(Sec. 9(b), 60 Stat. 242; 5 U.S.C. 1008(b))

§ 1.68 Action on application for license to cover construction permit.

(a) An application for license by the lawful holder of a construction permit will be granted without hearing where the Commission, upon examination of such application, finds that all the terms, conditions, and obligations set forth in the application and permit have been fully met, and that no cause or circumstance arising or first coming to the knowledge of the Commission since the granting of the permit would, in the judgment of the Commission, make the operation of such station against the public interest.

(b) In the event the Commission is unable to make the findings in paragraph (a) of this section, the Commission will designate the application for hearing upon specified issues.

(Sec. 319, 48 Stat. 1089, as amended; 47 U.S.C. 319)

§ 1.77 Detailed application procedures; cross references.

The application procedures set forth in §§ 1.61–1.68 are general in nature. More detailed procedures are set forth in this chapter as follows:

(a) Rules governing applications for authorizations in the Broadcast Radio Services are set forth in Subpart D of this part.

(b) Rules governing applications for authorizations in the Common Carrier Radio Services are set forth in Subpart E of this part.

(c) Rules governing applications for authorizations in the Safety and Special Radio Services are set forth in Subpart F of this part.

(d) Rules governing applications for authorizations in the Experimental Radio Services (other than broadcast) are set forth in Part 5 of this chapter.

(e) Rules governing applications for authorizations in the Domestic Public Radio Services are set forth in Part 21 of this chapter.

(f) Rules governing applications for authorizations in the Industrial, Scientific, and Medical Service are set forth in Part 18 of this chapter.

(g) Rules governing applications for type approval and type acceptance of equipment are set forth in Part 2, Subpart F, of this chapter.

(h) Rules governing applications for operator licenses and permits are set forth in §§ 1.83 and 1.84 of this chapter.

MISCELLANEOUS PROCEEDINGS

§ 1.80 Forfeiture proceedings (excluding those pertaining to broadcast licensees and permittees or ships and ship masters).

(a) *Basis.* This section is based on section 510 of the Communications Act of 1934, as amended, which provides for the payment of monetary forfeitures to the United States by certain persons who are shown to have willfully or repeatedly committed certain offenses listed therein.

(b) *Applicability.* These forfeiture provisions shall apply to the licensee of any radio station (and, in certain indicated categories, the person operating such station) other than broadcast stations licensed under part 73 or part 74 of this chapter and stations governed by the provisions of Part II or Part III of Title III, or section 507, of the Communications Act of 1934, as amended. For purposes of this section, the term "radio operator" means any person who transmits over a radio station whether or not such person holds a radio operator license issued by the Commission.

(c) *Categories of offenses creating liability.* The categories of offenses for which forfeitures shall attach hereunder are set forth as follows (categories (2), (3), (5), and (6) apply both to the station licensee and the radio operator; the remaining categories apply only to the station licensee):

(1) Operation of a radio station by any person not holding a valid radio operator license or permit of the class prescribed by the provisions in this chapter for the operation of such station.

(2) Operation of a radio station without identifying such station at the times and in the manner prescribed by the provisions in this chapter for such station.

(3) Transmission of a false call sign or of a false distress call or message in violation of the provisions in this chapter.

(4) Operation of a radio station on a frequency not authorized by the Commission for use by such station, including operation with a frequency deviation beyond frequency tolerances authorized by the provisions in this chapter.

(5) Transmission of unauthorized communications on any frequency designated by the provisions in this chapter as a distress frequency or a calling frequency.

(6) Operation of a radio station so as to interfere, in violation of the provisions in this chapter, with any distress call or distress communication.

(7) Failure to attenuate spurious emissions of a radio station to the extent required by the provisions in this chapter applicable to such station.

(8) Operation of a radio station with power in excess of that authorized by the Commission for the particular station.

(9) Use of a radio station to render a communication service, including the transmission of communications not permitted by the provisions in this chapter, which is not authorized by the Commission for the particular station.

(10) Operation of a radio station with a type of emission not authorized by the Commission for the particular station.

(11) Operation of a radio station with transmitting equipment not authorized by the Commission for the particular station.

(12) Failure to respond to a written official communication from the Commission.

(d) *Time limitation on forfeiture liability.* A station licensee or radio operator is not subject to forfeiture liability for any offense which occurred more than 90 days prior to the day on which a notice of apparent liability (see paragraph (f) of this section) describing that offense is mailed. Such prior offenses may, however, be cited in a notice of apparent liability for the purposes of establishing the willfulness or the repetitiveness of offenses committed within such 90 day period.

(e) *Forfeiture amounts and limitations.* For each separate offense hereunder, the licensee of the radio station involved shall, in addition to any other penalty prescribed by law, forfeit to the United States a sum not to exceed $100. For each separate offense coming within the provisions of subparagraphs (2), (3), (5), or (6) of paragraph (c) of this section, the radio operator, if he be a different person from the station licensee, shall, in addition to any other penalty prescribed by law, forfeit to the United States a sum not to exceed $100. However, in the event of multiple offenses within 90 days prior to the date of notice of apparent liability, the following limitations on total monetary liability shall govern. For all offenses, regardless of the total number, coming within any one category of offense listed in paragraph (c) of this section, the maximum forfeiture liability shall be $100. Furthermore, for all offenses, regardless of the total number, coming within more than one of the categories of offenses listed in paragraph (c) of this section, the maximum forfeiture liability for a radio station licensee shall be $500, and the maximum forfeiture liability for a radio operator shall be $400.

(f) *Notice of apparent liability.* Whenever it appears that a station licensee and/or a radio operator willfully or repeatedly has committed an offense or offenses within those categories listed in paragraph (c) of this section, a written notice of apparent liability will be sent to him by certified mail to his last known address. See § 1.5 of this chapter. This notice will set forth the facts which indicate apparent liability; will identify the offenses listed in paragraph (c) of this section which are involved and the provisions of the Commission's rules and of the license which appear to have been violated; will state the amount of the forfeiture imposed; and will summarize the courses of action available to the person involved under the provisions of paragraphs (g) and (h) of this section.

(g) *Response to a notice of apparent liability.* The station licensee or radio operator involved shall respond to a notice of apparent liability within 30 days after the notice is mailed, or within such longer period of time as may be specified in the notice. Any of the following actions by the station licensee or radio operator shall constitute a response meeting the requirements of this paragraph:

(1) Payment of the forfeiture in the amount specified in the notice of apparent liability. The forfeiture should be paid by check or money order drawn to the order of the Treasurer of the United States and should be mailed to the Federal Communications Commission, Washington, D.C., 20554. The Commission does not accept responsibility for cash payments sent through the mails.

(2) Submission of a written statement denying liability for the forfeiture in whole or in part and/or requesting (even if liability is admitted) that the forfeiture be cancelled or reduced because of extenuating circumstances connected with the offense. Allegations or requests made in any such statement must be supported by detailed factual data and reasons. The statement should be mailed to the Federal Communications Commission, Washington, D.C., 20554.

(3) Submission of a written request for a personal interview with an official of the Commission. The request should be submitted to the Federal Communications Commission, Washington, D.C., 20554. Submission of such a request does not preclude submission of the statement described in subparagraph (2) of this paragraph; either or both may be submitted.

(h) *Personal interview.* (1) If a personal interview is requested, it will be held at the field office or monitoring station of the Commission nearest to the place of residence of the station licensee or radio operator involved. See § 0.121 of this chapter.

(2) The interview will be held within 30 days after the request is filed with the Commission, and may be scheduled by the Commission for any mutually convenient time within that 30 day period.

(3) In the personal interview, the station licensee or radio operator will be afforded an opportunity to state his position with regard to forfeiture liability and the amount of the forfeiture imposed, and to request that the forfeiture be cancelled or reduced.

(4) A summary of the interview will be prepared by the interviewing official

and transmitted by him to the Washington offices of the Commission. The interviewing official is not authorized to impose, cancel, or reduce any forfeiture.

(5) The failure of the station licensee or operator to appear at the time and place appointed for the interview shall constitute a waiver of his right to such an interview.

(i) *Commission action after written statement or interview.* After the submission of a written statement and/or after a personal interview, as prescribed in paragraphs (g) and (h) of this section, the Commission will consider all relevant information available to it. Based on such considerations, the Commission will (1) cancel the forfeiture, (2) offer to reduce the amount of the forfeiture, or (3) require the forfeiture to be paid in full. A notice of such Commission action, stating the amount of the forfeiture (if any), and the date by which it must be paid, will thereupon be sent by certified mail to the station licensee or radio operator involved. The forfeiture in the amount stated shall be paid by check or money order drawn to the order of the Treasurer of the United States and shall be mailed to the Federal Communications Commission, Washington, D.C., 20554. The Commission does not accept responsibility for cash payments sent through the mails.

(j) *Judicial enforcement of forfeitures imposed by the Commission.* If a station licensee or radio operator fails to respond to the notice of apparent liability as required by paragraph (g) of this section, or if he fails to pay the forfeiture imposed by the Commission under paragraph (i) of this section, the case will, without further notice, be referred by the Commission to the Department of Justice for prosecution in the appropriate Federal District Court to recover the amount of the forfeiture initially imposed.

(Sec. 1, 76 Stat. 68; 47 U.S.C. 510)

§ 1.81 Other forfeiture procedures; cross references.

(a) Rules governing the forfeiture liability of broadcast station licensees and permittees are set forth in § 1.621.

(b) Rules governing the forfeiture liability of ships and ship masters are set forth in § 1.991.

§ 1.83 Application for radio operator license.

(a) *Commercial radio operator license.* Applications for commercial radio operator licenses shall be filed as follows:

(1) *Restricted radiotelephone operator permit.* Application for a restricted radiotelephone operator permit shall be filed on FCC Form 753–1, entitled "Application for Restricted Radiotelephone Operator Permit by Declaration".

(2) *All others.* Application for a new, renewed, replacement, or duplicate commercial radio operator license, for a verification card, or for a verification of operator license FCC Form 759 (for additional posting) shall be filed on FCC Form 756, entitled "Application for Radio Operator License".

(3) *Waiver of nationality requirement.* Applicants desiring waiver of the nationality requirement pursuant to section 303(l) of the Communications Act shall submit a request for waiver with the application form required by this paragraph. The request for waiver shall be filed on FCC Form 755, entitled "Supplemental Application for Commercial Radio Operator License".

(b) *Amateur radio operator license.* Application for amateur radio operator license is included with the application for station license. See § 1.934.

§ 1.84 Procedure with respect to commercial radio operator license applications.

(a) Upon acceptance for filing of an application for a new commercial operator license, an examination is conducted, where required, by the field office with which the application is filed in accordance with Part 13 of this chapter. If applicant passes the examination and is found qualified in respect to citizenship, character, and physical condition, the license will be issued. Where doubts as to citizenship, character, or physical condition arise, the application is referred to the Commission's Field Offices Division, Field Engineering Bureau, Washington, D.C., for consideration. If it appears that further information is required to determine the applicant's qualifications or that a grant of the application will not serve the public interest, the applicant will be notified in writing and given an opportunity to furnish such written showings as the Commission may request and as the applicant may desire to submit. If, from the information furnished, it does not appear that the applicant is qualified or that the public interest would be served by a grant of the application, the applicant will be advised thereof in writing and given the opportunity to request, within the period of time to be specified in such writing, that the application be set for hearing. In case of failure timely to request such hearing, the application will be denied.

(b) Where an examination is not required, the application will be handled with respect to other matters in accordance with the procedure in paragraph (a) of this section.

(c) Applications for renewal of license are handled in accordance with the procedure contained in paragraph (a) of this section, except that no examination is required unless the circumstances as set forth in § 13.28 of this chapter exist, in which case a renewal examination will be required.

(d) Failure to prosecute an application, or failure to respond to official correspondence or request for additional information, will be cause for dismissal. Such dismissal will be without prejudice where an application has not yet been designated for hearing; such dismissal may be made with prejudice after an application has been designated for hearing.

(Sec. 303(l), 48 Stat. 1082, as amended; 47 U.S.C. 303(l))

§ 1.85 Suspension of operator licenses.

Whenever grounds exist for suspension of an operator license, as provided in section 303(m) of the Communications Act, the Chief of the Safety and Special Radio Services Bureau, with respect to amateur operator licenses, or the Chief of the Field Engineering Bureau, with respect to commercial operator licenses, may issue an order suspending the operator license. No order of suspension of any operator's license shall take effect until 15 days' notice in writing of the cause for the proposed suspension has been given to the operator licensee, who may make written application to the Commission at any time within said 15 days for a hearing upon such order. The notice to the operator licensee shall not be effective until actually received by him, and from that time he shall have 15 days in which to mail the said application. In the event that physical conditions prevent mailing of the application before the expiration of the 15-day period, the application shall then be mailed as soon as possible thereafter, accompanied by a satisfactory explanation of the delay. Upon receipt by the Commission of such application for hearing, said order of suspension shall be designated for hearing by the Chief, Safety and Special Radio Services Bureau, or the chief, Field Engineering Bureau, as the case may be, and said order of suspension shall be held in abeyance until the conclusion of the hearing. Upon the conclusion of said hearing, the Commission may affirm, modify, or revoke said order of suspension. If the license is ordered suspended, the operator shall send his operator license to the office of the Commission in Washington, D.C., on or before the effective date of the order, or, if the effective date has passed at the time notice is received, the license shall be sent to the Commission forthwith.

(Sec. 303(m), 48 Stat. 1082, as amended; 47 U.S.C. 303(m))

§ 1.87 Modification of license or construction permit on motion of the Commission.

(a) Whenever it appears that a station license or construction permit should be modified, the Commission will notify the licensee or permittee in writing of the proposed action and the grounds and reasons therefor and direct him to show cause why an order modifying the license or construction permit in the manner proposed by the Commission should not be issued.

(b) Any order to show cause issued in accordance with paragraph (a) of this section will notify the licensee or permittee that he may request, within a period of time to be stated in the order to show cause, that a hearing be held on the proposed modification. In case of timely request, a hearing will be held on the proposed modification, in no event less than 30 days after the receipt of the order to show cause, unless the Commission finds that safety of life or property require the fixing of a shorter period.

(c) In order to avail himself of the right to request a hearing and of the opportunity to appear and give evidence upon the matters specified in the order to show cause, the licensee or permittee, in person or by his attorney, shall, within such period of time as may be specified in

the order to show cause, file with the Commission a written statement stating that he requests a hearing and will appear at the hearing and present evidence on the matter specified in the order to show cause. Such written statement must contain a detailed response to the matter specified in the order to show cause, and the permittee or licensee shall be limited in the hearing to matters fairly encompassed within the issues raised by the response.

(d) The right to request a hearing shall, unless good cause is shown in a petition to be filed not later than 5 days before the lapse of the time specified in paragraph (c) of this section, be deemed waived:

(1) In case of failure to timely file a written statement as required by paragraph (c) of this section;

(2) In case of filing the written statement provided for in paragraph (c) of this section but failure to appear at the hearing, either in person or by counsel.

(e) Where the right to request a hearing is waived and no written statement has been filed within the period of time specified in the order to show cause, the licensee or permittee will be deemed to consent to the modification as proposed in the order to show cause and a final decision will be issued by the Commission accordingly.

(f) Where the right to request a hearing has been waived, a written statement may be filed within the period of time to be specified in the order to show cause, showing with particularity why the license or construction permit should not be modified or not so modified as proposed in the order to show cause. In this case, the Commission may, depending upon the facts alleged and proof offered, either call upon the submitting party to furnish additional information under oath, designate the proceeding for hearing, or issue without further proceedings an order modifying the construction permit or license as proposed in the order to show cause or in said written statement. The order to show cause will advise the person against whom it is directed of procedure set forth in this paragraph.

(g) Any order of modification issued pursuant to this section shall include a statement of the findings and the grounds and reasons therefor, shall specify the effective date of the order, and shall be served on the licensee or permittee.

(Sec. 12, 66 Stat. 717; 47 U.S.C. 316)

§ 1.89 Notice of violations.

(a) Except in cases of wilfulness or those in which public health, interest, or safety requires otherwise, any licensee who appears to have violated any provision of the Communications Act or any provision of this chapter will, before revocation, suspension, or cease and desist proceedings are instituted, be served with a written notice calling these facts to his attention and requesting a statement concerning the matter. FCC Form 793 may be used for this purpose.

(b) Within 10 days from receipt of notice or such other period as may be specified, the licensee shall send a written answer, in duplicate, direct to the office of the Commission originating the official notice. If an answer cannot be sent nor an acknowledgment made within such 10-day period by reason of illness or other unavoidable circumstances, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay.

(c) The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. In every instance the answer shall contain a statement of action taken to correct the condition or omission complained of and to preclude its recurrence. In addition:

(1) If the notice relates to violations that may be due to the physical or electrical characteristics of transmitting apparatus and any new apparatus is to be installed, the answer shall state the date such apparatus was ordered, the name of the manufacturer, and the promised date of delivery. If the installation of such apparatus requires a construction permit, the file number of the application shall be given, or if a file number has not been assigned by the Commission, such identification shall be given as will permit ready identification of the application.

(2) If the notice of violation relates to lack of attention to or improper operation of the transmitter, the name and license number of the operator in charge shall be given.

§ 1.91 Revocation and/or cease and desist proceedings; hearings.

(a) If it appears that a station license or construction permit should be revoked and/or that a cease and desist order should be issued, the Commission will issue an order directing the person to show cause why an order of revocation and/or a cease and desist order, as the facts may warrant, should not be issued.

(b) An order to show cause why an order of revocation and/or a cease and desist order should not be issued will contain a statement of the matters with respect to which the Commission is inquiring and will call upon the person to whom it is directed (the respondent) to appear before the Commission at a hearing, at a time and place stated in the order, but not less than thirty days after the receipt of such order, and give evidence upon the matters specified in the order to show cause. However, if safety of life or property is involved, the order to show cause may specify a hearing date less than thirty days from the receipt of such order.

(c) To avail himself of such opportunity for hearing, the respondent, personally or by his attorney, shall file with the Commission, within thirty days of the service of the order or such shorter period as may be specified therein, a written appearance stating that he will appear at the hearing and present evidence on the matters specified in the order. The Commission in its discretion may accept a late appearance. However, an appearance tendered after the specified time has expired will not be accepted unless accompanied by a petition stating with particularity the facts and reasons relied on to justify such late filing. Such petition for acceptance of late appearance will be granted only if the Commission determines that the facts and reasons stated therein constitute good cause for failure to file on time.

(d) Hearings on the matters specified in such orders to show cause shall accord with the practice and procedure prescribed in this subpart and Subpart B of this part, with the following exceptions: (1) In all such revocation and/or cease and desist hearings, the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the Commission; and (2) the Commission may specify in a show cause order, when the circumstances of the proceeding require expedition, a time less than that prescribed in §§ 1.276 and 1.277 within which the initial decision in the proceeding shall become effective, exceptions to such initial decision must be filed, parties must file requests for oral argument, and parties must file notice of intention to participate in oral argument.

(e) Correction of or promise to correct the conditions or matters complained of in a show cause order shall not preclude the issuance of a cease and desist order. Corrections or promises to correct the conditions or matters complained of, and the past record of the licensee, may, however, be considered in determining whether a revocation and/or a cease and desist order should be issued.

(f) Any order of revocation and/or cease and desist order issued after hearing pursuant to this section shall include a statement of findings and the grounds therefor, shall specify the effective date of the order, and shall be served on the person to whom such order is directed.

(Sec. 312, 48 Stat. 1086, as amended; 47 U.S.C. 312)

§ 1.92 Revocation and/or cease and desist proceedings; after waiver of hearing.

(a) After the issuance of an order to show cause, pursuant to § 1.91, calling upon a person to appear at a hearing before the Commission, the occurrence of any one of the following events or circumstances will constitute a waiver of such hearing and the proceeding thereafter will be conducted in accordance with the provisions of this section.

(1) The respondent fails to file a timely written appearance as prescribed in § 1.91(c) indicating that he will appear at a hearing and present evidence on the matters specified in the order.

(2) The respondent, having filed a timely written appearance as prescribed in § 1.91(c), fails in fact to appear in person or by his attorney at the time and place of the duly scheduled hearing.

(3) The respondent files with the Commission, within the time specified for a written appearance in § 1.91(c), a written statement expressly waiving his rights to a hearing.

(b) When a hearing is waived under the provisions of paragraph (a) (1) or (3) of this section, a written statement signed by the respondent denying or

seeking to mitigate or justify the circumstances or conduct complained of in the order to show cause may be submitted within the time specified in § 1.91(c). The Commission in its discretion may accept a late statement. However, a statement tendered after the specified time has expired will not be accepted unless accompanied by a petition stating with particularity the facts and reasons relied on to justify such late filing. Such petitions for acceptance of a late statement will be granted only if the Commission determines that the facts and reasons stated therein constitute good cause for failure to file on time.

(c) Whenever a hearing is waived by the occurrence of any of the events or circumstances listed in paragraph (a) of this section, the Review Board at the earliest practicable date shall issue an order reciting the events or circumstances constituting a waiver of hearing, terminating the hearing proceeding, and certifying the case to the Commission. Such order shall be served upon the respondent.

(d) After a hearing proceeding has been terminated pursuant to paragraph (c) of this section, the Commission will act upon the matters specified in the order to show cause in the regular course of business. The Commission will determine on the basis of all the information available to it from any source, including such further proceedings as may be warranted, if a revocation order and/or a cease and desist order should issue, and if so, will issue such order. Otherwise, the Commission will issue an order dismissing the proceeding. All orders specified in this paragraph will include a statement of the findings of the Commission and the grounds and reasons therefor, will specify the effective date thereof, and will be served upon the respondent.

(e) Corrections or promise to correct the conditions or matters complained of in a show cause order shall not preclude the issuance of a cease and desist order. Corrections or promises to correct the conditions or matters complained of, and the past record of the licensee, may, however, be considered in determining whether a revocation and/or a cease and desist order should be issued.

(Sec. 312, 48 Stat. 1086, as amended; 47 U.S.C. 312)

RECONSIDERATION AND REVIEW OF ACTIONS TAKEN PURSUANT TO DELEGATED AUTHORITY; RECONSIDERATION OF ACTIONS TAKEN BY THE COMMISSION

§ 1.101 General provisions.

Under section 5(d) of the Communications Act of 1934, as amended, the Commission is authorized, by rule or order, to delegate certain of its functions to a panel of commissioners, an individual commissioner, an employee board, or an individual employee. Section 0.201(a) of this chapter describes in general terms the basic categories of delegations which are made by the Commission. Subpart B of Part 0 of this chapter sets forth all delegations which have been made by rule. Sections 1.102–1.120 set forth procedural rules governing reconsideration and review of actions taken pursuant to authority delegated under section 5(d) of the Communications Act, and reconsideration of actions taken by the Commission. As used in §§ 1.102–1.117, the term "designated authority" means any person, panel, or board which has been authorized by rule or order to exercise authority under section 5(d) of the Communications Act.

§ 1.102 Effective dates of actions taken pursuant to delegated authority.

(a) *Final actions following review of an initial decision.* (1) Final decisions of the Review Board, a commissioner, or panel of commissioners following review of an initial decision shall be effective 40 days after public release of the full text of such final decision.

(2) If a petition for reconsideration of such final decision is filed, the effect of the decision is stayed until 40 days after release of the final order disposing of the petition.

(3) If an application for review of such final decision is filed, or if the Commission on its own motion orders the record of the proceeding before it for review, the effect of the decision is stayed until the Commission's review of the proceeding has been completed.

(b) *Non-hearing and interlocutory actions.* (1) Non-hearing or interlocutory actions taken pursuant to delegated authority shall, unless otherwise ordered by the designated authority, be effective upon release of the document containing the full text of such action, or in the event such a document is not released, upon release of a public notice announcing the action in question.

(2) If a petition for reconsideration of a non-hearing action is filed, the designated authority may in its discretion stay the effect of its action pending disposition of the petition for reconsideration. Petitions for reconsideration of interlocutory actions will not be entertained.

(3) If an application for review of a non-hearing or interlocutory action is filed, or if the Commission reviews the action on its own motion, the Commission may in its discretion stay the effect of any such action until its review of the matters at issue has been completed.

§ 1.104 Preserving the right of review; deferred consideration of application for review.

(a) The provisions of this section apply to all final actions taken pursuant to delegated authority, including final decisions of the Review Board following review of an initial decision and final actions taken by members of the Commission's staff on non-hearing matters. They do not apply to interlocutory actions of the Review Board or the Chief Hearing Examiner in hearing proceedings. (See §§ 1.106(a) and 1.115(e).)

(b) Any person desiring Commission consideration of a final action taken pursuant to delegated authority shall file either a petition for reconsideration or an application for review (but not both) within 30 days from the date of release of the document containing the full text of such action, or in case such document is not released, after release of a public notice announcing the action in question. The petition for reconsideration will in all cases be acted upon by the designated authority. The application for review will in all cases be acted upon by the Commission.

(c) If in any matter one party files a petition for reconsideration and a second party files an application for review, the Commission will withhold action on the application for review until final action has been taken on the petition for reconsideration.

(d) Any person who has filed a petition for reconsideration may file an application for review within 30 days after final action on his petition. If a petition for reconsideration has been filed, any person who has filed an application for review may, within 30 days after final action on the petition for reconsideration, amend or withdraw his application for review or substitute an amended application therefor.

§ 1.106 Petition for reconsideration of final action taken by the Commission en banc or by a designated authority pursuant to a delegation.

(a) Petitions requesting reconsideration of a final action taken pursuant to delegated authority will be acted on by the designated authority. Petitions requesting reconsideration of a final Commission action will be acted on by the Commission. Petitions requesting reconsideration of an interlocutory ruling made by the Commission, the Review Board, or the Chief Hearing Examiner will not be entertained. See § 1.115(e)(2). (For purposes of reconsideration, an order disposing of a petition to intervene or a petition to deny, or designating a case for hearing, is not an interlocutory ruling.)

(b) Except where the Commission has denied an application for review without specifying reasons therefor, any party to the proceeding, or any other person aggrieved or whose interests are adversely affected by any action taken by the Commission or by the designated authority, may file a petition requesting reconsideration of the action taken. If the petition is filed by a person who is not a party to the proceeding, it shall state with particularity the manner in which he is aggrieved or his interests are adversely affected by the action taken, and shall show good reason why it was not possible for him to participate in the earlier stages of the proceeding.

(c) A petition for reconsideration which relies on facts which have not previously been presented to the Commission or to the designated authority, as the case may be, will be granted only under the following circumstances:

(1) The facts relied on relate to events which have occurred or circumstances which have changed since the last opportunity to present such matters;

(2) The facts relied on were unknown to petitioner until after his last opportunity to present such matters, and he could not through the exercise of ordinary diligence have learned of the facts in question prior to such opportunity; or

(3) The Commission or the designated authority determines that consideration of the facts relied on is required in the public interest.

(d)(1) The petition for reconsideration shall, where appropriate, cite the findings of fact and/or conclusions of law which petitioner believes to be erroneous, and shall state with particularity the respects in which he believes such findings and conclusions should be changed. The petition may request that additional findings of fact and conclusions of law be made.

(2) The petition shall state with particularity the respects in which petitioner believes the action taken by the designated authority should be changed.

(3) The petition shall state specifically the form of relief sought and, subject to this requirement, may contain alternative requests.

(e) Where a petition for reconsideration is based upon a claim of electrical interference, under appropriate rules in this chapter, to an existing station or a station for which a construction permit is outstanding, such petition, in addition to meeting the other requirements of this section, must be accompanied by an affidavit of a qualified radio engineer. Such affidavit shall show, either by following the procedures set forth in this chapter for determining interference in the absence of measurements, or by actual measurements made in accordance with the methods prescribed in this chapter, that electrical interference will be caused to the station within its normally protected contour.

(f) The petition for reconsideration and any supplement thereto shall be filed within 30 days from the date of release of the document containing the full text of the action taken or, in case such document is not released, after release of a public notice announcing the action in question, and shall be served upon parties to the proceeding. The petition for reconsideration shall not exceed 25 double spaced typewritten pages. No supplement or addition to a petition for reconsideration which has not been acted upon by the Commission or by the designated authority, filed after expiration of the 30 day period, will be considered except upon leave granted upon a separate pleading for leave to file, which shall state the grounds therefor.

(g) Oppositions to a petition for reconsideration shall be filed within 10 days after the petition is filed, and shall be served upon petitioner and parties to the proceeding. Oppositions shall not exceed 25 double spaced typewritten pages.

(h) Petitioner may reply to oppositions within seven days after the last day for filing oppositions, and any such reply shall be served upon parties to the proceeding. Replies shall not exceed 10 double spaced typewritten pages, and shall be limited to matters raised in the opposition.

(i) Petitions for reconsideration, oppositions, and replies shall conform to the requirements of §§ 1.49, 1.51, and 1.52 and shall be submitted to the Secretary, Federal Communications Commission, Washington, D.C., 20554.

(j) The Commission or designated authority may grant the petition for reconsideration in whole or in part or may deny the petition. Its order will contain a concise statement of the reasons for the action taken. Where the petition for reconsideration relates to an instrument of authorization granted without hearing, the Commission or designated authority will take such action within 90 days after the petition is filed.

(k)(1) If the Commission or designated authority grants the petition for reconsideration in whole or in part, it may, in its order, rule on the merits of the petition.

(2) In the alternative, the Commission or designated authority may, in its order granting the petition, order such further procedure as may be useful to it in reaching a decision on the merits of the petition. In that event, its ruling on the merits will be deferred pending completion of such procedure.

(3) In ruling on the merits of the petition, the Commission or designated authority may affirm, reverse, modify or set aside its original action, or may remand the proceeding for such further action, including rehearing, as may be appropriate. Any order disposing of a petition for reconsideration which reverses, changes, or modifies the original order is subject to the same provisions with respect to reconsideration as the original order.

(l) No evidence other than newly discovered evidence, evidence which has become available only since the original taking of evidence, or evidence which the Commission or the designated authority believes should have been taken in the original proceeding shall be taken on any rehearing ordered pursuant to the provisions of this section.

(m) The filing of a petition for reconsideration is not a condition precedent to judicial review of any action taken by the Commission or by the designated authority, except where the person seeking such review was not a party to the proceeding resulting in the action, or relies on questions of fact or law upon which the Commission or designated authority has been afforded no opportunity to pass. (See § 1.115(c).) Persons in those categories who meet the requirements of this section may qualify to seek judicial review by filing a petition for reconsideration.

(n) Without special order of the Commission, the filing of a petition for reconsideration shall not excuse any person from complying with or obeying any decision, order, or requirement of the Commission, or operate in any manner to stay or postpone the enforcement thereof. However, upon good cause shown, the Commission will stay the effectiveness of its order or requirement pending a decision on the petition for reconsideration. (This paragraph applies only to actions of the Commission en banc. For provisions applicable to actions under delegated authority, see § 1.102.)

NOTE: Petitions for reconsideration of Commission action in rule making proceedings conducted under section 4 of the Administrative Procedure Act need not be served on participants in the proceeding. Oppositions to petitions for reconsideration in such proceedings need be served only on the person who filed the petition. Replies to such oppositions need be served only on the person who filed the opposition.

(Sec. 405, 48 Stat. 1095, as amended; 47 U.S.C. 405)

§ 1.108 Reconsideration on Commission's own motion.

The Commission may, on its own motion, set aside any action made or taken by it within 30 days after release of the document containing the full text of such action or, in case such a document is not released, after release of a "Public Notice" announcing the action in question.

§ 1.110 Partial grants; rejection and designation for hearing.

Where the Commission without a hearing grants any application in part, or with any privileges, terms, or conditions other than those requested, or subject to any interference that may result to a station if designated application or applications are subsequently granted, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 30 days from the date on which such grant is made or from its effective date if a later date is specified, file with the Commission a written request rejecting the grant as made. Upon receipt of such request, the Commission will vacate its original action upon the application and set the application for hearing in the same manner as other applications are set for hearing.

§ 1.111 Petition for reconsideration and grant without hearing.

Where the Commission has designated an application for hearing, the applicant may file a petition requesting reconsideration and grant of the application without hearing. The petition shall not exceed 30 double spaced typewritten pages in length. Oppositions to the petition shall not exceed 20 double spaced typewritten pages. Replies to oppositions shall not exceed 10 double spaced typewritten pages, and shall be limited to matters raised in the opposition.

§ 1.113 Action modified or set aside by person, panel, or board.

(a) Within 30 days after public notice has been given of any action taken pursuant to delegated authority, the person, panel, or board taking the action may modify or set it aside on its own motion.

(b) Within 60 days after notice of any sanction imposed under delegated authority has been served on the person affected, the person, panel, or board which imposed the sanction may modify or set it aside on its own motion.

(c) Petitions for reconsideration and applications for review shall be directed to the actions as thus modified, and the time for filing such pleadings shall be computed from the date upon which public notice of the modified action is given or notice of the modified sanction is served on the person affected.

§ 1.115 Application for review of action taken pursuant to delegated authority.

(a) Any person aggrieved by any action taken pursuant to delegated authority may file an application request-

ing review of that action by the Commission. Any person filing an application for review who has not previously participated in the proceeding shall include with his application a statement describing with particularity the manner in which he is aggrieved by the action taken and showing good reason why it was not possible for him to participate in the earlier stages of the proceeding. Any application for review which fails to make an adequate showing in this respect will be dismissed.

(b) (1) The application for review shall concisely and plainly state the questions presented for review with reference, where appropriate, to the findings of fact or conclusions of law.

(2) The application for review shall specify with particularity, from among the following, the factor(s) which warrant Commission consideration of the questions presented:

(i) The action taken pursuant to delegated authority is in conflict with statute, regulation, case precedent, or established Commission policy.

(ii) The action involves a question of law or policy which has not previously been resolved by the Commission.

(iii) The action involves application of a precedent or policy which should be overturned or revised.

(iv) An erroneous finding as to an important or material question of fact.

(v) Prejudicial procedural error.

(3) The application for review shall state with particularity the respects in which the action taken by the designated authority should be changed.

(4) The application for review shall state the form of relief sought and, subject to this requirement, may contain alternative requests.

NOTE: If the Commission grants an application for review of a final decision of the Review Board, it will, as the usual practice, permit the parties to file briefs and present oral argument. The Commission will rarely dispose of the merits of a case upon the basis of the application for review and related pleadings. Thus, except where the matter is interlocutory in nature, the application for review should be prepared with the understanding that its purpose is not to obtain a Commission decision on the merits of the issues but rather to convince the Commission to review those issues.

(c) No application for review will be granted if it relies on questions of fact or law upon which the designated authority has been afforded no opportunity to pass.

NOTE: Subject to the requirements of § 1.106, new questions of fact or law may be presented to the designated authority in a petition for reconsideration.

(d) Except as provided in paragraph (e) of this section, the application for review and any supplement thereto shall be filed within 30 days from the date of release of the document containing the full text of such action, or in case such a document is not released, after release of a public notice announcing the action in question. Oppositions to the application shall be filed within 15 days after the application is filed. Replies to oppositions shall be filed within 10 days after the opposition is filed and shall be limited to matters raised in the opposition.

(e) (1) Applications for review of interlocutory rulings made by the Review Board or the Chief Hearing Examiner shall be filed within five days after the order is released or the ruling is made. Oppositions to such applications shall be filed within five days after the application is filed. Replies to such oppositions shall be filed within five days after the opposition is filed and shall be limited to matters raised in the opposition.

(2) The failure to file an application for review of an interlocutory ruling, or the denial of such application by the Commission, shall not preclude any party entitled to file exceptions to the initial decision from requesting review of the ruling at the time when exceptions are filed. Such requests will be considered in the same manner as exceptions are considered.

NOTE: Unless the ruling complained of is fundamental and affects the conduct of the entire proceeding, requests for review should be deferred until the time when exceptions are filed.

(f) Applications for review and oppositions shall conform to the requirements of §§ 1.49, 1.51, and 1.52, and shall be submitted to the Secretary, Federal Communications Commission, Washington, D.C., 20554. The application for review shall be served upon the parties to the proceeding. Oppositions to the application for review shall be served on the person seeking review and parties to the proceeding. Applications for review and oppositions shall not exceed 25 double spaced typewritten pages and, in the case of interlocutory matters, shall not exceed 10 double spaced typewritten pages. Replies to oppositions shall not exceed 10 double spaced typewritten pages.

(g) The Commission may grant the application for review in whole or in part, or may deny the application, without specifying reasons for the action taken. No petition requesting reconsideration of an order which denies an application for review without specifying reasons therefor will be entertained.

(h) If the Commission grants the application for review, it may order such further procedure, including briefs and oral argument, as it may deem useful, or may stay the effect of the action taken pursuant to delegated authority pending its further consideration of the matters at issue. (See § 1.102.)

(i) With or without any such additional procedure, the Commission may either affirm, reverse, modify, or set aside the action taken, or remand the proceeding to the designated authority for reconsideration in accordance with its instructions. If an evidentiary hearing has been held, the Commission may remand the proceeding to the person(s) who conducted the hearing for rehearing on such issues and in accordance with such instructions as may be appropriate. An order of the Commission which reverses or modifies the action taken pursuant to delegated authority, or remands the matter for further proceedings, is subject to the same provisions with respect to reconsideration as an original action of the Commission.

(j) No evidence other than newly discovered evidence, evidence which has become available only since the original taking of evidence, or evidence which the Commission believes should have been taken in the original proceeding shall be taken on any rehearing ordered pursuant to the provisions of this section.

(k) The filing of an application for review shall be a condition precedent to judicial review of any action taken pursuant to delegated authority.

(Sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155)

§ 1.117 Review on motion of the Commission.

(a) Within 40 days after public notice is given of any action taken pursuant to delegated authority, the Commission may on its own motion order the record of the proceeding before it for review.

(b) If the Commission reviews the proceeding on its own motion, it may order such further procedure as may be useful to it in its review of the action taken pursuant to delegated authority.

(c) With or without such further procedure, the Commission may either affirm, reverse, modify, or set aside the action taken, or remand the proceeding to the designated authority for reconsideration in accordance with its instructions. If an evidentiary hearing has been held, the Commission may remand the proceeding to the person(s) who conducted the hearing for rehearing on such issues and in accordance with such instructions as may be appropriate. An order of the Commission which reverses or modifies the action taken pursuant to delegated authority, or remands the matter for further proceedings, is subject to the same provisions with respect to reconsideration as an original action of the Commission.

§ 1.120 Protests of grants without hearing.

(a) The provisions of this section shall not be applicable to any application: (1) Filed on or after December 12, 1960; (2) filed before December 12, 1960, but substantially amended (as defined in the applicable provisions of this chapter) on or after that date; and (3) filed before December 12, 1960, and not thereafter substantially amended, but with respect to which the rules in this chapter provide an opportunity for petitions to deny to be filed under section 309 of the Communications Act, as amended. See §§ 1.580 and 1.960.

(b) Where any instrument of authorization for a radio station, other than a license pursuant to a construction permit, has been granted without a hearing, any party in interest may file a protest directed to such grant and request a hearing on the application granted. Such protest shall be signed by the protestant and subscribed to under oath. Such protest must be filed with the Commission within 30 days after release of the document containing the full text of such action, or in case such a document is not released, after release of a "Public Notice" announcing the action in question and must separately set forth:

(1) Such allegations of fact as will show the protestant to be a party in interest, i.e., a person aggrieved or whose interests are adversely affected by the Commission's authorization, protest of which is sought. Each such allegation of fact shall be separately stated.

(2) Facts indicating the reasons why the grant was improperly made or would otherwise not be in the public interest. Each such reason shall be separately stated, and facts in support thereof shall be specified in detail and shall not include general non-specific conclusory arguments and allegations.

(3) The specific issues upon which protestant wishes a hearing to be held, which issues must relate directly to a matter specified with particularity as part of subparagraph (2) of this paragraph.

(c) Arguments and citations of authority may be set forth in a brief accompanying the protest but must be excluded from the protest itself.

(d) Oppositions to protests and briefs in support thereof shall contain all material, including that pertinent to the determination referred to in paragraph (i) of this section, deemed appropriate to the Commission's resolution of the protest. Such oppositions and supporting briefs must be filed within 10 days after the filing of such protest, and any replies to such oppositions must be filed within 5 days after the filing of the oppositions.

(e) Protests, oppositions, and replies shall be filed with the Commission in original and 14 copies and shall be accompanied by proof of service upon the grantee or the protestant, as the case may be, and/or their respective attorneys.

(f) The Commission may upon consideration of a protest direct either the protestant or grantee or both to submit further statements of fact under oath relating to the matters raised in the protest.

(g) Within 30 days from the date of the filing of the protest, the Commission will enter findings as to whether such protest meets the requirements set forth in paragraphs (b) (1) and (2) of this section. If the Commission finds that one of these requirements is not met, it will dismiss the protest. If the Commission finds that these requirements are met, it will designate the application in question for hearing. As to issues which the Commission believes present no grounds for setting aside the grant, even if the facts alleged were to be proven, the Commission may designate such issues for oral argument only. The other issues will be designated for evidentiary hearing except that the Commission may redraft the issues in accordance with the facts or substantive matters alleged in the protest and may also specify such additional issues as it deems desirable. In any evidentiary hearing subsequently held upon issues specified by the Commission, upon its own initiative or adopted by it, both the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the grantee. With respect to issues resulting from facts set forth in the protest and not adopted or specified by the Commission on its own motion, both the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the protestant.

(h) The procedure in such protest hearing shall be governed by the provisions of Subpart B of this part, except as otherwise provided in this section.

(i) Pending hearing and decision, the effective date of the Commission's action to which protest is made shall be postponed to the effective date of the Commission's decision after hearing, unless the authorization involved is necessary to the maintenance or conduct of an existing service or unless the Commission affirmatively finds that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing.

(Sec. 7, 66 Stat. 715, as amended. See, in particular, sec. 4 (a) and (d), 74 Stat. 889, 892; 47 U.S.C. 309)

Subpart B—Hearing Proceedings

General

§ 1.201 Scope.

This subpart shall be applicable to the following cases which have been designated for hearing:

(a) Adjudication (as defined by the Administrative Procedure Act); and

(b) Rule making proceedings which are required by law to be made on the record after opportunity for a Commission hearing.

NOTE: For special provisions relating to consideration of standard broadcast applications in the light of the 1950 NARBA and the U.S./Mexican Agreement, see § 1.570.

§ 1.202 Official reporter; transcript.

The Commission will designate from time to time an official reporter for the recording and transcribing of hearing proceedings. No transcript of the testimony taken, or argument had, at any hearing will be furnished by the Commission, but will be open to inspection under § 0.417 of this chapter. Copies of such transcript, if desired, may be obtained from the official reporter upon payment of the charges therefor.

(Sec. 7(d), 60 Stat. 241; 5 U.S.C. 1006(d))

§ 1.203 The record.

The transcript of testimony and exhibits, together with all papers and requests filed in the proceeding, shall constitute the exclusive record for decision. Where any decision rests on official notice of a material fact not appearing in the record, any party shall on timely request be afforded an opportunity to show the contrary.

(Sec. 7(d), 60 Stat. 241; 5 U.S.C. 1006(d))

§ 1.204 Number of copies of proposed findings of fact, etc.

An original and fourteen copies of proposed findings of fact and conclusions, exceptions, supporting statements, or briefs shall be filed.

§ 1.205 Continuances and extensions.

Continuances of any proceeding or hearing and extensions of time for making any filing or performing any act required or allowed to be done within a specified time may be granted by the Commission or the presiding officer upon motion for good cause shown, unless the time for performance or filing is limited by statute.

§ 1.207 Interlocutory matters, reconsideration and review; cross references.

(a) Rules governing the disposition of interlocutory pleadings by the presiding officer, the Chief Hearing Examiner, and the Review Board are set forth as §§ 1.291–1.298.

(b) Rules governing appeal from, and reconsideration of, interlocutory rulings made by the presiding officer are set forth as §§ 1.301 and 1.303.

(c) Rules governing the reconsideration and review of actions taken pursuant to delegated authority, and the reconsideration of actions taken by the Commission, are set forth in §§ 1.101–1.120.

Preliminary Procedures

§ 1.221 Notice of hearing; appearances.

(a) Upon designation of an application for hearing, the Commission issues an order containing the following:

(1) A statement as to the reasons for the Commission's action.

(2) A statement as to the matters of fact and law involved, and the issues upon which the application will be heard.

(3) A statement as to the time, place, and nature of the hearing. (If the time and place are not specified, the order will indicate that the time and place will be specified at a later date.)

(4) A statement as to the legal authority and jurisdiction under which the hearing is to be held.

(b) The order designating an application for hearing is mailed to the applicant by the Secretary of the Commission and is published in the FEDERAL REGISTER. Reasonable notice of hearing will be given to the parties in all proceedings; and, whenever possible, the Commission will give at least 60 days notice of comparative hearings.

(c) In order to avail himself of the opportunity to be heard, the applicant, in person or by his attorney, shall, within 20 days of the mailing of the notice of designation for hearing by the Secretary, file with the Commission, in triplicate, a written appearance stating that he will appear on the date fixed for hearing and present evidence on the issues specified in the order. Where an applicant fails to file such a written appearance within the time specified, or has not filed prior to the expiration of that time a petition to dismiss without prejudice, or a petition to accept, for good cause shown, such written appearance beyond expiration of said 20 days, the application will be dismissed with prejudice for failure to prosecute.

(d) The Commission will on its own motion name as parties to the hearing any person found to be a party in interest.

(e) In order to avail himself of the opportunity to be heard, any person named as a party pursuant to paragraph (d) of this section shall, within 20 days of the mailing of the notice of his designation as a party, file with the Commission, in person or by attorney, a written

appearance in triplicate, stating that he will appear at the hearing. Any person so named who fails to file this written statement within the time specified, shall, unless good cause for such failure is shown, forfeit his hearing rights.

(Sec. 5(a), 60 Stat. 239; 5 U.S.C. 1004(a). Sec. 309, 48 Stat. 1085, as amended; 47 U.S.C. 309)

§ 1.223 Petitions to intervene.

(a) Where, in cases involving applications for construction permits and station licenses, or modifications or renewals thereof, the Commission has failed to notify and name as a party to the hearing any person who qualifies as a party in interest, such person may acquire the status of a party by filing, under oath and at any time not later than 10 days prior to the date of hearing, a petition for intervention showing the basis of its interest. Where such person's interest is based upon a claim that a grant of the application would cause objectionable interference under applicable provisions of this chapter to such person as a licensee of permittee of an existing or authorized station, the petition to intervene must be accompanied by an affidavit of a qualified radio engineer which shall show, either by following the procedures prescribed in this chapter for determining interference in the absence of measurements or by actual measurements made in acordance with the methods prescribed in this chapter, the extent of such interference. Where the person's status as a party in interest is established, the petition to intervene will be granted.

(b) Any other person desiring to participate as a party in any hearing may file a petition for leave to intervene not later than 10 days prior to the date of hearing. The petition must set forth the interest of the petitioner in the proceedings, must show how such petitioner's participation will assist the Commission in the determination of the issues in question, and must be accompanied by the affidavit of a person with knowledge as to the facts set forth in the petition. The Commission, in its discretion, may grant or deny such petition or may permit intervention by such persons limited to particular issues or to a particular stage of the proceeding.

(c) The granting of any petition to intervene shall not have the effect of changing or enlarging the issues specified in the Commission's notice of hearing unless the Commission shall on motion amend the same.

(d) Any person desiring to file a petition for leave to intervene later than 10 days prior to the date of hearing shall set forth the interest of the petitioner in the proceedings, show how such petitioner's participation will assist the Commission in the determination of the issues in question, and set forth reasons why it was not possible to file a petition within the time prescribed by paragraphs (a) and (b) of this section. Such petition shall be accompanied by the affidavit of a person with knowledge of the facts set forth in the petition, and where petitioner claims that a grant of the application would cause objectionable interference under applicable provisions of this chapter, the petition for leave to intervene must be accompanied by the affidavit of a qualified radio engineer showing the extent of such alleged interference according to the methods prescribed in paragraph (a) of this section. If in the opinion of the Commission good cause is shown for the delay in filing, the Commission may in its discretion grant such petition or may permit intervention limited to particular issues or to a particular stage of the proceeding.

(Sec. 309, 48 Stat. 1085, as amended; 47 U.S.C 309)

§ 1.225 Participation by non-parties; consideration of communications.

(a) Any person who wishes to appear and give evidence on any matter, and who so advises the Secretary, will be notified by the Secretary if that matter is designated for hearing. In the case of requests bearing more than one signature, notice of hearing will be given to the person first signing unless the request indicates that such notice should be sent to someone other than such person.

(b) No person shall be precluded from giving any relevant, material, and competent testimony at a hearing because he lacks a sufficient interest to justify his intervention as a party in the matter.

(c) When a hearing is held, no communication will be considered in determining the merits of any matter unless it has been received into evidence. The admissibility of any communication shall be governed by the applicable rules of evidence, and no communication shall be admissible on the basis of a stipulation unless Commission counsel as well as counsel for all of the parties shall join in such stipulation.

§ 1.227 Consolidations.

(a) The Commission, upon motion or upon its own motion, will, where such action will best conduce to the proper dispatch of business and to the ends of justice, consolidate for hearing:

(1) Any cases which involve the same applicant or involve substantially the same issues, or

(2) Any applications which present conflicting claims.

(b) (1) In broadcast cases, no application will be consolidated for hearing with a previously filed application or applications unless such application, or such application as amended if amended so as to require a new file number, is substantially complete and tendered for filing by whichever date is earlier: (i) The close of business on the day preceding the day the previously filed application or one of the previously filed applications is designated for hearing; or (ii) the close of business on the day preceding the day designated by public notice published in the FEDERAL REGISTER as the day any one of the previously filed applications is available and ready for processing.

NOTE: Subdivision (ii) of this subparagraph applies only to standard broadcast applications for new stations or for major changes in the facilities of authorized stations. See also § 1.571 (c) and (h) and § 1.591(a).

(2) In non-broadcast cases other than common carrier cases, any application that is mutually exclusive with another application or applications already designated for hearing will be consolidated for hearing with such other application or applications only if the later application in question has been filed within 5 days after public notice has been given in the FEDERAL REGISTER of the Commission's order which first designated for hearing the prior application or applications with which such application is in conflict.

(3) In common carrier cases, any application that is mutually exclusive with another previously filed application will be considered with such prior filed application only if the later filed application is substantially complete and tendered for filing prior to the close of business on the day preceding the day the earlier filed application is designated for hearing.

(4) Any mutually exclusive application filed after the date prescribed in subparagraphs (1); (2), or (3) of this paragraph will be dismissed without prejudice and will be eligible for refiling only after a final decision is rendered by the Commission with respect to the prior application or applications or after such application or applications are dismissed or removed from the hearing docket.

§ 1.229 Motions to enlarge, change, or delete issues.

(a) A motion to enlarge, change or delete the issues may be filed by any party to a hearing.

(b) Such motions must be filed with the Commission not later than 15 days after the issues in the hearing have first been published in the FEDERAL REGISTER. Any person desiring to file a motion to enlarge, change, or delete the issues after the expiration of such 15 days must set forth the reason why it was not possible to file the petition within the prescribed 15 days. Unless good cause is shown for delay in filing, the motion will not be granted.

(c) Such motions, oppositions thereto, and replies to oppositions shall contain specific allegations of fact sufficient to support the action requested. Such allegations of fact, except for those of which official notice may be taken, shall be supported by affidavits of a person or persons having personal knowledge thereof.

PRESIDING OFFICER

AUTHORITY: §§ 1.241, 1.243, and 1.245 issued under sec. 7, 60 Stat. 241; 5 U.S.C. 1006.

§ 1.241 Designation of presiding officer.

(a) Hearings will be conducted by the Commission, by one or more commissioners, or by an examiner designated pursuant to section 11 of the Administrative Procedure Act. If a presiding officer becomes unavailable to the Commission prior to the taking of testimony, another presiding officer will be designated.

(b) Unless the Commission determines that due and timely execution of its functions requires otherwise, presiding officers shall be designated, and notice

thereof released to the public, at least 10 days prior to the date set for hearing.

§ 1.243 Authority of presiding officer.

From the time he is designated to preside until issuance of his decision or the transfer of the proceeding to the Commission or to another presiding officer, the presiding officer shall have such authority as is vested in him by law and by the provisions of this chapter, including authority to:

(a) Administer oaths and affirmations;

(b) Issue subpenas;

(c) Examine witnesses;

(d) Rule upon questions of evidence;

(e) Take or cause depositions to be taken;

(f) Regulate the course of the hearing, maintain decorum, and exclude from the hearing any person engaging in contemptuous conduct or otherwise disrupting the proceedings;

(g) Require the filing of memoranda of law and the presentation of oral argument with respect to any question of law upon which he is required to rule during the course of the hearing;

(h) Hold conferences for the settlement or simplification of the issues by consent of the parties;

(i) Dispose of procedural requests or similar matters, as provided for in § 0.341 of this chapter;

(j) Take actions and make decisions or recommend decisions in conformity with the Administrative Procedure Act.

§ 1.245 Disqualification of presiding officer.

(a) In the event that a presiding officer deems himself disqualified and desires to withdraw from the case, he shall notify the Commission of his withdrawal at least 7 days prior to the date set for hearing.

(b) Any party may request the presiding officer to withdraw on the grounds of personal bias or other disqualification.

(1) The person seeking disqualification shall file with the presiding officer an affidavit setting forth in detail the facts alleged to constitute grounds for disqualification. Such affidavit shall be filed not later than 5 days before the commencement of the hearing unless, for good cause shown, additional time is necessary.

(2) The presiding officer may file a response to the affidavit; and if he believes himself not disqualified, shall so rule and proceed with the hearing.

(3) The person seeking disqualification may except to a ruling of non-disqualification and, in that event, shall do so at the time the ruling is made. Unless exception is taken to the ruling at this time, the right to request withdrawal of the presiding officer shall be deemed waived.

(4) If exception to the ruling is taken, the presiding officer shall certify the question, together with the affidavit and any response filed in connection therewith, to the Commission. The hearing shall be suspended pending a ruling on the question by the Commission.

(5) The Commission may rule on the question without hearing, or it may require testimony or argument on the issues raised.

(6) The affidavit, response, testimony or argument thereon, and the Commission's decision shall be part of the record in the case.

PROCEEDINGS BEFORE THE PRESIDING OFFICER

§ 1.251 Prehearing conferences; hearing conferences.

(a) The Commission, on its own initiative or at the request of any party, may direct the parties or their attorneys to appear at a specified time and place for a conference prior to a hearing, or to submit suggestions in writing, for the purpose of considering, among other things, the matters set forth in paragraph (c) of this section.

(b) The presiding officer (or the Commission or a panel of commissioners in a case over which it presides), on his own initiative or at the request of any party, may direct the parties or their attorneys to appear at a specified time and place for a conference prior to or during the course of a hearing, or to submit suggestions in writing, for the purpose of considering any of the matters set forth in paragraph (c) of this section.

(c) In conferences held, or in suggestions submitted, pursuant to paragraphs (a) and (b) of this section, the following matters, among others, may be considered:

(1) The necessity or desirability of simplification, clarification, amplification, or limitation of the issues;

(2) The possibility of stipulating with respect to facts;

(3) The procedure at the hearing;

(4) The limitation of the number of witnesses;

(5) In cases arising under Title II of the Communications Act, the necessity or desirability of amending the pleadings and offers of settlement or proposals of adjustment; and

(6) In cases involving comparative broadcast applications:

(i) Narrowing the issues or the areas of inquiry and proof at the hearing;

(ii) Admissions of fact and of documents which will avoid unnecessary proof;

(iii) Reports and letters relating to surveys or contacts;

(iv) Assumptions regarding the availability of equipment;

(v) Network programming;

(vi) Assumptions regarding the availability of networks proposed;

(vii) Offers of letters in general;

(viii) The method of handling evidence relating to the past cooperation of existing stations owned and/or operated by the applicants with organizations in the area;

(ix) Proof of contracts, agreements, or understandings reduced to writing;

(x) Stipulations;

(xi) Need for depositions;

(xii) The numbering of exhibits;

(xiii) The order or offer of proof with relationship to docket number;

(xiv) The date for the formal hearing; and

(xv) Such other matters as may expedite the conduct of the hearing.

(d) At the prehearing conferences prescribed by this section, the parties in any broadcast proceeding shall be prepared to discuss the advisability of reducing any or all phases of their affirmative direct cases to written form. Where it appears that it will contribute significantly to the disposition of the proceeding for the parties to submit any portion of their cases in writing, it is the policy of the Commission to encourage them to do so. However, the phase or phases of the proceeding to be submitted in writing, the dates for the exchange of the written material, and other procedural limitations upon the effect of adopting the written case procedure (such as, whether material ruled out as incompetent may be restored by competent oral testimony) is to be left to agreement of the parties as approved by the presiding officer.

(e) An official transcript of all conferences shall be made.

§ 1.253 Time and place of hearing.

(a) The Commission will specify the day on which and the place at which any hearing is to commence.

(b) The presiding officer will specify the days on which subsequent hearing sessions are to be held.

(c) If the Commission specifies that a hearing is to commence in the District of Columbia, it shall be moved therefrom only by order of the Commission.

(d) If the Commission specifies that a hearing is to commence at a field location, all appropriate proceedings will be completed at such location before the hearing is moved therefrom. When such proceedings are completed, the presiding officer may move the hearing from the field location specified to another appropriate field location or to the District of Columbia.

§ 1.254 Nature of the hearing; burden of proof.

Any hearing upon an application shall be a full hearing in which the applicant and all other parties in interest shall be permitted to participate but in which both the burden of proceeding with the introduction of evidence upon any issue specified by the Commission, as well as the burden of proof upon all such issues, shall be upon the applicant except as otherwise provided in the order of designation.

(Sec. 309, 48 Stat. 1085, as amended; 47 U.S.C. 309)

§ 1.255 Order of procedure.

(a) At hearings on a formal complaint or petition or in a proceeding for any instrument of authorization which the Commission is empowered to issue, the complainant, petitioner, or applicant, as the case may be, shall, unless the Commission otherwise orders, open and close. At hearings on protests, the protestant opens and closes the proceedings in case the issues are not specifically adopted by the Commission; otherwise the grantee does so. At hearings on orders to show cause, to cease and desist, to revoke or mod-

ify a station license under sections 312 and 316 of the Communications Act, or other like proceedings instituted by the Commission, the Commission shall open and close.

(b) At all hearings under Title II of the Communications Act, other than hearings on formal complaints, petitions, or applications, the respondent shall open and close unless otherwise specified by the Commission.

(c) In all other cases, the Commission or presiding officer shall designate the order of presentation. Intervenors shall follow the party in whose behalf intervention is made, and in all cases where the intervention is not in support of an original party, the Commission or presiding officer shall designate at what stage such intervenors shall be heard..

(d) Immediately upon convening the formal hearing in any proceeding, the presiding officer shall enter upon the record a statement reciting all actions taken at the prehearing conferences, and incorporating into the record all of the stipulations and agreements of the parties which are approved by him, and any special rules which he may deem necessary to govern the course of the proceeding.

§ 1.258 Closing of the hearing.

The record of hearing shall be closed by an announcement to that effect at the hearing by the presiding officer when the taking of testimony has been concluded. In the discretion of the presiding officer, the record may be closed as of a future specified date in order to permit the admission into the record of exhibits to be prepared: *Provided,* The parties to the proceeding stipulate on the record that they waive the opportunity to cross-examine or present evidence with respect to such exhibits. The record in any hearing which has been adjourned may not be closed by such officer prior to the day on which the hearing is to resume, except upon 10 days' notice to all parties to the proceeding.

§ 1.260 Certification of transcript.

After the close of the hearing, the complete transcript of testimony, together with all exhibits, shall be certified as to identity by the presiding officer and filed in the office of the Secretary of the Commission. Notice of such certification shall be served on all parties to the proceedings.

§ 1.261 Corrections to transcript.

Within 10 days after the date of notice of certification of the transcript, any party to the proceeding may file with the presiding officer a motion requesting the correction of the transcript, which motion shall be accompanied by proof of service thereof upon all other parties to the proceedings. Within 5 days after the filing of such a motion, other parties may file a pleading in support of or in opposition to such motion. Thereafter, the presiding officer shall, by order, specify the corrections to be made in the transcript, and a copy of the order shall be served upon all parties and made a part of the record. The presiding officer, on his own initiative, may specify corrections to be made in the transcript on 5 days' notice.

§ 1.263 Proposed findings and conclusions.

(a) Each party to the proceeding may file proposed findings of fact and conclusions, briefs, or memoranda of law: *Provided, however,* That the presiding officer may direct any party other than Commission counsel to file proposed findings of fact and conclusions, briefs, or memoranda of law. Such proposed findings of fact, conclusions, briefs, and memoranda of law shall be filed within 20 days after the record is closed, unless additional time is allowed.

(b) All pleadings and other papers filed pursuant to this section shall be accompanied by proof of service thereof upon all other counsel in the proceeding; if a party is not represented by counsel, proof of service upon such party shall be made.

(c) In the absence of a showing of good cause therefor, the failure to file proposed findings of fact, conclusions, briefs, or memoranda of law, when directed to do so, may be deemed a waiver of the right to participate further in the proceeding.

(Sec. 8(b), 60 Stat. 242; 5 U.S.C. 1007(b))

§ 1.264 Contents of findings of fact and conclusions.

Proposed findings of fact shall be set forth in serially numbered paragraphs and shall set out in detail and with particularity all basic evidentiary facts developed on the record (with appropriate citations to the transcript of record or exhibit relied on for each evidentiary fact) supporting the conclusions proposed by the party filing same. Proposed conclusions shall be separately stated. Proposed findings of fact and conclusions submitted by a person other than an applicant may be limited to those issues in connection with the hearing which affect the interests of such person.

(Sec. 8(b), 60 Stat. 242; 5 U.S.C. 1007(b))

§ 1.267 Initial and recommended decisions.

(a) Except as provided in § 1.274, the presiding officer shall prepare an initial (or recommended) decision which shall be transmitted to the Secretary of the Commission who shall make it public immediately and file it in the docket of the case.

(b) Each initial and recommended decision shall contain findings of fact and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record; each initial decision shall also contain the appropriate rule or order, and the sanction, relief or denial thereof; and each recommended decision shall contain recommendations as to what disposition of the case should be made by the Commission. Each initial decision will show the date upon which it will become effective in accordance with the rules in this part in the absence of exceptions, appeal, or review.

(c) The authority of the presiding officer over the proceedings shall cease when he has filed his initial or recommended decision, or, if it is a case in which he is to file no decision, when he has certified the case to the Commission for decision after specifying corrections to the transcript in accordance with § 1.261.

(Sec. 409, 48 Stat. 1096, as amended; 47 U.S.C. 409. Sec. 8, 60 Stat. 242; 5 U.S.C. 1007)

REVIEW PROCEEDINGS

§ 1.271 Delegation of review function.

The Commission may direct, by order or rule, that its review function in a case or category of cases be performed by a commissioner, a panel of commissioners, or by the Review Board, in which event the commissioner, panel, or board shall exercise the authority and perform the functions which would otherwise have been performed by the Commission under §§ 1.273–1.282.

NOTE: Parties to any proceeding designated for hearing prior to August 31, 1961, are entitled to file exceptions to initial decisions with the Commission and to oral argument before the Commission en banc.

(Sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155)

§ 1.273 Waiver of initial or recommended decision.

At the conclusion of the hearing or within 20 days thereafter, all parties to the proceeding may agree to waive an initial or recommended decision, and may request that the Commission issue a final decision or order in the case. If the Commission has directed that its review function in the case be performed by a commissioner, a panel of commissioners, or by the Review Board, the request shall be directed to the appropriate review authority. The Commission or such review authority may in its discretion grant the request, in whole or in part, if such action will best conduce to the proper dispatch of business and to the ends of justice.

§ 1.274 Certification of the record to the Commission for initial or final decision.

(a) Where the presiding officer is available to the Commission, and where the Commission finds upon the record that due and timely execution of its functions imperatively and unavoidably so requires, the Commission may direct that the record in a pending proceeding be certified to it for initial or final decision. Unless the Commission finds that due and timely execution of its functions imperatively and unavoidably requires that no recommended decision be issued, the presiding officer will prepare and file a recommended decision, which will be released with the Commission's initial or final decision.

(b) Where the presiding officer becomes unavailable to the Commission after the taking of testimony has been concluded, the Commission may direct that the record in a pending proceeding be certified to it for initial or final decision. In that event, the record shall be certified to the Commission by the Chief Hearing Examiner.

(c) (1) Where the presiding officer becomes unavailable to the Commission after the taking of evidence has commenced but before it has been concluded, the Commission may order a rehearing

before another presiding officer designated in accordance with § 1.241.

(2) Upon a finding that due and timely execution of its functions imperatively and unavoidably so requires, the Commission may (as an alternative) order that the hearing be continued by another presiding officer designated in accordance with § 1.241 or by the Commission itself. In that event, the officer continuing the hearing shall, upon completion of the hearing, certify the proceeding to the Commission for an initial or final decision. Unless the Commission finds upon the record that due and timely execution of its functions imperatively and unavoidably requires that no recommended decision be issued, the officer continuing the hearing shall prepare and file a recommended decision to be released with the Commission's initial or final decision. If all the parties expressly consent, and if the Commission does not order otherwise, the officer continuing the hearing may prepare an initial decision.

(Sec. 409, 48 Stat. 1096, as amended; 47 U.S.C. 409)

§ 1.276 Appeal and review of initial decision.

(a) Within 30 days after the date on which public release of the full text of an initial decision is made, or such other time as the Commission may specify, any of the parties may appeal to the Commission by filing exceptions to the initial decision; and such decision shall not become effective and shall then be reviewed by the Commission, whether or not such exceptions may thereafter be withdrawn. The time for filing such exceptions may be extended for good cause shown.

(b) The Commission may on its own initiative provide, by order adopted not later than 20 days after the time for filing exceptions expires, that an initial decision shall not become final, and that it shall be further reviewed or considered by the Commission.

(c) In any case in which an initial decision is subject to review in accordance with paragraph (a) or (b) of this section, the Commission may, on its own initiative or upon appropriate requests by a party, take any one or more of the following actions:

(1) Hear oral argument on the exceptions;

(2) Require the filing of briefs;

(3) Prior to or after oral argument or the filing of exceptions or briefs, reopen the record and/or remand the proceedings to the presiding officer to take further testimony or evidence;

(4) Prior to or after oral argument or the filing of exceptions or briefs, remand the proceedings to the presiding officer to make further findings or conclusions; and

(5) Prior to or after oral argument or the filing of exceptions or briefs, issue, or cause to be issued by the presiding officer, a supplemental initial decision.

(d) No initial decision shall become effective before 50 days after public release of the full text thereof is made unless otherwise ordered by the Commission. The timely filing of exceptions, the further review or consideration of an initial decision on the Commission's initiative, or the taking of action by the Commission under paragraph (c) of this section shall stay the effectiveness of the initial decision until the Commission's review thereof has been completed. If the effective date of an initial decision falls within any further time allowed for the filing of exceptions, it shall be postponed automatically until 30 days after time for filing exceptions has expired.

(e) If no exceptions are filed, and the Commission has not ordered the review of an initial decision on its initiative, or has not taken action under paragraph (c) of this section, the initial decision shall become effective, an appropriate notation to that effect shall be entered in the docket of the case, and a "Public Notice" thereof shall be given by the Commission. The provisions of § 1.108 shall not apply to such public notices.

(f) When any party fails to file exceptions within the specified time to an initial decision which proposes to deny its application, such party shall be deemed to have no interest in further prosecution of its application, and its application may be dismissed with prejudice for failure to prosecute.

(Sec. 40, 48 Stat. 1096, as amended; 47 U.S.C. 409)

§ 1.277 Exceptions; oral arguments.

(a) Each exception to an initial decision or to any part of the record or proceeding in any case, including rulings upon motions or objections, shall point out with particularity alleged errors in the decision or ruling and shall contain specific references to the page or pages of the transcript of hearing, exhibit, or order if any on which the exception is based. Any objection not saved by exception filed pursuant to this section is waived. The exceptions should be concise and they will not be accepted if they contain argumentative matters or discussions of law. Lengthy excerpts of testimony, when desired, shall not be contained in the exceptions but shall be set forth in an appendix.

(b) Within the period of time allowed in § 1.276(a) for the filing of exceptions, any party may file a statement in support of an initial decision in whole or in part, which shall be similar in form to a statement of exceptions.

(c) Exceptions or supporting statements may be accompanied by a separate brief or memorandum of law in support thereof. Except by special permission, such brief or memorandum of law will not be accepted if it exceeds 50 double spaced typewritten pages in length. Within 10 days, or such other time as the Commission may specify, after the time for filing exceptions has expired, any other party may file a reply brief to which the same limitation in length applies. If exceptions have been filed, any party may request oral argument not later than five days after the time for filing replies to the exceptions has expired. The Commission in its discretion will, by order, grant or deny the request for oral argument. Within five days after release of the Commission's order designating an initial decision for oral argument, as provided in paragraph (d) of this section, any party who wishes to participate in oral argument shall file written notice of intention to appear and participate in oral argument; and failure to file written notice shall constitute a waiver of the opportunity to participate.

(d) Each order scheduling a case for oral argument will contain the allotment of time for each party for oral argument before the Commission. The Commission will grant, in its discretion, upon good cause shown, an extension of such time upon petition by a party, which petition must be filed within 5 days after issuance of said order for oral argument.

(e) Within 10 days after a transcript of oral argument has been filed in the office of the Secretary of the Commission, any party who participated in the oral argument may file with the Commission a motion requesting correction of the transcript, which motion shall be accompanied by proof of service thereof upon all other parties who participated in the oral argument. Within 5 days after the filing of such a motion, other parties may file a pleading in support of or in opposition to such motion. Thereafter, the officer who presided at the oral argument shall, by order, specify the corrections to be made in the transcript, and a copy of the order shall be served upon all parties to the proceeding. The officer who presided at the oral argument may, on his own initiative, by order, specify corrections to be made in the transcript on 5 days notice of the proposed corrections to all parties who participated in the oral argument.

(f) Any commissioner or member of the Review Board who is not present at oral argument and who is otherwise authorized to participate in a final decision may participate in making that decision after reading the transcript of oral argument.

(Sec. 409, 48 Stat. 1096, as amended; 47 U.S.C. 409)

§ 1.279 Limitation of matters to be reviewed.

Upon review of any initial decision, the Commission may, in its discretion, limit the issues to be reviewed to those findings and conclusions to which exceptions have been filed, or to those findings and conclusions specified in the Commission's order of review issued pursuant to § 1.276(b).

§ 1.282 Final decision of the Commission.

(a) After opportunity has been afforded for the filing of proposed findings of fact and conclusions, exceptions, supporting statements, briefs, and for the holding of oral argument as provided in this subpart, the Commission will issue a final decision in each case in which an initial decision has not become final.

(b) The final decision shall contain:

(1) Findings of fact and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law or discretion presented on the record;

(2) Ruling on each relevant and material exception filed; and

(3) The appropriate rule or order and the sanction, relief or denial thereof.

(Sec. 8(b), 60 Stat. 2422; 5 U.S.C. 1007(b))

INTERLOCUTORY ACTIONS IN HEARING PROCEEDINGS

§ 1.291 General provisions.

Interlocutory matters in hearing proceedings are acted upon by the Review Board, the Chief Hearing Examiner, or the presiding officer(s). The matters upon which such persons may act are specified in detail in Part 0 of this chapter. See §§ 0.218, 0.341, 0.351, and 0.365. The procedural rules governing disposition of motions, petitions, and other pleadings by such persons are set forth in §§ 1.292–1.298. The rules governing reconsideration of, and appeals from, interlocutory rulings made by the presiding officer are set forth in §§ 1.301 and 1.303. The rules governing reconsideration and review of interlocutory rulings made by the Review Board and the Chief Hearing Examiner are set forth in §§ 1.101, 1.102, 1.106(a), 1.113, 1.114, and 1.117.

§ 1.292 Number of copies.

An original and 14 copies of each motion, petition, or other pleading to be acted upon by the Review Board, Chief Hearing Examiner, or presiding officer shall be filed.

§ 1.294 Oppositions and replies.

(a) Any party may file an opposition to a motion, petition, or other pleading to be acted upon by the Review Board, Chief Hearing Examiner, or presiding officer.

(b) Oppositions to pleadings to be acted upon by the Review Board shall be filed within 10 days after the pleading is filed. Replies to such oppositions shall be filed within 5 days after the opposition is filed, and shall be limited to matters raised in the opposition.

(c) Oppositions to pleadings to be acted upon by the Chief Hearing Examiner or presiding officer shall be filed within 4 days after the pleading is filed. Replies to such oppositions will not be entertained. (See, however, § 1.732.)

§ 1.296 Service.

No pleading filed pursuant to § 1.292 or § 1.294 will be considered unless it is accompanied by proof of service upon the parties to the proceeding.

§ 1.297 Oral argument.

Oral argument with respect to any contested motion, petition, or other pleading before the Review Board, Chief Hearing Examiner, or presiding officer will be held when, in the opinion of the person or Board who is to make the ruling, the ends of justice will be best served thereby. Timely notice will be given of the date, time, and place of any such oral argument.

§ 1.298 Rulings; time for action.

(a) Unless it is found that irreparable injury would thereby be caused one of the parties, or that the public interest requires otherwise, or unless all parties have consented to the contrary, the Review Board, Chief Hearing Examiner, or presiding officer shall withhold consideration of any motion, petition, or other pleading until the time for filing oppositions (and replies, if replies are allowed) has expired. As a matter of discretion, however, the Review Board, Chief Hearing Examiner, or presiding officer may rule ex parte upon requests for continuances and extension of time, requests for permission to file pleadings in excess of the length prescribed in this chapter, and requests for temporary relief, without waiting for the filing of oppositions or replies.

(b) The Review Board, Chief Hearing Examiner, or presiding officer will dispose of any pending matter by written order which shall be released promptly. The order upon contested matters shall contain a statement of the reasons for the ruling therein, unless such order is self-explanatory or is merely an affirmance of a prior denial in which reasons have been given.

(c) Matters raised orally on the record of a hearing proceeding may, however, be disposed of orally by the presiding officer.

APPEAL AND RECONSIDERATION OF PRESIDING OFFICER'S RULING

§ 1.301 Appeal from the presiding officer's adverse ruling; effective date.

(a) Any party to a hearing proceeding may file an appeal from an adverse ruling made by the presiding officer. If a hearing examiner is presiding, the appeal will be acted on by the Review Board. If a commissioner or panel of commissioners is presiding, the appeal will be acted on by the Commission.

(b) The appeal shall be filed within five days after the order is released or the ruling is made. Oppositions to such appeals shall be filed within five days after the appeal is filed. Replies to oppositions shall be filed within five days after the opposition is filed and shall be limited to matters raised in the opposition. Appeals, oppositions, and replies shall be submitted to the Secretary, Federal Communications Commission, Washington, D.C., 20554, and shall be served upon parties to the proceeding. Appeals and oppositions shall not exceed 15 double spaced typewritten pages. Replies shall not exceed 10 double spaced typewritten pages.

(c) Appeals, oppositions, and replies shall conform to the requirements of §§ 1.49, 1.51, and 1.52.

(d) The failure to file an appeal shall not preclude parties adversely affected from filing exceptions to rulings of the presiding officer.

(e) Unless the presiding officer orders otherwise, interlocutory rulings made by him shall be effective when the order is released or the ruling is made. If an appeal is filed, the Review Board or the Commission, as the case may be, may in its discretion stay the effect of the ruling until its review of the matters at issue has been completed.

NOTE: Unless the ruling complained of is fundamental and affects the conduct of the entire case, appeals should be deferred and raised as exceptions.

§ 1.303 Reconsideration of presiding officer's adverse ruling.

Any party may, after obtaining the oral consent of the presiding officer, file a petition requesting the presiding officer to reconsider an oral ruling or a written order. Such petitions will be considered in accordance with the provisions of §§ 1.292–1.298.

DEPOSITIONS

AUTHORITY: §§ 1.311–1.319 issued under sec. 409, 48 Stat. 1096, as amended; 47 U.S.C. 409.

§ 1.311 When depositions may be taken.

At any time after a case has been designated for hearing, the testimony of any witness may be taken by deposition for purposes other than discovery.

§ 1.312 Notice to take depositions.

(a) A party to a hearing desiring to take the deposition of any person shall give reasonable notice in writing to every other party and to the person to be examined. An original and seven copies of the notice shall be filed with the Commission.

(b) The notice shall contain the following information:

(1) The name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs.

(2) The time and place for taking the deposition of each person to be examined.

(3) The matters upon which each person will be examined.

(4) A statement of reasons supporting the need for eliciting testimony upon such matters by deposition rather than by direct testimony.

(5) A statement of reasons (where depositions on a single matter are to be taken from more than one person) for taking multiple depositions to establish the facts in question.

§ 1.313 Deposition orders.

(a) On his own motion or upon motion seasonably made by any party or by the person to be examined, the presiding officer may order:

(1) That the deposition shall not be taken.

(2) That it may be taken only at some designated time or place other than that stated in the notice.

(3) That it may be taken only on written interrogatories.

(4) That certain matters shall not be inquired into.

(5) That the scope of the examination shall be limited to certain matters.

(6) That the examination shall be held under such circumstances as will effectuate the ends of justice.

(7) That, after being sealed, the deposition shall be opened only by order of the presiding officer.

(b) Motions opposing the taking of depositions shall be served on all parties to the proceeding. No further pleadings may be filed unless specifically requested or authorized by the presiding officer. The presiding officer may in his discretion direct the parties or their attorneys to appear at a specified time and place for a conference to consider matters raised by the notice or the opposition.

(c) If a motion opposing the taking of depositions is not filed, and if no action is taken by the presiding officer on his own motion, within ten days after

filing of the notice to take depositions, the depositions described in the notice may be taken.

(d) In acting on the notice to take depositions, the presiding officer may consider the following matters:

(1) The relevancy and materiality of the matters upon which each person will be examined, and the competency of such person to testify on such matters.

(2) Any measures which justice may require to protect a party or witness from annoyance, embarrassment, or oppression.

(3) The desirability of establishing the facts in question by direct testimony rather than by deposition.

(4) The necessity for taking multiple depositions to establish the facts in question.

(e) No inference concerning the admissibility of a deposition in evidence shall be drawn because of favorable action on the notice to take depositions.

(f) Nothing in this section or in § 1.312 shall be construed to prevent the taking of depositions which may be authorized by the presiding officer on the record during the course of either a prehearing conference or an evidentiary hearing.

§ 1.314 Persons before whom depositions may be taken.

Depositions shall be taken before any judge of any court of the United States; any United States Commissioner; any clerk of a district court; any chancellor, justice or judge of a supreme or superior court; the mayor or chief magistrate of a city; any judge of a county court, or court of common pleas of any of the United States; any notary public, not being of counsel or attorney to any party, nor interested in the event of the proceeding; or presiding officers, as provided in § 1.243.

§ 1.315 Oath; transcript of depositions.

The officer before whom the deposition is to be taken shall administer an oath or affirmation to the witness and shall personally, or by someone acting under his direction and in his presence, record the testimony of the witness. The testimony shall be taken stenographically and transcribed, unless the parties agree otherwise. In lieu of participating in the oral examination, parties served with notice of taking a deposition may transmit written interrogatories to the officer, who shall propound them to the witness and record the answers verbatum.

§ 1.316 Submission of deposition to witness; changes; signing.

When the testimony is fully transcribed, the deposition of each witness shall be submitted to him for examination and shall be read to or by him. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing, or the witness is ill, cannot be found, or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver, the illness or absence of the witness, or of his refusal to sign, together with the reason (if any) given therefor; and the deposition may then be used as fully as though signed, unless upon a motion to suppress, the Commission holds that the reason given for the refusal to sign requires rejection of the deposition in whole or in part.

§ 1.317 Certification of deposition and filing by officer; copies.

The officer shall certify on the deposition that the witness was duly sworn by him, that the deposition is a true record of the testimony given by the witness, and that said officer is not of counsel or attorney to either of the parties, nor interested in the event of the proceeding or investigation. He shall then securely seal the deposition in an envelope endorsed with the title of the action and marked "Deposition of (here insert name of witness)" and shall promptly send the original and two copies thereof, together with the original and two copies of all exhibits, by registered mail to the Secretary of the Commission.

§ 1.318 Inclusion in the record.

(a) No deposition shall constitute a part of the record in any proceeding until received in evidence at a hearing.

(b) The deposition of a person with a substantial interest in, or holding a position of responsibility with, a party to the proceeding will not be admitted in evidence unless it is shown that the witness is dead or seriously ill, that other exceptional circumstances exist, or that the testimony proffered is of such character that, in the interest of justice and with due regard to the importance of presenting the testimony of the witnesses orally, the deposition should be admitted.

§ 1.319 Objections to depositions.

(a) Except as provided in paragraphs (b), (c) and (d) of this section, objection may be made at the hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witness were then present and testifying.

(b) Objections to the competency of a witness, or to the competency, relevancy, or materiality of testimony are not waived by failure to make them before or during the taking of the deposition unless the ground of the objection is one which might have been obviated or removed if presented at that time.

(c) Errors and irregularities occurring at the oral examination in the manner of taking the deposition, in the form of the questions or answers, in the oath or affirmation, or in the conduct of parties, and errors of any kind which might be obviated, removed, or cured if promptly presented, are waived unless seasonable objection thereto is made at the taking of the deposition.

(d) Any objection made at the time of the examination to the qualifications of the officer taking a deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objection to the proceedings, shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to such objection.

SUBPENAS

AUTHORITY: §§ 1.331–1.340 issued under sec. 409, 48 Stat. 1096; 47 U.S.C. 409.

§ 1.331 Who may sign and issue.

Subpenas requiring the attendance and testimony of witnesses, and subpenas requiring the production of any books, papers, schedules of charges, contracts, agreements, and documents relating to any matter under investigation or hearing, may be signed and issued as follows:

(a) Hearings before the Commission en banc, an individual commissioner, or a panel of commissioners: By any commissioner participating in the conduct of the hearing.

(b) Hearings before a hearing examiner: By the hearing examiner or, in his absence, by the Chief Hearing Examiner.

§ 1.333 Requests for issuance of subpena.

(a) Unless submitted on the record while a hearing is in progress, requests for a subpena ad testificandum shall be submitted in writing.

(b) Requests for a subpena duces tecum shall be submitted in writing, duly subscribed and verified, and shall specify with particularity the books, papers, and documents desired and the facts expected to be proved thereby.

(c) All requests for subpenas shall be supported by a showing of the general relevance and materiality of the evidence sought.

(d) Requests for subpenas shall be submitted in triplicate, but need not be served on the parties to the proceeding.

§ 1.334 Motions to quash.

Any person against whom a subpena is directed may file a motion to quash or limit the subpena, setting forth the reasons why the subpena should not be complied with or why it should be limited in scope.

§ 1.335 Rulings.

Prompt notice, including a brief statement of the reasons therefor, will be given of the denial, in whole or in part, of a request for subpena or of a motion to quash.

§ 1.336 Service of subpenas.

(a) A subpena may be served by a United States marshal or his deputy, by Commission personnel, or by any person who is not a party to the proceeding and is not less than 18 years of age.

(b) Service of a subpena upon the person named therein shall be made by exhibiting the original subpena to him, by reading the original subpena to him if he is unable to read, by delivering the duplicate subpena to him, and by tendering to him the fees for one day's attendance at the proceeding to which he is summoned and the mileage allowed by law. If the subpena is issued on behalf of the United States or an officer

or agency thereof, attendance fees and mileage need not be tendered.

§ 1.337 Return of service.

(a) If service of the subpena is made by a person other than a United States marshal or his deputy such person shall make affidavit thereof, stating the date, time, and manner of service.

(b) In case of failure to make service, the reasons for the failure shall be stated on the original subpena by the person who attempted to make service.

(c) The original subpena, bearing or accompanied by the required return affidavit or statement, shall be returned forthwith to the Secretary of the Commission or, if so directed on the subpena, to the official before whom the person named in the subpena is required to appear.

§ 1.338 Subpena forms.

(a) Subpena forms, marked "Original", "Duplicate", and "Triplicate", and bearing the Commission's seal, may be obtained from the Commission's Dockets Division. These forms are to be completed and submitted with any request for issuance of a subpena.

(b) If the request for issuance of a subpena is granted, the "Original" and "Duplicate" copies of the subpena are returned to the person who submitted the request. The "Triplicate" copy is retained for the Commission's files.

(c) The "Original" copy of the subpena includes a form for proof of service. This form is to be executed by the person who effects service and returned by him to the Secretary of the Commission or, if so directed on the subpena, to the official before whom the person named in the subpena is required to appear.

(d) The "Duplicate" copy of the subpena shall be served upon the person named therein and retained by him. This copy should be presented in support of any claim for witness fees or mileage allowances for testimony on behalf of the Commission.

§ 1.339 Witness fees.

Witnesses who are subpenaed and respond thereto are entitled to the same fees, including mileage, as are paid for like service in the courts of the United States. Fees shall be paid by the party at whose instance the testimony is taken.

§ 1.340 Attendance of witness; disobedience.

The attendance of witnesses and the production of documentary evidence may be required from any place in the United States at any designated place of hearing. In case of disobedience to a subpena, the Commission or any party to a proceeding before the Commission may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence.

EVIDENCE

§ 1.351 Rules of evidence.

Except as otherwise provided in this subpart, the rules of evidence governing civil proceedings in matters not involving trial by jury in the courts of the United States shall govern formal hearings. Such rules may be relaxed if the ends of justice will be better served by so doing.

§ 1.352 Cumulative evidence.

The introduction of cumulative evidence shall be avoided, and the number of witnesses that may be heard in behalf of a party on any issue may be limited.

§ 1.353 Further evidence during hearing.

At any stage of a hearing, the presiding officer may call for further evidence upon any issue and may require such evidence to be submitted by any party to the proceeding.

§ 1.354 Documents containing matter not material.

If material and relevant matter offered in evidence is embraced in a document containing other matter not material or relevant, and not intended to be put in evidence, such document will not be received, but the party offering the same shall present to other counsel, and to the presiding officer, the original document, together with true copies of such material and relevant matter taken therefrom, as it is desired to introduce. Upon presentation of such matter, material and relevant, in proper form, it may be received in evidence, and become a part of the record. Other counsel will be afforded an opportunity to introduce in evidence, in like manner, other portions of such document if found to be material and relevant.

§ 1.355 Documents in foreign language.

Every document, exhibit, or other paper written in a language other than English, which shall be filed in any proceeding, or in response to any order, shall be filed in the language in which it is written together with an English translation thereof duly verified under oath to be a true translation. Each copy of every such document, exhibit, or other paper filed shall be accompanied by a separate copy of the translation.

§ 1.356 Copies of exhibits.

No document or exhibit, or part thereof, shall be received as, or admitted in, evidence unless offered in duplicate. In addition, when exhibits of a documentary character are to be offered in evidence, copies shall be furnished to other counsel unless the presiding officer otherwise directs.

§ 1.357 Mechanical reproductions as evidence.

Unless offered for the sole purpose of attempting to prove or demonstrate sound effect, mechanical or physical reproductions of sound waves shall not be admitted in evidence. Any party desiring to offer any matter alleged to be contained therein or thereupon shall have such matter typewritten on paper of the size prescribed by § 1.49, and the same shall be identified and offered in duplicate in the same manner as other exhibits.

§ 1.358 Tariffs as evidence.

In case any matter contained in a tariff schedule on file with the Commission is offered in evidence, such tariff schedule need not be produced or marked for identification, but the matter so offered shall be specified with particularity (tariff and page number) in such manner as to be readily identified, and may be received in evidence by reference subject to check with the original tariff schedules on file.

§ 1.359 Proof of official record; authentication of copy.

An official record or entry therein, when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having legal custody of the record, or by his deputy, and accompanied with a certificate that such officer has the custody. If the office in which the record is kept is within the United States or within a territory or insular possession subject to the dominion of the United States, the certificate may be made by the judge of a court of record of the district or political subdivision in which the record is kept, authenticated by the seal of the court, or may be made by any public officer having a seal of office having official duties in the district or political subdivision in which the record is kept, authenticated by the seal of his office. If the office in which the record is kept is in a foreign state or country, the certificate may be made by a secretary of embassy or legation, consul general, consul, vice consul, or consular agent, or by any officer in the foreign service of the United States stationed in the foreign state or country in which the record is kept, and authenticated by the seal of his office.

§ 1.360 Proof of lack of record.

The absence of an official record or entry of a specified tenor in an official record may be evidenced by a written statement signed by an officer, or by his deputy, who would have custody of the official record, if it existed, that after diligent search no record or entry of a specified tenor is found to exist in the records of his office, accompanied by a certificate as provided in § 1.359. Such statement and certificate are admissible as evidence that the records of his office contain no such record or entry.

§ 1.361 Other proof of official record.

Sections 1.359 and 1.360 do not prevent the proof of official records or of entry or lack of entry therein by any method authorized by any applicable statute or by the rules of evidence at common law.

Subpart C—Rule Making Proceedings

AUTHORITY: §§ 1.401–1.427 issued under sec. 4, 60 Stat. 238; 5 U.S.C. 1003.

PETITIONS AND RELATED PLEADINGS

§ 1.401 Petitions for rule making.

(a) Any interested person may petition for the issuance, amendment or repeal of a rule or regulation.

(b) The petition for rule making shall conform to the requirements of §§ 1.49, 1.51, and 1.52 and should be submitted or addressed to the Secretary, Federal Communications Commission, Washington, D.C., 20554.

(c) The petition shall set forth the text or substance of the proposed rule, amendment, or rule to be repealed, together with all facts, views, arguments and data deemed to support the action requested, and shall indicate how the interests of petitioner will be affected.

§ 1.403 Notice and availability.

All petitions for rule making meeting the requirements of § 1.401 will be given a file number, and promptly thereafter, a "Public Notice" will be given (by means of a Commission release entitled "Petitions for Rule Making Filed") as to the petitioner, file number, nature of the proposal and date of filing. Petitions are available for public inspection at the Commission's Docket Reference Room in Washington, D.C.

§ 1.405 Responses to petitions; replies.

(a) Any interested person may file a statement in support of or in opposition to a petition for rule making prior to Commission action on the petition but not later than 30 days after "Public Notice", as provided for in § 1.403, is given of the filing of such a petition. Such a statement shall be accompanied by proof of service upon the petitioner on or prior to the date of filing in conformity with § 1.47 and shall conform in other aspects with the requirements of §§ 1.49, 1.51, and 1.52.

(b) Any interested person may file a reply to statements in support of or in opposition to a petition for rule making prior to Commission action on the petition but not later than 15 days after the filing of such a statement. Such a reply shall be accompanied by proof of service upon the party or parties filing the statement or statements to which the reply is directed on or prior to the date of filing in conformity with § 1.47 and shall conform in other aspects with the requirements of §§ 1.49, 1.51, and 1.52.

(c) No additional pleadings may be filed unless specifically requested by the Commission or authorized by it.

§ 1.407 Action on petitions.

If the Commission determines that the petition discloses sufficient reasons in support of the action requested to justify the institution of a rule making proceeding, and notice and public procedure thereon are required or deemed desirable by the Commission, an appropriate notice of proposed rule making will be issued. In those cases where notice and public procedure thereon are not required, the Commission may issue a final order amending the rules. In all other cases the petition for rule making will be denied and the petitioner will be notified of the Commission's action with the grounds therefor.

RULE MAKING PROCEEDINGS

§ 1.411 Commencement of rule making proceedings.

Rule making proceedings are commenced by the Commission, either on its own motion or on the basis of a petition for rule making. See §§ 1.401–1.407.

§ 1.412 Notice of proposed rule making.

(a) Except as provided in paragraphs (b) and (c) of this section, prior notice of proposed rule making will be given.

(1) Notice is ordinarily given by publication of a "Notice of Proposed Rule Making" in the FEDERAL REGISTER. The text of the Notice is in that event also released by the Commission, and is available to interested persons in the Office of Reports and Information.

(2) If all persons subject to the proposed rules are named, the proposal may (in lieu of publication) be personally served upon those persons.

(3) If all persons subject to the proposed rules are named and have actual notice of the proposal as a matter of law, further prior notice of proposed rule making is not required.

(b) Rule changes (including adoption, amendment, or repeal of a rule or rules) relating to the following matters will ordinarily be adopted without prior notice:

(1) Any military, naval, or foreign affairs function of the United States.

(2) Any matter relating to Commission management or personnel or to public property, loans, grants, benefits, or contracts.

(3) Interpretative rules.

(4) General statements of policy.

(5) Rules of Commission organization, procedure, or practice.

(c) Rule changes may in addition be adopted without prior notice in any situation in which the Commission for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. The finding of good cause and a statement of the basis for that finding are in such situations published with the rule changes.

(d) In addition to the notice provisions of paragraph (a) of this section, the Commission, before prescribing any requirements as to accounts, records, or memoranda to be kept by carriers, will notify the appropriate State agencies having jurisdiction over any carrier involved of the proposed requirements.

§ 1.413 Content of notice.

A notice of the proposed issuance, amendment, or repeal of a rule will include the following:

(a) A statement of the time, nature and place of any public rule making proceeding to be held.

(b) Reference to the authority under which the issuance, amendment or repeal of a rule is proposed.

(c) Either the terms or substance of the proposed rule or a description of the subjects and issues involved.

(d) The docket number assigned to the proceeding.

(e) A statement of the time for filing comments and replies thereto.

§ 1.415 Comments and replies.

(a) After notice of proposed rule making is issued, the Commission will afford interested persons an opportunity to participate in the rule making proceeding through submission of written data, views, or arguments, with or without opportunity to present the same orally in any manner.

(b) A reasonable time will be provided for submission of comments in support of or in opposition to proposed rules, and the time provided will be specified in the notice of proposed rule making.

(c) A reasonable time will be provided for filing comments in reply to the original comments, and the time provided will be specified in the notice of proposed rule making.

(d) No additional comments may be filed unless specifically requested or authorized by the Commission.

§ 1.417 Statutory requirement for hearing.

When rules are required by law to be made on the record after opportunity for a Commission hearing, the requirements of sections 7 and 8 of the Administrative Procedure Act and applicable provisions of Subparts A and B of this part will govern in place of §§ 1.415 and 1.419.

§ 1.419 Form of comments and replies; number of copies.

(a) Comments, replies, and other documents filed in a rule making proceeding shall conform to the requirements of § 1.49.

(b) An original and 14 copies of all comments, replies, pleadings, briefs, and other documents filed in a rule making proceeding shall be furnished the Commission.

(c) Any person desiring to file identical documents in more than one docketed rule making proceeding shall furnish the Commission two additional copies of any such document for each additional docket. This requirement does not apply if the proceedings have been consolidated.

§ 1.421 Further notice of rule making.

In any rule making proceeding where the Commission deems it warranted, a further notice of proposed rule making will be issued with opportunity for parties of record and other interested persons to submit comments in conformity with §§ 1.415 and 1.419.

§ 1.423 Oral argument and other proceedings.

In any rule making proceeding where the Commission determines that an oral argument, hearing or any other type of proceeding is warranted, notice of the time, place and nature of such proceeding will be published in the FEDERAL REGISTER and will be mailed to all parties to the proceeding.

§ 1.425 Commission action.

The Commission will consider all relevant comments and material of record before taking final action in a rule making proceeding and will issue a decision incorporating its finding and a brief statement of the reasons therefor.

§ 1.427 Effective date of rules.

(a) Any rule issued by the Commission will be made effective not less than 30 days from the time it is published in the FEDERAL REGISTER except as otherwise specified in paragraphs (b) and (c) of this section.

(b) For good cause found and published with the rule, any rule issued by the Commission may be made effective within less than 30 days from the time it is published in the FEDERAL REGISTER. Rules involving any military, naval or foreign affairs function of the United States; matters relating to agency management or personnel, public property, loans, grants, benefits or contracts; rules granting or recognizing exemption or relieving restriction; rules of organization, procedure or practice; or interpretative rules; and statements of policy may be made effective without regard to the 30-day requirement.

(c) In cases of alterations by the Commission in the required manner or form of keeping accounts by carriers, notice will be served upon affected carriers not less than 6 months prior to the effective date of such alterations.

Subpart D—Broadcast Applications and Proceedings

GENERAL

§ 1.501 Scope.

This subpart is applicable to all broadcast services listed in Parts 73 and 74 of this chapter. For additional information relative to applications, see the respective rules relating to each service.

§ 1.502 Emergency Broadcast System Authorizations.

(a) The Commission issues National Defense Emergency Authorizations (NDEA's) which require stations to operate in a manner consistent with the needs of national security and defense.

(b) Standard broadcast NDEA's permit such stations to operate, in accordance with the terms of their licenses, during an Emergency Action Condition and during the experimental period of the stations concerned, as provided by § 73.10 of this chapter: *Provided,* That no interference shall be caused to other stations maintaining a regular operating schedule within the experimental period unless the licensees of such other stations have previously consented thereto.

(c) FM broadcast station NDEA's permit such stations to operate, with their licensed power and on their licensed frequency, in the State Defense Network (FM) of the State in which the FM station is located, to provide an alerting capability, and to aid in the restoration of normal communications facilities during and after an emergency.

(d) Remote pickup broadcast station NDEA's permit such stations to operate in a prescribed manner, on their licensed frequency and with normal power, in the State and local remote pickup broadcast intercommunication networks for intercommunication, cue and control, and program purposes during or after an emergency.

(e) Other NDEA's which may be issued will be on such terms as may be designated therein.

(f) All NDEA's are issued for periods of time covered by the station license of the station concerned, subject, however, to being changed or canceled at an earlier date in the discretion of the Commission without the necessity of a hearing.

(g) Unless canceled, National Defense Emergency renewal authorizations will be issued together with the station's renewal license.

GENERAL FILING REQUIREMENTS

§ 1.511 Applications required.

(a) Except as provided in paragraph (b) of this section, construction permits as defined in section 3(dd) of the Communications Act of 1934, as amended; station licenses as defined in section 3(bb) of the Communications Act; modifications of construction permits or licenses; renewals of licenses; transfers; and assignments of construction permits or station licenses, or any rights thereunder, shall be granted only upon written and subscribed application. A separate application shall be filed for each instrument of authorization requested, except as may otherwise be provided in this part.

(b) In cases of (1) emergency found by the Commission involving danger to life or property or due to damage to equipment, or (2) during a national emergency proclaimed by the President or declared by the Congress and during the continuance of any war in which the United States is engaged, and when such action is necessary for the national defense or security or otherwise in furtherance of the war effort, the Commission may grant construction permits and station licenses, or modifications or renewals thereof, without the filing of a formal application; but no authorization so granted shall continue in effect beyond the period of the emergency or war requiring it.

(c) Each individual request submitted under the provisions of paragraph (b) of this section shall contain, as a minimum requirement, the following information:

(1) Name and address of applicant.

(2) Location of proposed installation or operation.

(3) Official call letters of any valid station authorization already held by applicant and the station location.

(4) Type of service desired (not required for renewal, nor for modification unless class of station is to be modified).

(5) Frequency assignment, authorized transmitter power(s), and authorized class(es) of emission desired (not required for renewal; required for modification only to the extent such information may be involved).

(6) Equipment to be used, specifying the manufacturer and type or model number (not required for renewal; required for modification only to the extent such information may be involved).

(7) Statements to the extent necessary for the Commission to determine whether or not the granting of the desired authorization will be in accordance with the citizenship eligibility requirements of section 310 of the Communications Act.

(8) Statement of facts which, in the opinion of the applicant, constitute an emergency to be found by the Commission for the purpose of this section, including the estimated duration of the emergency; or which, if during an emergency or war declared by the President or Congress, necessitate such action, without formal application, for the national defense or security or in furtherance of the war effort.

(Sec. 308, 48 Stat. 1084, as amended; 47 U.S.C. 308)

§ 1.512 Where to file; number of copies.

All applications for authorizations required by § 1.511 must be filed in the Office of the Secretary, Federal Communications Commission, Washington, D.C., 20554. The number of copies required for each application is set forth in the FCC Form which is to be used in filing such application.

(Sec. 308, 48 Stat. 1084, as amended; 47 U.S.C. 308)

§ 1.513 Who may sign applications.

(a) Except as provided in § 1.511(b) or in paragraph (b) of this section, applications, amendments thereto, and related statements of fact required by the Commission shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association. Applications, amendments, and related statements of fact filed on behalf of eligible government entities, such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government, including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction.

(b) Applications, amendments thereto, and related statements of fact required by the Commission may be signed by the applicant's attorney in case of the applicant's physical disability or of his absence from the United States. The attorney shall in that event separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

(c) Only the original of applications, amendments, or related statements of fact need be signed; copies may be conformed.

(d) Applications, amendments, and related statements of fact need not be submitted under oath. Willful false statements made therein, however, are punishable by fine and imprisonment, U.S. Code, Title 18, section 1001, and by appropriate administrative sanctions, including revocation of station license pursuant to section 312(a)(1) of the Communications Act of 1934, as amended.

(Sec. 308, 48 Stat. 1084, as amended; 47 U.S.C. 308)

§ 1.514 Content of applications.

(a) Each application shall include all information called for by the particular form on which the application is required to be filed, unless the information called

for is inapplicable, in which case this fact shall be indicated.

(b) The Commission may require an applicant to submit such documents and written statements of fact as in its judgment may be necessary. The Commission may also, upon its own motion or upon motion of any party to a proceeding, order the applicant to amend his application so as to make the same more definite and certain.

(Sec. 308, 48 Stat. 1084, as amended; 47 U.S.C. 308)

§ 1.516 Specification of facilities.

(a) An application for facilities in the standard, FM, or television broadcast services shall be limited to one frequency, or channel assignment, and no application will be accepted for filing if it requests alternate frequency or channel assignments.

(b) An application for facilities in the experimental and auxiliary broadcast services may request the assignment of more than one frequency if consistent with applicable rules in Part 74 of this chapter. Such applications must specify the frequency or frequencies requested and may not request alternate frequencies.

(c) An application for construction permit for a new broadcast station, the facilities for which are specified in an outstanding construction permit, will not be accepted for filing.

(d) An application for facilities in the international broadcast service may be filed without a request for specific frequency, as the Commission will assign frequencies from time to time in accordance with §§ 73.702 and 73.711 of this chapter.

(Sec. 308, 48 Stat. 1084; as amended; 47 U.S.C. 308)

§ 1.518 Inconsistent or conflicting applications.

While an application is pending and undecided, no subsequent inconsistent or conflicting application may be filed by the same applicant, his successor or assignee, or on behalf or for the benefit of the same applicant, his successor or assignee.

§ 1.519 Repetitious applications.

(a) Where the Commission has denied an application for a new station or for any modification of services or facilities, or dismissed such application with prejudice, no like application involving service of the same kind to substantially the same area by substantially the same applicant, or his successor or assignee, or on behalf or for the benefit of the original parties in interest, may be filed within 12 months from the effective date of the Commission's action: *Provided, however,* That applicants whose applications have been denied in a comparative hearing for a particular television facility allocated in the television allocation table may immediately reapply for another available television channel.

(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 his successor or assignee, or on behalf or for the benefit of the original parties in interest, will not be considered until final disposition of such appeal.

§ 1.520 Multiple applications.

Where there is one application for new or additional facilities pending, no other application for new or additional facilities, for a station of the same class to serve the same community, may be filed by the same applicant, or his successor or assignee, or on behalf or for the benefit of the original parties in interest. Multiple applications may not be filed simultaneously.

§ 1.522 Amendment of applications.

(a) Subject to the provisions of §§ 1.525 and 1.580, any application may be amended as a matter of right prior to the adoption date of an order designating such application for hearing, merely by filing the appropriate number of copies of the amendments in question duly executed in accordance with § 1.513. However, see § 1.571(j) for the effect of certain amendments to standard broadcast applications.

(b) Requests to amend an application after it has been designated for hearing will be considered only upon written petition properly served upon the parties of record in accordance with § 1.47 and, where applicable, compliance with the provisions of § 1.525, and will be granted only for good cause shown. In the case of requests to amend the engineering proposal in standard broadcast applications (other than to make changes with respect to the type of equipment specified), good cause will be considered to have been shown only if, in addition to the usual good cause considerations, it is demonstrated that (1) the amendment is necessitated by events which the applicant could not reasonably have foreseen (e.g., notification of a new foreign station or loss of transmitter site by condemnation); (2) the amendment could not reasonably have been made prior to designation for hearing; and (3) the amendment does not require an enlargement of issues or the addition of new parties to the proceeding.

(c) Notwithstanding the provisions of paragraph (b) of this section, and subject to compliance with the provisions of § 1.525, a petition for leave to amend may be granted provided it is requested that the application as amended be removed from the hearing docket and returned to the processing line. See § 1.571(i).

§ 1.525 Agreements between parties for amendment or dismissal of, or failure to prosecute broadcast applications.

(a) Whenever applicants for a construction permit for a broadcast station enter into an agreement to procure the removal of a conflict between applications pending before the Commission by withdrawal or amendment of an application or by its dismissal pursuant to § 1.568, all parties thereto shall, within 5 days after entering into the agreement, file with the Commission a joint request for approval of such agreement. The joint request shall be accompanied by a copy of the agreement and an affidavit of each party to the agreement setting forth in full all relevant facts including, but not limited to: (1) The exact nature of any consideration (including an agreement for merger of interests) promised or paid; (2) information as to who initiated the negotiations; (3) summary of the history of the negotiations; (4) the reasons why it is considered that the arrangement is in the public interest; and (5) a statement fully explaining and justifying any consideration paid or promised. The affidavit of any applicant to whom consideration is paid or promised shall, in addition, include an itemized accounting of the expenses incurred in connection with preparing, filing and advocating his application, and such factual information as the parties rely upon for the requisite showing that such reported expenses represent legitimate and prudent outlays. No such agreement between applicants shall become effective or be carried out unless and until the Commission has approved it, or until the time for Commission review of the agreement has expired.

(b)(1) Whenever two or more conflicting applications for construction permits for broadcast stations pending before the Commission involve a determination of fair, efficient and equitable distribution of service pursuant to section 307(b) of the Communications Act, and an agreement is entered into to procure the withdrawal (by amendment to specify a different community or by dismissal pursuant to § 1.568) of the only application or applications seeking the same facilities for one of the communities involved, all parties thereto shall file the joint request and affidavits specified in paragraph (a) of this section. If upon examination of the proposed agreement the Commission finds that withdrawal of one of the applications would unduly impede achievement of a fair, efficient and equitable distribution of radio service among the several States and communities, then the Commission shall order that further opportunity be afforded for other persons to apply for the facilities specified in the application or applications to be withdrawn before acting upon the pending request for approval of the agreement.

(2) Upon release of an order under subparagraph (1) of this paragraph, any party proposing to withdraw its application shall cause to be published a notice of such proposed withdrawal at least twice a week for the 2 weeks immediately following release of the Commission's order in a daily newspaper of general circulation published in the community in which it was proposed to locate the station: *Provided, however,* That if there is no such daily newspaper published in the community, the notice shall be published as follows:

(i) If one or more weekly newspapers of general circulation are published in the community in which the station was proposed to be located, notice shall be published in such a weekly newspaper once a week for the 3 weeks immediately following the release of the Commission's order.

(ii) If no weekly newspaper of general circulation is published in the community in which the station was proposed to be located, notice shall be published at least twice a week for the 2 weeks immediately following the release of the Commission's order in the daily newspaper having the greatest general circulation in the community in which the station was proposed to be located.

(3) The notice shall set forth the name of the applicant; the location, frequency and power of the facilities proposed in the application; the location of the station or stations proposed in the applications with which it is in conflict; the fact that the applicant proposes to withdraw the application; and the date upon which the last day of publication shall take place.

(4) Such notice shall additionally include a statement that new applications for a broadcast station on the same frequency, in the same community, with substantially the same engineering characteristics and proposing to serve substantially the same service area as the application sought to be withdrawn, timely filed pursuant to the Commission's rules, or filed, in any event, within 30 days from the last date of publication of the notice (notwithstanding any provisions of this chapter normally requiring earlier filing of a competing application), will be entitled to comparative consideration with other pending mutually exclusive applications.

(5) Within 7 days of the last day of publication of the notice, the applicant proposing to withdraw shall file a statement in triplicate with the Commission, setting forth the dates on which the notice was published, the text of the notice and the newspaper in which the notice was published.

(6) Where the Commission orders that further opportunity be afforded for other persons to apply for the facilities sought to be withdrawn, no application of any party to the agreement will be acted upon by the Commission less than 30 days from the last day of publication of the notice specified in subparagraph (2) of this paragraph. Any applications for a broadcast station on the same frequency in the same community, with substantially the same engineering characteristics and proposing to serve substantially the same service area as the application sought to be withdrawn, filed within the 30-day period following the last date of publication of the notice (notwithstanding any provisions of this chapter normally requiring earlier filing of a competing application) or otherwise timely filed pursuant to the provisions of this chapter will be entitled to comparative consideration with other pending mutually exclusive applications. If the application of any party to which the new application may be in conflict has been designated for hearing, any such new application will be entitled to consolidation in the proceeding.

(c) (1) Except where a joint request is filed pursuant to paragraph (a) of this section, any applicant filing (i) an amendment pursuant to § 1.522(a) or a request for dismissal pursuant to § 1.568(a) which would remove a conflict with another pending application; (ii) a petition for leave to amend pursuant to § 1.522 (b) or (c) which would permit a grant of the amended application or an application theretofore in conflict with the amended application; or (iii) a request for dismissal pursuant to § 1.586(c), shall file with it an affidavit as to whether or not consideration (including an agreement for merger of interests) has been promised to or received by such applicant, directly or indirectly, in connection with the amendment, petition or request. Upon the filing of a petition for leave to amend or to dismiss an application for broadcast facilities which has been designated for hearing or upon the dismissal of such application on the Commission's own motion pursuant to § 1.568(b), each applicant or party remaining in hearing, as to whom a conflict would be removed by the amendment or dismissal shall submit for inclusion in the record of that proceeding an affidavit stating whether or not he has directly or indirectly paid or promised consideration (including an agreement for merger of interests) in connection with the removal of such conflict.

(2) Where an affidavit filed pursuant to this paragraph states that consideration has been paid or promised, the affidavit shall set forth in full all relevant facts, including, but not limited to, the material listed in paragraph (a) of this section for inclusion in affidavits.

(d) (1) Affidavits filed pursuant to this section shall be executed by the applicant, permittee or licensee, if an individual; a partner having personal knowledge of the facts, if a partnership; or an officer having personal knowledge of the facts, if a corporation or association.

(2) Requests and affidavits which relate to an application which has not been designated for hearing shall bear the file number of such application. If the affiant is also an applicant, the affidavit shall also bear the file number of affiant's pending application(s). Affidavits which relate to an application which is designated for hearing shall bear the file number of that application and the hearing docket number.

(e) For the purposes of this section an application shall be deemed to be "pending" before the Commission and a party shall be considered to have the status of an "applicant" from the time an application is filed with the Commission until an order of the Commission granting or denying it is no longer subject to reconsideration by the Commission or to review by any court.

(Sec. 5(a), 74 Stat. 892; 47 U.S.C. 311(c).)

APPLICATION FORMS AND PARTICULAR FILING REQUIREMENTS

§ 1.531 Formal and informal applications.

(a) "Formal application" means any request for authorization where an FCC Form for such request is prescribed. "Informal application" means all other requests for authorization. Informal applications may be in letter form, but all such applications should contain a caption clearly indicating the nature of the request submitted therein.

(b) An informal application requesting modification of an outstanding authorization must comply with the requirements as to signing specified in §§ 1.511 and 1.513.

§ 1.533 Application forms for authority to construct a new station or make changes in an existing station.

(a) Applications for new facilities or modification of existing facilities shall be made on the following forms:

(1) FCC Form 301 "Application for Authority to Construct a New Broadcast Station or Make Changes in an Existing Broadcast Station."

(2) FCC Form 309 "Application for Authority to Construct or Make Changes in an Existing International, Experimental Television, Experimental Facsimile, or a Developmental Broadcast Station."

(3) FCC Form 313 "Application for Authorization in the Auxiliary Broadcast Services."

(4) FCC Form 318 "Request for Subsidiary Communications Authorizations." For use by existing FM broadcast licensees applying for permit to establish an SCA service, modification of SCA, or renewal of SCA.

(5) FCC Form 330 P "Application for Authority to Construct or Make Changes in an Instructional Fixed Station."

(6) FCC Form 340 "Application for Authority to Construct or make Changes in a Noncommercial Educational TV, FM, or Standard Broadcast Station."

(7) FCC Form 343 "Application for Authority to Construct or make Changes in a Television Broadcast Booster Station."

(8) FCC Form 346 "Application for Authority to Construct or make Changes in a Television Broadcast Translator Station."

(b) Applications for construction permit or modification thereof involving the installation of new transmitting apparatus should be filed at least 60 days prior to the contemplated construction.

(Sec. 308, 319, 48 Stat. 1084, 1089, as amended; 47 U.S.C. 308, 319)

§ 1.534 Application for extension of construction permit or for construction permit to replace expired construction permit.

(a) Application for extension of time within which to construct a station shall be filed on FCC Form 701. The application shall be filed at least 30 days prior to the expiration date of the construction permit if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases, an application 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.

(b) Application to replace an expired construction permit shall be made on FCC Form 321 "Application for Con-

struction Permit to Replace Expired Permit." Such application must be filed within 30 days of the expiration date of the authorization sought to be replaced.

(Sec. 319, 48 Stat. 1089, as amended; 47 U.S.C. 319)

§ 1.536 Application for license to cover construction permit.

(a) The application for station license shall be filed by permittee prior to service or program tests.

(b) The following application forms shall be used:

(1) FCC Form 302 "Application for New Broadcast Station License."

(2) FCC Form 310 "Application for an International, Experimental Television, Experimental Facsimile, or a Developmental Broadcast Station License."

(3) FCC Form 313 "Application for Authorization in the Auxiliary Broadcast Services."

(4) FCC Form 318 "Request for Subsidiary Communications Authorization."

(5) FCC Form 341 "Application for Noncommercial Educational TV, FM, or Standard Broadcast Station."

(6) FCC Form 344 "Application for Television Broadcast Booster Station License."

(7) FCC Form 347 "Application for Television Broadcast Translator Station License."

(Sec. 319, 48 Stat. 1089, as amended; 47 U.S.C. 319)

§ 1.537 Application for license to use former main transmitter or antenna as an auxiliary.

The following application forms shall be used when no new construction is involved:

(a) FCC Form 302 "Application for New Broadcast Station License."

(b) FCC Form 341 "Application for Noncommercial Educational TV, FM, or Standard Broadcast Station."

(Sec. 308, 48 Stat. 1084, as amended; 47 U.S.C. 308)

§ 1.538 Application for modification of license.

(a) An application for modification of license may be filed for:

(1) Change in name of licensee where no change in ownership or control is involved;

(2) Change in station location involving no change in transmitter location;

(3) Change in main studio location of a television station to or from a location outside the principal community;

(4) Change in studio location of a standard or FM station to a location outside the city limits other than the associated transmitter site;

(5) Change of hours of operation of a standard broadcast station.

(b) The application forms set forth in § 1.533 shall be used.

(Sec. 308, 48 Stat. 1084, as amended; 47 U.S.C. 308)

§ 1.539 Application for renewal of license.

(a) Unless otherwise directed by the Commission, an application for renewal of license shall be filed at least 90 days prior to the expiration date of the license sought to be renewed, except that applications for renewal of license of an experimental or developmental broadcast station shall be filed at least 60 days prior to the expiration date of the license sought to be renewed.

(b) No application for renewal of license of any broadcast station will be considered unless there is on file with the Commission the information, if any, currently required by §§ 1.611–1.615, inclusive, for the particular class of station. The renewal application shall include a reference by date and file number to such information on file.

(c) Whenever the Commission regards an application for a 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.

(d) The following application forms shall be used:

(1) FCC Form 303 "Application for Renewal of Broadcast Station License."

(2) FCC Form 311 "Application for Renewal of an International, Experimental Television, Experimental Facsimile, or a Developmental Broadcast Station License." To be used for all applications for renewal of licenses of Experimental Television, Experimental Facsimile, and Developmental Broadcast stations.

(3) FCC Form 313 "Application for Authorization in the Auxiliary Broadcast Services." To be used for all applications for renewal of regular licenses of auxiliary broadcasting stations.

(4) FCC Form 318 "Request for Subsidiary Communications Authorizations."

(5) FCC Form 342 "Application for Renewal of Noncommercial Educational TV, FM, or Standard Broadcast Station License."

(6) FCC Form 345 "Application for Renewal of Television Broadcast Booster Station License."

(7) FCC Form 348 "Application for Renewal of Television Broadcast Translator Station License."

(Sec. 308, 48 Stat. 1084, as amended; 47 U.S.C. 308)

§ 1.540 Application for voluntary assignment or transfer of control.

(a) Application for consent to the assignment of construction permit or license, or for consent to the transfer of control of a corporation holding such a 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). Such application should be filed with the Commission at least 45 days prior to the contemplated effective date of assignment or transfer of control.

(b) The following assignment or transfer applications may be filed on FCC Form 316.

(1) 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) Assignment from a corporation to its individual stockholders without effecting any substantial change in the disposition of their interests;

(3) Assignment or transfer by which certain stockholders retire and the interest transferred is not a controlling one;

(4) Corporate reorganization which involves no substantial change in the beneficial ownership of the corporation;

(5) 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; or

(6) Assignment of less than a controlling interest in a partnership.

(Sec. 310, 48 Stat. 1086, as amended; 47 U.S.C. 310)

§ 1.541 Application for involuntary assignment of license or transfer of control.

(a) The Commission shall be notified in writing promptly of the death or legal disability of an individual permittee or licensee, a member of a partnership, or a person directly or indirectly in control of a corporation which is a permittee or licensee.

(b) Within 30 days after the occurrence of such death or legal disability, an application on FCC Form 316 shall be filed requesting consent to involuntary assignment of such 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.

(Sec. 310, 48 Stat. 1086, as amended; 47 U.S.C. 310)

§ 1.542 Application for temporary authorization.

(a) The specific circumstances in which temporary authority will be granted are set out in Parts 2, 73, and 74 of this chapter.

(b) Temporary authority may be granted to a licensee or permittee of a broadcast station to operate such station for a period not to exceed 90 days upon request therefor. Any such request should be filed with the Commission at least 10 days prior to the date of the proposed operation, and should be accompanied by a statement giving full particulars as to the purpose for which the request is made. Any temporary authority issued under this section may be cancelled by the Commission without further notice or hearing.

(c) No request by a standard broadcast station for temporary authority to extend its hours of operation beyond those authorized by its regular authorization will be accepted or granted by the Commission.

(d) An informal application may be used provided such application is signed in accordance with the provisions of § 1.513.

(e) Request for temporary operation necessitated by equipment damage or

failure may be made without regard to the procedural requirements of this section.

(Sec. 309, 48 Stat. 1085, as amended; 47 U.S.C. 309)

§ 1.543 Application for renewal or modification of special service authorization.

(a) No special service authorization will be issued after February 3, 1958: *Provided, however,* Consideration will be given to renewal or modification of a special service authorization outstanding on February 3, 1958 providing a satisfactory showing has been made in regard to the following, among others:

(1) That the requested operation may not be granted on a regular basis under the existing rules governing the operation of standard broadcast stations;

(2) That experimental operation is not involved as provided for by § 73.32 of this chapter; and

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

(b) Application for renewal or modification of special service authorization must be made by formal application on FCC Form 317 "Application for Standard Broadcast Station Special Service Authorization or Extension Thereof."

§ 1.544 Application for standard broadcast station experimental operation.

Special experimental authorization may be issued, in accordance with § 73.32 of this chapter, to the licensee of a standard broadcast station in addition to the regular license. An informal application should be used in applying for such authorization.

(Sec. 303(g), 48 Stat. 1083, as amended; 47 U.S.C. 303(g))

§ 1.545 Application concerning programs to be transmitted to foreign radio stations.

Application under section 325(b) of the Communications Act for authority to locate, use, or maintain a radio broadcast studio in connection with a foreign radio station should be made on FCC Form 308 "Application for permit to locate, maintain, or use studio or apparatus for production of programs to be transmitted or delivered to foreign radio station": *Provided,* That licensees or permittees may file an informal application in those cases where the programs to be transmitted or delivered to a foreign raido station has been, is being, or will be broadcast in the United States by said licensee or permittee.

(Sec. 325(b), 48 Stat. 1091; 47 U.S.C. 325(b))

§ 1.546 Application to determine operating power by direct measurement of antenna power.

Application to determine operating power of standard broadcast stations by direct measurement of antenna power shall be made on FCC Form 302 "Application for New Broadcast Station License."

§ 1.547 Application for permission to use lesser grade operators.

(a) Application for temporary permission to operate standard and FM broadcast stations with licensed operators of a lesser grade than normally required by the Commission's rules shall be submitted to the Engineer in Charge of the radio district in which the station is located. Such permission will be granted for periods not to exceed 60 days if a proper showing is made, as set forth in this section, and may be renewed upon request only upon the making of an adequate similar showing. A request for extension of the permission previously granted may be granted upon a showing setting forth what continuing efforts have been made to obtain licensed operators of a grade normally required. The Engineer in Charge may terminate this permission in the absence of a satisfactory showing in the written report that adequate efforts have been made to obtain such operators, or for other good reason in the judgment of the Engineer in Charge.

(b) Such application or report is not required to be submitted on any numbered or prescribed form. However, the request or report shall be in writing, signed by the licensee, if the licensee is an individual; by a partner, if the licensee is a partnership; or by an officer of the corporation, if the licensee is a corporation.

(c) A specific request for permission to use operators of lesser grade than required by the Commission's rules shall include the following information:

(1) Call letters of the station;

(2) Name of licensee;

(3) The number of persons holding radiotelephone first class operator licenses that will be employed as full-time operators at the station (this does not include part-time employees and persons only available on call in case of emergencies);

(4) A showing that at least one first class operator will be employed full time at the station and will be available on call at all times in the event of equipment failure;

(5) A statement that the additional licensed radiotelephone first class operators required for maintaining the normal schedule of operation could not be obtained for employment at the station;

(6) In the event an operator of the required grade was rejected by the station, a statement should be submitted by the station showing the reason for the rejection; and

(7) A showing that all known sources of broadcast operators within a reasonable distance have been exhausted. Names and addresses of sources contacted and the date of such contact shall be stated.

(d) The chief operator holding a radiotelephone first class operator license at a station to which temporary permission has been granted shall mail to the Engineer in Charge of the area from whom permission is received, within 3 days after employment of a lesser grade operator, a written certification setting forth the name and operator license number of the lesser grade operator employed and stating that the operator has the ability to perform the normal operation of the station.

(Sec. 318, 48 Stat. 1089, as amended; 47 U.S.C. 318)

§ 1.548 Application to operate by remote control.

Application by an existing licensee or permittee for a permit to operate a standard or FM broadcast station by remote control shall be made on FCC Form 301–A "Request for Modification—Broadcast Station Authorization (Remote Control)."

(Sec. 318, 48 Stat. 1089, as amended; 47 U.S.C. 318)

§ 1.549 Requests for extensions of authority to operate without certain indicating instruments.

Requests for extension of authority to operate without a frequency monitor, a modulation monitor, a plate ammeter or voltmeter, a base current meter or common point meter, or a transmission line meter for FM and television stations, should be made by informal application to the Engineer in Charge of the radio district in which the station is located. Such requests must contain information as to when and what steps were taken to repair or replace the defective instrument.

APPLICATION PROCESSING PROCEDURES

AUTHORITY: §§ 1.561–1.587 issued under secs. 308, 309, 48 Stat. 1084, 1085, as amended; 47 U.S.C. 308, 309.

§ 1.561 Staff consideration of applications which receive action by the Commission.

Upon acceptance of an application, the complete file is reviewed by the staff and, except where the application is acted upon by the staff pursuant to delegation of authority, a report containing the recommendations of the staff and any other documents required is prepared and placed on the Commission's agenda.

§ 1.562 Staff consideration of applications which do not require action by the Commission.

Those applications which do not require action by the Commission but which, pursuant to the delegations of authority set forth in Subpart B of Part 0 of this chapter, may be acted upon by Chief, Broadcast Bureau are forwarded to the Broadcast Bureau for necessary action. If the application is granted, the license division issues the formal authorization. In any case where it is recommended that the application be set for hearing, where a novel question of policy is presented, or where the Chief, Broadcast Bureau desires instructions from the Commission, the matter is placed on the Commission agenda.

(Sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155)

§ 1.564 Acceptance of applications.

(a) Applications which are tendered for filing in Washington, D.C., are dated by the Office of the Secretary upon receipt and then forwarded to the Broadcast Bureau, where an administrative examination is made to ascertain whether the applications are complete. Applications found to be complete or substantially complete are accepted for filing and are given a file number. In case of minor defects as to completeness, the ap-

plicant will be requested to supply the missing information. Applications which are not substantially complete will be returned to the applicant.

(b) Acceptance of an application for filing merely means that it has been the subject of a preliminary review by the Commission's administrative staff as to completeness. Such acceptance will not preclude the subsequent dismissal of the application if it is found to be patently not in accordance with the Commission's rules.

(c) At regular intervals the Commission will issue a "Public Notice" listing all applications and major amendments thereto which have been accepted for filing.

§ 1.566 Defective applications.

(a) Applications which are determined to be patently not in accordance with the Commission's rules, regulations, or other requirements, unless accompanied by an appropriate request for waiver, will be considered defective and will not be accepted for filing or if inadvertently accepted for filing will be dismissed. Requests for waiver shall show the nature of the waiver or exception desired and shall set forth the reasons in support thereof.

(b) If an applicant is requested by the Commission to file any additional documents or information not included in the prescribed application form, a failure to comply with such request will be deemed to render the application defective, and such application will be dismissed.

§ 1.568 Dismissal of applications.

(a) Subject to the provisions of § 1.525, any application may, upon request of the applicant, be dismissed without prejudice as a matter of right prior to the designation of such application for hearing. An applicant's request for the return of an application that has been accepted for filing will be regarded as a request for dismissal.

(b) Failure to prosecute an application, or failure to respond to official correspondence or request for additional information, will be cause for dismissal. Subject to the provisions of § 1.525, such dismissal will be without prejudice where an application has not yet been designated for hearing, but may be made with prejudice after designation for hearing.

(c) Requests to dismiss an application without prejudice after it has been designated for hearing will be considered only upon written petition properly served upon all parties of record and, where applicable, compliance with the provisions of § 1.525, and will be granted only for good cause shown.

§ 1.569 Applications for frequencies adjacent to Class I–A channels.

Notwithstanding the provisions of any other rules of the Commission, all applications (regardless of when they were or may be filed) for frequencies located within 30 kc/s of a Class I–A channel listed in § 73.25(a) of this chapter will be subject to the provisions of this section. The provisions of paragraph (a) of this section apply to the frequencies listed therein which are within 30 kc/s of a Class I–A channel on which an unlimited time Class II assignment is specifically provided for in §§ 73.22 or 73.25 (a) of this chapter, and which are not within 30 kc/s of the remaining Class I–A channels (except with respect to 740 and 1230 kc/s which are to be considered as being within 30 kc/s of duplicated I–A channels only). The provisions of paragraph (b) of this section apply to the frequencies listed in that paragraph, which are within 30 kc/s of unduplicated Class I–A channels and also, in each case, within 30 kc/s of Class I–A channels on which the location of a Class II–A or other unlimited time Class II station has been specified in §§ 73.22 or 73.25 of this chapter. The provisions of paragraph (c) of this section apply to the three frequencies listed therein, which are within 30 kc/s of unduplicated Class I–A channels only.

(a)(1) The provisions of this paragraph apply to the following frequencies: 740, 910, 920, 990, 1000, 1080, 1090, 1110, 1230, and 1240 kc/s.

(2) Where it appears that the facilities requested in any application for one of the designated frequencies (other than an application by an existing Class IV station to increase daytime power on 1230 or 1240 kc/s) involves undue risk of interference or prohibited overlap with a possible new Class II–A assignment specified in § 73.22 of this chapter or a new unlimited time Class II assignment at Anchorage, Alaska, or San Diego, California, specified in § 73.25(a) of this chapter, such application will not be accepted for filing or, if filed prior to the effective date of this section, will not be acted upon, until the location and operating facilities of such new Class II station are established. An application for one of the designated frequencies shall be deemed to involve undue risk of interference with a possible new Class II assignment unless it is demonstrated that no interference would be caused to specified II–A assignments within 30 kc/s, assuming such facilities to be located at the nearest point on the boundary of the nearest state specified by the Clear Channel Decision released September 14, 1961, and assuming such II–A facility radiates at least 1238 mv/m omnidirectionally; and, in the case of frequencies within 30 kc/s of 750 kc/s or 760 kc/s the proposed facility would not cause interference to Class II assignments at San Diego, California, or Anchorage, Alaska, specified in § 73.25(a) of this chapter.

(3) Assignments of new Class II facilities provided for in §§ 73.22 and 73.25(a) of this chapter will be made without regard to the pendency of applications on adjacent frequencies (i.e., the ten frequencies designated in subparagraph (1) of this paragraph and the additional 20 frequencies which are within 30 kc/s of both duplicated and unduplicated Class I–A channels). Any hearing which may be held on an application for an adjacent frequency will not be comparative with respect to the Class II–A facility, and any issues pertaining to the mutual impact of the Class II–A and adjacent channel proposals will be confined to the question of whether, with the Class II station operating as proposed, the public interest would be served by a grant of the adjacent channel application.

(b)(1) Until September 1, 1964, or such earlier date as may be announced, the provisions of this paragraph will apply to all applications for the following frequencies: 680, 690, 710, 730, 790, 800, 810, 850, 860, 900, 1010, 1050, 1060, 1070, 1130, 1140, 1150, 1170, 1190, and 1220 kc/s.

(2) Applications for new stations on, change of existing stations to, or for any major change in operation of stations presently operating on the designated frequencies will be accepted for filing and acted upon in normal course provided they are accompanied by appropriate exhibits and necessary supporting data to show clearly the following with respect to all Class I–A channels within 30 kc/s of the designated frequency:

(i) The proposed transmitter site is located inside the area encompassed by a 500 mile extension of the 0.5 mv/m–50 percent nighttime contour of Class I–A stations on unduplicated channels.

(ii) No interference or prohibited overlap would be caused to Class I–A stations on unduplicated I–A channels, assuming such stations operate with power increased to 750 kw with their present antenna systems and radiation patterns.

(iii) No interference or prohibited overlap would be caused to an assumed Class II–A station on an unduplicated channel, radiating at least 1238 mv/m omnidirectionally from the nearest point on the boundary described in subdivision (i) of this subparagraph.

(iv) No interference or prohibited overlap would be caused to presently specified Class II–A assignments, assuming such facilities to be located at the nearest point on the boundary of the nearest state specified by the Clear Channel Decision released September 14, 1961, and assuming such II–A facility radiates at least 1238 mv/m omnidirectionally; and, in the case of frequencies within 30 kc/s of 750 kc/s or 760 kc/s, the proposed facility would not cause interference to Class II assignments at San Diego, California, or Anchorage, Alaska, specified in § 73.25(a) of this chapter.

(3) Applications of the type specified in subparagraph (2) of this paragraph filed before October 30, 1961, will be studied to determine whether they comply with each of the four standards set forth in subparagraph (2) of this paragraph. Those applications which are found to comply fully with the standards will be processed and acted upon in normal course. Applications which fail to comply with one or more of the standards will be retained in the pending file without further processing or consideration.

(4) Applications for other changes in facilities on the designated frequencies will be processed and acted upon in normal course.

(c)(1) Until September 1, 1964, or such earlier date as may be announced, the provisions of this paragraph will apply to all applications for the following frequencies: 610, 620, 630 kc/s.

(2) Applications for new stations on, change of existing stations to, or for any major change in operation of stations presently operating on the designated frequencies will be accepted for filing and acted upon in normal course provided they are accompanied by appropriate exhibits and necessary supporting data to show clearly the following with respect to all Class I–A channels within 30 kc/s of the designated frequency:

(i) The proposed transmitter site is located inside the area encompassed by a 500 mile extension of the 0.5 mv/m–50 percent nighttime contour of Class I–A stations on unduplicated channels.

(ii) No interference or prohibited overlap would be caused to Class I–A stations on unduplicated I–A channels, assuming such stations operate with power increased to 750 kw, with their present antenna systems and radiation patterns.

(iii) No interference or prohibited overlap would be caused to an assumed Class II–A station on an unduplicated channel, radiating at least 1238 mv/m omnidirectionally from the nearest point on the boundary described in subdivision (i) of this subparagraph.

(3) Applications of the type specified in subparagraph (2) of this paragraph filed before October 30, 1961, will be studied to determine whether they comply with each of the three standards set forth in subparagraph (2) of this paragraph. Those applications which are found to comply fully with the standards will be processed and acted upon in normal course. Applications which fail to comply with one or more of the standards will be retained in the pending file without further processing or consideration.

(4) Applications for other changes in facilities on the designated frequencies will be processed and acted upon in normal course.

(d) (1) Applications previously accepted for filing which must be held without action pursuant to paragraph (a), (b), or (c) of this section, will not be designated for hearing unless they conflict with applications which may be acted upon in normal course.

(2) If the decision in a hearing looks toward grant of an application which may not be acted upon, pursuant to paragraph (a), (b), or (c) of this section, such application and all applications conflicting with it will be held without final action to the extent required by paragraph (a), (b), or (c) of this section.

(Sec. 307, 48 Stat. 1083; 47 U.S.C. 307)

§ 1.570 Standard broadcast applications involving other North American countries.

(a) *Applications involving conflicts with the U.S./Mexican Agreement or with countries which have ratified NARBA.* Except for applications falling within the provisions of paragraph (b) of this section, no application will be accepted for filing if authorization of the facilities requested in such application would be inconsistent with the provisions of the North American Regional Broadcasting Agreement (NARBA), or the Agreement Between the United States of America and the United Mexican States Concerning Radio Broadcasting in the Standard Broadcast Band (the U.S./Mexican Agreement). Any such application which has heretofore been accepted for filing or which is inadvertently accepted for filing will be dismissed.

(b) *Applications involving conflicts only with respect to Haiti or countries which have signed but not ratified NARBA.* Applications (regardless of when they were or may be filed) for facilities which would be inconsistent with NARBA only with respect to a country which has signed but not completed formal ratification of that agreement, or which would cause objectionable interference (under the standards set forth in NARBA) to a duly notified Haitian station, will be placed or retained in the pending file without further action, except where they conflict with other applications which do not involve international problems. In the latter situation, the various conflicting applications will be designated for hearing in a consolidated proceeding. Where an application inconsistent with international relationships as specified in this paragraph is designated for hearing, the following procedures will govern:

(1) Where it is found that, of the applications involved in a consolidated hearing proceeding, all are inconsistent with international relationships as specified in this paragraph, all will be removed from hearing status and returned to the pending file.

(2) Where, of the applications involved in a consolidated hearing proceeding, one or more but not all are inconsistent with international relationships as specified in this paragraph the hearing issues will include an issue as to such inconsistency (if necessary the hearing issues will be enlarged, and if closed the hearing record will be reopened, to include this matter). The initial decision and the final decision will contain findings and conclusions as to this issue, but neither the presiding officer nor the Commission will in their decisions take into account such issue in determining whether the public interest would be served by grant of any of the various applications. In the decision in such a proceeding, applications will be:

(i) Granted, where they are not inconsistent with international relationships and the public interest will be served thereby.

(ii) Denied, if denial is required because of grant of other applications or for other reasons independent of the consistency issue; or

(iii) Placed in the pending file without removal from hearing status if grant of the application would be in the public interest except for inconsistency with international relationships as specified in this paragraph, or where denial would be only on the basis of comparative consideration with an application which is being placed in the pending file because of such inconsistency.

(3) Where an application inconsistent with international relationships is designated for hearing because of conflict with another application not involving such inconsistency, and the conflict is later removed by amendment or dismissal of the latter application, the inconsistent application will be removed from hearing status and returned to the pending file.

NOTE 1: Upon ratification by Canada, Cuba and the United States, NARBA entered into force April 19, 1960; the Dominican Republic deposited its ratification on May 4, 1961. When the other signatory power, The Bahama Islands and Jamaica, ratifies the agreement, or when Haiti (not a signatory power) formally adheres thereto, the Commission upon notification thereof will give public notice of such occurrence. Applications involving conflicts with respect to such country will thereupon automatically be removed from the provisions of paragraph (b) of this section and will fall within paragraph (a) of this section.

If The Bahama Islands and Jamaica completes formal ratification of NARBA, and at that time Haiti has not yet formalized its adherence to the agreement, the Commission will give consideration to whether applications involving conflicts with Haitian stations should continue to be handled as provided in paragraph (b) of this section, or whether, in view of the then pertaining relationship with Haiti in this area, they should be handled as provided in paragraph (a) of this section, or should be handled otherwise. Applicants for facilities involving conflicts with duly notified Haitian stations should take note of these possibilities.

NOTE 2: For the purpose of this section, an application is not regarded as inconsistent with the provisions of NARBA if it is for Class IV facilities operating with more than 250 watts but no more than 1 kw power, to be located in those portions of the United States where such facilities are not precluded under the Note to § 73.21(c) of this chapter, and where such facilities would not cause objectionable interference (under the standards set forth in NARBA) to a duly notified station in any other NARBA signatory country or in Haiti.

NOTE 3: As to the use in hearings of groundwave field intensity measurements involving foreign countries, see the note to § 73.183(b) of this chapter.

(c) *Amendment of application designated for hearing.* When, in the case of any application which has been designated for hearing on issues not including an issue as to consistency with international relationships and as to which no final decision has been rendered, action under this section becomes appropriate because of inconsistency with international relationships, the applicant involved shall, notwithstanding the provisions of §§ 1.522 and 1.571, be permitted to amend its application to achieve consistency with such relationships. In such cases the provisions of § 1.605(c) will apply.

(d) *Applications not involving conflict with NARBA or U.S./Mexican Agreement.* As a matter of general practice, applications which are consistent with NARBA and the U.S./Mexican Agreement and which would not involve objectionable interference to a duly notified Haitian assignment, will be considered and acted upon by the Commission in accordance with its established procedure. In particular cases, involving applications of this character but in which special international considerations require that a different procedure be followed, the applicant involved will be formally advised to this effect.

§ 1.571 Processing of standard broadcast applications.

(a) Applications for standard broadcast facilities are divided into three groups.

(1) In the first group are applications for new stations (except applications for new Class II–A stations) or for major changes in the facilities of authorized stations, i.e., any changes in frequency, power, hours of operation, or station location: *Provided, however,* That the Commission may, within 15 days after the tender for filing of any application for other modification of facilities, advise the applicant that such application is considered to be one for a major change and therefore is subject to the provisions of § 1.580.

(2) The second group consists of applications for licenses and all other changes in the facilities of authorized stations.

(3) The third group consists of applications for new Class II–A stations.

(b) If an application is amended so as to effect a major change as defined in paragraph (a) (1) of this section or so as to result in a transfer of control or assignment which, in the case of an authorized station, would require the filing of an application therefor on FCC Form 314 or 315 (see § 1.540), § 1.580 will apply to such amended application.

(c) Applications for new stations (except new Class II–A stations) or for major changes in the facilities of authorized stations are processed as nearly as possible in the order in which they are filed. Such applications will be placed in the processing line in numerical sequence, and are drawn by the staff for study, the lowest file number first. Thus, the file number determines the order in which the staff's work is begun on a particular application. There are two exceptions thereto: the Broadcast Bureau is authorized to (1) group together for processing applications which involve interference conflicts where it appears that the applications must be designated for hearing in a consolidated proceeding; and (2) to group together for processing and simultaneous consideration, without designation for hearing, all applications filed by existing Class IV stations requesting an increase in daytime power which involve interlinking interference problems only, regardless of their respective dates of filing. In order that those applications which are entitled to be grouped for processing may be fixed prior to the time processing of the earliest filed application is begun, the Commission will periodically publish in the FEDERAL REGISTER a Public Notice listing applications which are near the top of the processing line and announcing a date (not less than 30 days after publication) on which the listed applications will be considered available and ready for processing and by which all applications excepting those specified in exception (2) in this paragraph must be filed if they are to be grouped with any of the listed applications.

(d) Applications for new Class II–A stations are placed at the head of the processing line and processed as quickly as possible. Action on such applications may be at any time more than 30 days after public notice is given of acceptance of the application for filing.

(e) The processing and consideration of applications for new stations or major changes on those frequencies specified in § 1.569 are subject to certain restrictions, as set forth therein.

(f) Applications other than those for new stations or for major changes in the facilities of authorized stations are not placed on the processing line but are processed as nearly as possible in the order in which they are filed.

(g) Applications for modifications of license to change hours of operation of a class IV station, to decrease hours of operation of any other class of station, or to change station location involving no change in transmitter site will be considered without reference to the processing line.

(h) If, upon examination, the Commission finds that the public interest, convenience, and necessity will be served by the granting of an application, the same will be granted. If, on the other hand, the Commission is unable to make such a finding and it appears that a hearing may be required, the procedure set forth in § 1.593 will be followed.

(i) When an application which has been designated for hearing has been removed from the hearing docket, the application will be returned to its proper position (as determined by the file number) in the processing line. Whether or not a new file number will be assigned will be determined pursuant to paragraph (j) of this section after the application has been removed from the hearing docket.

(j) (1) A new file number will be assigned to an application for a new station, or for major changes in the facilities of authorized stations, when it is amended to change frequency, to increase power, to increase hours of operation, or to change station location. Any other amendment modifying the engineering proposal, except an amendment respecting the type of equipment specified, will also result in the assignment of a new file number unless such amendment is accompanied by a complete engineering study showing that the amendment would not involve new or increased interference problems with existing stations or other applications pending at the time the amendment is filed. If, after submission and acceptance of such an engineering amendment, subsequent examination indicates new or increased interference problems with either existing stations or other applications pending at the time the amendment was received in the Commission, the application will then be assigned a new file number and placed in the processing line according to the numerical sequence of the new file number.

(2) A new file number will be assigned to an application for a new station when it is amended to specify a change in ownership as a result of which one or more parties with an ownership interest in the original application do not have, on a collective basis, a 50 percent or more ownership interest in the amended application.

(3) An application for changes in the facility of an existing station will continue to carry the same file number although an assignment of license or transfer of control of said licensee (permittee)-applicant has been consented to by the Commission, provided the application for changes in facility (FCC Form 301) is amended jointly by the assignor and assignee or transferor and transferee, upon consummation of the assignment or transfer, to reflect the ownership changes and to include the financial and programming proposals of the new licensee (permittee)-applicant.

(k) When an application is reached for processing, and it is necessary to address a letter to the applicant asking further information, the application will not be processed until the information requested is received, and the application will be placed in the pending file to await the applicant's response.

(l) When an application is placed in the pending file, the applicant will be notified of the reason for such action.

NOTE: Pending the Commission's re-study of the rules pertaining to allocation of standard broadcast facilities, requests for standard broadcast authorizations will be considered as set forth in paragraphs (a) and (b) of this note, notwithstanding any provisions of this chapter to the contrary.

(a) Applications for new standard broadcast stations or for major changes in the facilities of existing stations on the frequencies specified in §§ 73.25, 73.26, and 73.27 of this chapter, will be accepted for filing only when the applications fall within the following categories:

(1) Applications requesting authority to increase power of existing Class IV stations on local channels from 250 watts, not to exceed 1 kilowatt, or, from 100 watts to 250 watts or 500 watts.

(2) Applications for new Class II–A stations specified in § 73.22 of this chapter.

(3) Applications for other facilities, except new 100 watt Class IV proposals, where a showing has been submitted to demonstrate that the proposed operation (i) would bring a first interference-free primary service, day or night, to at least 25 percent of the area or 25 percent of the population within the proposed interference-free service contour; and (ii) would not cause any objectionable interference to existing stations, and would not involve prohibited overlap as specified in § 73.37 of the rules with existing stations.

(b) Applications for standard broadcast facilities now pending will be processed and acted upon in normal course. Applications for new stations or for major changes in existing stations tendered for filing after May 10, 1962, which are not consistent with the interim criteria, will be returned to the applicant.

§ 1.572 Processing of television broadcast applications.

(a) Applications for television broadcast stations are divided into two groups.

(1) In the first group are applications for new stations or for major changes in the facilities of authorized stations, i.e., (i) any change in frequency or station location, or (ii) any change in power, antenna height above average terrain and/or antenna location, if the change or combinations of changes results in a change of 50 percent or more in the area within the Grade B contour of the station: *Provided, however,* That the Commission may, within 15 days after the

tender for filing of any other application for modification of facilities, advise the applicant that such application is considered to be one for a major change and therefore is subject to the provisions of § 1.580.

(2) The second group consists of applications for licenses to cover construction permits and all other changes in the facilities of authorized stations.

(b) If an application is amended so as to effect a major change as defined in paragraph (a) (1) of this section or so as to result in an assignment or transfer of control which, in the case of an authorized station, would require the filing of an application therefor on FCC Form 314 or 315 (see § 1.540), § 1.580 will apply to such amended application.

(c) Applications for television stations will be processed as nearly as possible in the order in which they are filed.

(d) Regardless of the number of applications filed for channels in a city or the number of assignments available in that city, those applications which are mutually exclusive, i.e., which request the same channel, will be designated for hearing. All other applications for channels will, if the applicants are duly qualified, receive grants. For example, if Channels 6, 13, 47, and 53 have been assigned to City X and there are pending two applications for Channel 6 and one application for each of the remaining channels, the latter three applications will be considered for grants without hearing and the two mutually exclusive applications requesting Channel 6 will be designated for hearing. If there are two pending applications for Channel 6 and two applications for Channel 13, separate hearings will be held.

(e) Where applications are mutually exclusive because the distance between their respective proposed transmitter sites is contrary to the station separation requirements set forth in § 73.610 of this chapter, said applications will be processed and designated for hearing at the time the application with the lower file number is reached for processing. In order to be considered mutually exclusive with a lower file number application, the higher file number application must have been accepted for filing at least one day before the lower file number application has been acted upon by the Commission.

§ 1.573 Processing of FM and noncommercial educational FM broadcast applications.

(a) Applications for FM broadcast stations are divided into two groups.

(1) In the first group are applications for new stations or for major changes in the facilities of authorized stations, i.e., (i) any change in frequency, station location or class of station, and (ii) any change in power, antenna height above average terrain and/or antenna location, if the change or combination of changes results in a change of 50 percent or more in the area within the station's 1 mv/m contour: *Provided, however,* That the Commission may, within 15 days after the tender for filing of any other application for modification of facilities, advise the applicant that such application is considered to be one for a major change and therefore is subject to the provisions of § 1.580.

(2) The second group consists of applications for licenses and all other changes in the facilities of authorized stations.

(b) If an application is amended so as to effect a major change as defined in paragraph (a) (1) of this section or so as to result in an assignment or transfer of control which, in the case of an authorized station, would require the filing of an application therefor on FCC Form 314 or 315 (see § 1.540), § 1.580 will apply to such amended application.

(c) Except as provided in the note to this section, if, upon examination, the Commission finds that the public interest, convenience and necessity will be served by the granting of an application for FM broadcast facilities (Class A, Class B, Class C or noncommercial educational), the same will be granted. If, on the other hand, the Commission is unable to make such a finding and it appears that a hearing may be required, the procedure set forth in § 1.593 will be followed.

NOTE: During further consideration of the matters and issues in Docket No. 14185 (pertaining to the revision of the FM broadcast rules), applications for FM broadcast authorizations (on both commercial and noncommercial educational channels in Puerto Rico and the Virgin Islands and on noncommercial educational channels elsewhere whether in or out of hearing status, and regardless of the date they were or may be tendered for filing) will be subject to the following procedures, notwithstanding any provision of the FM broadcast rules or of this section to the contrary:

(a) *Consideration pending decision as to an FM Table of Assignments for Puerto Rico and the Virgin Islands and adoption thereof if decided on:* Pending decision as to adoption of a Table of Assignments for the 80 commercial channels in Puerto Rico and the Virgin Islands, and final adoption of such Table if it is concluded to be in the public interest, no application will be granted or accepted for filing proposing a new FM station or a change in the channel of an existing FM station in Puerto Rico or the Virgin Islands. Applications for other changes in the facilities of existing FM stations in Puerto Rico and the Virgin Islands will be accepted and acted upon if consistent with the requirements of subpart B, Part 73, of this chapter.

(b) *Alaska, Hawaii, and Guam:* Applications for facilities on commercial channels in Alaska, Hawaii, and Guam will be accepted and acted upon if they meet the requirements of Subpart B, Part 73, of this chapter.

(c) *Noncommercial educational stations:* With respect to grant and (after August 8, 1962) acceptance of applications for construction permits for new or changed facilities on the channels reserved in § 73.501 of this chapter for educational use, the following restrictions will apply:

(1) Applications for facilities on channels 218, 219, and 220 must meet the following criteria:

(i) The facilities requested must not exceed the maximum facilities specified in § 73.211 of this chapter (as amended July 25, 1963, effective September 11, 1963) for Class B or Class C commercial stations, depending on the zone in which the requested facilities would be located.

(ii) The requested facilities must be located, with respect to any assignment on FM Channels 221, 222, and 223 specified in the table of assignments in § 73.202 of this chapter at no less than the minimum mileage separations specified for stations of their class in §§ 73.207 and 73.504 of this chapter.

(iii) Where the application is for change in transmitter site, the move must not shorten the separation between the station and other co-channel and adjacent-channel stations, if the result would be a spacing less than that specified in § 73.207 of this chapter (as amended July 25, 1963, effective September 11, 1963).

(2) No application for facilities on any channel specified in § 73.501 of this chapter will be granted or accepted if the facilities requested would cause objectionable interference within the 1 mv/m contour of any co-channel or adjacent-channel station, or receive interference within the proposed 1 mv/m contour. The following standards shall be used to determine the existence of objectionable interference:

(i) The distance to the 1 mv/m contour shall be determined by use of Figure 1 of § 73.333 of this chapter (as amended July 25, 1962, effective September 10, 1962).

(ii) The distance to the applicable interference contour shall be determined by the F(50,10) curve published with the Commission's Order, FCC 61-1447, adopted December 6, 1961, setting forth the interim procedure for processing FM applications.

(iii) Objectionable interference will be considered to exist where, on the basis of the curves referred to in this subparagraph, the undesired signal of a co-channel signal exceeds one-tenth of the desired signal, the undesired signal of a station 200 kc/s removed exceeds one half of the desired signal, the undesired signal of a station 400 kc/s removed exceeds 10 times the desired signal or the undesired signal of a station 600 kc/s removed exceeds 100 times the desired signal.

(3) Directional antennas. No application for construction permit for a new station, change in channel, or change in existing facilities on the same channel will be granted or accepted for filing where it proposes a directional antenna with a maximum-to-minimum ratio of more than 15 db.

(d) *Maximum and minimum facilities for stations on noncommercial channels.* No provisions of these rules as to minimum facilities shall apply to noncommercial educational stations operating on the channels specified in § 73.501 of this chapter, or to grant or acceptance of applications by any existing station for increase in facilities over its present channel; and no provisions as to maximum facilities shall apply to noncommercial educational stations on Channels 201 to 217, inclusive, set forth in § 73.501 of this chapter.

§ 1.574 Processing of international broadcast applications.

(a) Applications for international broadcast facilities are divided into two groups.

(1) In the first group are applications for new stations for new or additional target zones, or for major changes in the facilities of authorized stations, i.e., a substantial change (other than local) in transmitter location or a significant change in the delivered median field intensity at the target zone: *Provided, however,* That the Commission may within 15 days after the tender for filing of any other application for modification, advise the applicant that such application is considered to be one for a major change and therefore is subject to the provisions of § 1.580.

(2) The second group consists of applications for licenses and all other changes in the facilities of authorized stations.

(b) If an application is amended so as to effect a major change as defined in paragraph (a)(1) of this section, or so as to result in an assignment or transfer of control which, in the case of an authorized station, would require the filing of an application therefor on FCC Form 314 or 315 (see § 1.540), § 1.580 will apply to such amended application.

(c) Applications for international broadcast stations will be processed as nearly as possible in the order in which they are filed.

NOTE: Pending rule making pertaining to the authorization of international broadcast stations, no application seeking authority to construct a new international broadcast station or seeking authority to operate a greater number of frequency hours than authorized on April 25, 1963, will be granted, and, after April 25, 1963, no such application will be accepted for filing.

§ 1.578 Amendments to applications for renewal, assignment and/or transfer of control.

(a) Any amendment to an application for renewal of any instrument of authorization shall be considered to be a minor amendment, except that any amendment which seeks to change the proposals contained therein relating to future programming of a station shall be considered to be a major amendment: *Provided, however,* That the Commission may, within 15 days after tender for filing of any other amendment, advise the applicant that the amendment is considered to be a major amendment and therefore is subject to the provisions of § 1.580.

(b) Any amendment to an application for assignment of construction permit or license, or consent to the transfer of control of a corporation holding such a construction permit or license, shall be considered to be a minor amendment, except that any amendment which seeks a change in the ownership interest of the proposed assignee or transferee which would result in a change in control, or any amendment which would require the filing of FCC Forms 314 or 315 (see § 1.540) if the changes sought were made in an original application for assignment or transfer of control, shall be considered to be a major amendment: *Provided, however,* That the Commission may, within 15 days after the tender for filing of any other amendment, advise the applicant that the amendment is considered to be a major amendment and therefore is subject to the provisions of § 1.580.

§ 1.580 Local notice of filing; public notice of acceptance for filing; petitions to deny.

(a) All applications for instruments of authorization in the broadcast service (and major amendments thereto, as indicated in §§ 1.571, 1.572, 1.573, 1.574, and 1.578) are subject to the provisions of this section, except applications for:

(1) A minor change in the facilities of an authorized station, as indicated in §§ 1.571–1.574.

(2) Consent to an involuntary assignment or transfer under section 310(b) of the Communications Act of 1934, as amended, or to a voluntary assignment or transfer thereunder which does not result in a change of control and which may be applied for on FCC Form 316 pursuant to the provisions of § 1.540(b).

(3) A license under section 319(c) of the Communications Act or, pending application for or grant of such license, any special or temporary authorization to permit interim operation to facilitate completion of authorized construction or to provide substantially the same service as would be authorized by such license.

(4) Extension of time to complete construction of authorized facilities.

(5) An authorization of facilities for remote pickup or studio links for use in the operation of a broadcast station.

(6) Authorization pursuant to section 325(b) of the Communications Act where the programs to be transmitted are special events not of a continuing nature.

(7) An authorization under any of the proviso clauses of section 308(a) of the Communications Act.

(b) No application subject to the provisions of this section (whether as originally filed or as amended) will be acted upon by the Commission less than 30 days following issuance of public notice of the acceptance for filing of such application or amendment: *Provided, however,* That the Commission, notwithstanding the requirements of this section, may, if the grant of such application is otherwise authorized by law and if it finds that there are extraordinary circumstances requiring emergency operations in the public interest and that delay in the institution of such emergency operations would seriously prejudice the public interest, grant a temporary authorization accompanied by a statement of its reasons therefor, to permit such emergency operations for a period not exceeding 90 days, and upon making like findings may extend such temporary authorization for one additional period not to exceed 90 days.

(c) Except as otherwise provided in paragraph (e) of this section, an applicant filing any application or an amendment thereto which is subject to the provisions of this section (except for applications for stations in the international broadcast service and for television translator stations) shall cause to be published a notice of such filing as follows: Notice shall be published at least twice a week for the 2 weeks immediately following the tendering for filing of such application or amendment, or at least twice a week for the 2 weeks immediately following notification by the Commission pursuant to § 1.571, § 1.572, § 1.573, or § 1.578 in a daily newspaper of general circulation published in the community in which the station is located or proposed to be located: *Provided, however,* That if there is no such daily newspaper published in the community, the notice shall be published as follows:

(1) If one or more weekly newspapers of general circulation are published in the community in which the station is located or proposed to be located, notice shall be published in such a weekly newspaper once a week for the 3 weeks immediately following the tendering for filing of such application or amendment, or once a week for the 3 weeks immediately following notification by the Commission pursuant to § 1.571, § 1.572, § 1.573, or § 1.578.

(2) If no weekly newspaper of general circulation is published in the community in which the station is located or proposed to be located, notice shall be published at least twice a week for the 2 weeks immediately following the tendering for filing of such application or amendment, or at least twice a week for the 2 weeks immediately following notification by the Commission pursuant to § 1.571, § 1.572, § 1.573, or § 1.578, in the daily newspaper having the greatest general circulation in the community in which the station is located or proposed to be located:

And provided further, That in the case of an application for a permit pursuant to section 325(b) of the Communications Act, the notice shall be published at least twice a week for the 2 weeks immediately following the tendering for filing of such application, or at least twice a week for the 2 weeks immediately following notification by the Commission pursuant to § 1.571, § 1.572, § 1.573, or § 1.578, in a daily newspaper of general circulation in the largest city in the principal area to be served in the United States by the foreign radio broadcast station:

And provided further, That in the case of an application for change in the location of a station, the notice shall be published both in the community in which the station is located and in the community in which the station is proposed to be located.

(d) If the application seeks modification, assignment, transfer or renewal of an operating broadcast station (except for applications for stations in the international broadcast service and for television translator stations), the applicant shall, in addition to publishing a notice of such filing as provided in paragraph (c) of this section, cause the same notice to be broadcast over that station at least once daily on 4 days in the week immediately following the tendering for filing of such application, or in the week immediately following notification by the Commission pursuant to § 1.571, § 1.572, § 1.573, or § 1.578. In the case of television broadcast stations and noncommercial educational television broadcast stations, such notice shall be broadcast orally with camera focused on the announcer. The notice required by this paragraph shall be broadcast during the following periods:

(1) For television broadcast stations, between 7:00 p.m. and 10:00 p.m.

(2) For standard and FM broadcast stations, between 7:00 a.m. and 10:00 a.m., but if such stations do not operate during those hours, then between 6:00 p.m. and 9:00 p.m.

(3) For noncommercial educational television broadcast stations, between 7:00 p.m. and 10:00 p.m., but if the period of broadcast of notice falls within a portion of the year during which such stations do not broadcast, then such stations need not comply with the provisions of this paragraph.

(4) For noncommercial educational FM broadcast stations and standard broadcast stations operating as educational stations, between 3:00 p.m. and 10:00 p.m., but if the period of broadcast of notice falls within a portion of the year during which such stations do not broadcast, then such stations need not comply with the provisions of this paragraph.

(e) If the station in question is the only operating station in its broadcast service which is located in the community involved, or if it is a noncommercial educational station (FM or television) or a standard broadcast station operating as a noncommercial educational station, publication of the notice in a newspaper, as provided in paragraph (c) of this section, is not required, and publication by broadcast over that station as provided in paragraph (d), shall be deemed sufficient to meet the requirements of paragraphs (c) and (d) of this section: *Provided, however,* That noncommercial educational FM broadcast stations, noncommercial educational television broadcast stations, and standard broadcast stations operating as noncommercial educational stations which do not broadcast during the portion of the year in which the period of broadcast of notice falls must comply with the provisions of paragraph (c) of this section.

(f) The notice required by paragraphs (c) and (d) of this section shall contain the information indicated in subparagraphs (1) through (4) of this paragraph, and, if the notice concerns applications and amendments referred to in subparagraphs (5) through (9) of this paragraph, shall also contain the information called for in those subparagraphs:

(1) The name of the applicant, if the applicant is an individual; the names of all partners, if the applicant is a partnership; or the names of all officers and directors and of those persons holding 10 percent or more of the capital stock or other ownership interest if the applicant is a corporation or an unincorporated association. (In the case of applications for assignment or transfer of control, information should be included for all parties to the application.)

(2) The purpose for which the application was filed (i.e., construction permit, modification, transfer or assignment of control, renewal, etc.).

(3) The date when the application or amendment was tendered for filing with the Commission.

(4) The call letters, if any, of the station, and the frequency or channel on which the station is operating or proposes to operate.

(5) In the case of an application for construction permit for a new station, the facilities sought, including type and class of station, power, location of studios, transmitter site and antenna height.

(6) In the case of an application for modification of a construction permit or license, the exact nature of the modification sought.

(7) In the case of an amendment to an application, the exact nature of the amendment.

(8) In the case of applications for a permit pursuant to section 325(b) of the Communications Act, the call letters and location of the foreign radio broadcast station, the frequency or channel on which it operates, and a description of the programs to be transmitted over the station.

(9) In the case of an application for renewal of license, as follows:

The application of this station for a renewal of its license to operate this station in the public interest was tendered for filing with the Federal Communications Commission on _____. Members of the public who desire to bring to the Commission's attention facts concerning the operation of the station should write to the Federal Communications Commission, Washington, D.C., 20554, not later than _____. Letters should set forth in detail the specific facts which the writer wishes the Commission to consider in passing on this application.

NOTE 1: In the required statement in subparagraph (9) of this paragraph, the applicant shall insert, as the date on or before which members of the public who desire to submit facts should write to the Commission, the date 30 days after the date upon which the application was tendered for filing.

NOTE 2: The first sentence of the required statement in subparagraph (9) of this paragraph shall satisfy the requirement of subparagraph (3) of this paragraph in the case of an application for renewal of license.

(g) An applicant filing any application or an amendment thereto for a television broadcast translator station which is subject to this section shall cause to be published a notice of such filing at least once during the two week period immediately following the tendering for filing of such application or major amendment, or, when an applicant is specifically advised by the Commission that public notice is required in a particular case pursuant to § 1.572, such notice shall be published at least once during the two week period immediately following Commission notification, in a daily, weekly or bi-weekly publication having general circulation in the community or area to be served: *Provided, however,* That, if there is no publication of general circulation in the community or area to be served, the applicant shall determine an appropriate means of providing the required notice to the general public, such as posting in the local post office or other public place. The notice shall state:

(1) The name of the applicant, the community or area to be served, and the transmitter site.

(2) The purpose for which the application was filed (whether the application is for a new translator station, for authority to make changes in an existing translator station, for assignment or transfer of control, renewal, etc.).

(3) The date when the application or amendment was filed with the Commission.

(4) The output channel or channels on which the station is operating or proposes to operate and the power used or proposed to be used.

(5) In the case of an application for changes in authorized facilities, the nature of the changes sought.

(6) In the case of a major amendment to an application, the nature of the amendment.

(7) A statement that the station engages in or intends to engage in rebroadcasting, and the call letters, location and channel of operation of each station whose signals it is rebroadcasting or intends to rebroadcast.

(h) Within 7 days of the last day of publication or broadcast of the notice required by paragraphs (c), (d), or (g) of this section, the applicant shall file a statement in triplicate with the Commission, setting forth the dates on which the notice was published, the newspaper in which the notice was published, the text of the notice, and/or, where applicable, the dates and times that the notice was broadcast and the text thereof. When public notice is given by other means, as provided in paragraph (g) of this section, the applicant shall file within 7 days of the giving of such notice, the text of the notice, the means by which it was accomplished, and the date thereof.

(i) Any party in interest may file with the Commission a petition to deny any such application (whether as originally filed or amended) no later than 30 days after issuance of a public notice of the acceptance for filing of any such application or amendment thereto: *Provided, however,* That in the case of applications for standard broadcast facilities, petitions to deny may be filed at any time prior to the day of Commission grant thereof without hearing or the day of formal designation thereof for hearing; but where the Commission issues a public notice pursuant to the provisions of § 1.571(c) listing standard broadcast applications as available and ready for processing, no petitions to deny any such listed application will be accepted after the "cut off" date specified in the public notice: *And provided further,* That in the case of applications for renewal of license, petitions to deny may be filed at any time prior to the day of Commission grant thereof without hearing or the day of formal designation thereof for hearing. Petitions to deny shall contain specific allegations of fact sufficient to show that the petitioner is a party in interest and that a grant of the application would be prima facie inconsistent with the public interest, convenience, and necessity. Such allegations of fact shall, except for those of which official notice may be taken, be supported by affidavit of a person or persons with personal knowledge thereof.

(j) The applicant may file an opposition to any petition to deny, and the petitioner a reply to such opposition (see § 1.45) in which allegations of fact or denials thereof shall be supported by affidavit of a person or persons with personal knowledge thereof.

(k)(1) The provisions of sections 309 and 311(a) of the Communications Act, as amended by Public Law 86-752, shall not be applicable to applications for assignments of licenses or construction permits or for transfers of control of corporate licensees or permittees which are pending before the Commission and

which have not been designated for hearing prior to December 12, 1960.

(2) Any other applications in the categories subject to this section which are pending before the Commission and which have not been designated for hearing before December 12, 1960, will not be acted on by the Commission until at least 30 days after that date. Any party in interest may file a petition to deny such applications pursuant to the provisions of this section. The provisions of section 309 of the Communications Act, as in effect prior to December 12, 1960, shall not be applicable to such applications. However, such applications shall not be subject to the provisions of paragraph (c) of this section.

(Sec. 5(a), 74 Stat. 892; 47 U.S.C. 311)

§ 1.587 Procedure for filing informal objections.

Before Commission action on any application for an instrument of authorization, other than a license pursuant to a construction permit, any person may file informal objections to the grant. Such objections shall be signed by the objector. The limitation on pleadings and time for filing pleadings provided for in § 1.45 shall not be applicable to any objections duly filed under this section.

ACTION ON APPLICATIONS

§ 1.591 Grants without hearing of authorizations other than licenses pursuant to construction permits.

(a) In the case of any application for an instrument of authorization other than a license pursuant to a construction permit, the Commission will make the grant if it finds (on the basis of the application, the pleadings filed, or other matters which it may officially notice) that the application presents no substantial and material question of fact and meets the following requirements:

(1) There is not pending a mutually exclusive application filed in accordance with paragraph (b) of this section;

(2) The applicant is legally, technically, financially, and otherwise qualified;

(3) The applicant is not in violation of provisions of law or this chapter or established policies of the Commission; and

(4) A grant of the application would otherwise serve the public interest, convenience, and necessity.

(b) In making its determinations pursuant to the provisions of paragraph (a) of this section, the Commission will not consider any other application, or any other application if amended so as to require a new file number, as being mutually exclusive or in conflict with the application under consideration unless such other application was substantially complete and tendered for filing by whichever date is earlier: (1) The close of business on the day preceding the day on which the Commission takes action with respect to the application under consideration; or (2) the close of business on the day preceding the day designated by public notice in the FEDERAL REGISTER as the day the application under consideration is available and ready for processing.

NOTE: Paragraph (b)(2) of this section applies only to standard broadcast applications for new stations or for major changes in the facilities of authorized stations. See also §§ 1.227(b)(1) and 1.571 (c) and (h).

(c) If a petition to deny the application has been filed in accordance with § 1.580 and the Commission makes the grant in accordance with paragraph (a) of this section, the Commission will deny the petition and issue a concise statement setting forth the reasons for denial and disposing of all substantial issues raised by the petition.

(Sec. 309, 48 Stat. 1085, as amended; 47 U.S.C. 309)

§ 1.592 Conditional grant.

(a) Where a grant of an application would preclude the grant of any application or applications mutually exclusive with it, the Commission may, if the public interest will be served thereby, make a conditional grant of one of the applications and designate all of the mutually exclusive applications for hearing. Such conditional grant will be made upon the express condition that such grant is subject to being withdrawn if, at the hearing, it is shown that public interest will be better served by a grant of one of the other applications. Such conditional grants will be issued only where it appears:

(1) That some or all of the applications were not filed in good faith but were filed for the purpose of delaying or hindering the grant of another application; or

(2) That public interest requires the prompt establishment of broadcast service in a particular community or area; or

(3) That a grant of one or more applications would be in the public interest, and that a delay in making a grant to any applicant until after the conclusion of a hearing on all applications might jeopardize the rights of the United States under the provisions of international agreement to the use of the frequency in question; or

(4) That a grant of one application would be in the public interest, and that it appears from an examination of the remaining applications that they cannot be granted because they are in violation of provisions of the Communications Act, other statutes, or the provisions of this chapter.

(b) When two or more applications for the same television assignment have been designated for hearing, the Commission may, if the public interest will be served thereby, make a conditional grant to a group composed of any two or more of the competing applicants, such grant to terminate when the successful applicant commences operation under the terms of a regular authorization. No conditional grant will be made unless all of the competing applicants have been afforded a reasonable opportunity to participate in the group seeking the conditional grant. In its application, the group shall include a special showing as to the need for the service pending operation by the successful applicant under the terms of a regular authorization; the effect, if any, of a grant on the position of any applicant which is not a member of the group; and any other factors which are deemed pertinent to the public interest judgment.

§ 1.593 Designation for hearing.

If the Commission is unable, in the case of any application for an instrument of authorization, to make the findings specified in § 1.591(a), it will formally designate the application for hearing on the grounds or reasons then obtaining and will forthwith notify the applicant and all known parties in interest of such action and the grounds and reasons therefor, specifying with particularity the matters and things in issue but not including issues or requirements phrased generally.

(Sec. 309, 48 Stat. 1085, as amended; 47 U.S.C. 309)

§ 1.594 Local notice of designation for hearing.

(a) Except as otherwise provided in paragraph (c) of this section, when an application subject to the provisions of § 1.580 (except for applications for stations in the international broadcast service and for television translator stations) is designated for hearing, the applicant shall cause to be published a notice of such designation as follows: Notice shall be published at least twice a week, for the 2 weeks immediately following release of the Commission's order specifying the time and place of the commencement of the hearing, in a daily newspaper of general circulation published in the community in which the station is located or proposed to be located: *Provided, however,* That if there is no such daily newspaper published in the community, the notice shall be published as follows:

(1) If one or more weekly newspapers of general circulation are published in the community in which the station is located or proposed to be located, notice shall be published in such a weekly newspaper once a week for the three weeks immediately following the release of the Commission's order specifying the time and place of the commencement of the hearing;

(2) If no weekly newspaper of general circulation is published in the community in which the station is located or proposed to be located, notice shall be published at least twice a week for the two weeks immediately following the release of the Commission's order specifying the time and place of the commencement of the hearing in the daily newspaper having the greatest general circulation in the community in which the station is located or proposed to be located:

And provided further, That in the case of an application for a permit pursuant to section 325(b) of the Communications Act, the notice shall be published at least twice a week for the two weeks immediately following release of the Commission's order specifying the time and place of the commencement of the hearing in a daily newspaper of general circulation in the largest city in the principal area to be served in the United States by the foreign radio broadcast station:

And provided further, That in the case of an application for change in the location of a station, the notice shall be published both in the community in which the station is located and in the community in which the station is proposed to be located.

(b) When an application which is subject to the provisions of § 1.580 and which seeks modification, assignment, transfer, or renewal of an operating broadcast station is designated for hearing (except for applications for stations in the international broadcast service and for television translator stations), the applicant shall, in addition to publishing a notice of such designation as provided in paragraph (a) of this section, cause the same notice to be broadcast over that station at least once daily on 4 days in the week immediately following the release of the Commission's order specifying the time and place of the commencement of the hearing. In the case of television broadcast stations and noncommercial educational television broadcast stations, such notice shall be broadcast orally with camera focused on the announcer. The notice required by this paragraph shall be broadcast during the following periods:

(1) For television broadcast stations, between 7:00 p.m. and 10:00 p.m.

(2) For standard and FM broadcast stations, between 7:00 a.m. and 10:00 a.m., but if such stations do not operate during those hours, then between 6:00 p.m. and 9:00 p.m.

(3) For noncommercial educational television broadcast stations, between 7:00 p.m. and 10:00 p.m., but if the period of broadcast of notice falls within a portion of the year during which such stations do not broadcast, then such stations need not comply with the provisions of this paragraph.

(4) For noncommercial educational FM broadcast stations and standard broadcast stations operating as educational stations, between 3:00 p.m. and 10:00 p.m., but if the period of broadcast of notice falls within a portion of the year during which such stations do not broadcast, then such stations need not comply with the provisions of this paragraph.

(c) If the station in question is the only operating station in its broadcast service which is located in the community involved, or if it is a noncommercial educational station (FM or television) or a standard broadcast station operating as a noncommercial educational station, publication of the notice in a newspaper, as provided in paragraph (a) of this section, is not required, and publication by broadcast over that station as provided in paragraph (b) shall be deemed sufficient to meet the requirements of paragraphs (a) and (b) of this section: *Provided, however,* That noncommercial educational FM broadcast stations, noncommercial educational television broadcast stations, and standard broadcast stations operating as noncommercial educational stations which do not broadcast during the portion of the year in which the period of broadcast of notice falls must comply with the provisions of paragraph (a) of this section.

(d) The notice required by paragraphs (a) and (b) of this section shall set forth:

(1) The name of the applicant or applicants designated for hearing.

(2) The call letters, if any, of the station or stations involved, and the frequencies or channels on which the station or stations are operating or proposed to operate.

(3) The time and place of the hearing.

(4) The issues in the hearing as listed in the Commission's order of designation for hearing.

(e) When an application for renewal of license is designated for hearing, the notice shall contain the following additional statements:

(1) Immediately preceding the listing of the issues in the hearing:

The application of this station for a renewal of its license to operate this station in the public interest was tendered for filing with the Federal Communications Commission on _____. After considering this application, the Commission has determined that it is necessary to hold a hearing to decide the following questions:

(2) Immediately following the listing of the issues in the hearing:

The hearing will be held at _____, commencing at ____, on _____, 19__. Members of the public who desire to give evidence concerning the foregoing issues should write to the Federal Communications Commission, Washington, D.C., 20554, not later than _____. Letters should set forth in detail the specific facts concerning which the writer wishes to give evidence. If the Commission believes that the evidence is legally competent, material, and relevant to the issues, it will contact the person in question.

NOTE: In subparagraph (2) of this paragraph, the applicant shall insert, as the date on or before which members of the public who desire to give evidence should write to the Commission, the date 30 days after the date of release of the Commission's order specifying the time and place of the commencement of the hearing.

(f) When an application for a television broadcast translator station which is subject to the provisions of § 1.580 is designated for hearing, the applicant shall cause to be published a notice of such designation as follows: Notice shall be published at least once during the 2-week period immediately following release of the Commission's order specifying the time and place of the commencement of the hearing in a daily, weekly or biweekly publication having general circulation in the community or area to be served: *Provided, however,* That, if there is no publication of general circulation in the community or area to be served, the applicant shall determine an appropriate means of providing the required notice to the general public, such as posting in the local post office or other public place. The notice shall state:

(1) The name of the applicant or applicants designated for hearing.

(2) The call letters, if any, of the station or stations involved, the output channel or channels of such stations, and the call letters, channel and location of the station or stations being or proposed to be rebroadcast.

(3) The time and place of the hearing.

(4) The issues in the hearing as listed in the Commission's order of designation for hearing.

(5) If the application is for renewal of license, the notice shall contain, in addition to the information required by subparagraphs (1) through (4) of this paragraph, the statements required by paragraph (e) of this section.

(g) Within 7 days of the last day of publication or broadcast of the notice required by paragraphs (a) and (b) of this section, the applicant shall file a statement in triplicate with the Commission, setting forth the dates on which the notice was published, the newspaper in which the notice was published, the text of the notice, and/or, where applicable, the date and time the notice was broadcast and the text thereof. When public notice is given by other means, as provided in paragraph (f) of this section, the applicant shall file, within 7 days of the giving of such notice, the text of the notice, the means by which it was accomplished, and the date thereof.

(Sec. 5(a), 74 Stat. 892; 47 U.S.C. 311)

§ 1.597 Procedures on transfer and assignment applications.

(a) If, upon the examination, pursuant to sections 309(a) and 310(b) of the Communications Act of 1934, as amended, of an application for Commission consent to an assignment of a broadcast construction permit or license or for a transfer of control of a corporate permittee or licensee, it appears that the station involved has been operated by the proposed assignor or transferor for less than three successive years, the application will be designated for hearing on appropriate issues pursuant to section 309(b) of the Communications Act of 1934, as amended, unless the Commission is able to find that:

(1) The application involves a translator station only, or an FM station operated for at least three years together with a Subsidiary Communications Authorization held for a lesser period; or

(2) The application involves a pro forma assignment or transfer of control; or

(3) The assignor or transferor has made an affirmative factual showing, supported by affidavits of a person or persons with personal knowledge thereof, which establishes that (due to unavailability of capital, to death or disability of station principals, or to other changed circumstances affecting the licensee or permittee occurring subsequent to the acquisition of the license or permit) Commission consent to the proposed assignment or transfer of control will serve the public interest, convenience and necessity.

(b) The commencement date of the three-year period set forth in paragraph (a) of this section shall be determined as follows:

(1) Where the authorizations involved in the application consist of a license and a construction permit authorizing a major change in the facilities of the

licensed station (as defined in §§ 1.571, 1.572, and 1.573), the three-year period shall commence with the date of the Commission's grant of the construction permit for the modification. However, when operating authority has been issued to cover the construction permit for a major change in facility, the commencement date for calculating the length of time the station has been operated for purposes of this section shall then revert to the date the licensee received its original operating authority. A grant of authority for minor modifications in authorized facilities shall have no effect upon the calculation of this time period.

(2) Where the authorization involved in the application consists of a permit authorizing the construction of a new facility, or of a license covering such permit, the three-year period shall commence with the date of issuance of initial operating authority.

(3) Where the operating station involved in the application was obtained by means of an assignment or transfer of control (other than pro forma), the three-year period shall commence with the date of grant by the Commission of the application for said assignment or transfer of control. If the station was put in operation after such assignment or transfer, subparagraphs (1) and (2) of this paragraph shall apply.

(4) Where an application is filed for Commission consent to a transfer of control of a corporation holding multiple licenses and/or construction permits, the commencement date applicable to the last-acquired station shall apply to all the stations involved in the transfer, except where the application involves an FM station operated for less than three years and an AM station operated for more than three years, both serving substantially the same area. Said exception shall apply to the same circumstances where assignment applications are involved.

(c) In determining whether a broadcast interest has been held for three years, the Commission will calculate the period between the date of acquisition (as specified in paragraph (b) of this section) and the date the application for transfer or assignment is tendered for filing with the Commission.

(d) With respect to applications filed after the three-year period, the Chief of the Broadcast Bureau is directed (1) to examine carefully such applications, on a case-to-case basis, to determine whether any characteristics of trafficking remain; and (2) if so, to seek additional information, by letter inquiries to the applicants, such as that which will be required to be developed and tested in the hearing process with respect to stations held less than three years.

(Sec. 310, 48 Stat. 1086, as amended; 47 U.S.C. 310)

§ 1.598 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.

(Sec. 319, 48 Stat. 1089, as amended; 47 U.S.C. 319)

§ 1.599 Forfeiture of construction permit.

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.

(Sec. 319, 48 Stat. 1089, as amended; 47 U.S.C. 319)

§ 1.601 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.

§ 1.603 Special waiver procedure relative to applications.

(a) In the case of any broadcast applications designated for hearing, the parties may request the Commission to grant or deny an application upon the basis of the information contained in the applications and other papers specified in paragraph (b) of this section, without the presentation of oral testimony. Any party desiring to follow this procedure should execute and file with the Commission a waiver in accordance with paragraph (e) of this section, and serve copies on all other parties, or a joint waiver may be filed by all the parties. Upon the receipt of waivers from all parties to a proceeding, the Commission will decide whether the case is an appropriate one for determination without the presentation of oral testimony. If it is determined by the Commission that, notwithstanding the waivers, the presentation of oral testimony is necessary, the parties will be so notified and the case will be retained on the hearing docket. If the Commission concludes that the case can appropriately be decided without the presentation of oral testimony, the record will be considered as closed as of the date the waivers of all parties were first on file with the Commission.

(b) In all cases considered in accordance with this procedure, the Commission will decide the case on the basis of the information contained in the applications and in any other papers pertaining to the applicants or applications which are open to public inspection and which were on file with the Commission when the record was closed. The Commission may call upon any party to furnish any additional information which the Commission deems necessary to a proper decision. Such information shall be served upon all parties. The waiver previously executed by the parties shall be considered in effect unless within 10 days of the service of such information the waiver is withdrawn.

(c) Any decision by the Commission rendered pursuant to this section will be in the nature of a final decision, unless otherwise ordered by the Commission.

(d) By agreeing to the waiver procedure prescribed in this section, no party shall be deemed to waive the right to petition for reconsideration or rehearing, or to appeal to the courts from any adverse final decision of the Commission.

(e) The waiver provided for by this section shall be in the following form:

WAIVER

Name of applicant _____
Call letters _____
Docket No. _____

The undersigned hereby requests the Commission to consider its application and grant or deny it in accordance with the procedure prescribed in § 1.603 of the Commission's rules and regulations. It is understood that all the terms and provisions of _____ are incorporated in this waiver.

§ 1.605 Retention of applications in hearing status after designation for hearing.

(a) After an application for a broadcast facility is designated for hearing, it will be retained in hearing status upon the dismissal or amendment and removal from hearing of any other application or applications with which it has been consolidated for hearing.

(b) Where any applicants for a broadcast facility file a request pursuant to § 1.525(a) for approval of an agreement to remove a conflict between their applications, the applications will be retained in hearing status pending such proceedings on the joint request as may be ordered and such action thereon as may be taken.

(1) If further hearing is not required on issues other than those arising out of the agreement, the proceeding shall be terminated and appropriate disposition shall be made of the applications.

(2) Review Board action pursuant to this paragraph shall become final unless any of the parties files an application for review within 10 days after public release of the document containing the full text of that action or unless the Commission, by order issued within 20 days after the time for filing an application for review expires, stays the Board's action and reviews that action on its own motion.

(3) Where further hearing is required on issues unrelated to the agreement, the presiding officer shall continue to conduct the hearing on such other issues pending final action on the agreement, but the record in the proceeding shall not be closed until such final action on the agreement has been taken.

(4) In any case where a conflict between applications will be removed by an agreement for an engineering amendment to an application, the amended application shall be removed from hearing status upon final approval of the agreement and acceptance of the amendment.

(c) An application for a broadcast facility which has been designated for hearing and which is amended so as to eliminate the need for hearing or further hearing on the issues specified, other than as provided for in paragraph (b) of this section, will be removed from hearing status.

FORMS AND INFORMATION TO BE FILED WITH THE COMMISSION

§ 1.611 Financial report.

Each licensee or permittee of a commercially operated standard, FM, television, or international broadcast station (as defined in Part 73 of this chapter) shall file with the Commission on or before April 1 of each year, on FCC Form 324, an annual financial report.

§ 1.613 Filing of contracts.

Each licensee or permittee of a standard, FM, television, or international broadcast station (as defined in Part 73 of this chapter), whether operating or intending to operate on a commercial or noncommercial basis, shall file with the Commission copies of the following contracts, instruments, and documents together with amendments, supplements, and cancellations, within 30 days of execution thereof. The substance of oral contracts shall be reported in writing.

(a) Contracts relating to network service: All network affiliation contracts, agreements, or understandings between a station and a national, regional, or other network shall be filed. Transcription agreements or contracts for the supplying of film for television stations which specify option time must be filed. This section does not require the filing of transcription agreements or contracts for the supplying of film for television stations which do not specify option time, nor contracts granting the right to broadcast music such as ASCAP, BMI, or SESAC agreements.

(b) Contracts relating to ownership or control: Contracts, instruments, or documents relating to the present or future ownership or control of the licensee or permittee or of the licensee's or permittee's stock, rights, or interests therein, or relating to changes in such ownership or control. This paragraph shall include but is not limited to the following:

(1) Articles of partnership, association, and incorporation, and changes in such instruments;

(2) Bylaws, and any instruments effecting changes in such bylaws;

(3) Any agreement, document, or instrument (i) providing for the assignment of a license or permit or (ii) affecting, directly or indirectly, the ownership or voting rights of the licensee's or permittee's stock (common or preferred, voting or non-voting), such as: (*a*) Agreements for transfer of stock; (*b*) Instruments for the issuance of new stock; or (*c*) Agreements for the acquisition of licensee's or permittee's stock by the issuing licensee or permittee corporation. Pledges, trust agreements, options to purchase stock and other executory agreements are required to be filed.

(4) Proxies with respect to the licensee's or permittee's stock running for a period in excess of one year; and all proxies, whether or not running for a period of one year, given without full and detailed instructions binding the nominee to act in a specified manner. With respect to proxies given without full and detailed instructions, a statement showing the number of such proxies, by whom given and received, and the percentage of outstanding stock represented by each proxy shall be submitted by the licensee or permittee within 30 days after the stockholders' meeting in which the stock covered by such proxies has been voted; *Provided, however,* That when the licensee or permittee is a corporation having more than 50 stockholders, such complete information need be filed only with respect to proxies given by stockholders who are officers or directors, or who have 1 percent or more of the corporation's voting stock; in cases where the licensee or permittee is a corporation having more than 50 stockholders and the stockholders giving the proxies are neither officers or directors nor hold 1 percent or more of the corporation's stock, the only information required to be filed is the name of any person voting 1 percent or more of the stock by proxy, the number of shares voted by proxy by such person, and the total number of shares voted at the particular stockholders' meeting in which the shares were voted by proxy;

(5) Mortgage or loan agreements containing provisions restricting the licensee's or permittee's freedom of operation, such as those affecting voting rights, specifying or limiting the amount of dividends payable, the purchase of new equipment, the maintenance of current assets, etc.; or

(6) Any agreement reflecting a change in the officers, directors, or stockholders of a corporation, other than the licensee or permittee, having an interest, direct or indirect, in the licensee or permittee as specified by § 1.615.

(c) Contracts relating to the sale of broadcast time to "time brokers" for resale.

(d) Contracts relating to Subsidiary Communications Authorization Operation, except contracts granting licensees or permittees engaged in SCA the right to broadcast copyright music.

(e) Time sales contracts: Time sales contracts with the same sponsor for 4 or more hours per day, except where the length of the events (such as athletic contests, musical programs, and special events) broadcast pursuant to the contract is not under control of the station.

(f) Contracts relating to personnel:

(1) The following contracts, agreements, or understandings shall be filed: management consultant agreements with independent contractors; contracts relating to the utilization in a management capacity of any person other than an officer, director, or regular employee of the licensee or permittee station; management contracts with any persons, whether or not officers, directors, or regular employees, which provide for both a percentage of profits and a sharing in losses; or any similar agreements.

(2) The following contracts, agreements, or understandings need not be filed: agreements with persons regularly employed as general or station managers or salesmen; contracts with program managers or program personnel; contracts with chief engineers or other engineering personnel except those contracts required to be filed under the provisions of §§ 73.93(c), 73.265(c), and 73.565(c) of this chapter; contracts with attorneys, accountants, or consulting radio engineers; contracts with performers; contracts with station representatives; contracts with labor unions; or any similar agreements.

§ 1.615 Ownership reports.

(a) Each licensee of a TV, FM, or standard broadcast station (as defined in Part 73 of this chapter), other than noncommercial educational stations, shall file an Ownership Report (FCC Form 323) at the time the application for renewal of station license is required to be filed: *Provided, however,* That licensees owning more than one TV, FM, or standard broadcast station need file only one Ownership Report at 3-year intervals. Ownership Reports shall give the following information as of a date not more than 30 days prior to the filing of the Ownership Report:

(1) In the case of an individual, the name of such individual;

(2) In the case of a partnership, the names of the partners and the interest of each partner;

NOTE: Any change in partners or in their rights will require prior consent of the Commission upon an application for consent to assignment of license or permit. If such change involves less than a controlling interest, the application for Commission consent to such change may be made upon FCC Form 316 (Short Form).

(3) In the case of a corporation, association, trust, estate, or receivership, the data applicable to each:

(i) The name, residence, citizenship, and stock-holdings of officers, directors, stockholders, trustees, executors, administrators, receivers, and members of any association;

(ii) Full information as to family relationship or business association between two or more officials and/or stockholders, trustees, executors, administrators, receivers, and members of any association;

(iii) Capitalization with a description of the classes and voting power of stock authorized by the corporate charter or other appropriate legal instrument and the number of shares of each class issued and outstanding; and

(iv) Full information on FCC Form 323 with respect to the interest and identity of any person having any direct, indirect, fiduciary, or beneficiary interest in the licensee or any of its stock;

For example:

(*a*) Where A is the beneficial owner or votes stock held by B, the same information should be furnished for A as is required for B.

(*b*) Where X corporation controls the licensee, or holds 25 percent or more of the number of issued and outstanding shares of either voting or non-voting stock of the licensee, the same information should be

furnished with respect to X corporation (its capitalization, officers, directors, and stockholders and the amount of stock [by class] in X held by each) as is required in the case of the licensee, together with full information as to the identity and citizenship of the person authorized to vote licensee's stock, in case of voting stock.

(c) The same information should be furnished as to Y corporation if it controls X corporation or holds 25 percent or more of the number of issued and outstanding shares of either voting or non-voting stock of X, and as to Z corporation if it controls Y corporation or holds 25 percent or more of the number of issued and outstanding shares of either voting or non-voting stock of Y and so on back to natural persons.

(4) In the case of all licensees:

(i) A list of all contracts still in effect required to be filed with the Commission by § 1.613 showing the date of execution and expiration of each contract; and

(ii) Any interest which the licensee may have in any other broadcast station.

(b) A permittee shall file an Ownership Report (FCC Form 323) within 30 days of the date of grant by the Commission of an application for original construction permit. The Ownership Report of the permittee shall give the information required by the applicable portions of paragraph (a) of this section.

(c) A supplemental Ownership Report (FCC Form 323) shall be filed by each licensee or permittee within 30 days after any change occurs in the information required by the Ownership Report from that previously reported. Such report shall include without limitation:

(1) Any change in capitalization or organization;

(2) Any change in officers and directors;

(3) Any transaction affecting the ownership, direct or indirect, or voting rights of licensee's or permittee's stock, such as:

(i) A transfer of stock;

(ii) Issuance of new stock or disposition of treasury stock; or

(iii) Acquisition of licensee's or permittee's stock by the issuing corporation; or

(4) Any change in the officers, directors, or stockholders of a corporation other than the licensee or permittee such as X, Y, or Z corporation described in the example in paragraph (a) (3) of this section.

NOTE: Before any change is made in the organization, capitalization, officers, directors, or stockholders of a corporation other than licensee or permittee, which results in a change in the control of the licensee or permittee, prior Commission consent must be received under § 310(b) of the Communications Act and § 1.540. A transfer of control takes place when an individual, or group in privity, gains or loses affirmative or negative (50 percent) control. See instructions on FCC Form 323 "Ownership Report".

(d) Exceptions: Where information is required under paragraphs (a), (b), or (c) of this section with respect to a corporation or association having more than 50 stockholders or members, such information need be filed only with respect to stockholders or members who are officers or directors of the corporation or association, or to other stockholders or members who have 1 percent or more of either the voting or non-voting stock of the corporation or voting rights in the association.

(e) The provisions of this paragraph apply to all licensees and permittees of noncommercial educational TV, FM, or standard broadcast stations.

(i) Each licensee covered by this paragraph shall file an Ownership Report (FCC Form 323E): *Provided, however,* That licensees owning more than one noncommercial educational TV, FM, or standard broadcast station need file only one Ownership Report at 3-year intervals. Ownership Reports shall give the following information as of a date not more than 30 days prior to the filing of the Ownership Report:

(i) The following information as to all officers, members of governing board, and holders of 1 percent or more ownership interest (if any): Name, residence, office held, citizenship, principal profession or occupation, and by whom appointed or elected.

(ii) Full information of FCC Form 323E with respect to the interest and identity of any individual, organization, corporation, association, or any other entity which has direct or indirect control over the licensee or permittee.

(iii) A list of all contracts still in effect required by § 1.613 to be filed with the Commission, showing the date of execution and expiration of each contract.

(iv) Any interest which the licensee or permittee or any of its officers, members of the governing board, and holders of 1 percent or more ownership interest (if any) hold in any other broadcast station.

(2) A permittee shall file an Ownership Report (FCC Form 323E) within 30 days of the date of grant by the Commission of an application for original construction permit. The Ownership Report of the permittee shall give the information required by the applicable portions of this paragraph.

(3) A supplemental Ownership Report (FCC Form 323E) shall be filed by each licensee or permittee within 30 days after any change occurs in the information required by the Ownership Report from that previously reported. Such report should include, without limitation:

(i) Any change in organization;

(ii) Any change in officers or directors;

(iii) Any transaction affecting the ownership (direct or indirect) or voting rights with respect to the licensee or permittee (or with respect to any stock interest therein).

FORFEITURES RELATING TO BROADCAST LICENSEES AND PERMITEES

§ 1.621 Forfeitures relating to broadcast licensees and permittees.

(a) Whenever the Commission finds that grounds exist to support a suit for collection of forfeiture provided by section 503(b) of the Communications Act of 1934, as amended, a written notice of apparent liability shall be issued by the Commission and shall be sent by the Commission by registered or certified mail to the last known address of the licensee or permittee. The notification shall specify the date or dates, facts, and the nature of the alleged act or acts, omission or omissions with which the licensee or permittee is charged, and shall specifically identify the particular provision or provisions of the law, rule, or regulation or the license, permit, or cease and desist order involved and shall set forth the amount of the forfeiture. The notification shall inform the licensee or permittee that:

(1) He may admit liability by paying the amount specified therein;

(2) He has a right under section 503(b)(2) of the Act to show in writing why he should not be held liable; and

(3) If he admits liability but considers the amount of the forfeiture excessive, he may submit in writing the reasons therefor.

(b) Payment must be made, or a written statement in duplicate in response to a notification of apparent liability must be submitted, within 30 days from the receipt of the notification or the attempted delivery thereof. After consideration of the statement, an order shall be entered declaring non-liability or establishing the amount of the forfeiture. If the licensee or permittee fails to take any action in respect to a notification of apparent liability for forfeiture, an order shall be entered establishing the forfeiture as the amount set forth in the notice of apparent liability. Orders of forfeiture shall also advise the party or parties of the Commission's authority under section 504(b) of the Act to remit or mitigate such forfeitures upon application therefor. The Commission shall serve orders of forfeiture or orders of nonliability upon the licensee or permittee involved.

(c) Orders of forfeiture may be satisfied by payment, within 30 days from the date of receipt of the order, of the amount specified therein. Applications for mitigation or remission shall be filed within 30 days from the date of receipt of the order of forfeiture. The application must state the facts relied upon and must be in duplicate. After considering the application, an order remitting the entire amount, mitigating the forfeiture, or denying relief shall be served on the licensee or permittee. Such orders may be satisfied by payment within 30 days from the date of receipt of the notification of the amount specified therein.

(d) If the licensee or permittee fails to take any action in respect to an order imposing or mitigating a forfeiture or denying relief, the case may be referred by the Commission to the Attorney General of the United States for appropriate civil action to recover the forfeiture in accordance with the provisions of section 504(a) of the Act.

(e) Payment of forfeitures shall be made by check or similar means drawn to the order of the Treasurer of the United States and mailed to the Commission.

(f) Factual material contained in statements or applications submitted by the licensee or permittee in accordance with the provisions of this section shall, except for material of which official notice may be taken, be supported by

affidavit of a person or persons with personal knowledge thereof.

(Sec. 503, 48 Stat. 1101, as amended; 47 U.S.C. 503)

Subpart E—Complaints, Applications, Tariffs, and Reports Involving Common Carriers

General

§ 1.701 Show cause orders.

(a) The Commission may commence any proceeding within its jurisdiction against any common carrier by serving upon the carrier an order to show cause. The order shall contain a statement of the particulars and matters concerning which the Commission is inquiring and the reasons for such action, and will call upon the carrier to appear before the Commission at a place and time therein stated and give evidence upon the matters specified in the order.

(b) Any carrier upon whom an order has been served under this section shall file its answer within the time specified in the order. Such answer shall specifically and completely respond to all allegations and matters contained in the show cause order.

(c) All papers filed by a carrier in a proceeding under this section shall conform with the specifications of §§ 1.49 and 1.50 and the subscription and verification requirements of § 1.52. An original and 14 copies of all such papers shall be filed.

§ 1.703 Appearances.

(a) *Hearings.* Except as otherwise required by § 1.221 regarding application proceedings, by § 1.91 regarding proceedings instituted under section 312 of the Communications Act of 1934, as amended, or by Commission order in any proceeding, no written statement indicating intent to appear need be filed in advance of actual appearance at any hearing by any person or his attorney.

(b) *Oral arguments.* Within 5 days after release of an order designating an initial decision for oral argument or within such other time as may be specified in the order, any party who wishes to participate in the oral argument shall file a written statement indicating that he will appear and participate. Within such time as may be specified in an order designating any other matter for oral argument, any person wishing to participate in the oral argument shall file a written statement to that effect setting forth the reasons for his interest in the matter. The Commission will advise him whether he may participate. (See § 1.277 for penalties for failure to file appearance statements in proceedings involving oral arguments on initial decisions.)

(c) *Commission counsel.* The requirement of paragraph (b) of this section shall not apply to counsel representing the Commission or the Chief of the Common Carrier Bureau.

Complaints

§ 1.711 Formal or informal complaints.

Complaints filed against carriers under section 208 of the Communications Act may be either formal or informal.

§ 1.713 Satisfaction of complaints; damages.

If a carrier satisfies any complaint brought to its attention by the Commission, a statement must be filed with the Commission, in duplicate, setting forth when and how the complainant has been satisfied: *Provided, however,* That no complaint seeking damages as a result of alleged unjust or unreasonable charges, practices, classifications, or regulations contained in an effective tariff schedule on file with the Commission shall be satisfied except after appropriate authorization by the Commission.

Informal Complaints

§ 1.716 Form.

An informal complaint shall be in writing and shall contain: (a) The name and address of the complainant, (b) the name of the carrier against which the complaint is made, and (c) a complete statement of the facts tending to show that such carrier did or omitted to do anything in contravention of the Communications Act.

§ 1.717 Procedure.

Upon receipt of any informal complaint, the Commission will forward a copy to the carrier complained of or take the question up by correspondence with the carrier. The carrier will also be called upon, within such time as may be prescribed, either to satisfy the complaint or advise the Commission of its refusal or inability to do so. If the carrier satisfies the complaint, it shall so notify the Commission in accordance with the provisions of § 1.713. The Commission will forward a copy of the carrier's notice of satisfaction to the complainant. If the carrier refuses or is unable to satisfy the complaint, it shall so notify the Commission, in duplicate, and the Commission will forward a copy of such notice to the complainant, with a statement of the procedure to be followed to further prosecute the complaint.

§ 1.718 Unsatisfied informal complaints; formal complaints relating back to the filing dates of informal complaints.

When an informal complaint has not been satisfied pursuant to § 1.717, the complainant may file a formal complaint in the form specified in § 1.721. Such filing will be deemed to relate back to the filing date of the informal complaint: *Provided,* That the formal complaint: (a) Is filed within 6 months from the date of the Commission's statement accompanying a copy of the carrier's notice of refusal or inability to satisfy, (b) makes reference to the date of the informal complaint, and (c) is based on the same cause of action as the informal complaint. If no formal complaint is filed within the 6-month period, the complainant will be deemed to have abandoned the unsatisfied informal complaint, and such complaint will be deemed dismissed.

Formal Complaints

§ 1.721 Form.

(a) A formal complaint shall contain the name of each complainant and defendant, the address of each complainant, and the name and address of his attorney, if represented by attorney, and shall be subscribed and verified by the complainant.

(b) The following form may be used in cases to which it is applicable, with such alterations as the circumstances may render necessary.

COMPLAINT

BEFORE THE FEDERAL COMMUNICATIONS COMMISSION, WASHINGTON, D. C.

Docket No. ------ (To be inserted by the Secretary of the Commission)

Complainant

v.

Defendant

The complainant (here insert full name of each complainant and if a corporation the corporate title of such complainant) shows:

(1) That (here state occupation and post office address of each complainant).

(2) That (here insert the full name, occupation, and post office address of each defendant).

(3) That (here insert fully and clearly the specific act or thing complained of, together with such facts as are necessary to give a full understanding of the situation).

Wherefore, complainant asks (here state specifically the relief desired).

Dated at ---------- this ------ day of ----------, 19--.

(Name of each complainant)

(Name and address of attorney, if any)

Form of Verification

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being first duly sworn, on oath, deposes, and says: That he is the complainant (or one of the complainants) in the above-entitled matter; that he has read the within and foregoing complaint and knows the contents thereof, and that the matter and things therein stated are true of his own knowledge, save and except those matters therein stated on information and belief, and as to those he believes them to be true.

Subscribed and sworn to before me this ------ day of ---------- 19--.

(Notary public or other proper officer)

§ 1.722 Statement of issues and facts.

A formal complaint shall be so drawn as to advise the Commission and the defendant fully wherein the provisions of the Communications Act, or an order, rule, or regulation of the Commission have been violated; as to the facts claimed to constitute such violation, including such data as will identify, with reasonable certainty, the communications, transmissions, or other services complained of (as well as any other appropriate facts elicited by § 1.723); and as to the relief sought.

§ 1.723 Damages; allegations with certainty.

(a) In case recovery of damages is sought, the complaint shall contain appropriate allegations showing such data as will serve to identify, with reasonable certainty, the communications, trans-

missions, or other services for which recovery is sought, and shall state:

(1) That the complainant makes claim for damages;

(2) The name and address of each individual claimant asking damages;

(3) The name and address of the defendant against which claim is made;

(4) The communications, transmissions, or other services rendered, the charge applied thereto, the date when charges were paid, by whom paid, and by whom borne;

(5) The period of time within which, or the specific dates when the communications, transmissions, or other services were rendered;

(6) The points of origin and reception of the communications or transmissions, and if the damages sought to be recovered are for services other than communications or transmissions, then the allegations of the complaint shall state the nature and extent of such services, the date or dates when rendered, when paid for, and by whom borne;

(7) The nature and amount of injury sustained by each claimant;

(8) Separately, the damages with respect to each communication, transmission, or other service for which recovery is sought;

(9) If damages are sought on behalf of others than the complainant, in what capacity or by what authority complaint is made in their behalf; and

(10) That suit has not been filed in any court on the basis of the same cause of action.

(b) Damages will not be awarded upon a complaint unless specifically requested. Damages may be awarded, however, upon a supplemental complaint based upon the finding of the Commission in the original proceeding.

§ 1.724 Specific tariff schedule references.

The several charges, classifications, regulations, or practices complained of should be set out by specific reference to the tariff schedules in which they appear, whenever that is possible.

§ 1.725 Joinder of complainants and causes of action.

(a) Two or more complainants may join in one complaint if their respective causes of action are against the same defendant and concern substantially the same alleged violation of the Communications Act and substantially the same facts.

(b) Two or more grounds of complaint involving the same principle, subject, or statement of facts may be included in one complaint, but should be separately stated and numbered.

§ 1.726 Discrimination, preference, or prejudice.

When unjust or unreasonable discrimination or undue or unreasonable preference, advantage, prejudice, or disadvantage is alleged, the complaint shall clearly specify the particular person, company or other entity, locality, or description of traffic affected thereby, and the particular discrimination, preference, advantage, prejudice, or disadvantage relied upon as constituting a violation of the Communications Act.

§ 1.727 Supplemental complaints.

(a) *Filing.* There may be filed with the Commission a supplemental complaint setting forth transactions, occurrences or events which have happened since the filing of the original complaint and which relate to the original cause of action.

(b) *Seeking damages.* If recovery of damages or overcharges is sought by supplemental complaint, it must be filed with the Commission within the statutory periods of limitations as to actions contained in section 415 of the Communications Act.

§ 1.728 Cross complaints.

A cross complaint, seeking any relief within the jurisdiction of the Commission against any carrier which is a party (complainant or defendant) to the proceeding, may be filed by a defendant with its answer. A cross complaint will be accepted for filing and will be served by the Commission in the manner provided in § 1.729 for serving complaints. For the purpose of this subpart, the term "cross complaint" shall include counterclaim.

§ 1.729 Copies; service.

(a) An original and 14 copies of all pleadings and briefs filed in any formal complaint proceedings shall be furnished the Commission and one extra copy for each party to the proceeding when service is made by the Commission.

(b) The Commission will serve a copy of any formal complaint filed with it (and any supplemental, amended, or cross complaint) together with a notice of the filing of the complaint. Such notice shall call upon the carrier to satisfy the complaint in accordance with § 1.713 or answer the same in writing within the time specified in said notice.

(c) All subsequent pleadings and briefs filed in any formal complaint proceeding shall be served by the filing party on all other parties to the proceeding in accordance with the requirements of § 1.47. Proof of such service shall also be made in accordance with the requirements of said section.

§ 1.730 Answers to complaints, supplemental complaints, amended complaints, and cross complaints.

Any carrier upon whom a copy of a formal complaint, supplemental complaint, amended complaint, or cross complaint is served under this subpart shall serve an answer within the time specified by the Commission in its notice of complaint. The answer shall advise the parties and the Commission fully and completely of the nature of the defense, and shall respond specifically to all material allegations of the complaint. Collateral or immaterial issues shall be avoided in answers and every effort should be made to narrow the issues. Matters alleged as affirmative defenses shall be separately stated and numbered. Any defendant failing to file and serve an answer within the time and in the manner prescribed may be deemed in default.

§ 1.731 Motions to dismiss complaints or to make them more definite and certain.

(a) A defendant may serve with his answer a motion to dismiss a complaint because of lack of legal sufficiency appearing on the face of such complaint.

(b) Within 10 days after service of a complaint by the Commission, a defendant may file a motion that the allegations in the complaint be made more definite and certain, such motion to point out the defects complained of and details desired. If such motion is granted by the Commission, it will order the complainant to file an amended complaint within such time as may be specified in the order.

§ 1.732 Replies to answers or amended answers; motions to make answers more definite and certain.

Within 10 days after service of an answer or an amended answer, a complainant may serve a reply which shall be responsive to matters contained in such answer or amended answer and shall not contain new matters. Failure to reply will not be deemed as admission of any allegations contained in such answer or amended answer. A complainant may also serve with his reply a motion that the answer be made more definite and certain, such motion to point out the defects complained of and the details desired. If such motion is granted by the Commission, it will order the defendant to file an amended answer within such time as may be specified in the order.

§ 1.733 Oppositions to motions to dismiss complaints or to make them more definite and certain.

Within 10 days after service of a motion to dismiss a complaint or to make it more definite and certain, a complainant may serve an opposition to such motion.

§ 1.734 Specifications as to pleadings, briefs, and other documents; subscription and verification.

All papers filed in any formal complaint proceeding must be drawn in conformity with the requirements of §§ 1.49, 1.50, and 1.52.

§ 1.735 Formal complaints not stating a cause of action; defective pleadings.

(a) Any document purporting to be a formal complaint which does not state a cause of action under the Communications Act will be dismissed. In such case any amendment to such document will be considered a new filing which must be made within the statutory periods of limitations of actions contained in section 415 of the Communications Act, if recovery of damages or overcharges is sought.

(b) Any pleading filed in a formal complaint proceeding not in conformity with the requirements of the applicable rules in this part (other than the matter covered in paragraph (a) of this section) may be deemed defective. In such case the Commission will:

(1) Request that specified defects be corrected and that corrected pleadings

be filed and served within a prescribed time as a condition to being treated as timely filed; and

(2) Notify all persons known to the Commission to have been served with any defective pleading of the action taken under this paragraph.

APPLICATIONS

§ 1.741 Scope.

The general rules relating to applications contained in §§ 1.742 through 1.748 apply to all applications filed by carriers except those filed by public correspondence radio stations pursuant to Parts 21, 81, 83, 85, and 87 of this chapter, and those filed by common carriers pursuant to Part 25 of this chapter. Part 21 contains general rules applicable to applications filed pursuant thereto. For general rules applicable to applications filed pursuant to Parts 81, 83, 85, and 87, see such parts and Subpart F of this part. For rules applicable to applications filed pursuant to Part 25, see said part.

§ 1.742 Place of filing, fees, and number of copies.

All applications shall be tendered for filing with the Office of the Secretary, Federal Communications Commission, Washington, D.C., 20554. The applications will be dated by the Office of the Secretary upon receipt and then forwarded to the Common Carrier Bureau. The number of copies required for each application and the non-refundable fees (see Subpart G) which must accompany each application in order to qualify it for acceptance for filing and consideration are set forth in the rules in this chapter relating to various types of applications. However, if any application is not of the types covered by this chapter, an original and two copies of each such application shall be submitted, accompanied by a non-refundable fee of $10.00.

§ 1.743 Who may sign applications.

(a) Except as provided in paragraph (b) of this section, applications, amendments thereto, and related statements of fact required by the Commission shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer or duly authorized employee, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association. Applications, amendments, and related statements of fact filed on behalf of eligible government entities, such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government, including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction.

(b) Applications, amendments thereto, and related statements of fact required by the Commission may be signed by the applicant's attorney in case of the applicant's physical disability, or in case the applicant does not reside in any of the contiguous 48 States of the United States or in the District of Columbia. The attorney shall in that event separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

(c) Only the original of applications, amendments, or related statements of fact need be signed; copies may be conformed.

(d) Applications, amendments, and related statements of fact need not be signed under oath. Willful false statements made therein, however, are punishable by fine and imprisonment, U.S. Code, Title 18, section 1001, and by appropriate administrative sanctions, including revocation of station license pursuant to section 312(a)(1) of the Communications Act of 1934, as amended.

§ 1.744 Amendments.

(a) Any application not designated for hearing may be amended at any time by the filing of signed amendments in the same manner, and with the same number of copies, as was the initial application.

(b) After any application is designated for hearing, requests to amend such application may be granted by the Commission upon good cause shown by petition, which petition shall be properly served upon all other parties to the hearing.

(c) The Commission may order the applicant to amend his application at any time so as to make it more definite and certain. Such order may be issued by the Commission upon its own motion or upon petition of any interested person, which petition shall be properly served upon the applicant and, if the application has been designated for hearing, upon all parties to the hearing.

§ 1.745 Additional statements.

The Commission may require an applicant to submit such additional documents and written statements of fact, signed and verified (or affirmed), as in its judgment may be necessary. Any additional documents and written statements of fact required in connection with applications under Title II of the Communications Act need not be verified (or affirmed).

§ 1.746 Defective applications.

(a) Applications not in accordance with the applicable rules in this chapter may be deemed defective and returned by the Commission without acceptance of such applications for filing and consideration. Such applications will be accepted for filing and consideration if accompanied by petition showing good cause for waiver of the rule with which the application does not conform.

(b) The assignment of a file number, if any, to an application is for the administrative convenience of the Commission and does not indicate the acceptance of the application for filing and consideration.

§ 1.747 Inconsistent or conflicting applications.

When an application is pending or undecided, no inconsistent or conflicting application filed by the same applicant, his successor or assignee, or on behalf or for the benefit of said applicant, his successor, or assignee, will be considered by the Commission.

§ 1.748 Dismissal of applications.

(a) *Before designation for hearing.* Any application not designated for hearing may be dismissed without prejudice at any time upon request of the applicant. An applicant's request for the return of an application that has been accepted for filing and consideration, but not designated for hearing, will be deemed a request for dismissal without prejudice. The Commission may dismiss an application without prejudice before it has been designated for hearing when the applicant fails to comply or justify noncompliance with Commission requests for additional information in connection with such application.

(b) *After designation for hearing.* A request to dismiss an application without prejudice after it has been designated for hearing shall be made by petition properly served upon all parties to the hearing and will be granted only for good cause shown. The Commission may dismiss an application with prejudice after it has been designated for hearing when the applicant:

(1) Fails to comply with the requirements of § 1.221(c);

(2) Otherwise fails to prosecute his application; or

(3) Fails to comply or justify noncompliance with Commission requests for additional information in connection with such application.

§ 1.749 Action on applications under delegated authority.

Certain applications do not require action by the Commission but, pursuant to the delegated authority contained in Subpart B of Part 0 of this chapter, may be acted upon by the Telegraph Committee, the Telephone Committee, or the Chief of the Common Carrier Bureau, respectively, subject to reconsideration by the Commission.

SPECIFIC TYPES OF APPLICATIONS UNDER TITLE II OF COMMUNICATIONS ACT

§ 1.761 Cross reference.

Specific types of applications under Title III of the Communications Act involving public correspondence radio stations are specified in Parts 21, 23, 81, 83, and 87 of this chapter.

§ 1.762 Interlocking directorates.

Applications under section 212 of the Communications Act for authority to hold the position of officer or director of more than one carrier subject to the act or for a finding that two or more carriers are commonly owned shall be made in the form and manner, with the number of copies and accompanied by the fees set forth in Part 62 of this chapter. The Commission shall be informed of any change in status of any

person authorized to hold the position of officer or director of more than one carrier, as required by Part 62 of this chapter.

§ 1.763 Construction, extension, acquisition or operation of lines.

(a) Applications under section 214 of the Communications Act for authority to construct a new line, extend any line, acquire or operate any line or extension thereof, or to engage in transmission over or by means of such additional or extended line, to furnish temporary or emergency service, or to supplement existing facilities shall be made in the form and manner, with the number of copies and accompanied by the fees specified in Part 63 of this chapter.

(b) In cases under this section requiring a certificate, notice is given to and a copy of the application is filed with the Secretary of the Army, the Secretary of the Navy, and the Governor of each State involved. Hearing is held if any of these persons desires to be heard or if the Commission determines that a hearing should be held. Copies of applications for certificates are filed with the regulatory agencies of the States involved.

§ 1.764 Discontinuance, reduction, or impairment of service.

(a) Applications under section 214 of the Communications Act for authority to discontinue, reduce, or impair service to a community or part of a community or for the temporary, emergency, or partial discontinuance, reduction, or impairment of service shall be made in the form and manner, with the number of copies and accompanied by the fees specified in Part 63 of this chapter. Posted and published notice shall be given the public as required by Part 63 of this chapter.

(b) In cases under this section requiring a certificate, notice is given to and a copy of the application is filed with the Secretary of the Army, the Secretary of the Navy, and the Governor of each State involved. Hearing is held if any of these persons desires to be heard or if the Commission determines that a hearing should be held. Copies of all formal applications under this section requesting authorizations (including certificates) are filed with the Secretary of the Army, the Secretary of the Navy, and the Governor of each State involved. Copies of all applications under this section requesting authorizations (including certificates) are filed with the regulatory agencies of the States involved.

§ 1.765 Consolidation or acquisition of telephone companies.

Applications under section 221(a) of the Communications Act for authority to consolidate or acquire telephone companies shall be made in the form and manner, with the number of copies and accompanied by the fees shown in Part 66 of this chapter.

§ 1.766 Consolidation of domestic telegraph carriers.

(a) Applications under section 222 of the Communications Act by two or more domestic telegraph carriers for authority to effect a consolidation or merger or by any domestic telegraph carrier to acquire all or any part of the domestic telegraph properties, domestic telegraph facilities, or domestic telegraph operations of any carrier shall contain such information as is necessary for the Commission to act upon such application under the provisions of section 222 of the act. Each such application shall be accompanied by a non-refundable fee of $10.00.

(b) These applications are acted upon by the Commission after public hearing. Reasonable notice in writing of the public hearing and an opportunity to be heard is given by the Commission to the Governor of each of the States in which any of the physical property involved in such proposed consolidation or merger is situated, to the Secretary of State, the Secretary of the Army, the Attorney General of the United States, the Secretary of the Navy, representatives of employees where represented by bargaining representatives known to the Commission, and to such other persons as the Commission may deem advisable.

§ 1.767 Cable landing licenses.

(a) Applications for cable landing licenses under 47 U.S.C. 34–39 and Executive Order No. 10530, dated May 10, 1954, should be filed in duplicate and in accordance with the provisions of that Executive Order. These applications should contain the name and address of the applicant; the corporate structure and citizenship of officers if a corporation; a description of the submarine cable, including the type and number of channels and the capacity thereof; the location of points on the shore of the United States and in foreign countries where cable will land (including a map); the proposed use, need, and desirability of the cable; and such other information as may be necessary to enable the Commission to act thereon. A separate application shall be filed with respect to each individual cable system for which a license is requested, or for which modification or amendment of a previous license is requested, and each such application shall be accompanied by a non-refundable fee of $100.

(b) These applications are acted upon by the Commission after obtaining the approval of the Secretary of State and such assistance from any executive department or establishment of the Government as it may require.

(c) Original files relating to submarine cable landing licenses and applications for licenses since June 30, 1934, are kept by the Commission. Such applications for licenses (including all documents and exhibits filed with and made a part thereof, with the exception of any maps showing the exact location of the submarine cable or cables to be licensed) and the licenses issued pursuant thereto, with the exception of such maps, shall, unless otherwise ordered by the Commission, be open to public inspection in the offices of the Commission in Washington, D.C.

(d) Original files relating to licenses and applications for licenses for the landing operation of cables prior to June 30, 1934, were kept by the Department of State, and such files prior to 1930 have been transferred to the Executive and Foreign Affairs Branch of the General Records Office of the National Archives. Requests for inspection of these files should, however, be addressed to the Federal Communications Commission Washington, D.C., 20554; and the Commission will obtain such files for a temporary period in order to permit inspection at the offices of the Commission.

TARIFFS

§ 1.771 Filing.

Schedules of charges, and classifications, practices, and regulations affecting such charges, required under section 203 of the Communications Act shall be constructed, filed, and posted in accordance with and subject to the requirements of Part 61 of this chapter.

§ 1.772 Application for special tariff permission.

Applications under section 203 of the Communications Act for special tariff permission shall be made in the form and manner, with the number of copies and accompanied by the fees shown in Part 61 of this chapter.

§ 1.773 Petitions for suspension of tariff schedules.

(a) *Content.* A petition for suspension of a new tariff schedule or any provision thereof shall indicate the schedule affected by its Federal Communications Commission number and give specific reference to the items against which protest is made, together with a statement of the grounds thereof.

(b) *When filed.* A petition for suspension will not ordinarily be considered unless made in writing and filed with the Commission and served upon the publishing carrier at least 10 days before the effective date of the tariff schedule. In case of emergency and within the time limits herein provided, a telegraphic request for suspension may be sent to the Commission. The request shall set forth succinctly the substance of the matters required by paragraph (a) of this section. A copy of the request shall be sent to the publishing carrier. Such telegraphic request must be forthwith confirmed by petition filed and served in accordance with this section.

(c) *Reply.* A publishing carrier may reply to a petition for suspension, but such reply should be filed with the Commission and served upon petitioner within 3 days after service of the petition for suspension.

(d) *Copies; service.* An original and 14 copies of each petition or reply must be filed with the Commission, and one copy must be simultaneously served upon the publishing carrier or each petitioner, as the case may be.

CONTRACTS, REPORTS, AND REQUESTS REQUIRED TO BE FILED BY CARRIERS

§ 1.781 Requests for extension of filing time.

Requests for extension of time within which to file contracts, reports, and requests referred to in §§ 1.783 through 1.814 shall be made in writing and may be granted for good cause shown.

CONTRACTS

§ 1.783 Filing.

Copies of carrier contracts, agreements, concessions, licenses, authorizations or other arrangements, shall be filed as required by Part 43 of this chapter.

FINANCIAL AND ACCOUNTING REPORTS AND REQUESTS

§ 1.785 Annual financial reports.

(a) Annual financial reports shall be filed by carriers and affiliates as required by Part 43 of this chapter on the following forms:

(1) Form H (holding companies who do not report to the Commission in the manner prescribed in paragraph (b) of this section).

(2) Form L (licensees in the domestic public land mobile radio services who do not report to the Commission on Annual Report Form M).

(3) Form M (telephone companies, classes A and B).

(4) Form O (wire-telegraph and ocean-cable carriers, classes A and B).

(5) Form R (radiotelegraph carriers, classes A and B).

(b) Verified copies of annual reports filed with the Securities and Exchange Commission on its Form 10–K, Form 1–MD, or such other form as may be prescribed by that Commission for filing of equivalent information, shall be filed annually with this Commission by each person directly or indirectly controlling any communications common carrier in accordance with Part 43 of this chapter.

(c) Carriers having separate departments or divisions for carrier and non-carrier operations shall file separate supplemental annual reports with respect to such carrier and non-carrier operations in accordance with Part 43 of this chapter.

§ 1.786 Monthly financial reports.

Monthly reports of revenues, expenses, and other items shall be filed by carriers as required by Part 43 of this chapter on the following forms:

FCC Form 901—Telephone.
FCC Form 903—Radiotelegraph and Ocean-cable.
FCC Form 905—Wire-telegraph.

§ 1.787 Reports of proposed changes in depreciation rates.

Carriers shall file reports regarding proposed changes in depreciation rates as required by Part 43 of this chapter.

§ 1.788 Reports regarding pensions and benefits.

Carriers shall file reports regarding pensions and benefits as required by Part 43 of this chapter.

§ 1.789 Reports regarding division of international telegraph communication charges.

Carriers engaging in international telegraph communication shall file reports in regard to the division of communication charges as required by Part 43 of this chapter.

§ 1.790 Reports relating to traffic by international carriers.

Commission Orders Nos. 85 and 86 require international telegraph carriers to file on FCC Form 336, and common carriers engaged in radiotelegraph communication with maritime mobile stations (with certain exceptions) to file on FCC Form 337, certain traffic information at periodic intervals. A complete description of these reports is set forth in Orders Nos. 85 and 86.

§ 1.791 Reports and requests to be filed under Part 31 of this chapter.

Reports and requests shall be filed either periodically, upon the happening of specified events, or for specific approval by class A and class B telephone companies in accordance with and subject to the provisions of Part 31 of this chapter.

§ 1.792 Reports and requests to be filed under Part 33 of this chapter.

Reports and requests shall be filed either periodically, upon the happening of specified events, or for specific approval, by class C telephone companies in accordance with and subject to the provisions of Part 33 of this chapter.

§ 1.793 Reports and requests to be filed under Part 34 of this chapter.

Reports and requests shall be filed either periodically, upon the happening of specified events, or for specific approval, by radiotelegraph carriers in accordance with and subject to the provisions of Part 34 of this chapter.

§ 1.794 Reports and requests to be filed under Part 35 of this chapter.

Reports and requests shall be filed either periodically, upon the happening of specified events, or for specific approval, by wire-telegraph and ocean-cable carriers in accordance with and subject to the provisions of Part 35 of this chapter.

SERVICES AND FACILITIES REPORTS

§ 1.801 Reports regarding telegraph carrier services.

Telegraph carriers shall file descriptions of their services as required by Part 43 of this chapter.

§ 1.802 Reports relating to continuing authority to supplement facilities or to provide temporary or emergency service.

Carriers receiving authority under Part 63 of this chapter shall file quarterly or semiannual reports as required therein.

§ 1.803 Reports relating to reduction in temporary experimental service.

As required in Part 63 of this chapter, carriers shall report reductions in service which had previously been expanded on an experimental basis for a temporary period.

§ 1.804 Reports regarding domestic telegraph speed of service.

The Western Union Telegraph Company shall furnish monthly reports under Subpart B of Part 64 of this chapter in regard to origin to destination speed of service on F.C.C. Form 338–B and any additional recurring monthly speed of service reports prepared by the telegraph company, together with copies of related instructions issued by the company to its field offices, in accordance with Part 64 of this chapter.

§ 1.805 Reports relating to service by carriers engaged in public radio service operations.

Monthly and quarterly reports must be filed with the Commission in connection with certain fixed public radio service operations. No form is prescribed. A complete description of the contents of these reports is contained in Part 23 of this chapter.

MISCELLANEOUS REPORTS

§ 1.811 Reports regarding amendments to charters, by-laws and partnership agreements of carriers engaged in domestic public radio services.

Amendments to such documents shall be reported and filed in accordance with Part 21 of this chapter.

§ 1.812 Reports regarding premature destruction of records.

Pursuant to the requirements of Part 42 of this chapter, carriers shall file reports relating to the premature destruction of records.

§ 1.813 Reports of negotiations regarding foreign communication matters.

Pursuant to the requirements of Part 43 of this chapter, carriers engaging or participating in foreign communications shall file monthly reports covering negotiations conducted.

§ 1.814 Reports regarding free service rendered the Government for national defense.

Carriers rendering free service in connection with the national defense to any agency of the United States Government shall file reports in accordance with Part 2 of this chapter.

Subpart F—Safety and Special Services Applications and Proceedings

GENERAL

§ 1.901 Scope.

This subpart is applicable to all services listed in Parts 81–99 of this chapter, except that rules involving common carriers concerning complaints, tariffs, applications and reports required under Title II of the Communications Act are set forth in subpart E of this part. (For additional information relative to applications, see the rules in this chapter relating to each of the respective services.) In case of any conflict or inconsistency between the rules set forth in this subpart and the rules for the specific services enumerated in this section, the former shall govern.

GENERAL FILING REQUIREMENTS

§ 1.911 Applications required.

(a) Except as provided in paragraph (b) of this section, construction permits as defined in section 3(dd) of the Communications Act of 1934, as amended; station licenses as defined in section 3 (bb) of the Communications Act; operator licenses or modifications or renewals thereof; assignments of construction permits or station licenses or any rights thereunder; and consent to transfer con-

trol of a corporation holding a construction permit or license, shall be granted only upon written and signed application.

(b) In cases (1) of an emergency found by the Commission involving danger to life or property or due to damage to equipment, or (2) of a national emergency proclaimed by the President or declared by the Congress and during the continuance of any war in which the United States is engaged, when such action is necessary for the national defense or security or otherwise in furtherance of the war effort, or (3) of emergency where the Commission finds, in these services, that it would not be feasible to secure renewal applications from existing licensees or otherwise to follow normal licensing procedure, the Commission may grant construction permits and station licenses, or modifications or renewals thereof, without the filing of a formal application; but no such authorization shall be granted for or continue in effect beyond the period of the emergency or war requiring it. The procedure to be followed for requests submitted under the provisions of this paragraph is the same as for obtaining special temporary authority under § 1.925.

(c) In case of vessels at sea, the Commission may issue by cable, telegraph, or radio a permit for the operation of a station until the vessel returns to a port of the continental United States.

(d) Canadian licensees desiring to operate in the United States under the terms of Articles 2 and 3 of the Convention between the United States and Canada concerning Operation of Certain Radio Equipment or Stations (which entered into force May 15, 1952) shall make application upon FCC Form 410, which shall be filed with the Secretary, Federal Communications Commission, Washington, D.C., 20554. Forms may be obtained from the FCC Secretary, any field office of the Commission, or from the Controller of Telecommunications, Department of Transport, Ottawa, Canada.

(Sec. 308, 48 Stat. 1084, as amended; 47 U.S.C. 308)

§ 1.912 Where applications are to be filed.

(a) Applications for any class of amateur operator license requiring examination under Part 97 of this chapter shall be filed in the nearest FCC field office, listed in § 0.121 of this chapter.

(b) All applications (except those for renewal of station license) for authority to establish or operate stations (other than ship stations) covered by Part 85 of this chapter, "Public Fixed Stations and Stations of the Maritime Services in Alaska", including correspondence relating thereto, shall be filed in triplicate with the Commission's Engineer in Charge at Seattle, Washington.

(c) Formal applications for ship station licenses for use of radiotelephone or radar transmitting apparatus or both, and applications for modification of such licenses, shall, when accompanied by requests for interim ship station licenses, be filed in accordance with § 83.35 of this chapter and presented in person by applicants or their agents at the nearest field office of the Commission as shown in § 0.121 (a) and (b) of this chapter, or at the Commission's main office in Washington, D.C.: *Provided,* That, as an alternative procedure, an applicant, in Alaska, for such a ship station license may submit an application by mail to the Commission's Field Engineering Office at Anchorage, Alaska, when accompanied by a written request for an interim ship station license. Applications for renewal of ship station licenses are not subject to the provisions of this paragraph.

(d) All formal applications for Class B, Class C, or Class D station licenses in the Citizens Radio Service shall be mailed to, or filed in person at, the Commission's office at 334 York Street, Gettysburg, Pa., 17235. Any special requests or applications for special temporary authority concerning a Class B, C, or D station and all applications for Class A station licenses shall be filed in accordance with paragraph (e) of this section.

(e) All other applications shall be filed with the Commission's offices in Washington as follows:

(1) By mail, addressed to:

The Office of the Secretary, Federal Communications Commission, Washington, D.C., 20554

(2) In person, delivered to:

The Office of the Secretary, New Post Office Building, 12th Street and Pennsylvania Avenue NW., Washington, D.C.

Or

Application Control Reference Room, New Post Office Building, 12th Street and Pennsylvania Avenue, NW., Washington, D.C.

(Sec. 308, 48 Stat. 1084, as amended; 47 U.S. C. 308)

§ 1.913 Who may sign applications.

(a) Except as provided in paragraph (b) of this section, applications, amendments thereto, and related statements of fact required by the Commission shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association. Applications, amendments, and related statements of fact filed on behalf of eligible government entities, such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government, including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction.

(b) Applications, amendments thereto, and related statements of fact required by the Commission may be signed by the applicant's attorney in case of the applicant's physical disability or of his absence from the United States. The attorney shall in that event separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

(c) Only the original of applications, amendments, or related statements of fact need be signed; copies may be conformed.

(d) Applications, amendments, and related statements of fact need not be signed under oath. Willful false statements made therein, however, are punishable by fine and imprisonment, U.S. Code, Title 18, section 1001, and by appropriate administrative sanctions, including revocation of station license pursuant to section 312(a)(1) of the Communications Act of 1934, as amended.

(Sec. 308, 48 Stat. 1084, as amended; 47 U.S.C. 308)

§ 1.914 Full disclosures.

Each application shall contain full and complete disclosures with regard to the real party or parties in interest and as to all matters and things required to be disclosed by the application forms.

(Sec. 308, 48 Stat. 1084, as amended; 47 U.S.C. 308)

§ 1.915 Shared use of broadcast antenna structure.

Applicants who propose to share the use of an antenna structure used by a standard, FM, or TV broadcast station shall submit the following information as a part of the application:

(a) A scale sketch of the antenna system showing the position of the proposed antenna on the tower structure and its relation to any required obstruction lights and other antennas on the tower; and

(b) A diagram which will clearly indicate the proposed method of mounting the transmission feed lines and how these lines will bridge antenna base insulators if employed by the broadcast station.

(Sec. 308, 48 Stat. 1084, as amended; 47 U.S.C. 308)

§ 1.916 Repetitious applications.

Where the Commission has, for any reason, denied an application for a new station or for any modification of services or facilities, dismissed such application with prejudice, or revoked the license for a radio station in the Safety and Special Radio Services, the Commission will not consider a like or new application involving service of the same kind to substantially the same area by substantially the same applicant, its 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. The Commission may, for good cause shown, waive the requirements of this section.

§ 1.918 Amendment of applications.

(a) Any amendment to an application shall be signed and submitted in the same manner and with the same number of copies as was the original application.

(b) Any application may be amended as a matter of right prior to the designation of such application for hearing merely by filing the appropriate number

of copies of the amendments in question duly executed.

(c) The Commission may, upon its own motion or upon motion of any party to a proceeding, order the applicant to amend his application so as to make the same more definite and certain, and may require an applicant to submit such documents and written statements of facts, as in its judgment may be necessary.

(Sec. 308, 48 Stat. 1084, as amended; 47 U.S.C. 308)

APPLICATION FORMS AND PARTICULAR FILING REQUIREMENTS

§ 1.921 Procedure for obtaining a radio station authorization and for commencement of operation.

(a) Persons desiring to install and operate radio transmitting equipment should first submit an application for a radio station authorization in accordance with the rules for the particular service. A list of all application forms used by Safety and Special Radio Services Bureau is contained in § 1.922. Each form contains appropriate instructions concerning the number of required copies, where it may be filed, and the services in which it is intended to be used.

(b) Each application shall include all information called for by the particular form on which the application is required to be filed unless the information called for is inapplicable, in which case that fact shall be indicated.

(c) In some cases equipment and service tests are required before an authorized station may be placed in regular operation. Reference should be made to the specific service regarding these provisions.

(Sec. 308, 48 Stat. 1084, as amended; 47 U.S.C. 308)

§ 1.922 Forms to be used.

FCC Form	*Title*
400	Application for Radio Station Authorization in the Safety and Special Radio Services.
400–10	Instructions for completion of FCC Form 400.
401	Application for New or Modified Radio Station Construction Permit (Other than Broadcasting).
401–A	Description of Proposed Antenna Structure(s) (Services other than Broadcast).
402	Application for Microwave Station Authorization in the Safety and Special Radio Services.
402–10	Instructions for Completion of FCC Form 402.
403	Application for Radio Station License or Modification Thereof (Other than Broadcasting, Amateur, Ship, and Aircraft).
404	Application for Aircraft Radio Station License.
405–A	Application for Renewal of Radio License (Short Form).
406	Application for Ground Station Authorization in the Aviation Services.
410	Registration of Canadian Radio Station Licensee and Application for Permit to Operate.
453–B	Certificate of Special Temporary Authorization for Operation of Radio Station on Board New Aircraft.
480	Application for Civil Air Patrol Radio Station Authorization.
481	Application for Authority to Operate a Station in the Radio Amateur Civil Emergency Service.
482	Certification of Civil Defense Radio Officer.
501	Application for Ship Radio Station License.
505	Application for Class B, C, or D Station License in the Citizens Radio Service.
525	Application for Disaster Communications Radio Station Construction Permit and License.
610	Application for Amateur Operator License or for Combination of Station License with Operator License.
610–A	Application for Additional Amateur Station, Amateur Club Station License, and Amateur Station for Recreation Under Military Auspices.
701	Application for Additional Time to Construct Radio Station.
702	Application for Consent to Assignment of Radio Station Construction Permit or License (For Stations in Services Other Than Broadcast).
703	Application for Consent to Transfer of Control of Corporation Holding Construction permit or Station License (For Station in Services Other Than Broadcast).
820	Application for Ship Exemption.
820–A	Application for Exemption (Great Lakes Agreement).

(Sec. 308, 48 Stat. 1084, as amended; 47 U.S.C. 308)

§ 1.923 Construction permits.

A construction permit is not required for mobile radio stations or for any station in the Amateur Radio Service. Furthermore, a construction permit is not required for stations in the Maritime, Aviation, Public Safety, Industrial, Land Transportation, Citizens Radio, or Disaster Communications Services except for the following categories within these services (other than mobile) for which construction permits are required:

(a) Operational fixed stations;

(b) Land radiopositioning stations in the industrial radiolocation service;

(c) Public coast stations and limited Class I and Class II coast stations;

(d) Shore radiolocation, shore radionavigation, and shore radar stations;

(e) Alaskan public fixed stations; and

(f) Any station involving the erection of a new antenna or changes in an existing antenna if:

(1) The antenna structure proposed to be erected will exceed an over-all height of 170 feet above ground level, except where the antenna is mounted on top an existing man-made structure other than an antenna structure, and does not increase the over-all height of such man-made structure by more than 20 feet; or

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

(Sec. 319, 48 Stat. 1089, as amended; 47 U.S.C. 319)

§ 1.924 Assignment or transfer of control, voluntary and involuntary.

(a) (1) Radio station licenses are not transferable; however, except for those set forth in subparagraph (2) of this paragraph, they may be assigned. Licenses must be assigned whenever there is a change of ownership of an authorized radio station as, for example, if the radio communication equipment is sold with a business. The new owner must apply for assignment to him of the existing authorization in accordance with the rules under which the station is authorized.

(2) Licenses for stations in the Amateur, Aviation (aircraft), Citizens, and Maritime (ship) Radio Services cannot be assigned. Whenever there is a change of ownership of one of these latter stations, the new owner must apply for a new license. Upon receipt of the new license, the former license must be surrendered for cancellation.

(b) (1) Application for consent to voluntary assignment of a construction permit or license, or for consent to voluntary transfer of control of a corporation holding a construction permit or license, shall be filed with the Commission at least 60 days prior to the contemplated effective date of assignment or transfer of control.

(2) The following application forms should be used:

(i) FCC Form 400: for assignment of station authorization in services under Parts 89, 91, and 93 of this chapter, except as provided in subdivision (ii) of this subparagraph. Attached thereto shall be a signed letter from proposed assignor stating his desire to assign his current authorization in accordance with the rules governing the particular service involved.

(ii) FCC Form 402: for assignment of an authorization for fixed stations in the Safety and Special Radio Services using frequencies above 952 Mc/s (so-called microwave stations). Attached thereto shall be a signed letter from proposed assignor stating his desire to assign his current authorization in accordance with the rules governing the particular service involved.

(iii) FCC Form 406: for assignment of ground station authorizations in the Aviation Services, except as provided in subdivision (ii) of this subparagraph.

(iv) FCC Form 505: for consent to transfer control of a corporation holding a Class B, Class C, or Class D station license in the Citizens Radio Service. (FCC Form 400 shall be used for consent to transfer control of a corporation holding a Class A station license in the Citizens Radio Service.)

(v) FCC Form 702: for assignment of licenses or construction permits of all other types.

(vi) FCC Form 703: for consent to transfer control of a corporation holding any other type of license or construction permit.

(c) (1) In the event of the death or legal disability of a permittee or licensee, a member of a partnership, or a person directly or indirectly in control of a corporation which is a permittee or licensee, the Commission shall be notified in writ-

ing promptly of the occurrence of such death or legal disability.

(2) Within 30 days after the occurrence of such death or legal disability (except in the case of a ship or amateur station), application shall be filed for consent to involuntary assignment of such 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. The procedure and forms to be followed are the same as those specified in paragraph (b) of this section.

(3) In the case of stations in the Amateur, Aviation (aircraft), Citizens, and Maritime (ship) Radio Services, involuntary assignment of licenses will not be made; such licenses shall be surrendered for cancellation upon the death or legal disability of the licensee.

(Sec. 310, 48 Stat. 1086, as amended; 47 U.S.C. 310)

§ 1.925 Application for special temporary authorization.

(a) Special temporary authority may be granted to install and operate new equipment, or to operate a licensed station in a manner and to an extent or for service other or beyond that authorized in an existing license, upon proper application therefor. No such request will be considered unless full particulars as to the purpose for which the request is made are stated and unless the request is received by the Commission at least 10 days prior to the date of proposed operation. A request received within less than 10 days may be accepted upon due showing of sufficient reasons.

(b) Requests for such temporary authorization may be filed in letter form, properly signed; however, in cases of emergency involving danger to life or property or due to damage to equipment, such request may be made by telephone or telegraph, provided written request, properly signed, is submitted within 10 days from the date of such request.

(c) The purchasers of a new aircraft with factory-installed radio equipment may operate the radio station on the aircraft for a period of 30 days under Special Temporary Authority evidenced by a copy of a certificate (FCC Form 453B) executed by the manufacturer, dealer, or distributor, the original of which has been mailed to the Commission with the formal application for station license.

§ 1.926 Application for renewal of license.

(a) Application for renewal of station license shall be submitted on FCC Form 405–A (except as noted in paragraph (b) of this section).

(b) (1) Application for renewal of a station license for an additional amateur station, an amateur club station, or an amateur station for recreation under Military auspices shall be filed on FCC Form 610–A.

(2) Applications for renewal of an amateur operator license or of a combined operator-station license shall be submitted on FCC Form 610.

(3) Application for renewal of authorization to operate an amateur station in the Radio Amateur Civil Emergency Service (RACES) shall be filed on FCC Form 481–1 and shall be submitted concurrently with the application for renewal of the basic amateur radio station license.

(4) [Reserved]

(5) Application for renewal of aircraft radio station licenses, other than Civil Air Patrol, shall be submitted on FCC Form 404.

(6) Except as required in subparagraphs (7) and (8) of this paragraph, application for renewal of a ground station authorization in the Aviation Services shall be submitted on FCC Form 406.

(7) Applications for renewal of authorization for fixed stations in the Aviation Services using frequencies above 952 Mc/s (a so-called microwave station) shall be submitted on FCC Form 402.

(8) Application for renewal of Civil Air Patrol radio station authorizations shall be submitted on FCC Form 480.

(9) Application for renewal of ship station license shall be filed on FCC Form 501.

(10) Application for renewal of Class B, Class C, or Class D station license in the Citizens Radio Service shall be submitted on FCC Form 505.

(11) Application for renewal of Class A station license in the Citizens Radio Service shall be submitted on FCC Form 400.

(c) All applications for renewal of license shall be filed during the last 60 days of the license term. In any case in which the licensee has, in accordance with the provisions of this chapter, made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

(Sec. 308, 48 Stat. 1084, as amended; 47 U.S.C 308)

§ 1.927 Application for ship radio inspection or periodical survey of ships subject to compulsory radio requirements.

(a) Applications for ship radio inspection and certification of the ship radio license in accordance with the requirements of section 362(b) of the Communications Act, and/or issuance of a Safety Convention certificate in accordance with the terms of Regulations 11 and 12, Chapter I, of the Safety Convention, should be submitted on FCC Form 801 entitled "Application for Ship Radio Inspection". This form should be forwarded to the Engineer in Charge of the radio district office nearest the desired port of inspection (see § 0.121 of this chapter).

(b) Applications for periodical survey as required by Article 11 of the Great Lakes Agreement, and certification prescribed by Articles 12 and 13 thereof, should be submitted on FCC Form 809 "Application for Periodical Survey (Great Lakes Agreement)." This form should be forwarded to the Engineer in Charge of the radio district office nearest the desired place of survey (see § 0.121 of this chapter).

(c) Applications for inspection of ship radio equipment and apparatus, for the purposes of Part II of Title III of the Communications Act of 1934, as amended, or the Great Lakes Agreement, on a Sunday or national holiday, or during other than the established working hours on any other day, should be submitted on FCC Form 808 entitled "Application for and Certificate of Overtime Service Involving Inspection of Ship Radio Equipment." This form should be forwarded to the Engineer in Charge of the radio district office nearest the desired port of inspection (see § 0.121 of this chapter).

(d) Application for periodical inspection and certification of vessels subject to Part III of Title III of the Communications Act pursuant to section 385 thereof should be submitted on FCC Form 812 entitled "Application for Periodical Inspection (Communications Act, Title III, Part III)." This form should be forwarded to the Engineer in Charge of the radio district office nearest the desired port of inspection (see § 0.121 of this chapter).

(Sec. 10(b), 50 Stat. 196, as amended, 47 U.S.C. 360; and sec. 1, 70 Stat. 1047, 47 U.S.C. 385)

§ 1.928 Procedure with respect to applications for ship radio inspection or periodical survey.

After the following applications are accepted for filing, the Engineer in Charge of the radio district office in which the application is submitted makes the necessary examination and issues the appropriate certification:

(a) Application for ship radio inspection and certification of the ship radio license, pursuant to the requirements of section 362 (b) of the Communications Act;

(b) Application for a Safety Convention certificate in accordance with the terms of Regulations 11 and 12, Chapter I, of the Safety Convention;

(c) Application for periodical survey as required by Article 11 of the Great Lakes Agreement and certification prescribed by Articles 12 and 13 thereof;

(d) Application for periodical inspection and certification of vessels subject to Part III of Title III of the Communications Act, pursuant to section 385 thereof.

(Sec. 10(b), 50 Stat. 196, as amended, 47 U.S.C. 360; and sec. 1, 70 Stat. 1047, 47 U.S.C. 385)

§ 1.929 Application for exemption from compulsory ship radio requirements.

Applications for exemption, filed under the provisions of sections 352 (b) or (c) and 383 of the Communications Act, and Regulations 5 or 6, Chapter IV, of the Safety of Life at Sea Convention, London, 1948, shall be submitted on FCC Form 820 entitled "Application for Ship Exemption". Applications for exemption filed under the provisions of Article 6 of the Great Lakes Agreement shall be submitted on FCC Form 820–A entitled "Application for Exemption (Great Lakes Agreement)".

(Sec. 10(b), 50 Stat. 192, as amended, 47 U.S.C. 352; and sec. 1, 70 Stat. 1047, 47 U.S.C. 383)

§ 1.930 Application for temporary waiver of annual inspection.

Informal application for temporary waiver of the annual inspection required under section 362(b) of the Communications Act, as provided in that section, shall be filed by the vessel owner, the vessel's operating agency, the ship station licensee, or the master of the vessel with the Commission's Engineer in Charge of the radio district office nearest the port where the ship is located.

(Sec. 10(b), 50 Stat. 196, as amended; 47 U.S.C. 360)

§ 1.931 Application for extension of construction permit.

(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) Application for extension of time within which to construct a station in the Public Safety, Industrial, and Land Transportation Radio Services shall be submitted on FCC Form 400 or on FCC Form 402, as appropriate; in the Aviation Services, on FCC Form 406, except Civil Air Patrol applications which shall use FCC Form 480; in the case of Class A stations in the Citizens Radio Service, on FCC Form 400; and in all other services, on FCC Form 701. Such application shall be filed at least 30 days prior to the expiration date of the construction 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.

(Sec. 319, 48 Stat. 1089, as amended; 47 U.S.C. 319)

§ 1.932 Time in which station must be placed in operation.

In those cases in which a license is issued initially in lieu of a construction permit, if the station authorized is not placed in operation within eight months from the date of grant, the authorization shall be invalid and must be returned to the Commission for cancellation.

§ 1.933 Installation or removal of apparatus.

(a) In the Public Safety, Industrial, and Land Transportation Radio Services, replacement of transmitting equipment may be made without prior authorization: *Provided,* The replacement transmitter appears in the Commission's "Radio Equipment List, Part C" as designated for use in the Public Safety, Industrial, and Land Transportation Radio Services, and the substitute equipment employs the same type of emission and does not exceed the power limitation as set forth in the station authorization.

(b) In the Citizens Radio Service, replacement of transmitting equipment may be made without prior authorization: *Provided,* The replacement transmitter appears in the Commission's "Radio Equipment List, Part C" as designated for use in the Citizens Radio Service or, in the case of a Class C or Class D station using crystal control, the substitute equipment is crystal controlled: *Provided, further,* That the substitute equipment employs the same type of emission and does not exceed the frequency tolerance and power limitations prescribed for the particular class of station involved.

§ 1.934 Procedure with respect to amateur radio operator license.

After an application for an amateur radio operator license is accepted and an examination is conducted in accordance with § 97.27 of this chapter, the examination is graded by the office supervising the examination. The results of the examination are forwarded to Washington, and if the applicant is successful, a license is issued by the Safety and Special Radio Services Bureau.

(Sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

APPLICATION PROCESSING PROCEDURES

§ 1.951 How applications are distributed.

Applications for radio station authorizations in the Safety and Special Radio Services are forwarded for processing to the various divisions as follows:

(a) Aviation Radio Division: Air Carrier Aircraft, Private Aircraft, Airdrome Control, Aeronautical Enroute, Aeronautical Fixed, Operational Fixed (Aviation), Aeronautical Utility Mobile, Radionavigation (Aviation), Flight Test, Flying School, Aeronautical Public Service, Civil Air Patrol, Aeronautical Advisory, Aeronautical Metropolitan, Aeronautical Search and Rescue Mobile, and Aeronautical Multicom.

(b) Industrial Radio Division: Business, Forest Products, Industrial Radiolocation, Manufacturers, Motion Picture, Petroleum, Power, Relay Press, Special Industrial, Telephone Maintenance, Motor Carrier, Railroad, Taxicab, and Automobile Emergency.

(c) Amateur and Citizens Radio Division: Amateur, Disaster, RACES, and Citizens.

(d) Marine Radio Division: Public Coast Stations, Limited Coast Stations, Stations on Land in the Maritime Radiodetermination Service, Fixed Stations associated with the Maritime Mobile Service, Stations operated in the Land Mobile Service for maritime purposes, Stations on Shipboard in the Maritime Services, and Public Fixed Stations in Alaska.

(e) Public Safety Radio Division: Fire, Forestry-Conservation, Highway Maintenance, Local Government, Police, Special Emergency, and State Guard.

§ 1.952 How file numbers are assigned.

(a) File numbers are assigned to certain categories of applications by the various Divisions of the Safety and Special Radio Services Bureau. Applications for fixed stations using frequencies above 952 Mc/s are further designated by the addition of a letter X at the end of the file number.

(b) File number symbols and service or class of station designators:

AMATEUR AND DISASTER SERVICES

Y—Amateur.
D—Disaster.
R—RACES.

AVIATION SERVICES

A—Aeronautical and fixed group.
AM—Aircraft group.
AA—Aviation auxiliary group.
AR—Aviation radionavigation land.
AC—Civil Air Patrol.

CITIZENS SERVICE

CA—Class A.
CB—Class B.
CC—Class C.
CD—Class D.

INDUSTRIES SERVICES

IB—Business.
IF—Forest products.
IR—Industrial radiolocation.
IX—Manufacturers.
IM—Motion picture.
IP—Petroleum.
IW—Power.
IY—Relay press.
IS—Special industrial.
IT—Telephone maintenance.

LAND TRANSPORTATION SERVICES

LA—Automobile emergency.
LI—Interurban passenger.
LJ—Interurban property.
LR—Railroad.
LX—Taxicab.
LU—Urban passenger.
LV—Urban property.

MARINE SERVICES

MK—Alaskan group.
M—Coastal group.
MA—Marine auxiliary group.
MR—Marine radiolocation land.

PUBLIC SAFETY SERVICES

PF—Fire.
PO—Forestry conservation.
PH—Highway maintenance.
PL—Local government.
PP—Police.
PS—Special emergency.
PG—State Guard.

(c) Application or authorization designator symbols:

P—Construction Permit.
MP—Modified CP.
MP/L—Modified CP and License.
MP/ML—Modified CP and Modified License.
AP—Assignment of Permit.
L—License.
ML—Modified License.
AL—Assignment of License.
P/L—Combination CP and License.
R—Renewed License.
TC—Transfer of Control.

§ 1.953 How applications are processed.

(a) Applications are processed in sequence according to date of filing. Applications which are in accordance with the provisions of this chapter and established policies of the Commission may be processed to completion in accordance with the applicable delegations of

authority as set forth in Part 0 of this chapter;

(b) Applications are presented to the Commission in cases where:

(1) Applicant requests reconsideration of action taken by the staff under such delegations of authority;

(2) Requests are made for waiver of, or exception to, a rule for a period in excess of 180 days, but not including certain categories of requests for waivers in excess of 180 days pertaining to ship stations covered by § 0.331(b) (13) of this chapter;

(3) Applicant requests construction permit for new public coast station at locations other than Alaska;

(4) The staff is not authorized to dismiss an application consistent with the provisions of this chapter and is unable to reach the positive public interest findings prescribed by § 1.971(a); or

(5) A petition has been filed to deny an application of the categories listed in § 1.962.

§ 1.955 Frequency coordination, Canada.

(a) As a result of mutual agreements, the Commission has, since May 1950, exchanged comments with the Canadian Department of Transport regarding proposed assignments in certain frequency bands for stations north of "Line A". Line A is described as follows: Begins at Aberdeen, Washington, running by great circle arc to the intersection of 48° N. and 120° W., thence along parallel 48° N. to the intersection of 95° W., thence by great circle arc through the southernmost point of Duluth, Minn., thence by great circle arc to 45° N. 85° W., thence southward along the meridian 85° W., to its intersection with parallel 41° N., thence along parallel 41° N. to its intersection with meridian 82° W., thence by great circle arc through the southernmost point of Bangor, Maine, thence by great circle arc through the southernmost point of Searsport, Maine, at which point it terminates.

(b) The frequency bands are as follows:

Mc/s	Mc/s
30.56– 32.00	42.00– 50.00
33.00– 34.00	72.00– 74.60
35.00– 36.00	75.40– 76.00
37.00– 38.00	152.00–162.00
39.00– 40.00	450.00–460.00

(c) Due, however, to the nature of the service, proposed assignments on the following specific frequencies are not coordinated:

Mc/s	Mc/s
35.10	156.8
35.14	156.9
35.18	157.0
156.3	157.1
156.4	157.2
156.5	157.3
156.6	157.4
156.7	

§ 1.956 Rented communications equipment.

(a) Applications for authorization in the Safety and Special Radio Services which indicate that the equipment therefor will be obtained pursuant to lease-maintenance arrangements with the American Telephone and Telegraph Company or its subsidiaries will not be granted.

(b) For the purposes of this section, subsidiaries of A. T. & T. include the following:

Bell Telephone Co. of Nevada
Citizen Telephone Co., Inc.
Illinois Bell Telephone Co.
Indiana Bell Telephone Co.
Michigan Bell Telephone Co.
New England Telephone and Telegraph Co.
New Jersey Bell Telephone Co.
New York Telephone Co.
Northwestern Bell Telephone Co.
Southern Bell Telephone and Telepgraph Co.
Southwestern Bell Telephone Co.
The Bell Telephone Co. of Pennsylvania
The Chesapeake and Potomac Telephone Co.
The Chesapeake and Potomac Telephone Co. of Maryland
The Chesapeake and Potomac Telephone Co. of Virginia
The Chesapeake and Potomac Telephone Co. of West Virginia
The Cincinnati and Suburban Bell Telephone Co.
The Diamond State Telephone Co.
The Mountain States Telephone and Telegraph Co.
The Ohio Bell Telephone Co.
The Pacific Telephone and Telegraph Co.
The Southern New England Telephone Co.
Wisconsin Telephone Co.

NOTE: Pending final action in Docket No. 12722, the terms of this section are not intended to encompass in a negative or affirmative manner, applications involving telephone company lease-maintenance arrangements which have been found or may be found, by any jurisdiction, to be "the furnishing of common carrier communications services" and/or if the charges therefor are or may become "subject to public regulation." See Pars. 24 and 25, First Report and Order, Docket No. 12722.

§ 1.958 Defective applications.

(a) Applications which are incomplete with respect to completeness of answers, supplementary statements, execution, or other matters of a formal character shall be deemed to be defective and may be returned to the applicant with a brief statement as to such defects.

(b) Applications will also be deemed to be defective and may be returned to the applicant in the following cases:

(1) Statutory disqualification of applicant, e. g., aliens under section 310 of the Communications Act;

(2) Proposed use or purpose of station would be unlawful;

(3) Requested frequency is not allocated for assignment for the service proposed.

(c) Applications which are not in accordance with the provisions of this chapter or other requirements of the Commission will be considered defective and may be dismissed unless accompanied either by (1) a petition to amend any rule or regulation with which the application is in conflict, or (2) a request of the applicant for waiver of, or exception to, any rule, regulation, or requirement with which the application is in conflict. Such request shall show the nature of the waiver or exception desired and set forth the reasons in support thereof. Applications may be dismissed, if the accompanying petition for waiver or amendment of rules does not set forth reasons which, sufficient if true, would justify a waiver or change of the rules.

(d) If an applicant is requested by the Commission to file any additional documents or information not included in the prescribed application form, failure to comply with such request will be deemed to render the application defective, and such application may be dismissed.

(Sec. 308, 48 Stat. 1084, as amended; 47 U.S.C. 308)

§ 1.959 Resubmitted applications.

Any application which has been returned to the applicant for correction will be processed in original order of receipt when resubmitted if it is received within 30 days (45 days outside continental United States) from the date on which it was returned to the applicant. If the application is not resubmitted within the prescribed time, it will be treated as a new application and considered at the time other applications received on the same date are considered.

§ 1.961 Dismissal of applications.

(a) Any application may, upon written request signed by the applicant or his attorney, be dismissed without prejudice as a matter of right prior to the designation of such application for hearing.

(b) Failure to prosecute an application, or failure to respond to official correspondence or request for additional information, will be cause for dismissal. Such dismissal will be without prejudice where an application has not yet been designated for hearing; such dismissal may be with prejudice after an application has been designated for hearing.

(c) Requests to dismiss an application without prejudice after it has been designated for hearing will be considered only upon written petition properly served upon all parties of record and will be granted only for good cause shown. Such petition must be accompanied by a written and signed statement of a person with knowledge of the facts as to whether or not consideration has been promised to or received by petitioner, directly or indirectly, in connection with the filing of such petition for dismissal of the application.

§ 1.962 Public notice of acceptance for filing; petitions to deny applications of specified categories.

(a) Except as qualified in paragraph (b) of this section, the provisions of this section shall apply to all applications for authorizations, and substantial amendments thereof, for the categories of stations and services listed in this paragraph which are filed with the Commission on or after December 12, 1960, and to such applications which were filed prior to December 12, 1960, but are amended substantially on or after that date.

(1) Fixed point-to-point stations using frequencies above 890 Mc/s (exclusive of control, relay, and repeater stations used as integral parts of mobile radio systems).

(2) Industrial radiopositioning stations for which frequencies are assigned on an exclusive basis.
(3) Aeronautical enroute stations.
(4) Aeronautical advisory stations.
(5) Airdrome control stations.
(6) Aeronautical fixed stations.
(7) Public coast stations, excluding those located in Alaska which will not render service for hire.
(8) Fixed stations using frequencies in the 72–76 Mc/s band.

(b) The provisions of this section are not applicable to applications for the type of authorizations listed in this paragraph.

(1) A minor change in the facilities of an authorized station or a minor amendment of an application on file.
(2) Consent to an involuntary assignment or transfer under section 310(b) of the Communications Act or to a voluntary assignment or transfer thereunder which does not involve a substantial change in ownership or control.
(3) A license under section 319(c) of the Communications Act or, pending application for or grant of such license, any special or temporary authorization to permit interim operation to facilitate completion of authorized construction or to provide substantially the same service as would be authorized by such licensee.
(4) Extension of time to complete construction of authorized facilities.
(5) A special temporary authorization not to exceed 30 days where no application for regular operation is contemplated to be filed or pending the filing or after the filing of an application for such regular operation.
(6) An authorization under any of the proviso clauses of section 308(a) of the Communications Act.

(c) For the purposes of this section, a substantial amendment of an application on file and applications for a substantial change in the facilities of an authorized station shall be:

(1) Any addition or change in frequency (except deletion of a frequency);
(2) Any change in antenna azimuth;
(3) Any change in antenna beam width;
(4) Any change in antenna location greater than 5 seconds;
(5) Any change in antenna location of less than 5 seconds but also involving a requirement for special aeronautical study;
(6) Any change in emission;
(7) Any increase in antenna height;
(8) Any increase in authorized power in excess of a 2 to 1 ratio;
(9) Any increase in emission bandwidth.

(d) All amendments of an application on file and all changes requested in the facilities of an authorized station other than those amendments and modifications listed in paragraph (c) of this section shall be considered minor.

(e) The Commission will issue at regular intervals a "Public Notice" listing all applications subject to this section which have been accepted for filing. Such "Public Notice" will re-list any application which has been amended substantially since its previous listing. For the purposes of this section, "accepted for filing" means that an application has been received at the Commission. Such acceptance for filing shall not preclude the subsequent dismissal of an application, pursuant to the provisions of this chapter, as being defective.

(f) No application subject to the provisions of this section, as originally filed or substantially amended, will be granted by the Commission prior to the thirty-first day following the issuance of public notice of the acceptance for filing of such application or of any substantial amendment thereof: *Provided, however,* That the Commission, notwithstanding the requirements of this paragraph, may, if the grant of such application is otherwise authorized by law and if it finds that there are extraordinary circumstances requiring emergency operations in the public interest and that delay in institution of such emergency operations would seriously prejudice the public interest, grant a temporary authorization, accompanied by a statement of its reasons therefor, to permit such emergency operation for a period not exceeding 90 days, and upon making like findings may extend such temporary authorization for one additional period not to exceed 90 days.

(g) Any party in interest may file with the Commission a petition to deny any application, whether as filed originally or as subsequently amended, subject to the provisions of this section, at any time prior to the day the Commission grants such application or formally designates such application for hearing. A petitioner shall serve a copy of such petition on the applicant. A petition shall contain specific allegations of fact sufficient to show that the petitioner is a party in interest and that a grant of the application would be prima facie inconsistent with the public interest, convenience, and necessity. Such allegations of fact except for those of which official notice may be taken, shall be supported by affidavit of a person or persons with personal knowledge thereof.

(h) The applicant may file an opposition to any petition to deny and the petitioner may file a reply thereto (see § 1.45) in which allegations of fact or denials thereof, except for those of which official notice may be taken, shall be supported by affidavit of a person or persons with personal knowledge thereof. The applicant shall serve a copy of his opposition on the petitioner, and the petitioner shall serve a copy of his reply on the applicant.

(Sec. 309, 48 Stat. 1085, as amended; 47 U.S.C. 309)

Action on Applications

Authority: §§ 1.971 and 1.973 issued under sec. 309, 48 Stat. 1085, as amended; 47 U.S.C. 309.

§ 1.971 Grants without a hearing.

(a) The Commission will grant without a hearing an application for a station authorization if it is proper upon its face and if the Commission finds from an examination of such application and supporting data, any pleading filed, or other matters which it may officially notice, that:

(1) There are no substantial and material questions of fact;
(2) The applicant is legally, technically, financially, and otherwise qualified;
(3) A grant of the application would not involve modification, revocation, or non-renewal of any existing license or outstanding construction permit;
(4) A grant of the application would not preclude the grant of any mutually exclusive application; and
(5) A grant of the application would serve the public interest, convenience, and necessity.

(b) If a petition to deny an application has been filed pursuant to § 1.962 and the Commission grants such application pursuant to paragraph (a) of this section, the Commission will deny the petition and issue a concise statement of the reason for such denial and disposing of all substantial issues raised by the petition.

§ 1.973 Designation for hearing.

(a) If the Commission is unable to make the findings prescribed by § 1.971(a) with reference to an application filed prior to December 12, 1960, and not amended substantially on or after that date, the Commission, by letter, will notify the applicant and other known parties in interest of the grounds and reasons for its inability to make such findings and of all the objections made to such application. Following such notice, the applicant will be given an opportunity to reply. If the Commission after considering such reply is still unable to make the findings prescribed by § 1.971(a), it will formally designate the application for hearing on the grounds or reasons then obtaining and shall notify the applicant and all other known parties in interest of such action.

(b) If the Commission is unable to make the findings prescribed in § 1.971 (a) with reference to any application filed on or after December 12, 1960, or any application filed prior to December 12, 1960, but amended substantially on or after that date, it will formally designate the application for hearing on the grounds or reasons then obtaining and will notify forthwith the applicant and all other known parties in interest of such action.

(c) Orders designating applications for hearing will specify with particularity the matters and things in issue and will not include issues or requirements phrased generally.

(d) Parties in interest, if any, who are not notified by the Commission of its action in designating a particular application for hearing may acquire the status of a party to the proceeding by filing a petition for intervention showing the basis of their interest at any time not less than ten days prior to the date of hearing.

(e) Any hearing subsequently held upon such applications shall be a full hearing in which the applicant and all other parties in interest shall be permitted to participate. The burden of proceeding with the introduction of evidence and burden of proof shall be upon the applicant, except that with respect to any issue presented by a petition to

deny or a petition to enlarge the issues, such burdens shall be as determined by the Commission.

REPORTS TO BE FILED WITH THE COMMISSION

§ 1.981 Reports, annual and semi-annual.

(a) Licensees of stations authorized for developmental operation shall submit a report on the results of the developmental program. The report shall be filed with and made a part of each application for renewal of authorization.

(b) The report shall include comprehensive and detailed information on the following:

(1) The final objective.
(2) Results of operation to date.
(3) Analysis of the results obtained.
(4) Copies of any published reports.
(5) Need for continuation of the program.
(6) Number of hours of operation on each frequency.

(c) Where required by the particular service rules, licensees who have entered into agreements with other persons for the cooperative use of radio station facilities must submit annually an audited financial statement reflecting the nonprofit cost-sharing nature of the arrangement to the Commission's offices in Washington, D. C., no later than three months after the close of the licensee's fiscal year.

FORFEITURES AGAINST SHIPS AND SHIP MASTERS

§ 1.991 Forfeitures against ships and ship masters.

(a) Whenever information is received indicating that reasonable grounds exist to support a suit for collection of forfeitures provided by sections 364, 386, and 507 of the Communications Act of 1934, as amended, the owner of the ship and the master will be notified of apparent liability for forfeitures. The notification will specify dates, places, and the nature of the alleged violations or irregularities, and will advise the parties of the Commission's authority under section 504 (b) of the act to remit or mitigate such forfeitures upon application therefor. Applications for mitigation or remission may be filed within 30 days from the date of receipt of the notification letter, or within such extended time as may for good cause be granted. The application must be in duplicate but need not follow any special form. After a review of the case in the light of all the information available, including the information and arguments presented in the application, the applicant will be notified of the determination, which may be either remission of the entire amount, an offer of mitigation of the forfeiture to the extent which appears warranted under the circumstances, or denial of any relief.

(b) Acceptance of an offer of mitigation may be accomplished through payment, within 30 days from the date of receipt of the notification, of the amount specified therein by check or similar means drawn to the order of the Treasurer of the United States and mailed to the Commission.

(c) In lieu of acceptance of an offer of mitigation, or in the event of denial of relief, application may be made within 30 days from the date of receipt of the notification for review by the Commission as provided in section 5(d) of the act. The application should set forth the reasons for applicant's belief that the original action on his application should be modified. It may include a statement of any material facts that may have been omitted from the original application for relief. On review the Commission may affirm, modify, or set aside the previous action, or direct any further proceedings that appear necessary and in the public interest.

(d) If the applicant fails to take any action in respect to a notification of apparent liability for forfeiture or an offer of mitigation or a notification of denial of relief, the case may be referred by the Commission to the Attorney General of the United States for appropriate civil action to recover the forfeiture in accordance with the provisions of section 504 (a) of the act.

(Sec. 10(b), 50 Stat. 196, as amended, 47 U.S.C. 362; sec. 1, 70 Stat. 1048, 47 U.S.C. 386; sec. 504, 48 Stat. 1101, as amended, 47 U.S.C. 504; and sec. 3, 68 Stat. 729, 47 U.S.C. 507)

Subpart G—Schedule of Fees for Applications Filed With the Commission

AUTHORITY: Secs. 1.1101 to 1.1119 issued under sec. 501, 65 Stat. 290; 5 U.S.C. 140.

GENERAL INFORMATION

§ 1.1101 Authority.

Authority for this Subpart is contained in Title V of the Independent Offices Appropriation Act of 1952 (5 U.S.C. 140) which provides that any service rendered by a Federal agency to or for any person shall be performed on a self-sustaining basis to the fullest extent possible. Title V further provides that the head of each Federal agency is authorized by regulation to prescribe such fees as he shall determine to be fair and equitable.

§ 1.1103 Payment of fees.

(a) Each application, filed on or after January 1, 1964, for which a fee is prescribed in this subpart, must be accompanied by a remittance in the full amount of the fee. In no case will an application be accepted for filing or processed prior to payment of the full amount specified. Applications for which no remittance is received, or for which an insufficient amount is received, may be returned to the applicant.

(b) Fee payments accompanying applications received in the Commission's Offices in Washington, D.C., or in any of the Commission's field offices, should be in the form of a check or money order payable to the Federal Communications Commission. The Commission will not be responsible for cash sent through the mails. All fees collected will be paid into the United States Treasury as miscellaneous receipts in accordance with the provisions of Title V of the Independent Offices Appropriations Act of 1952 (5 U.S.C. 140).

(c) Receipts will be furnished upon request in the case of payments made in person, but no receipts will be issued for payments sent through the mails.

(d) All fees will be charged irrespective of the Commission's disposition of the application. Applications returned to applicants for additional information or corrections will not require an additional fee when resubmitted. Refunds will be made only in the case of payments in excess of the fee prescribed in this subpart.

§ 1.1105 General exception.

When so specifically ordered, no fee will be required to accompany an application filed for the sole purpose of amending an authorization so as to conform with changes in the Commission's rules; however, if the applicant also requests an additional modification or the renewal of his authorization, the appropriate modification or renewal fee must accompany the application.

SCHEDULE OF FEES

§ 1.1111 Schedule of fees for Radio Broadcast Services.

(a) Except as provided in paragraph (b) of this section, applications filed in the Radio Broadcast Services shall be accompanied by the fees prescribed below:

	AM	FM	TV	Translator	Auxiliary
Application for Construction Permit for New Station or Major Change	$50	$50	$100	$30	$30
Application for Renewal or Assignment of License or Transfer of Control, Exclusive of FCC Form 316 Applications (where more than one broadcast station license is involved, the application must be accompanied by the total amount of the fees prescribed for each license so involved)	50	50	100	30	30
Application Filed on FCC Form 316 (where more than one broadcast station license is involved, the application must be accompanied by the total amount of the fees prescribed for each license so involved)	30	30	30	No fee	No fee
Application for Change of Call Letters for Broadcast Station	$20 in all services				
All Other Applications in the Broadcast Services (excluding television translator applications not specified above)	$30 for each application				

(b) Fees are not required in the case of applications filed by tax exempt organizations for the operation of stations providing noncommercial educational broadcast services, whether or not such stations operate on frequencies allocated for noncommercial educational use.

§ 1.1113 Schedule of fees for Common Carrier Services.

Applications filed for Common Carrier Services shall be accompanied by the fees prescribed below:

Applications for Initial Construction Permit (No additional fee will be charged for application for license to cover. An application for authority to change location of a fixed station will be treated as an application for Initial Construction Permit):	
Domestic Public Land Mobile Radio Service:	
Base Station (includes associated mobile stations)	$100
Dispatch Station, Control Station or Repeater Station	25
Individual User Mobile Station	5
Point-to-Point Microwave Radio Service	30
Rural Radio Service:	
Central Office Station, Inter-office Station, or Rural Subscriber Station	10
Rural Subscriber Station at Temporary-Fixed Locations	10
Individual Subscriber Station	5
Local Television Transmission Service	50
International Fixed Public Radiocommunication Services:	
International Fixed Public Station:	
New Station	$100
Additional Transmitter	100
Replacement of Transmitter	50
International Control Station:	
New Station	30
Additional Transmitter	30
Replacement of Transmitter	10
Other Common Carrier Services	10
Applications to make Modifications or to Supplement Facilities at Existing Sites in the Point-to-Point Microwave Radio Service	30
Applications for License for Operation of a Station at Temporary-Fixed Locations in the Point-to-Point Microwave Radio Service	30
Applications for Modification of Construction Permit at an Existing Station Location in the Local Television Transmission Service	50
Applications for License for Operation of an STL Station at Temporary-Fixed Locations in the Local Television Transmission Service	50
Applications for License for Operation of Mobile Television Pickup Station in the Local Television Transmission Service	50
Applications for Renewal of License:	
Domestic Public Land Mobile Radio Service:	
Base Station (includes associated mobile stations)	25
Dispatch Station, Control Station or Repeater Station	10
Individual User Mobile Station	5
Point-to-Point Microwave Radio Service	$5
Local Television Transmission Service	5
Rural Radio Service, All Stations	5
International Fixed Public Radiocommunication Services:	
International Fixed Public Station	75
International Control Station	10
Other Common Carrier Services	5
All Other Common Carrier Radio Applications	$10
Applications by Communications Common Carriers for Authorization to Own Stock in the Communications Satellite Corporation	10
Section 214 Applications by Telephone Companies	50
Section 214 Applications by Telegraph Companies	10
Cable Landing License Applications	100
Section 221 Applications	50
Interlocking Directorate Applications	10
All Other Common Carrier Non-radio Applications	10

§ 1.1115 Schedule of fees for Safety and Special Radio Services.

(a) Except as provided in paragraph (b) of this section, all formal applications filed in the Safety and Special Radio Services shall be accompanied by the fees prescribed below:

Applications in the Amateur Radio Service:	
For Initial and Renewed Licenses	$4
For Modification of License	2
Request for Special Call Sign Pursuant to § 97.51	20
Applications in the Citizens Radio Service:	
For Class A Station Authorization	10
For All Other Classes of Stations in the Citizens Radio Service	8
Applications for Radio Station Authorizations for Operational Fixed Microwave Radio Stations (no fee required for application for license to cover construction permit)	30
Applications for Renewal only for which FCC Form 405A is prescribed	4
All Other Applications Filed in the Safety and Special Radio Services	10

(b) Fees are not required in the following instances:

(1) Applications filed in the Police, Fire, Forestry-Conservation, Highway Maintenance, Local Government, and State Guard Radio Services.

(2) Applications filed by governmental entities in any of the Safety and Special Radio Services.

(3) Applications filed by the following in the Special Emergency Radio Service: Hospitals, Disaster Relief Organizations, Beach Patrols, and School Buses, and non-profit Ambulance Operators and Rescue Organizations.

(4) Applications filed in the Disaster Communications Service.

(5) Applications for ship inspections pursuant to the Great Lakes Agreement, the Safety of Life at Sea Convention, and Parts II and III, Title III, of the Communications Act of 1934, as amended.

(6) Applications for Novice Class license in the Amateur Radio Service, applications for amateur stations under military auspices, and applications filed in the Radio Amateur Civil Emergency Service (RACES).

(7) Operational Fixed Microwave Applications filed for Closed Circuit Educational Television Service.

(8) Applications for Civil Air Patrol Stations, Aeronautical Radionavigation Stations and for Aeronautical Search and Rescue Stations.

§ 1.1117 Schedule of fees for commercial radio operator examinations and licensing.

Applications filed for commercial radio operator examinations and licensing shall be accompanied by the fees prescribed below:

Applications for Commercial Operator Examinations:	
First Class	$5
Second Class	4
Third Class	3
Applications for renewals, endorsements, duplicates, etc., of Commercial Operator Licenses	2
Applications for Restricted Radiotelephone Permits	2

§ 1.1119 Experimental Radio Services (other than Broadcast).

Fees are not required in the case of applications filed in the Experimental Radio Services (other than Broadcast).

APPENDIX—A PLAN OF COOPERATIVE PROCEDURE IN MATTERS AND CASES UNDER THE PROVISIONS OF SECTION 410 OF THE COMMUNICATIONS ACT OF 1934

(Approved by the Federal Communications Commission October 25, 1938, and approved by the National Association of Railroad and Utilities Commissioners on November 17, 1938.)

PRELIMINARY STATEMENT CONCERNING THE PURPOSE AND EFFECT OF THE PLAN

Sec. 410 of the Communications Act of 1934 authorizes cooperation between the Federal Communications Commission, hereinafter called the Federal Commission, and the State commissions of the several States, in the administration of said Act. Subsection (a) authorizes the reference of any matter arising in the administration of said Act to a board to be composed of a member or members from each of the States in which the wire, or radio communication affected by or involved in the proceeding takes place, or is proposed. Subsection (b) authorizes conferences by the Federal Commission with State commissions regarding the relationship between rate structures, accounts, charges, practices, classifications, and regulations of carriers subject to the jurisdiction of such State commissions and of said Federal Commission and joint hearings with State commissions in connection with any matter with respect to which the Federal Commission is authorized to act.

Obviously, it is impossible to determine in advance what matters should be the subject of a conference, what matters should be referred to a board, and what matters should be heard at a joint hearing of State commissions and the Federal Commission. It is understood, therefore, that the Federal Commission or any State commission will freely suggest cooperation with respect to any proceedings or matter affecting any carrier subject to the jurisdiction of said Federal Commission and of a State commission, and concerning which it is believed that cooperation will be in the public interest.

To enable this to be done, whenever a proceeding shall be instituted before any commission, Federal or State, in which another commission is believed to be interested, notice should be promptly given each such interested commission by the commission before which the proceeding has been instituted. Inasmuch, however, as failure to give notice as contemplated by the provisions of this plan will sometimes occur purely through inadvertence, any such failure should not operate to deter any commission from suggesting that any such proceeding be made the subject matter of cooperative action, if cooperation therein is deemed desirable.

It is understood that each commission, whether or not represented in the National Association of Railroad and Utilities Commissioners, must determine its own course of action with respect to any proceeding in the light of the law under which, at any given time, it is called upon to act, and must

be guided by its own views of public policy; and that no action taken by such Association can in any respect prejudice such freedom of action. The approval by the Association of this plan of cooperative procedure, which was jointly prepared by the Association's standing Committee on Cooperation between Federal and State commissions and said Federal Commission, is accordingly recommendatory only; but such plan is designed to be, and it is believed that it will be, a helpful step in the promotion of cooperative relations between the State commissions and said Federal Commission.

NOTICE OF INSTITUTION OF PROCEEDING

Whenever there shall be instituted before the Federal Commission any proceeding involving the rates of any telephone or telegraph carrier, the State commissions of the States affected thereby will be notified immediately thereof by the Federal Commission, and each notice given a State commission will advise such commission that, if it deems the proceeding one which should be considered under the cooperative provisions of the Act, it should either directly or through the National Association of Railroad and Utilities Commissioners, notify the Federal Commission as to the nature of its interest in said matter and request a conference, the creation of a joint board, or a joint hearing as may be desired, indicating its preference and the reasons therefor. Upon receipt of such request the Federal Commission will consider the same and may confer with the commission making the request and with other interested commission, or with representatives of the National Association of Railroad and Utilities Commissioners, in such manner as may be most suitable; and if cooperation shall appear to be practicable and desirable, shall so advise each interested State commission, directly, when such cooperation will be by joint conference or by reference to a joint board appointed under said Sec. 410 (a), and, as hereinafter provided, when such cooperation will be by a joint hearing under said Sec. 410 (b).

Each State commission should in like manner notify the Fedreal Commission of any proceeding instituted before it involving the toll telephone rates or the telegraph rates of any carrier subject to the jurisdiction of the Federal Commission.

PROCEDURE GOVERNING JOINT CONFERENCES

The Federal Commission, in accordance with the indicated procedure, will confer with any State commission regarding any matter relating to the regulation of public utilities subject to the jurisdiction of either commission. The commission desiring a conference upon any such matter should notify the other without delay, and thereupon the Federal Commission will promptly arrange for a conference in which all interested State commissions will be invited to be present.

PROCEDURE GOVERNING MATTERS REFERRED TO A BOARD

Whenever the Federal Commission, either upon its own motion or upon the suggestion of a State commission, or at the request of any interested party, shall determine that it is desirable to refer a matter arising in the administration of the Communications Act of 1934 to a board to be composed of a member or members from the State or States affected or to be affected by such matter, the procedure shall be as follows:

The Federal Commission will send a request to each interested State commission to nominate a specified number of members to serve on such board.

The representation of each State concerned shall be equal, unless one or more of the States affected chooses to waive such right of equal representation. When the member or members of any board have been nominated and appointed, in accordance with the provisions of the Communications Act of 1934, the Federal Commission will make an order referring the particular matter to such board, and such order shall fix the time and place of hearing, define the force and effect the action of the board shall have, and the manner in which its proceedings shall be conducted. The rules of practice and procedure, as from time to time adopted or prescribed by the Federal Commission, shall govern such board, as far as applicable.

PROCEDURE GOVERNING JOINT HEARINGS

Whenever the Federal Commission, either upon its own motion or upon suggestions made by or on behalf of any interested State commission or commissions, shall determine that a joint hearing under said Sec. 410 (b) is desirable in connection with any matter pending before said Federal Commission, the procedure shall be as follows:

(a) The Federal Commission will notify the general solicitor of the National Association of Railroad and Utilities Commissioners that said Association, or, if not more than eight States are within the territory affected by the proceeding, the State commissions interested, are invited to name Cooperating Commissioners to sit with the Federal Commission for the hearing and consideration of said proceeding.

(b) Upon receipt of any notice from said Federal Commission inviting cooperation, if not more than eight States are involved, the general solicitor shall at once advise the State commissions of said States, they being represented in the membership of the association, of the receipt of such notice, and shall request each such commission to give advice to him in writing, before a date to be indicated by him in his communication requesting such advice (1) whether such commission will cooperate in said proceeding, (2) if it will, by what commissioner it will be represented therein.

(c) Upon the basis of replies received, the general solicitor shall advise the Federal Commission what States, if any, are desirous of making the proceeding cooperative and by what commissioners they will be represented, and he shall give like advice to each State commission interested therein.

(d) If more than eight States are interested in the proceeding, because within territory for which rates will be under consideration therein, the general solicitor shall advise the president of the association that the association is invited to name a cooperating committee of State commissioners representing the States interested in said proceeding.

The president of the association shall thereupon advise the general solicitor in writing (1) whether the invitation is accepted on behalf of the association, and (2) the names of commissioners selected to sit as a cooperating committee. The president of the association shall have authority to accept or to decline said invitation for the association, and to determine the number of commissioners who shall be named on the cooperating committee, provided that his action shall be concurred in by the chairman of the association's executive committee. In the event of any failure of the president of the association and chairman of its executive committee to agree, the second vice president of the association (or the chairman of its committee on cooperation between State and Federal commissions, if there shall be no second vice president) shall be consulted, and the majority opinion of the three shall prevail. Consultations and expressions of opinion may be by mail or telegraph.

(e) If any proceeding, involving more than eight States, is pending before the Federal Commission, in which cooperation has not been invited by that Commission, which the association's president and the first and second vice presidents, or any two of them, consider should be made a cooperating proceeding, they may instruct the general solicitor to suggest to the Federal Commission that the proceeding be made a cooperative proceeding; and any State commission considering that said proceeding should be made cooperative may request the president of the association or the chairman of its executive committee to make such suggestion after consideration with the executive officers above named. If said Federal Commission shall assent to the suggestion, made as aforesaid, the president of the association shall have the same authority to proceed, and shall proceed in the appointment of a cooperating committee, as is provided in other cases involving more than eight States, wherein the Federal Commission has invited cooperation, and the invitation has been accepted.

(f) Whenever any case is pending before the Federal Commission involving eight States or less, which a commission of any of said States considers should be made cooperative, such commission, either directly or through the general solicitor of the association, may suggest to the Federal Commission that the proceeding be made cooperative. If said Federal Commission accedes to such suggestion, it will notify the general solicitor of the association to that effect and thereupon the general solicitor shall proceed as is provided in such case when the invitation has been made by the Federal Commission without State commission suggestion.

APPOINTMENT OF COOPERATING COMMISSIONERS BY THE PRESIDENT

In the appointment of any cooperating committee, the president of the association shall make appointments only from commissions of the States interested in the particular proceeding in which the committee is to serve. He shall exercise his best judgment to select cooperating commissioners who are especially qualified to serve upon cooperating committees by reason of their ability and fitness; and in no case shall he appoint a commissioner upon a cooperating committee until he shall have been advised by such commissioner that it will be practicable for him to attend the hearings in the proceeding in which the committee is to serve, including the arguments therein, and the cooperative conferences, which may be held following the submission of the proceeding, to an extent that will reasonably enable him to be informed upon the issues in the proceeding and to form a reasonable judgment in the matters to be determined.

TENURE OF COOPERATORS

(a) No State commissioner shall sit in a cooperative proceeding under this plan except a commissioner who has been selected by his commission to represent it in a proceeding involving eight States or less, or has been selected by the president of the association to sit in a case involving more than eight States, in the manner hereinbefore provided.

(b) A commissioner who has been selected, as hereinbefore provided, to serve as a member of a cooperating committee in any proceeding, shall without further appointment, and without regard to the duration of time involved, continue to serve in said proceeding until the final disposition thereof, including hearings and conferences after any order or reopening, provided that he shall continue to be a State commissioner.

(c) No member of a cooperating committee shall have any right or authority to designate another commissioner to serve in his place at any hearing or conference in any proceeding in which he has been appointed to serve.

(d) Should a vacancy occur upon any cooperating committee, in a proceeding involving more than eight States, by reason of the death of any cooperating commissioner, or of his ceasing to be a State commissioner, or of other inability to serve, it shall be the duty of the president of the association to fill the vacancy by appointment, if, after communication with the chairman of the cooperating committee, it be deemed necessary to fill such vacancy.

(e) In the event of any such vacancy occurring upon a cooperating committee involving not more than eight States, the vacancy shall be filled by the commission from which the vacancy occurs.

COOPERATING COMMITTEE TO DETERMINE RESPECTING ANY REPORT OF STATEMENT OF ITS ATTITUDE

(a) Whenever a cooperating committee shall have concluded its work, or shall deem such course advisable, the committee shall consider whether it is necessary and desirable to make a report to the interested State commissions, and, if it shall determine to make a report, it shall cause the same to be distributed through the secretary of the association, or through the general solicitor to all interested commissions.

(b) If a report of the Federal Commission will accompany any order to be made in said proceeding, the Federal Commission will state therein the concurrence or nonconcurrence of said cooperating committee in the decision or order of said Federal Commission.

CONSTRUCTION HEREOF IN CERTAIN RESPECTS EXPRESSLY PROVIDED

It is understood and provided that no State or States shall be deprived of the right of participation and cooperation as hereinbefore provided because of nonmembership in the association. With respect to any such State or States, all negotiations herein specified to be carried on between the Federal Commission and any officer of such association shall be conducted by the Federal Commission directly with the chairman of the commission of such State or States.

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

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2.591 Submission of technical information for application reference.
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2.601 General.
2.602 Citation abbreviations used in this subpart.
2.603 Treaties and other international agreements relating to radio.

AUTHORITY: §§ 2.1 to 2.603 issued under sec. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303.

Subpart A—Definitions

§ 2.1 Definitions.

The following definitions are issued:

Aeronautical advisory station. An aeronautical station used for advisory and civil defense communications with private aircraft stations.

Aeronautical fixed service. A fixed service intended for the transmission of information relating to air navigation, preparation for and safety of flight.

Aeronautical fixed station. A station in the aeronautical fixed service.

Aeronautical mobile service. A mobile service between aeronautical stations and aircraft stations, or between aircraft stations, in which survival craft stations may also participate.

Aeronautical multicom land station. An aeronautical station operating in the aeronautical multicom service.

Aeronautical multicom mobile station. A mobile station operating in the aeronautical multicom service.

Aeronautical multicom service. A mobile service not open to public correspondence, used to provide communications essential to conduct of activities being performed by or directed from private aircraft.

Aeronautical radionavigation service. A radionavigation service intended for the benefit of aircraft.

Aeronautical search and rescue mobile station. A mobile station used for communication with aircraft engaged in search and rescue operations.

Aeronautical station. A land station in the aeronautical mobile service. In certain instances an aeronautical station may be placed on board a ship.

Aeronautical telemetering land station. A telemetering land station used in the flight testing of manned or unmanned aircraft, missiles, or major components thereof.

Aeronautical telemetering mobile station. A telemetering mobile station used in the flight testing of manned or unmanned aircraft, missiles, or major components thereof.

Aeronautical utility land station. A land station located at airdrome control towers and used for control of ground vehicles and aircraft on the ground at airdromes.

Aeronautical utility mobile station. A mobile station used for communication, at airdromes, with the aeronautical utility land station, ground vehicles, and aircraft on the ground.

Aircarrier aircraft station. An aircraft station aboard an aircraft engaged in, or essential to, transportation of passengers or cargo for hire.

Aircraft station. A mobile station in the aeronautical mobile service on board an aircraft.

Airdrome control station. An aeronautical station providing communication between an airdrome control tower and aircraft.

Amateur service. A service of self-training, intercommunication and technical investigations carried on by amateurs, that is, by duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest.

Amateur station. A station in the amateur service.

Aural broadcast STL station. A fixed station utilizing telephony for the transmission of aural program material between a studio and the transmitter of a broadcasting station other than an international broadcasting station, for simultaneous or delayed broadcast.

Aural broadcast intercity relay station. A fixed station utilizing telephony for the transmission of aural program material between broadcasting stations other than international broadcasting stations, for simultaneous or delayed broadcast.

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

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

Aviation services. Aviation services are primarily for the safe, expeditious and economical operation of aircraft. They include the aeronautical fixed service, aeronautical mobile service, aeronautical radionavigation service, and secondarily, the handling of public correspondence to and from aircraft.

Baseband. In the process of modulation, the baseband is the frequency band occupied by the aggregate of the modulating signals when first used to modulate a carrier.

Base station. A land station in the land mobile service carrying on a service with land mobile stations.

Broadcasting service. A radiocommunication service in which the transmissions are intended for direct reception by the general public. This service may include sound transmissions, television transmissions or other types of transmissions.

Broadcasting station. A station in the broadcasting service.

Carrier. In a frequency stabilized system, the sinusoidal component of a modulated wave whose frequency is independent of the modulating wave; or the output of a transmitter when the modulating wave is made zero; or a wave generated at a point in the transmitting system and subsequently modulated by the signal; or a wave generated locally at the receiving terminal which, when

combined with the side bands in a suitable detector, produces the modulating wave.

Carrier frequency. The frequency of the carrier.

Citizens radio service. A radiocommunication service of fixed, land, and mobile stations intended for personal or business radiocommunications, radio signalling, control of remote objects or devices by means of radio, and other purposes not specifically prohibited.

Civil Air Patrol land station. A land station used exclusively for communications of the Civil Air Patrol.

Civil Air Patrol mobile station. A mobile station used exclusively for communications of the Civil Air Patrol.

Coast station. A land station in the maritime mobile service.

Common carrier fixed station. A fixed station open to public correspondence.

Common Carrier land station. A land station open to public correspondence.

Common Carrier mobile station. A mobile station open to public correspondence.

Disaster communications service. A service of fixed, land, and mobile stations licensed or authorized to provide essential communications incident to or in connection with disaster or other incidents which involve loss of communications facilities normally available or which require the temporary establishment of communications facilities beyond those normally available.

Domestic fixed public service. A fixed service, the stations of which are open to public correspondence, for radiocommunications originating and terminating solely at points all of which lie within: (a) the State of Alaska, or (b) the State of Hawaii, or (c) the contiguous 48 states and the District of Columbia, or (d) a single possession of the United States. Generally, in cases where service is afforded on frequencies above 72 Mc/s, radiocommunications between the contiguous 48 States (including the District of Columbia) and Canada or Mexico, or radiocommunications between the State of Alaska and Canada, are deemed to be in the domestic fixed public service.

Domestic fixed public station. A fixed station in the domestic fixed public service.

Domestic public radiocommunication services. The land mobile and domestic fixed public services the stations of which are open to public correspondence.

Duplex operation. Operating method in which transmission is possible simultaneously in both directions.

Earth-Space service. A radiocommunication service between earth stations and space stations.

Earth station. A station in the earth-space service located either on the earth's surface or on an object which is limited to flight between points on the earth's surface.

Experimental station. A station utilizing radio waves in experiments with a view to the development of science or technique. This definition does not include amateur stations.

Facsimile. A system of telecommunication for the transmission of fixed images, with or without half-tones, with a view to their reproduction in a permanent form.

Facsimile broadcasting station. A broadcasting station utilizing facsimile primarily.

Fixed public control service. A fixed service carried on for the purpose of transmitting intelligence between transmitting or receiving stations in the public radiocommunication services and the message centers or control points associated therewith.

Fixed service. A service of radiocommunication between specified fixed points.

Fixed station. A station in the fixed service.

Flight test station. An aeronautical station used for the transmission of essential communications in connection with the testing of aircraft or major components of aircraft: *Provided, however,* flight test stations, when operating on the frequency 3281 kc/s, are designated as land stations, only with respect to operation on the frequency 3281 kc/s.

Flying school station. An aeronautical station used for radiocommunication pertaining to instructions to students or pilots while actually operating aircraft.

FM broadcasting station. A broadcasting station utilizing telephony by means of frequency modulation, and when authorized under a Subsidiary Communications Authorization (SCA), utilizing F9 emissions.

Gc/s (gigacycle per second). A gigacycle per second (Gc/s) means one thousand megacycles.

Harmful interference. Any emission, radiation or induction which endangers the functioning of a radionavigation service or of other safety services or seriously degrades, obstructs, or repeatedly interrupts a radiocommunication service operating in accordance with this chapter.

Industrial radio services. Any service of radiocommunication essential to, operated by, and for the sole use of, those enterprises which for purposes of safety or other necessity require radiocommunication in order to function efficiently, the radio transmitting facilities of which are defined as fixed, land, mobile or radiolocation stations.

Industrial, scientific and medical equipment (ISM equipment). Devices which use radio waves for industrial, scientific, medical, or any other purposes including the transfer of energy by radio and which are neither used nor intended to be used for radiocommunication.

Instructional television fixed station. A fixed station operated by an educational organization and used primarily for the transmission of visual and aural instructional, cultural and other types of educational material to one or more fixed receiving locations.

Instrument landing system. A radionavigation system which provides aircraft with horizontal and vertical guidance just before and during landing and, at certain fixed points, indicates the distance to the reference point of landing.

Instrument landing system glide path. A system of vertical guidance embodied in the instrument landing system which indicates the vertical deviation of the aircraft from its optimum path of descent.

Instrument landing system localizer. A system of horizontal guidance embodied in the instrument landing system which indicates the horizontal deviation of the aircraft from its optimum path of descent along the axis of the runway.

International broadcasting station. A broadcasting station employing frequencies allocated to the broadcasting service between 5950 kc/s and 26100 kc/s, whose transmissions are intended to be received directly by the general public in foreign countries.

International control station. A fixed station in the fixed public control service associated directly with the international fixed public radiocommunication service.

International fixed public radio service. A fixed service, the stations of which are open to public correspondence and which, in general, is intended to provide radiocommunication between any one of the contiguous 48 states (including the District of Columbia) and the State of Alaska, or the State of Hawaii, or any U.S. possession or any foreign point; or between any U.S. possession and any other point; or between the State of Alaska and any other point; or between the State of Hawaii and any other point. In addition, radiocommunications within the contiguous 48 states (including the District of Columbia) in connection with the relaying of international traffic between stations which provide the above service, are also deemed to be in the international fixed public radiocommunication service; provided, however, that communications solely between Alaska, or any one of the contiguous 48 states (including the District of Columbia), and either Canada or Mexico are not deemed to be in the international fixed public radiocommunication service when such radiocommunications are transmitted on frequencies above 72 Mc/s.

International fixed public station. A fixed station in the international fixed public radio service.

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

Ionospheric scatter. The propagation of radio waves by scattering as a result of irregularities or discontinuities in the ionization of the ionosphere.

Kc/s (kilocycle per second). A kilocycle per second (kc/s) means one thousand cycles per second.

Land mobile service. A mobile service between base stations and land mobile stations, or between land mobile stations.

Land mobile station. A mobile station in the land mobile service capable of surface movement within the geographical limits of a country or continent.

Land station. A station in the mobile service not intended to be used while in motion.

Land transportation radio service. Any private service of radiocommunication essential to the conduct of certain land transportation activities and operated for the use of persons engaged in

those activities, the transmitting facilities of which are defined as fixed, land, mobile or radiolocation stations.

Localizer station. A radionavigation land station in the aeronautical radionavigation service which provides signals for the lateral guidance of aircraft with respect to a runway centerline.

Loran station. A long distance radionavigation land station transmitting synchronized pulses. Hyperbolic lines of position are determined by the measurement of the difference in the time of arrival of these pulses.

Marine radiobeacon station. A radionavigation land station, the emissions of which are intended to enable a ship station to determine its bearing or its direction in relation to the marine radiobeacon station.

Maritime mobile service. A mobile service between coast stations and ship stations, or between ship stations, in which survival craft stations may also participate.

Maritime radionavigation service. A radionavigation service intended for the benefit of ships.

Marker beacon. A transmitter in the aeronautical radionavigation service which radiates vertically a distinctive pattern for providing position information to aircraft.

Mc/s (megacycle per second). A megacycle per second (Mc/s) means one thousand kilocycles.

Meteorological aids service. A radiocommunication service used for meteorological, including hydrological, observations and exploration.

Mobile, except television pickup, station. Any mobile station other than a television pickup station.

Mobile service. A service of radio communication between mobile and land stations, or between mobile stations.

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

Modulation. The process of producing a wave some characteristic of which varies as a function of the instantaneous value of another wave, called the modulating wave.

Omni-directional range station. A radionavigation land station in the aeronautical radionavigation service providing direct indication of the bearing (omni-bearing) of that station from an aircraft.

Operational fixed station. A fixed station, not open to public correspondence, operated by and for the sole use of those agencies operating their own radiocommunication facilities in the public safety, industrial, land transportation, marine, or aviation service.

Operational land station. A land station, excluding aeronautical stations, not open to public correspondence, operated by and for the sole use of those agencies operating their own radiocommunication facilities in the public safety, industrial, land transportation, marine, or aviation services.

Operational mobile station. A mobile station, excluding aircraft stations, not open to public correspondence, operated by and for the sole use of those agencies operating their own radiocommunication facilities in the public safety, industrial, land transportation, marine, or aviation services.

Port operations. Communications in or near a port, or in locks or waterways, between coast stations and ship stations, or between ship stations, in which messages are restricted to those relating to the movement and safety of ships and, in emergency, to the safety of persons.

Primary standard of frequency. The primary standard of frequency for radio frequency measurements shall be the national standard of frequency maintained by the National Bureau of Standards, Department of Commerce, Washington, D.C. The operating frequency of all radio stations will be determined by comparison with this standard or the standard signals of station WWV of the National Bureau of Standards.

Private aircraft station. An aircraft station on board an aircraft not operated as an air carrier.

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

Public safety radio service. Any service of radiocommunication essential either to the discharge of non-Federal governmental functions or the alleviation of an emergency endangering life or property, the radio transmitting facilities of which are defined as fixed, land, mobile, or radiolocation stations.

Racon. A radionavigation system transmitting, automatically or in response to a predetermined received signal, a pulsed radio signal with specific characteristics.

Racon station. A radionavigation land station which employs a racon.

Radar. A radiodetermination system based on comparison of reference signals with radio signals reflected, or retransmitted, from the position to be determined.

Radio. A general term applied to the use of radio waves.

Radio altimeter. A radionavigation equipment, on board an aircraft, which makes use of the reflection of radio waves from the ground to determine the height of the aircraft above the ground.

Radio astronomy. Astronomy based on the reception of radio waves of cosmic origin.

Radio astronomy service. A service involving the use of radio astronomy.

Radiobeacon station. A station in the radionavigation service the emissions of which are intended to enable a mobile station to determine its bearing or direction in relation to the radiobeacon station.

Radiocommunication. Telecommunication by means of radio waves.

Radiodetermination. The determination of position, or the obtaining of information relating to position, by means of the propagation properties of radio waves.

Radiodetermination service. A service involving the use of radiodetermination.

Radiodetermination station. A station in the radiodetermination service.

Radio direction-finding. Radiodetermination using the reception of radio waves for the purpose of determining the direction of a station or object.

Radio direction-finding station. A radiodetermination station using radio direction-finding.

Radiolocation. Radiodetermination used for purposes other than those of radionavigation.

Radiolocation land station. A station in the radiolocation service not intended to be used while in motion.

Radiolocation mobile station. A station in the radiolocation service intended to be used while in motion or during halts at unspecified points.

Radiolocation service. A radiodetermination service involving the use of radiolocation.

Radionavigation. Radiodetermination used for the purposes of navigation, including obstruction warning.

Radionavigation land station. A station in the radionavigation service not intended to be used while in motion.

Radionavigation mobile station. A station in the radionavigation service intended to be used while in motion or during halts at unspecified points.

Radionavigation service. A radiodetermination service involving the use of radionavigation.

Radio range station. A radionavigation land station in the aeronautical radionavigation service providing radial equisignal zones.

Radiosonde. An automatic radio transmitter in the meteorological aids service usually carried on an aircraft, free balloon, kite or parachute, and which transmits meteorological data.

Radiosonde station. A station in the meteorological aids service employing a radiosonde.

Radio waves (or Hertzian waves). Electromagnetic waves of frequencies lower than 3,000 Gc/s [3,000,000 Mc/s], propagated in space without artificial guide.

Remote pickup broadcast base station. A base station licensed for communicating with remote pickup broadcast mobile stations.

Remote pickup broadcast mobile station. A land mobile station licensed for the transmission of program material and related communications from the scene of events which occur outside a studio to broadcasting station, and for communicating with other remote pickup broadcast base and mobile stations.

Safety service. A radiocommunication service used permanently or temporarily for the safeguarding of human life and property.

Ship station. A mobile station in the maritime mobile service located on board a vessel, other than a survival craft, which is not permanently moored.

Simplex operation. Operating method in which transmission is made possible alternately in each direction, for example, by means of manual control.

Space service. A radiocommunication service between space stations.

Space station. A station in the earth-space service or the space service located on an object which is beyond, or intended to go beyond, the major portion of the

earth's atmosphere and which is not intended for flight between points on the earth's surface.

Standard broadcasting station. A broadcasting station operated on a frequency in the band 535–1605 kilocycles.

Standard frequency service. A radiocommunication service for scientific technical and other purposes, providing the transmission of specified frequencies of stated high precision, intended for general reception.

Survival craft station. A mobile station in the maritime or aeronautical mobile service intended solely for survival purposes and located on any lifeboat, liferaft or other survival equipment.

Telecommunication. Any transmission, emission or reception of signs, signals, writing, images, and sounds or intelligence of any nature by wire, radio, optical or other electromagnetic systems.

Telegraphy. A system of telecommunication which is concerned in any process providing transmission and reproduction at a distance of documentary matter, such as written or printed matter or fixed images, or the reproduction at a distance of any kind of information in such form. The foregoing definition appears in the International Telecommunication Convention, but, for the purposes of the Commission's rules, telegraphy shall mean, unless otherwise specified, "A system of telecommunication for the transmission of written matter by the use of a signal code."

Telemetering. The use of telecommunication for automatically indicating or recording measurements at a distance from the measuring instrument.

Telemetering fixed station. A fixed station, the emissions of which are used for telemetering.

Telemetering land station. A land station, the emissions of which are used for telemetering.

Telemetering mobile station. A mobile station, the emissions of which are used for telemetering.

Telephony. A system of telecommunication set up for the transmission of speech or, in some cases, other sounds.

Television. A system of telecommunication for transmission of transient images of fixed or moving objects.

Television broadcasting station. A broadcasting station utilizing both television and telephony to provide combination and simultaneous visual and aural programs intended to be received directly by the general public.

Television inter-city relay station. A fixed station used for intercity transmission of television program material and related communications for use by television broadcast stations.

Television pickup station. A land mobile station used for the transmission of television program material and related communications from the scenes of events occurring at points removed from television broadcast station studios to television broadcast stations.

Television STL station (studio-transmitter link). A fixed station used for the transmission of television program material and related communications from a studio to the transmitter of a television broadcast station.

Tropospheric scatter. The propagation of radio waves by scattering as a result of irregularities or discontinuities in the physical properties of the troposphere.

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

Subpart B—Allocation, Assignment, and Use of Radio Frequencies

§ 2.100 International regulations in force.

The Geneva (1959) Radio Regulations became effective May 1, 1961, have been incorporated into Subparts A and B of this Part to the extent practicable, and are applicable nationally, effective December 1, 1961, unless otherwise indicated.

§ 2.101 Nomenclature of frequencies.

Band No.	Frequency subdivision	Frequency range
4	VLF (very low frequency)	Below 30 kc/s.
5	LF (low frequency)	30 to 300 kc/s.
6	MF (medium frequency)	300 to 3000 kc/s.
7	HF (high frequency)	3 to 30 Mc/s.
8	VHF (very high frequency).	30 to 300 Mc/s.
9	UHF (ultra high frequency).	300 to 3000 Mc/s.
10	SHF (super high frequency).	3 to 30 Gc/s.
11	EHF (extremely high frequency).	30 to 300 Gc/s.

§ 2.102 Assignment of frequencies.

(a) Except as otherwise provided in this section, the assignment of frequencies and bands of frequencies to all stations and classes of stations and the licensing and authorizing of the use of all such frequencies between 10 kc/s and 40,000 Mc/s, and the actual use of such frequencies for radio communication or for any other purpose, including the transfer of energy by radio, shall be in accordance with the Table of Frequency Allocations in § 2.106.

(b) On the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations the following exceptions to paragraph (a) of this section may be authorized:

(1) In individual cases the Commission may, without rule-making proceedings, authorize on a temporary basis only, the use of frequencies not in accordance with the Table of Frequency Allocations for projects of short duration or emergencies where the Commission finds that important or exceptional circumstances require such utilization: *Provided,* That such authorizations are not intended to develop a service to be operated on frequencies other than those allocated such service.

(2) A station for the development of techniques or equipment to be employed by services or classes of stations set forth in columns 8 and 9 of the Table of Frequency Allocations may be authorized the use of frequencies allocated to those services or classes of stations.

(3) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio may be authorized the use of any frequency which is in a band allocated to the fixed, land mobile or broadcasting services or to one of these services shared with another service.

(4) Experimental stations engaged solely in ionospheric sounding by means of the technique of sweeping a band of frequencies may be authorized the use of any band or bands of frequencies.

(5) Experimental stations to be operated pursuant to a contractual agreement with the United States Government and intended for the sole and express purpose of developing equipment or a technique to be employed by stations belonging to and operated by the United States may be authorized the use of any frequency.

(6) Experimental stations intended for the sole and express purpose of developing equipment or a technique to be employed by stations under the jurisdiction of a foreign government may be authorized the use of any frequency which is not in a band allocated to the amateur service.

(7) In the event a band is reallocated so as to delete its availability for use by a particular service, the Commission may provide for the further interim use of the band by stations in that service for a temporary, specific period of time.

(c) The use of frequencies in the bands above 25 Mc/s allocated exclusively to Government stations and the use of frequencies below 25 Mc/s which may not be in accordance with § 2.106 may be authorized to non-Government stations in those instances where the Commission finds, after consultations with the appropriate Government agency or agencies, that such assignment is necessary for intercommunication with Government stations or where such use by non-Government stations is required for coordination with Government activities.

(d) Aircraft stations may communicate with stations of the maritime mobile service. They shall then conform to those provisions of the Radio Regulations which relate to the maritime mobile service. For this purpose aircraft stations should use the frequencies allocated to the maritime mobile service. However, having regard to interference which may be caused by aircraft stations at high altitudes, maritime mobile frequencies in the bands above 30 Mc/s shall not be used by aircraft stations in any specific area without the prior agreement of all administrations of the area in which interference is likely to be caused. In particular, aircraft stations operating in Region 1 should not use frequencies in the bands above 30 Mc/s allocated to the maritime mobile service by virtue of any agreement between administrations in that Region.

(e) Non-Government services operating on frequencies in the band 25–50 Mc/s must recognize that it is shared with various services of other countries; that harmful interference may be caused by skywave signals received from distant stations of all services of the United States and other countries radiating power on frequencies in this band; and

that no protection from such harmful interference generally can be expected. Persons desiring to avoid such harmful interference should consider operation on available frequencies higher in the radio spectrum not generally subject to this type of difficulty.

(f) The stations of a service shall use frequencies so separated from the limits of a band allocated to that service as not to cause harmful interference to the service to which the frequency bands immediately adjoining are allocated.

(g) In the bands above 25 Mc/s which are allocated to the non-Government land mobile service, fixed stations may be authorized on the following conditions:

(1) That such stations are authorized in the service shown in Column 11 of the Table of Frequency Allocations in the band in question;

(2) That harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

§ 2.103 Government use of non-Government frequencies.

(a) Government stations may be authorized to use non-Government frequencies in the bands above 25 Mc/s if the Commission finds that such use is necessary for coordination of Government and non-Government activities: *Provided, however,* That:

(1) Government operation on non-Government frequencies shall conform with the conditions agreed upon by the Commission and the Office of Emergency Planning (the more important of which are contained in subparagraphs (2), (3), and (4) of this paragraph), a complete list of which is available for public examination at each of the Commission's Field Engineering and Monitoring Bureau Field Offices;

(2) Such operations shall be in accordance with Commission rules governing the service to which the frequencies involved are allocated;

(3) Such operations shall not cause harmful interference to non-Government stations and, should harmful interference result, that the interfering Government operation shall immediately terminate; and

(4) Government operation has been certified as necessary by the non-Government licensees involved and this certification has been furnished, in writing, to the Government agency with which communication is required.

§ 2.104 Radio astronomy notification.

Pursuant to paragraph 4 of Recommendation 32 of the International Radio Regulations (Geneva, 1959), radio astronomy observatories in the United States are requested to file an annual report with the Federal Communications Commission, Washington, D.C., 20554. The annual report should be filed during January and should reflect the activities and plans of the observatory as of January 1. Information thus furnished will be forwarded to the International Telecommunications Union for distribution to its members and associate members. The annual report should contain the following information:

(a) Location of observatory (nearest city, town, or recognizable hamlet).

(b) Geographic coordinates of observatory.

(c) Frequencies allocated nationally to the radio astronomy service on which observations are being made, and a brief statement of the purpose(s) of the observations.

(d) Frequencies allocated nationally to the radio astronomy service on which observations are planned to be made during the forthcoming calendar year, and a brief statement of the purpose(s) of the observations.

(e) Frequencies not allocated nationally to the radio astronomy service on which observations are being made, and a brief statement of the purpose(s) of the observations.

(f) Frequencies not allocated nationally to the radio astronomy service on which observations are planned to be made during the forthcoming calendar year, and a brief statement of the purpose(s) of the observations.

§ 2.105 Application and format of the Table of Frequency Allocations.

(a) In the Table of Frequency Allocations below 25 Mc/s, the authority extended to stations in the fixed service, unless otherwise specified, extends only to those stations in the following categories of service:

(1) Aeronautical fixed.

(2) Fixed (in U.S. possessions and Alaska).

(3) International fixed public.

(b) In the Table of Frequency Allocations between 5,000 and 25,000 kc/s, the authority extended to stations in the mobile service unless otherwise specified, extends only to those stations in the following categories of service:

(1) Aeronautical mobile.

(2) Maritime mobile.

(c) Columns 1, 2, 3, and 4 of the Table of Frequency Allocations indicate the allocation applicable on a worldwide basis or in Region 2 in accordance with the Geneva Radio Regulations.

(d) In Column 6 (above 25 Mc/s) the letter G means Federal Government radio stations, i.e., those belonging to and operated by the United States. The symbol NG means other than Federal Government radio stations, i.e., those whose frequencies are assigned by the Commission.

(e) Column 10 lists certain frequencies which have national or international significance and are used for specific standardized purposes. These frequencies may be made available for assignment to stations which conform to the nature of service or station listed in Column 11 opposite the assignable frequency. The assignment and use of the frequencies listed in Column 10 is limited to those stations which, by definition, are included in the services and classes of stations (Column 8 or 9) to which the frequency band (Column 7) is allocated.

(f) In Column 11 "SERVICES" are in large block print and "stations" in small print.

(g) Where, in Columns 2, 4, and 8, a band is indicated as allocated to more than one service, such services are listed in the following order:

(1) Services, the names of which are printed in all capital letters (example: FIXED); these services are called "primary" services;

(2) Services, the names of which are italicized and are printed with the first letter capitalized and all others small type (example: *Radionavigation*); these services are called "permitted" services;

(3) Services, the names of which are printed as in subparagraph (2) of this paragraph, but not italicized (example: Mobile); these are called "secondary" services, which are on a noninterference basis to the primary and permitted services.

NOTE 1. Geneva Radio Regulation No. 138: Permitted and primary services have equal rights, except that, in the preparation of frequency plans, the primary service, as compared with the permitted service, shall have prior choice of frequencies.

NOTE 2. Geneva Radio Regulation No. 139: Stations of a secondary service: (a) Shall not cause harmful interference to stations of primary or permitted services to which frequencies are already assigned or to which frequencies may be assigned at a later date; (b) cannot claim protection from harmful interference from stations of a primary or permitted service to which frequencies are already assigned or may be assigned at a later date; (c) can claim protection, however, from harmful interference from stations of the same or other secondary service(s) to which frequencies may be assigned at a later date.

(h) The following symbols are used to designate footnotes in the Table of Frequency Allocations.

(1) Any footnote consisting only of digits, e.g., (170), denotes a paragraph in the Geneva (1959) Radio Regulations. Where such a footnote is applicable, without modification, to the national Table of Frequency Allocations, the symbol appears in the national table as well as in Column 1, 2, 3, or 4.

(2) Any footnote consisting of the letters US followed by one or more digits, e.g., US1, denotes a stipulation the application of which is a matter of agreement between the Commission and other appropriate Government agencies.

(3) Any footnote consisting of the letters NG followed by one or more digits, e.g., NG1, is a stipulation applicable to non-Government stations.

§ 2.106 Table of Frequency Allocations.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kc/s)	Service	Band (kc/s)	Service	Band (kc/s)	Allocation	Band (kc/s)	Service	Class of station	Frequency (kc/s)	Nature {OF SERVICES of stations
1	2	3	4	5	6	7	8	9	10	11
Below 10 (157)	(Not allocated)			Below 10	(Not allocated.)	Below 10	(Not allocated.)			
10–14	RADIONAVIGATION. Radiolocation.					10–14	RADIONAVIGATION.	Radionavigation land. Radionavigation mobile.		RADIONAVIGATION.
14–19.95 (159)	FIXED. MARITIME MOBILE. (158)					14–19.95	FIXED.	Fixed.		INTERNATIONAL FIXED PUBLIC.
19.95–20.05 (159)	STANDARD FREQUENCY. (160)					19.95–20.05	STANDARD FREQUENCY.	Standard frequency.	20	Standard frequency.
20.05–70 (159) (161)	FIXED. MARITIME MOBILE. (158)					20.05–70	FIXED.	Fixed.		INTERNATIONAL FIXED PUBLIC.
70–90		70–90 (164)	FIXED. MARITIME MOBILE. (158) MARITIME RADIONAVIGATION. (162) Radiolocation.			70–90	FIXED. Radiolocation.	Fixed. Radiolocation land. Radiolocation mobile.		INTERNATIONAL FIXED PUBLIC. RADIOLOCATION.
90–110		90–110 (166) (167)	RADIONAVIGATION. FIXED. Maritime mobile. (158)			90–110 (166) (167)	RADIONAVIGATION.	Radionavigation land. Radionavigation mobile.		RADIONAVIGATION.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kc/s)	Service	Band (kc/s)	Service	Band (kc/s)	Allocation	Band (kc/s)	Service	Class of station	Frequency (kc/s)	Nature of services of stations
1	2	3	4	5	6	7	8	9	10	11
110–130		110–130 (164) (167) (168)	FIXED. MARITIME MOBILE. MARITIME RADIONAVIGATION. (162) Radiolocation.			110–130 (167)	FIXED. MARITIME MOBILE. Radiolocation.	Coast. Fixed. Radiolocation land. Radiolocation mobile. Ship.		FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. RADIOLOCATION.
130–160		130–160 (167)	FIXED. MARITIME MOBILE. (171)			130–160 (167)	FIXED. MARITIME MOBILE. (171)	Coast. Fixed. Ship.		FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE.
160–200		160–200	FIXED. (179)			160–200	FIXED.	Fixed.		FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC.
200–285		200–285	AERONAUTICAL RADIONAVIGATION. Aeronautical mobile.			200–285	AERONAUTICAL RADIONAVIGATION. (US18) Aeronautical mobile.	Aeronautical. Aircraft. Radionavigation land.		AERONAUTICAL MOBILE. AERONAUTICAL RADIONAVIGATION.
285–315	MARITIME RADIONAVIGATION (radiobeacons). Aeronautical radionavigation.					285–325 (US16)	MARITIME RADIONAVIGATION. (US18)	Radionavigation land.		MARITIME RADIONAVIGATION.
315–325		315–325	MARITIME RADIONAVIGATION (radiobeacons). Aeronautical radionavigation.							
325–405	AERONAUTICAL RADIONAVIGATION. Aeronautical mobile. (181)					325–405	AERONAUTICAL RADIONAVIGATION. (US18) Aeronautical mobile.	Aeronautical. Aircraft. Radionavigation land.		AERONAUTICAL MOBILE. AERONAUTICAL RADIONAVIGATION.
405–415 (182)		405–415	MARITIME RADIONAVIGATION (radio direction-finding). *Aeronautical radionavigation.* Aeronautical mobile.			405–415 (US18)	MARITIME RADIONAVIGATION (radio direction-finding). Aeronautical radionavigation. Aeronautical mobile. (US19)	Aeronautical. Aircraft. Radionavigation land. Radionavigation mobile.	410	Radio direction-finding.
415–490	MARITIME MOBILE (185) (186)					415–490	MARITIME MOBILE	Coast. Ship.		MARITIME MOBILE (telegraphy).
490–510 (187)	MOBILE (distress and calling).					490–510	MOBILE.	Coast. Mobile.	500	Distress and calling.
510–525		510–525	MOBILE. *Aeronautical radionavigation.* (188)			510–535 (US14)				
525–535		525–535	MOBILE. *Broadcasting.* (191). *Aeronautical radionavigation.* (188)							
535–1605	BROADCASTING.					535–1605 (US15) (NG16)	BROADCASTING.			Standard broadcasting.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kc/s)	Service	Band (kc/s)	Service	Band (kc/s)	Allocation	Band (kc/s)	Service	Class of station	Frequency (kc/s)	Nature of services / of stations
1	2	3	4	5	6	7	8	9	10	11
1605–1800		1605–1800	FIXED. MOBILE. AERONAUTICAL RADIONAVIGATION. Radiolocation.			1605–1715	AERONAUTICAL RADIONAVIGATION. (US79) FIXED. LAND MOBILE. MARITIME MOBILE. RADIOLOCATION. (NG18)	Base. Mobile. Fixed. Land mobile. Radionavigation land.	1638 1708	AERONAUTICAL FIXED. AERONAUTICAL RADIONAVIGATION. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. PUBLIC SAFETY. RADIOLOCATION. Remote pickup broadcast base. Remote pickup broadcast mobile. Radionavigation land. Do.
						1715–1750	FIXED. LAND MOBILE. MARITIME MOBILE. RADIOLOCATION.	Base. Mobile. Fixed. Land mobile. Ship.		AERONAUTICAL FIXED. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. PUBLIC SAFETY. RADIOLOCATION.
						1750–1800 (NG14)	FIXED. MOBILE. RADIOLOCATION.	Fixed. Land. Mobile.		DISASTER. RADIOLOCATION.
1800–2000		1800–2000 (198)	AMATEUR. FIXED. MOBILE except aeronautical mobile. RADIONAVIGATION.			1800–2000 (198)	RADIONAVIGATION. Amateur. (NG15)	Amateur. Loran.		AMATEUR. Loran.
2000–2065		2000–2065	FIXED. MOBILE.			2000–2035	MARITIME MOBILE. (NG19)	Coast. Ship.		MARITIME MOBILE.
						2035–2065	MARITIME MOBILE.	Coast.		Coast (telegraphy).
2065–2107		2065–2107	MARITIME MOBILE. (200)			2065–2107	MARITIME MOBILE.	Ship.		Ship (telegraphy).
2107–2170		2107–2170	FIXED. MOBILE.			2107–2170	FIXED. LAND MOBILE. MARITIME MOBILE. (NG19)	Base. Coast. Fixed. Land mobile. Ship.		AERONAUTICAL FIXED. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. PUBLIC SAFETY.
2170–2194	MOBILE (distress and calling). (201)					2170–2194 (201)	MOBILE.	Aircraft. Coast. Ship. Survival craft.	2182	AERONAUTICAL MOBILE (telephony). MARITIME MOBILE (telephony). (NG22) Distress and calling frequency.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kc/s)	Service	Band (kc/s)	Service	Band (kc/s)	Allocation	Band (kc/s)	Service	Class of station	Frequency (kc/s)	Nature of services of stations
1	2	3	4	5	6	7	8	9	10	11
2194-2300		2194-2300	FIXED. MOBILE.			2194-2495	FIXED. LAND MOBILE. MARITIME MOBILE. (NG19)	Base. Coast. Fixed. Land mobile. Ship.		AERONAUTICAL FIXED. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. PUBLIC SAFETY.
2300-2495		2300-2495	FIXED. MOBILE. BROADCASTING. (202)							
2495-2505		2495-2505 (203) (204)	STANDARD FREQUENCY.			2495-2505	STANDARD FREQUENCY. Radio astronomy. (US74)	Radio astronomy. Standard frequency.	2500	RADIO ASTRONOMY. Standard frequency.
2505-2625		2505-2625	FIXED. MOBILE.			2505-2850 (NG20)	FIXED. LAND MOBILE. MARITIME MOBILE.	Base. Coast. Fixed. Land mobile. Ship.		AERONAUTICAL FIXED. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC.
2625-2850		2625-2850	FIXED. MOBILE.						2638 2738 2804 2808 2812	Intership (telephony). (NG44) Do. PUBLIC SAFETY. Zone and interzone police. Do. Do.
2850-3025	AERONAUTICAL MOBILE. (R)					2850-3025	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
3025-3155	AERONAUTICAL MOBILE. (OR)					3025-3155	AERONAUTICAL MOBILE. (OR)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
3155-3200	FIXED. MOBILE except aeronautical mobile. (R)					3155-3200	FIXED. LAND MOBILE. MARITIME MOBILE.	Base. Coast. Fixed. Land mobile. Ship.		AERONAUTICAL FIXED. FIXED (in Alaska and Puerto Rico). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. PUBLIC SAFETY.
3200-3230	FIXED. MOBILE except aeronautical mobile. (R) BROADCASTING. (202)					3200-3230 (NG20)	FIXED. LAND MOBILE. MARITIME MOBILE.	Base. Coast. Fixed. Land mobile. Ship.		AERONAUTICAL FIXED. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. PUBLIC SAFETY.
3230-3400	FIXED. MOBILE except aeronautical mobile. BROADCASTING. (202)					3230-3240	FIXED. LAND MOBILE. MARITIME MOBILE.	Base. Coast. Fixed. Land mobile. Ship.		AERONAUTICAL FIXED. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. PUBLIC SAFETY.
						3240-3400	FIXED. LAND MOBILE. MARITIME MOBILE. MOBILE.	Base. Coast. Fixed. Land. Land mobile. Mobile. Ship.		AVIATION (flight test and aeronautical fixed only). FIXED (in Alaska). INDUSTRIAL INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. PUBLIC SAFETY.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kc/s)	Service	Band (kc/s)	Service	Band (kc/s)	Allocation	Band (kc/s)	Service	Class of station	Frequency (kc/s)	Nature {OF SERVICES / of stations
1	2	3	4	5	6	7	8	9	10	11
3400–3500	AERONAUTICAL MOBILE. (R)					3400–3500	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
3500–4000		3500–4000	AMATEUR. FIXED. MOBILE except aeronautical mobile. (R)			3500–4000	AMATEUR.	Amateur.		AMATEUR.
4000–4063	FIXED.					4000–4063	FIXED.	Fixed.		AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC.
4063–4438	MARITIME MOBILE. (208) (209)					4063–4133	MARITIME MOBILE.	Ship.		Ship (telephony). (NG29)
						4133–4140	MARITIME MOBILE.	Ship.		Ship (SSB telephony).
						4140–4160	MARITIME MOBILE.	Ship.		Ship (wideband telegraphy, facsimile and special).
						4160–4177	MARITIME MOBILE.	Ship.		Ship (telegraphy).
						4177–4187	MARITIME MOBILE.	Ship.		Ship calling (telegraphy).
						4187–4238	MARITIME MOBILE.	Ship.		Ship (telegraphy).
						4238–4368	MARITIME MOBILE.	Coast.		Coast (telegraphy and facsimile).
						4368–4438	MARITIME MOBILE.	Coast.		Coast (telephony). (NG29)
4438–4650		4438–4650	FIXED. MOBILE except aeronautical mobile. (R)			4438–4650	FIXED. MOBILE.	Base. Fixed. Mobile.		AERONAUTICAL FIXED. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC.
4650–4700	AERONAUTICAL MOBILE. (R)					4650–4700	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
4700–4750	AERONAUTICAL MOBILE. (OR)					4700–4750	AERONAUTICAL MOBILE. (OR)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
4750–4850		4750–4850	FIXED. BROADCASTING. (202)			4750–4850	FIXED.	Fixed.		AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC.
4850–4995	FIXED. LAND MOBILE. BROADCASTING. (202)					4850–4995	FIXED.	Fixed.		AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC.
4995–5005	STANDARD FREQUENCY. (204) (210)					4995–5005	STANDARD FREQUENCY. Radio astronomy. (US74)	Radio astronomy. Standard frequency.	5000	RADIO ASTRONOMY. Standard frequency.
5005–5060	FIXED. BROADCASTING. (202)					5005–5450	FIXED.	Fixed.		AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC. Zone and interzone police.
5060–5250	FIXED.									
5250–5450		5250–5450	FIXED. LAND MOBILE.							

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kc/s)	Service	Band (kc/s)	Service	Band (kc/s)	Allocation	Band (kc/s)	Service	Class of station	Frequency (kc/s)	Nature of stations
1	2	3	4	5	6	7	8	9	10	11
5450–5480		5450–5480	AERONAUTICAL MOBILE. (R)			5450–5680	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
5480–5680	AERONAUTICAL MOBILE. (R)									
5680–5730	AERONAUTICAL MOBILE. (OR)					5680–5730	AERONAUTICAL MOBILE. (OR)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
5730–5950	FIXED.					5730–5950	FIXED.	Fixed.		AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC.
5950–6200	BROADCASTING.					5950–6200	BROADCASTING.	International broadcasting.		International broadcasting.
6200–6525 (211)	MARITIME MOBILE.					6200–6211	MARITIME MOBILE.	Ship.		Ship (SSB telephony).
						6211–6240	MARITIME MOBILE.	Ship.		Ship (wideband telegraphy, facsimile and special). (NG25)
						6240–6265.5	MARITIME MOBILE.	Ship.		Ship (telegraphy). (NG25)
						6265.5–6280.5	MARITIME MOBILE.	Ship.		Ship calling (telegraphy).
						6280.5–6357	MARITIME MOBILE.	Ship.		Ship (telegraphy).
						6357–6525	MARITIME MOBILE.	Coast.		Coast (telegraphy and facsimile). (NG27)
6525–6685	AERONAUTICAL MOBILE. (R)					6525–6685	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
6685–6765	AERONAUTICAL MOBILE. (OR)					6685–6765	AERONAUTICAL MOBILE. (OR)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
6765–7000	FIXED.					6765–7000	FIXED.	Fixed.		AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC.
7000–7100	AMATEUR.					7000–7300	AMATEUR.	Amateur.		AMATEUR.
7100–7300		7100–7300	AMATEUR.							
7300–8195	FIXED.					7300–8195	FIXED.	Fixed.		AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC. Zone and interzone police.
8195–8815	MARITIME MOBILE. (213)					8195–8265	MARITIME MOBILE.	Ship.		Ship (telephony). (NG29)
						8265–8273	MARITIME MOBILE.	Ship.		Ship calling (DSB telephony).
						8273–8280	MARITIME MOBILE.	Ship.		Ship (SSB telephony).
						8280–8320	MARITIME MOBILE.	Ship.		Ship (wideband telegraphy, facsimile and special.
						8320–8354	MARITIME MOBILE.	Ship.		Ship (telegraphy).
						8354–8374	MARITIME MOBILE.	Ship.		Ship calling (telegraphy).
						8374–8476	MARITIME MOBILE.	Ship.		Ship (telegraphy).
						8476–8745	MARITIME MOBILE.	Coast.		Coast (telegraphy and facsimile).
						8745–8815	MARITIME MOBILE.	Coast.		Coast (telephony).

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kc/s)	Service	Band (kc/s)	Service	Band (kc/s)	Allocation	Band (kc/s)	Service	Class of station	Frequency (kc/s)	Nature {OF SERVICES of stations
1	2	3	4	5	6	7	8	9	10	11
8815–8965	AERONAUTICAL MOBILE. (R)					8815–8965	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
8965–9040	AERONAUTICAL MOBILE. (OR)					8965–9040	AERONAUTICAL MOBILE. (OR)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
9040–9500	FIXED.					9040–9500	FIXED.	Fixed.		AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC.
9500–9775	BROADCASTING.					9500–9775	BROADCASTING.	International broadcasting.		International broadcasting.
9775–9995	FIXED.					9775–9995	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
9995–10005	STANDARD FREQUENCY. (204) (214) (215)					9995–10005	STANDARD FREQUENCY. Radio astronomy. (US74)	Radio astronomy. Standard frequency.	10000	Standard frequency.
10005–10100	AERONAUTICAL MOBILE. (R)					10005–10100	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
10100–11175	FIXED.					10100–11175	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
11175–11275	AERONAUTICAL MOBILE. (OR)					11175–11275	AERONAUTICAL MOBILE. (OR)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
11275–11400	AERONAUTICAL MOBILE. (R)					11275–11400	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
11400–11700	FIXED. (216)					11400–11700	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
11700–11975	BROADCASTING.					11700–11975	BROADCASTING.	International broadcasting.		International broadcasting.
11975–12330	FIXED.					11975–12330	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
12330–13200	MARITIME MOBILE. (213)					12330–12400	MARITIME MOBILE.	Ship.		Ship (telephony).
						12400–12407	MARITIME MOBILE.	Ship.		Ship calling (DSB telephony).
						12407–12421	MARITIME MOBILE.	Ship.		Ship (SSB telephony).
						12421–12471	MARITIME MOBILE.	Ship.		Ship (wideband telegraphy, facsimile and special).
						12471–12531	MARITIME MOBILE.	Ship.		Ship (telegraphy).
						12531–12561	MARITIME MOBILE.	Ship.		Ship calling (telegraphy).
						12561–12714	MARITIME MOBILE.	Ship.		Ship (telegraphy).
						12714–13130	MARITIME MOBILE.	Coast.		Coast (telegraphy and facsimile).
						13130–13200	MARITIME MOBILE.	Coast.		Coast (telephony).

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kc/s)	Service	Band (kc/s)	Service	Band (kc/s)	Allocation	Band (kc/s)	Service	Class of station	Frequency (kc/s)	Nature of services of stations
1	2	3	4	5	6	7	8	9	10	11
13200–13260	AERONAUTICAL MOBILE. (OR)					13200–13260	AERONAUTICAL MOBILE. (OR)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
13260–13360	AERONAUTICAL MOBILE. (R)					13260–13360	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
13360–14000 (217)	FIXED.					13360–14000	FIXED.	Fixed.	13560	AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC. Industrial, scientific and medical equipment.
14000–14350	AMATEUR. (218)					14000–14350	AMATEUR.	Amateur.		AMATEUR.
14350–14990	FIXED.					14350–14990	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
14990–15010	STANDARD FREQUENCY. (204) (219)					14990–15010	STANDARD FREQUENCY. Radio astronomy. (US74).	Radio astronomy. Standard frequency.	15000	RADIO ASTRONOMY. Standard frequency.
15010–15100	AERONAUTICAL MOBILE. (OR)					15010–15100	AERONAUTICAL MOBILE. (OR)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
15100–15450	BROADCASTING					15100–15450	BROADCASTING.	International broadcasting.		International broadcasting.
15450–16460	FIXED.					15450–16460	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
16460–17360	MARITIME MOBILE. (213)					16460–16530	MARITIME MOBILE.	Ship.		Ship (telephony).
						16530–16537	MARITIME MOBILE.	Ship.		Ship calling (DSB telephony).
						16537–16562	MARITIME MOBILE.	Ship.		Ship (SSB telephony).
						16562–16622	MARITIME MOBILE.	Ship.		Ship (wideband telegraphy, facsimile and special).
						16622–16708	MARITIME MOBILE.	Ship.		Ship (telegraphy).
						16708–16748	MARITIME MOBILE.	Ship.		Ship calling (telegraphy).
						16748–16952	MARITIME MOBILE.	Ship.		Ship (telegraphy).
						16952–17290	MARITIME MOBILE.	Coast.		Coast (telegraphy and facsimile).
						17290–17360	MARITIME MOBILE.	Coast.		Coast (telephony).
17360–17700	FIXED.					17360–17700	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
17700–17900	BROADCASTING.					17700–17900	BROADCASTING.	International broadcasting.		International broadcasting.
17900–17970	AERONAUTICAL MOBILE. (R)					17900–17970	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
17970–18030	AERONAUTICAL MOBILE. (OR)					17970–18030	AERONAUTICAL MOBILE. (OR)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
18030–19990	FIXED.					18030–19990	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kc/s)	Service	Band (kc/s)	Service	Band (kc/s)	Allocation	Band (kc/s)	Service	Class of station	Frequency (kc/s)	Nature of services of stations
1	2	3	4	5	6	7	8	9	10	11
19990–20010	STANDARD FREQUENCY. (204) (220) (221)					19990–20000	STANDARD FREQUENCY. Radio astronomy. (US74)	Radio astronomy. Standard frequency.	20000	Standard frequency.
						20000–20010	STANDARD FREQUENCY. Earth-space. (US76) Space. (US76)	Earth. Space. Standard frequency.		
20010–21000	FIXED.					20010–21000	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
21000–21450	AMATEUR.					21000–21450	AMATEUR.	Amateur.		AMATEUR.
21450–21750	BROADCASTING.					21450–21750	BROADCASTING.	International broadcasting.		International broadcasting.
21750–21850	FIXED.					21750–21850	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
21850–22000	AERONAUTICAL FIXED. AERONAUTICAL MOBILE. (R)					21850–22000	AERONAUTICAL FIXED. AERONAUTICAL MOBILE. (R)	Aeronautical. Aeronautical fixed. Aircraft.		AERONAUTICAL FIXED. AERONAUTICAL MOBILE.
22000–22720	MARITIME MOBILE.					22000–22070	MARITIME MOBILE.	Ship.		Ship (telephony).
						22070–22078	MARITIME MOBILE.	Ship.		Ship calling (DSB telephony).
						22078–22100	MARITIME MOBILE.	Ship.		Ship (SSB telephony).
						22100–22148	MARITIME MOBILE.	Ship.		Ship (wideband telegraphy, facsimile and special).
						22148–22220	MARITIME MOBILE.	Ship.		Ship (telegraphy).
						22220–22270	MARITIME MOBILE.	Ship.		Ship calling (telegraphy).
						22270–22400	MARITIME MOBILE.	Ship.		Ship (telegraphy).
						22400–22650	MARITIME MOBILE.	Coast.		Coast (telegraphy and facsimile).
						22650–22720	MARITIME MOBILE.	Coast.		Coast (telephony).
22720–23200	FIXED.					22720–23200	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
23200–23350	AERONAUTICAL FIXED. AERONAUTICAL MOBILE. (OR)					23200–23350	AERONAUTICAL FIXED. AERONAUTICAL MOBILE. (OR)	Aeronautical. Aeronautical fixed. Aircraft.		AERONAUTICAL FIXED. AERONAUTICAL MOBILE.
23350–24990 (222)	FIXED. LAND MOBILE.					23350–24990	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of services of stations
1	2	3	4	5	6	7	8	9	10	11
24.99–25.01	STANDARD FREQUENCY. (204) (223)			24.99–25.01	G, NG. (US68)	24.99–25.01	STANDARD FREQUENCY. Radio astronomy. (US74)	Radio astronomy. Standard frequency.	25.0	RADIO ASTRONOMY. Standard frequency.
25.01–25.07	FIXED. MOBILE except aeronautical mobile.			25.01–25.33	NG.	25.01–25.33	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
25.07–25.11	MARITIME MOBILE. (224)									
25.11–25.6	FIXED. MOBILE except aeronautical mobile.			25.33–25.6	G.					
25.6–26.1	BROADCASTING.			25.6–26.1	G, NG.	25.6–26.1 (US25)	BROADCASTING.	International broadcasting.		International broadcasting.
26.1–27.5 (225) (226)	FIXED. MOBILE except aeronautical mobile.			26.1–26.48	NG.	26.1–26.48	LAND MOBILE.	Base. Land mobile.	26.11–26.47 (NG32)	Remote pickup broadcast base; remote pickup broadcast mobile.
				26.48–26.95 (US10)	G.				26.62	Civil air patrol land; civil air patrol mobile.
				26.95–27.54	NG.	26.95–26.96	FIXED.	Fixed.	26.955	INTERNATIONAL FIXED PUBLIC.
						26.96–27.23 (225)	CITIZENS. (US1)	Fixed. Land. Mobile.	27.12	Industrial, scientific and medical equipment.
						27.23–27.28 (225)	FIXED. MOBILE.	Fixed. Land. Mobile.		
						27.28–27.54	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
27.5–28		27.5–28	METEOROLOGICAL AIDS. FIXED. MOBILE.	27.54–28	G.					
28–29.7	AMATEUR.			28–29.7	AMATEUR. (US1)	28–29.7	AMATEUR.	Amateur.		AMATEUR.
29.7–41 (234) (235)	FIXED. (228) (229) (230) (231) (232) MOBILE.			29.7–29.89	NG.	29.7–29.8	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						29.8–29.89	FIXED. (232)	Fixed.	29.81–29.88 (NG31)	AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
				29.89–29.91 (232)	G.					
				29.91–30	NG.	29.91–30	FIXED. (232)	Fixed.	29.92–29.99 (NG31)	AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
				30–30.56	G.					
				30.56–32	NG.	30.56–32	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL. LAND TRANSPORTATION, PUBLIC SAFETY.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature {OF SERVICES of stations
1	2	3	4	5	6	7	8	9	10	11
				32–33 (231)	G.					
				33–34	NG.	33–33.01	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION.
						33.01–33.11	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
						33.11–33.4	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						33.4–34	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
				34–35 (231)	G.					
				35–36	NG.	35–35.2	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						35.2–35.68	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC.
						35.68–36	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
				36–37 (231)	G.					
				37–38	NG.	37–37.01	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						37.01–37.42	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
						37.42–37.88	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						37.88–38	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
				38–39	G. (US81)					
				39–40	NG.	39–40	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
(236)				40–42 (236)	G.				40.68	Industrial, scientific and medical equipment.
41–50		41–50	FIXED. (228) (230) (237) MOBILE.	42–46.6	NG.	42–42.95	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
						42.95–43.2	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						43.2–43.68	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature {OF SERVICES of stations
1	2	3	4	5	6	7	8	9	10	11
						43.68–44.61	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION.
						44.61–46.6	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
				46.6–47	G.					
				47–49.6	NG.	47–47.43	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
						47.43–47.69	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY. INDUSTRIAL.
						47.69–49.6	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
				49.6–50	G.					
50–54		50–54	AMATEUR.	50–54	AMATEUR. (US1)	50–54	AMATEUR.	Amateur.		AMATEUR.
54–68		54–68	FIXED. (228) (237) MOBILE. BROADCASTING.	54–72 (US24)	NG.	54–72	BROADCASTING.	Television broadcasting.	55.25 Video 59.75 Sound } Channel 2. 61.25 Video 65.75 Sound } Channel 3. 67.25 Video 71.75 Sound } Channel 4.	
68–74.6		68–74.6	FIXED. MOBILE. BROADCASTING.	72–73 (US20)	NG.	72–73	FIXED. (NG1) (NG3)	Operational fixed.	72.02–72.98 (NG33)	Operational fixed.
		(253)		73–74.6	G, NG. (US21)	73–74.6	RADIO ASTRONOMY. (US74)	Radio astronomy.		RADIO ASTRONOMY.
74.6–75.4		74.6–75.4 (259)	AERONAUTICAL RADIONAVIGATION.	74.6–75.4	G, NG.	74.6–75.4	AERONAUTICAL RADIONAVIGATION.	Aeronautical radionavigation.	75	Marker beacon.
75.4–88		75.4–88	FIXED. MOBILE. BROADCASTING.	75.4–76 (US20)	NG.	75.4–76	FIXED. (NG1) (NG3)	Operational fixed.	75.42–75.98 (NG33)	Operational fixed.
				76–88 (US23)	NG.	76–88 (NG21)	BROADCASTING.	Television broadcasting.	77.25 Video 81.75 Sound } Channel 5. 83.25 Video 87.75 Sound } Channel 6.	
88–100		88–100	BROADCASTING.	88–108 (US23)	NG.	88–108 (NG21)	BROADCASTING.	FM broadcasting. (NG2).	88.1–107.9 (NG36)	FM Channel 201–FM Channel 300.
100–108		100–108	BROADCASTING.							
108–117.975	AERONAUTICAL RADIONAVIGATION.			108–117.975	G, NG.	108–117.975	AERONAUTICAL RADIONAVIGATION.	Radionavigation land.	108.1 Localizer. 108.2 Omni-directional range. 108.3 Localizer. 108.4 Omni-directional range. 108.5 Localizer. 108.6 Omni-directional range. 108.7 Localizer. 108.8 Omni-directional range. 108.9 Localizer. 109.0 Omni-directional range. 109.1 Localizer. 109.2 Omni-directional range. 109.3 Localizer. 109.4 Omni-directional range. 109.5 Localizer. 109.6 Omni-directional range. 109.7 Localizer. 109.8 Omni-directional range. 109.9 Localizer. 110.0 Omni-directional range. 110.1 Localizer. 110.2 Omni-directional range.	

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature {OF SERVICES / of stations
1	2	3	4	5	6	7	8	9	10	11
									110.3	Localizer.
									110.4	Omni-directional range.
									110.5	Localizer.
									110.6	Omni-directional range.
									110.7	Localizer.
									110.8	Omni-directional range.
									110.9	Localizer.
									111.0	Omni-directional range.
									111.1	Localizer.
									111.2	Omni-directional range.
									111.3	Localizer.
									111.4	Omni-directional range.
									111.5	Localizer.
									111.6	Omni-directional range.
									111.7	Localizer.
									111.8	Omni-directional range.
									111.9	Localizer.
									112.0–117.9 (NG35)	Omni-directional range.
117.975–132	AERONAUTICAL MOBILE. (R) (273)			117.975–121.975 (273) (US26) (US27) (US28) (80)	G, NG.	117.975–121.975	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.	118–121.4 (NG34)	Airdrome control.
									121.5	AERONAUTICAL MOBILE.
									121.6	Aeronautical search and rescue mobile; aeronautical utility land; aeronautical utility mobile.
									121.65–121.95 (NG34)	Aeronautical utility land; aeronautical utility mobile.
				121.975–123.075 (US29) (US30) (US31) (US80)	NG.	121.975–123.075	AERONAUTICAL MOBILE.	Aeronautical. Aircraft.	122.0–123.05 (NG34)	Private aircraft.
				123.075–128.825 (US26) (US32) (US33)	G, NG.	123.075–128.825	AERONAUTICAL MOBILE.	Aeronautical. Aircraft.	123.1	Flight test; flying school.
									123.15	Flight test.
									123.2	Do.
									123.25	Do.
									123.3	Flight test; flying school.
									123.35	Flight test.
									123.4	Do.
									123.45	Do.
									123.5	Flight test; flying school.
									123.55	Flight test.
									123.6–128.8 (NG34)	AERONAUTICAL MOBILE.
				128.825–132 (US2)	NG.	128.825–132	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.	128.85–132 (NG34)	AERONAUTICAL MOBILE.
132–136		132–136	FIXED. MOBILE. (276)	132.0–136.0 (US2)	G, NG. (US3)	132.0–136.0	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.	132.05–135.95 (NG34)	AERONAUTICAL MOBILE.
136–137	SPACE. (280) EARTH-SPACE. (280) (281) FIXED. MOBILE.			136–137 (US64)	G, NG. (US60) (US76)	136–137	EARTH-SPACE. SPACE.	Earth. Space.		EARTH-SPACE. SPACE.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of services (of stations)
1	2	3	4	5	6	7	8	9	10	11
137–144		137–144	FIXED. MOBILE. *Radiolocation.*	137–144 (US10)	G.				143.91	Civil air patrol land; civil air patrol mobile.
144–146	AMATEUR.			144–148	AMATEUR. (US1)	144–148	AMATEUR.	Amateur.		AMATEUR.
146–148		146–148	AMATEUR.							
148–174		148–174	FIXED. MOBILE.	148–150.8 (US10)	G.				148.14	Civil air patrol land; civil air patrol mobile.
				150.8–162	NG.	150.8–150.98	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION.
						150.98–151.49	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
						151.49–152	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						152–152.24	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC.
						152.24–152.48	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION. (NG38)
						152.48–152.84	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC.
						152.84–153.7325	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL. (NG4)
						153.7325–154.46	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY. (NG26)
						154.46–154.6275	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						154.6275–156.25	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
(287)						156.25–157.45 (287) (US9) (US77)	MARITIME MOBILE. (NG5)	Coast. Ship.	156.3 156.35 156.4 156.45 156.5 156.55 156.6 156.65 156.7 156.8 156.9 156.95 157.0	MARITIME MOBILE. MARITIME MOBILE. (NG24) MARITIME MOBILE. MARITIME MOBILE. (NG24) MARITIME MOBILE. MARITIME MOBILE. (NG24) MARITIME MOBILE. Do. Do. MARITIME MOBILE (calling & safety). MARITIME MOBILE. Do. Do.
									157.05 157.1 157.15	GOVERNMENT. Do. Do.
									157.2–157.4 (NG 34)	MARITIME MOBILE.
						157.45–157.74	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION. (NG5) (NG38)

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature {OF SERVICES of stations
1	2	3	4	5	6	7	8	9	10	11
						157.74–158.1	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC.
						158.1–158.46	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						158.46–158.7	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC.
						158.7–159.48	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
						159.48–161.575	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION. (NG6) (NG26) (NG28)
						161.575–161.625 (US77)	MARITIME MOBILE.	Coast.	161.6	MARITIME MOBILE. (NG6) (NG17) (NG26)
						161.625–161.775	LAND MOBILE.	Base. Land mobile.		Remote pickup broadcast base; remote pickup broadcast mobile. (NG6) (NG26)
						161.775–162.0	MARITIME MOBILE. (NG5)	Coast.	161.8 161.85 161.9 161.95 162.0	Coast. (NG26) Do. Coast. Do. Do.
					(US12)					
				162–174	G. (US8) (US11) (US12) (US13)				166.25 170.15	PUBLIC SAFETY; Remote pickup. Do.
									170.425 170.475 170.575 171.425 171.475 171.575 172.225 172.275 172.375	PUBLIC SAFETY. Do. Do. Do. Do. Do. Do. Do. Do.
					(US9)	173.2–173.4	FIXED. LAND MOBILE.	Base. Fixed. Land mobile.		INDUSTRIAL.
174–216		174–216 (294)	FIXED. MOBILE. BROADCASTING.	174–216	NG.	174–216	BROADCASTING.	Television broadcasting.	175.25 179.75 181.25 185.75 187.25 191.75 193.25 197.75 199.25 203.75 205.25 209.75 211.25 215.75	Video / Sound } Channel 7. Video / Sound } Channel 8. Video / Sound } Channel 9. Video / Sound } Channel 10. Video / Sound } Channel 11. Video / Sound } Channel 12. Video / Sound } Channel 13.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of stations
1	2	3	4	5	6	7	8	9	10	11
216–220		216–220	FIXED. MOBILE. RADIOLOCATION.	216–220	G. (US5)				217.425 217.475 217.525 217.550 217.575 217.625 217.675 219.325 219.375 219.425 219.450 219.475 219.525 219.575	Telemetering land; telemetering mobile. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do.
220–225		220–225	AMATEUR. RADIOLOCATION.	220–225	G, NG. (US34)	220–225	Amateur. (NG13)	Amateur.		AMATEUR.
225–235		225–235	FIXED. MOBILE.	225–328.6 (309) (310) (US17)	G.					
235–328.6 (309) (310)	FIXED. MOBILE.								243	Survival craft and equipment.
328.6–335.4 (310)	AERONAUTICAL RADIONAVIGATION. (311)			328.6–335.4 (310)	G, NG.	328.6–335.4	AERONAUTICAL RADIONAVIGATION. (311)	Radionavigation land.		Glide path.
335.4–400	FIXED. MOBILE.			335.4–400	G.					
400–401	METEOROLOGICAL AIDS. SPACE. (280) EARTH-SPACE. (280)			400–401	G, NG.	400–401 (US64) (US76)	METEOROLOGICAL AIDS. (US70) SPACE. EARTH-SPACE.	Radiosonde. Space. Earth.		Radiosonde. SPACE. EARTH-SPACE.
401–406 (317)	METEOROLOGICAL AIDS. Fixed. Mobile except aeronautical mobile.			401–404	G, NG.	401–404	METEOROLOGICAL AIDS. (US70)	Radiosonde.		Radiosonde.
				404–406	G, NG.	404–406	METEOROLOGICAL AIDS. (US70) Radio astronomy. (US74)	Radio astronomy. Radiosonde.		RADIO ASTRONOMY. Radiosonde.
406–420 (317)	FIXED. MOBILE except aeronautical mobile.			406–420	G. (US13)					
420–450		420–450 (318)	RADIOLOCATION. Amateur.	420–450 (US6) (US35)	G, NG.	420–450	Amateur. (US7)	Amateur.		AMATEUR.
450–470 (318)	FIXED. MOBILE.			450–470 (US6)	NG.	450–451	LAND MOBILE.	Base. Land mobile.		Remote pickup broadcast base; remote pickup broadcast mobile.
						451–452	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						452–453	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION.
						453–454	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
						454–455	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC. (NG12)
						455–456	LAND MOBILE.	Base. Land mobile.		Remote pickup broadcast base; remote pickup broadcast mobile.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of services of stations
1	2	3	4	5	6	7	8	9	10	11
						456–457	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						457–458	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION.
						458–459	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
						459–460	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC. (NG12)
						460–462.525	LAND MOBILE.	Base Land mobile.		INDUSTRIAL.
						462.525–463.225	FIXED. MOBILE.	Fixed. Land. Mobile.		CITIZENS.
						463.225–464.725	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL. CITIZENS.
						464.725–466.475	FIXED. MOBILE.	Fixed. Land. Mobile.		CITIZENS.
						466.475–470	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL. CITIZENS. (NG39)
470–890		470–890	BROADCASTING.	470–890	NG.	470–890 (NG30) (NG43) (NG48)	BROADCASTING.	Television broadcasting.		
890–942		890–942 (340)	FIXED. RADIOLOCATION.	890–942 (340)	G. (US36)				915	Industrial, scientific, and medical equipment.
942–960		942–960	FIXED.	942–960	NG.	942–952 (NG8) (NG9)	FIXED. (NG40)	Aural broadcast STL. International aeronautical fixed (Alaska, Hawaii, and U.S. possessions only). International fixed public (Alaska, Hawaii, and U.S. possessions only).		
						952–960 (NG10)	FIXED.	International fixed public (Puerto Rico and Virgin Islands only). International control. Operational fixed.		
960–1215	AERONAUTICAL RADIONAVIGATION. (341)			960–1215	G, NG.	960–1215	AERONAUTICAL RADIONAVIGATION. (341)			
1215–1300	RADIOLOCATION. Amateur.			1215–1300	G, NG. (US37)	1215–1300	Amateur.	Amateur.		AMATEUR.
1300–1350	AERONAUTICAL RADIONAVIGATION. (346) Radiolocation.			1300–1350	G, NG. (US38)	1300–1350	AERONAUTICAL RADIONAVIGATION. (346)			
1350–1400		1350–1400	RADIOLOCATION.	1350–1400	G.					
1400–1427	RADIO ASTRONOMY.			1400–1427	G, NG.	1400–1427	RADIO ASTRONOMY. (US74)			
1427–1429	SPACE. (280) EARTH-SPACE. (280) FIXED. MOBILE except aeronautical mobile.			1427–1429	G, NG. (US60) (US64) (US73) (US76)	1427–1429	SPACE. EARTH-SPACE.			

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Banp (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of services (of stations
1	2	3	4	5	6	7	8	9	10	11
1429–1435		1429–1435	FIXED. MOBILE.	1429–1435	G.					
1435–1535		1435–1535	MOBILE. Fixed.	1435–1535	G, NG. (US78)	1435–1535	MOBILE.	Aeronautical telemetering.		AVIATION.
1535–1660	AERONAUTICAL RADIONAVIGATION. (341)			1535–1660	G, NG. (US39)	1535–1660	AERONAUTICAL RADIONAVIGATION. (341)			
1660–1700	METEOROLOGICAL AIDS. FIXED. MOBILE except aeronautical mobile.			1660–1664.4	G.					
				1664.4–1668.4	G, NG.	1664.4–1668.4	Radio astronomy. (US74)	Radio Astronomy.		
				1668.4–1670	G.					
				1670–1700	G, NG.	1670–1700	METEOROLOGICAL AIDS.	Radiosonde.		Radiosonde.
1700–1710		1700–1710	FIXED. MOBILE. Space. (280) Earth-Space. (280)	1700–1710	G, NG. (US60) (US63) (US76)	1700–1710	SPACE. EARTH-SPACE.			
1710–2290		1710–2290	FIXED. MOBILE.	1710–1850	G.					
				1850–2200	NG.	1850–1990 (NG8)	FIXED.	International control. Operational fixed.		
						1990–2110 (NG11)	FIXED. MOBILE.	Television pickup. Television STL.		
						2110–2130 (NG10) (NG23)	FIXED.	Domestic fixed public.		
						2130–2150 (NG10) (NG23)	FIXED.	Operational fixed. International control.		
						2150–2160 (NG23) (NG45)	FIXED.			
						2160–2180 (NG10) (NG23)	FIXED.	Domestic fixed public.		
						2180–2200 (NG10) (NG23)	FIXED.	Operational fixed. International control.		
				2200–2290	G.					
2290–2300		2290–2300	FIXED. MOBILE. Space. (280). Earth-Space. (280).	2290–2300	G, NG. (US60) (US63) (US76)	2290–2300	SPACE. EARTH-SPACE.			
2300–2450 (357)		2300–2450	RADIOLOCATION. Amateur. Fixed. Mobile.	2300–2450	G, NG. (US40)	2300–2450 (357)	Amateur.	Amateur.		
2450–2550 (357)		2450–2550	FIXED. MOBILE. RADIOLOCATION.	2450–2500	NG. (US41)	2450–2500 (357)	FIXED. MOBILE. Radiolocation.		2450	Industrial, scientific and medical equipment.
2550–2700 (365)	FIXED. MOBILE.			2500–2690	NG.	2500–2690 (NG8) (NG47)	FIXED.	International control. Operational fixed. Instructional television fixed.		

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of stations / OF SERVICES
1	2	3	4	5	6	7	8	9	10	11
				2690–2700	G, NG. (US22)	2690–2700	RADIO ASTRONOMY. (US74)			
2700–2900 (366)	AERONAUTICAL RADIONAVIGATION. (346). Radiolocation.			2700–2900	G. (346) (366) (US42) (US43)					
2900–3100	RADIONAVIGATION. (367). Radiolocation.			2900–3100	G, NG.	2900–3100	MARITIME RADIONAVIGATION. Radiolocation. (US44)			
3100–3300 (369)	RADIOLOCATION.			3100–3300	G. (369) (US45) (US46)					
3300–3500		3300–3500	RADIOLOCATION. Amateur.	3300–3500	G, NG. (US61)	3300–3500	Amateur.	Amateur.		AMATEUR.
3500–3700		3500–3700	FIXED. MOBILE. RADIOLOCATION.	3500–3700	G.					
3700–4200		3700–4200	FIXED. MOBILE.	3700–4200	NG.	3700–4200	FIXED.	Common carrier fixed.		DOMESTIC PUBLIC. (NG41)
4200–4400	AERONAUTICAL RADIONAVIGATION. (341)			4200–4400	G, NG. (US47)	4200–4400	AERONAUTICAL RADIONAVIGATION. (341)	Altimeter.		
4400–5000 (365)	FIXED. MOBILE.			4400–4990	G.					
				4990–5000	G, NG. (US68)	4990–5000	RADIO ASTRONOMY. (US74)	Radio astronomy.		
5000–5250	AERONAUTICAL RADIONAVIGATION. (341)			5000–5250	G, NG.	5000–5250	AERONAUTICAL RADIONAVIGATION. (341)			
5250–5255	RADIOLOCATION. Space. (280) Earth-Space. (280)			5250–5350	G.					
5255–5350	RADIOLOCATION.									
5350–5460	AERONAUTICAL RADIONAVIGATION. (385) Radiolocation.			5350–5460	G, NG.	5350–5460	AERONAUTICAL RADIONAVIGATION. (385) RADIOLOCATION. (US48)			
5460–5470	RADIONAVIGATION. (385) Radiolocation.			5460–5470	G, NG.	5460–5470	RADIONAVIGATION. (385) (US65) Radiolocation. (US49)			
5470–5650 (387)	MARITIME RADIONAVIGATION. Radiolocation.			5470–5600	G, NG.	5470–5600	MARITIME RADIONAVIGATION. (US65) Radiolocation. (US50)			
				5600–5650	G, NG.	5600–5650	MARITIME RADIONAVIGATION. (US65) METEOROLOGICAL AIDS. (387) Radiolocation. (US51)			

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of services
1	2	3	4	5	6	7	8	9	10	11
5650–5850 (391)	RADIOLOCATION. Amateur.			5650–5925 (391)	G, NG. (US52)	5650–5925	Amateur.	Amateur.	5800	Industrial, scientific and medical equipment.
5850–5925 (391)		5850–5925	RADIOLOCATION. Amateur.							
5925–8400	FIXED. MOBILE.			5925–7125	NG.	5925–6425	FIXED.	Common carrier fixed.		DOMESTIC PUBLIC. (NG41)
						6425–6525 (NG46)	MOBILE.	Common carrier land. Common carrier mobile.		
						6525–6575 (NG46)	MOBILE.	Operational land. Operational mobile.		
						6575–6875 (NG8)	FIXED.	International control. Operational fixed.		
						6875–7125 (NG11)	FIXED. MOBILE.	Television pickup. Television STL.		
				7125–8400	G.					
8400–8500	FIXED. MOBILE. Space. (280) Earth-Space. (280)			8400–8500	G, NG. (US62) (US63) (US76)	8400–8500	SPACE. EARTH-SPACE. FIXED. MOBILE.			
8500–8750	RADIOLOCATION.			8500–9000	G. (US53)					
8750–8850	RADIOLOCATION. AERONAUTICAL RADIONAVIGATION. (396)								8800	Airborne doppler radar.
8850–9000	RADIOLOCATION.									
9000–9200	AERONATUICAL RADIONAVIGATION. (346) Radiolocation.			9000–9200	G, NG.	9000–9200	AERONAUTICAL RADIONAVIGATION. (346) (US54) Radiolocation. (US55)			
9200–9300	RADIOLOCATION.			9200–9300	G. (US45)					
9300–9500 (399)	RADIONAVIGATION. Radiolocation.			9300–9500	G, NG.	9300–9500	RADIONAVIGATION. (US66) (US71) Meteorological aids. (US67) Radiolocation. (US56)			
9500–9800	RADIOLOCATION.			9500–10000	G.					
9800–10000	RADIOLOCATION. Fixed.									
10000–10500	RADIOLOCATION. Amateur.			10000–10500	G, NG. (US58)	10000–10500	Amateur. Radiolocation. (NG42)	Amateur. Radiolocation land. Radiolocation mobile.		AMATEUR. RADIOLOCATION.
10500–10550		10500–10550	RADIOLOCATION. (404)	10500–10550	G, NG. (US59)	10500–10550	RADIOLOCATION.	Radiolocation land. Radiolocation mobile.		RADIOLOCATION.
10550–10700 (405)	FIXED. MOBILE. Radiolocation.			10550–10680	NG.	10550–10680 (NG46)	MOBILE.	Operational land. Operational mobile.		
				10680–10700	G, NG.	10680–10700	RADIO ASTRONOMY. (US74)			
10700–11700	FIXED. MOBILE.			10700–11700	NG.	10700–11700	FIXED.	Common carrier fixed.		DOMESTIC PUBLIC. (NG41)

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature {OF SERVICES / of stations
1	2	3	4	5	6	7	8	9	10	11
11700–12700	FIXED. MOBILE except aeronautical mobile. BROADCASTING.			11700–13250	NG.	11700–12200	MOBILE.	Common carrier land. Common carrier mobile (except aeronautical mobile).		
						12200–12700 (NG8)	FIXED.	International control. Operational fixed.		
12700–13250	FIXED. MOBILE.					12700–13200 (NG11)	FIXED. MOBILE.	Television pickup. Television STL.		
						13200–13250	FIXED. MOBILE.			
13250–13400	AERONAUTICAL RADIONAVIGATION. (406)			13250–13400	G, NG.	13250–13400	AERONAUTICAL RADIONAVIGATION. (406)			Airborne doppelr radar.
13400–14000	RADIOLOCATION.			13400–14000	G.					
14000–14400	RADIONAVIGATION.			14000–14400	G, NG.	14000–14400	RADIONAVIGATION.			
14400–15150	FIXED. MOBILE.			14400–15150	G.					
15150–15250	SPACE. (280) EARTH-SPACE. (280) Fixed. Mobile.			15150–15250	G, NG. (US60) (US63) (US76)	15150–15250	SPACE. EARTH-SPACE.			
15250–15400 (405)	FIXED. MOBILE.			15250–15350	G.					
				15350–15400	G, NG. (US68)	15350–15400	RADIO ASTRONOMY. (US74)			
15400–15700	AERONAUTICAL RADIONAVIGATION. (341)			15400–15700	G, NG.	15400–15700	AERONAUTICAL RADIONAVIGATION. (341)			
15700–17700	RADIOLOCATION.			15700–17700	G.					
17700–21000 (405)	FIXED. MOBILE.			17700–19300	NG.	17700–19300	FIXED. MOBILE.			
				19300–19400	G, NG.	19300–19400	RADIO ASTRONOMY. (US74)			
				19400–19700	NG.	19400–19700	FIXED. MOBILE.			
				19700–21000	G.					
21000–22000	AMATEUR.			21000–22000	AMATEUR.	21000–22000	AMATEUR.	Amateur.		AMATEUR.
22000–23000 (410)	FIXED. MOBILE.			22000–23000	G. (410)				22125	Industrial, scientific and medical equipment.
23000–24250	RADIOLOCATION.			23000–24250	G.					
24250–25250	RADIONAVIGATION. (411)			24250–25250	G, NG. (US72)	24250–25250	RADIONAVIGATION. (411)			
25250–31500 (405)	FIXED. MOBILE.			25250–27525	G.					
				27525–31300	NG.	27525–31300	FIXED. MOBILE.			
				31300–31500	G, NG.	31300–31500	RADIO ASTRONOMY. (US74)			

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of services of stations
1	2	3	4	5	6	7	8	9	10	11
31500–31800	SPACE. (280) EARTH-SPACE. (280) Fixed. Mobile.			31500–31800	G, NG. (US60) (US63) (US76)	31500–31800	SPACE. EARTH-SPACE.			
31800–33400	RADIONAVIGATION.			31800–33400	G, NG.	31800–33400	RADIONAVIGATION. (US69)			
33400–36000	RADIOLOCATION.			33400–38600	G.					
36000–40000	FIXED. MOBILE.			38600–40000	NG.	38600–40000	FIXED. MOBILE.			
Above 40000	Not allocated.			40000–88000	G, NG.	40000–88000		Amateur. Experimental.		
				88000–90000	G, NG.	88000–90000	RADIO ASTRONOMY. (US74)	Radio astronomy.		
				Above 90000	G, NG.	Above 90000		Amateur. Experimental.		

FOOTNOTES

GENEVA FOOTNOTES

(157) Administrations authorizing the use of frequencies below 10 kc/s for special national purposes shall ensure that no harmful interference is caused thereby to the services to which the bands above 10 kc/s are allocated (see also Article 14, No. 699).

(158) Limited to coast telegraph stations (A1 and F1 only).

(159) The stations of services to which the bands between 14 and 70 kc/s are allocated may transmit standard frequency and time signals. Such stations shall be afforded protection from harmful interference. In Albania, Bulgaria, Hungary, Poland, Roumania, Czechoslovakia, and the U.S.S.R., the frequencies 25 kc/s and 50 kc/s will be used for this purpose under the same conditions.

(160) The standard frequency is 20 kc/s.

(161) In the U.S.S.R., frequencies in the band 60–80 kc/s may be used for industrial, scientific and medical purposes subject to the condition that interference is not caused to stations of services to which this band is allocated.

(162) Limited to continuous wave systems.

(164) The establishment and operation of maritime radionavigation stations shall be subject to agreements between administrations whose services, operating in accordance with the Table, may be affected. However, the fixed, maritime mobile and radiolocation services shall not cause harmful interference to maritime radionavigation stations established under such agreements.

(166) The development and operation of long distance radionavigation systems are authorized in this band, which will become exclusively allocated, wholly or in part, to the radionavigation service for the use of any one such system as soon as it is internationally adopted. Other considerations being equal, preference should be given to the system requiring the minimum bandwidth for world-wide service and causing the least harmful interference to other services. If a pulse radionavigation system is employed, the pulse emissions shall nevertheless be confined within the band 90–110 kc/s and shall not cause harmful interference outside the band to stations operating in accordance with the Regulations. In Regions 1 and 3, during the period prior to the international adoption of any long distance radionavigation system, the operation of specific radionavigation stations shall be subject to agreements between administrations whose services, operating in accordance with the Table, may be affected. Once established under such agreements, radionavigation stations shall be protected from harmful interference.

(167) Only classes A1 or F1, A4 or F4 emissions are authorized in the band 90–160 kc/s for stations of the fixed and maritime mobile services.

(168) Aeronautical stations may use frequencies in the bands 110–112 kc/s, 115–126 kc/s and 129–130 kc/s on a permitted basis for high-speed communications to aircraft.

(171) The frequency 143 kc/s is the calling frequency for stations in the maritime mobile service using the band 90–160 kc/s. The conditions for its use are prescribed in Article 32.

(179) In northern areas which are subject to auroral disturbances the aeronautical fixed service is the primary service.

(181) Norwegian fixed stations situated in northern areas subject to auroral disturbances are allowed to continue operation on two frequencies in the band 385–395 kc/s for transmissions chiefly composed of weather messages.

(182) The frequency 410 kc/s is designated for the maritime radionavigation service (radio direction-finding). Other allocated services in the band 405–415 kc/s shall not cause harmful interference to radio direction-finding. In the band 405–415 kc/s no frequency shall be assigned to coast stations.

(185) In the European Maritime Area, subject to the conditions specified in the Final Acts of the European Maritime Conference (Copenhagen 1948), and any subsequent revision of that agreement, the administrations concerned may keep in the bands 415–485 kc/s and 515–525 kc/s such of the following broadcasting stations as will not cause harmful interference to the maritime mobile service: Hamar, Innsbruck, Oestersund, Oulu.

(186) Limited to radiotelegraphy.

(187) The frequency 500 kc/s is the international distress and calling frequency for radiotelegraphy. The conditions for its use are prescribed in Article 32.

(188) In operating stations of the aeronautical radionavigation service, the administrations concerned shall take all the technical steps necessary to avoid harmful interference to the maritime mobile service.

(191) The carrier power of broadcasting stations in this band shall not exceed 250 watts.

(198) In Region 2 the Loran system has priority. Other services to which the band is allocated may use any frequency in this band provided that they do not cause harmful interference to the Loran system.

In Region 3 the Loran system in any particular area operates either on 1850 or 1950 kc/s, the bands occupied being 1825–1875 kc/s and 1925–1975 kc/s respectively. Other services to which the band 1800–2000 kc/s is allocated may use any frequency therein on condition that no harmful interference is caused to the Loran system operating on 1850 or 1950 kc/s.

(200) In Region 2, limited to ship stations using radiotelegraphy.

(201) The frequency 2182 kc/s is the international distress and calling frequency for radiotelephony. The conditions for the use of this frequency are prescribed in Article 35.

(202) For the conditions of use of this band by the broadcasting service see Nos. 135, 136, and 423 to 428.

(203) Standard frequency is 2500 kc/s.

(204) The standard frequency guardbands at 2.5 Mc/s, 5 Mc/s, 10 Mc/s, 15 Mc/s, 20 Mc/s, and 25 Mc/s may be used by the radio astronomy service. The radio astronomy service shall be protected from harmful interference from services operating in other bands in accordance with the provisions of these Regulations, only to the extent that these services are protected from each other.

(208) In the U.S.S.R., in the bands 4063–4133 kc/s and 4408–4438 kc/s, fixed stations of limited power may operate provided that, in order to minimize the possibility of causing harmful interference to the maritime

mobile service, they are situated at least 600 km from the coast. A limited power station is one whose power and antenna characteristics are so adjusted that the field strength established at any point in any direction does not exceed that obtainable with a nondirective antenna and a peak envelope power of 1 kw.

(209) On condition that harmful interference is not caused to the maritime mobile service, the frequencies between 4063 and 4438 kc/s may be used exceptionally by fixed stations communicating only within the boundary of the country in which they are located, with a mean power not exceeding 50 watts; however, in Regions 2 and 3, between 4238 and 4368 kc/s, a mean power not exceeding 500 watts may be used by such fixed stations.

(210) The standard frequency is 5000 kc/s.

(211) On condition that harmful interference is not caused to the maritime mobile service, the frequencies between 6200 and 6525 kc/s may be used exceptionally by fixed stations, communicating only within the boundary of the country in which they are located, with a mean power not exceeding 50 watts. At the time of notification of these frequencies, the attention of the International Frequency Registration Board will be drawn to the above conditions.

(213) Between 8615 and 8815 kc/s, 12,925 and 13,200 kc/s, and between 17,160 and 17,360 kc/s, the U.S.S.R. will meet their special requirements for the fixed service with due regard to technical provisions (power, location, antenna, etc.) with a view to minimizing the possibility of harmful interference to the maritime mobile service. Coast stations in the maritime mobile service will also have due regard to technical provisions (power, location, antenna, etc.) with a view to minimizing the possibility of harmful interference to the fixed service in the U.S.S.R. The International Frequency Registration Board will be consulted regarding this subject.

(214) The standard frequency is 10,000 kc/s.

(215) The band 10,003–10,005 kc/s is also allocated, on a secondary basis, to the space and earth-space services for research purposes.

(216) In the U.S.S.R., the band 11,400–11,450 kc/s is also allocated to the aeronautical mobile (OR) service.

(217) The frequency 13,560 kc/s is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±0.05 percent of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(218) In the U.S.S.R., the band 14,250–14,350 kc/s is also allocated to the fixed service.

(219) The standard frequency is 15,000 kc/s.

(220) The standard frequency is 20,000 kc/s.

(221) The band 19,990–20,010 kc/s is also allocated, on a secondary basis, to the space and earth-space services for research purposes.

(222) Intership radiotelegraphy may be used in the maritime mobile service between the frequencies 23,350 and 24,000 kc/s.

(223) The standard frequency is 25,000 kc/s.

(224) Limited to ship stations employing A1 or F1 emissions.

(225) The frequency 27,120 kc/s is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±0.6 percent of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(226) In Region 2, Australia and New Zealand, the amateur service may operate between the frequencies 26,960 and 27,230 kc/s.

(228) Stations designed to use ionospheric scatter may operate only subject to agreements between administrations concerned and those whose services, operating in accordance with the Table, may be affected.

(229) Systems designed to use ionospheric scatter or other fixed service systems designed to operate over distances exceeding 800 km shall confine their emissions to the following bands:

Region 1	Region 2	Region 3
32.6–33	32.6–33	32.6–33
36.2–36.6	34.6–35	34.6–35
39 –39.4	36.4–36.8	36.4–36.8

and shall have priority in Region 2 in the bands shown above for such use in that Region.

(230) In the case of the bands referred to in No. 229, which are limited to a particular Region the provisions of No. 117 shall apply and administrations shall avoid beaming such transmissions towards another Region unless specifically coordinated otherwise.

(231) Ionospheric scatter stations, existing on 1 January 1960, and not causing harmful interference to the other services to which the band is allocated, may continue to operate on frequencies now assigned until reaccommodated.

(232) Conventional (F2) long distance fixed service use of the band 29.7–30 Mc/s is not excluded in Region 2 provided that such use is coordinated between the administrations concerned.

(234) As regards the use of the frequencies 38 Mc/s and 40.68 Mc/s by the radio astronomy service, see Recommendation No. 31.

(235) The band 39.986–40.002 Mc/s is also allocated, on a secondary basis, to the space and earth-space services for research purposes.

(236) The frequency 40.68 Mc/s is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±0.05 percent of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(237) Systems designed to use ionospheric scatter which may cause harmful interference to the broadcasting service are prohibited.

(253) In Region 2, the band 73–74.6 Mc/s may be used by the radio astronomy service. Administrations assigning frequencies to stations of services to which this band is allocated should take all practicable measures to avoid harmful interference to radio astronomy observations.

(259) The frequency 75 Mc/s is assigned to aeronautical marker beacons. Administrations shall refrain from assigning frequencies close to the limits of the guard-band to stations of other services which, because of their power or geographical position, might cause harmful interference to marker beacons.

(273) The frequency 121.5 Mc/s is the aeronautical emergency frequency in this band; mobile stations of the maritime mobile service may communicate on this frequency for safety purposes with stations of the aeronautical mobile service.

(276) In Region 2 in the band 132–135 Mc/s, the aeronautical mobile (R) service shall operate on a primary basis subject to coordination between administrations concerned and those having services operating in accordance with the Table, which may be affected.

(280) For research purposes.

(281) In the band 136–137 Mc/s, the aeronautical mobile (OR) service will be the primary service for as long as it continues to operate in this band. On discontinuation of this service, the space and earth-space services will be the primary services. In Bulgaria, Hungary, Poland, Roumania, Czechoslovakia, and the U.S.S.R., this band is allocated on a primary basis to the aeronautical mobile service.

(287) The frequency 156.8 Mc/s is the international safety and calling frequency for the maritime mobile VHF radiotelephone service. Administrations shall ensure that a guard-band of 75 kc/s on each side of the frequency 156.8 Mc/s is provided. The conditions for the use of this frequency are contained in Article 35.

In the bands 156.025–157.425 Mc/s, 160.625–160.975 Mc/s and 161.475–162.025 Mc/s, each administration shall give priority to the maritime mobile service on only such frequencies as are assigned to stations of the maritime mobile service by that administration.

Any use of frequencies in these bands by stations of other services to which they are allocated should be avoided in areas where such use might cause harmful interference to the maritime mobile VHF radiotelephone service.

(294) The band 183.6 Mc/s ±0.5 Mc/s is also allocated to the space and earth-space services for research purposes subject to causing no harmful interference.

(309) The frequency 243 Mc/s is the frequency in this band for use by survival craft stations and equipment used for survival purposes.

(310) Radio astronomy observations on the Deuterium line (322–329 Mc/s) are carried out in a number of countries under national arrangements. Administrations should bear in mind the needs of the radio astronomy service in their future planning of this band.

(311) Limited to Instrument Landing Systems (glide path).

(317) The band 404–410 Mc/s in Regions 2 and 3, and the band 406–410 Mc/s in Region 1 are also allocated to the radio astronomy service. An appropriate continuous band within these limits shall be designated on a national or area basis. In making assignments to stations of other services to which these bands are allocated, administrations are urged to take all practicable steps to protect radio astronomy observations from harmful interference. The radio astronomy service shall be protected from harmful interference from services operating in other bands in accordance with the provisions of these Regulations, only to the extent that these services are protected from each other.

(318) Radio altimeters may also be used, temporarly, in the band 420–460 Mc/s until they are able to operate in a band allocated to the aeronautical radionavigation service or until they are no longer required.

(340) In Region 2, the frequency 915 Mc/s is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±25 Mc/s of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(341) The bands 960–1215 Mc/s, 1535–1660 Mc/s, 4200–4400 Mc/s, 5000–5250 Mc/s and 15.4–15.7 Gc/s are reserved on a world-wide basis for the use and development of airborne electronic aids to air navigation and any directly associated ground-based facilities.

(346) The use of the bands 1300–1350 Mc/s, 2700–2900 Mc/s and 9000–9200 Mc/s by the aeronautical radionavigation service is restricted to ground-based radars and, in the future, to associated airborne transponders

which transmit only on frequencies in these bands and only when actuated by radars operating in the same band.

(357) The frequency 2450 Mc/s is designated for industrial, scientific and medical purposes except in Albania, Bulgaria, Hungary, Poland, Rumania, Czechoslovkia, and the U.S.S.R., where the frequency 2375 Mc/s is used. Emissions must be confined within ±50 Mc/s of the frequencies designated. Radiocommunication services operating within these limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(365) The bands 2690–2700 Mc/s and 4990–5000 Mc/s are also allocated to the radio astronomy service. In making assignments to stations of other services to which these bands are allocated, administrations are urged to take all practicable steps to protect radio astronomy observations from harmful interference. The radio astronomy service shall be protected from harmful interference from services operating in other bands in accordance with the provisions of these Regulations, only to the extent that these services are protected from each other.

(366) In the band 2700–2900 Mc/s ground-based radars used for meteorological purposes are authorized to operate on the basis of equality with stations of the aeronautical radionavigation service.

(367) The use of the band 2900–3100 Mc/s by the aeronautical radionavigation service is limited to ground-based radars.

(369) In the band 3100–3300 Mc/s, existing racons and shipborne radars in merchant ships may operate within the band 3100–3266 Mc/s.

(385) The use of the band 5350–5470 Mc by the aeronautical radionavigation service is limited to airborne radars and associated airborne beacons.

(387) Between 5600 and 5650 Mc/s, ground-based radars used for meteorological purposes are authorized to operate on the basis of equality with stations of the maritime radionavigation service.

(391) The frequency 5800 Mc/s is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±75 Mc/s of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific, and medical equipment.

(396) The use of the band 8750–8850 Mc/s by the aeronautical radionavigation service is limited to airborne Doppler navigation aids on a centre frequency of 8800 Mc/s.

(399) The use of the band 9300–9500 Mc/s by the aeronautical radionavigation service is limited to airborne weather radars, and ground-based radars. In this band ground-based radars used for meteorological purposes have priority over other radiolocation devices.

(404) Limited to continuous wave systems.

(405) The bands 10.68–10.7 Gc/s, 15.35–15.4 Gc/s, 19.3—19.4 Gc/s and 31.3–31.5 Gc/s are also allocated to the radio astronomy service. In making assignments to stations of other services to which these bands are allocated, administrations are urged to take all practicable steps to protect radio astronomy observations from harmful interference. The radio astronomy service shall be protected from interference from services operating in other bands in accordance with the provisions of these Regulations, only to the extent that these services are protected from each other.

(406) Limited to Doppler navigation aids.

(410) The frequency 22.125 Gc/s is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±125 Mc/s of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific, and medical equipment.

(411) In the band 24.25–25.25 Gc/s, ground-based radionavigation aids are not permitted except where they operate in cooperation with airborne or shipborne radionavigation devices.

NG FOOTNOTES

NG1 Operational fixed stations may be authorized to use frequencies in this band in accordance with columns 10 and 11 of the Table of Frequency Allocations, on the condition that harmful interference will not be caused to the reception of television stations on Channels 4 or 5. In any area in the continental United States (excluding Alaska), the aviation service and marine service may each be authorized to use four of the frequencies in the bands 72–73 and 75.4–76 Mc/s listed in column 10 for operational fixed stations in these services.

NG2 Facsimile broadcasting stations may be authorized in the band 88–108 Mc/s.

NG3 Fixed stations in the domestic fixed public service and control stations in the domestic public radio services may be authorized to use any of the frequencies in the band 72–73 and 75.4–76 Mc/s indicated in column 10 on the conditions that (a) harmful interference will not be caused to the reception of television stations on channels 4 or 5 and (b) that harmful interference will not be caused to operational fixed stations.

NG4 The use of the frequencies in the band 152.84–153.38 Mc/s may be authorized, in any area, to remote pickup broadcast base and mobile stations on the condition that harmful interference will not be caused to the industrial radio services.

NG5 Licensees in the public safety radio services holding a valid authorization on June 30, 1958, to operate in the frequency band 156.27–157.47 Mc/s or on the frequencies 161.85, 161.91 or 161.97 Mc/s may, upon proper application, continue to be authorized for such operation, including expansion of existing systems, until such time as harmful interference is caused to the operation of any authorized station other than those licensed in the public safety radio service.

NG6 Stations in the public safety radio services authorized as of June 30, 1958, to use frequencies in the band 159.51–161.79 Mc/s in areas other than Puerto Rico and the Virgin Islands may continue such operation, including expansion of existing systems, on the condition that harmful interference will not be caused to stations in the services to which these bands are allocated. In Puerto Rico and the Virgin Islands this authority is limited to frequencies in the band 160.05–161.37 Mc/s. No new public radio service system will be authorized to operate on these frequencies.

NG8 Frequencies in this band will be selected for assignment in such a manner that, on an engineering basis, the lowest frequency in the band is assigned which will not cause harmful interference to stations in that area already assigned frequencies in accordance with the Table of Frequency Allocations.

NG9 Aural broadcast intercity relay stations may be authorized to use the band 942–952 Mc/s on the condition that harmful interference will not be caused to other classes of stations operating in accordance with the Table of Frequency Allocations.

NG10 Frequencies in this band will be selected for assignment in such a manner that, on an engineering basis, the highest frequency in the band is assigned which will not cause harmful interference to stations in that area already assigned frequencies in accordance with the Table of Frequency Allocations.

NG11 Television inter-city relay stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to stations operating in accordance with the Table of Frequency Allocations.

NG12 Frequencies in the bands 454.40–455 Mc/s and 459.40–460 Mc/s may be assigned to domestic public land and mobile stations to provide a two-way air-ground public radiotelephone service.

NG13 In those portions of the States of Texas and New Mexico in the area bounded on the south by parallel 31°53′ N., on the east by longitude 105°40′ W., on the north by parallel 33°24′ W., and on the west by longitude 106°40′ W., the frequency band 220–225 Mc/s is not available for use by amateur stations engaged in normal amateur operation between the hours of 0500 and 1800 local time Monday through Friday, inclusive, of each week. However, the entire frequency band 220–225 Mc/s shall be available in all areas to those amateur stations authorized to operate in an organized civil defense network during all periods when civil defense emergencies exist and, in addition, special arrangements for civil defense drills between the hours and within the area set forth above may be made upon mutual agreement between the Federal Communications Commission Engineer in Charge at Dallas, Texas, and the Area Frequency Coordinator at White Sands, New Mexico, if it appears necessary to conduct such drills. Such arrangements shall specify dates and times, and will depend upon the degree of use of the frequency band at White Sands at any particular time.

NG14 Stations in the radiolocation service shall not cause harmful interference to stations in the disaster communications service between sunset and sunrise or at any time during an actual or imminent disaster. Conversely, stations in the disaster communications service shall not cause harmful interference to stations in the radiolocation service between sunrise and sunset except during an actual or imminent disaster.

NG15 (a) The amateur service may use, in any area, whichever bands, 1800–1825, 1875–1900 or 1900–1925, 1975–2000 kc/s, are not required for LORAN–A in that area, in accordance with the following conditions:

(1) The use of these frequencies by the amateur service shall not be a bar to the expansion of the radionavigation (LORAN-A) service;

(2) The amateur service shall not cause harmful interference to the radionavigation (LORAN–A) service;

(3) Only types A1 and amplitude modulated double and single sideband telephony emission shall be employed;

(4) Amateur operation shall be limited to:

Area	Maximum DC plate input power in watts							
	1800–1825 kc/s		1875–1900 kc/s		1900–1925 kc/s		1975–2000 kc/s	
	Day	Night	Day	Night	Day	Night	Day	Night
Alabama	200	50	No operation		No operation		100	25
Alaska	200	50	200	50	No operation		No operation	
Arizona	100	25	100	25	100	25	500	100
Arkansas	200	50	No operation		No operation		200	50
California	No operation		No operation		200	50	500	200
Colorado	200	50	100	25	100	25	500	100
Connecticut	200	50	100	25	No operation		No operation	
Delaware	200	50	100	25	No operation		No operation	
District of Columbia	200	50	100	25	No operation		No operation	
Florida	100	25	No operation		No operation		No operation	
Georgia	100	25	No operation		No operation		No operation	
Hawaii	No operation		No operation		100	25	100	25
Idaho	100	25	200	50	200	50	500	100
Illinois	200	50	100	25	100	25	200	50
Indiana	200	50	100	25	100	25	100	25
Iowa	500	100	100	25	100	25	200	50
Kansas	500	100	100	25	100	25	200	50
Kentucky	200	50	100	25	100	25	100	25
Louisiana	200	50	No operation		No operation		100	50
Maine	500	100	100	25	No operation		No operation	
Maryland	200	50	100	25	No operation		No operation	
Massachusetts	500	100	100	25	No operation		No operation	
Michigan:								
(Upper Peninsula)	500	100	100	25	100	25	200	50
(Lower Peninsula)	500	100	100	25	100	25	100	25
Minnesota	500	100	100	25	100	25	200	50
Mississippi	200	50	No operation		No operation		100	25
Missouri	200	50	100	25	100	25	200	50
Montana:								
(West of 111° W.)	100	25	200	50	200	50	500	100
(East of 111° W.)	200	50	200	50	200	50	500	100
Nebraska	500	100	100	25	100	25	500	100
Nevada	100	25	200	50	200	50	500	200
New Hampshire	500	100	100	25	No operation		No operation	
New Jersey	200	50	100	25	No operation		No operation	
New Mexico	200	50	100	25	100	25	500	100
New York:								
(North of 42° N.)	500	100	100	25	No operation		No operation	
(South of 42° N.)	200	50	100	25	No operation		No operation	
North Carolina	200	50	No operation		No operation		No operation	
North Dakota	500	100	200	50	200	50	500	100
Ohio	200	50	100	25	100	25	100	25
Oklahoma	500	100	No operation		No operation		200	50
Oregon	No operation		No operation		200	50	500	100
Pennsylvania	200	50	100	25	No operation		No operation	
Rhode Island	200	50	100	25	No operation		No operation	
South Carolina	100	25	No operation		No operation		No operation	
South Dakota	500	100	100	25	100	25	500	100
Tennessee	200	50	No operation		No operation		100	25
Texas:								
(East of 103° W.)	500	100	No operation		No operation		200	50
(West of 103° W.)	200	50	100	25	100	25	500	100
Utah	100	25	100	25	100	25	500	100
Vermont	500	100	100	25	No operation		No operation	
Virginia	200	50	100	25	No operation		No operation	
Washington	No operation		No operation		200	50	500	100
West Virginia	200	50	100	25	No operation		No operation	
Wisconsin	500	100	100	25	100	25	200	50
Wyoming	200	50	100	25	100	25	500	100
Puerto Rico	No operation		No operation		100	25	100	25
Virgin Islands	No operation		No operation		100	25	100	25
Swan Island	500	100	No operation		No operation		100	25
Serrana Bank	500	100	No operation		No operation		100	25
Roncador Key	500	100	No operation		No operation		100	25
Navassa Island	No operation		No operation		No operation		100	25
Baker, Canton, Enderberry, Guam, Howland, Jarvis, Johnston, Midway and Palmyra Islands	No operation		No operation		500	100	500	100
American Samoa	500	200	500	200	500	200	500	200
Wake Island	500	100	500	100	No operation		No operation	

(b) This footnote shall be considered as temporary in the sense that it shall remain subject to cancellation or to revisions, in whole or in part, by order of the Commission without hearing whenever the Commission shall deem such cancellation or revision to be necessary or desirable in the light of the priority within this band of the Loran–A system of radionavigation.

NG16 For conditions which apply to the use of this band, refer to the North American Regional Broadcasting Agreement.

NG17 Stations in the Land Transportation Radio Services authorized as of May 15, 1958 to operate on the frequency 161.61 Mc/s may, upon proper application, continue to be authorized for such operation, including expansion of existing systems, on the condition that harmful interference will not be caused to the operation of any authorized station in the maritime mobile service. No new Land Transportation Radio Service system will be authorized to operate on 161.61 Mc/s.

NG18 In the band 1605–1715 kc/s, stations in the radiolocation service shall not cause harmful interference to stations in the aeronautical radionavigation service.

NG19 Fixed stations associated with the maritime mobile service may be authorized, for purposes of communication with coast stations, to use frequencies assignable to ship stations in this band on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

NG20 Fixed stations in the public safety radio service may be authorized the use of frequencies in this band which are authorized to base and mobile stations of this service on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

NG21 In Hawaii, the frequency bands 76–88 Mc/s and 98–108 Mc/s are allocated exclusively to the fixed service for use by common carrier fixed stations for inter-island communications only. Spacing between assignable frequencies is not specified.

NG22 The frequency 2182 kc/s may be authorized to fixed stations associated with the maritime mobile service for the sole purpose of transmitting distress calls and distress traffic, and urgency and safety signals and messages.

NG23 Frequencies in the band 2110–2200 Mc/s may also be assigned to stations in the international fixed public radio service located south of 25°30′ north latitude in the State of Florida and in U.S. Possessions in the Caribbean area.

NG24 On condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations, land stations authorized and used primarily as coast stations (not open to public correspondence) and associated land mobile stations may be authorized to use, on a secondary basis, the frequencies 156.35, 156.45 and 156.55 Mc/s: *Provided*, That, in each case, the frequency assignment will be common to the maritime mobile and land mobile services and that the maritime mobile service shall be protected from harmful interference from the land mobile service.

NG25 The frequency 6240 kc/s may be authorized to ship telephone stations and coast telephone stations operating in the Mississippi River maritime mobile service system on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

NG26 In Puerto Rico and the Virgin Islands only, the bands 154.04–154.46 Mc/s and 161.385–161.875 Mc/s are allocated exclusively to (a) aeronautical fixed service, (b) domestic fixed public service, and (c) international fixed public service, and are not available to the mobile services.

NG27 The frequency 6455 kc/s may be authorized to ship telephone stations and coast telephone stations operating in the Mississippi River maritime mobile service system on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

NG28 The frequency band 160.86–161.40 Mc/s is available for assignment to remote pickup base and remote pickup mobile stations in Puerto Rico and the Virgin Islands only, on a shared basis with the land transportation radio service.

NG29 Ship or coast radiotelephone stations operating in the Mississippi River system may be authorized to use the frequencies 4072.4, 4377.4 and 8210.8 kc/s. These frequencies are replacements for 4067, 4372.4 and 8205.5 kc/s, respectively, which shall not be used for such operations after June 30, 1962.

NG30 Stations in the international fixed public radiocommunication service in Florida, south of 25°30′ north latitude, may be authorized to use frequencies in the band 716–890 Mc/s on the condition that harmful interference will not be caused to the broadcasting service of any country. This is an interim allocation the termination of which will later be specified by the Commission when it is determined that equipments are generally available for use in bands allocated internationally to the fixed service.

NG31 The spacing between frequency assignments in this band shall be 10 kc/s. The first and last assignable frequencies are those indicated in column 10.

NG32 The spacing between frequency assignments in this band shall be 20 kc/s. The first and last assignable frequencies are those indicated in column 10.

NG33 The spacing between frequency assignments in this band shall be 40 kc/s. The

first and last assignable frequencies are those indicated in column 10.

NG34 The spacing between frequency assignments in this band shall be 50 kc/s. The first and last assignable frequencies are those indicated in column 10.

NG35 The spacing between frequency assignments in this band shall be 100 kc/s. The first and last assignable frequencies are those indicated in column 10.

NG36 The spacing between frequency assignments in this band shall be 200 kc/s. The first and last assignable frequencies are those indicated in column 10.

NG38 The frequencies 152.3, 152.36, 152.42, 157.56, 157.62, and 157.68 Mc/s may be assigned exclusively to stations in the industrial radio service outside standard metropolitan areas of 50,000 or more population.

NG39 Citizens radio service operations may be authorized only in the 466.475–467.475 Mc/s portion of this band.

NG40 Non-Government fixed stations which were authorized on April 16, 1958, to use frequencies in the band 890–942 Mc/s may, upon the showing that interference is being caused by or to their assignments, be authorized to use frequencies in the band 942–952 Mc/s provided the bandwidth of emission does not exceed 1100 kc/s and provided that an engineering study by the Commission indicates that the proposed frequency assignment for such stations in the band 942–952 Mc/s is likely to result in the elimination of the interference occurring in the band 890–942 Mc/s, and will not cause interference to existing operations in the band 942–952 Mc/s.

NG41 Frequencies in the bands 3700–4200 Mc/s, 5925–6425 Mc/s, and 10,700–11,700 Mc/s may also be assigned to stations in the international fixed public and international control services located in U.S. Possessions in the Caribbean area.

NG42 Non-Government stations in the radiolocation service shall not cause harmful interference to the amateur service.

NG43 Fixed stations in the domestic public radio services in Alaska, south of 56° north latitude and east of 134° west longitude, may be authorized to use frequencies in the band 800–830 Mc/s, on the condition that harmful interference will not be caused to the broadcasting service of any country.

NG44 Under exceptional circumstances, the frequencies 2638 and 2738 kc/s may be authorized to coast stations.

NG45 Authorizations in this frequency band will be granted for omnidirectional point-to-point operations only, excluding broadcast and auxiliary broadcast operations.

NG46 Licensees holding a valid authorization on July 15, 1963, to operate in the frequency bands 6425–6525 Mc/s, 6525–6575 Mc/s, 7050–7125 Mc/s, and 10550–10680 Mc/s may continue to be authorized for such operation until July 15, 1968, on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

NG47 Pending determination of final action concerning allocation of the 2500–2690 Mc/s band to the instructional television service and further order of the Commission, frequencies in this band are not available for operation of new radio systems comprised of operational fixed or international control stations except for those stations which comply with the technical standards established for the instructional television service. [Reference, Report and Order FCC 63–722, in Docket No. 14744.]

NG48 Stations in the broadcasting service will not be authorized in the band 608–614 Mc/s prior to January 1, 1974. In the interim the band is available for use by the radio astronomy service. The radio astronomy service shall be protected from extra-band radiation only to the extent that offending stations are required to comply with the technical standards applicable to the service in which they operate.

U.S. FOOTNOTES

US1 Pulsed emissions prohibited.

US2 The frequency 132.0 Mc/s may be authorized to non-Government stations only.

US3 The Government fixed, mobile except aeronautical mobile (R), and radiolocation services may be authorized in the band 132.0–136.0 Mc/s on condition that harmful interference is not caused to the aeronautical mobile (R) service.

US5 Until January 1, 1970, the frequencies 217.425 through 217.675 Mc/s and 219.325 through 219.575 Mc/s, inclusive, may be authorized for use by non-Government telemetering mobile stations aboard aircraft and telemetering land stations, for telemetering to and from aircraft in flight, when an engineering study indicates that harmful interference will not be caused to stations operating in accordance with the Table of Frequency Allocations.

US6 Radio altimeters will not be permitted to use the band 420–460 Mc/s after February 15, 1968.

US7 In the band 420–450 Mc/s and within the following areas, the DC plate power input to the final stage of the transmitter shall not exceed 50 watts, unless expressly authorized by the Commission after mutual agreement, on a case-by-case basis, between the Federal Communications Commission Engineer in Charge at the applicable District Office and the Military Area Frequency Coordinator at the applicable military base:

(a) Those portions of Texas and New Mexico bounded on the south by latitude 31°53′ North, on the east by longitude 105°-40′ West, on the north by latitude 33°24′ North, and on the west by longitude 106°40′ West;

(b) The entire State of Florida, including the Key West area and the areas enclosed within a 200-mile radius of Patrick Air Force Base, Florida (latitude 28°21′ North, longitude 80°43′ West), and within a 200-mile radius of Eglin Air Force Base, Florida (latitude 30°30′ North, longitude 86°30′ West);

(c) The entire State of Arizona;

(d) Those portions of California and Nevada south of latitude 37°10′ North, and the areas enclosed within a 200-mile radius of the U.S. Naval Missile Center, Point Mugu, California (latitude 34°09′ North, longitude 119°11′ West).

US8 The use of the frequencies 170.475, 171.425, 171.575, and 172.275 Mc/s east of the Mississippi River, and 170.425, 170.575, 171.475, 172.225, and 172.375 Mc/s west of the Mississippi River may be authorized to fixed, land and mobile stations operated by non-Federal forest fire-fighting agencies. In addition, land stations and mobile stations operated by non-Federal conservation agencies, for mobile relay operation only, may be authorized to use the frequency 172.275 Mc/s east of the Mississippi River and the frequency 171.475 Mc/s west of the Mississippi River. The use of any of the foregoing nine frequencies shall be on the condition that no harmful interference will be caused to Government stations.

US9 In order to provide for intercommunication for safety purposes between Government and non-Government stations in the maritime mobile service, the frequencies 157.05, 157.1 and 157.15 Mc/s are allocated exclusively in all areas, to Government stations in the fixed and mobile services, and the frequencies 173.225, 173.25, 173.275, 173.3, 173.325, 173.35 and 173.375 Mc/s are allocated exclusively in all areas, to non-Government stations in the fixed and land mobile services.

US10 The use of the frequencies 26.62 Mc/s (in all areas), 143.91 Mc/s (in the continental United States excluding Alaska), and 148.14 Mc/s (in all areas) may be authorized to Civil Air Patrol land stations and Civil Air Patrol mobile stations on the condition that harmful interference will not be caused to Government stations.

US11 The use of the frequencies 166.250 and 170.15 Mc/s may be authorized to non-Government remote pickup broadcast base and land mobile stations and to non-Government base, fixed and land mobile stations in the public safety radio services (the sum of the bandwidth of emission and tolerance not to exceed 60 kc/s) in the continental United States (excluding Alaska) only, except within the area bounded on the west by the Mississippi River, on the north by the parallel of latitude 37°30′ N., and on the east and south by that arc of the circle with center at Springfield, Ill., and radius equal to the airline distance between Springfield, Ill., and Montgomery, Ala., subtended between the foregoing west and north boundaries, on the condition that harmful interference will not be caused to Government stations present or future in the Government band 162–174 Mc/s. The use of these frequencies by remote pickup broadcast stations will not be authorized for locations within 150 miles of New York City; and the use of these frequencies by the public safety radio services will not be authorized except for locations within 150 miles of New York City.

US12 The use of the frequency 162.0 Mc/s may be authorized to non-Government coast stations only.

US13 For the specific purpose of transmitting hydrological and meteorological data in cooperation with agencies of the Federal Government, the following frequencies may be authorized to non-Government fixed stations on the condition that harmful interference will not be caused to Government stations:

Mc/s	*Mc/s*	*Mc/s*	*Mc/s*
169.425	170.275	171.125	406.075
169.450	170.300	171.825	406.125
169.475	170.325	171.850	406.175
169.500	171.025	171.875	412.625
169.525	171.050	171.900	412.675
170.225	171.075	171.925	412.725
170.250	171.100	406.025	412.775

Licensees holding a valid authorization on June 11, 1962, to operate on the frequencies 169.575, 170.375, 171.175, 171.975, or 406.050 Mc/s may continue to be authorized for such operation on the condition that harmful interference will not be caused to Government stations.

US14 This frequency band is not available to non-Government stations, except that, in Regions 1 and 3 only, the frequency 512 kc/s may be authorized for use by non-Government ship telegraph stations as a working frequency and, when 500 kc/s is being used for distress purposes, as a supplementary calling frequency.

US15 The use of the frequency 540 kc/s is subject to the conditions that no harmful interference is caused to the services operating on 500 kc/s, and in the band 510–535 kc/s.

US16 Airdrome control stations may continue to be authorized to use frequencies in the band 290–325 kc/s on the condition that harmful interference will not be caused to stations of services operating in accordance with the Table of Frequency Allocations.

US17 For the radiolocation activities of the petroleum industry only, radiolocation land stations and radiolocation mobile stations making use of SHORAN equipment may be authorized the use of the frequencies 230 Mc/s, 250 Mc/s and 310 Mc/s at locations within 150 miles of the respective shorelines of California, Alaska, Oregon, Washington (including the area in and about Puget Sound), and the Gulf of Mexico provided that no harmful interference is caused to services operating in accordance with the Table of Frequency Allocations and provided that SHORAN operations are coordinated locally in advance with Federal Government authorities making use of frequencies in this band in the same area.

US18 Navigation aids in the U.S. and possessions between 90 and 110 kc/s, 200 and 415 kc/s, and 1800 and 2000 kc/s, are normally operated by the U.S. Government. However, authorizations may be made by the Commission for non-Government operation in these bands subject to the conclusion of appropriate arrangements between the Commission and the Government agencies concerned and upon special showing of need for service which the Government is not yet prepared to render.

US19 In the band 405–415 kc/s, stations in the aeronautical mobile service shall not cause harmful interference to stations in the radionavigation service.

US20 In Alaska, Government stations in the fixed service may be authorized to use frequencies in the band 72–73 and 75.4–76 Mc/s on the condition that harmful interference will not be caused to the reception of TV channel 4.

US21 Existing Government operations and non-Government stations authorized in this band as of December 1, 1961, may continue and shall not be required to afford protection to the radio astronomy service.

US22 Existing stations holding a valid authorization to operate in this band as of December 1, 1961, may continue to so operate and shall not be required to afford protection to the radio astronomy service in this band.

US23 In Alaska, the frequency bands 76–88 Mc/s and 88–100 Mc/s are allocated to Government radio services and the non-Government fixed service.

US24 Government fixed stations in the Midway Islands use frequencies in the band 54.0–54.4 Mc/s: U.S. stations in the broadcasting service will not be authorized to use frequencies in the band 54–60 Mc/s at any island in the Pacific Ocean west of the Island of Oahu, Hawaii, except within American Samoa; non-Government experimental stations, other than contract developmental stations, will not be authorized to use frequencies in the band 54.0–54.4 Mc/s at any island in the Pacific Ocean west of the Island of Oahu, Hawaii. This note does not apply to Alaska.

US25 The use of frequencies in the band 25.85–26.1 Mc/s may be authorized in any area to non-Government remote pickup broadcast base and mobile stations on the condition that harmful interference is not caused to stations in the broadcasting service.

US26 The bands 117.975–121.425 and 123.575–126.825 Mc/s are for air traffic control communications.

US27 The frequency 121.6 Mc/s is for search and rescue communications. Aeronautical utility land and mobile stations may use this frequency on the condition that no harmful interference is caused to search and rescue communications during any period of search and rescue operations in the locale involved.

US28 The band 121.65–121.975 Mc/s is for use by aeronautical utility land and mobile stations, and for air traffic control communications.

US29 The current use of the band 121.975–123.075 Mc/s by military aircraft is temporary and may continue until they are moved to an appropriate band.

US30 The band 121.975–123.075 Mc/s is available to FAA aircraft for communications pursuant to flight inspection functions in accordance with the Federal Aviation Act of 1958.

US31 The band 121.975–123.075 Mc/s is for use by private aircraft stations. In addition, the frequencies 122.8 and 123.0 Mc/s may be used by aeronautical advisory stations and the frequency 122.9 Mc/s may be used by aeronautical multicom stations.

US32 The band 123.075–123.575 Mc/s is for (a) non-Government operations in accordance with the Commission's Rules and (b) for FAA communications incident to flight test activities pertinent to aircraft certification.

US33 The band 123.075–123.575 Mc/s is for use by flight test and flying school stations.

US34 The only non-Government service permitted in the band 220–225 Mc/s is the amateur service. The amateur service shall not cause harmful interference to the radiolocation service.

US35 Except as provided by footnote (US6), the only non-Government service permitted in the band 420–450 Mc/s is the amateur service. The amateur service shall not cause harmful interference to the radiolocation service.

US36 Each non-Government station in the fixed service, authorized to operate in the band 890–942 Mc/s and holding a valid authorization to so operate as of April 16, 1958, may continue to operate in that band for the duration of the term of its authorization in effect as of that date, and shall be protected from harmful interference from the radiolocation service during such term. Renewals of such authorizations, however, shall be contingent upon the condition that each such fixed station (1) accept any harmful interference that may be experienced from the operation of ISM equipments on 915 Mc/s (2) accept any harmful interference that may be experienced from the radiolocation service and (3) shall not cause harmful interference to the radiolocation service.

US37 The only non-Government service permitted in the band 1215–1300 Mc/s is the amateur service. The amateur service shall not cause harmful interference to the radiolocation service.

US38 The non-Government use of the band 1300–1350 Mc/s is limited to the aeronautical radionavigation service.

US39 Radio altimeters are permitted in the band 1600–1660 Mc/s until such time as international standardization of other aeronautical radionavigation systems or devices requires the discontinuance of radio altimeters in this band.

US40 The only non-Government service permitted in the band 2300–2450 Mc/s is the amateur service. The amateur service shall not cause harmful interference to the radiolocation service.

US41 The Government radiolocation service is permitted in the band 2450–2500 Mc/s on the condition that harmful interference is not caused to non-Government services.

US42 Temporarily, and until certain operations of the radiolocation service in the band 2700–2900 Mc/s can be transferred to other appropriate frequency bands, the aeronautical radionavigation and meteorological aids services may, in certain geographical areas, be subject to receiving some degree of interference from the radiolocation service.

US43 Non-Government land based radars in the aeronautical radionavigation service may be authorized in the band 2700–2900 Mc/s, subject to the conclusion of appropriate arrangements between the Commission and the Government agencies concerned, and upon special showing of need for service which the Government is not yet prepared to render.

US44 The non-Government radiolocation service may be authorized in the band 2900–3100 Mc/s on the condition that no harmful interference is caused to Government services.

US45 Each non-Government radiolocation land or radiolocation mobile station authorized to operate in the band 3100–3246 Mc/s, 3266–3300 Mc/s, or 9200–9300 Mc/s and holding a valid authorization to so operate as of April 16, 1958, may continue to operate in that band for the duration of the term of its authorization in effect as of that date. Renewals of such authorizations, however, shall be contingent upon the condition that each such station shall not cause harmful interference to Government services.

US46 Each non-Government radionavigation station authorized to operate a shipborne radar in the band 3100–3246 Mc/s, and holding a valid authorization to so operate as of April 16, 1958, may continue to operate in that band for the duration of the term of its authorization in effect as of that date. Renewals of such authorizations, however, shall be contingent upon the condition that each such station must accept any harmful interference that might be experienced from Government services in that band.

US47 The band 4200–4400 Mc/s is reserved exclusively for radio altimeters until such time as international standardization of other aeronautical radionavigation systems or devices requires the discontinuance of radio altimeters in this band.

US48 The non-Government radiolocation service may be authorized in the band 5350–5460 Mc/s on the condition that it does not cause harmful interference to the aeronautical radionavigation service or to the Government radiolocation service.

US49 The non-Government radiolocation service may be authorized in the band 5460–5470 Mc/s on the condition that it does not cause harmful interference to the aeronautical or maritime radionavigation services or to the Government radiolocation service.

US50 The non-Government radiolocation service may be authorized in the band 5470–5600 Mc/s on the condition that it does not cause harmful interference to the maritime radionavigation service or to the Government radiolocation service.

US51 In the band 5600–5650 Mc/s, the non-Government radiolocation service shall not cause harmful interference to the Government radiolocation service.

US52 The only non-Government service permitted in the band 5650–5925 Mc/s is the amateur service. The amateur service shall not cause harmful interference to the radiolocation service.

US53 In view of the fact that the band 13,250–13,400 Mc/s is allocated exclusively to doppler navigation aids, Government and non-Government airborne doppler radars in the aeronautical radionavigation service are permitted in the band 8750–8850 Mc/s only on the condition that they must accept any interference which may be experienced from stations in the radiolocation service in the band 8500–10,000 Mc/s.

US54 Temporarily, and until certain operations of the radiolocation service in the band 9000–9200 Mc/s can be transferred to other appropriate frequency bands, the aeronautical radionavigation service may, in certain geographical areas, be subject to receiving some degree of interference from the radiolocation service.

US55 The non-Government radiolocation service may be authorized in the band 9000–9200 Mc/s on the condition that harmful interference is not caused to the aeronautical radionavigation service or the Government radiolocation service.

US56 The non-Government radiolocation service may be authorized in the band 9300–9500 Mc/s on the condition that harmful interference is not caused to the Government radiolocation service.

US58 In the band 10,000–10,500 Mc/s, pulsed emissions are prohibited. The amateur service and non-Government radiolocation services, which shall not cause harmful interference to the Government radiolocation service, are the only non-Government services permitted in this band. The non-Government radiolocation service is limited to survey operations using transmitters with a power not to exceed one watt into the antenna.

US59 The band 10,500–10,550 Mc/s is restricted to systems using type AO emission

with a power not to exceed 40 watts into the antenna.

US60 The use of this band by non-Government services is limited to the space and earth-space services.

US61 The use of this band by non-Government services is limited to the amateur service.

US62 The use of this band by Government services is limited to the space and earth-space services.

US63 The use of this band in the space and earth-space services is primarily for communications other than telemetering and tracking.

US64 The use of this band in the space and earth-space services is primarily for telemetering and tracking.

US65 The use of the band 5460–5650 Mc/s by the maritime radionavigation service is limited to shipborne radars.

US66 The use of the band 9300–9500 Mc/s by the aeronautical radionavigation service is limited to airborne radars and associated airborne beacons.

US67 The use of the band 9300–9500 Mc/s by the meteorological aids service is limited to ground-based radars. Radiolocation installations will be coordinated with the meteorological aids service and, insofar as practicable, will be adjusted to meet the requirements of the meteorological aids service.

US68 The non-Government use of this band is limited to the radio astronomy service.

US69 In the band 31,800–33,400 Mc/s, ground-based radionavigation aids are not permitted except where they operate in cooperation with airborne or shipborne radionavigation devices.

US70 The meteorological aids service allocation in the band 400–406 Mc/s does not preclude the operation therein of associated ground transmitters.

US71 In the band 9300–9320 Mc/s, low-powered maritime radionavigation stations shall be protected from harmful interference caused by the operation of land-based equipment.

US72 In the band 24,250–25,250 Mc/s, Government radiolocation devices (ASDE) are permitted between 24,250–24,470 Mc/s on a shared basis.

US73 Where protection of space or earth-space operations is necessary at specific ground receiving stations from fixed and mobile service operations in the band 1427–1429 Mc/s, coordination will be effected with agencies concerned to accomplish such local protection.

US74 The radio astronomy service shall be protected from harmful interference from services operating in other bands only to the extent that these services are protected from each other.

US75 Except as provided by footnote US21, the non-Government use of this band is limited to the radio astronomy service.

US76 The allocation to the space and earth-space services is for research purposes only.

US77 The frequencies 156.6 and 156.7 Mc/s for use on a simplex basis and the frequency pair 157.0/161.6 Mc/s for ship and coast stations, respectively, for use on a duplex basis, may also be authorized to Government stations in the maritime mobile service for port operations only.

US78 In the band 1435–1535 Mc/s, the frequencies between 1435 and 1485 Mc/s will be assigned primarily for the flight testing of manned aircraft, or major components thereof; the frequencies between 1485 and 1535 Mc/s will be assigned primarily for the flight testing of unmanned aircraft and missiles or major components thereof. Specifically included as permissible usage for aeronautical telemetering stations in the band 1435–1535 Mc/s is telemetry associated with launching and reentry into the earth's atmosphere, as well as any incidental orbiting prior to reentry, of manned or unmanned objects undergoing flight tests.

US79 The aeronautical radionavigation service may be authorized the use of the frequencies 1638 kc/s and 1708 kc/s only.

US80 Government stations may use the frequency 122.9 Mc/s subject to the following conditions:

(a) All operation by Government stations shall be restricted to the purpose for which the frequency is authorized to non-Government stations, and shall be in accordance with the appropriate provisions of the Commission's rules and regulations, Part 9, Aviation Services;

(b) Use of the frequency is required for coordination of activities with Commission licensees operating on this frequency; and

(c) Government stations will not be authorized for operation at fixed locations.

US81 The band 38–38.16 Mc/s may be used by both Government and non-Government radio astronomy observatories. Government fixed and mobile stations in the band 38–38.16 Mc/s will be moved to other bands on a case-by-case basis, as required, to protect radio astronomy observations from harmful interference. As an exception, however, low-powered military transportable and mobile stations used for tactical and training purposes will continue to use the band. To the extent practicable, the latter operations will be adjusted to relieve such interference as may be caused to radio astronomy observations. In the event of harmful interference from such local operations, radio astronomy observatories may contact local military commands directly, with a view to effecting relief. A list of military commands, areas of coordination, and points of contact for purposes of relieving interference may be obtained upon request from the Office of Chief Engineer, Federal Communications Commission, Washington, D.C., 20554.

Subpart C—Emissions

§ 2.201 Emission, modulation, and transmission characteristics.

The following system of designating emission, modulation and transmission characteristics shall be employed.

(a) Emissions are designated according to their classification and their necessary bandwidth.

(b) Emissions are classified and symbolized according to the following characteristics:

(1) Type of modulation of main carrier.

(2) Type of transmission.

(3) Supplementary characteristics.

(c) Types of modulation of main carrier:

	Symbol
(1) Amplitude	A
(2) Frequency (or Phase)	F
(3) Pulse	P

(d) Types of transmission:

	Symbol
(1) Absence of any modulation intended to carry information	0
(2) Telegraphy without the use of a modulating audio frequency	1
(3) Telegraphy by the on-off keying of a modulating audio frequency or audio frequencies, or by the on-off keying of the modulated emission (special case: an unkeyed modulated emission)	2
(4) Telephony (including sound broadcasting)	3
(5) Fascimile (with modulation of main carrier either directly or by a frequency modulated sub-carrier)	4
(6) Television (visual only)	5
(7) Four-frequency diplex telegraphy	6
(8) Multichannel voice-frequency telegraphy	7
(9) Cases not covered by the above	9

(e) Supplementary characteristics:

(1) Double sideband	(None)
(2) Single sideband:	
(i) Reduced carrier	A
(ii) Full carrier	H
(iii) Suppressed carrier	J
(3) Two independent sidebands	B
(4) Vestigial sideband	C
(5) Pulse:	
(i) Amplitude modulated	D
(ii) Width (or duration) modulated	E
(iii) Phase (or position) modulated	F
(iv) Code modulated	G

(f) The classification of typical emissions is tabulated as follows:

Type of modulation of main carrier	Type of transmission	Supplementary characteristics	Symbol
Amplitude modulation	With no modulation		A0
	Telegraphy without the use of a modulating audio frequency (by on-off keying).		A1
	Telegraphy by the on-off keying of an amplitude modulating audio frequency or audio frequencies, or by the on-off keying of the modulated emission (special case: an unkeyed emission amplitude modulated).		A2
	Telephony	Double sideband	A3
		Single sideband, reduced carrier.	A3A
		Single sideband, suppressed carrier.	A3J
		Two independent sidebands	A3B
	Facsimile (with modulation of main carrier either directly or by a frequency modulated subcarrier).		A4
	Facsimile	Single sideband, reduced carrier.	A4A
	Television	Vestigial sideband	A5C
	Multichannel voice-frequency telegraphy	Single sideband, reduced carrier.	A7A
	Cases not covered by the above, e.g. a combination of telephony and telegraphy.	Two independent sidebands	A9B

Type of modulation of main carrier	Type of transmission	Supplementary characteristics	Symbol
Frequency (or Phase) modulation.	Telegraphy by frequency shift keying without the use of a modulating audio frequency: one of two frequencies being emitted at any instant.		F1
	Telegraphy by the on-off keying of a frequency modulating audio frequency or by the on-off keying of a frequency modulated emission (special case: an unkeyed emission, frequency modulated).		F2
	Telephony		F3
	Facsimile by direct frequency modulation of the carrier.		F4
	Television		F5
	Four-frequency diplex telegraphy		F6
	Cases not covered by the above, in which the main carrier is frequency modulated.		F9
Pulse modulation	A pulsed carrier without any modulation intended to carry information (e.g. radar).		P0
	Telegraphy by the on-off keying of a pulsed carrier without the use of a modulating audio frequency.		P1D
	Telegraphy by the on-off keying of a modulating audio frequency or audio frequencies, or by the on-off keying of a modulated pulsed carrier (special case: an unkeyed modulated pulsed carrier).	Audio frequency or audio frequencies modulating the amplitude of the pulses.	P2D
		Audio frequency or audio frequencies modulating the width (or duration) of the pulses.	P2E
		Audio frequency or audio frequencies modulating the phase (or position) of the pulses.	P2F
	Telephony	Amplitude modulated pulses	P3D
		Width (or duration) modulated pulses.	P3E
		Phase (or position) modulated pulses.	P3F
		Code modulated pulses (after sampling and quantization).	P3G
	Cases not covered by the above in which the main carrier is pulse modulated.		P9

(g) Type B emission: As an exception to the above principles, damped waves are symbolized in the Commission's rules and regulations as type B emission.

(h) Whenever the full designation of an emission is necessary, the symbol for that emission, as given above, shall be preceded by a number indicating in kilocycles per second the necessary bandwidth of the emission. Bandwidths shall generally be expressed to a maximum of three significant figures, the third figure being almost always a nought or a five.

§ 2.202 Bandwidths.

(a) Occupied bandwidth: The frequency bandwidth such that, below its lower and above its upper frequency limits, the mean powers radiated are each equal to 0.5 percent of the total mean power radiated by a given emission. In some cases, for example multichannel frequency-division systems, the percentage of 0.5 percent may lead to certain difficulties in the practical application of the definitions of occupied and necessary bandwidth; in such cases a different percentage may prove useful.

(b) Necessary bandwidth: For a given class of emission, the minimum value of the occupied bandwidth sufficient to ensure the transmission of information at the rate and with the quality required for the system employed, under specified conditions. Emissions useful for the good functioning of the receiving equipment as, for example, the emission corresponding to the carrier of reduced carrier systems, shall be included in the necessary bandwidth.

(c) The necessary bandwidth may be determined by one of the following methods:

(1) Use of the formulas included in the following Table which also gives examples of necessary bandwidths and designation of corresponding emissions;

(2) Computation in accordance with Recommendations of the International Radio Consultative Committee (C.C.I.R.);

(3) Measurement, in cases not covered by subparagraphs (1) or (2) of this paragraph.

(d) The value so determined should be used when the full designation of an emission is required. However, the necessary bandwidth so determined is not the only characteristic of an emission to be considered in evaluating the interference that may be caused by that emission.

(e) In the formulation of the table, the following terms have been employed:

B_n = Necessary bandwidth in cycles per second.
B = Telegraph speed in bauds.
N = Maximum possible number of black plus white elements to be transmitted per second, in facsimile and television.
M = Maximum modulation frequency in cycles per second.
C = Subcarrier frequency in cycles per second.
D = Half the difference between the maximum and minimum values of the instantaneous frequency. Instantaneous frequency is the rate of change of phase.
t = Pulse duration in seconds.
K = An overall numerical factor which varies according to the emission and which depends upon the allowable signal distortion.

I. Amplitude Modulation

Description and class of emission	Necessary bandwidth in cycles per second	Examples	
		Details	Designation of emission
Continuous wave telegraphy, A1.	$B_n=BK$ $K=5$ for fading circuits. $K=3$ for nonfading circuits.	Morse code at 25 words per minute, $B=20$, $K=5$. Bandwidth: 100 c/s. Four-channel time-division multiplex, 7-unit code, 42.5 bauds per channel, $B=170$, $K=5$. Bandwidth: 850 c/s.	0.1A1 0.85A1
Telegraphy modulated by an audio frequency, A2.	$B_n=BK+2M$ $K=5$ for fading circuits. $K=3$ for nonfading circuits.	Morse code at 25 words per minute, $B=20$, $M=1,000$, $K=5$. Bandwidth: 2,100 c/s.	2.1A2
Telephony, A3.	$B_n=M$ for single sideband. $B_n=2M$ for double sideband.	Double sideband telephony $M=3,000$. Bandwidth: 6,000 c/s. Single sideband telephony reduced carrier, $M=3,000$. Bandwidth: 3,000 c/s. Telephony, two independent sidebands, $M=3,000$. Bandwidth: 6,000 c/s.	6A3 3A3A 6A3B
Sound broadcasting A3.	$B_n=2M$ M may vary between 4,000 and 10,000 depending on quality desired.	Speech and music, $M=4,000$. Bandwidth: 8,000 c/s.	8A3
Facsimile, carrier modulated by tone and by keying, A4.	$B_n=KN+2M$ $K=1.5$	The total number of picture elements (black plus white) transmitted per second is equal to the circumference of the cylinder multiplied by the number of lines per unit length and by the speed of rotation of the cylinder in revolutions per second. Diameter of cylinder=70 mm. Number of lines per mm=5. Speed of rotation=1 r.p.s. $N=1,100$. $M=1,900$. Bandwidth: 5,450 c/s.	5.45A4

I. Amplitude Modulation—Continued

Description and class of emission	Necessary bandwidth in cycles per second	Examples: Details	Examples: Designation of emission
Television (visual and aural) A5 and F3.	Refer to relevant CCIR documents for the bandwidths of the commonly used television systems.	Number of lines=525. Number of lines per second=15,750. Video bandwidth: 4.2 Mc/s. Total visual bandwidth: 5.75 Mc/s. FM aural bandwidth including guard bands: 250,000 c/s. Total bandwidth: 6 Mc/s.	5750A5C 250F3
Composite transmission, A9.	$B_n=2M$ (double sideband)	Television relay, video limited to 4 Mc/s, audio on 6.5 Mc/s FM subcarrier, subcarrier deviation=50 kc/s. M=subcarrier frequency plus its maximum deviation=6.55×10^6. Bandwidth: 13.1×10^6 c/s.	13,100A9
Composite transmission, A9.	$B_n=2M$ (double sideband)	Microwave relay system providing 10 telephone channels occupying baseband between 4 and 164 kc/s. M=164,000. Bandwidth: 328,000 c/s.	328A9

II. Frequency Modulation

Description and class of emission	Necessary bandwidth in cycles per second	Examples: Details	Examples: Designation of emission
Frequency-shift telegraphy: F1.	$B_n=2.6D+0.55B$ for $1.5\leq\frac{2D}{B}\leq5.5$. $B_n=2.1D+1.9B$ for $5.5\leq\frac{2D}{B}\leq20$.	Four-channel time-division multiplex with 7-unit code, 42.5 bauds per channel, B=170, D=200; $\frac{2D}{B}$=2.35, therefore the first formula in column 2 applies. Bandwidth: 613 c/s	0.6F1
Commercial telephony: F3.	$B_n=2M+2DK$ K is normally 1 but under certain conditions a higher value may be necessary.	For an average case of commercial telephony, D=15,000 M=3,000. Bandwidth: 36,000 c/s.	36F3
Sound broadcasting: F3.	$B_n=2M+2DK$	D=75,000, M=15,000 and assuming K=1. Bandwidth: 180,000 c/s	180F3
Facsimile: F4.	$B_n=KN+2M+2D$ K=1.5	(See facsimile, amplitude modulation.) Diameter of cylinder=70 mm. Number of lines per mm=5. Speed of rotation=1 r.p.s. N=1,100. M=1,900. D=10,000. Bandwidth: 25,450 c/s.	25.5F4
Four-frequency diplex Telegraphy: F6.	If the channels are not synchronized, $B_n=2.6D+2.75B$ where B is the speed of the higher speed channel. If the channels are synchronized the bandwidth is as for $F1$, B being the speed of either channel.	Four-frequency diplex system with 400 c/s spacing between frequencies, channels not synchronized, 170 bauds keying in each channel, D=600, B=170. Bandwidth: 2,027 c/s.	2.05F6
Composite transmission: F9.	$B_n=2M+2DK$	Microwave relay system providing 240 telephone channels occupying baseband between 60 and 1050 kilocycles. $M=1.05\times10^6$. $D=2.35\times10^6$; Bandwidth: 6.8×10^6 c/s.	6800F9

II. Frequency Modulation—Continued

Description and class of emission	Necessary bandwidth in cycles per second	Examples: Details	Examples: Designation of emission
Composite transmission: F9.	$B_n=2M+2DK$	TV microwave relay, aural program on 7.5 Mc/s subcarrier; subcarrier deviation plus or minus 150 kilocycles. M=subcarrier frequency plus maximum deviation=(7.5 plus 0.15)$\times10^6$. $D=1\times10^6$ (visual) plus 0.3×10^6 (aural). Bandwidth: 17.9×10^6 c/s.	17,900F9
Composite transmission: F9.	$B_n=2M+2DK$ K=1	Stereophonic FM broadcasting (U.S. system) with multiplexed subsidiary communications subcarrier, M=75,000, D=75,000. Bandwidth: 300,000 c/s.	300F9

III. Pulse Modulation

Unmodulated pulse: P0	$B_n=\frac{2K}{t}$ K depends on the ratio of pulse duration to pulse rise time. Its value usually falls between 1 and 10 and in many cases it does not need to exceed 6.	$t=3\times10^{-6}$, K=6 Bandwidth: 4×10^6 c/s.	4000P0
Modulated pulse: P2 or P3.	The bandwidth depends on the particular types of modulation used, many of these being still in the development stage.		
Composite transmission: P9.	$B_n=\frac{2K}{t}$ K=1.6	Microwave relay, pulse-position modulated by 36 channel baseband; pulse width at half amplitude = 0.4 microseconds. Bandwidth: 8×10^6 c/s.	8000P9

Subpart D—Identification of Radio Communication, and Allocation and Use of Call Signs

§ 2.301 Identification of transmissions.

For the purpose of identifications, with a view to the elimination of harmful interference and the general enforcement of applicable radio treaties, conventions, regulations, arrangements and agreements in force, and the enforcement of the Communications Act of 1934, as amended, and the Commission's rules, each station using radio frequencies shall identify its transmissions as prescribed by the rules governing the class of station to which it belongs.

§ 2.302 Table of allocation of call signs.

The table which follows indicates the composition and blocks of international call signs available for assignment when such call signs are required to be transmitted for station identification by the rules pertaining to particular classes of stations. Assignments will be made in each block beginning with the lowest alphabetic and numerical combination available in each call sign district and increasing until requirements are met. When stations operating in two or more classes are authorized to the same licensee, for the same location, the Commission will assign a separate call sign to each station in a different class, according to the following table:

Col. 1 Class of station	Col. 2 Composition of call sign	Col. 3 Call sign blocks available
Coast [1]	3 letters	KAA thru KZZ. WAA thru WZZ.
Aeronautical [2]	3 letters, 1 digit	KAA2 thru KZZ9. WAA2 thru WZZ9.
Fixed,[2] coastal telephone in Alaska	3 letters, 2 digits	KAA20 thru KZZ99. WAA20 thru WZZ99.
Land (other than aeronautical and coast) [2]	3 letters, 3 digits	KAA200 thru KZZ999. WAA200 thru WZZ999.
Mobile telegraph (other than ship and aircraft).	4 letters, 1 digit	KAAA2 thru KZZZ9. WAAA2 thru WZZZ9.
Mobile telephone (other than ship and aircraft).	2 letters, 4 digits	KA2000 thru KZ9999.
Ship telegraph	4 letters	KAAA thru KZZZ. WAAA thru WZZZ.
Ship telephone [3]	2 letters, 4 digits	WA2000 thru WZ9999.
Ship telegraph and telephone	Same as for ship telegraph	
Ship radar [3]	Same as ship telephone	
Ship radar and telegraph	Same as for ship telegraph	
Ship radar and telephone	Same as for ship telephone	
Aircraft telegraph	5 letters	KAAAA thru KYZZZ. WAAAA thru WZZZZ.
Aircraft telephone	Registration Number	
Aircraft telegraph and telephone	Same as for Aircraft telegraph	
Lifeboats, lifecrafts and other survival craft	Call sign of parent ship or Aircraft plus 2 digits from 20 to 99 inclusive. The parent call sign must in such cases be a 5 letter call, if aircraft, or a 4 letter call, if a ship. See Parts 8 and 9 of this chapter.	
Broadcasting [4] (standard)		KAAA thru KZZZ. WAAA thru WZZZ.
Broadcasting (FM)	4 letters	KAAA thru KZZZ. WAAA thru WZZZ.
Broadcasting (FM) (where the last 2 letters are FM).	5 letters [5]	KAA–FM thru KZZ–FM. WAA–FM thru WZZ–FM.
Do	6 letters	KAAA–FM thru KZZZ–FM. WAAA–FM thru WZZZ–FM.
Broadcasting (television)	4 letters	KAAA thru KZZZ. WAAA thru WZZZ.
Broadcasting (television) (where the last 2 letters are TV).	5 letters [5]	KAA–TV thru KZZ–TV. WAA–TV turn WZZ–TV.
Do	6 letters	KAAA–TV thru KZZZ–TV. WAAA–TV thru WZZZ–TV.
Experimental (where the letter "X" follows the digit).	(2 letters, 1 digit, 3 letters)	KA2XAA thru KZ9XZZ. WA2XAA thru WZ9XZZ.
Amateur (letter X may not follow digit)	(1 letter, 1 digit, 2 letters)	K1AA thru KØZZ. W1AA thru WØZZ.
Do	(1 letter, 1 digit, 3 letters)	K1AAA thru KØZZZ. W1AAA thru WØZZZ.
Do	(2 letters, 1 digit, 2 letters)	KA1AA thru KZØZZ. WA1AA thru WZØZZ.
Do	(2 letters, 1 digit, 3 letters)	KA1AAA thru KZØZZZ. WA1AAA thru WZØZZZ.
Standard frequency		WWV, WWVH, and WWVL.

[1] Except for coastal telephone stations in the Territory of Alaska.
[2] Assignment shall be made according to the call sign district in which the station is located.
[3] See Part 8 of this chapter for assignment of call signs to ships documented by the Customs Bureau of the Treasury Department and provided with distinguishing signals for visual and aural signaling.
[4] Any three-letter call sign now authorized for use by a licensee of a standard broadcast station may continue to be available to such licensee for use by the station to which it now is authorized.
[5] Available only to licensees of standard broadcast stations already assigned a three-letter call sign.

Subpart E—Distress, Disaster, and Emergency Communications

§ 2.401 Distress messages.

Each station licensee shall give absolute priority to radiocommunications or signals relating to ships or aircraft in distress; shall cease all sending on frequencies which will interfere with hearing a radiocommunication or signal of distress and except when engaged in answering or aiding the ship or aircraft in distress, shall refrain from sending any radiocommunications or signals until there is assurance that no interference will be caused with the radiocommunications or signals relating thereto; and shall assist the ship or aircraft in distress, so far as possible, by complying with its instructions.

§ 2.402 Control of distress traffic.

The control of distress traffic is the responsibility of the mobile station in distress or of the mobile station which, by the application of the provisions of § 2.403, has sent the distress call. These stations may, however, delegate the control of the distress traffic to another station.

§ 2.403 Retransmission of distress message.

Any station which becomes aware that a mobile station is in distress may transmit the distress message in the following cases:

(a) When the station in distress is not itself in a position to transmit the message.

(b) In the case of mobile stations, when the master or the person in charge of the ship, aircraft, or other vehicles carrying the station which intervenes believes that further help is necessary.

(c) In the case of other stations, when directed to do so by the station in control of distress traffic or when it has reason to believe that a distress call which it has intercepted has not been received by any station in a position to render aid.

§ 2.404 Resumption of operation after distress.

No station having been notified to cease operation shall resume operation on frequency or frequencies which may cause interference until notified by the station issuing the original notice that the station involved will not interfere with distress traffic as it is then being routed or until the receipt of a general notice that the need for handling distress traffic no longer exists.

§ 2.406 National defense; free service.

Any common carrier subject to the Communications Act may render to any agency of the United States Government free service in connection with the preparation for the national defense. Every such carrier rendering any such free service shall make and file, in duplicate, with the Commission, on or before the 31st day of July and on or before the 31st day of January in each year, reports covering the periods of 6 months ending on the 30th day of June and the 31st day of December, respectively, next prior to said dates. These reports shall show the names of the agencies to which free service was rendered pursuant to this rule, the general character of the communications handled for each agency, and the charges in dollars which would have accrued to the carrier for such service rendered to each agency if charges for all such communications had been collected at the published tariff rates.

§ 2.407 National defense; emergency authorization.

The Federal Communications Commission may authorize the licensee of any radio station during a period of national emergency to operate its facilities upon such frequencies, with such power and points of communication, and in such a manner beyond that specified in the station license as may be requested by the Army, Navy, or Air Force.

Subpart F—Equipment Type Approval and Type Acceptance

General

§ 2.551 Program defined.

In order to carry out its responsibilities under the Communications Act and the various treaties and international regulations, it is necessary for the Commission to ascertain that the equipment involved is capable of meeting the technical operating standards set forth in said statutes, treaties and the Commission's rules and regulations. To facilitate such determinations in those services where equipment is generally standardized, to promote the improvement of equipment and to promote the efficient use of the radio spectrum, the Commission has designed two specific procedures for securing advance approval of equipment. These procedures are designated as type approval and type acceptance. Ordinarily, type approval contemplates tests conducted by Commission personnel, while type acceptance is based on data concerning the equipment submitted by the manufacturer or the individual prospective licensee. The procedures described in this subpart are intended to apply to equipment in those services which specifically require either type approval or type acceptance. These procedures may also be applied to equipment com-

ponents, such as radio frequency power amplifiers, etc., to the extent specified in the rules of the particular service in which such components will be used.

§ 2.553 Radio equipment list.

A list of type approved and type accepted equipment is published periodically by the Commission. Public notice of type acceptance and type approval will be by publication in the equipment list, a copy of which will be furnished each manufacturer of listed equipment. Equipment which was listed prior to May 16, 1955, will be continued on the list unless it is removed by Commission action in accordance with the provisions of § 2.575. Copies of the Radio Equipment List are available for inspection at the Commission offices in Washington, D.C., and at each of its field offices. The Radio Equipment List is published in three parts:

Part A, Television Broadcast Equipment
Part B, Aural Broadcast Equipment
Part C, Other than Broadcast Equipment

§ 2.555 Making available type approved or type accepted equipment for testing or inspection.

Upon request by the Commission any manufacturer of equipment which has been type approved or type accepted by the Commission shall cooperate in making available to the Commission models of said type approved or type accepted equipment in order that the equipment may be tested or inspected either at the place of manufacture or at the Commission's laboratory at Laurel, Maryland.

§ 2.557 Limitation on availability of equipment files for public reference.

(a) Files containing information about equipment submitted by manufacturers and other persons pursuant to the rules in this part will not be open to the public.

(b) The Commission will cooperate with a manufacturer's desire to withhold the addition of new equipment to the radio equipment list until a date no earlier than that specified by the manufacturer.

TYPE APPROVAL

§ 2.561 Type approval.

(a) Type approval is normally based on tests performed at the Commission's laboratory at Laurel, Maryland. In certain cases, type approval may be based on tests performed at other locations provided the tests are conducted in accordance with procedures specified by the Commission and by or under the direction and supervision of Commission personnel.

(b) Application for type approval may be in the form of a letter addressed to the Secretary of the Commission. The letter shall specify the part of the rules under which type approval is desired and shall include any information specifically required to be submitted under such part of the rules. In addition the request shall describe the equipment to be tested and include the size and weight of each component. In most cases, the Commission will advise the applicant to ship the equipment prepaid to Chief, Laboratory Division, P. O. Box 31, Laurel, Md., complete with operating instructions and circuit diagrams. Upon completion of the tests, the equipment will be returned to the applicant, shipping charges collect.

(c) In the event of failure of the equipment to meet the Commission's technical requirements, notice may be given directly by the Chief, Laboratory Division, and arrangements made for modification or adjustment as required.

§ 2.563 Limitations on type approval.

(a) Type approval is limited to a determination that, if the equipment is properly maintained and operated and no unauthorized change whatsoever is made in its construction, it is capable of complying with the technical requirements of the applicable part of the rules. Type approval shall not be construed as a determination with respect to features not covered by the rules of the service under which the equipment is approved.

(b) Type approval shall not be construed to mean that the equipment will continue to be satisfactory as the Commission's technical standards may be changed to conform with progress in the state of the art.

§ 2.565 Withdrawal or refusal of type approval.

(a) Type approval may be withdrawn, if upon subsequent inspection or operation it is determined that the manufacturer has made unauthorized changes in the equipment or that the equipment does not comply with the technical requirements of the applicable part of the rules. The procedure for withdrawal of type approval in such cases shall be the same as that prescribed by the Commission for revocation of a radio station license pursuant to the provisions of the Communications Act of 1934, as amended.

(b) In the event changes in the Commission's technical standards necessitate the withdrawal of type approval, the procedure to be followed will be set forth in the order finalizing the revised technical standards after appropriate rule making proceedings.

(c) When type approval has been withdrawn, the manufacturer shall make no further sale of equipment which in any manner indicates that such equipment meets the type approval requirements of the Commission.

(d) When type approval has been withdrawn for unauthorized changes by the manufacturer, the Commission will consider that fact in determining whether the manufacturer in question is eligible to receive any new type approval.

(e) Any person affected by a refusal to grant type approval may file a petition for reconsideration within 30 days after written notice of such refusal has been issued, as provided in § 1.106 of this chapter.

§ 2.567 Identification and changes in type approved equipment.

(a) Each type of equipment for which type approval is requested shall be identified by a type number assigned by the manufacturer of the equipment. The type number shall consist of a series of not more than a total of seventeen digits, letters, punctuation marks, and spaces. The type number shall be shown on a name plate affixed in a conspicuous place to such equipment. All equipment used pursuant to type approval shall have affixed to it such indication of type approval as may be required in the service rules governing such equipment.

(b) No change whatsoever may be made in the design of type approved equipment without prior authorization from the Commission. When a change is requested, the Commission may authorize the change or require that the modified equipment be identified with a new type number and be resubmitted for type approval tests.

(c) If the assignment of a different type number is required as a result of equipment modification, a new name plate bearing the new type number shall be affixed to the modified equipment.

(d) Users of type approved equipment shall not modify their own equipment.

TYPE ACCEPTANCE

§ 2.571 Type acceptance.

(a) Type acceptance of equipment is based on representations and test data submitted to the Commission by the manufacturer or prospective licensee. This information may be subject to check by Commission measurements.

(b) A separate request for type acceptance shall be submitted for each different type of equipment. Each request shall be in duplicate, signed by the applicant or by a duly authorized representative who shall certify that the application was prepared by him or at his direction and that to the best of his knowledge and belief the facts set forth in the application and accompanying technical data are true and correct. The technical test data required to be submitted shall be certified by the engineer who performed or supervised the tests who shall attach a brief statement of his qualifications.

(c) In the event there is no Commission action on an application for type acceptance within thirty (30) days after the application is filed, or within 30 days after the applicant has submitted additional data at the request of the Commission, the equipment will be deemed approved in accordance with the Commission's type acceptance procedure. The term Commission action as used in this section means either issuance of a public notice, a listing of the accepted equipment on the equipment list or sending a letter or post card to the applicant.

(d) Notice to applicant of type acceptance will be by post card and public notice will be given by listing the accepted equipment on the Commission's equipment list. Notice that an application has been found unacceptable for type acceptance will be by letter to the applicant.

§ 2.573 Limitation on type acceptance.

(a) Type acceptance is limited to a finding that, insofar as can be determined from the data submitted, and if the equipment is properly maintained and operated and no change is made in its construction, except as provided for

in § 2.584, the equipment complies with current technical standards of the service in which the equipment will be operated. The fact that a particular equipment has been type accepted for licensing purposes shall not be construed as a determination with respect to mechanical features, nor of reliability under service conditions, except as provided for in the rules of the service under which the equipment is accepted.

(b) Type acceptance shall not be construed to mean that the equipment will continue to be satisfactory as the Commission's technical standards may be changed to conform with progress in the state of the art.

§ 2.575 Withdrawal or refusal of type acceptance.

(a) Type acceptance may be withdrawn, if upon subsequent inspection or operation it is determined that the manufacturer has made changes in the equipment other than as provided for in § 2.584, or that the equipment does not comply with the technical requirements of the applicable part of the rules. The procedure for withdrawal of type acceptance shall be the same as that prescribed by the Commission for revocation of a radio station license pursuant to the provisions of the Communications Act of 1934, as amended.

(b) In the event changes in the Commission's technical standards necessitate the withdrawal of type acceptance, the procedure to be followed will be set forth in the order finalizing the revised technical standards after appropriate rule making proceedings.

(c) When type acceptance has been withdrawn, the manufacturer shall make no further sale of equipment which in any manner indicates that such equipment meets the type acceptance requirements of the Commission.

(d) When type acceptance has been withdrawn for changes made by the manufacturer where such changes are not in accordance with the provisions of § 2.584, the Commission will consider that fact in determining whether the manufacturer in question is eligible to receive any new type acceptance.

(e) Any person affected by a refusal to grant type acceptance may file a petition for reconsideration within 30 days after written notice of such refusal has been issued, as provided in § 1.106 of this chapter.

§ 2.577 General information required for type acceptance.

(a) Each request for type acceptance of equipment shall include the information listed in paragraph (b) of this section and in §§ 2.579 and 2.582. This information is general and is the minimum required for all equipments. In many cases, additional information specific to a particular service is also required. The applicant should carefully read the rules of the service in which the proposed equipment is intended to be operated to make sure that such additional specific information is furnished. If deemed necessary, the Commission may require additional information, test data, or testing in its own Laboratory at Laurel, Maryland, before determining the acceptability of any specific equipment.

(b) The request shall include the following information insofar as it is applicable to the equipment:

(1) The type number of the equipment in accordance with § 2.584.

(2) The service and rule part under which the equipment is intended to be operated.

(3) Description of equipment: The description of equipment should include the type of emission, frequency range, power rating as defined in the applicable part of the rules, voltages applied to and currents into the several elements of the final amplifier tube or tubes for normal operation, function of each tube, circuit diagrams, instruction books when available, tune-up procedure, a description of the oscillator circuit and any devices installed for the purpose of frequency stabilization. When circuits or devices are employed for limiting modulation or suppression of spurious radiation a description of these should be included. The description should be sufficiently complete to develop all factors that may affect a determination as to whether the equipment will comply with the technical standards of the applicable rule parts.

(4) Photographs of equipment: Adequately identified photographs of sufficient size and clarity to reveal equipment construction and layout should be furnished. These should include at least one view showing the control panel or panels, including meters and labels for controls and meters, and sufficient views of the internal construction to define component placement and chassis assembly. Insofar as these requirements are met by photographs or drawings contained in instruction manuals supplied with the type acceptance request, additional photographs need be sufficient only to complete the required showing.

§ 2.579 Measurement data required for type acceptance.

Measurements shall be made to establish the following:

(a) Radio frequency power output at the RF output terminals when the transmitter is adjusted in accordance with the tune-up procedure to give the values of current and voltage on the circuit elements specified in § 2.577(b)(3). Give details of the radio frequency load attached to the output terminals when this test is made.

(b) Modulation characteristics: (1) Voice modulated communications equipment: A curve or equivalent data showing the frequency response of the audio modulating circuit over a frequency range of 100 to 5000 cycles shall be submitted.

(2) Other types of equipment: A curve or equivalent data will be submitted which shows that the equipment will meet the modulation requirements of the rules under which the equipment is to be licensed.

(3) Equipment which employs modulation limiting: If a modulation limiting device or circuit is incorporated in the equipment a curve showing the percentage of modulation versus the modulation input voltage shall be supplied.

(c) Bandwidth occupied: The frequency bandwidth such that, below its lower and above its upper frequency limits, the mean powers radiated are each equal to 0.5 percent of the total mean power radiated by a given emission; measured under the following conditions as applicable:

(1) Telegraph transmitters for manual operation—when keyed at 16 dots per second.

(2) Other keyed transmitters—when keyed at the maximum machine speed.

(3) Voice modulated transmitters equipped with a device to prevent overmodulation—when modulated by an input signal 16 db greater than that required to produce 50 percent modulation: Test at 2500 cycles.

(4) Voice modulated transmitters without a device to prevent overmodulation—when modulated by an input signal large enough to produce at least 85 percent modulation: Test at 2500 cycles.

(5) Standard broadcast transmitters—when modulated with a frequency of 7500 cycles at 85 percent modulation. FM broadcast transmitters, including TV aural transmitters—when modulated with a frequency of 15 kc/s at 85 percent modulation.

(6) Transmitters in which the modulating baseband comprises more than three independent channels—when modulated with a test signal consisting of a band of random noise extending continuously from below 20 kc/s to the highest frequency in the baseband. The level of the test signal shall be adjusted to provide RMS modulation which is 22.4 percent of the full rated peak modulation of the transmitter. The test signal shall be applied through any preemphasis networks used in normal service.

(7) Transmitters in which the modulating baseband comprises not more than three independent channels—when modulated by the full complement of signals for which the transmitter is rated. The level of modulation for each channel should be set to that prescribed in rule parts applicable to the services for which the transmitter is intended. If specific modulation levels are not set forth in the rules, the test levels should provide the manufacturer's maximum rated condition.

(8) Transmitters designed for other types of modulation—when modulated by an appropriate signal of sufficient amplitude to be representative of the type of service in which used. A description of the input signal used should be supplied.

(d) Spurious emissions from the transmitting equipment for the following conditions:

(1) *Radio frequency voltage measurements at the antenna terminals.* The radio frequency voltages generated within the equipment and appearing on a spurious frequency shall be checked at the equipment output terminals when properly loaded with a suitable artificial antenna. Curves or equivalent data shall show the magnitude of each harmonic and other spurious emission that can be detected when the equipment is

operated with a carrier modulated under the conditions specified in paragraph (c) of this section for determining the band width occupied. The amplitude of spurious emissions which are more than 20 db below the permissible value need not be shown.

(2) *Field strength measurements of spurious radiations.* A report of field strength measurements made to detect spurious emissions that may be radiated directly from the cabinet, control circuits, power leads, or intermediate circuit elements under normal conditions of installation and operation shall be made for the following equipments:

(i) Those in which the spurious emissions are required to be 60 db or more below the carrier level.

(ii) All equipment operating on frequencies higher than 25 Mc/s.

(iii) Hand carried transmitters, or others, where the antenna is an integral part of and attached directly to the transmitter.

(iv) Other types of equipment as required, when in the opinion of the Commission, there is need for such measurement.

(e) In all of the measurements set forth in paragraph (d) of this section, the spectrum should be investigated from the lowest radio frequency generated in the equipment up to at least the tenth harmonic of the carrier frequency or to the highest frequency possible in the present state of the art of measuring techniques. Particular attention should be paid to harmonics and subharmonics of the carrier frequency as well as to those frequencies removed from the carrier by multiples of the oscillator frequency. Radiation at the frequencies of multiplier stages should also be checked. The amplitude of spurious emissions which are more than 20 db below the permissible value need not be reported.

(f) Frequency stability: The frequency stability of transmitting equipment shall be checked with variations in:

(1) *Temperature.* Vary the ambient temperature from −30° to +50° Centigrade for non-broadcast equipment. Use suitable limits for broadcast equipment. Only the oscillator need be subjected to this test.

(2) *Primary supply voltage.* Vary the primary supply voltage from 85 percent to 115 percent of the normal supply voltage at the input to the cable normally provided with the equipment, or at the power supply terminals if cables are not normally provided.

§ 2.582 Measurement procedure for type acceptance.

(a) The Commission will accept data in full accordance with established standards and measurement procedures as published by engineering societies and associations such as the Electronic Industries Association, the Institute of Electrical and Electronics Engineers, Inc., and the American Standards Association. Specific reference should be made to the standards used. In lieu of such standards, the applicant will submit a description of each measurement procedure together with a listing of the actual test equipment used. The Commission will accept measurements made by a qualified engineer where the procedures employed are based upon sound engineering principles.

(b) For radio frequency equipment other than transmitters, appropriate tests and performance requirements may be specified in other parts of this chapter.

§ 2.584 Identification and changes in type accepted equipment.

(a) Each type of equipment for which type acceptance is requested shall be identified by a type number assigned by the manufacturer of the equipment. The type number shall consist of a series of not more than a total of seventeen digits, letters, punctuation marks, and spaces. The type number shall be shown on a name plate affixed in a conspicuous place to such equipment. All equipment used pursuant to type acceptance shall have affixed to it such indication of type acceptance as may be required in the service rules governing such equipment.

(b) Equipment of the same type is defined for the purposes of type acceptance as being equipment which is electrically and mechanically interchangeable. In addition, transmitters of the same type will have the same basic tube line up, frequency multiplication, basic oscillator circuit, basic modulator circuit, and maximum rated power input.

(c) Permissive changes may be made in type accepted equipment without prior Commission approval. There are two classifications of permissive changes, neither of which may involve change of type as defined in paragraph (b) of this section. The first classification includes those modifications in type accepted equipment which do not change the equipment characteristics beyond the rated limits established by the manufacturer and accepted by the Commission when obtaining type acceptance. The second classification of permissive changes includes those which bring the performance of the equipment outside the manufacturers' rated limits as originally filed but not below the minimum requirements of the applicable rules. The Commission shall be supplied with complete information and results of tests regarding this class of permissive changes, in accordance with § 2.571(b), prior to the operation of the modified equipment under an authorization of the Commission.

(d) Changes in type accepted equipment, except permissive changes as set forth in paragraph (c) of this section, shall not be made except under prior authorization of the Commission. When such a change is requested, the Commission may authorize the change or require that the modified equipment be identified with a new type number and that additional information be submitted for further consideration as to type acceptance.

(e) If the assignment of a different type number is required as a result of equipment modification, a new name plate bearing the new type number shall be affixed to the modified equipment.

(f) Users shall not modify their own equipment except as provided in paragraphs (c) or (d) of this section, as applicable.

Technical Information for Application Reference

§ 2.591 Submission of technical information for application reference.

(a) Applications for station authorizations in some services require a detailed technical description of the equipment proposed to be used. In order to simplify the preparation and processing of applications by eliminating the need for submission of equipment specifications with each application, the Commission will accept for application reference purposes detailed technical specifications of equipment designed for use in these services. Manufacturers desiring to avail themselves of this procedure should submit in duplicate all information required by the application forms and the rules for the services in which the equipment is to be used. Applications for station authorizations submitted subsequent to such filing may refer to the technical information so filed.

(b) Receipt by the Commission of data for application reference purposes does not imply that the Commission has made or intends to make any finding regarding the acceptability of the equipment for licensing and such equipment will not be included on the list of equipment acceptable for licensing. Each applicant is expected to exercise appropriate care in the selection of equipment to insure that the unit selected will comply with the rules governing the service in which it is proposed to operate.

§ 2.593 Identification and changes in equipment information filed for application reference.

(a) Each type of equipment, for which information is filed for application reference purposes, shall be identified by a type number assigned by the manufacturer of the equipment. The type number shall consist of a series of not more than a total of seventeen digits, letters, punctuation marks, and spaces. The type number shall be shown on a name plate affixed in a conspicuous place to such equipment.

(b) If the assignment of a different type number is required as a result of equipment modification, a new name plate bearing the new type number shall be affixed to the modified equipment.

Subpart G—Treaties and Other International Agreements

§ 2.601 General.

This subpart is corrected to November 1, 1963. The Commission does not distribute copies of these documents. Inquiry may be made to the U.S. Government Printing Office concerning availability for purchase.

§ 2.602 Citation abbreviations used in this subpart.

Trenwith—Treaties, Conventions, International Acts, Protocols, and Agreements between the United States of America and Other Powers, 1923–1937 (compiled under S. Res. No. 132, 75th Cong., 1st Sess.).

For. Rel.—Papers relating to the Foreign Relations of the United States, 1929.
Stat.—United States Statutes at Large.
UST—United States Treaties and Other International Agreements.
TS—Treaty Series.
EAS—Executive Agreement Series.
TIAS—Treaties and Other International Acts Series.

§ 2.603 Treaties and other international agreements relating to radio.

(a) The applicable treaties and other international agreements in force relating to radio and to which the United States of America is a party are listed below:

Date	Citations	Subject
1925	IV Trenwith 4248, 4250 and 4251. TS 724–A.	US-UK (also for Canada and Newfoundland) Bilateral Arrangements providing for the Prevention of Interference by Ships off the Coasts of these Countries with Radio Broadcasting. Effected by exchange of notes Sept. and Oct., 1925. Entered into force Oct. 1, 1925.
1928 and 1929	1929 For. Rel. vol. II, p. 114. TS 767–A.	US-Canada Arrangement governing Radio Communications between Private Experimental Stations. Effected by exchange of notes at Washington Oct. 2 and Dec. 29, 1928, and Jan. 12, 1929. Entered into force Jan. 1, 1929. This arrangement is continued by the arrangement contained in EAS 62.
1929	IV Trenwith 4787 TS 777–A.	US-Canada (including Newfoundland) Arrangement relating to Assignment of High Frequencies on the North American Continent. Effected by exchange of notes at Ottawa on Feb. 26 and 28, 1929. Entered into force Mar. 1, 1929. (Originally, Cuba was also a party to this arrangement, but by virtue of notice to the Canadian Government, it ceased to be a party effective Oct. 5, 1933.)
1934	48 Stat. 1876 EAS 62.	US-Canada Arrangement relative to Radio Communications between Private Experimental Stations and between Amateur Stations. Continues the arrangement contained in TS 767–A. Effected by exchange of notes at Ottawa Apr. 23, and May 2 and 4, 1934. Entered into force May 4, 1934.
1934	49 Stat. 3555 EAS 66.	US-Peru Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Lima Feb. 16 and May 23, 1934. Entered into force May 23, 1934.
1934	49 Stat. 3667 EAS 72.	US-Chile Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Santiago Aug. 2 and 17, 1934. Entered into force Aug. 17, 1934.
1937	53 Stat. 1576 TS 938.	Inter-American Radio Communications Convention between the United States and Other Powers. Signed at Havana Dec. 13, 1937. (First Inter-American Radio Conference.) Entered into force for the United States July 21, 1938 for Parts I, III and IV; Apr. 17, 1939 for Part II. Part II of the Convention (Inter-American Radio Office) terminated for all parties Dec. 20, 1958 (TIAS 4079).
1938	54 Stat. 1675 TS 949.	Regional Radio Convention between the United States (in behalf of the Canal Zone) and Other Powers. Signed at Guatemala City Dec. 8, 1938. Entered into force Oct. 8, 1939.
1938	53 Stat. 2092 EAS 142.	US-Canada Agreement regarding Radio Communications between Alaska and British Columbia. Effected by exchange of notes at Washington June, July, Aug., Sept., Oct., Nov., and Dec. 1938. Entered into force Aug. 1, 1938.
1939	53 Stat. 2157 EAS 143.	US-Canada Arrangement governing the Use of Radio for Civil Aeronautical Services. Effected by exchange of notes at Washington Feb. 20, 1939. Entered into force Feb. 20, 1939.
1940	54 Stat. 2483 EAS 196.	US-Mexico Agreement relating to Radio Broadcasting. Effected by exchange of notes at Mexico Aug. 24 and 28, 1940. Entered into force Mar. 29, 1941.
1946	60 Stat. 1696 TIAS 1527.	US-USSR Agreement on Organization of Commercial Radio Teletype Communication Channels. Signed at Moscow May 24, 1946. Entered into force May 24, 1946.
1947	61 Stat. (3) 3131 TIAS 1652.	US-UK Agreement regarding Standardization of Distance Measuring Equipment. Signed at Washington Oct. 13, 1947. Entered into force Oct. 13, 1947.
1947	61 Stat. (4) 3416 TIAS 1676.	US-UN Agreement relative to Headquarters of the United Nations. Signed at Lake Success June 26, 1947. Entered into force Nov. 21, 1947, by an exchange of notes between the United States Representative to the United Nations and the Secretary General of the U.N.
1947	61 Stat. (4) 3800 TIAS 1726.	US-Canada Agreement providing for Frequency Modulation Broadcasting in Channels in the Radio Frequency Band 88–108 Mc/s. Effected by exchange of notes at Washington Jan. 8 and Oct. 15, 1947. Entered into force Oct. 15, 1947.
1948	9 UST 621 TIAS 4044.	Intergovernmental Maritime Consultative Organization (IMCO) Convention. Signed at Geneva Mar. 6, 1948. Entered into force Mar. 17, 1958.
1948	3 UST (3) 3450 TIAS 2495.	International Convention for the Safety of Life at Sea and Annexed Regulations. Signed at London June 10, 1948. Entered into force Nov. 19, 1952.
1949	3 UST (2) 2686 TIAS 2435.	London Telecommunications Agreement between the United States and Certain British Commonwealth Governments. Signed at London Aug. 12, 1949. Entered into force Feb. 24, 1950. This agreement was amended by TIAS 2705 which was signed Oct. 1, 1952.
1949	3 UST (3) 3064 TIAS 2489.	Inter-American Radio Agreement between the United States and Canada and Other American Republics. Signed at Washington July 9, 1949. (Fourth Inter-American Radio Conference.) Entered into force Apr. 13, 1952, subject to the provisions of Article 13.
1950	3 UST (2) 2672 TIAS 2433.	US-Ecuador Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Quito Mar. 16 and 17, 1950. Entered into force Mar. 17, 1950.
1950	11 UST 413 TIAS 4460.	North American Regional Broadcasting Agreement (NARBA). Signed at Washington Nov. 15, 1950. Entered into force Apr. 19, 1960. Effective between United States, Canada, Cuba, Dominican Republic, and the United Kingdom of Great Britain and Northern Ireland for the Bahama Islands. Ratification on behalf of Jamaica pending.
1950 and 1951	2 UST (1) 683 TIAS 2223.	US-Liberia Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Monrovia Nov. 9, 1950, and Jan. 8, 9 and 10, 1951. Entered into force Jan. 11, 1951.
1951	3 UST (3) 3787 TIAS 2508.	US-Canada Convention relating to the Operation by Citizens of Either Country of Certain Radio Equipment or Stations in the Other Country. Signed at Ottawa Feb. 8, 1951. Entered into force May 15, 1952.
1951	3 UST (2) 2860 TIAS 2459.	US-Cuba Agreement concerning the Control of Electromagnetic Radiation. Effected by exchange of notes at Havana Dec. 10 and 18, 1951. Entered into force Dec. 18, 1951.
1951 and 1952	3 UST (3) 3892 TIAS 2520.	US-Cuba Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Havana Sept. 17, 1951 and Feb. 27, 1952. Entered into force Feb. 27, 1952.
1952	3 UST (3) 4443 TIAS 2594.	US-Canada Agreement relating to the Assignment of Television Frequency Channels along United States-Canadian Border. Effected by exchange of notes at Ottawa Apr. 23 and June 23, 1952. Entered into force June 23, 1952.
1952	3 UST (4) 4926 TIAS 2666.	US-Canada Agreement for the Promotion of Safety on the Great Lakes by Means of Radio. The agreement applies to vessels of all countries as provided for in Article 3. Signed at Ottawa Feb. 21, 1952. Entered into force Nov. 13, 1954.
1952	3 UST (4) 5140 TIAS 2705.	London Revision (1952) of the London Telecommunications Agreement (1949) between the United States and Certain British Commonwealth Governments. Signed at London Oct. 1, 1952. Entered into force Oct. 1, 1952. This amends the agreement contained in TIAS 2435 signed at London Aug. 12, 1949.
1953	5 UST (3) 2840 TIAS 3138.	US-Canada Understanding relating to the Sealing of Mobile Radio Transmitting Equipment. Effected by exchange of notes at Washington Mar. 9 and 17, 1953. Entered into force Mar. 17, 1953.
1956	7 UST 2179 TIAS 3617.	US-Panama Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Panama July 19 and Aug. 1, 1956. Entered into force Sept. 1, 1956.
1956	7 UST 2839 TIAS 3665.	US-Costa Rica Agreement regarding Radio Comumnications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Washington Aug. 13 and Oct. 19, 1956. Entered into force Oct. 19, 1956.
1956	7 UST 3159 TIAS 3694.	US-Nicaragua Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Managua Oct. 8 and 16, 1956. Entered into force Oct. 16, 1956.
1957	12 UST 734 TIAS 4777.	US-Mexico Agreement regarding Radio Broadcasting in the Standard Broadcast Band. Signed at Mexico Jan. 29, 1957. Entered into force June 9, 1961.
1957	9 UST 1037 TIAS 4079.	Multilateral Declaration between the United States and Other Powers terminating Part II (Inter-American Radio Office) of the Inter-American Radio Communications Convention of Dec. 13, 1937 (TS–938). Signed at Washington Dec. 20, 1957. Entered into force Dec. 20, 1957. Additionally, a Contract on the Exchange of Notifications of Radio Broadcasting Frequencies between the Pan American Union, the United States and Other Powers was signed at Washington Dec. 20, 1957. Entered into force Jan. 1, 1958.
1958	9 UST 1091 TIAS 4089.	US-Mexico Agreement regarding Allocation of Ultra High Frequency Channels to Land Border Television Stations. Effected by exchange of notes at Mexico July 16, 1958. Entered into force July 16, 1958.
1958	10 UST 2423 TIAS 4390.	Telegraph Regulations (Geneva Revision, 1958) Annexed to the International Telecommunication Convention. Signed at Geneva Nov. 29, 1958. Entered into force Jan. 1, 1960.

Date	Citations	Subject
1959	10 UST 1449 TIAS 4295.	US-Mexico Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Mexico July 31, 1959. Entered into force Aug. 30, 1959.
1959 and 1960	11 UST 257 TIAS 4442.	US-Honduras Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Tegucigalpa Oct. 26, 1959, and Feb. 17, 1960, and related note of Feb. 19, 1960. Entered into force Mar. 17, 1960.
1959	10 UST 3019 TIAS 4394.	US-Venezuela Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Caracas Nov. 12, 1959. Entered into force Dec. 12, 1959.
1959	12 UST 1761 TIAS 4892.	International Telecommunication Convention. Signed at Geneva Dec. 21, 1959. Entered into force with respect to the United States Oct. 23, 1961.
1959	12 UST 2377 TIAS 4893.	International Radio Regulations Annexed to the International Telecommunication Convention. Signed at Geneva Dec. 21, 1959. Entered into force with respect to the United States Oct. 23, 1961.
1960	11 UST 1 TIAS 4399.	US-Haiti Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Port-au-Prince Jan. 4 and 6, 1960. Entered into force Feb. 5, 1960.
1960	11 UST 2229 TIAS 4596.	US-Paraguay Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Asuncion Aug. 31 and Oct. 6, 1960. Entered into force Nov. 5, 1960.
1961	12 UST 1695 TIAS 4888.	US-Bolivia Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at La Paz Oct. 23, 1961. Entered into force Nov. 22, 1961.
1962	13 UST 997 TIAS 5043.	US-Mexico Agreement relating to the Assignment of VHF Television Channels along United States-Mexican Border. Effected by exchange of notes at Mexico Apr. 18, 1962. Entered into force Apr. 18, 1962.
1962	13 UST 411 TIAS 5001.	US-El Salvador Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at San Salvador Apr. 5, 1962. Entered into force May 5, 1962.
1962	13 UST 2418 TIAS 5205.	US-Canada Agreement relating to the Coordination and Use of Radio Frequencies above 30 Mc/s. Effected by exchange of notes at Ottawa Oct. 24, 1962. Entered into force Oct. 24, 1962.
1963	TIAS 5360.	US-Dominican Republic Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Santo Domingo Apr. 18 and 22, 1963. Entered into force May 22, 1963.

(b) With respect to its relations with several countries, the United States is bound by certain superseded treaties and agreements because some of the contracting countries other than the United States did not become a party to subsequent treaties and agreements. These include the following:

Date	Citations	Subject
1912	38 Stat. 1672 TS 581.	International Radiotelegraph Convention. Signed at London July 5, 1912. Entered into force July 1, 1913. Superseded by the International Radiotelegraph Convention and General Regulations, Washington, 1927 (TS 767).
1927	45 Stat. 2760 TS 767.	International Radiotelegraph Convention and General Regulations. Signed at Washington Nov. 25, 1927. Entered into force Jan. 1, 1929. Superseded by the International Telecommunication Convention and General Radio Regulations, Madrid, 1932 (TS 867).
1932	49 Stat. 2391 TS 867.	International Telecommunication Convention and General Radio Regulations. Signed at Madrid Dec. 9, 1932. Entered into force for the United States June 12, 1934. The General Radio Regulations were replaced by the General Radio Regulations, Cairo Revision, 1938 (TS 948). The Convention was superseded by the International Telecommunication Convention, Atlantic City, 1947 (TIAS 1901).
1937	54 Stat. 2514 EAS 200.	Inter-American Arrangement concerning Radiocommunications and Annex. Signed at Havana Dec. 13, 1937. (First Inter-American Radio Conference.) Entered into force for the United States July 18, 1938. This arrangement was replaced by the Inter-American Agreement concerning Radiocommunications, Santiago, 1940 (EAS 231).
1938	54 Stat. 1417 TS 948.	General Radio Regulations (Cairo Revision, 1938) Annexed to the International Telecommunication Convention, Madrid, 1932. Signed at Cairo Apr. 8, 1938. Entered into force Sept. 1, 1939. Superseded by the Radio Regulations, Atlantic City, 1947 (TIAS 1901).
1940	55 Stat. 1482 EAS 231.	Inter-American Radiocommunications Agreement between the United States, Canada, and Other American Republics. Signed at Santiago Jan. 26, 1940. (Second Inter-American Radio Conference.) Entered into force with respect to the United States Feb. 25, 1942. Replaced by the Inter-American Radio Agreement, Washington, 1949 (TIAS 2489).
1947	63 Stat. (2) 1399 TIAS 1901.	International Telecommunication Convention. Signed at Atlantic City Oct. 2, 1947. Entered into force Jan. 1, 1949. Superseded by the International Telecommunication Convention, Buenos Aires, 1952 (TIAS 3266).
1947	63 Stat. (2) 1581 TIAS 1901.	International Radio Regulations Annexed to the International Telecommunication Convention. Signed at Atlantic City Oct. 2, 1947. Entered into force Jan. 1, 1949, except for those Radio Regulations enumerated in Article 47. (See TIAS 2753.) Superseded by the International Radio Regulations, Geneva, 1959 (TIAS 4893).
1949	2 UST (1) 17 TIAS 2175.	Telegraph Regulations (Paris Revision, 1949) Annexed to the International Telecommunication Convention. Signed at Paris Aug. 5, 1949. Entered into force with respect to the United States Sept. 26, 1950. Superseded by the Telegraph Regulations, Geneva Revision, 1958 (TIAS 4390).
1951	3 UST (4) 5520 TIAS 2753.	Extraordinary Administrative Radio Conference Agreement to bring into Force the Table of Frequency Allocations and Other Provisions of the Radio Regulations (Atlantic City, 1947) not Brought into Force Jan. 1, 1949. Signed at Geneva Dec. 3, 1951. Entered into force Mar. 1, 1952. Abrogated by the International Radio Regulations, Geneva, 1959 (TIAS 4893).
1952	6 UST 1213 TIAS 3266.	International Telecommunication Convention. Signed at Buenos Aires Dec. 22, 1952. Entered into force with respect to the United States June 27, 1955. Superseded by the International Telecommunication Convention, Geneva, 1959 (TIAS 4892).

(c) The following agreement has been signed by the United States and is included because of its importance:

Date	Subject
1960	International Convention for the Safety of Life at Sea and Annexed Regulations. Signed at London June 17, 1960. This convention will enter into force twelve months after the date on which not less than fifteen acceptances, including seven by countries each with not less than one million gross tons of shipping, have been deposited in accordance with Article X.

(d) There are certain treaties and agreements primarily concerned with matters other than the use of radio but which affect the work of the Federal Communications Commission insofar as they involve communications. Among the most important of these are the following which are available from the Secretary General, International Civil Aviation Organization (ICAO), International Aviation Building, 1080 University Street, Montreal, Canada:

Date	Citations	Subject
1944	61 Stat. (2) 1180 TIAS 1591.	International Civil Aviation Convention. Signed at Chicago Dec. 7, 1944. Entered into force Apr. 4, 1947. Amended by the protocols contained in TIAS 3756 and TIAS 5170.
1946 to present		ICAO Regional Air Navigation Meetings, Communications Committee Final Reports.
1946		ICAO Communications Division, Second Session, Montreal.
1949		ICAO Communications Division, Third Session, Montreal.
1951		ICAO Communications Division, Fourth Session, Montreal.
1954		ICAO Communications Division, Fifth Session, Montreal.
1954	8 UST 179 TIAS 3756.	Protocol Amending the International Civil Aviation Convention (TIAS 1591). Done at Montreal June 14, 1954. Entered into force Dec. 12, 1956.
1957		ICAO Communications Division, Sixth Session, Montreal.
1958		ICAO Communications Division, Special Session, Montreal.
1961	13 UST 2105 TIAS 5170.	Protocol Amending the International Civil Aviation Convention (TIAS 1591). Done at Montreal June 21, 1961. Entered into force July 17, 1962.
1962		ICAO Communications Division, Seventh Session, Montreal.
1963		ICAO Communications Division, Special Session, Montreal.

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5.407 Measurements required.
5.408 Waiver of technical and operating requirements.
5.409 Non-interference condition.
5.410 Record of operation.
5.411 Notification.

AUTHORITY: §§ 5.1 to 5.411 issued under secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply sec. 301, 48 Stat. 1081, as amended; 47 U.S.C. 301.

Subpart A—General

§ 5.1 Basis and purpose.

(a) The rules following in this part are promulgated pursuant to the provisions of Title III of the Communications Act of 1934, as amended, which vests authority in the Federal Communications Commission to regulate radio transmissions and to issue licenses for radio stations.

(b) The purpose of this part is to prescribe the manner in which parts of the radio frequency spectrum may be made available for experimentation as defined in this part and provided for.

§ 5.2 Services available.

(a) Experimental services are classified, according to the type of experimentations permitted, into two categories as follows:

(1) Experimental Service (Research)—Subpart E.

(2) Experimental Service (Developmental)—Subpart F.

§ 5.3 Definition of terms.

For the purpose of this part, the following definitions shall be applicable. For other definitions, refer to Part 2 of this chapter (Frequency Allocations and Radio Treaty Matters; General Rules and Regulations).

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

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

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

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

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

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

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

(h) *Harmful interference.* Any radiation or any induction which endangers the functioning of a radionavigation service or of a safety service or obstructs or repeatedly interrupts a radio service operating in accordance with the Table of Frequency Allocations and other provisions of Part 2 of this chapter.

(i) *Landing area.* As defined by Title I, section I (22) of the Civil Aeronautics Act of 1938, as amended, landing area means any locality, either of land or water, including airdromes and intermediate landing fields, which is used, or intended to be used, for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

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

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

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

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

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

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

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

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

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

§ 5.4 General citizenship restrictions.

A station license may not be granted to or held by:

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

(b) Any foreign government or the representative thereof.

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

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

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

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

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

§ 5.5 Transfer and assignment of station authorization.

A station authorization, the frequencies authorized to be used by the grantee of such authorization, and the rights therein granted by such authorization shall not be transferred, assigned, or in any manner either voluntarily or involuntarily disposed of, or indirectly by transfer of control of any corporation holding such authorization, to any person, unless the Commission shall, after securing full information, decide that said transfer is in the public interest, and shall give its consent in writing. Requests for authority to transfer or assign a station authorization shall be submitted on the forms prescribed by § 5.55.

Subpart B—Applications and Licenses

§ 5.51 Station authorization required.

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

§ 5.52 Procedure for obtaining a radio station license.

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

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

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

§ 5.53 Filing of applications.

(a) To assure that necessary information is supplied in a consistent manner by all persons, standard forms are prescribed for use in connection with the majority of applications and reports submitted for Commission consideration. Standard numbered forms applicable to the Experimental Services are discussed in § 5.55 and may be obtained from the Washington, D.C., Office of the Commission, or from any of its engineering field offices. Concerning matters where no standard form is applicable, the informal application procedure outlined in § 5.55 (k) should be followed.

(b) Any application for radio station authorization and all correspondence relating thereto shall be submitted to the Commisson's office at Washington, D. C.

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

(d) Each application for station authorization shall be specific and complete with regard to station location, proposed equipment, power, antenna height, and operating frequency; and other information required by the application form and this part.

(e) Applications involving operation at temporary locations:

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

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

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

§ 5.54 Who may sign applications.

(a) Except as provided in paragraph (b) of this section, applications, amendments thereto, and related statements of fact required by the Commission shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer or duly authorized employee, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association. Applications, amendments, and related statements of fact filed on behalf of eligible government entities, such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government, including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction.

(b) Applications, amendments thereto, and related statements of fact required by the Commission may be signed by the applicant's attorney in case of the applicant's physical disability or of his absence from the United States. The attorney shall in that event separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

(c) Only the original of applications, amendments, or related statements of fact need be signed; copies may be conformed.

(d) Applications, amendments, and related statements of fact need not be submitted under oath. Willful false statements made therein, however, are punishable by fine and imprisonment, U.S. Code, Title 18, section 1001, and by appropriate administrative sanctions, including revocation of station license pursuant to section 312(a)(1) of the Communications Act of 1934, as amended.

§ 5.55 Forms to be used.

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

(1) The antenna structures proposed to be erected will exceed an overall height of 170 feet above ground level, except that where the antenna is mounted on top of an existing man-made structure other than an antenna structure and does not increase the overall height of such man-made structure by more than 20 feet, or

(2) The antenna structures proposed to be erected will exceed an overall height of 1 foot above the established airport (landing area) elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure (other than an antenna structure) or natural formation and does not increase the overall height of such man-made structure or natural formation by more than 20 feet.

(b) *Description of antenna structure.* When required to be submitted, by the terms of paragraph (a) of this section, FCC Form 401–A shall be submitted in triplicate. There shall be attached to each copy of the form a sketch showing

the antenna and supporting structure as well as a map showing the location of the antenna, landing areas in the vicinity thereof, and all tall structures that may affect the requirement for marking the antenna or supporting structure.

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

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

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

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

(g) *Application for renewal of station license.* (1) Application for renewal of station license shall be submitted on FCC Form 405. A blanket application may be submitted for renewal of a group of station licenses in the same class in those cases where the renewal requested is in exact accordance with the terms of the previous authorizations. The individual stations covered by such applications shall be clearly identified thereon. Unless otherwise directed by the Commission, each application for renewal of license shall be filed at least 60 days prior to the expiration date of the license to be renewed.

(2) If the station license sought to be renewed is used for the purpose of fulfilling the requirements of a contract with an agency of the U.S. Government, the application for renewal shall be accompanied by Form 440A in triplicate, Supplemental Information for Applications in the Experimental Radio Service Involving Government Contracts.

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

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

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

(k) *Informal application.* (1) An application not submitted on a standard form prescribed by the Commission is considered to be an informal application. Each informal application shall be submitted in duplicate, normally in letter form, and with the original signed in accordance with § 5.54. Each application shall be clear and complete within itself as to the facts presented and the action desired.

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

§ 5.56 Procedure for obtaining a special temporary authorization.

(a) The Commission may issue a special temporary authorization under this part in cases where a need is shown for operation of an authorized station for a limited time only, in a manner other than that specified in the existing authorization, but not in conflict with the Commission's rules.

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

(1) Name and address.
(2) Need for special action.
(3) Type of operation to be conducted.
(4) Purpose of operation.
(5) Time and date of proposed operation.
(6) Class of station, call sign of station, and nature of service.
(7) Location of proposed operation.
(8) Equipment to be used, including name of manufacturer, model and number of units.
(9) Frequency(s) desired.
(10) Plate power input to final radio frequency stage.
(11) Type of emission.
(12) Antenna height. (FCC Form 401–A shall be filed if required by § 5.55 (b).)

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

§ 5.57 Supplementary statements required.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) That the applicant desires and is willing to conduct and finance the experimental program with full knowledge and understanding of the provisions of this section.

(c) *Applications involving government contracts.* The provisions of paragraphs (a) and (b) of this section shall not be applicable to applicants for an authorization in the Experimental Service (Research) to be used for the purpose of fulfilling the requirements of a contract with an agency of the United States Government. In lieu thereof, such applicants shall include as a part of the application, FCC Form 440—A in triplicate, Supplemental Information for Applications in the Experimental Radio Service Involving Government Contracts.

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

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

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

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

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

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

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

§ 5.58 Partial grants.

Where the Commission without a hearing grants any application in part, or with any privileges, terms, or conditions other than those requested, or subject to any interference that may result to a station if designated application or applications are subsequently granted, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 30 days from the date on which such grant is made or from its effective date if a later date is specified, file with the Commission a written request rejecting the grant as made. Upon receipt of such request, the Commission will vacate its original action upon the application and set the application for hearing in the same manner as other applications are set for hearing.

§ 5.59 Defective applications.

(a) Applications which are defective with respect to completeness of answers to required questions, execution or other matters of a purely formal character will not be received for filing by the Commission, and will be returned to the applicant with a brief statement as to the omissions.

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

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

§ 5.60 Amendment or dismissal of applications.

(a) Any application may be amended or dismissed without prejudice upon request of the applicant prior to the time the application is granted or designated for hearing. Each amendment to, or request for dismissal of an application shall be signed, authenticated, and submitted in the same manner and with the same number of copies as required for the original application. All subsequent correspondence or other material which the applicant desires to have incorporated as a part of an application already filed shall be submittd in the form of an amendment to the application.

(b) Failure to prosecute an application, or failure to respond to official correspondence or request for additional information, will be cause for dismissal. Such dismissal will be without prejudice where an application has not yet been designated for hearing; such dismissal may be made with prejudice after an application has been designated for hearing.

§ 5.61 Construction period.

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

§ 5.62 Licenses required for separate experimental projects.

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

§ 5.63 License period.

(a) Licenses for radio stations in the Experimental Radio Services will be issued normally for a period of one year unless otherwise stated in the instrument of authorization.

(b) [Reserved]

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

§ 5.64 Change in equipment.

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

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

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

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

§ 5.65 Operation at a temporary location.

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

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

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

(2) When the station is moved from one location to another, the Engineer in Charge of the Radio District(s) involved shall be notified.

§ 5.66 Discontinuance of station operation.

In case of a permanent discontinuance of operation of a fixed or land station in the experimental services, or in case of permanent discontinuance of operation of all transmitter units listed in the license for a mobile station in the experimental services, the licensee shall forward the station license to the Washington, D. C., office of the Commission for cancellation. A copy of the request for cancellation of the license shall be forwarded to the Commission's Engineer in Charge of the radio district in which the station is located.

§ 5.67 Policy governing the assignment of frequencies.

(a) Each frequency or band of frequencies, available for assignment to stations in the experimental services is available on a shared basis only, and will not be assigned for the exclusive use of any one applicant, and such use may also be restricted to one or more specified geographical areas. Normally not more than one frequency in a band of frequencies will be assigned for the use of a single applicant unless a showing is made demonstrating that need for the assignment of additional frequencies is essential to the proposed program of experimentation.

(b) Frequency assignments will be made only on the condition that harmful interference will not be caused to any station operating in accordance with the Table of Frequency Allocation of Part 2 of this chapter.

(c) The frequencies available for use in these services are set forth in §§ 5.203 and 5.253.

§ 5.68 Cancellation provisions.

The applicant for a station in the experimental services accepts the license with the express understanding: (a) That the authority to use the frequency or frequencies assigned is granted upon an experimental basis only and does not confer any right to conduct an activity of a continuing nature; and (b) that said grant is subject to change or cancellation by the Commission at any time without hearing if in its discretion the need for such action arises.

§ 5.69 Notification to the National Radio Astronomy Observatory.

In order to minimize possible harmful interference at the National Radio Astronomy Observatory site located at Green Bank, Pocahontas County, West Virginia, and at the Naval Radio Research Observatory site at Sugar Grove, Pendleton County, West Virginia, any applicant for a station authorization other than mobile, temporary base, temporary fixed, Citizens Radio, Civil Air Patrol, or Amateur seeking a station license for a new station, a construction permit to construct a new station or to modify an existing station license in a manner which would change either the frequency, power, antenna height or directivity, or location of such a station within the area bounded by 39°15′ N on the north, 78°30′ W on the east, 37°30′ N on the south and 80°30′ W on the west shall, at the time of filing such application with the Commission, simultaneously notify the Director, National Radio Astronomy Observatory, P.O. Box #2, Green Bank, West Virginia, 24944, in writing, of the technical particulars of the proposed station. Such notification shall include the geographical coordinates of the antenna, antenna height, antenna directivity if any, proposed frequency, type of emission, and power. In addition, the applicant shall indicate in his application to the Commission the date notification was made to the Observatory. After receipt of such applications, the Commission will allow a period of twenty (20) days for comments or objections in response to the notifications indicated. If an objection to the proposed operation is received during the twenty-day period from the National Radio Astronomy Observatory for itself or on behalf of the Naval Radio Research Observatory, the Commission will consider all aspects of the problem and take whatever action is deemed appropriate.

Subpart C—Technical Standards

§ 5.101 Frequency stability.

(a) The frequencies assigned in accordance with the provisions of §§ 5.203 and 5.253 shall be maintained to within the tolerance set forth in the rules governing the service to which the frequencies are assigned in the Table of Frequency Allocations of Part 2 of this chapter unless otherwise designated in the station authorization.

(b) Less restrictive tolerances than those specified in paragraphs (a) and (b) of this section may be authorized for stations in the experimental services provided the applicant presents satisfactory evidence of the need for such tolerances and that the program of research can and will be conducted without causing harmful interference to any other radio service operating in accordance with the Table of Frequency Allocations set forth in Part 2 of this chapter.

§ 5.102 Types of emission.

(a) Stations in the Experimental Radio Services may be authorized to use any of the classifications of emissions covered in Part 2 of this chapter.

§ 5.103 Emission limitations.

(a) Each authorization issued to a station operating in these services will show, as the prefix to the emission classification, a figure specifying the maximum authorized bandwidth in kilocycles to be occupied by the emission. The specified band shall contain those frequencies upon which a total of 99 percent of the radiated power appears, extended to include any discrete frequency upon which the power is at least 0.25 percent of the total radiated power. Any radiation in excess of the limits specified in paragraph (b) of this section is considered to be an unauthorized emission.

(b) The mean power of emissions shall be attenuated below the mean output power of the transmitter in accordance with the following schedule:

(1) On any frequency removed from the assigned frequency by more than 50 percent up to and including 100 percent of the authorized bandwidth: at least 25 decibels;

(2) On any frequency removed from the assigned frequency by more than 100 percent up to and including 250 percent of the authorized bandwidth: at least 35 decibels;

(3) On any frequency removed from the assigned frequency by more than 250 percent of the authorized bandwidth: at least 43 plus 10 Log_{10} (mean output power in watts) decibels or 80 decibels, whichever is the lesser attenuation.

(c) When an unauthorized emission results in harmful interference, the Commission may, at its discretion, require appropriate technical changes in equipment to eliminate such interference.

(d) The Commission may, at its discretion, designate limits other than those set forth in paragraph (b) of this section after a proper showing of the need therefor.

§ 5.104 Modulation requirements.

Modulation requirements of stations in the Experimental Radio Services shall not be in excess of that necessary for the conduct of the authorized program of experimentation nor shall the emissions exceed the limitations imposed by § 5.103, unless specifically authorized by the Commission.

§ 5.105 Power and antenna height.

(a) The effective radiated power and antenna height which may be used by a station in this service shall be no more than the minimum necessary to satisfactorily carry on the authorized program of experimentation. No station shall operate at any time with power in excess of that authorized in the station instrument of authorization.

(b) The maximum power requested by an applicant shall not be in excess of the maximum obtainable power of the transmitter consistent with satisfactory technical operation.

§ 5.106 Transmitter control requirements.

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

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

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

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

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

(c) Except where unattended operation is authorized in accordance with § 5.155 (b) (4), each station shall be provided with a control point, the location of which will be specified in the license. It will be assumed that the location of the control point is the same as that of the transmitting equipment unless the application includes a request for a different location. Authority must be obtained from the Commission for the installation of additional control points.

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

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

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

(2) Equipment to permit the operator to aurally monitor all transmissions originating at dispatch points under his supervision; and capable of receiving transmissions from stations to which harmful interference might be caused.

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

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

(5) In cases in which the applicant makes a satisfactory showing that one or more of the requirements set forth in subparagraphs (1) through (4) of this paragraph would be inappropriate and requests that such requirements be eliminated or others substituted, the Commission will consider such requests.

§ 5.107 Transmitter measurements.

(a) Except as provided in paragraph (c) of this section, the licensee of each station in the Experimental Radio Services shall employ suitable procedures to determine that the carrier frequency, power, and modulation do not exceed the limits prescribed in the station authorization.

(b) The transmitter operating characteristics shall be checked and necessary adjustments made when the equipment is originally installed, when any changes are made which might result in operation outside the limits specified in the instrument of authorization, and as often as necessary to maintain the transmitter operation within the limits specified in the instrument of authorization.

(c) Exceptions to paragraphs (a) and (b) of this section may be made: *Provided,* The applicant makes a satisfactory showing that the nature of the proposed program of experimentation precludes compliance therewith.

Subpart D—Operating Requirements

§ 5.151 General limitations on use.

(a) The following transmission limitations are applicable to all classes of stations in the experimental services and are in addition to the specific requirements applicable to each respective class of service as covered under Subparts E and F of this part:

(1) Stations may make only such transmissions as are necessary and directly related to the conduct of the licensee's stated program of experimentation as specified in his application for construction permit and license and the related station instrument of authorization, and as governed by the provisions of the rules and regulations contained in this part. All transmissions shall be limited to the minimum practical transmission time.

(2) When transmitting, the licensee must use every precaution to insure that the radio frequency energy emitted will not cause harmful interference to the services carried on by stations operating in accordance with the Table of Frequency Allocations of Part 2 of this chapter and, further, that the power radiated is reduced to the lowest practical value consistent with the program of experimentation for which the station authorization is granted. If harmful interference to an established radio service develops, the licensee shall cease transmissions and such transmissions shall not be resumed until it is certain that harmful interference will not be caused.

(b) Unless expressly permitted in the instrument of authorization, experimental stations shall not be used:

(1) To retransmit signals of any other station, except in conjunction with the authorized program of experimentation.

(2) To transmit programs intended for public reception or render any communication service.

§ 5.152 Station identification.

Each class of station in the experimental services shall, unless specifically exempted by the terms of the station authorization, transmit its assigned call sign at the end of each complete transmission: *Provided, however,* That the transmission of the call sign at the end of each transmission is not required for projects requiring continuous, frequent, or extended use of the transmitting apparatus, if, during such periods and in connection with such use, the call sign is transmitted at least once every thirty minutes.

§ 5.153 Suspension of transmission required.

The radiations of the transmitter shall be suspended immediately upon detection or notification of a deviation from the technical requirements of the station authorization until such deviation is corrected, except for transmissions concerning the immediate safety of life or property, in which case the transmissions shall be suspended as soon as the emergency is terminated.

§ 5.154 Mobile installations in vehicles not under the continuous control of the licensee.

A mobile radio station licensed in the experimental services may not be installed or maintained in a vehicle, aircraft, or vessel, which is not at all times controlled exclusively by the licensee, unless precautions have been taken to eliminate effectively the possibility of the licensed transmitter being operated during the period that the vehicle, aircraft, or vessel is not under the control of the licensee.

§ 5.155 Operator requirements.

(a) All transmitter adjustments which may affect the proper operation of a station shall be made by or under the immediate supervision and responsibility of a person holding a radiotelephone or radiotelegraph first or second class operator license: *Provided, however,* That only a person holding a radiotelegraph first or second class operator license shall perform such functions at a radiotelegraph station transmitting by any type of the Morse code.

(b) A person holding a radiotelephone or radiotelegraph first or second class operator license, as may be appropriate for the type of emission being used, shall be on duty and in charge of the transmitter during the normal rendition of service: *Provided, however,* That if the transmitter is so designed that none of the operations necessary to be performed during the normal rendition of service may cause off-frequency operation or result in any unauthorized radiation, an operator holding any class of commercial radio operator license except Aircraft Radiotelephone Operator Authorization or Temporary Limited Radiotelegraph Second Class Operator License shall be on duty and in charge of the transmitter except:

(1) Only a person holding a commercial radiotelegraph operator license of any class except Temporary Limited Radiotelegraph Second Class shall operate a station when transmitting radiotelegraphy by any type of Morse code: *Provided, however,* That a person holding a commercial radiotelephone operator license of any class except Aircraft Radiotelephone Operator Authorization may operate such station when telegraphy is transmitted by automatic means for identification, testing, or actuating an automatic signalling device.

(2) An unlicensed person may operate a mobile station when transmitting radiotelephony on frequencies above 25 Mc/s.

(3) An unlicensed person may operate a mobile station when transmitting radiotelephony on frequencies below 25 Mc/s when such mobile station is under the operational control of a land station of the same licensee.

(4) No person is required to be in attendance at a station when transmitting on frequencies above 50 Mc/s for telemetering purposes or when serving as a relay station for the purpose of retransmitting by self-actuating means signals from another station or stations.

(c) The provisions of this section authorizing unlicensed persons to operate certain stations shall be applicable only to stations located within the United States, its territories or possessions and which communicate exclusively with one or more stations located in the United States, its territories or possessions.

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

§ 5.156 Evidence of operator license.

Whenever a licensed operator is required by § 5.155, the original license or verification card of such operator shall be immediately available at the place where the operator is on duty.

§ 5.157 Posting station licenses and transmitter identification cards or plates.

(a) The current authorization for each station at a fixed location shall be posted in a conspicuous place at the principal control point of the station, and a photocopy of such authorization shall be posted at all other control points listed on the authorization. In addition, an executed Transmitter Identification Card (FCC Form 452–C) or a plate of metal or other durable substance, legibly indicating the call sign and the licensee's name and address, shall be affixed, readily visible for inspection, to each transmitter operated at a fixed location when such transmitter is not in view of, or is not readily accessible to, the operator at the principal control point.

(b) The current authorization for each mobile station shall be retained as a permanent part of the station records, but need not be posted. In addition, an executed Transmitter Identification Card (FCC Form 452–C) or a plate of metal or other durable substance, legibly indicating the call sign and the licensee's name and address, shall be affixed, readily visible for inspection, to each mobile transmitter: *Provided,* That, if the transmitter is not in view of the operating position, or is not readily accessible for inspection, then such card or plate shall be affixed to the control equipment at the transmitter operating position or posted adjacent thereto.

§ 5.158 Authorized points of communication.

Stations in the experimental services may communicate only with other stations licensed in the experimental services: *Provided, however,* That upon a satisfactory showing that the proposed communications are essential to the conduct of the research project, authority may be granted to communicate with stations in other services and U.S. Government stations.

§ 5.159 Operation during an emergency.

(a) The licensee of any station in the Experimental Radio Services may, during a period of emergency in which the normal communication facilities are disrupted as a result of hurricane, flood, earthquake, or similar disaster, utilize such station for emergency communication service, subject to other provisions of this section, by communicating in a manner other than that specified in the station license.

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

(c) The emergency use of the station shall be discontinued as soon as substantially normal communication facilities are again available.

(d) The Commission at Washington, D.C., and the Engineer in Charge shall be notified immediately when such special use of the station is terminated.

(e) In no event shall any station engage in emergency transmission on frequencies other than, or with power in excess of, that specified in the instrument of authorization or as otherwise expressly provided by the Commission, or by law.

(f) The Commission may, at any time, order the discontinuance of any such emergency communication undertaken under this section.

§ 5.160 Inspection of stations.

All stations and records of stations in the Experimental Services shall be made available for inspection at any time while the station is in operation or shall be made available for inspection upon reasonable request of an authorized representative of the Commission.

§ 5.161 Inspection and maintenance of tower marking and associated control equipment.

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

(a) The tower lights shall be observed at least once each 24 hours, either visually or by observing an automatic and properly maintained indicator designed to register any failure of such lights, to insure that all such lights are functioning properly as required; or, alternatively, there shall be provided and properly maintained an automatic alarm system designed to detect any failure of the tower lights and to provide indication of such failure to the licensee.

(b) Any observed or otherwise known failure of a code or rotating beacon light or top light not corrected within thirty minutes, regardless of the cause of such failure, shall be reported immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) All automatic or mechanical control devices, indicators, and alarm systems associated with the tower lights shall be inspected at intervals not to exceed three months, to insure that such apparatus is functioning properly.

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

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

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

§ 5.162 Notice of violation.

(a) Any licensee who appears to have violated any provision of the Communications Act or any provision of this chapter, shall be served with a written notice calling the facts to his attention and requesting a statement concerning the matter.

(b) Within 10 days from receipt of notice or such other period as may be specified, the licensee shall send a written answer, in duplicate, direct to the office of the Commission originating the official notice. If an answer cannot be sent nor an acknowledgment made within such 10-day period by reason of illness or other unavoidable circumstances, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay.

(c) The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. If the notice relates to violations that may be due to the physical or electrical characteristics of transmitting apparatus, the answer shall state fully what steps, if any, have been taken to prevent future violations, and, if any new apparatus is to be installed, the date such apparatus was ordered, the name of the manufacturer, and the promised date of delivery. If the installation of such apparatus requires a construction permit, the file number of the application shall be given, or if a file number has not been assigned by the Commission, such identification shall be given as will permit ready identification of the application. If the notice of violation relates to lack of attention to or improper operation of the transmitter, the name and license number of the operator in charge shall be given.

§ 5.163 Content of station records.

(a) The licensee of each station in the experimental services shall maintain adequate records of the station's operations, including:

(1) Dates and hours of operation.

(2) All measurements of the frequency(s), including the name of the person making the measurements, the exact frequency measured or the observed deviations from the assigned frequency(s) expressed in cycles, kilocycles or percent plus or minus, and a statement of any corrective action taken.

(3) Power.

(4) Types of emission.

(5) Chronological record of experimentation conducted.

(6) The name of the operator on duty.

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

(1) Pertinent details of all duties performed by him or under his supervision;

(2) His name and address; and

(3) The class, serial number and expiration date of his license: *Provided, however,* That the information called for under subparagraph (2) of this paragraph and this subparagraph, so long as it remains unchanged, is not required to be repeated in the case of a person who is regularly employed as operator on a full-time basis at the stations.

(c) For stations whose antenna or antenna supporting structure is required to be illuminated, a record in accordance with the following:

(1) The time the tower lights are turned on and off each day, if manually controlled.

(2) The time the daily check of proper operation of the tower lights was made.

(3) In the event of any observed or otherwise known failure of a tower light:

(i) Nature of such failure.

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

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

(iv) Identification of Flight Service Station (Federal Aviation Agency) notified of the failure of any code or rotating beacon light not corrected within thirty minutes, and the date and time such notice was given.

(v) Date and time notice was given to the Flight Service Station (Federal

Aviation Agency) that the required illumination was resumed.

(4) Upon completion of the three-month periodic inspection required by § 5.161:

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

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

§ 5.164 Form of station records.

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

(b) Each entry in the record shall be signed by a person having actual knowledge of the facts to be recorded.

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

(d) A copy of this part shall be maintained in the records of each fixed or land station licensed under this part.

§ 5.165 Retention of station records.

Records required to be kept by this part shall be retained by the licensee for a period of at least one year.

§ 5.166 Adherence to program of research.

(a) The program of experimentation as stated by an applicant in its application for construction permit or license or in the station instrument of authorization, shall be substantially adhered to unless the licensee is authorized to do otherwise by the Commission.

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

Subpart E—Experimental Service (Research)

§ 5.201 Eligibility for license.

Authorizations for stations in the Experimental Service (Research) will be issued only to persons qualified to conduct experimentations utilizing hertzian waves for scientific or technical radio research not related to an existing service or proposed service, or for communications in connection with research projects when existing communication facilities are inadequate.

§ 5.202 Scope of service.

Stations operating in the Experimental Service (Research) will be permitted to conduct the following types of operations:

(a) Experimentations in scientific or technical radio research.

(b) Development of radio technique, equipment or engineering data not relating to an existing or proposed service, including field or factory testing or calibration of equipment.

(c) Experimentations under contractual agreement with the United States Government, or for export purposes.

(d) Communications essential to research projects.

(e) Technical demonstrations of equipment or techniques.

§ 5.203 Frequencies for Experimental Service (Research).

Stations operating in the Experimental Service (Research) may be authorized to use any government or non-government frequency designated in the table of frequency allocations set forth in Part 2 of this chapter as available for assignment to this service: *Provided,* That the need of the specific frequency(s) requested is fully justified by the applicant.

§ 5.204 Experimental report.

(a)(1) Except in the case of those stations providing essential communications for research projects, a report on the results of the experimental program carried on under this subpart shall be filed with and made a part of each application for renewal of license.

(2) The licensee shall, upon request, forward experimental reports at such times during the term of the station authorization as the Commission may deem necessary to evaluate the progress of the experimental program.

(b) An applicant may request that the Commission withhold from the public certain reports and associated material, and the Commission will withhold the same unless the public interest requires otherwise.

(c) In the case of experimentations which are under contractual agreement with the United States, such reports shall include the information in paragraph (d) in so far as security regulations permit.

(d) The experimental report shall include comprehensive information on the following items:

(1) Detailed analysis of the results obtained.

(2) Report on the experimentation conducted.

(3) Total number of hours of operation on each frequency assigned.

(4) Copies of publications covering the experimental work.

(5) A list of patents issued as a result of the experimental work.

(6) Any other pertinent information.

Subpart F—Experimental Service (Developmental)

§ 5.251 Eligibility for license.

(a) Authorizations for stations in the Experimental Service (Developmental) will be issued only to persons qualified to conduct experimentations utilizing hertzian waves for the development of equipment for use in an existing service or for the development of equipment or technical operational data directly related to a use of radio not provided by existing rules.

(b) Applicants eligible for authorizations in an established service, and seeking to develop operational data or techniques directed toward the improvement or extension of that service, shall conduct such projects under the developmental rules of the established service.

§ 5.252 Scope of service.

Stations operating in the Experimental Service (Developmental) will be permitted to conduct the following types of operations:

(a) Development of radio equipment, operational or engineering data related to an existing or proposed radio service.

(b) Field strength surveys by persons not eligible for authorization in any other service or the demonstration of equipment by manufacturers to prospective purchasers for proposed stations in existing services. Transmission shall be limited to test messages, essential to the installation, extension or development of a radio communication facility and the procedure set forth in § 5.254 shall apply.

(c) Testing of equipment in connection with production or type approval of such equipment.

§ 5.253 Frequencies for Experimental Service (Developmental).

(a) Any frequency allocated in Part 2 of this chapter to a particular service may be assigned for the purposes set forth in § 5.252 provided the proposed operation is in accordance with the rules governing the service involved.

(b) Frequencies which have been allocated in Part 2 of this chapter to a shared Government and non-Government service for which rules governing non-Government stations have not been promulgated may be assigned for the purpose indicated in column 8 of the table of frequency allocations contained in § 2.106 of this chapter.

(c) Frequencies which have been allocated in Part 2 of this chapter to a non-Government service for which rules have not been promulgated may be assigned to the class of stations indicated in column 9 of the table of allocations for the purpose indicated in column 8 of that table.

(d) Except as provided in paragraph (f) of this section, no developmental authorization for experimentation related to an established service will be made which involves the assignment of frequencies not included in the rules governing such service or the use of allocated frequencies in a manner contrary to the rules governing that service until the Commission has made a determination that such frequency assignment or use is in the public interest. Each application requesting the use of frequencies not allocated to an established service for which a developmental program is planned or which is contrary to the rules governing that service must be accompanied by a petition requesting the amendment of the rules governing the service involved to provide for the proposed operation.

(e) Except as provided in paragraph (f) of this section, frequencies will not be assigned for the development of a

service for which no frequencies have been allocated until the Commission has made a preliminary determination that the public interest, convenience, or necessity would be served by the establishment of the service. Such applications must be accompanied by a petition requesting the allocation of frequencies for the proposed service and setting forth the reasons in support of the petition.

(f) Where circumstances require and permit, the Commission may defer action on any petition required by paragraphs (d) and (e) of this section and authorize a grant of limited duration for the sole purpose of developing data which the Commission finds to be necessary to make the determinations with respect to such petitions. Such grants shall in no way be construed as a finding by the Commission with respect to the matters set forth in the petitions or that the operation of any radio station thereunder will serve the public interest, convenience, or necessity beyond the express terms of the particular grant. The terms of such grant, including frequency, power, emission, etc., will be specified in the instrument of authorization.

§ 5.254 Frequencies for field strength surveys or equipment demonstrations.

(a) Specific frequencies will not normally be designated in a station license issued for the purpose of conducting field strength surveys or equipment demonstrations. Prior to the commencement of a survey, the licensee will request a specific frequency assignment and submit the following information:

(1) Time, date and duration of survey.
(2) Frequency to be used.
(3) Location of transmitter and geographical area to be covered.
(4) Purpose of survey.
(5) Method and equipment to be used.
(6) Names and addresses of persons for whom the survey is conducted.

(b) Upon receipt of authority from the Commission to conduct a particular survey, the licensee shall furnish the Engineer in Charge of the radio district in which the survey is to be conducted, sufficiently in advance to assure receipt before the commencement thereof, the following information: Time, date, duration, frequency, location of transmitter, area to be covered, and purpose of survey.

§ 5.255 Experimental report.

(a) A report on the results of the experimental program carried on under this subpart shall be filed with and made a part of each application for renewal of license: *Provided, however,* That the licensee shall, upon request, forward experimental reports at such time during the term of the station authorization as the Commission may deem necessary to evaluate the progress of the experimental program.

(b) An applicant may request that the Commission withhold from the public certain reports and associated material, and the Commission will withhold the same unless the public interest requires disclosures.

(c) The experimental report of stations operating in this service for the development of existing services shall include comprehensive information on the following items in the order designated:

(1) Detailed analysis of the results obtained.
(2) Report on the experimental work conducted.
(3) The total number of hours of operation on each frequency.
(4) Copies of any published reports on the program of experimentation.
(5) Any other pertinent information that may be useful to the Commission in evaluating the merits of the proposed operations.

(d) In addition to the information included in paragraph (c) of this section, the experimental report of a station authorized for the development of a new service shall include comprehensive information on the following items:

(1) Probable public support and methods of its determination.
(2) Practicability of service operations.
(3) Interference encountered.
(4) Pertinent information relative to merits of the proposed service.
(5) Propagation characteristics of frequencies used, particularly with respect to service objective.
(6) Frequencies believed to be more suitable and reasons therefor.
(7) Type of signals or communications employed in the experimental work.

Subpart G—[Reserved]

Subpart H—Student Authorizations

§ 5.401 Eligibility for license.

The Commission may issue an authorization under this subpart to students for the purpose of presenting experiments or technical demonstrations for school or school approved projects which require the use of radio for a limited period of time. Such authorizations may, in the discretion of the Commission, be granted to students of seventh grade or higher level.

§ 5.402 Filing of applications.

(a) Notwithstanding the requirements in Subpart B of this part, an application for a student authorization may be filed in letter form, in duplicate, with the original signed. The application shall contain the information set forth in paragraph (b) of this section.

(b) The application shall contain the following information:

(1) Name and address of applicant.
(2) A statement that the applicant is a citizen of the United States.
(3) Applicant's school and grade.
(4) A detailed description in narrative form of the project including the type and purpose of operation.
(5) Place of operation—street address, name of building, or other specific location.
(6) Date(s) of operation including the exact hours, when known, as well as the duration of each period of operation.
(7) Equipment to be used. If manufactured, list name of manufacturer and type number. For other equipment, describe in detail and furnish a circuit diagram.
(8) Frequency(ies) desired and range of frequencies which could be employed.
(9) The method by which the frequency of operation will be determined.
(10) Frequency tolerance.
(11) The means by which this tolerance will be maintained.
(12) DC plate power input to final radio frequency stage. If not known, indicate any known power rating of equipment and state whether this is power output of transmitter or radiated power, and whether average or peak.
(13) Type of emission including a description of the modulation that will be applied, if modulated.
(14) Description of the antenna to be used, including height above ground.

(c) The application shall be accompanied by a signed statement from the principal of the school, or a member of its faculty, on appropriate letterhead, stating that the project has the approval of the school and indicating the person under whose general supervision the project will be conducted.

§ 5.403 Waiver of construction permit.

Subject to the requirements of §§ 5.401 and 5.402, the provisions contained in section 319 (d) of the Communications Act are waived insofar as such provisions require the issuance of a construction permit prior to the issuance of the student authorization provided for in this subpart.

§ 5.404 Waiver of operator requirement.

Subject to the requirements of §§ 5.401 and 5.402, the provisions contained in section 318 of the Communications Act are waived insofar as such provisions require that a station authorized under this subpart be operated by a person holding an operator's license: *Provided, however,* That the Commission, in its discretion, may require that operations authorized pursuant to this subpart be conducted by, or in the presence of, a licensed operator of the appropriate grade.

§ 5.405 Power limitation.

No authorization under this subpart will be issued unless the description of the project shows that the dc plate power input to the final radio frequency stage does not exceed 5 watts: *Provided, however,* That a greater power may be authorized if a satisfactory showing is made that such greater power is necessary and that appropriate measures will be taken to prevent interference.

§ 5.406 Frequencies.

(a) Frequencies in the following bands are available for assignment in authorizations issued under this subpart:

27.23–27.28 Mc/s.
460–461 Mc/s.
462.525–467.475 Mc/s.
2450–2500 Mc/s.

(b) In each case, the carrier frequency must be far enough inside the band so as to keep the sideband energy within the band limits specified.

§ 5.407 Measurements required.

The frequency of operation must be measured or checked prior to each time of operation.

§ 5.408 Waiver of technical and operating requirements.

Subject to the provisions of §§ 5.405, 5.406, and 5.407, the provisions in Subparts C and D of this part are waived insofar as such provisions require a station authorized under this subpart to observe the technical and operating requirements set forth therein.

§ 5.409 Non-interference condition.

Each authorization issued to a student under this subpart is subject to the condition that no harmful interference, as defined in § 5.4(h), is caused to any authorized station.

§ 5.410 Record of operation.

(a) The licensee holding an authorization issued under this subpart shall maintain a record of operation containing the following information:

(1) The date and time of each period of operation.

(2) The frequency of operation as measured or checked at the beginning of each period of operation.

(3) A brief description of the experimentation being conducted.

(b) Each entry shall be signed by the person operating the equipment.

(c) These records shall be retained for one month after the termination of the authorization.

§ 5.411 Notification.

(a) The holder of an authorization issued under this subpart shall notify the Engineer in Charge of the district in which the station will be operated in advance of each scheduled operation.

(b) The notice to the Engineer in Charge shall be in writing and shall contain the following information:

(1) Place of operation.

(2) Date(s) of operation, including exact time if known.

(3) Frequency(ies) to be used.

(4) Call letters of station.

PART 13—COMMERCIAL RADIO OPERATORS

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GENERAL

§ 13.1 Licensed operators required.

Unless otherwise specified by the Commission, the actual operation of any radio station for which a station license is required shall be carried on only by a licensed radio operator of the required class (see § 13.61).

NOTE A: Whenever the term "license" is used generally to denote an authorization from the Commission, it includes "license," "permit" and "authorization".

NOTE B: Provision is made in Parts 5, 21, 81, 83, 87, 89, 91, 93, and 95 of this chapter for operation of certain radio stations without licensed operators subject to limitations and conditions specified therein.

§ 13.2 Classes of operator licenses.

The classes of commercial radio operator licenses issued by the Commission are classified basically as radiotelegraph and radiotelephone licenses, and are further classified in accordance with international usage as follows:

(a) General radio operator group:

(1) General radiotelegraph certificates:

(i) Radiotelegraph first-class operator license.

(ii) Radiotelegraph second-class operator license.

(2) General radiotelephone certificates (classification by international usage):

(i) Radiotelephone first-class operator license.

(ii) Radiotelephone second-class operator license.

(b) Restricted radio operator group:

(1) Special radiotelegraph certificate (classification by international usage):

(i) Radiotelegraph third-class operator permit.

(2) Restricted radiotelephone certificate (classification by international usage):

(i) Radiotelephone third-class operator permit.

(c) Limited radio operator group:

(1) Limited radiotelephone operator certificate:

(i) Restricted radiotelephone operator permit.

§ 13.3 Dual holding of licenses.

A person may not hold more than one radiotelegraph operator license or permit and one radiotelephone operator license or permit at the same time.

§ 13.4 Term of licenses.

(a) Except as provided in paragraphs (b) and (c) of this section, commercial operator licenses will normally be issued for a term of five years from the date of issuance.

(b) Restricted Radiotelephone Operator Permits issued to U.S. citizens or other U.S. nationals will normally be issued for the lifetime of the operator. The terms of all Restricted Radiotelephone Operator Permits issued prior to November 15, 1953, which were outstanding on that date were extended to encompass the lifetime of such operators.

(c) A commercial operator license, of any grade, granted to an alien aircraft pilot under a waiver of the U.S. nationality provisions of section 303(l) of the Communications Act, until such time as the question of a national security policy has been determined with respect to such persons will normally be issued for a period not in excess of one year from the date of issuance. An operator license issued to an alien shall be valid only if the operator continues to hold an Aircraft Pilot Certificate issued by the Civil Aeronautics Administration or the Federal Aviation Agency and is lawfully in the United States.

§ 13.5 Eligibility for new license.

(a) Normally, commercial licenses are issued only to citizens and other nationals of the United States. As an exception, in the case of an alien who holds an Aircraft Pilot Certificate issued by the Civil Aeronautics Administration or the Federal Aviation Agency and is lawfully in the United States, the Commission, if it finds that the public interest will be served thereby, may waive the requirement of U.S. nationality.

(b) Notwithstanding any other provisions of the Commission's rules, no person otherwise eligible shall be deemed to be eligible to be examined for or to receive a commercial radio operator license of any class, (1) whose commercial radio operator license is under suspension or is involved in a suspension proceeding, (2) who is involved in any pending litigation based on an alleged violation of the Communications Act of 1934, as amended, or (3) who is afflicted with complete deafness or complete muteness

or complete inability for any other reason to transmit correctly and to receive correctly by telephone spoken messages in English.

(c) No applicant who is eligible to apply for any commercial radio operator license shall, by reason of any physical handicap, other than as set forth in paragraph (b) of this section, be denied the privilege of applying and being permitted to attempt to prove his qualifications (by examination if examination is required) for such commercial radio operator license in accordance with established procedure; nor, subject to the following conditions, shall such applicant be denied the issuance of any commercial radio operator license for which he is found qualified:

(1) If the applicant is afflicted with uncorrected physical handicap which would clearly prevent the performance of all or any part of the duties of a radio operator, under the license for which application is made, at a station under emergency conditions involving the safety of life or property, he may be issued the license for which he is found qualified: *Provided,* That any license so received, if of the diploma-form (as distinguished from such document of the card-form), shall bear a restrictive endorsement as follows:

This license is not valid for the performance of any operating duties, other than installation, service and maintenance duties, at any station licensed by the Federal Communications Commission which is required, directly or indirectly, by any treaty, statute or rule or regulation pursuant to statute, to be provided for safety purposes.

Provided further, That in the case of a diploma-form license for which no examination in technical radio matters is required, the endorsement will be modified by deleting the reference therein to installation, service, and maintenance duties.

(2) In any case where an applicant, who normally would receive or has received a commercial radio operator license bearing the endorsement prescribed by subparagraph (1) of this paragraph, indicates his desire to operate a station falling within the prohibitive terms of the endorsement, he may request in writing that such endorsement not be placed upon, or be removed from, his license, and may submit in support of his request any written comment or statement of himself or any interested party.

(3) An applicant who shows that he has theretofore performed satisfactorily (by means of the service record appearing on the appropriate license document of the applicant or such other proof as may be appropriate under the circumstances of the particular case) the duties of a radio operator at a station required, directly or indirectly, by any treaty, statute, or rule or regulation pursuant to statute to be provided for safety purposes, during a period when he was afflicted by uncorrected physical handicaps of the same kind and to the same degree as the physical handicaps shown by his current application (this showing may be made by means of the applicant's written, sworn statement or such other documentary proof as may be appropriate under the circumstances of the particular case), shall not be deemed to be within the provisions of subparagraph (1) of this paragraph.

§ 13.6 Operator license, posting of.

The original license of each station operator shall be posted at the place where he is on duty, except as otherwise provided in this part or in the rules governing the class of station concerned.

§ 13.7 Operators, place of duty.

(a) Except as may be provided in the rules governing a particular class of station, one or more licensed radio operators of the grade specified by this part shall be on duty at the place where the transmitting apparatus of each licensed radio station is located and in actual charge thereof whenever it is being operated: *Provided, however,* That, (1) subject to the provisions of paragraph (b) of this section, where remote control of the transmitting apparatus has been authorized to be used, the Commission may modify the foregoing requirements upon proper application and showing being made so that such operator or operators may be on duty at the control point in lieu of the place where the transmitting apparatus is located; (2) in the case of two or more stations, except amateur and broadcast, licensed in the name of the same person to use frequencies above 30 megacycles only, a licensed radio operator holding a valid radiotelegraph or radiotelephone first- or second-class license who has the station within his effective control may be on duty at any point within the communication range of such stations in lieu of the transmitter location or control point during the actual operation of the transmitting apparatus and shall supervise the emissions of all such stations so as to insure the proper operation in accordance with the station license.

(b) An operator may be on duty at a remote control point in lieu of the location of the transmitting apparatus in accordance with the provisions of paragraph (a) (1) of this section: *Provided,* That all of the following conditions are met: (1) The transmitter shall be so installed and protected that it is not accessible to other than duly authorized persons; (2) the emissions of the transmitter shall be continuously monitored at the control point by a licensed operator of the grade specified for the class of station involved; (3) provision shall be made so that the transmitter can quickly and without delay be placed in an inoperative condition by the operator at the control point in the event there is a deviation from the terms of the station license; (4) the radiation of the transmitter shall be suspended immediately when there is a deviation from the terms of the station license.

§ 13.8 Provisional Radio Operator Certificate.

In circumstances requiring immediate authority to operate a radio station pending submission of proof of eligibility or of qualifications or pending a determination by the Commission as to these matters, an applicant for a radio operator license may request a Provisional Radio Operator Certificate. Any such request may be in letter form and shall be in addition to the formal application. If the Commission finds that the public interest will be served it may issue such certificate for a period not to exceed six months with such additional limitation as may be indicated. In no case will the Commission issue a Provisional Radio Operator Certificate if the applicant has not fulfilled examination or service requirements, if any, for the license applied for.

Applications

§ 13.11 Procedure.

(a) *General.* Applications shall be governed by applicable rules in force on the date when application is filed (see § 13.28). The application in the prescribed form and including all required subsidiary forms and documents, properly completed and signed, and accompanied by the prescribed fee (see § 13.15), shall be submitted in person or by mail to the field office at which the applicant desires his application to be considered and acted upon, which office will make the final arrangements for conducting any required examination. Whenever an examination is to be taken at a designated examination point away from an office, the application shall be submitted in advance of the examination to the field office having jurisdiction over the area in which the examination is to be taken. Subject to other provisions of this paragraph, if the application is for renewal of license it may be filed at any time during the final year of the license term or during a 1 year period of grace after the date of expiration of the license sought to be renewed. During this 1 year period of grace an expired license is not valid. A renewed license issued upon the basis of an application filed during the grace period will be dated currently and will not be back-dated to the date of expiration of the license being renewed. A renewal application shall be accompanied by the license sought to be renewed. If the prescribed service requirements for renewal without examination (see § 13.28) are fulfilled, the renewed license may be issued by mail. If the service record on the reverse side of the license does not fully describe or cover the service desired by the applicant to be considered in connection with license renewal (as might occur in the case of service rendered at U.S. Government stations), the renewal application shall be supported by documentary evidence describing in detail the service performed and showing that the applicant actually performed such service in a satisfactory manner. A separate application must be submitted for each license involved, whether it requests renewal, new license, endorsement, duplicate, or replacement.

(b) *Restricted radiotelephone operator permit.* No oral or written examination is required for this permit. If the application is properly completed and signed, and if the applicant is found to be qualified, the permit may be issued forthwith by personal delivery to the applicant or by mail.

(c) *Short term license.* A license, other than a Restricted Radiotelephone Operator Permit, issued for a term of less than five years (see § 13.4), may be extended for a period not exceeding the portion of the five-year term remaining, without further examination, provided proper application for extension is filed prior to expiration of the license.

§ 13.12 Special provisions, radiotelegraph first class.

An applicant for a radiotelegraph first-class operator license must be at least 21 years of age at the time the licensed is issued and shall have had an aggregate of one year of satisfactory service as an operator manipulating the key of a manually operated public ship or coast station handling public correspondence by radiotelegraphy.

§ 13.13 Age limit, restricted radiotelephone operator permit.

An applicant for a restricted radiotelephone operator permit must be at least 14 years of age at the time the permit is issued.

§ 13.14 Payment of fees.

(a) Each application for which a fee is prescribed in § 13.15 must be accompanied by a remittance in the full amount of the fee. In no case will an application for which a fee is prescribed be accepted for filing or processed prior to payment of the full amount specified. Applications for which no remittance is received, or for which an insufficient amount is received, may be returned to the applicant.

(b) Fee payments accompanying applications submitted to the Commission should be in the form of a check or money order payable to the Federal Communications Commission. The Commission will not be responsible for cash sent through the mails. All fees collected will be paid into the United States Treasury as miscellaneous receipts in accordance with the provisions of Title V of the Independent Offices Appropriation Act of 1952 (5 U.S.C. 140).

(c) Receipts will be furnished upon request in the case of payments made in person, but no receipts will be issued for payments sent through the mails.

(d) All fees will be charged irrespective of the Commission's disposition of the application. Applications returned to applicants for additional information or corrections will not require an additional fee when resubmitted. Refunds will be made only in the case of payments in excess of the fee prescribed in this part.

§ 13.15 Schedule of fees.

(a) Except as provided in paragraphs (b) and (c) of this section, applications filed on or after January 1, 1964 under this part must be accompanied by the fees prescribed below:

Applications for new operator license:	
First-class license, either radiotelephone or radio telegraph	$5
Second-class license, either radiotelephone or radiotelegraph	4
Third-class permit, either radiotelephone or radiotelegraph	3
Restricted radiotelephone permit	2
Application for renewal of operator license	$2
Application for endorsement of operator license	2
Application for duplicate license or for replacement license	2

(b) No fee need accompany an application for a verification card (FCC Form 758–F) or for a verified statement (FCC Form 759).

(c) Whenever an application requests both an operator license and an endorsement the required fee will be the fee prescribed for the license document involved.

EXAMINATIONS

§ 13.21 Examination elements.

Written examinations will comprise questions from one or more of the following examination elements:

1. *Basic law.* Provisions of laws, treaties and regulations with which every operator should be familiar.

2. *Basic operating practice.* Radio operating procedures and practices generally followed or required in communicating by means of radiotelephone stations.

3. *Basic radiotelephone.* Technical, legal and other matters applicable to the operation of radiotelephone stations other than broadcast.

4. *Advanced radiotelephone.* Advanced technical, legal and other matters particularly applicable to the operation of the various classes of broadcast stations.

5. *Radiotelegraph operating practice.* Radio operating procedures and practices generally followed or required in communicating by means of radiotelegraph stations primarily other than in the maritime mobile services of public correspondence.

6. *Advanced radiotelegraph.* Technical, legal and other matters applicable to the operation of all classes of radiotelegraph stations, including operating procedures and practices in the maritime mobile services of public correspondence, and associated matters such as radio navigational aids, message traffic routing and accounting, etc.

7. *Aircraft radiotelegraph.* Basic theory and practice in the operation of radio communication and radio navigational systems in general use on aircraft.

8. *Ship radar techniques.* Specialized theory and practice applicable to the proper installation, servicing and maintenance of ship radar equipment in general use for marine navigational purposes.

9. *Basic broadcast.* Basic regulatory matters applicable to the operation of standard, commercial FM, and noncommercial educational FM broadcast stations.

§ 13.22 Examination requirements.

Applicants for original licenses will be required to pass examinations as follows:

(a) *Radiotelephone second-class operator license:*

(1) Ability to transmit and receive spoken messages in English.

(2) Written examination elements: 1, 2, and 3.

(b) *Radiotelephone first-class operator license:*

(1) Ability to transmit and receive spoken messages in English.

(2) Written examination elements: 1, 2, 3, and 4.

(c) *Radiotelegraph second-class operator license:*

(1) Ability to transmit and receive spoken messages in English.

(2) Transmitting and receiving code test of twenty (20) words per minute plain language and sixteen (16) code groups per minute.

(3) Written examination elements: 1, 2, 5, and 6.

(d) *Radiotelegraph first-class operator license:*

(1) Ability to transmit and receive spoken messages in English.

(2) Transmitting and receiving code test of twenty-five (25) words per minute plain language and twenty (20) code groups per minute.

(3) Written examination elements: 1, 2, 5, and 6.

(e) *Radiotelephone third-class operator permit:*

(1) Ability to transmit and receive spoken messages in English.

(2) Written examination elements: 1 and 2.

(f) *Radiotelegraph third-class operator permit:*

(1) Ability to transmit and receive spoken messages in English.

(2) Transmitting and receiving code test of twenty (20) words per minute plain language and sixteen (16) code groups per minute.

(3) Written examination elements: 1, 2, and 5.

(g) *Restricted radiotelephone operator permit:*

No oral or written examination is required for this permit. In lieu thereof, applicants will be required to certify in writing to a declaration which states that the applicant has need for the requested permit; can receive and transmit spoken messages in English; can keep at least a rough written log in English or in some other language in general use that can be readily translated into English; is familiar with the provisions of treaties, laws, and rules and regulations governing the authority granted under the requested permit; and understands that it is his responsibility to keep currently familiar with all such provisions.

§ 13.23 Form of writing.

Written examination shall be in English and shall be written by the applicant in longhand in ink, except that diagrams may be in pencil.

§ 13.24 Passing mark.

A passing mark of 75 percent of a possible 100 percent will be required on each element of a written examination.

§ 13.25 New class, additional requirements.

The holder of a license, who applies for another class of license, will be required to pass only the added examination requirements for the new class of license: *Provided,* That the holder of a radiotelegraph third-class operator permit who takes an examination for a radiotelegraph second-class operator license more than one year after the issuance date of the third-class permit will also be required to pass the code test prescribed therefor: *Provided further,* That no person holding a new, duplicate, or replacement restricted radiotelephone operator permit issued on the basis of a declaration, or a renewed restricted radiotelephone operator permit which renews a permit issued upon the basis of a declaration shall, by reason

of the declaration or the holding of such permit, be relieved in any respect of qualifying by examination when applying for any other class of license.

§ 13.26 Canceling and issuing new licenses.

If the holder of a license qualifies for a higher class in the same group, the license held will be canceled upon the issuance of the new license. Similarly, if the holder of a restricted operator permit qualifies for a first- or second-class operator license of the corresponding type, the permit held will be canceled upon issuance of the new license.

§ 13.27 Eligibility for reexamination.

An applicant who fails an examination element will be ineligible for 2 months to take an examination for any class of license requiring that element. Examination elements will be graded in the order listed (see § 13.21), and an applicant may, without further application, be issued the class of license for which he qualifies.

NOTE: A month after date is the same day of the following month, or if there is no such day, the last day of such month. This principle applies for other periods. For example, in the case of the 2-month period to which this note refers, an applicant examined December 1 may be reexamined February 1, and an applicant examined December 29, 30, or 31 may be reexamined the last day of February while one examined February 28 may be reexamined April 28.

§ 13.28 Renewal service requirements, renewal examinations, and exceptions.

A restricted radiotelephone operator permit normally is issued for the lifetime of the holder and need not be renewed. A temporary limited radio telegraph second-class operator license is not renewable. A license of any other class may be renewed without examination provided that the service record on the reverse side of the license (see §§ 13.91 to 13.94) shows at least two years of satisfactory service in the aggregate during the license term and while actually employed as a radio operator under that license. If this two-year renewal service requirement is not fulfilled but the service record shows at least one year of satisfactory service in the aggregate during the last three years of the license term and while actually employed as a radio operator under that license, the license may be renewed upon the successful completion of a renewal examination, which may be taken at any time during the final year of the license term or during a one-year period of grace after the date of expiration of the license sought to be renewed. The renewal examination will consist of the highest numbered examination element normally required for a new license of the class sought to be renewed, plus the code test (if any) required for such a new license. If the renewal examination is not successfully completed before expiration of the aforementioned one-year period of grace, the license will not be renewed on any basis.

NOTE: By order dated and effective April 4, 1951, the Commission temporarily waived the requirement of prior service as a radio operator or examination for renewal in the case of any applicant for renewal of his commercial radio operator license. This order is applicable to commercial radio operator licenses which expired after June 30, 1950 until further order of the Commission.

CODE TESTS

§ 13.41 Transmitting speed requirements.

An applicant is required to transmit correctly in the International Morse code for 1 minute at the rate of speed prescribed in this part for the class of license desired.

§ 13.42 Transmitting test procedure.

Transmitting tests shall be performed by the use of the conventional Morse key except that a semi-automatic key, if furnished by the applicant, may be used in transmitting code tests of 25 words per minute.

§ 13.43 Receiving speed requirements.

An applicant is required to receive the International Morse code by ear, and legibly transcribe, consecutive words or code groups for a period of 1 minute without error at the rate of speed specified in the rules for the class of license for which the application is made.

§ 13.44 Receiving test procedure.

Receiving code tests shall be written in longhand either in ink or pencil except that in the case of the 25 words per minute code test a typewriter may be used when furnished by the applicant.

§ 13.45 Computing words or code groups.

Each five characters shall be counted as one word or code group. Punctuation marks or figures count as two characters.

SCOPE OF AUTHORITY

§ 13.61 Operating authority.

The various classes of commercial radio operator licenses issued by the Commission authorize the holders thereof to operate radio stations, except amateur, as follows (See also § 13.62 (c) for additional operating authority with respect to standard and FM broadcast stations):

(a) *Radiotelegraph first-class operator license.* Any station except:

(1) Stations transmitting television, or

(2) Any of the various classes of broadcast stations other than remote pickup and ST broadcast stations, or

(3) On a cargo vessel (other than a vessel operated exclusively on the Great Lakes) required by treaty or statute to be equipped with a radiotelegraph installation, the holder of this class of license may not act as chief or sole operator until he has had at least 6 months' satisfactory service in the aggregate as a qualified radiotelegraph operator in a station on board a ship or ships of the United States.

(4) On an aircraft employing radiotelegraphy, the holder of this class of license may not operate the radiotelegraph station during the course of normal rendition of service unless he has satisfactorily completed a supplementary examination qualifying him for that duty, or unless he has served satisfactorily as chief or sole radio operator on an aircraft employing radiotelegraphy prior to February 15, 1950. The supplementary examination shall consist of:

(i) Written examination element: 7.

(5) At a ship radar station, the holder of this class of license may not supervise or be responsible for the performance of any adjustments or tests during or coincident with the installation, servicing or maintenance of the radar equipment while it is radiating energy unless he has satisfactorily completed a supplementary examination qualifying him for that duty and received a ship radar endorsement on his license certifying to that fact: *Provided,* That nothing in this subparagraph shall be construed to prevent persons holding licenses not so endorsed from making replacements of fuses or of receiving-type tubes. The supplementary examination shall consist of:

(i) Written examination element: 8.

(b) *Radiotelegraph second-class operator license.* Any station except:

(1) Stations transmitting television, or

(2) Any of the various classes of broadcast stations other than remote pickup and ST broadcast stations, or

(3) On a passenger vessel (a ship shall be considered a passenger ship if it carries or is licensed or certificated to carry more than 12 passengers; a cargo ship means any ship not a passenger ship) required by treaty or statute to maintain a continuous radio watch by operators or on a vessel having continuous hours of service for public correspondence, the holder of this class of license may not act as chief operator, or

(4) On a vessel (other than a vessel operated exclusively on the Great Lakes) required by treaty or statute to be equipped with a radiotelegraph installation, the holder of this class of license may not act as chief or sole operator until he has had at least 6 months' satisfactory service in the aggregate as a qualified radiotelegraph operator in a station on board a ship or ships of the United States.

(5) On an aircraft employing radiotelegraphy, the holder of this class of license may not operate the radiotelegraph station during the course of normal rendition of service unless he is at least eighteen (18) years of age and has satisfactorily completed a supplementary examination qualifying him for that duty, or unless he has served satisfactorily as chief or sole radio operator on an aircraft employing radiotelegraphy prior to February 15, 1950. The supplementary examination shall consist of:

(i) Transmitting and receiving code test at twenty-five (25) words per minute plain language and twenty (20) code groups per minute.

(ii) Written examination element: 7.

(6) At a ship radar station, the holder of this class of license may not supervise or be responsible for the performance of any adjustments or tests during or coincident with the installation, servicing or maintenance of the radar equipment while it is radiating energy unless he has satisfactorily completed a supplementary examination qualifying him for that duty and received a ship radar

endorsement on his license certifying to that fact: *Provided,* That nothing in this subparagraph shall be construed to prevent persons holding licenses not so endorsed from making replacements of fuses or of receiving-type tubes. The supplementary examination shall consist of:

(i) Written examination element: 8.

(c) [Reserved]

(d) *Radiotelegraph third class operator permit.* Any station except:

(1) Stations transmitting television, or

(2) Any of the various classes of broadcast stations other than noncommercial educational FM broadcast stations using transmitters with power ratings of 10 watts or less, remote pickup broadcast stations and ST broadcast stations, or

(3) Class I–B coast stations (other than when transmitting manual radiotelegraphy for identification or for testing) at which the power in the antenna of the unmodulated carrier wave is authorized to exceed 250 watts, or

(4) Class II–B or Class III–B coast stations (other than those in Alaska and other than when transmitting manual radiotelegraphy for identification or for testing) at which the power in the antenna of the unmodulated carrier wave is authorized to exceed 250 watts, or

(5) Ship stations or aircraft stations other than those at which the installation is used solely for telephony and at which the power in the antenna of the unmodulated carrier wave is not authorized to exceed 250 watts, or

(6) Ship stations and coast stations open to public correspondence by telegraphy, or

(7) Radiotelegraph stations on board a vessel required by treaty or statute to be equipped with a radio installation, or

(8) Aircraft stations while employing radiotelegraphy:

Provided, That (1) such operator is prohibited from making any adjustments that may result in improper transmitter operation, and (2) the equipment is so designed that the stability of the frequencies of the transmitter is maintained by the transmitter itself within the limits of tolerance specified by the station license, and none of the operations necessary to be performed during the course of normal rendition of the service of the station may cause off-frequency operation or result in any unauthorized radiation, and (3) any needed adjustments of the transmitter that may affect the proper operation of the station are regularly made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph as may be appropriate for the class of station involved (as determined by the scope of the authority of the respective licenses as set forth in paragraphs (a), (b), (e), and (f) of this section and § 13.62), who shall be responsible for the proper functioning of the station equipment, and (4) in the case of ship radiotelephone or aircraft radiotelephone stations when the power in the antenna of the unmodulated carrier wave is authorized to exceed 100 watts, any needed adjustments of the transmitter that may affect the proper operation of the station are made only by or under the immediate supervision and responsibility of an operator holding a first- or second-class radiotelegraph license, who shall be responsible for the proper functioning of the station equipment.

(e) *Radiotelephone first-class operator license.* Any station except:

(1) Stations transmitting telegraphy by any type of the Morse Code, or

(2) Ship stations licensed to use telephony and power in excess of 100 watts for communication with Class I–B coast stations.

(3) At a ship radar station, the holder of this class of license may not supervise or be responsible for the performance of any adjustments or tests during or coincident with the installation, servicing or maintenance of the radar equipment while it is radiating energy unless he has satisfactorily completed a supplementary examination qualifying him for that duty and received a ship radar endorsement on his license certifying to that fact: *Provided,* That nothing in this subparagraph shall be construed to prevent persons holding licenses not so endorsed from making replacements of fuses or of receiving-type tubes. The supplementary examination shall consist of:

(i) Written examination element: 8.

(f) *Radiotelephone second-class operator license.* Any station except:

(1) Stations transmitting telegraphy by any type of the Morse Code, or

(2) Standard broadcast stations, or

(3) International broadcast stations, or

(4) FM broadcast stations, or

(5) Non-commercial educational FM broadcast stations with transmitter power rating in excess of 1 kilowatt, or

(6) Television broadcast stations licensed for commercial operation, or

(7) Ship stations licensed to use telephony and power in excess of 100 watts for communication with Class I–B coast stations.

(8) At a ship radar station, the holder of this class of license may not supervise or be responsible for the performance of any adjustments or tests during or coincident with the installation, servicing or maintenance of the radar equipment while it is radiating energy unless he has satisfactorily completed a supplementary examination qualifying him for that duty and received a ship radar endorsement on his license certifying to that fact: *Provided,* That nothing in this subparagraph shall be construed to prevent persons holding licenses not so endorsed from making replacements of fuses or of receiving-type tubes. The supplementary examination shall consist of:

(i) Written examination element: 8.

(g) *Radiotelephone third-class operator permit.* Any station except:

(1) Stations transmitting television, or

(2) Stations transmitting telegraphy by any type of the Morse code, or

(3) Any of the various classes of broadcast stations other than noncommercial educational FM broadcast stations using transmitters with power ratings of 10 watts or less, remote pickup broadcast stations and ST broadcast stations or

(4) Class I–B coast stations at which the power in the antenna of the unmodulated carrier wave is authorized to exceed 250 watts or

(5) Class II–B or Class III–B coast stations, other than those in Alaska at which the power in the antenna of the unmodulated carrier wave is authorized to exceed 250 watts, or

(6) Ship stations or aircraft stations other than those at which the installation is used solely for telephony and at which the power in the antenna of the unmodulated carrier wave is not authorized to exceed 250 watts:

Provided, That (1) such operator is prohibited from making any adjustments that may result in improper transmitter operation, and (2) the equipment is so designed that the stability of the frequencies of the transmitter is maintained by the transmitter itself within the limits of tolerance specified by the station license, and none of the operations necessary to be performed during the course of normal rendition of the service of the station may cause off-frequency operation or result in any unauthorized radiation, and (3) any needed adjustments of the transmitter that may affect the proper operation of the station are regularly made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph as may be appropriate for the class of station involved (as determined by the scope of the authority of the respective licenses as set forth in paragraphs (a), (b), (e), and (f) of this section and § 13.62), who shall be responsible for the proper functioning of the station equipment, and (4) in the case of ship radiotelephone or aircraft radiotelephone stations when the power in the antenna of the unmodulated carrier wave is authorized to exceed 100 watts, any needed adjustments of the transmitter that may affect the proper operation of the station are made only by or under the immediate supervision and responsibility of an operator holding a first- or second-class radiotelegraph license, who shall be responsible for the proper functioning of the station equipment.

(h) *Restricted radiotelephone operator permit.* Any station except:

(1) Stations transmitting television, or

(2) Stations transmitting telegraphy by any type of the Morse Code, or

(3) Any of the various classes of broadcast stations other than remote pickup, broadcast STL, and FM intercity relay stations, or

(4) Ship stations licensed to use telephony for communication with Class I coast stations on frequencies between 4000 kc/s and 30 Mc/s, or

(5) Radio stations provided on board vessels for safety purposes pursuant to statute or treaty, or

(6) Coast stations, other than those in Alaska, while employing a frequency below 30 Mc/s, or

(7) Coast stations at which the power in the antenna of the unmodulated carrier wave is authorized to exceed 250 watts;

(8) At a ship radar station the holder of this class of license may not supervise or be responsible for the performance of any adjustments or tests during or coincident with the installation, servicing or maintenance of the radar equipment while it is radiating energy: *Provided,* That nothing in this subparagraph shall be construed to prevent any person holding such a license from making replacements of fuses or of receiving type tubes:

Provided, That, with respect to any station which the holder of this class of license may operate, such operator is prohibited from making any adjustments that may result in improper transmitter operation, and the equipment is so designed that the stability of the frequencies of the transmitter is maintained by the transmitter itself within the limits of tolerance specified by the station license, and none of the operations necessary to be performed during the course of normal rendition of the service of the station may cause offfrequncy operation or result in any unauthorized radiation, and any needed adjustments of the transmitter that may affect the proper operation of the station are regularly made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph, who shall be responsible for the proper functioning of the station equipment.

§ 13.62 Special privileges.

In addition to the operating authority granted under § 13.61, the following special privileges are granted the holders of commercial radio operator licenses:

(a) [Reserved]

(b) The holder of any class of radiotelephone operator license, whose license authorizes him to operate a station while transmitting telephony, may operate the same station when transmitting on the same frequencies, any type of telegraphy under the following conditions:

(1) When transmitting telegraphy by automatic means for identification, for testing, or for actuating an automatic selective signaling device, or

(2) When properly serving as a relay station and for that purpose retransmitting by automatic means, solely on frequencies above 50 megacycles, the signals of a radiotelegraph station, or

(3) When transmitting telegraphy as an incidental part of a program intended to be received by the general public, either directly or through the intermediary of a relay station or stations.

(c) The holder of a commercial radio operator license of any class may operate broadcast stations under the following conditions:

(1) A standard broadcast station with authorized operating power of 10 kw or less and employing a nondirectional antenna, an FM broadcast station with authorized transmitter output power of 10 kw or less, or a noncommercial educational FM broadcast station with authorized transmitter output power of more than 1 kw but not in excess of 10 kw: *Provided,* That adjustments of transmitting equipment by such operators, except when under the immediate supervision of a radiotelephone first-class operator, and except as provided in paragraph (d) of this section, shall be limited to the following:

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

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

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

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

(2) A noncommercial educational FM broadcast station with authorized transmitter power output of more than 10 watts but not in excess of 1 kw: *Provided,* That adjustments of transmitting equipment by such operators, except under the immediate supervision of a radiotelephone first- or second-class operator, shall be limited to those adjustments set forth in subparagraph (1) (i), (ii), and (iii) of this paragraph.

(3) A noncommercial educational FM broadcast station with authorized transmitter power output of 10 watts or less: *Provided,* That adjustments of transmitting equipment by such operators, except under the immediate supervision of a radiotelephone first- or second-class operator or a radiotelegraph first- or second-class operator, shall be limited to those adjustments set forth in subparagraph (1), (i), (ii), and (iii) of this paragraph.

(4) Should the broadcast transmitting apparatus be observed to be operating in a manner inconsistent with the station's instrument of authorization and none of the adjustments specifically described under subparagraph (1) (2) or (3) of this paragraph are effective in bringing it into proper operation, an operator holding a lesser grade license than that which authorizes unlimited adjustment, with respect to the class of broadcast station involved, and not acting under the supervision of a person holding the higher grade license permitting such unlimited adjustment, shall terminate the station's emissions.

(5) Except in the case of noncommercial educational FM broadcast stations with authorized transmitter output power of 10 watts or less, the special operating authority granted in this section with respect to broadcast stations is subject to the condition that there shall be in regular full-time employment at the station one or more operators of a class authorized to make or supervise all adjustments, whose primary duty shall be to effect and insure the proper functioning of the transmitting equipment. In the case of a noncommercial educational FM broadcast station with authorized transmitter output power of 10 watts or less such operator(s) shall nevertheless be available on call to make or supervise any needed adjustments.

(d) When an emergency action condition is declared, 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 make any adjustments necessary to effect operation in the emergency broadcast system in accordance with the station's National Defense Emergency Authorization: *Provided,* That the station's responsible first-class radiotelephone operator(s) shall have previously instructed such person in the adjustments to the transmitter which are necessary to accomplish operation in the Emergency Broadcast System.

§ 13.63 Operator's responsibility.

The licensed operator responsible for the maintenance of a transmitter may permit other persons to adjust a transmitter in his presence for the purpose of carrying out tests or making adjustments requiring specialized knowledge or skill, provided that he shall not be relieved thereby from responsibility for the proper operation of the equipment.

§ 13.64 Obedience to lawful orders.

All licensed radio operators shall obey and carry out the lawful orders of the master or person lawfully in charge of the ship or aircraft on which they are employed.

§ 13.65 Damage to apparatus.

No licensed radio operator shall willfully damage, or cause or permit to be damaged, any radio apparatus or installation in any licensed radio station.

§ 13.66 Unnecessary, unidentified, or superfluous communications.

No licensed radio operator shall transmit unnecessary, unidentified, or superfluous radio communications or signals.

§ 13.67 Obscenity, indecency, profanity.

No licensed radio operator or other person shall transmit communications containing obscene, indecent, or profane words, language, or meaning.

§ 13.68 False signals.

No licensed radio operator shall transmit false or deceptive signals or communications by radio, or any call letter or signal which has not been assigned by proper authority to the radio station he is operating.

§ 13.69 Interference.

No licensed radio operator shall willfully or maliciously interfere with or cause interference to any radio communication or signal.

§ 13.70 Fraudulent licenses.

No licensed radio operator or other person shall alter, duplicate, or fraudulently obtain, or assist another to alter, duplicate, or fraudulently obtain an operator license. Nor shall any person use a license issued to another or a license which he knows to have been altered, duplicated, or fraudulently obtained.

MISCELLANEOUS

§ 13.71 Issue of duplicate or replacement licenses.

(a) An operator whose license, permit or authorization has been lost, mutilated

or destroyed shall immediately notify the Commission. A properly executed application for duplicate should be submitted to the office of issue, embodying a statement of the circumstances involved in the loss, mutilation or destruction of the license or permit for which a duplicate is desired. If the license or permit has been lost, the applicant must state that reasonable search has been made for it, and further, that in the event it be found either the original or the duplicate will be returned for cancellation. The applicant should also submit documentary evidence of the service that has been obtained under the original license or permit, or a statement under oath or affirmation embodying that information.

(b) The holder of any license, permit or authorization whose name is legally changed may make application for replacement document to indicate the new legal name, by submitting a properly executed application to the office of issue, accompanied by the license, permit or authorization affected and by documentary evidence of the legality of the name change.

§ 13.72 Exhibiting signed copy of application.

When a duplicate or replacement operator license or permit has been requested, or request has been made for renewal upon service or for an endorsement or a verification card, the operator shall exhibit in lieu of the original document a signed copy of the application which has been submitted by him.

§ 13.73 Verification card.

The holder of an operator license or permit of the diploma form (as distinguished from such document of the card form) may, by filing a properly executed application accompanied by his license or permit, obtain a verification card (Form 758–F). This card may be carried on the person of the operator in lieu of the original license or permit when operating any station at which posting of an operator license is not required: *Provided,* That the license is readily accessible within a reasonable time for inspection upon demand by an authorized Government representative.

§ 13.74 Posting requirements for operator.

(a) Performing duties other than, or in addition to, service or maintenance, at two or more stations. The holder of any class of radio operator license or permit of the diploma form (as distinguished from the card form) who performs any radio operating duties, as contrasted with but not necessarily exclusive of service or maintenance duties, at two or more stations at which posting of his license or permit is required shall post at one such station his operator license or permit and shall post at all other such stations a duly issued verified statement (Form 759).

(b) Performing service or maintenance duties at one or more stations. The holder of a radiotelephone or radiotelegraph first- or second-class radio operator license who performs, or supervises, and is responsible for service or maintenance work on any transmitter of any station for which a station license is required, shall post his license at the transmitter involved whenever the transmitter is in actual operation while service or maintenance work is being performed: *Provided,* That in lieu of posting his license, he may have on his person either his license or a verification card (Form 758–F): *And provided further,* That if he performs operating duties in addition to service or maintenance duties he shall, in lieu of complying with the foregoing provisions of this paragraph, comply with the posting requirements applicable to persons performing such operating duties, as set forth in paragraph (a) of this section, and in the rules and regulations applicable to each service.

(c) One or more verified statements (Form 759), as necessary, will be issued to the holder of a restricted radiotelephone operator permit (card form license) who because of an operator license posting requirement at one station would not otherwise be able to comply with a license posting requirement or to carry his permit on his person when so required at another station or stations.

§ 13.75 Record of service and maintenance duties performed.

In every case where a station log or service and maintenance records are required to be kept, and where service or maintenance duties are performed which may affect the proper operation of a station, the responsible operator shall sign and date an entry in the log of the station concerned, or in the station maintenance records if no log is required, giving:

(a) Pertinent details of all service and maintenance work performed by him or under his supervision;

(b) His name and address; and

(c) The class, serial number and expiration date of his license:

Provided, That the responsible operator shall not be subject to requirements of paragraphs (b) and (c) of this section in relation to a station, or stations of one licensee at a single location, at which he is regularly employed as an operator on a full time basis and at which his license is properly posted.

§ 13.76 Limitation on aircraft pilots.

Notwithstanding any other provisions of this part, a license issued to an alien aircraft pilot pursuant to section 303(l) of the Communications Act shall be valid only for such operation of radio stations on aircraft as is complementary to his functions and duties as a pilot.

SERVICE

§ 13.91 Endorsement of service record.

A station licensee, or his duly authorized agent, or the master of a vessel acting as the agent of a licensee, shall endorse the service record appearing on said operator license, showing the call letters and types of emission of the station operated, the nature and period of employment, and quality of performance of duty.

§ 13.92 Aviation service endorsement.

If the operator has operated more than three stations in the aviation service, the service may be shown by giving the name of the aviation chain or company in lieu of listing the call letters of the several stations.

§ 13.93 Service acceptability.

Credit will be allowed only for satisfactory service obtained under conditions that required the employment of licensed operators, or when obtained at United States Government stations.

§ 13.94 Statement in lieu of service endorsement.

The holder of a first- or second-class radiotelegraph operator license desiring an endorsement to be placed thereon attesting to an aggregate of at least 6 months' satisfactory service as a qualified operator on a vessel of the United States may, in the event documentary evidence cannot be produced, submit to any office of the Commission a statement under oath accompanied by the license to be endorsed or the application, embodying the following:

(a) Names of ships at which employed;

(b) Call letters of stations;

(c) Types of emission used;

(d) Type of service performed as follows:

(1) Manual radiotelegraph operation only; and

(2) Transmitter control only; or

(3) Combination of (1) and (2) running concurrently;

(e) Whether service was satisfactory or unsatisfactory;

(f) Period of employment;

(g) Name of master, employer, licensee, or his duly authorized agent.

PART 15—RADIO FREQUENCY DEVICES

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AUTHORITY: §§ 15.1 to 15.238 issued under secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply sec. 301, 48 Stat. 1081; 47 U.S.C. 301. Additional authority is cited in parentheses following sections affected.

Subpart A—General

§ 15.1 Basis of this part.

(a) Section 301 of the Communications Act of 1934, as amended, provides for the control by the Federal Government over all the channels of interstate and foreign radio communication and further provides, in part, that no person shall use or operate apparatus for the transmission of energy, communications or signals by radio when the effects of such operation extend beyond state lines or cause interference with the transmission or reception of energy, communications, or signals, of any interstate or foreign character by radio, except under and in accordance with the Communications Act and a license granted under the provisions of that act. Restricted and incidental radiation devices emit radio frequency energy on frequencies within the radio spectrum and constitute a source of harmful interference to authorized radio communication services operating upon the channels of interstate and foreign communication unless precautions are taken which will prevent the creation of any substantial amount of such interference.

(b) Sections 303(s) and 330 of the Communications Act of 1934, as amended, provide that all television broadcast receivers shipped in interstate commerce, or imported from any foreign country, for sale or resale to the public, shall comply with the provisions of this chapter for capability of adequately receiving all television broadcast channels.

§ 15.2 Scope of this part.

(a) This part contains rules that set forth the conditions under which the operation of incidental and restricted radiation devices is considered to fall outside the purview of section 301 of the Communications Act which specifies when a station license is required as a condition for lawful operation.

(b) No incidental or restricted radiation device which fails to conform to the provisions of this part, or which causes harmful interference, may be operated without a station license. Unless such devices may be operated in accordance with the provisions of some other part of this chapter (see particularly Part 95, Citizens Radio Service), persons wishing to operate such devices in a manner inconsistent with this part will be required to first secure an amendment of the Commission's rules to establish a licensed service providing for such operation and setting forth the technical and other limitations thereof; *Provided,* That in appropriate circumstances, when such a petition for rule making has been filed, the Commission may consider, prior to final action thereon, applications for Special Temporary Authorizations to operate stations on a developmental basis where it can be shown that such temporary operation would be in aid of a final determination as to whether the proposed rule should be adopted, and that such temporary operation would otherwise be in the public interest; and *Provided further,* That the Commission will, in exceptional situations, consider individual applications for licenses to operate incidental or restricted radiation devices, not conforming to the provisions of this part, where it can be shown that the proposed operation would be in the public interest, that it is for a unique type of station or for a type of operation which is incapable of establishment as a regular service, and that the proposed operation cannot feasibly be conducted under this part.

(c) This part also contains requirements, technical specifications, and certification procedure for the all-channel reception capability of television broadcast receivers.

§ 15.3 General condition of operation.

Persons operating restricted or incidental radiation devices shall not be deemed to have any vested or recognizable right to the continued use of any given frequency, by virtue of prior registration or certification of equipment. Operation of these devices is subject to the conditions that no harmful interference is caused and that interference must be accepted that may be caused by other incidental or restricted radiation devices, industrial, scientific or medical equipment, or from any authorized radio service.

§ 15.4 General definitions.

(a) *Radio frequency energy.* Electromagnetic energy at any frequency in the radio spectrum between 10 kc/s and 3,000,000 Mc/s.

(b) *Harmful interference.* Any emission, radiation or induction which endangers the functioning of a radionavigation service or of other safety services or seriously degrades, obstructs or repeatedly interrupts a radiocommunication service operating in accordance with this chapter.

(c) *Incidental radiation device.* A device that radiates radio frequency energy during the course of its operation although the device is not intentionally designed to generate radio frequency energy.

(d) *Restricted radiation device.* A device in which the generation of radio frequency energy is intentionally incorporated into the design and in which the radio frequency energy is conducted along wires or is radiated, exclusive of transmitters which require licensing under other parts of this chapter and exclusive of devices in which the radio frequency energy is used to produce physical, chemical or biological effects in materials and which are regulated under the provisions of Part 18 of this chapter.

(e) *Community antenna television system.* A restricted radiation device designed and used for the purpose of distributing television signals by means of conducted or guided radio frequency currents to a multiplicity of receivers outside the confines of a single building.

NOTE: The television signals that are distributed are modulated radio frequency signals and may be:

(a) Broadcast signals that have been received and amplified,

(b) Broadcast signals that have been received and converted to another frequency,

(c) Any other modulated radio frequency signals fed into the system.

(f) *Low power communication device.* A low power communication device is a restricted radiation device, exclusive of those employing conducted or guided radio frequency techniques, used for the transmission of signs, signals (including control signals), writing, images and sounds or intelligence of any nature by radiation of electromagnetic energy.

Examples: Wireless microphone, phonograph oscillator, radio controlled garage door opener and radio controlled models.

(g) *Television broadcast receiver.* Apparatus designed to receive television pictures broadcast simultaneously with sound.

(h) *Noise figure of a television broadcast receiver.* The ratio of (1) the total noise power delivered by the receiver into its output termination when the noise temperature of its input termination is standard (290° K) at all frequencies, to (2) the portion thereof engendered by the input termination.

NOTE: For a television broadcast receiver, portion (2) includes only that noise from the input termination which appears in the output via the principal frequency transformation and does not include spurious contributions such as those from image-frequency transformation.

(i) *Peak picture sensitivity for television broadcast receiver.* The lowest input signal which results in standard picture test output when the receiver is tuned for maximum picture output.

NOTE: Standard picture test output for symmetrical sine-wave modulation shall be 20 volts peak-to-peak between the control elements of the picture tube.

(Secs. 1, 2, 76 Stat. 150, 151; 47 U.S.C. 303(s), 330)

§ 15.5 Equipment available for inspection.

Any equipment or device subject to the provisions of this part together with any license, certificate, notice of registration or any technical data required to be kept on file by the operator of the device shall be made available for inspection by Commission representatives upon reasonable request.

§ 15.6 Information required by the Commission.

The owner or operator of any device subject to this part shall promptly furnish to the Commission or its representative such information as may be requested concerning the operation of the device, including a copy of any measurements made for the purpose of certification.

§ 15.7 General requirement for restricted radiation devices.

Unless regulated under some other subpart of this part, any apparatus which generates a radio frequency electromagnetic field functionally utilizing a small part of such field in the operation of associated apparatus not physically connected thereto and at a distance not greater than $\frac{157{,}000}{F(kc/s)}$ feet $\left(\text{equivalent to } \frac{\lambda}{2\pi}\right)$ need not be licensed provided:

(a) That such apparatus shall be operated with the minimum power possible to accomplish the desired purpose.

(b) That the best engineering principles shall be utilized in the generation of radio frequency currents so as to guard against interference to established radio services, particularly on the fundamental and harmonic frequencies.

(c) That in any event the total electromagnetic field produced at any point a distance of $\frac{157{,}000}{F(kc/s)}$ feet $\left(\text{equivalent to } \frac{2\pi}{\lambda}\right)$ from the apparatus shall not exceed 15 microvolts per meter.

(d) That the apparatus shall conform to such engineering standards as may from time to time be promulgated by the Commission.

(e) That in the event harmful interference is caused, the operator of the apparatus shall promptly take steps to eliminate the harmful interference.

NOTE: Radio receivers, community antenna television systems, and low power communication devices are regulated elsewhere in Part 15 and are not regulated by this section.

Subpart B—Incidental Radiation Devices

§ 15.31 Operating requirements.

An incidental radiation device shall be operated so that the radio frequency energy that is radiated does not cause harmful interference. In the event that harmful interference is caused, the operator of the device shall promptly take steps to eliminate the harmful interference.

Subpart C—Radio Receivers

§ 15.61 Scope of this subpart.

Radio receivers come within the scope of this subpart insofar as they are restricted radiation devices and generate and radiate radio frequency energy or are designed to receive television pictures broadcast simultaneously with sound. Typically this subpart limits oscillator radiation from superheterodyne receivers. In the case of television broadcast receivers, this subpart also limits the radiation of radio frequency energy which is generated by the sweep circuits, and requires that such receivers be capable of adequately receiving all television broadcast channels.

(Secs. 1, 2, 76 Stat. 150, 151; 47 U.S.C. 303(s), 330)

§ 15.63 Radiation interference limits.

(a) The radiation from all radio receivers that operate (tune) in the range 30 to 890 Mc/s, including frequency modulation broadcast receivers and television broadcast receivers, manufactured after the effective date specified in § 15.72 shall not exceed the following field strength limits at a distance of 100 feet or more from the receiver:

Frequency of radiation (Mc/s)	Field strength (uv/m)
0.45 up to and including 25	See paragraph (b).
Over 25 up to and including 70	32.
Over 70 up to and including 130	50.
130–174	50-150 (linear interpolation).
174–260	150.
260–470	150–500 (linear interpolation).
470–1000	500.

(b) Pending the development of suitable measurement techniques for measuring the actual radiation in the band 0.45 to 25 Mc/s, the interference capabilities of a receiver in this band will be determined by the measurement of radio frequency voltage between each power line and ground at the power terminals of the receiver. This requirement applies only to radio receivers intended to be connected to power lines of public utility systems. For television broadcast receivers the voltage so measured shall not exceed 100 uv at any frequency between 450 kc/s and 25 Mc/s inclusive. For all other receivers the voltage shall not exceed 100 uv at any frequency between 450 kc/s and 9 Mc/s inclusive, 1000 uv for frequencies between 10 Mc/s and 25 Mc/s and linear increase from 100 uv to 1000 uv for frequencies between 9 Mc/s and 10 Mc/s.

§ 15.65 All-channel television broadcast reception.

(a) Except as provided in § 15.66, all television broadcast receivers manufactured after April 30, 1964, and shipped in interstate commerce or imported from any foreign country into the United States, for sale or resale to the public, shall be capable of adequately receiving all channels allocated by the Commission to the television broadcast service. A television broadcast receiver shall be considered to be capable of adequately receiving all channels if it meets the specifications in this section for noise figure and peak picture sensitivity.

(b) The noise figure of any television broadcast receiver subject to paragraph (a) of this section, for any television channel between 14 and 83 inclusive, shall not be larger than 18 db.

(c) The peak picture sensitivity of any television broadcast receiver subject to paragraph (a) of this section, averaged for all channels between 14 and 83 inclusive, shall not be more than 8 db larger than the peak picture sensitivity of that receiver averaged for all television channels between 2 and 13 inclusive.

(Interpret or apply secs. 1, 2, 76 Stat. 150, 151; 47 U.S.C. 303(s), 330)

§ 15.66 Exemption from all-channel requirement.

Subject to the following conditions, television broadcast receivers manufactured on or before April 30, 1966, which are not capable of receiving all channels allocated by the Commission to television broadcasting may be shipped in interstate commerce or imported into the United States:

(a) The television receiver is in transport to a specific educational institution, for use exclusively in that institution, and in connection with an existing or planned in-school educational television instruction program; and

(b) The television receiver is permanently identified (through stenciling, etching, raised lettering or other similarly appropriate means), and the shipping carton is identified, as follows:

FOR IN-SCHOOL USE ONLY

(Interpret or apply secs. 1, 2, 76 Stat. 150, 151; 47 U.S.C. 303(s), 330)

§ 15.69 Certification of receivers.

(a) (1) No receiver manufactured after the effective dates of this subpart (see § 15.72) that operates in the range 30 to 890 Mc/s, including frequency modulation broadcast receivers and television broadcast receivers, shall be operated without a station license unless it has been certificated to demonstrate compliance with the radiation interference limits set forth in § 15.63.

(2) Except as provided in § 15.66, no television broadcast receiver manufactured after April 30, 1964, shall be shipped in interstate commerce or imported from any foreign country into the United States, for sale or resale to the public, unless it has been certificated to comply with the noise figure and peak picture sensitivity requirements set forth in § 15.65. (This provision does not apply to carriers which transport television broadcast receivers without trading in them.)

(b) The owner or operator need not certificate his own receiver as meeting the radiation interference limits of § 15.63 if it has been certificated by the manufacturer or the distributor.

(c) Certification made by the manufacturer or the distributor shall be based

on tests made on receivers actually produced for sale. Tests shall be performed on a sufficient number of production units to assure that all production units comply with the requirements of this subpart.

(d) The certificate may be executed by an engineer skilled in making and interpreting such measurements as are required.

(e) The certificate shall contain the following information:

(1) Name of the manufacturer or distributor of the receiver.

(2) Model number.

(3) Brief description of receiver, including tuning range, type of circuit, and purpose for which used (as broadcast, aircraft, etc.).

(4) Brief statement of the measurement procedure used.

NOTE: If a standard procedure is used, it is sufficient to identify the standard. Other measurement procedures must be described in detail.

(5) Date the measurements were made.

(6) A summary of the data obtained.

NOTE: For television broadcast receivers the measured noise figure and peak picture sensitivity must be stated.

(7) A statement certifying that, on the basis of measurements made, the radio receiver is capable of complying with the requirements of this part under normal operation with the usual maintenance.

(8) The name and address of the certifying engineer, and name and address of his employer, if any.

(9) Date of the certificate.

(f) The certificate shall be retained by the owner, the manufacturer, or the distributor (as may be appropriate) for a period of 5 years, and shall be made available, upon reasonable request, to an authorized Commission representative, or photostat furnished by mail. (See § 15.70 for filing requirement with FCC.)

(Secs. 1, 2, 76 Stat. 150, 151; 47 U.S.C. 303(s), 330)

§ 15.70 Information to be filed with Commission.

(a) Each manufacturer, distributor or other certifying agency that issues certifications pursuant to this subpart shall file with the Commission a description of its measurement facilities used for certification.

(b) A copy of each certificate prepared by a manufacturer, distributor or certifying agency shall be filed with the Commission at the time the certificate is prepared.

(c) This information is not open to public inspection.

§ 15.71 Identification of certificated receivers.

(a) Each certificated receiver shall be identified by a distinctive seal or label, which may be a part of the name plate and which shall state that the receiver has been certificated for compliance with the requirements of this subpart. The seal or label shall be permanently attached to the receiver and shall be readily visible for inspection by prospective purchasers.

(b) After January 1, 1964, cartons containing television broadcast receivers shipped in interstate commerce or imported into the United States, for sale or resale to the public, shall clearly indicate either (1) that the receiver within was manufactured on or before April 30, 1964, or (2) that the receiver within meets all FCC requirements pertaining to all-channel reception (see § 15.65).

(c) For identification of receivers exempted from the all-channel requirement, see § 15.66.

(Interpret or apply secs. 1, 2, 76 Stat. 150, 151; 47 U.S.C. 303(s), 330)

§ 15.72 Date when certification is required.

(a) *For television broadcast receivers.* (1) VHF television broadcast receivers manufactured after May 1, 1956, shall comply with the certification requirements with respect to radiation of radio frequency energy, except that compliance with the power line interference limits for frequencies between 3 Mc/s and 25 Mc/s is required for such receivers manufactured after December 31, 1957.

(2) UHF television broadcast receivers manufactured after December 31, 1957, shall comply with the certification requirements with respect to radiation of radio frequency energy: *Provided, however,* That the limit of 500 uv/m appearing in the table in § 15.63 is temporarily increased to 1,000 uv/m for all UHF television receivers until April 30, 1964.

(3) Except as provided in § 15.66, all television broadcast receivers manufactured after April 30, 1964, shall comply with the certification requirement with respect to adequacy of all-channel reception.

(b) *For other receivers.* All radio receivers other than television broadcast receivers that operate (tune) in the range 30 to 890 Mc/s manufactured after October 1, 1956, shall comply with the certification requirements with respect to radiation of radio frequency energy, except as follows:

(1) FM broadcast receivers manufactured after December 31, 1956, shall comply with the certification requirements with respect to frequencies above 25 Mc/s. All such receivers manufactured after December 31, 1957, shall comply with the certification requirements with respect to all frequencies.

(2) The radiation interference limits and the certification requirement with respect thereto shall be met by all pocket type super-regenerative receivers used in the one-way signalling services as defined in Part 21 of this chapter which are manufactured after December 31, 1956.

(Interpret or apply secs. 1, 2, 76 Stat. 150, 151; 47 U.S.C. 303(s), 330)

§ 15.75 Measurement procedure.

(a) Any measurement procedure acceptable to the Commission may be used to show compliance with the requirements of this subpart. A detailed description of the proposed measurement procedure, including a list of the test equipment to be used, shall be submitted to the Commission when requesting a determination regarding the acceptability of the proposed measurement procedure.

(b) The following methods of measurement are considered acceptable procedures for certification of receivers pursuant to § 15.69:

(1) Institute of Radio Engineers Standard 51 IRE 17S1 for radiation measurements.

(2) Institute of Radio Engineers Standard 61 IRE 27S1 for conducted interference measurements from frequency modulated and television broadcost receivers in the range of 300 kc/s to 25 Mc/s.

(3) Institute of Radio Engineers standard 60 IRE 17 S1 for measurement of noise figure and peak picture sensitivity of a television broadcast receiver.

(c) In the case of measurements in the field, radiation in excess of 15 uv/m at any frequency between 450 kc/s and 25 Mc/s at the border of the property and more than 15 feet from any power line crossing this border under the control and exclusive use of the person operating or authorizing the operation of the receiver will be considered an indication of noncompliance with the radiation requirements of this subpart.

§ 15.81 Operation of radio receivers aboard a ship.

In addition to meeting the requirements of this part, a radio receiver operated aboard a ship shall also meet the requirements of Part 83 of this chapter.

§ 15.82 Interference from a radio receiver.

The operator of a radio receiver, regardless of tuning range, date of manufacture, or of certification, which causes harmful interference shall promptly take steps to eliminate the harmful interference.

Subpart D—Community Antenna Television Systems

§ 15.161 Radiation from a community antenna television system.

Radiation from a community antenna television system shall be limited as follows:

Frequencies (Mc/s)	Distance (ft.)	Radiation limits (uv/m)	
		General requirement	Sparsely inhabited areas [1]
Up to and including 54	100	15	15
Over 54 up to and including 132	10	20	400
Over 132 up to and including 216	10	50	1,000
Over 216	100	15	15

[1] For the purpose of this section, a sparsely inhabitated area is that area within 1,000 feet of a community antenna television system where television broadcast signals are, in fact, not being received directly from a television broadcast station.

§ 15.162 Demonstration of compliance.

The operator of each CATV system shall be responsible for insuring that each such system is designed, installed and operated in a manner which fully complies with the provisions of this subpart. Each system operator shall be prepared to show, upon reasonable demand by an authorized representative of the Commission, that the system does, in fact, comply with the rules.

§ 15.163 Interference from a community antenna television system.

In the event that the operation of a community antenna television system causes harmful interference to reception of authorized radio stations the operator of the system shall immediately take whatever steps are necessary to remedy the interference.

§ 15.164 Responsibility for receiver generated interference.

Interference originating in a radio receiver shall be the responsibility of the receiver operator in accordance with the provisions of Subpart C of this part: *Provided, however,* That the operator of the community antenna television system to which the receiver is connected shall be responsible for the suppression of receiver generated interference that is distributed by the system when this interference is conducted into the system at the receiver.

§ 15.165 Measurement of field strength.

Measurements to determine the field strength of radio frequency energy generated by community antenna television systems shall be made in accordance with standard engineering procedures. Measurements made above 25 Mc/s shall include the following:

(a) A field strength meter using a horizontal dipole antenna shall be employed.

(b) Field strength shall be expressed in terms of the RMS value of synchronizing peak.

(c) The dipole antenna shall be placed 12 feet above the ground and positioned directly below the system components. Where such placement results in a separation of less than 10 feet between the center of the dipole antenna and the system components, the dipole shall be repositioned to provide a separation of 10 feet.

(d) The horizontal dipole antenna shall be rotated about a vertical axis and the maximum meter reading shall be used.

(e) Measurements shall be made where other conductors are 10 or more feet away from the measuring antenna.

Subpart E—Low Power Communication Devices

§ 15.201 Frequencies of operation.

(a) A low power communication device may be operated on any frequency in the bands 10–490 kc/s, 510–1600 kc/s, and 26.97–27.27 Mc/s.

(b) Other frequencies above 70 Mc/s may be used for operations of short duration in accordance with the requirements set forth in § 15.211.

(c) Telemetering devices and wireless microphones may be operated in the band 88–108 Mc/s in accordance with the provisions of § 15.212.

§ 15.202 Radiation limitation below 1600 kc/s.

A low power communication device which operates on any frequency between 10 and 490 kc/s or between 510 and 1600 kc/s shall limit the radiation so that the field strength does not exceed the value specified in the following table:

Frequency (kc/s)	Distance (feet)	Field strength (uv/m)
10–490	1,000	$\frac{2400}{F(kc/s)}$
510–1600	100	$\frac{24000}{F(kc/s)}$

§ 15.203 Alternative requirement for operation on frequencies between 160 and 190 kc/s.

In lieu of meeting the radiation limitation, stated in § 15.202, a low power communication device operating on a frequency between 160 and 190 kc/s need only meet the following requirements:

(a) The power input to the final radio frequency stage (exclusive of filament or heater power) does not exceed one watt.

(b) All emissions below 160 kc/s or above 190 kc/s are suppressed 20 db or more below the unmodulated carrier.

(c) The total length of the transmission line plus the antenna does not exceed 50 feet.

§ 15.204 Alternative requirement for operation on frequencies between 510 and 1600 kc/s.

In lieu of meeting the radiation limitation stated in § 15.202, a low power communication device operating on a frequency between 510 and 1600 kc/s inclusive need only meet the following requirements:

(a) The power input to the final radio stage (exclusive of filament or heater power) does not exceed 100 milliwatts.

(b) The emissions below 510 kc/s or above 1600 kc/s are suppressed 20 db or more below the unmodulated carrier.

(c) The total length of the transmission line plus the antenna does not exceed 10 feet.

(d) Low power communication devices obtaining their power from the lines of public utility systems shall limit the radio frequency voltage appearing on each power line to 200 microvolts or less on any frequency from 510 kc/s to 1600 kc/s. Measurements shall be made from each power line to ground both with the equipment grounded and with the equipment ungrounded.

NOTE: One method of determining radio frequency voltage on the power line is described in "Military Specification for Interference Measurement" MIL–I–16910 (SHIPS) dated January 14, 1952, available from the Commanding Officer, Naval Supply Depot, Scotia, New York, 12302. Note that this procedure calls for grounding the equipment under test, whereas the Commission's rules call for measurements both with the equipment grounded and with the equipment ungrounded.

§ 15.205 Operation within the frequency band 26.97–27.27 Mc/s.

A low power communication device may operate within the band 26.97–27.27 Mc/s (27.12 Mc/s±150 kc/s) provided it complies with all of the following requirements:

(a) The carrier of the device shall be maintained within the band 26.97–27.27 Mc/s.

(b) All emissions, including modulation products, below 26.97 Mc/s or above 27.27 Mc/s shall be suppressed 20 db or more below the unmodulated carrier.

(c) The power input to the final radio stage (exclusive of filament or heater power) shall not exceed 100 milliwatts.

(d) The antenna shall consist of a single element that does not exceed 5 feet in length.

§ 15.211 Operation above 70 Mc/s.

Except for telemetering devices and wireless microphones operated in accordance with the requirements of § 15.212 and § 15.213, a low power communication device, manufactured on or after July 15, 1963, may be operated on any frequency above 70 Mc/s, provided it complies with all of the following conditions:

(1) The radiated field on any frequency from 70 Mc/s up to and including 1000 Mc/s does not exceed the limits specified for receivers in § 15.63.

(2) The radiated field on any frequency above 1000 Mc/s does not exceed 500 microvolts per meter at a distance of 100 feet.

(3) The device is provided with means for automatically limiting operation so that the duration of each transmission shall not be greater than one second and the silent period between transmissions shall not be less than 30 seconds.

(4) The device shall be so constructed that there are no external or readily accessible controls which may be adjusted to permit operation in a manner inconsistent with the provisions of this paragraph.

(b) Except for telemetering devices and wireless microphones operated in accordance with the requirements of § 15.212 and § 15.213, a low power communication device, manufactured before July 15, 1963, may be operated on any frequency above 70 Mc/s, provided it complies with all of the following conditions:

(1) The radiated field on any frequency from 70 Mc/s up to and including 1000 Mc/s does not exceed the limits specified for receivers in § 15.63.

(2) The radiated field on any frequency above 1000 Mc/s does not exceed 500 microvolts per meter at a distance of 100 feet.

(3) The device is provided with means for automatically limiting operation to a duration of not more than one second, not to occur more than once in 30 seconds.

§ 15.212 Telemetering devices and wireless microphones in the band 88–108 Mc/s.

(a) Operation in the band 88–108 Mc/s is limited to low power communication

devices employed as telemetering devices or as wireless microphones. This band shall not be used for two way communication.

(b) Users of these devices shall take adequate precautions to insure that harmful interference is not caused to the reception of transmissions from any FM or television broadcast station or any other class of station licensed by the Commission. In the event that such interference does occur, operation of the telemetering device or wireless microphone shall be promptly suspended and shall not be resumed until the interference has been eliminated. Users of these devices must accept any interference which may be caused by the operation of any licensed station operating in accordance with the terms of its license.

(c) Emissions from the device shall be confined within a band 200 kc/s wide centered on the operating frequency. Such 200 kc/s band shall lie wholly within the frequency range 88–108 Mc/s.

(d) The field strength of emissions radiated within the specified 200 kc/s band shall not exceed 50 uv/m at a distance of 50 feet or more from the device.

(e) The field strength of emissions radiated on any frequency outside the specified 200 kc/s band shall not exceed 40 uv/m at a distance of 10 feet or more from the device.

(f) Except as provided in § 15.213, no such device shall be operated unless it has been type approved pursuant to § 15.235.

(g) No antenna other than that furnished by the manufacturer shall be used with any type approved device.

§ 15.213 Custom built telemetering devices.

Custom built telemetering devices used for experimentation by an educational institution need not be type approved, *Provided:*

(a) The device complies with the technical requirements of § 15.212;

(b) The device has been certificated pursuant to §§ 15.227 and 15.228; and

(c) The educational institution notifies the Engineer-in-Charge of the local FCC office, in writing, in advance of operation. The notice shall include:

(1) The dates and place where the device will be operated;

(2) The purpose for which the device will be used;

(3) A description of the device including the operating frequency, RF power output, and antenna; and

(4) A statement certifying that the device complies with the technical provisions of § 15.212.

§ 15.221 Class B emission prohibited.

Operation of low power communication devices that produce Class B emissions (damped waves) is prohibited.

§ 15.222 Interference from low power communication devices.

Notwithstanding the other requirements of this part, the operator of a low power communication device, regardless of date of manufacture, which causes harmful interference to an authorized radio service, shall promptly stop operating the device until the harmful interference has been eliminated.

§ 15.227 Certification requirements.

(a) Except for telemetering devices and wireless microphones which have been type approved pursuant to § 15.235, no low power communication device manufactured after the dates set forth in § 15.229 shall be operated without a station license unless it has been certificated to demonstrate compliance with the requirements in this part.

(b) The owner or operator need not certificate his own low power communication device, if it has been certificated by the manufacturer or distributor.

(c) Where certification is based on measurement of a prototype, a sufficient number of units shall be tested to assure that all production units comply with the technical requirements of this subpart.

(d) The certificate may be executed by a technician skilled in making and interpreting the measurements that are required to assure compliance with the requirements of this part.

(e) The certificate shall contain the following information:

(1) The operating conditions under which the device is intended to be used.

(2) The antenna to be used with the device.

(3) A statement certifying that the device can be expected to comply with the requirements of this subpart under the operating conditions specified in the certificate.

(4) The month and year in which the device was manufactured.

§ 15.228 Location of certificate.

The certificate shall be permanently attached to the device and shall be readily visible for inspection.

§ 15.229 Date when certification is required.

All low power communication devices which operate on frequencies of 70 Mc/s or above, manufactured after June 30, 1958, shall comply with the type approval or certification requirements of this subpart. All low power communication devices which operate on frequencies below 70 Mc/s, manufactured after December 31, 1957, shall comply with the certification requirements of this subpart.

§ 15.235 Type approval.

(a) A manufacturer of a telemetering device or wireless microphone who desires to obtain type approval for his equipment may request permission to submit such equipment to the Commission for testing by following the procedure set out in Subpart F of Part 2 of this chapter, as modified by this section. The manufacturer shall furnish the following with his request for type approval:

(1) A report of measurements showing that the equipment is capable of complying with the requirements of § 15.212;

(2) A statement that at least 10 units are proposed to be manufactured; and

(3) A statement agreeing to include a reprint of Subparts A and E of this Part 15, current as of date of manufacture, with each unit offered for sale or resale to the public.

(b) To receive type approval, telemetering devices and wireless microphones must meet the following requirements:

(1) The device must comply with the technical limitations of § 15.212.

(2) The design and construction of the equipment must give reasonable assurance of compliance with the requirements of § 15.212 for at least five years under normal operation and with average maintenance.

(3) The device must be so constructed that the adjustment of any control accessible to the user shall not cause operation in violation of § 15.212.

§ 15.236 Identification of type approved devices.

The Commission will assign a type approval number to each telemetering device or wireless microphone which is type approved. The type approval number and the following statement shall be permanently inscribed upon or permanently attached to each production unit as follows:

FCC Type Approval No. ------

Valid only when operated pursuant to FCC Rules, Part 15, and when used with antenna furnished by manufacturer.

§ 15.237 Changes in type approved equipment.

No changes whatsoever may be made in a type approved telemetering device or wireless microphone, including the antenna, except on specific prior approval by the Commission.

§ 15.238 Withdrawal of certificate of type approval.

(a) A certificate of type approval may be withdrawn if the type of equipment for which it was issued proves defective in service and under usual conditions of maintenance and operation such equipment cannot be relied on to meet the conditions set forth in this part for the operation of the type of equipment involved, or if any change whatsoever is made in the construction of equipment sold under the certificate of type approval issued by the Commission, without the specific prior approval of the Commission.

(b) The procedure for withdrawal of the certificate of type approval shall be the same as that prescribed for revocation of a radio station license pursuant to the provisions of the Communications Act of 1934, as amended.

(c) In the case of withdrawal of a certificate of type approval, the manufacturer shall make no further sale of equipment under such certificate.

(d) When a certificate of type approval has been withdrawn for unauthorized changes or for failure to comply with technical requirements, the Commission will consider that fact in determining whether the manufacturer in question is eligible to receive any new certificate of type approval.

PART 17—CONSTRUCTION, MARKING, AND LIGHTING OF ANTENNA STRUCTURES

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17.45 Report of radio transmitting antenna construction, alteration and/or removal.

AUTHORITY: §§ 17.1 to 17.45 issued under secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 309, 48 Stat. 1081, 1085 as amended; 47 U.S.C. 301, 309.

Subpart A—General Information

§ 17.1 Basis and purpose.

(a) The rules in this part are issued pursuant to the authority contained in Title III of the Communications Act of 1934, as amended, which vests authority in the Federal Communications Commission to issue licenses for radio stations when it is found that the public interest, convenience, or necessity would be served thereby, and to require the painting, and/or illumination of radio towers if and when in its judgment such towers constitute, or there is a reasonable possibility that they may constitute, a menace to air navigation.

(b) The purpose of the rules in this part is to prescribe certain 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. The standards were worked out in conjunction with the Civil Aeronautics Administration (now the Federal Aviation Agency), the Department of Defense and other Government agencies.

§ 17.2 Definitions.

(a) *Airport reference point.* The airport reference point is a point selected and marked at the approximate geometric center of the airport landing area.

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

(c) *Approach surfaces and approach areas.* The approach surface is an imaginary inclined plane through the air space located directly above the approach area. The dimensions of the approach area are measured horizontally. This inclined plane extends upward and outward from the beginning of the approach area starting at the elevation of the runway end.

(1) *Length.* The approach area has a length of 10,000 feet beginning 200 feet (1,000 feet for regular Department of Defense Air Bases) from the end of each runway and extending outward, ending at a point 10,200 feet (11,000 feet for regular Department of Defense Air Bases) from the end of the runway on the extended center line of the runway. In addition the approach areas of all runways which may be used for instrument operation shall extend outward an additional 40,000 feet. The approach area requirements for instrument runways shall apply to all runways which may be used for instrument operations and to both ends of such runways.

(2) *Width.* The approach area is symmetrically located with respect to the extended runway center line, and for all instrument runways has a total width of 1,000 feet (1,500 feet for regular Department of Defense Air Bases) at the end adjacent to the runway. The approach area flares uniformly to a total width of 4,000 feet at the end of the 10,000-foot section and to a total width of 16,000 feet at the end of the additional 40,000-foot section. For all other runways not designated for instrument operation, the approach area has a total width at the end adjacent to the runway, and at the approach end, respectively, as follows: For express air carrier service and larger airports, 500 feet and 2,500 feet; for trunk line air carrier service airports, 400 feet and 2,400 feet; for feeder air carrier service airports, 300 feet and 2,300 feet; for secondary airports, 250 feet and 2,250 feet.

(3) *Slope.* For instrument runways the slope of the approach surface along the runway center line extended is 50:1 (an elevation of 1 foot for each 50 feet of horizontal distance) for the inner 10,000-foot section and 40:1 (an elevation of 1 foot for each 40 feet of horizontal distance) for the outer 40,000-foot section. All other runways, not designated for instrument operation which meet or exceed the minimum runway length requirements for feeder air carrier service shall have a slope of 40:1. On airports with shorter runway lengths than those specified for feeder air carrier service, the slope of the approach surface is 20:1 (an elevation of 1 foot for each 20 feet of horizontal distance) for all runways.

(d) *Conical surface.* The conical surface is an imaginary surface through the air space extending upward and outward from the periphery of the horizontal surface and having a slope of 20:1 measured in a vertical plane passing through the airport reference point. Measuring radially outward, from the periphery of the horizontal surface, the conical surface extends for a horizontal distance of 7,000 feet for intercontinental express airports, intercontinental airports and Department of Defense Air Bases; and 5,000 feet for continental, express, trunk line and feeder airports, and 3,000 feet for all smaller airports.

(e) *Designated air traffic control areas.* Areas established and designated by the Administrator of the Federal Aviation Agency for air traffic control purposes. Information concerning the location of these areas can be obtained from Federal Aviation Agency publications and by contacting the FAA regional offices.

(f) *Established airport elevation.* The established elevation of the airport is the elevation of the highest point of the usable landing area.

(g) *Established coastal corridors.* Certain established corridors in which low level flight is required for Department of Defense and Coast Guard air operations conducted from air stations located within 20 statute miles of the Atlantic, Pacific and Gulf Coast. These corridors will be ten miles in width extending from coastal air stations to the nearby sea coast. Information with respect to these established corridors will

be published along with the information on civil airways.

(h) *Civil airways.* A system of aerial routes designated by the Administrator of the Federal Aviation Agency for Air Navigation and Traffic Control purposes. Information concerning the location of civil airways can be obtained from aeronautical charts, FAA publications, and by contacting the FAA regional offices.

(i) *Final approach minimum flight altitude.* An altitude designated by appropriate federal authority which is normally established from the highest point within five statute miles of the center line of the final approach course of the radio facility used for final let-down for an airport, and extending for a distance of ten statute miles along this course outward from the radio facility. The radio facilities used for final let-down and the final approach minimum flight altitudes are published in Instrument Approach and Landing Charts and the Flight Information Manual.

(j) *Horizontal surface.* The horizontal surface is an imaginary plane through the airspace, circular in shape, with its height 150 feet above the established airport elevation and having a radius from the airport reference point as indicated in the following table:

	Feet
Intercontinental express airports and Department of Defense air bases	13,000
Intercontinental airports	11,500
Continental airports	10,000
Express airports	8,500
Trunk line airports	7,000
Feeder airports	6,000
All smaller airports	5,000

The category of every airport in accordance with the above classification is designated by the Administrator of the Federal Aviation Agency.

(k) *Instrument approach area.* An approach area where instrument approaches are authorized. The dimensions of the approach area and instrument approach area are contained in paragraph (c) of this section.

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

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

(m) *Minimum flight altitude.* Minimum altitudes designated by the Administrator of the Federal Aviation Agency to provide aircraft a safe clearance of all obstructions within the area designated. The necessary information concerning the locations of these areas and the established minimum flight altitude can be obtained from the FAA publications and by contacting the FAA regional offices.

(n) *Transitional surfaces.* The transitional surfaces are imaginary inclined planes through the air space having a slope of 7:1 (an elevation of 1 foot for each 7 feet of horizontal distance) measured upward and outward in a vertical plane at right angles to the axis of the runway. The transitional surfaces, symmetrically located on either side of the runway, extend upward and outward from a line on either side of the runway which is parallel to and level with the runway center line. These parallel lines are at a horizontal distance from the runway center line equal to one-half of the minimum width of the approach area indicated in paragraph (c) (2) of this section. Transitional surfaces extend from the edges of all approach surfaces upward and outward to the intersection with the horizontal surface or the conical surface. The approach surfaces for instrument runways projecting through and beyond the limits of the conical surface shall have 7:1 transitional surfaces extending a distance of 5,000 feet measured horizontally from the edge of the approach surfaces and at right angles to the runway axis.

§ 17.3 Form to be used to describe proposed antenna structures.

Applications for radio facilities in the Radio Broadcast Services shall be accompanied by FCC Form 301, Section V–G (antenna); applications in the Aviation Services shall be accompanied by FCC Form 406 (Part II), except Civil Air Patrol applications which shall use FCC Form 480 (Part II); and applications in all other services shall be accompanied by FCC Form 401–A (revised) when:

(a) The antenna structures proposed to be erected will exceed an over-all height of 170 feet above ground level, except that where the antenna is mounted on top of an existing man-made structure other than an antenna structure and does not increase the over-all height of such man-made structure by more than 20 feet, no Form 401–A need be filed, or

(b) The antenna structures proposed to be erected will exceed an overall height of 1 foot above the established airport (landing area) elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except that, where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure, other than an antenna structure, or natural formation and does not increase the overall height of such man-made structure or natural formation by more than 20 feet, no Form 401–A need be filed.

§ 17.4 Commission consideration of proposed antenna structure with respect to possible hazard to air navigation.

(a) All applications are received to determine whether there is a requirement pursuant to Part 77 of Federal Aviation Agency's Regulations that the applicant file a Notice of Proposed Construction or alteration (Form FAA–117) with that Agency.

(b) Whenever applications require the filing of "Notice of Proposed Construction" Form FAA–117, the applicant will be advised to do so unless the application includes a statement that notification has been submitted to FAA.

(c) All applications which do not require the filing of Form FAA–117 with the FAA will be deemed not to involve a hazard to air navigation and will be considered by the Commission without further reference to the FAA.

(d) Whenever a report approving any proposed antenna structure that has been submitted to the FAA has been received from that Agency, the application is deemed not to involve a hazard to air navigation and will be processed accordingly.

(e) Whenever a report disapproving a proposed antenna structure is received from the Federal Aviation Agency, the Commission will take such further action as might be appropriate.

Subpart B—Criteria for Determining Whether Applications for Radio Towers Require Notification of Proposed Construction to Federal Aviation Agency

§ 17.11 Antenna structures over 500 feet in height.

Antenna structures over 500 feet in height above the ground will require special aeronautical study irrespective of their location.

§ 17.12 Antenna structures over 170 feet up to and including 500 feet in height.

Antenna structures over 170 feet up to and including 500 feet in height above the ground will not require special aeronautical study except:

(a) Where antenna structures less than 500 feet in height would necessitate the raising of the minimum flight altitude within the Civil Airways and designated air traffic control areas in the country.

(b) In areas of established coastal corridors.

(c) Where the antenna structure would project above the landing area, or the limiting heights or surfaces, specified in § 17.15, of all airports now in existence or provided for in approved plans.

NOTE: See note to § 17.2(l).

§ 17.13 Antenna structures 170 feet in height and under.

Antenna structures 170 feet and under in height above the ground will not require special aeronautical study, except in the areas outlined in § 17.15.

§ 17.14 Certain antenna structures exempt from special aeronautical study.

Antenna structures 20′ or less in height mounted on top of natural formations, and antenna structures increasing by 20′ or less the height of existing manmade structures other than an existing antenna structure will not require special aeronautical study.

§ 17.15 Antenna structures in airports and approach areas.

Antenna structures in the vicinity of airports and approach areas will require special aeronautical study if they project above the following heights above

ground or surfaces (in case of conflict the lowest height will prevail).

(a) In instrument approach areas, more than 100 feet above the ground or 100 feet above the elevation of the approach end of the runway, whichever gives the higher elevation of the structure, within three statute miles of the runway end, and increasing in height above ground in the proportion of 25 feet for each additional statute mile of distance outward from the runway but not to exceed 250 feet within ten miles of the runway end. The approach area requirements for instrument runways shall apply to both ends of such runways.

(b) More than 170 feet above the ground or the established airport elevation, whichever gives the higher elevation of the structure within three statute miles of the reference point of a feeder or larger class airport and increasing in height above ground in the proportion of 100 feet for each additional statute mile of distance from the airport but not to exceed a maximum of 500 feet above ground.

(c) Antenna structures of an elevation which would increase the final approach minimum flight altitude.

(d) In addition to the requirements mentioned above, antenna structures which project above the landing area or any of the following imaginary surfaces will require special aeronautical study:

(1) Approach surface.
(2) Horizontal surface.
(3) Conical surface.
(4) Transitional surface.

(e) Under most conditions, the limits prescribed in paragraphs (a), (b) and (c) of this section will be the determining factor. However, in the areas immediately adjacent to the runways and under certain conditions where the terrain rises rapidly in the airport area, the surfaces specified in paragraph (d) of this section become a more limiting factor from the absolute height of requirements.

§ 17.16 Shielded antenna structures.

In any special aeronautical study conducted under the provisions of this subpart, the circumstances that the antenna structure will be shielded by natural formations or existing man-made structures will be taken into account.

§ 17.17 Existing structures.

(a) Nothing in the criteria in this subpart concerning antenna structures or locations shall apply to those structures authorized prior to February 15, 1951, the effective date of these criteria.

(b) No change in any of these criteria or relocation of airports shall at any time impose a new restriction upon any then existing or authorized antenna structure or structures.

Subpart C—Specifications for Obstruction Marking and Lighting of Antenna Structures

§ 17.21 Painting and lighting, when required.

Antenna structures shall be painted and lighted when:

(a) They require special aeronautical study; or

(b) They exceed 170 feet in height above the ground.

(c) The Commission may modify the above requirement for painting and/or lighting of antenna structures, when it is shown by the applicant that the absence of such marking would not impair the safety of air navigation, or that a lesser marking requirement would insure the safety thereof.

§ 17.22 Particular specifications to be used.

(a) Where special aeronautical study is not required, the Commission will assign painting and lighting specifications as set forth in this subpart.

(b) Where special aeronautical study is required, the Commission will, insofar as is consistent with the safety of life and property in the air, also assign painting and lighting specifications listed in this subpart.

(c) However, where antenna installations are of such a nature that their painting and lighting in accordance with these specifications are confusing or endanger rather than assist airmen or are otherwise inadequate, the Commission will specify the type of painting and lighting or other marking to be used in the individual situation.

§ 17.23 Specifications for the painting of antenna structures in accordance with § 17.21.

Antenna structures shall be painted throughout their height with alternate bands of aviation surface orange and white, terminating with aviation surface orange bands at both top and bottom. The width of the bands shall be equal and approximately one-seventh the height of the structure, provided however, that the bands shall not be more than 40 feet nor less than 1½ feet in width.

§ 17.24 Specifications for the lighting of antenna structures up to and including 150 feet in height.

(a) Antenna structures up to and including 150 feet in height above the ground located in areas set forth in § 17.15 shall be lighted as follows:

(1) There shall be installed at the top of the tower at least two 100-, 107-, or 116-watt lamps (#100 A21/TS, #107 A21/TS or #116 A21/TS, respectively) enclosed in aviation red obstruction light globes. The two lights shall burn simultaneously from sunset to sunrise and shall be positioned so as to insure unobstructed visibility of at least one of the lights from aircraft at any angle of approach. A light sensitive control device or an astronomic dial clock and time switch may be used to control the obstruction lighting in lieu of manual control. When a light sensitive device is used, it should be adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.25 Specifications for the lighting of antenna structures over 150 feet up to and including 300 feet in height.

(a) Antenna structures over 150 feet up to and including 300 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS–40, Code Beacon type), both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach. The beacon shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute with a period of darkness equal to one-half of the luminous period.

(2) At the approximate mid point of the over-all height of the tower there shall be installed at least two 100-, 107-, or 116-watt lamps (#100 A21/TS, #107 A21/TS or #116 A21/TS, respectively) enclosed in aviation red obstruction light globes. Each light shall be mounted so as to insure unobstructed visibility of at least one light at each level from aircraft at any angle of approach.

(3) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.26 Specifications for the lighting of antenna structures over 300 feet up to and including 450 feet in height.

(a) Antenna structures over 300 feet up to and including 450 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS–40, Code Beacon type), both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute with a period of darkness equal to one-half of the luminous period.

(2) On levels at approximately two-thirds and one-third of the over-all height of the tower, there shall be installed at least two 100-, 107-, or 116-watt lamps (#100 A21/TS, #107 A21/TS or #116 A21/TS, respectively) enclosed

in aviation red obstruction light globes. Each light shall be mounted so as to insure unobstructed visibility of at least one light at each level from aircraft at any angle of approach.

(3) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.27 Specifications for the lighting of antenna structures over 450 feet up to and including 600 feet in height.

(a) Antenna structures over 450 feet up to and including 600 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS–40, Code Beacon type), both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute with a period of darkness equal to one-half of the luminous period.

(2) At approximately one-half of the over-all height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any angle of approach. In the event this beacon cannot be installed in a manner to insure unobstructed visibility of it from aircraft at any angle of approach, there shall be installed two such beacons. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately three-fourths and one-fourth of the over-all height of the tower, at least one 100-, 107-, or 116-watt lamp (#100 A21/TS, #107 A21/TS or #116 A21/TS, respectively) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.28 Specifications for the lighting of antenna structures over 600 feet up to and including 750 feet in height.

(a) Antenna structures over 600 feet up to and including 750 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS–40, Code Beacon type), both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach. The beacon shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute with a period of darkness equal to one-half of the luminous period.

(2) At approximately two-fifths of the over-all height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any angle of approach. In the event this beacon cannot be installed in a manner to insure unobstructed visibility of it from aircraft at any angle of approach, there shall be installed two such beacons. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately four-fifths, three-fifths and one-fifth of the over-all height of the tower, at least one 100-, 107-, or 116-watt lamp (#100 A21/TS, #107 A21/TS or #116 A21/TS, respectively) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.29 Specifications for the lighting of antenna structures over 750 feet up to and including 900 feet in height.

(a) Antenna structures over 750 feet up to and including 900 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS–40, Code Beacon type), both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute with a period of darkness equal to one-half of the luminous period.

(2) On levels at approximately two-thirds and one-third of the over-all height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any angle of approach. In the event these beacons can not be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any angle of approach, there shall be installed two such beacons at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately five-sixths, one-half, and one-sixth of the over-all height of the tower, at least one 100-, 107-, or 116-watt lamp (#100 A21/TS, #107 A21/TS or #116 A21/TS, respectively) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.30 Specifications for the lighting of antenna structures over 900 feet up to and including 1,050 feet in height.

(a) Antenna structures over 900 feet up to and including 1,050 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS–40, Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of less than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to one-half of the luminous period.

(2) On levels at approximately four-sevenths and two-sevenths of the over-all height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this

beacon from aircraft at any angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any angle of approach, there shall be installed two such beacons, at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately six-sevenths, five-sevenths, three-sevenths and one-seventh of the over-all height of the tower at least one 100–, 107–, or 116-watt lamp (#100 A21/TS, #107 A21/TS or #116 A21/TS, respectively) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the structure.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.31 Specifications for the lighting of antenna structures over 1,050 feet up to and including 1,200 feet in height.

(a) Antenna structures over 1,050 feet up to and including 1,200 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS–40, Code Beacon type), both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach. The beacon shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute with a period of darkness equal to one-half of the luminous period.

(2) On levels at approximately three-fourths, one-half and one-fourth of the over-all height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any angle of approach, there shall be installed two such beacons, at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately seven-eighths, five-eighths, three-eighths, and one-eighth of the over-all height of the tower, at least one 100–, 107–, or 116-watt lamp (#100 A21/TS, #107 A21/TS or #116 A21/TS, respectively) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the structure.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.32 Specifications for the lighting of antenna structures over 1,200 feet up to and including 1,350 feet in height.

(a) Antenna structures over 1,200 feet up to and including 1,350 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS–40, Code Beacon type), both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute with a period of darkness equal to one-half of the luminous period.

(2) On levels at approximately two-thirds, four-ninths and two-ninths of the over-all height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any angle of approach, there shall be installed two such beacons at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately eight-ninths, seven-ninths, five-ninths, one-third and one-ninth of the over-all height of the tower, at least one 100–, 107–, or 116-watt lamp (#100 A21/TS, #107 A21/TS or #116 A21/TS, respectively) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.33 Specifications for the lighting of antenna structures over 1,350 feet and up to and including 1,500 feet in height.

(a) Antenna structures over 1,350 feet up to and including 1,500 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS–40, Code Beacon type), both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach. The beacon shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute with a period of darkness equal to one-half of the luminous period.

(2) On levels at approximately four-fifths, three-fifths, two-fifths, and one-fifth of the over-all height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any angle of approach, there shall be installed two such beacons at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed heights.

(3) On levels at approximately nine-tenths, seven-tenths, one-half, three-tenths, and one-tenth of the over-all height of the tower, at least one 100–, 107–, or 116-watt lamp (#100 A21/TS, #107 A21/TS, or #116 A21/TS, respectively) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.34 Specifications for the lighting of antenna structures over 1,500 feet in height.

Antenna structures over 1,500 feet in height above the ground shall be lighted in accordance with specifications to be determined by the Commission after aeronautical study which will include lighting recommendations.

§ 17.35 Antenna farms and multiple structure antenna arrays.

In the case of antenna structures which are so grouped as to present a

common potential menace to air navigation, the foregoing requirements for painting and lighting may be modified as a result of aeronautical study.

§ 17.36 Temporary warning lights.

During construction of an antenna structure, for which obstruction lighting is required, at least two 100-, 107-, or 116-watt lamps (#100 A21/TS, #107 A21/TS or #116 A21/TS, respectively) enclosed in aviation red obstruction light globes, shall be installed at the uppermost point of the structure. In addition, as the height of the structure exceeds each level at which permanent obstruction lights will be required, two similar lights shall be installed at each such level. These temporary warning lights shall be displayed nightly from sunset to sunrise until the permanent obstruction lights have been installed and placed in operation, and shall be positioned so as to insure unobstructed visibility of at least one of the lights at any angle of approach. In lieu of the above temporary warning lights, the permanent obstruction lighting fixtures may be installed and operated at each required level as each such level is exceeded in height during construction.

§ 17.37 Inspection of tower lights and associated control equipment.

The licensee of any radio station which has an antenna structure requiring illumination pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended, as outlined elsewhere in this part:

(a) (1) Shall make an observation of the tower lights at least once each 24 hours either visually or by observing an automatic and properly maintained indicator designed to register any failure of such lights, to insure that all such lights are functioning properly as required; or alternatively;

(2) Shall provide and properly maintain an automatic alarm system designed to detect any failure of such lights and to provide indication of such failure to the licensee.

(b) Shall report immediately by telephone or telegraph to the nearest Flight Service Station or office of the Federal Aviation Agency any observed or otherwise known failure of a code or rotating beacon light or top light not corrected within thirty minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) Shall inspect at intervals not to exceed 3 months all automatic or mechanical control devices, indicators, and alarm systems associated with the tower lighting to insure that such apparatus is functioning properly.

§ 17.38 Recording of tower light inspections in the station record.

The licensee of any radio station which has an antenna structure requiring illumination shall make the following entries in the station record of the inspections required by § 17.37:

(a) The time the tower lights are turned on and off each day if manually controlled;

(b) The time the daily check of proper operation of the tower lights was made, if automatic alarm system is not provided;

(c) In the event of any observed or otherwise known failure of a tower light:

(1) Nature of such failure.

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

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

(4) Identification of Flight Service Station (Federal Aviation Agency) notified of the failure of any code or rotating beacon light or top light not corrected within thirty minutes, and the date and time such notice was given.

(5) Date and time notice was given to the Flight Service Station (Federal Aviation Agency) that the required illumination was resumed.

(d) Upon completion of the periodic inspection required at least once each three months:

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

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

§ 17.39 Cleaning and repainting.

All towers shall be cleaned or repainted as often as necessary to maintain good visibility.

§ 17.40 Time when lights shall be exhibited.

All lighting shall be exhibited from sunset to sunrise unless otherwise specified.

§ 17.41 Spare lamps.

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

§ 17.42 Lighting equipment.

The lighting equipment, color of filters, and shade of paint referred to in the specifications are further defined in the following government and/or Army-Navy Aeronautical Specifications, Bulletins, and Drawings: (Lamps are referred to by standard numbers.)

Outside white	Federal Specifications	TT-P-102.[1]
Aviation surface orange	do	TT-P-59 [1] (Color #12197 of Federal Standard 595).
Aviation surface orange, enamel	do	TT-E-489 [1] (Color #12197 of Federal Standard 595).
Code beacon	FAA Specifications	446 (Sec. II-d-Style 4).[3]
Obstruction light globe, prismatic	Army-Navy Drawing	AN-L-10A.[2] or FAA Specification L-810.[3]
Obstruction light globe, Fresnel	do	
Single multiple obstruction light fitting assembly.	do	
Obstruction light fitting assembly	do	
100-watt lamp		# 100 A21/TS.[4]
107-watt lamp		# 107 A21/TS (3,000 hours).
116-watt lamp		# 116 A21/TS (6,000 hours).
500-watt lamp		# 500 PS 40/45. (1,000 hours).[4]
620-watt lamp		# 620 PS 40 (3,000 hours).

[1] Copies of this specification can be obtained from the Specification Activity, Room 1643, Federal Supply Service Center, General Services Administration, Seventh and D Streets SW., Washington, D.C. 20407. (Outside white, 5 cents; aviation surface orange, paint 5 cents, enamel 10 cents.)

[2] Copies of Army-Navy Specifications or drawings can be obtained by contacting the Commanding General, Air Materiel Command, Wright Field, Dayton, Ohio 45433, or the Bureau of Navy Weapons, Navy Department, Washington D.C. 20360. Information concerning Army-Navy Specifications or drawings can also be obtained from the Federal Aviation Agency, Washington, D.C. 20553.

[3] Copies of this specification can be obtained from the Federal Aviation Agency, Washington, D.C. 20553.

[4] It is strongly recommended that the 116-watt, 6,000-hour lamp and the 620-watt, 3,000-hour lamp be used instead of the 100-watt and the 500-watt lamps whenever possible in view of the extended life, lower maintenance cost, and greater safety which they provide.

§ 17.43 Painting and lighting existing structures.

(a) All existing antenna structures required to be painted in accordance with the terms of an instrument of authorization dated prior to March 30, 1953, shall be painted in the manner set forth in § 17.23 at the time when the antenna structure is required to be repainted (see § 17.39) or in no event later than January 1, 1960.

(b) All existing antenna structures required to be lighted in accordance with the terms of an authorization requiring only the following lighting specifications shall be changed to the lighting specifications set forth below as soon as practicable or in no event later than one year from the date of the first instrument of authorization that is issued to the station after January 1, 1954:

Existing Lighting Specifications FCC Form No.	*New Lighting Specifications Rule No.*
715–1	§ 17.24 (a) (1).
715–2 or B (6)–2	§§ 17.24 (a) (1) and 17.26 (a) (2).
715–4 or B (6)–4	§§ 17.24 (a) (1) and 17.26 (a) (2).

(c) Except as set forth in paragraphs (a) and (b) of this section, nothing in the criteria set forth in §§ 17.11 to 17.17 or this subpart concerning antenna structures or locations shall apply to painting and lighting those structures authorized prior to March 30, 1953 except where lighting and painting requirements are reduced, in which case the lesser requirements may apply.

§ 17.44 Maintenance of lighting equipment.

Replacing or repairing of lights, automatic indicators or automatic alarm systems shall be accomplished as soon as practicable.

§ 17.45 Report of radio transmitting antenna construction, alteration and/or removal.

Any permittee or licensee who, pursuant to any instrument of authorization from the Commission to erect or make changes affecting antenna height or location of an antenna tower for which obstruction marking is required, shall, prior to start of tower construction and upon completion of such construc-

tion or changes, fill out and file with the Director, U. S. Coast and Geodetic Survey, C. & G. S. Form 844 (Report of Radio Transmitting Antenna Construction, Alteration and/or Removal) in order that antenna tower information may be provided promptly for use on Aeronautical Charts and related publications in the interest of safety of air navigation.

PART 18—INDUSTRIAL, SCIENTIFIC, AND MEDICAL EQUIPMENT

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AUTHORITY: §§ 18.1 to 18.262 issued under secs. 4(i), 303(r), 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154(i), 303(r). Interpret or apply sec. 301, 48 Stat. 1081; 47 U.S.C. 301.

Subpart A—General

§ 18.1 Statement of basis and purpose.

(a) Section 301 of the Communications Act of 1934, as amended, provides for the control by the Federal Government over all the channels of interstate and foreign radio communication and further provides, in part, that no person shall use or operate apparatus for the transmission of energy, communications, or signals by radio when the effects of such operation extend beyond state lines or cause interference with the transmission or reception of energy, communications, or signals, of any interstate or foreign character by radio, except under and in accordance with the Communications Act and a license granted under the provisions of that act. The operation in the industrial, scientific and medical service of medical diathermy equipment, industrial heating equipment and miscellaneous equipment of a type which emits radio frequency energy upon frequencies within the radio spectrum constitutes a serious source of interference to authorized radio communication services operating upon the channels of interstate and foreign communication unless precautions are taken which will prevent the creation of any substantial amount of such interference.

(b) The following rules and regulations are designed to have a twofold effect:

(1) They set forth the conditions under which the operation of the equipment in question is not regarded as a cause of interference to the authorized radio communication services and is therefore not required to be operated pursuant to license under the Communications Act.

(2) They provide a procedure for the licensing of medical diathermy, industrial heating and miscellaneous equipment which in operation constitute a source of interference to authorized communication services, directly affect the control of the Federal Government over the channels of interstate and foreign radio communication, and are therefore required to be licensed.

§ 18.3 Definitions.

For purposes of the provisions of this part the following definitions in the industrial, scientific, and medical service shall be applicable:

(a) "Radio frequency energy" shall include electromagnetic energy generated at any frequency in the radio spectrum between 10 kilocycles and 30,000 megacycles.

(b) "Medical diathermy equipment" shall include any apparatus (other than surgical diathermy apparatus designed for intermittent operation with low power) which utilizes a radio frequency oscillator or any other type of radio frequency generator and transmits radio frequency energy used for therapeutic purposes.

(c) "Industrial heating equipment" shall include any apparatus which utilizes a radio frequency oscillator or any other type of radio frequency generator and transmits radio frequency energy used for or in connection with industrial heating operations utilized in a manufacturing or production process.

(d) Miscellaneous equipment shall include apparatus other than that defined in or excepted by paragraphs (b) and (c) of this section in which radio frequency energy is applied to materials to produce physical, biological, or chemical effects such as heating, ionization of gases, mechanical vibrations, hair removal and acceleration of charged particles which do not involve communications or the use of radio receiving equipment.

(e) Ultrasonic equipment shall include any apparatus which generates radio frequency energy and utilizes that energy to excite or drive an electromechanical transducer for the production of sonic or ultrasonic mechanical energy for industrial, scientific, medical or other noncommunication purposes.

(f) "Industrial, scientific and medical equipment" (ISM equipment). Devices which use radio waves for industrial, scientific, medical or any other purposes including the transfer of energy by radio and which are neither used nor intended to be used for radiocommunication.

(g) "Harmful interference." Any emission, radiation or induction which endangers the functioning of a radionavigation service or of other safety services or seriously degrades, obstructs or repeatedly interrupts a radiocommunication service operating in accordance with this chapter.

(h) "ISM frequency." A frequency assigned by this part for the use of ISM equipment. A specified tolerance is associated with each ISM frequency. (See § 18.13.)

§ 18.11 Full information; inspection by Commission representatives.

Upon request by the Commission the owner or operator of any medical diathermy equipment, industrial heating equipment, or miscellaneous equipment shall promptly furnish the Commission with such information as may be requested concerning the operation of such equipment. The premises in which medical diathermy, industrial heating, or miscellaneous equipment are operated, and any license or certification required hereby, shall be available for inspection by representatives of the Commission at all reasonable hours.

§ 18.13 ISM frequencies and frequency tolerances.

The following frequencies are allocated for use by ISM equipment with the tolerance limits specified:

ISM frequency:	*Frequency tolerance*
13,560 kc/s	±6.78 kc/s
27,120 kc/s	±160.0 kc/s
40,680 kc/s	±20.0 kc/s
915 Mc/s [1]	±25.0 Mc/s
2450 Mc/s [1]	±50.0 Mc/s
5800 Mc/s [1]	±75.0 Mc/s
22,125 Mc/s [1]	±125.0 Mc/s

[1] The use of this frequency is subject to the conditions in § 18.14.

§ 18.14 Operation on microwave frequencies.

Except for industrial heating equipment which is regulated by §§ 18.101 through 18.122, inclusive, ISM equipment may be operated on the microwave ISM frequencies (915 Mc/s, 2450 Mc/s, 5800 Mc/s and 22,125 Mc/s) subject to the following conditions:

(a) The emission of radio frequency energy resulting from such operation shall be on the particular frequency and must not exceed tolerance limits associated with each such frequency as set forth in § 18.13.

(b) The energy radiated and the bandwidth of emissions shall be reduced to the greatest extent practicable.

(c) No harmful interference shall be caused to authorized communication services from spurious or harmonic radiation. In the event of such harmful interference, operation of the ISM equipment causing such harmful interference shall cease and shall not be resumed until steps necessary to eliminate such interference have been taken.

§ 18.17 Interference from ISM equipment.

(a) Subject to the exceptions in paragraphs (b) and (c) of this section and irrespective of whether the equipment otherwise complies with the rules in this part, the operator of ISM equipment that causes harmful interference to any authorized radio service shall promptly take steps as may be necessary to remedy the interference.

(b) The provisions of paragraph (a) of this section shall not apply in the case of interference to an authorized radio station operating on an ISM frequency (including tolerance).

(c) The provisions of paragraph (a) of this section shall not apply in the case of interference to a receiver arising from direct intermediate frequency pickup by the receiver of the fundamental frequency emissions of ISM equipment operating on an ISM frequency (including tolerance) and otherwise complying with the requirements of this part.

§ 18.21 When license is required.

(a) Any medical diathermy equipment, industrial heating equipment or miscellaneous equipment which complies with the provisions of this part may be operated without a station license. A license is required for any such equipment operated otherwise.

(b) No medical diathermy equipment, industrial heating equipment or miscellaneous equipment which does not comply with this part shall be operated except pursuant to a station license issued by the Commission authorizing such operation.

(c) Whenever the Commission on complaint or on its own motion determines that medical diathermy equipment, industrial heating equipment or miscellaneous equipment is not in fact operating in compliance with the provisions of this part and so advises the operator of such equipment, further operation of such equipment without a station license shall be unlawful unless within 10 days of the receipt of such notice, or within such further time as the Commission may for good cause allow, the operator of such equipment shall file with the Commission a certificate of a competent engineer stating that the equipment is now capable of complying with the requirements of the rules.

§ 18.22 Showing required.

A station license for the operation of medical diathermy equipment, industrial heating equipment or miscellaneous equipment will be granted upon proper application therefor in accordance with the provisions of this part and a showing that in the light of the following considerations the public interest, convenience, and necessity would be served by such a grant: (a) The purpose for which the equipment sought to be licensed will be used; (b) the reasons why the equipment involved may not be operated in compliance with the provisions of this part for the operation of such equipment without a license; and (c) the nature and extent of interference that may be caused to authorized communication services by the operation of such equipment.

§ 18.23 Applications for station licenses.

Each applicant for a station license authorizing the operation of medical diathermy, industrial heating equipment, or miscellaneous equipment, or requesting the modification or renewal of such a license, shall file with the Commission in Washington, D.C., three copies of each application on the appropriate form designated by the Commission and a like number of any exhibits and other papers incorporated therein and made a part thereof. Application for a license shall be made upon the appropriate form prescribed by the Commission, and separate application should be made for each unit of equipment for which a license is sought. Application for modification or renewal of a license shall also be upon appropriate form prescribed by the Commission.

§ 18.24 Full information.

Each application for a license authorizing the operation of medical diathermy, industrial heating equipment or miscellaneous equipment shall contain full and complete information concerning all matters and things required to be disclosed by the application form.

§ 18.25 License period.

Each station license authorizing the operation of medical diathermy, industrial equipment or miscellaneous equipment will expire at the hour of 3 a.m. and will be issued for a normal license period of five years or such other period as the Commission may specify upon consideration of the facts in a particular case. Each such license shall be nontransferable.

§ 18.26 Renewal of license.

Unless otherwise directed or permitted by the Commission, applications for renewal of a station license for the operation of medical diathermy, industrial heating equipment or miscellaneous equipment shall be filed with the Commission upon prescribed forms at least 60 days prior to the expiration date of such license.

§ 18.27 Station license, posting of.

The original of each station license shall be posted in the room in which the equipment is operated. Licenses covering equipment not used in a fixed place shall be attached to the equipment itself.

§ 18.28 Operator requirements.

Equipment for which a station license is issued pursuant to the provisions of this part may be operated by persons who do not hold an operator license or permit issued by this agency.

§ 18.29 Cessation of operation pursuant to license.

If any equipment for which a license has been issued hereunder shall cease to be operated pursuant to such license, or is transferred, sold, assigned, leased, loaned, stolen, destroyed, or otherwise removed from the possession of the licensee, the licensee shall within five days of such occurrence notify the Commission thereof and, where possible, include in such notification the name and address of the recipient of such equipment.

Subpart B—[Reserved]

Subpart C—Ultrasonic Equipment

§ 18.71 Operation without a license.

Ultrasonic equipment may be operated without a license: *Provided,* The design and operation complies with the technical limitations for such equipment: *And provided further,* That the equipment has been type approved by the Commission or has been certificated pursuant to the requirements of §§ 18.71 to 18.84 and the certificate is attached to the equipment or is prominently posted in the room in which the equipment is being operated; except that ultrasonic equipment operating on frequencies below 90 kc/s and generating less than 500 watts of radio frequency power may be operated without license, type approval or certification, if such equipment complies with all other applicable provisions of §§ 18.71 to 18.84.

§ 18.72 Technical limitations.

(a) Ultrasonic equipment shall be designed and constructed in accordance with good engineering practice with sufficient shielding and filtering to provide adequate suppression of emissions on frequencies outside the ISM frequency bands.

(b) Except for ultrasonic measurement equipment that operates over a continuous band of frequencies, the fundamental frequency of operation shall fall outside the frequency bands 490–510 kc/s, 2170–2194 kc/s, and 8354–8374 kc/s.

(c) The varying conditions under which ultrasonic equipment is operated shall not result in radiation exceeding the following limits:

Frequency	Distance *Feet*	Field *μv/m*
Up to and including 490 kc/s.	1,000	$\frac{2400}{\text{Frequency in kc/s}}$
Over 490 kc/s up to and including 1600 kc/s.	100	$\frac{24000}{\text{Frequency in kc/s}}$
Over 1600 kc/s exclusive of frequencies in the ISM frequency bands.	100	15.

(d) The operation of ultrasonic equipment on frequencies below 490 kc/s using radio frequency power in excess of 500 watts shall be in compliance with the requirements of this section except that the maximum radiated field permitted may be increased as the square root of the ratio of the generated radio frequency power to 500 watts: *Provided,* That the radiated field shall in no case exceed the field permitted industrial heating equipment: *And provided further,* That equipment used in predominantly residential areas shall not be permitted the increase in field with power as indicated in this paragraph.

(e) On any frequency above 490 kc/s, the radio frequency voltage appearing on each power line shall not exceed 200 microvolts. On any frequency below 490 kc/s, the radio frequency voltage appearing on each power line shall not exceed 1000 microvolts. Measurement shall be made from each power line to ground with the equipment itself both grounded and ungrounded.

NOTE: One method of making conducted interference measurements is described in "Military Specification for Interference Measurement" MIL–I–16910 (SHIPS) dated January 14, 1952, available from the Commanding Officer, Naval Supply Depot, Scotia, New York, 12302. Note that this procedure calls for grounding the equipment under test, whereas these rules call for measurements with the equipment both grounded and ungrounded.

§18.73 Type approval.

(a) Manufacturers of ultrasonic equipment desiring to obtain type approval for their equipment may request permission to submit such equipment to the Commission for testing by following the procedure set out in Part 2 of this chapter. The request shall include a statement that at least five units of the model to be submitted are scheduled for manufacture.

(b) To be acceptable for type approval, ultrasonic equipment must meet the following requirements:

(1) The equipment must comply with the technical limitations for ultrasonic equipment.

(2) The design and construction of the equipment must give reasonable assurance of compliance with the rules in this part for at least 5 years under normal operation and with average maintenance.

(c) Additional rules relative to type approval will be found in Part 2 of this chapter.

§ 18.74 Identification of type approved equipment.

(a) Equipment for which a certificate of type approval has been issued shall be identified by the insertion of the FCC Type Approval Number on the nameplate of the equipment.

(b) In addition to the nameplate, the manufacturer shall furnish each user of type approved equipment a certificate setting forth the conditions under which such equipment shall be operated.

§ 18.75 Effect of certificate of type approval.

A certificate of type approval issued by the Commission constitutes a recognition that, on the basis of the tests made, the equipment appears to be capable of complying with the technical limitations in the rules in this part, provided such equipment is properly installed, maintained and operated, and no change whatsoever is made in the construction of equipment sold under the certificate of type approval except on specific prior approval by the Commission to any changes made.

§ 18.76 Changes in type approved equipment.

No changes whatsoever may be made in ultrasonic equipment for which a certificate of type approval has been issued except on specific prior approval by the Commission.

§ 18.77 Withdrawal of certificate of type approval.

(a) A certificate of type approval may be withdrawn if the type of equipment for which it was issued proves defective in service and under usual conditions of maintenance and operation such equipment cannot be relied on to meet the conditions set forth in this part for the operation of the type of equipment involved, or if any change whatsoever is made in the construction of equipment sold under the certificate of type approval issued by the Commission, without the specific prior approval of the Commission.

(b) The procedure for withdrawal of the certificate of type approval shall be the same as that prescribed for revocation of a radio station license pursuant to the provisions of the Communications Act of 1934, as amended.

(c) In the case of withdrawal of a certificate of type approval the manufacturer shall make no further sale of equipment under such certificate.

(d) When a certificate of type approval has been withdrawn for unauthorized changes or for failure to comply with technical requirements, the Commission will consider that fact in determining whether the maunfacturer in question is eligible to receive any new certificate of type approval.

§ 18.78 Measurement of field strength.

Measurements to determine the field strength of radio frequency energy including both fundamental and spurious (including harmonic) emissions, generated by the ultrasonic equipment shall be made in accordance with standard engineering procedures and shall include the following:

(a) A field strength meter using loop pickup shall be used for measurements on frequencies up to and including 18 Mc/s, and such a meter with a doublet antenna shall be used for measurements on frequencies above 18 Mc/s.

(b) The radiation shall be determined along at least 5 radials approximately 72° apart. A smooth curve shall be drawn through the measurements when plotted and the value of field strength determined from these curves.

§ 18.79 Location of equipment.

For the purpose of measurements required in order to execute a certification of compliance, the location of the ultrasonic equipment may be considered to be the actual physical location of the equipment, or, where several such units are grouped within a circle of 200 feet radius or less, the several units may at the election of the certifying engineer be considered as a single unit, located at the center of the smallest enclosing circle. If the certification includes several units treated as one equipment, the distance of 1,000 feet at which the maximum permissible radiation is determined shall be decreased by the radius of the smallest circle that encloses the several units.

§ 18.80 Certification attesting compliance with rules.

(a) A certification attesting compliance with the rules in this part may be affixed or posted for any ultrasonic equipment.

(b) The certification shall be based on an inspection of the equipment and measurements taken at the place of use after the ultrasonic equipment has been assembled and is ready for operation: *Provided however,* That the certifying engineer may, in lieu of measuring the radio frequency voltage on the power lines, base the certification on specifications for the power line filter and test data regarding the radio frequency voltage on the power lines furnished by the manufacturer of the ultrasonic equipment.

(c) The certification may be executed by any engineer skilled in making and interpreting field strength measurements. The Commission may require such engineer to present proof of his qualifications to make such measurements.

(d) The certification shall contain the following information:

(1) Type and serial number, or other positive identification of the ultrasonic equipment being certificated.

(2) Conditions under which the certificated equipment shall be operated.

(3) Brief description of the engineering tests and a summary of the measured data upon which the certification is based.

(4) If the radio frequency voltage on the power line is not measured, a statement that, based on an inspection of the equipment and study of such test data and specifications as may be furnished by the manufacturer, the equipment can reasonably be expected to meet the requirements for radio frequency voltage on the power lines.

(5) A statement certifying that under the described condition of operation, the certificated equipment may reasonably be expected to meet the requirements of the rules in this part. This statement shall include the period of time over which the equipment may reasonably be expected to comply with the rules in this part.

(6) Date the measurements were made.

(7) Date of certification.

(8) Signature of certifying engineer.

(9) Name and address of employer of certifying engineer, if any.

§ 18.81 Renewal of certification.

The certification required by §§ 18.71 to 18.84 does not require renewal. However, when the Commission has reason to believe that operation of the equipment concerned may be inconsistent with §§ 18.71 to 18.84, it may require a new certification based on a new set of measurements.

§ 18.82 Certification after maintenance work.

It shall be the responsibility of the operator of the ultrasonic equipment to have such equipment recertificated when changes have been made that might increase the radiated or conducted interference beyond the limits specified in §§ 18.71 to 18.84.

§ 18.84 Effective date.

(a) All ultrasonic equipment manufactured on or after July 1, 1955 must comply with the rules in §§ 18.71 to 18.84.

(b) Ultrasonic equipment manufactured prior to July 1, 1955, may be utilized until July 1, 1965, providing it complies either with the rules in §§ 18.71 to 18.84 or with the rules for miscellaneous equipment in § 18.261. After July 1, 1965, all such equipment must comply with the rules in §§ 18.71 to 18.84.

Subpart D—Industrial Heating Equipment

§ 18.101 Operation without a license.

Industrial heating equipment may be operated without a license: *Provided,* The design and operation of the equipment complies with the technical limitations in this part for such equipment: *And provided further,* That the equipment has been certificated pursuant to the requirements of this part.

§ 18.102 Technical limitations.

(a) Industrial heating equipment shall be designed and constructed in accordance with good engineering practice with sufficient shielding and filtering to meet the requirements of this part.

(b) Industrial heating equipment may be operated on any frequency except frequencies in the bands 490–510 kc/s, 2170–2194 kc/s, and 8354–8374 kc/s. Equipment operating on an ISM frequency may be operated with unlimited radiation on that frequency. Equipment operated on other frequencies must suppress radiation on the fundamental carrier frequency as well as other frequencies as required by this part.

(c) Industrial heating equipment designed for operation on an ISM frequency shall be adjusted to operate as close to that ISM frequency as practicable.

(d) Radiation of radio frequency energy from any industrial heating equipment on any frequency below 5725 Mc/s, except ISM frequencies, shall be suppressed so that the radiated field strength does not exceed 10 microvolts per meter at a distance of one mile or more from the equipment.

(e) Radiation of radio frequency energy from any industrial heating equipment on any frequency above 5725 Mc/s, except ISM frequencies, shall be reduced to the greatest extent practicable.

NOTE: The Commission will establish definite radiation limits for these frequencies as soon as information regarding equipment operating on these frequencies becomes available.

(f) Filtering between the industrial heating equipment and power lines must be provided to the extent necessary to prevent the radiation of energy from power lines on frequencies other than ISM frequencies with a field strength in excess of 10 microvolts per meter at a distance of one mile or more from the industrial heating equipment and at a distance of 50 feet from the power line.

§ 18.105 Inspection of industrial heating equipment.

(a) Industrial heating equipment shall be periodically inspected in order to reaffirm the validity of the certificate required by this part.

(b) Inspection shall be made at sufficiently frequent intervals to insure that each industrial heating equipment is installed, maintained, and operated in a manner that provides compliance with the provisions of this part.

(c) A log shall be maintained of the inspections made. The inspector shall enter a brief note of his findings and shall date and sign each entry.

(d) The log shall be maintained at the same location as the certificate.

(e) The inspector shall require the equipment to be recertificated pursuant to the requirements of this part if he determines, as a result of his inspection, that such action is necessary in order to assure compliance with this part.

§ 18.106 Renewal of certificate.

(a) The certificate required to be exhibited by this part shall be renewed:

(1) When changes have been made that might increase the radiated interference beyond the limits specified in this part.

(2) When the inspector has determined that such action is necessary to assure compliance with the requirements of this part.

(3) When required by the Commission because it has reason to believe that operation of the equipment concerned may be inconsistent with the requirements of this part.

(b) The renewal of the certificate shall be based on measurements made at the point of installation.

(c) After April 30, 1961, the renewal certificate shall be executed on FCC Form 724.

§ 18.107 Measurement of field strength.

Measurements to determine the field strength of radio frequency energy generated by industrial heating equipment shall be made in accordance with standard engineering procedures and shall include the following:

(a) A loop antenna shall be used for measurements on frequencies below 18 Mc/s, and a doublet antenna shall be used for measurements on frequencies above 30 Mc/s. Either a loop or doublet antenna shall be used on frequencies between 18 Mc/s and 30 Mc/s. Appropriate techniques shall be resorted to for measurements in the microwave region of the spectrum.

(b) Prior to the determination of the maximum field strength at one mile, a sufficient number of measurements shall be made in the vicinity of the industrial heating equipment to enable plotting of the polar radiation pattern and to assure the correct determination of the major lobes. Where conditions permit, these measurements shall be made at intervals of not more than 20 degrees in azimuth directions and at distances not exceeding 1,000 feet from the location of the equipment. The measurements so obtained shall be reduced to equivalent field strength at 1,000 feet.

(c) The field strength measurements for the maximum field strength at one mile shall be made along the radial corresponding to the lobe of maximum radiation as determined from the polar radiation pattern. Sufficient measurements shall be made along radials extending through all lobes which are within 15 db of the apparent maximum lobe, as determined in paragraph (b) of this section to assure that the assumed lobe of greatest field strength is in fact the maximum lobe. If two or more lobes of radiation of approximately the same strength are present, measurements to determine field strength shall be made along the several radials for such lobes. Where possible, field strength measurements shall be made along each radial at intervals of not greater than 500 feet and an average curve drawn for measured field strength in microvolts per meter versus distance in feet. Where necessary, the average curve shall be extended to show the extrapolated field strength at one mile. In these cases where it is impractical to conduct measurements along the radial of maximum radiation a sufficient number of field strength measurements shall be made to clearly indicate the magnitude of the radiation field in the sector containing the lobe of maximum radiation.

(d) Where there is evidence of radiation from power lines, field strength measurements shall be made at not less than three points along the power line located approximately 1 mile from the location of the industrial heating equipment causing such radiation and to include a length of power line not less than 500 feet. One point of measurement shall lie within the 1-mile distance and the others beyond. At each of these points at least three measurements of field strength shall be made along a line normal to the power line and out to a

distance from the power line not exceeding 50 feet measured horizontally along the ground from a point directly below the outermost conductor.

(e) The field strengths specified herein refer to the maximum field strengths, regardless of polarization, measured at a height of 12 feet above the immediate terrain or at such lower height at which the field strengths may exceed that at 12 feet. Measurements made at frequencies below 18 Mc/s may be made at any convenient height.

(f) The spectrum shall be investigated from the lowest frequency generated in the equipment up to the tenth harmonic of the fundamental frequency or to 5725 Mc/s whichever is lower.

§ 18.108 Location of equipment.

For the purpose of measurements required in order to execute a certification of compliance, the location of the industrial heating equipment may be considered to be the actual physical location of the equipment, or, where several such units are grouped within a circle of 500 feet radius or less, the several units may, at the election of the certifying engineer, be considered as a single unit, located at the center of the smallest enclosing circle. If the certification includes several units treated as one equipment, the distance of one mile at which the maximum permissible radiation is determined shall be reduced by the radius of the smallest circle that encloses the several units.

§ 18.109 Report of radiation measurements.

The report of radiation measurements shall contain the following information:

(a) A description of the equipment that was measured for radiation, including: manufacturer, type number, nominal operating frequency, and nominal power rating.

(b) A listing of the measuring equipment used, including the serial numbers.

(c) A statement of the date when the measuring equipment was last calibrated.

(d) The date the measurements were made.

(e) The frequency range that was investigated.

(f) [Reserved]

(g) If the required range of investigation includes the following frequencies, indicate the magnitude of the field measured on these frequencies or in these frequency bands:

Mc/s
74.6 to 75.4
108.0 to 118.0
121.5
156.8
243.0
328.6 to 335.4
420.0 to 460.0

(h) A graph, taken at any convenient point, of field strength versus frequency as required by § 18.107(f). The graph shall also show the ambient noise level if the same exceeds 6 microvolts per meter. Label the graph to show where the measurements were made.

(i) A graph of the polar radiation pattern as required by § 18.107(b). Label the graph to show the frequency that was used.

(j) A graph of field strength versus distance along the radial of maximum radiation shown in the polar graph required by paragraph (i) of this section. Label the graph to show the frequency that was used.

(k) A statement of the operating conditions that must be observed to ensure that radiation during routine operation does not exceed, within reasonable limits, the radiation that was measured and is reported herein.

NOTE: In the graphs required by paragraphs (i) and (j), use the fundamental frequency when this frequency falls outside an ISM frequency band; however, if the fundamental is an ISM frequency, use the harmonic, falling outside an ISM frequency band, which has the highest measured radiation.

§ 18.111 Form of certificate.

(a) Certificates issued after April 30, 1961, for industrial heating equipment shall be executed on FCC Form 724 except as provided in paragraph (b) of this section.

(b) Where the industrial heating equipment is identical to a prototype which has been tested for radiation prior to April 30, 1961, the certificate heretofore issued by the manufacturer for such equipment may be substituted for Part III of FCC Form 724 until January 1, 1970.

§ 18.112 Certification regarding operation.

The certification required in Part I of FCC Form 724 shall be executed by the owner or lessee of the equipment, in the case of proprietorship; by one of the partners, in the case of a partnership; or by an officer or authorized employee, in the case of a corporation. If Part I is signed by an authorized employee, an officer shall execute Part II of the certificate.

§ 18.113 Certification regarding radiation.

The certification required in Part III of FCC Form 724 shall be executed by an engineer skilled in making and interpreting field strength measurements. The Commission may require such engineer to furnish proof of his qualifications.

§ 18.114 Prototype certification permitted.

The certification required in Part III of FCC Form 724 may be issued on the basis of field strength measurements made at the place where the industrial heating equipment has been installed for operation or on the basis of field strength measurements made on a prototype.

§ 18.115 Compliance with installation instructions.

Where the certification regarding radiation (Part III of FCC Form 724) is based on measurements of a prototype, the equipment shall be installed in accordance with the instructions which the engineer certifying to Part III of FCC Form 724 has certified as being adequate to ensure reasonable expectation of compliance with the radiation limits in § 18.102.

§ 18.116 Certificate to be filed with Commission.

(a) Two copies of FCC Form 724 required by § 18.101 and § 18.111 shall be filed. The original shall be filed with the Secretary, Federal Communications Commission, Washington, D.C., 20554. A duplicate copy shall be filed with the Engineer in Charge of the field office having cognizance over the area in which the heater is located.

(b) Each copy shall be completed with attachments as required.

(c) A facsimile copy of the properly completed and signed Part III of FCC Form 724 may be submitted in lieu of the original thereof.

§ 18.117 Copy of certificate with equipment.

A copy of the certificate filed with the Commission pursuant to § 18.116 shall be retained by the operator and shall be attached to the equipment. Alternatively, the copy of the certificate may be placed at any location where it will be conveniently available for inspection by authorized representatives of the Commission, provided there is attached to the equipment a notice stating where the copy of the certificate is located.

§ 18.118 Rejection of certificate.

(a) A certificate that is incomplete or otherwise does not meet the requirements of Subpart F of this part may be rejected.

(b) The certificate shall be considered accepted unless rejected in writing within 60 days of receipt by the Commission.

(c) In the event a certificate is rejected but with no harmful interference involved, the equipment may be operated for a period of 20 days from the date of the rejection notice pending the submission of an acceptable certificate.

(d) If the certificate is rejected after the second submission thereof, the equipment may not be operated until a certificate has been filed with and accepted by the Commission.

§ 18.119 Elimination and investigation of harmful interference.

(a) The operator of industrial heating equipment that causes harmful interference shall promptly take appropriate measures to eliminate the harmful interference.

(b) When notified by the Commission that his installation is causing harmful interference, the operator shall arrange for an engineer skilled in interference measurements and control techniques to make an investigation to ensure that the harmful interference has been eliminated. The Commission may require the engineer making the investigation to furnish proof of his qualifications.

(c) The results of the investigation required by paragraph (b) of this section shall be reported to the Commission's Engineer-in-Charge of the district office in accordance with the provisions of § 18.122.

(d) If the equipment has not been certificated or if renewal of the certificate is required, a certificate covering the equipment shall be filed in accordance with the provisions of § 18.116.

§ 18.120 Interference to a radionavigation or safety service.

(a) If the operator of industrial heating equipment is notified by the Commission that operation of such equipment is endangering the functioning of a radionavigation or a safety service, he shall immediately cease operating the equipment.

(b) Operation may be resumed on a temporary basis, with the permission of the Engineer-in-Charge of the district office, but only for the purpose of eliminating the harmful interference, making the interference investigation, and obtaining or renewing certification if required. Requests for permission to operate on a temporary basis may be made and granted by telephone, but in that event the request and the grant shall be confirmed promptly in writing.

(c) If the results of the interference investigation demonstrate that the harmful interference has been eliminated, and if the field work involved in certification, when required, demonstrates that the equipment meets the requirements for certification, the operator may, with the permission of the Engineer-in-Charge of the district office, resume full operation for a period of ten days pending preparation and submission of the final interference report required by § 18.122 and the certificate required by §§ 18.101 and 18.111. Requests for permission to operate under such circumstances may be made and granted by telephone, but in that event the request and the grant shall be confirmed promptly in writing.

(d) Operation may be resumed on a regular basis after the harmful interference has been eliminated and the interference report and certificate, if required, have been filed.

§ 18.121 Interference to other radio services.

(a) If the operator of industrial heating equipment is notified by the Commission that operation of such equipment is obstructing or repeatedly interrupting an authorized radio service other than a radionavigation or safety service, he shall take prompt measures to eliminate the harmful interference but need not cease operation unless ordered to do so by the Commission.

(b) If the operator is ordered to cease operation, he may resume operation on a temporary basis, with the permission of the Engineer-in-Charge of the district office, but only for the purpose of eliminating the harmful interference, making the interference investigation, and obtaining or renewing certification. Requests for permission to operate on a temporary basis may be made and granted by telephone, but in that event the request and the grant shall be confirmed promptly in writing.

(c) If the results of the interference investigation demonstrate that the harmful interference has been eliminated, and if the field work involved in certification, if required, demonstrates that the equipment meets the requirements for certification, the operator may, with the permission of the Engineer-in-Charge of the district office, resume full operation for a period of ten days pending preparation and submission of the final interference report required by § 18.122 and the certificate required by §§ 18.101 and 18.111. Requests for permission to operate under such circumstances may be made and granted by telephone, but in that event the request and the grant shall be confirmed promptly in writing.

(d) Operation may be resumed on a regular basis after the harmful interference has been eliminated and the interference report and certificate, if required, have been filed.

§ 18.122 Report of interference investigation.

(a) An interim report on the investigation and of the corrective measures that were taken shall be filed with the Engineer in Charge of the local FCC office within 30 days of notification of harmful interference. The final report shall be filed with the Engineer in Charge within 60 days of notification.

(b) The date for filing the final report may be extended for 30 days by the Engineer in Charge when the operator has shown that he has been diligent in his efforts and that additional time is required to put into effect the corrective measures or to complete the investigation. The request for extension of time shall be accompanied by a progress report showing what has been accomplished to date.

(c) The final report on the interference investigation shall list each radio facility which was receiving harmful interference, shall describe the measures taken to eliminate harmful interference, and shall describe the tests made to ensure that harmful interference has been eliminated, together with the test results and the date and time of each test. In the case of interference to broadcast receivers, the final report shall list the location of each receiver that was checked and the name of the receiver owner, shall describe the steps taken to eliminate the harmful interference, and shall specify the date and time each receiver was checked to ensure that harmful interference has been eliminated.

Subpart E—Medical Diathermy Equipment

§ 18.141 Operation on assigned frequencies.

A station license is not required for the operation of medical diathermy equipment on assigned frequencies provided such operation meets the following conditions:

(a) Such operation must conform to the general condition set out in the guarantee or certificate required by paragraphs (c) and (d) of this section. Operation must be confined to one or more of the frequencies:

ISM frequency:	*Frequency tolerance*
13,560 kc/s	±6.78 kc/s
27,120 kc/s	±160.0 kc/s
40,680 kc/s	±20.0 kc/s
915 Mc/s [1]	±25.0 Mc/s
2450 Mc/s [1]	±50.0 Mc/s
5800 Mc/s [1]	±75.0 Mc/s
22,125 Mc/s [1]	±125.0 Mc/s

[1] The use of this frequency is subject to the conditions in § 18.14.

(b) Such operation may be without regard to the type or power of emissions being radiated. Spurious and harmonic radiations on frequencies other than those specified above shall be suppressed so that such radiations do not exceed a strength of 25 microvolts per meter at a distance of 1,000 feet or more from the medical diathermy equipment causing such radiations.

(c) With respect to equipment for which type approval has been received from the Commission in accordance with §§ 18.144 to 18.146, inclusive, there shall be affixed to each unit of equipment operated in accordance with paragraphs (a) and (b) of this section, or posted in the room in which such operation occurs, a dated certificate of a competent engineer, or a dated certificate or name plate of the manufacturer of the equipment, setting forth the F. C. C. type approval number for such equipment, the general conditions under which such equipment should be operated, and certifying that the equipment involved may reasonably be expected to meet the requirements of this section under the described conditions of operation for a period of at least three years. The certification required in this section shall describe with certainty the apparatus covered thereby.

(d) The owners or operators of equipment which has not received type approval but which is manufactured for operation without a license and designed to meet the technical requirements set forth under paragraphs (a) and (b) of this section shall have posted in the room in which such equipment is operated a dated certificate of a competent engineer, or a dated certificate or name plate of the manufacturer of the equipment, setting forth the general conditions under which such equipment should be operated and certifying that the equipment involved may reasonably be expected to meet the requirements of this section for a period of at least three years under the described conditions of operation. The certification required by this section shall describe with certainty the apparatus covered thereby, and shall include a brief statement of the engineering tests upon which such certification is based and the results thereof. Field strength measurements in such tests shall be made in accordance with § 18.143.

(e) No regular renewal of certification is required for equipment covered in paragraph (c) of this section. The certification required in paragraph (d) of this section shall be renewed at intervals of three years. Notwithstanding the above provisions with respect to renewal of certification, the certification required by paragraph (c) or (d) of this section shall be renewed for particular equipment by such date as the Commission may specify if the Commission has reason to believe that the operation of such equipment may be inconsistent with provisions of this part or the source of interference to radio communication.

§ 18.142 Operation on unassigned frequencies.

A station license is not required for the operation of medical diathermy

equipment on frequencies other than those specified in §18.141(a) provided such operation is in accordance with the general conditions of operation set out in the certification required in paragraph (b) of this section, and meets the following conditions:

(a) The equipment used in such operation shall be provided with a rectified and filtered plate power supply, power line filters and shall be provided with sufficient shielding so that the emission of radio frequency energy generated by such operation, including spurious and harmonic emissions, shall not exceed a strength of fifteen microvolts per meter at a distance of 1,000 feet or more from the medical diathermy equipment on frequencies other than those specified in §18.141(a) under any conditions of operation.

(b) There shall be affixed to each unit of equipment so operated, or posted in the room in which such operation occurs, a dated certification of a competent engineer, or a dated certificate or name plate of the manufacturer of the equipment setting forth the general conditions under which such equipment should be operated and certifying that under the described conditions of operation the requirements of this section may reasonably be expected to be met for a period of at least 3 years. The certification required by this section shall describe with certainty the equipment covered thereby, and shall include a brief statement of the engineering tests upon which the certification is based and the results thereof. Field strength measurements in such tests shall be made in accordance with the provisions of § 18.143.

(c) The certification required in paragraph (b) of this section shall be renewed every 3 years: *Provided,* That such certification shall be renewed for particular equipment by such earlier date as the Commission may specify if the Commission has reason to believe that the operation of such equipment may be inconsistent with the provisions of this part or a source of interference to radio communication.

§ 18.143 Measurement of field strength.

Measurements to determine the field strength of radio frequency energy generated by medical diathermy equipment shall be made in accordance with standard engineering procedures and shall include the following:

(a) An approved type of field strength meter using loop pickup shall be used for measurements on frequencies below and including 18 Mc/s, and such a meter with a doublet antenna shall be used for measurements for frequencies above 18 Mc/s. Appropriate techniques shall be resorted to for measurements in the microwave region of the spectrum.

(b) The field strength at 1,000 feet from the medical diathermy equipment, or at any other point at which it becomes necessary to determine such field strength shall be determined by measurements at approximately 100-foot intervals along 5 radials approximately 72° apart, provided that additional measurements shall be taken when necessary in particular cases. An average curve shall be drawn through the points obtained for each radial and then either (1) the field strength at 1,000 feet taken from the curve or (2) the curve extended to the 1,000-foot point to obtain the field strength at that point. If points of measurement along a radial are such that marked changes of field strength over short distances are noted because of standing waves, multipaths, etc., continuous measurements shall be made along any such radial at points 100 feet apart in order to obtain average values for such points.

(c) The field strength specified in this section refers to the maximum field strength regardless of polarization, measured at a height of 12 feet above the immediate terrain or at such lower height at which the field strength may exceed that at 12 feet.

(d) If due to the location of equipment in a large city, or for some other reason, measurements as outlined above are impractical because of shadows or shielding of large buildings or other objects, every effort should be made to obtain necessary measurements at clear locations such as atop adjacent buildings, etc., with the measurements corrected to the height specified in paragraph (c) of this section in accordance with best available engineering information.

§ 18.144 Procedure for type approval.

(a) Manufacturers of medical diathermy equipment designed to operate on the frequencies specified in §18.141 (a) may submit units of such equipment to this Commission for type approval upon the grant of request therefor made in writing by the manufacturer to the Secretary of the Commission. Such a request will not be granted unless at least 5 units of the model to be submitted are scheduled for manufacture and the manufacturer agrees to bear all forwarding and return charges in connection with the shipment of the unit to be tested between the Federal Communications Commission, Laboratory Division, Laurel, Maryland, and the manufacturer.

(b) Any such equipment which is submitted will be tested and a certificate of type approval will be issued to the manufacturer for each type of equipment which meets the following tests:

(1) The frequency at all times during the tests below shall be maintained within 70% of the tolerance specified in § 18.141(a).

(i) From a cold start the machine will be operated continuously at full load for 6 hours, except that machines classified as portable will be subject to a 2-hour test.

(ii) From a cold start the machine will be operated at no load for 5 minutes and then the frequency deviation determined over a normal treatment cycle. A treatment cycle will be simulated by artificial varying loads and varying settings of the resonance and other operating controls. Similar treatment cycle tests will be conducted after periods of continuous full load operations up to six hours (2 hours for portable operation) to determine the maximum deviation. The number of such tests normally will be determined by the results of test (i): *Provided, however,* That equipment designed to operate on the frequencies set forth in § 18.141(a) may be granted type approval regardless of frequency stability, provided such equipment meets the other requirements hereof and contains a power cut-off mechanism which is effective in rendering the machine inoperative when the deviation from the assigned frequency exceeds 70 percent of the tolerance provided for.

(2) The equipment must be designed to prevent the emission of spurious and harmonic radiations to the extent required in § 18.141(b).

(3) The electrical and mechanical components of the machine and their installation must be such as to give reasonable assurance of compliance with the requirements of permissible frequency tolerance for at least 5 years.

NOTE: Medical diathermy equipment operated on 915 Mc/s, 2450 Mc/s, 5800 Mc/s or 22,125 Mc/s will be eligible for type approval upon a determination by the Chief Engineer of compliance with the requirements of the Commission's public notice and order of December 26, 1946, which requirements are set forth in § 18.14.

§ 18.145 Effect of certificate of type approval.

A certificate of type approval constitutes a recognition that on the basis of the tests made the equipment appears to have the capability of functioning in accordance with the provisions of § 18.141 (a) and (b) provided such equipment is properly constructed, maintained and operated, and no change whatsoever is made in the construction of equipment sold under the Certificate of Type Approval issued by the Commission except on specific approval by the Commission to any changes made.

§ 18.146 Withdrawal of certificate of type approval.

(a) A certificate of type approval may be withdrawn if the type of equipment for which it was issued proves defective in service and under usual conditions of maintenance and operation such equipment cannot be relied on to meet the conditions set forth in this part for the operation of the type of equipment involved, or if any change whatsoever is made in the construction of equipment sold under the certificate of type approval issued by the Commission, without the specific prior approval of the Commission.

(b) The procedure for withdrawal of a certificate of type approval shall be the same as that prescribed for revocation of a radio station license pursuant to the provisions of the Communications Act of 1934, as amended.

(c) In the case of withdrawal of a certificate of type approval the manufacturer shall make no further sale of equipment under such certificate.

(d) When a certificate of type approval has been withdrawn for unauthorized changes or for failure to comply with technical requirements, the Commission will consider that fact in de-

termining whether the manufacturer in question is eligible to receive any new certificate of type approval.

Subpart F—RF Stabilized Arc Welders

§ 18.181 Technical specifications.

(a) The requirements of this part with respect to electric arc welding devices using radio frequency energy is suspended, subject to the provisions of paragraphs (b)–(e) of this section, until action is completed in the Docket No. 11467 proceeding with respect to these devices.

(b) In the event of interference from electric arc welding devices using radio frequency energy to any authorized radio service, steps to remedy such interference shall promptly be taken (except that, in case of interference to receivers arising from direct intermediate frequency pickup by such receivers of the fundamental frequency emissions of certified electric arc welding equipment using radio frequency energy, this provision with respect to interference shall not apply).

(c) Equipment manufactured after September 1, 1952 shall be subject to the same technical limitations and standards as set forth for industrial heating equipment in §§ 18.101 to 18.108, inclusive, except that such equipment need not be operated within a shielded room or space but in lieu thereof shall be operated with sufficient shielding to limit the radiation to the value prescribed in § 18.102.

(d) Radio frequency stabilized electric arc welding equipment designed for operation on ISM frequencies may be type approved and operated in accordance with the provisions of § 18.261(c).

(e) Broad band type of emissions from arc welding equipment shall be measured by an instrument having performance characteristics similar to the "Proposed American Standards Specification for a Radio Noise Meter—0.15 to 25 Megacycles/second" dated March 1950, published by the American Standards Association Committee on Radio Electrical Coordination C63. Quasi-peak values of field strength shall be measured and used in determining compliance with § 18.102. Instruments not having characteristics similar to the above-mentioned standards may be used provided suitable correlation factors are used to adjust the field strength readings to values which would be obtained with an instrument having the desired characteristics.

§ 18.182 Certification requirements.

(a) The certification required by § 18.101 may be based upon field strength measurements made by the manufacturer of the equipment at locations other than the one where the equipment is in use provided such certification includes a statement by the operator of the equipment that the equipment covered thereby has been installed and is being operated in conformity to the instructions issued by the manufacturer.

(b) The certificate required for RF stabilized arc welders shall be executed by an engineer skilled in making and interpreting field strength measurements. The Commission may require such engineer to provide proof of his qualifications.

(c) The certificate for an RF stabilized arc welder measured at the location where it is in use shall contain the following information:

(1) Type and serial number, or other positive identification, of the welder being certificated.

(2) Conditions under which the welder shall be operated and maintained.

(3) Brief description of the engineering tests and a summary of the measured data upon which the certificate is based.

(4) Date the measurements were made.

(5) A statement certifying that the welder does meet and may reasonably be expected to continue to meet the requirements of this part.

(6) Date of certification.

(7) Signature of certifying engineer.

(8) Name and address of employer of certifying engineer, if any.

(9) If the certificate is based on measurement of a prototype at some other location:

(i) Detailed installation instructions which will insure that the welder may reasonably be expected to comply with the radiation limits in § 18.102, and

(ii) A statement signed by the person responsible for the operation of the welder, attesting that it has been installed in accordance with the installation instructions attached to this certificate.

§ 18.183 Location of certificate.

In general the certificate shall be attached to the equipment. Alternatively the certificate may be placed at any location where it will be conveniently available for inspection by authorized representatives of the Commission, provided there is attached to the equipment a notice stating where the certificate is located.

Subpart H—Miscellaneous Equipment

§ 18.261 Miscellaneous equipment.

(a) The operation without a license of miscellaneous equipment, as defined in § 18.3(d), generating rado frequency power of 500 watts or less, shall be in compliance with the provisions of this part for medical diathermy apparatus.

(b) Operation of such equipment generating radiofrequency power in excess of 500 watts shall be in compliance with the requirements for medical diathermy apparatus except that the maximum radiated field permitted shall be increased as the square root of the ratio of the generated power to 500 watts: *Provided,* That the radiated field shall in no case exceed the fields permitted industrial heating apparatus: *And provided further,* That equipment used in predominantly residential areas and operating on frequencies below 1,000 Mc/s shall not be permitted the increase in field with power as indicated in this paragraph, but shall be subject to the restrictions contained in this paragraph for diathermy equipment.

(c) Miscellaneous equipment, as defined in § 18.3(d), may be type approved under procedures similar to that for diathermy equipment with such changes in the above procedure as may be required because of the nature of the particular equipment involved.

(d) For the purpose of field strength measurements, the location of the miscellaneous equipment may be considered to be the actual physical location of such equipment or, where several such units are grouped within a circle of 200 feet radius or less, the several units may, at the election of the certifying engineer, be considered as a single unit, the location of which will be the center of the smallest enclosing circle: *Provided, however,* That if the certification includes more than one unit, the distance of 1,000 feet at which the maximum permissible radiation is determined shall be decreased by an amount equivalent to the radius of the circle encompassing the several units.

(e) It shall be the responsibility of the operator to have the equipment recertified when changes have been made that might increase the radiation beyond the specified limits.

§ 18.262 Existing epilation equipment.

The provisions of this part shall not be applicable until June 30, 1954 to epilation equipment, which uses radio frequency energy, manufactured before December 31, 1950, and shall not be applicable until December 31, 1955 for such equipment manufactured between December 31, 1950 and June 30, 1953: *Provided,* That the foregoing provisions of this section shall be applicable only if such steps as may be necessary are promptly taken to eliminate interference to authorized radio services resulting from the operation of equipment manufactured prior to the respective dates set forth in this section.

[F.R. Doc. 63–12222; Filed, Nov. 21, 1963; 8:45 a.m.]