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APPENDIX—FILING FEES—EXCERPT FROM PART 1 OF THIS CHAPTER OF GENERAL FEE SCHEDULE PERTAINING TO COMMERCIAL RADIO OPERATOR LICENSES.

AUTHORITY: §§ 13.1 to 13.94 issued under secs. 4, 303, 48 Stat. 1066, 1082 as amended; 47 U.S.C. 154, 303.

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) Radiotelephone First Class Operator License.
 - (ii) Radiotelegraph Second Class Operator License.
 - (iii) Temporary Limited Radiotelegraph Second Class Operator License.

NOTE: This class of license will be issued until further order of the Commission or until September 15, 1969, whichever occurs first.

- (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: *Provided, however,* That a person may at the same time hold both a temporary limited radiotelegraph second-class operator license and a radiotelegraph third-class operator permit.

§ 13.4 Term of licenses.

- (a) Except as provided in paragraphs (b), (c), and (d) of this section, commercial operator licenses will normally be issued for a term of 5 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(1) 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 Federal Aviation Administration or one of its predecessor agencies and is lawfully in the United States.

- (d) Temporary limited radiotelegraph second-class operator licenses will normally be issued for a term of 2 years.

§ 13.5 Eligibility for new license.

- (a) Commercial licenses are issued only to citizens and other nationals of the United States except, in the case of aliens who hold aircraft pilot certificates issued by the Federal Aviation Administration or one of its predecessor agencies, the Commission, if it finds that the public interest will be served thereby, may waive the requirement of United States 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) If an applicant afflicted with blindness is afforded a waiver of the written examination requirement and is found qualified for a radiotelephone third class operator permit, he may be issued the permit: *Provided*, That the license so received shall bear an endorsement as follows:

This license is not valid for the operation of any station licensed by the Commission unless the station has been adapted for operation by a blind person and the equipment to be used in such station for that purpose is capable of providing for operation in compliance with the Commission's rules.

(3) 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.

(4) 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.

(d) Even though otherwise eligible to apply for an operator license, no person shall be eligible to apply for a temporary limited radiotelegraph second-class operator license except a person who on or after January 1, 1940, held, but does not hold at the time of filing application, a license which was valid and outstanding on its date of expiration in the following categories:

(1) A radiotelegraph first- or second-class operator license;

(2) A temporary limited radiotelegraph second-class operator license issued after examination;

(3) A temporary limited radiotelegraph second-class operator license issued on the basis of having previously held at any time a radiotelegraph first- or second-class operator license. When a temporary limited radiotelegraph operator license is sought under this third category, the applicant shall show that he has had at least 6 months' satisfactory service in the aggregate as a qualified radiotelegraph operator on board a ship or ships of the United States while holding a temporary limited radiotelegraph second-class operator license previously issued by the Commission.

§ 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 ra-

diation 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 Appendix, Part 13), shall be submitted to the appropriate office as indicated in paragraph (b) of this section. 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 backdated 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) *Place of filing.* (1) An application (FCC Form 753) for restricted radiotelephone operator permit shall be submitted to the Federal Communications Commission, Gettysburg, Pa. 17325, with the following exceptions:

(i) When the applicant is located in Alaska, Hawaii, Puerto Rico, or the Virgin Islands of the United States, the application may be submitted by mail or in person to the nearest engineering field office.

(ii) When the applicant is at any other location and the application is accompanied by a written showing by the applicant of immediate need for a permit for safety purposes and presented in person by the applicant or his agent, the application may be submitted to the nearest engineering field office.

(iii) When accompanied by a request (FCC Form 755) for a waiver of the U.S. nationality requirement, as in the case of an alien applicant who is an aircraft pilot (see § 13.4(c)), the application shall be submitted in person or by mail to the Federal Communications Commission, Washington, D.C. 20554.

(2) An application (FCC Form 750) for an operator license of any other class, for verification card (FCC Form 758-F) or for a verification of operator license (FCC Form 759) 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 final arrangements for conducting any required examination. Whenever an examination is to be taken at a designated examination point away from a field 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.

(c) *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.

(d) *Short term license.* A license, other than a Restricted Radiotelephone Operator Permit, issued for a term of less than 5 years (see § 13.4(c)), may be extended for a period not exceeding the portion of the 5-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 license 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.

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) *Temporary limited 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.

(e) *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.

(f) *Radiotelephone third-class operator permit:*

(1) Ability to transmit and receive spoken messages in English.

(2) Written examination elements: 1 and 2.

(g) *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.

(h) *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. In addition, no person holding a temporary limited radiotelegraph second-class operator license will, by the holding of such license, be relieved of qualifying by examination when applying for any other class of license for which examination on any subject matter is required.

§ 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 re-examination.

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 employ-

ing radiotelegraphy prior to February 15, 1950. The supplementary examination shall consist of:

(1) 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) *Temporary limited radiotelegraph operator license*. Any ship station or ship radar station, subject to the following conditions and limitations:

(1) On a passenger vessel required by treaty or statute to maintain a continuous 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.

(2) 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 ship or ships of the United States.

(3) At a ship radar station licensed in the ship service, 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.

(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 radio telephone 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:

(1) 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:

(1) 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 off-frequency 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's 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 Mc/s, 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 or permit has been lost, mutilated, or destroyed shall immediately notify the Commission. If the authorization is of the diploma form, a properly executed application for duplicate should be submitted to the office of issue. If the authorization is of the card form (Restricted Radiotelephone Operator Permit), a properly executed application for replacement should be submitted to the Federal Communications Commission, Gettysburg, Pa., 17325. In either case the application shall embody a statement of the circumstances involved in the loss, mutilation, or

destruction of the license or permit. If the authorization 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 (or replacement) will be returned for cancellation. If the authorization is of the diploma form, the applicant should also submit documentary evidence of the service that has been obtained under the original authorization, or a statement embodying that information.

(b) The holder of any license or permit whose name is legally changed may make application for a replacement document to indicate the new legal name by submitting a properly executed application accompanied by the license or permit affected. If the authorization is of the diploma form, the application should be submitted to the office where it was issued. If the authorization is of the card form (Restricted Radiotelephone Operator Permit) it should be submitted to the Federal Communications Commission, Gettysburg, Pa., 17325.

§ 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 transmit-

ter 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(1) 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 radiotelegraph first- or second-class operator license, or a temporary limited radiotelegraph second-class 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 or an applicant for a temporary limited radiotelegraph second-class operator license under § 13.5(d)(3) 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, 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.

APPENDIX

FILING FEES

(NOTE: The Commission's general fee schedule is set forth in Subpart G, Part I of this Chapter. The text of that portion of the general fee schedule which is pertinent to applications filed for commercial radio operator licenses is reprinted below.)

§ 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 U.S. Treasury as miscellaneous receipts in accordance with the provisions of Title V of the Independent Offices Appropriations Act of 1952 (31 U.S.C. 483a).

(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) Except as provided in §§ 1.1104 and 1.1105, 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.

§ 1.1104 Return or refund of fees.

(a) The full amount of any fee submitted will be returned or refunded, as appropriate, in the following instances:

- (1) Where no fee is required for the application filed.
- (2) Where the application is filed by an applicant who cannot fulfill a prescribed age requirement.
- (3) Where the application is filed for renewal without reexamination of an amateur or commercial radio operator license after the grace period has expired.
- (4) Where the applicant is precluded from obtaining a license by the provisions of section 303 (1) or 310(a) of the Communications Act.
- (5) Where circumstances beyond the control of the applicant, arising after the application is filed, would render a grant useless.

(b) payments in excess of an applicable fee will be refunded only if the overpayment exceeds \$2.

§ 1.1117 Schedule of fees for commercial radio operator examinations and licensing.

(a) Except as provided in paragraphs (b) and (c) of this section, applications filed for commercial radio operator examinations and licensing shall be accompanied by the fees prescribed below:

Applications for new operator license:

First-class license, either radiotelephone or radiotelegraph	\$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.

RULES AND REGULATIONS

Part 17

Construction, Marking, and Lighting of Antenna Structures

JANUARY 1968

FEDERAL COMMUNICATIONS COMMISSION



Contents—Part 17

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17.35 Specifications for the lighting of antenna structures over 1,650 feet up to and including 1,800 feet in height.
17.36 Specifications for the lighting of antenna structures over 1,800 feet up to and including 1,950 feet in height.
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17.51 Time when lights shall be exhibited.
17.52 Spare lamps.
17.53 Lighting equipment and paint.
17.54 Rated lamp voltage.
17.56 Maintenance of lighting equipment.
17.57 Report of radio transmitting antenna construction, alteration and/or removal.
17.58 Facilities to be located on land under the jurisdiction of the U.S. Forest Service or the Bureau of Land Management.

AUTHORITY: §§ 17.1 to 17.58 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, and 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 developed in conjunction with the Federal Aviation Administration (FAA).

§ 17.2 Definitions.

(a) *Antenna structures.* The term antenna structures includes the radiating system, its supporting structures and any appurtenances mounted thereon.

(b) An antenna farm area is defined as a geographical location, with established boundaries, designated by the Federal Communications Commission, in which antenna towers with a common impact on aviation may be grouped.

§ 17.4 Commission consideration of proposed antenna structure with respect to possible hazard to air navigation.

(a) All applications are reviewed to determine whether there is a requirement that the applicant file a Notice of Proposed Construction or Alteration (Form FAA-117) with the Federal Aviation Administration.

(b) Whenever applications require the filing of "Notice of Proposed Construction or Alteration", Form FAA-117, the applicant will be advised to do so unless the application includes an FCC Form 714 certifying that notification has been submitted to FAA or the application form itself specifically supplies all of the information which would be provided on the FCC Form 714.

(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 "no hazard determination" is received from the FAA concerning any proposed antenna structure, the antenna structure is deemed not to involve a hazard to air navigation and the antenna aspect of the application for radio station authorization will be processed accordingly; provided that the FAA "no hazard determination" has not expired.

(e) Whenever a report is received from the FAA indicating that a proposed antenna structure is a

hazard, the Commission will take further appropriate action.

(f) Applications which show on their face that the antenna structure will extend more than 20 feet above the ground or natural formation or more than 20 feet above an existing manmade structure (other than an antenna structure) shall be accompanied by FCC Form 714 indicating that notification has or has not been submitted to FAA or the application form itself shall specifically supply all of the information which would be provided on the FCC Form 714.

(g) In addition to the other requirements of this part of the rules, each application for a radio station authorization shall include such information regarding proposed antenna construction as may be required by the FCC. Such information is to be supplied on the FCC application form specified in the rules pertaining to the radio service in which application is being made or as may otherwise be required.

SUBPART B—CRITERIA FOR DETERMINING WHETHER APPLICATIONS FOR RADIO TOWERS REQUIRE NOTIFICATION OF PROPOSED CONSTRUCTION TO FEDERAL AVIATION ADMINISTRATION

§ 17.7 Antenna structures requiring notification to the FAA.

A notification to the Federal Aviation Administration is required, except as set forth in § 17.14, for any of the following construction or alteration:

(a) Any construction or alteration of more than 200 feet in height above ground level at its site.

(b) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:

(1) 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of each airport with at least one runway more than 3,200 feet in length, excluding heliports and seaplane bases without specified boundaries, if that airport is either listed in the Airport Directory of the current Airman's Information Manual or is operated by a Federal military agency.

(2) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of each airport with its longest runway no more than 3,200 feet in length, excluding heliports and seaplane bases without specified boundaries, if that airport is either listed in the Airport Directory or is operated by a Federal military agency.

(3) 25 to 1 for a horizontal distance of 5,000 feet from the nearest point of the nearest landing and take-off area of each heliport listed in the Airport Directory or operated by a Federal military agency.

(c) Any construction or alteration on an airport listed in the Airport Directory of the current Airman's Information Manual.

(d) When requested by the FAA, any construction or alteration that would be in an instrument approach area (defined in the FAA standards governing instrument approach procedures) and available information indicates it might exceed an obstruction standard of the FAA.

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 Administration as of the filing date of the application for such radio facilities.

§ 17.8 Establishment of antenna farm areas.

(a) Each antenna farm area will be established by an appropriate rule making proceeding, which may be commenced by the Commission on its own motion after consultation with the FAA, upon request of the FAA, or as a result of a petition filed by any interested person. After receipt of a petition from an interested person disclosing sufficient reasons to justify institution of a rule making proceeding, the Commission will request the advice of the FAA with respect to the considerations of menace to air navigation in terms of air safety which may be presented by the proposal. The written communication received from the FAA in response to the Commission's request shall be placed in the Commission's public rule making file containing the petition, and interested persons shall be allowed a period of 30 days within which to file statements with respect thereto. Such statements shall also be filed with the Administrator of the FAA with proof of such filing to be established in accordance with § 1.47 of this chapter. The Administrator of the FAA shall have a period of 15 days within which to file responses to such statements. If the Commission, upon consideration of the matters presented to it in accordance with the above procedure, is satisfied that establishment of the proposed antenna farm would constitute a menace to air navigation for reasons of air safety, rule making proceedings will not be instituted. If rule making proceedings are instituted, any person filing comments therein which concern the question of whether the proposed antenna farm will constitute a menace to air navigation shall file a copy of the comments with the Administrator of the FAA. Proof of such filing shall be established in accordance with § 1.47 of this chapter.

(b) Nothing in this subpart shall be construed to mean that only one antenna farm area will be designated for a community. The Commission will consider on a case-by-case basis whether or not more than one antenna farm area shall be designated for a particular community.

§ 17.9 Designated antenna farm areas.

The areas described in the following paragraphs of this section are established as antenna farm areas: [appropriate paragraphs will be added as necessary].

§ 17.10 Antenna structures over 1,000 feet in height.

Where one or more antenna farm areas have been designated for a community or communities (see

§ 17.9), the Commission will not accept for filing an application for a construction permit to construct a new station or to increase height or change antenna location of an existing station proposing the erection of an antenna structure over 1,000 feet above ground unless:

(a) It is proposed to locate the antenna structure in a designated antenna farm area, or

(b) It is accompanied by a statement from the Federal Aviation Administration that the proposed structure will not constitute a menace to air navigation, or

(c) It is accompanied by a request for waiver setting forth reasons sufficient, if true, to justify such a waiver.

§ 17.14 Certain antenna structures exempt from notification to the FAA.

A notification to the Federal Aviation Administration is not required for any of the following construction or alteration:

(a) Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation. Applicants claiming such exemption under § 17.14(a) shall submit a statement with their application to the FCC explaining basis in detail for their finding.

(b) Any antenna structure of 20 feet or less in height except one that would increase the height of another antenna structure.

(c) Any electronic facility, the signal of which is used primarily for navigational guidance by aircraft, any airport visual approach or landing aid, or any airport ceiling or visibility indicator device, or other meteorological facility or instrument, approved by the Administrator, the location and height of which would be fixed by its functional purpose.

§ 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 September 5, 1967.

(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 exceed 200 feet in height above the ground or they require special aeronautical study.

(b) 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.

Whenever painting and lighting are required, the Commission will assign painting and lighting specifications pursuant to the provisions of this subpart. If an antenna installation is of such a nature that its 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.

Antenna structures up to and including 150 feet in height above ground, which are required to be lighted as a result of notification to the FAA under § 17.7, shall be lighted as follows:

(a) 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 normal 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 200 feet in height above ground, which are required to be lighted as a result of notification to the FAA under § 17.7 and antenna structures over 200 feet, up to and including 300 feet in height above 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-, 620-, or 700-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 normal 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 normal 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 approximately one-half of the luminous period.

(2) At the approximate mid point of the overall 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 normal 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-, 620-, or 700-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 normal 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 normal 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 approximately one-half of the luminous period.

(2) On levels at approximately two-thirds and one-third of the overall 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 normal 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-, 620-, or 700-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 normal 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 normal 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 approximately one-half of the luminous period.

(2) At approximately one-half of the overall 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 normal angle of approach. In the event this beacon cannot be installed in a manner to insure unobstructed visibility of it from aircraft at any normal 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 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-, 620-, or 700-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 normal 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 normal 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 approximately one-half of the luminous period.

(2) At approximately two-fifths of the overall 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 normal angle of approach. In the event this beacon cannot be installed in a manner to insure unobstructed visibility of it from aircraft at any normal 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 four-fifths, three-fifths and one-fifth of the overall 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-, 620-, or 700-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 normal 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 normal 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 approximately one-half of the luminous period.

(2) On levels at approximately two-thirds and one-third of the overall 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 normal 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 normal 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 overall 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-, 620-, or 700-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 normal 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

normal 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 approximately one-half of the luminous period.

(2) On levels at approximately four-sevenths and two-sevenths of the overall 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 normal 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 normal 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 overall 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-, 620-, or 700-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 normal 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 normal 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 approximately one-half of the luminous period.

(2) On levels at approximately three-fourths, one-half and one-fourth of the overall 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 normal 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 normal 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 overall 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-, 620-, or 700-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 normal 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 normal 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 approximately one-half of the luminous period.

(2) On levels at approximately two-thirds, four-ninths, and two-ninths of the overall 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 normal 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 normal 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 overall 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 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-, 620-, or 700-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 normal 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 normal 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 approximately one-half of the luminous period.

(2) On levels at approximately four-fifths, three-fifths, two-fifths, and one-fifth of the overall 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 normal 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 normal angles 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 nine-tenths, seven-tenths, one-half, three-tenths, and one-tenth of the overall 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 up to and including 1,650 feet in height above the ground.

(a) Antenna structures over 1,500 feet up to and including 1,650 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-, 620-, or 700-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 normal 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 normal 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 approximately one-half of the luminous period.

(2) On levels at approximately eight-elevenths, six-elevenths, four-elevenths, and two-elevenths of the overall 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 the aircraft at any normal 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 normal 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 ten-elevenths, nine-elevenths, seven-elevenths, five-elevenths, three-elevenths, and one-eleventh of the overall 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.

§ 17.35 Specifications for the lighting of antenna structures over 1,650 feet up to and including 1,800 feet in height.

(a) Antenna structures over 1,650 feet up to and including 1,800 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-, 620-, or 700-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 normal 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 normal 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 approximately one-half of the luminous period.

(2) On levels at approximately five-sixths, two-thirds, one-half, one-third, and one-sixth of the overall 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 normal 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 normal 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 eleven-twelfths, two-thirds, seven-twelfths, five-twelfths, one-fourth, and one-twelfth of the overall 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.

§ 17.36 Specifications for the lighting of antenna structures over 1,800 feet up to and including 1,950 feet in height.

(a) Antenna structures over 1,800 feet up to and including 1,950 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the struc-

ture one 300 m/m electric code beacon equipped with two 500-, 620-, or 700-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 normal 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 normal 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 approximately one-half of the luminous period.

(2) On levels at approximately ten-thirteenths, eight-thirteenths, six-thirteenths, four-thirteenths, and two-thirteenths of the overall 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 normal 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 normal 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 twelve-thirteenths, eleven-thirteenths, nine-thirteenths, seven-thirteenths, five-thirteenths, three-thirteenths, and one-thirteenth of the overall 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.

§ 17.37 Specifications for the lighting of antenna structures over 1,950 feet up to and including 2,100 feet in height.

(a) Antenna structures over 1,950 feet up to and including 2,100 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-, 620- or 700-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 addi-

tional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal 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 normal 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 approximately one-half of the luminous period.

(2) On levels at approximately six-sevenths, five-sevenths, four-sevenths, three-sevenths, two-sevenths, and one-seventh of the overall 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 normal 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 normal 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 thirteen-fourteenths, eleven-fourteenths, nine-fourteenths, one half, five-fourteenths, three-fourteenths, and one-fourteenth of the overall 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.

§ 17.38 Specifications for the lighting of antenna structures over 2,100 feet in height.

Antenna structures over 2,100 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.

§ 17.43 Painting and lighting of new and existing structures.

(a) The provisions of this part of the rules shall be effective with respect to antenna structures required to be lighted and/or painted in accordance with the terms of an authorization for a new station or a change in the height or location of an antenna structure issued on or after September 5, 1967.

(b) All antenna structures required to be painted and lighted in accordance with a radio station authorization valid on September 5, 1967, shall be brought into conformity with this subpart within 6 months after September 5, 1970, at any station for which the au-

thorization is renewable on or prior to that date and within 3 months following the renewal of any authorization renewable after September 5, 1970.

(c) Nothing in the notification criteria concerning antenna structures or locations, as set forth in Subpart B of this part, shall apply to painting and lighting those structures authorized prior to September 5, 1967, except where lighting and painting requirements are reduced, in which case the lesser requirements may apply upon approval of an application to Commission for such reduction.

§ 17.45 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 normal 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.

§ 17.47 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 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 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.

§ 17.48 Notification of extinguishment or improper functioning of lights.

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) Shall report immediately by telephone or telegraph to the nearest Flight Service Station or office of the Federal Aviation Administration any observed or otherwise known extinguishment or improper functioning of a code or rotating beacon light or top light not corrected within 30 minutes. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(b) An extinguishment or improper functioning of a steady burning side or intermediate light or lights, shall be corrected as soon as possible, but notification to the FAA of such extinguishment or improper functioning is not required.

§ 17.49 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 § 17.47.

(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 extinguishment or improper functioning of a tower light:

(1) Nature of such extinguishment or improper functioning.

(2) Date and time the extinguishment or improper functioning 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 Administration) notified of the extinguishment of improper functioning of any code or rotating beacon light or top light not corrected within 30 minutes, and the date and time such notice was given.

(5) Date and time notice was given to the Flight Service Station (Federal Aviation Administration) that the required illumination was resumed.

(d) Upon completion of the periodic inspection required at least once each 3 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.

§ 17.50 Cleaning and repainting.

All towers shall be cleaned or repainted as often as necessary to maintain good visibility.

§ 17.51 Time when lights shall be exhibited.

All lighting shall be exhibited from sunset to sunrise unless otherwise specified.

§ 17.52 Spare lamps.

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

§ 17.53 Lighting equipment and paint.

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-50 ¹ (Color No. 12197 of Federal Standard 595).
Aviation surface orange, enamel.....	do.....	TT-E-189 ¹ (Color No. 12197 of Federal Standard 595).
Code beacon.....	FAA specifications.....	446 (Sec. II-d-Style 4). ³
Obstruction light globe, prismatic.....	Army-Navy drawing.....	
Obstruction light globe, Fresnel.....	do.....	AN-L-10A ² or FAA Specification L-810. ³
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-40/0 (1,000 hours). ⁴
620-watt lamp.....		#620 PS-40 (3,000 hours).
700-watt lamp.....		#700 PS-40/0 (6,000 hours).

¹ Copies of this specification can be obtained from the Specification Activity, Room 1643, Federal Supply Service Center, General Services Administration, 7th and D Sts 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 Naval Air Systems Command, Navy Department, Washington, D.C. 20360. Information concerning Army-Navy specifications or drawings can also be obtained from the Federal Aviation Administration, Washington, D.C. 20533.

³ Copies of this specification can be obtained from the Federal Aviation Administration, Washington, D.C. 20533.

⁴ The 116-watt, 6,000-hour lamp and the 700-watt, 6,000-hour lamp may 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.

§ 17.54 Rated lamp voltage.

To provide satisfactory output by obstruction lights, the rated voltage of the lamp used should, in each case, correspond to or be within 3 percent higher than the average voltage across the lamp during the normal hours of operation.

§ 17.56 Maintenance of lighting equipment.

Replacing or repairing of lights, automatic indicators or automatic alarm systems shall be accomplished as soon as practicable.

§ 17.57 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 construction or changes, fill out and file with the Director, U.S. Coast and Geodetic Survey, C & GS Form 844 (Report of Radio Transmitting Antenna Construction, Alteration and/or Removal) in order than antenna tower information may be provided promptly for use on aeronautical charts and related publications in the interest of safety of air navigation.

§ 17.58 Facilities to be located on land under the jurisdiction of the U.S. Forest Service or the Bureau of Land Management.

Any application proposing new or modified transmitting facilities to be located on land under the jurisdiction of the U.S. Forest Service or the Bureau of Land Management shall include a statement that the facilities will be so located, and the applicant shall comply with the requirements of § 1.70 of this chapter.

RULES AND REGULATIONS

Part 19

Employee Responsibilities and Conduct

JANUARY 1968

FEDERAL COMMUNICATIONS COMMISSION



INTRODUCTION

For the purpose of setting forth the delegations of authority under this Part of the Rules, the Commission's Order of December 15, 1965, which promulgated Part 19, is reproduced:

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of December 1965:

It is ordered, Under the authority of the Communications Act, as amended, and pursuant to Executive Order No. 11222, dated May 8, 1965, and in accordance with the requirements of Part 735 of the Civil Service Regulations issued on October 1, 1965, and Administrative Order No. 10, dated September 17, 1954, amended September 7, 1961, and March 8, 1963, that:

A. Subject to the provisions of paragraphs B, C, and D of this order, the Chairman shall have primary responsibility for the administration of the Commission's Review and Inspection Program concerning the conduct of all Commission employees except the Commissioners with respect to acts of impropriety, unethical conduct, and acts short of criminal violation which could bring discredit upon the Commission and the Federal service, or which could appear to benefit the employee personally to the detriment of the public good.

B. In carrying out these responsibilities and functions the Chairman shall be governed by new Part 19, which will be set forth in Chapter 735 of the Federal Communications Commission Personnel Manual, and by such additional policies and procedures as may from time to time be adopted by the Commission.

C. Personnel employed regularly and full time in the immediate offices of Commissioners shall be subject to the standards of conduct and the procedural provisions set forth herein. Each Commissioner shall be responsible for his own conduct and the conduct of the employees in his immediate office and for the review of financial statements submitted by them, and shall take whatever disciplinary action he deems appropriate in individual cases of misconduct by said employees. He may, if he so desires, refer any cases arising among his immediate staff to the Chairman to be administered in accordance with this order and any policies or procedures adopted pursuant thereto.

D. There is hereby reserved to the Commission authority to take formal disciplinary action against any employee under this order. Any instance of misconduct on the part of a Commission employee which, in the Chairman's opinion, requires formal disciplinary action shall be referred to the Commission for action.

E. The Chairman is authorized to designate an official or employee of the Commission to assist him in the administration of the Commission's Review and Inspection Program.

F. The Chairman is also authorized, when in his opinion circumstances warrant, to establish a special review board to investigate the facts in a case and to make a full report thereon, including recommended action.

G. The General Counsel is designated Counselor for the Commission and to serve as its designee to the Civil Service Commission on matters covered by Chapter 735 of the Federal Communications Commission Personnel Manual.

H. Authority for the review of the financial statements and for the approval of waivers of the applicability of the conflicts of interest statutes in accordance with sections 205 and 208(h) of Title 18, United States Code, is delegated as follows:

1. In the case of employees generally, to the Executive Director;

2. In the case of Heads of Offices and Bureaus, to the Chairman; and

3. In the case of an employee in the immediate office of a Commissioner, to the individual Commissioners, respectively.

New Part 19 reads as set forth below. This Part 19 was approved by the Civil Service Commission on January 20, 1966.

Effective date. This Part 19, effective February 15, 1966, supersedes Administrative Order No. 10, and the standards of conduct contained therein, as revised March 8, 1963.

FEDERAL COMMUNICATIONS
COMMISSION,
BEN F. WAPLE,
Secretary.

[SEAL]

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AUTHORITY: The provisions of this Part 19 issued under E.O. 11222 of May 8, 1965, 30 F.R. 6469, 3 CFR, 1965 Supp.; CFR 735.104.

SUBPART A—GENERAL PROVISIONS**§ 19.735-101 Purpose.**

The effectiveness of the Commission in serving the public interest depends upon the extent to which the Commission holds the confidence and esteem of the Nation's citizens. To hold the public confidence, unusually high standards of honesty, integrity, impartiality, and conduct must be maintained within the Commission and all officers and employees must not only obey the literal requirements of the Federal laws and orders governing official conduct, but also show by their conduct that they support the ethical principles which underlie these laws and regulations. The avoidance of misconduct and conflicts of interest on the part of Commission employees through informed judgment is indispensable to the maintenance of these standards. To again call the attention of Federal employees to the importance of maintaining these high moral and ethical standards, the President has issued Executive Order 11222 to codify, clarify, and strengthen the standards of ethical conduct and to set forth a new program assigning central responsibility to the Civil Service Commission for supervising agency action in this regard. In consequence thereof, the Commission has revised its long standing regulations promulgating standards of conduct for all Commission employees and has delegated to the Chairman responsibility for the detection and prevention of acts, short of criminal violations, which could bring discredit upon the Commission and the Federal service.

§ 19.735-102 Definitions.

(a) "Commission" means the Federal Communications Commission.

(b) "Employee" means an officer or employee of the Commission including the Commissioners, but does not include a special Government employee or member of the uniformed services.

(c) "Executive order" means Executive Order 11222 of May 8, 1965.

(d) "Person" means an individual, a corporation, a company, an association, a firm, a partnership, a society, a joint stock company, or any other organization or institution.

(e) "Special Government employee" means a "special Government employee," as defined in section 202 of title 18 of the United States Code, that is, one appointed to serve with or without compensation, for not more than 130 days during any period of 365 days on a full-time or intermittent basis, who is employed in the Commission, but does not include a member of the uniformed services.

(f) "Uniformed services" has the meaning given that term by section 101(3) of title 37 of the United States Code.

(g) "Civil Service Regulations" mean the regulations (5 CFR Part 735) on employee responsibilities and conduct issued by the Civil Service Commission

on October 1, 1965, in implementation of Executive Order 11222.

(h) "Communications Act" means the Federal Communications Act of 1934, as amended, 47 U.S.C. 151 et seq.

§ 19.735-104 Issuance, approval, and publication of Commission's regulations.

(a) The regulations in this part have been prepared in accordance with 5 CFR Part 735 of the Civil Service Regulations to:

(1) Implement the requirements of law, the Executive order, and Part 735 of the Civil Service Regulations; and to

(2) Prescribe additional standards of ethical and other conduct and reporting requirements that are appropriate to the particular functions and activities of the Commission and are not inconsistent with law, the Executive order, and Part 735 of the Civil Service Regulations.

(b) After Civil Service Commission approval, the Chairman shall:

(1) Submit the Commission's regulations in this part to the Federal Register for publication;

(2) Furnish each employee and special Government employee with a copy of Administrative Order No. 10, and the Commission's regulations in this part, as revised, within 90 days after approval by the Civil Service Commission;

(3) Furnish each new employee and special Government employee with a copy of Administrative Order No. 10 and the Commission's regulations in this part, as revised, at the time of his entrance on duty;

(4) Within 60 days after receipt of Administrative Order No. 10 and the Commission's regulations in this part, it shall be the responsibility of the Head of each Office and Bureau to secure from every person subject to his administrative supervision a statement indicating that the individual has read and is familiar with the contents of the revised order and regulations in this part, and to advise the Executive Director of the Commission that all persons are familiar with the revised order and regulations in this part. Each new employee shall execute a similar statement at the time of entrance on duty. Periodically, and at least once a year, the Executive Director shall take appropriate action to insure that the Head of each Office and Bureau shall remind employees subject to his administrative supervision of the content of Administrative Order No. 10 and the regulations in this part.

(5) In order to assure the availability of counseling to each employee and special Government employee as provided in § 19.735-105, the General Counsel shall be the counselor for the Commission and the designee to the Civil Service Commission on matters covered by the regulations in this part.

(6) Copies of laws, the Executive order, the Civil Service Commission Regulations, and this agency's regulations and instructions relating to ethical and other conduct shall be available in the offices of the

Executive Director and the Bureau and Office chiefs for review by employees and special Government employees.

(c) The Commission's regulations contained in this part are effective only after approval by the Civil Service Commission and publication in the **FEDERAL REGISTER**.

(d) This section applies to any amendment of the regulations contained in this part.

§ 19.735-105 Interpretation and advisory service.

(a) The General Counsel is designated as counselor for the Commission to provide guidance on matters relating to ethical conduct and to serve as the Commission's designee to the Civil Service Commission on matters covered by this part. The Office of the General Counsel is responsible for coordination of the Commission's counseling services provided under paragraph (b) of this section and for assuring that counseling and interpretation on questions of conflict of interest and other matters covered by this part are available.

(b) The counseling services provided by the Office of the General Counsel include the giving of advice and guidance to each employee and special Government employee who seeks advice and guidance on questions of conflicts of interest and other matters covered by this part.

(c) If an employee is in doubt about any matter covered by this part, or if he has a question as to the propriety of a past or contemplated line of conduct, he should discuss his problem with his immediate supervisor, or the Office of General Counsel.

(d) Requests for interpretative rulings concerning the applicability of the new order and regulations in this part in implementation thereof may be submitted through the employee's supervisor to the Office of the General Counsel.

(e) Within 90 days after approval of the Commission's regulations in this part by the Civil Service Commission, and periodically thereafter, the Commission's employees and special Government employees shall be notified of the availability of counseling services and of how and where these services are available. In the case of a new employee or special Government employee appointed after this notification, the notification shall be made at the time of his entrance on duty.

§ 19.735-106 Reviewing statements and reporting conflicts of interest.

(a) Statements of employment and financial interests submitted under Subpart D of this part shall in the case of employees generally, be reviewed by the Executive Director, in the case of Heads of Offices and Bureaus, be reviewed by the Chairman; and in the case of an employee in the immediate office of a Commissioner, be reviewed by the individual Commissioner. Financial statements of all employees shall be filed in the office of the Executive Director.

(b) When a statement submitted under Subpart D of this part or information from other sources indi-

cates a conflict between the interests of an employee or special Government employee and the performance of his services for the Government, the information concerning the conflict or appearance of conflict shall be reported to the Executive Director and the employee or special Government employee concerned shall be provided an opportunity to explain the conflict or appearance of conflict.

(c) When after explanation by the employee or special Government employee involved, the conflict or appearance of conflict is not resolved, the information concerning the conflict or appearance of conflict shall be reported to the Chairman through the counselor for appropriate administrative action.

§ 19.735-107 Disciplinary and other remedial action.

(a) A violation of the regulations in this part by an employee or special Government employee may be cause for appropriate disciplinary action which may be in addition to any penalty prescribed by law.

(b) In carrying out the Commission's Review and Inspection Program with respect to employee conduct, the Chairman will designate an officer or employee of the Commission who will promptly investigate all incidents or situations in which it appears that employees may have engaged in improper conduct. Such investigation will be initiated in all cases where complaints are brought to the attention of the Chairman, including: Adverse comment appearing in publications; complaints from members of Congress, private citizens, organizations, other Government employees or agencies; and formal complaints referred to the Chairman by the counselor for the Commission.

(c) When, after consideration of the explanation of the employee or special Government employee provided by § 19.735-106(h), the Chairman decides that remedial action is required, he shall take immediate action to end the conflicts or appearance of conflicts of interest. Remedial action may include, but is not limited to:

- (1) Changes in assigned duties;
- (2) Divestment by the employee or special Government employee of his conflicting interest;
- (3) Action under the Commission's Review and Inspection Program resulting in one of the following actions:

(i) When investigation reveals that the charges are groundless the person designated by the Chairman to assist in administration of the program may give a letter of clearance to the employee concerned, and the case will not be recorded in his official personnel folder.

(ii) If, after investigation, the case investigator deems the act to be merely a minor indiscretion, he may resolve the situation by discussing it with the employee. The case will not be recorded in the employee's official personnel folder.

(iii) If the case administrator considers the problem to be of sufficient importance, he may call it to the attention of the Chairman, who in turn may notify the employee of the seriousness of his act and warn him of the consequences of a repetition. The case will not

be recorded in the employee's official personnel folder, unless the employee requests it.

(iv) The Chairman may, when in his opinion circumstances warrant, establish a special review board to investigate the facts in a case and to make a full report thereon, including recommended action.

(v) If the Chairman decides that formal disciplinary action should be taken, he may prepare for Commission consideration a statement of facts and recommend one of the following:

(a) *Written reprimand.* A formal letter containing a complete statement of the offense and official censure;

(b) *Suspension.* A temporary nonpay status and suspension from duty;

(c) *Removal for cause.* Separation for cause in case of a serious offense.

Only after a majority of the Commission approves formal disciplinary action will any record resulting from the administration of this program be placed in the employee's official personnel folder.

(4) Disqualification for a particular assignment.

Remedial action, whether disciplinary or otherwise, shall be effected in accordance with any applicable laws, Executive orders, and regulations.

SUBPART B—ETHICAL AND OTHER CONDUCT AND RESPONSIBILITIES OF EMPLOYEES

§ 19.735-201 Specific provisions.

The regulations issued under this subpart contain provisions covering the standards of and governing the ethical and other conduct of FCC employees set forth in §§ 735.201a through 735.210 of the Civil Service Regulations (5 CFR 735.201a-735.210), as well as those set forth in the Executive order and the Federal Conflicts of Interest statutes and the Federal Communications Act of 1934, as amended. They are not meant to restrict unduly a Commission employee's social activities. Each employee must judge for himself whether his social activities may or may not compromise or appear to compromise his position as a public servant.

§ 19.735-201a Proscribed actions.

An employee shall avoid any action, whether or not specifically prohibited by this subpart, which might result in, or create the appearance of:

- (a) Using public office for private gain;
- (b) Giving preferential treatment to any person;
- (c) Impeding Government efficiency or economy;
- (d) Losing complete independence or impartiality;
- (e) Making a Government decision outside official channels; or

(f) Affecting adversely the confidence of the public in the integrity of the Government.

§ 19.735-202 Gifts, entertainment, and favors.

(a) Except as provided in paragraphs (b) and (f) of this section, an employee shall not solicit or accept,

directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person who:

(1) Has, or is seeking to obtain, contractual or other business or financial relations with the Commission;

(2) Conducts operations or activities that are regulated by the Commission; or

(3) Has interests that may be substantially affected by the performance or non-performance of his (the employee's) official duty; or

(4) Is in any way attempting to affect the employee's official actions at the Commission.

(b) The prohibitions enumerated in paragraph (a) of this section do not apply in the situations enumerated below:

(1) Where obvious family (such as those between the parents, children, or spouse of the employee and the employee) or other personal relationships make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors;

(2) Food and refreshments of nominal value may be accepted on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting or on an inspection tour where an employee may properly be in attendance;

(3) Loans may be obtained from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans;

(4) Unsolicited advertising or promotional material such as pens, pencils, note pads, calendars and other items of nominal intrinsic value may be accepted, as well as literature relating to the communications field.

(c) [Reserved]

(d) An employee shall not solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an employee receiving less pay than himself (5 U.S.C. 7351). However, this paragraph does not prohibit a voluntary gift of nominal value or donation in a nominal amount made on a special occasion such as marriage, illness, or retirement.

(e) An employee shall not accept a gift, present, decoration, or other thing from a foreign government unless authorized by Congress as provided by the Constitution and in Public Law 89-673, 80 Stat. 952.

(f) Neither this section nor § 19.735-203 precludes an employee from receipt of bona fide reimbursement, unless prohibited by law, for expenses of travel and such other necessary subsistence as is compatible with this part for which no Government payment or reimbursement is made. However, this paragraph does not allow an employee to be reimbursed, or payment to be made on his behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits, nor does it allow an employee to be reimbursed by a person for travel on official business under agency orders when reimbursement is proscribed by Decision B-128527 of the Comptroller General dated March 7, 1967.

§ 19.735-203 Outside employment and other activity.

(a) The Commissioners are prohibited from engaging in any other business, vocation, profession, or employment. (47 U.S.C. 154(b)) No Commissioner or employee of the Commission is permitted to be in the employ of or hold any official relation to any person subject to any of the provisions of the Communications Act. (47 U.S.C. 154(b)) In addition, no Commissioner or employee of the Commission may engage in outside employment or other outside activity, with or without compensation, which is in conflict with or otherwise not compatible with the full and proper discharge of his duties and responsibilities as a Commission employee. Incompatible activities include but are not limited to:

(1) Acceptance of a fee, compensation, gift, payment of expenses, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of a conflicts of interest situation; or

(2) Outside employment which tends to impair his mental or physical capacity to perform his Commission duties and responsibilities in an acceptable manner; or

(3) Outside employment or activities which reasonably might be regarded as official Commission actions, or which will bring discredit upon, or cause unfavorable and reasonable criticism of, the Commission or the Government.

(b) No professional employee of the Commission shall engage in the private practice of his profession unless specifically authorized by the Commission. Requests for such authorizations shall, in the case of employees generally, be submitted to the Head of the Office or Bureau to which the employee is assigned; in the case of Heads of Offices and Bureaus to the Chairman; and in the case of an employee in the immediate office of a Commissioner to the Commissioner. All pertinent facts regarding the proposed employment, such as the name of the employer, the nature of the work to be performed, and the amount of time involved shall be set forth.

(c) Employees of the Commission are encouraged to engage in teaching, lecturing, and writing that is not prohibited by law, the Executive order, the Civil Service Regulations, or this part. However, an employee of the Commission shall not, either with or without compensation engage in teaching, lecturing, or writing that is dependent on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the Chairman gives written authorization for the use of non-public information on the basis that the use is in the public interest. Articles shall not identify the author with the Commission or the Federal Government unless prior approval has been obtained from the Commission nor shall documents prepared in the course of official duties be used for private gain by any Commission employee. In addition, the Commissioners shall not

receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the Commission, or which draws substantially on official data or ideas which have not become part of the body of public information. (See also 47 U.S.C. 154(b).)

(d) An employee of the Commission shall not engage in outside employment under a State or local government, except in accordance with 5 CFR Part 734 of the Civil Service Regulations and this part.

(e) This section does not preclude a Commission employee from:

(1) [Reserved]

(2) Participation in the activities of national or State political parties not proscribed by law.

(3) Participation in the affairs of or acceptance of an award for a meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit educational and recreational, public service, or civic organization.

§ 19.735-204 Financial interests.

(a) An employee of the Commission shall not have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his Government duties and responsibilities.

(b) An employee of the Commission shall not engage in, directly or indirectly, a financial transaction as a result of, or primarily relying on, information obtained through his Government employment.

(c) An employee of the Commission is expected to comply with section 4(b) of the Communications Act and to support its underlying ethical principles.

(1) Section 4(b) of the Communications Act provides in pertinent part as follows:

No member of the Commission or person in its employ shall be financially interested in the manufacture or sale of radio apparatus or of apparatus for wire or radio communication; in communication by wire or radio or in radio transmission of energy; in any company furnishing services or such apparatus to any company engaged in communication by wire or radio or to any company manufacturing or selling apparatus used for communication by wire or radio; or in any company owning stocks, bonds, or other securities of any such company; * * * nor own stocks, bonds, or other securities of any corporation subject to any of the provisions of this Act * * *.

(2) Section 4(b) has been construed in the past not to prohibit financial interests in enterprises whose activities are not subject, in any significant sense, to regulation by the Commission. However, any employee would be disqualified from acting in any matter involving his investments and would be required to seek a waiver under the provisions of 18 U.S.C. 208(b). (See paragraph (e) (2) of this section.)

(d) No Commissioner shall have a pecuniary interest in any hearing or proceeding in which he participates. (47 U.S.C. 154(j).)

(e) An employee of the Commission is also subject to the provisions of Federal conflicts of interest statutes,

which are generally applicable to Government employees, but which do not supersede the provisions of section 4(b) of the Communications Act. In summary, the main conflict of interest provisions applying to financial interests are:

(1) An employee may not, except in the discharge of his official duties, represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest. This prohibition applies both to paid and unpaid representation of another (18 U.S.C. 203 and 205).

(i) This prohibition does not extend to (a) representation of another person, without compensation, in a disciplinary, loyalty, or other personnel matter; or (b) the giving of testimony under oath or from making statements required to be made under penalty for perjury or contempt.

(ii) This prohibition may be waived under the express approval of the Government official responsible for his appointment in the case of an employee who represents, with or without compensation, his own parents, spouse or child, or a person or estate he serves as a fiduciary, but only as to matters in which the employee has not participated personally and substantially as a Government employee and which are not the subject of his official responsibility.

(2) An employee may not participate in his governmental capacity in any matter in which he, his spouse, minor child, outside business associate or person with whom he is negotiating for employment has a financial interest (18 U.S.C. 208).

(i) This prohibition shall not apply if the employee advises the Government official responsible for his appointment of the nature of the matter, makes full disclosure of the financial interest, and receives in advance a written determination that the interest is not so substantial as to be deemed likely to affect the integrity of the employee's services.

(ii) With respect to financial interests of the employee himself, the prohibition of this subparagraph overlaps the prohibitions of section 4(b) of the Communications Act. When the prohibitions of section 4(b) are applicable, the provisions for waiver in subdivision (i) of this subparagraph are not applicable with respect to the interest of the employee himself.

(3) An employee may not receive any salary, or supplementation of his Government salary, from a private source as compensation for his services to the Government (18 U.S.C. 209).

(i) This prohibition will not prevent an employee from continuing to participate in a bona fide pension plan or other employee welfare or benefit plan maintained by a former employer.

(ii) This prohibition is not applicable to anyone serving the Government without compensation or to contributions, awards, or other expenses under the terms of the Government Employees Training Act (5 U.S.C. 2301-2319).

§ 19.735-205 Use of Government property.

An employee of the Commission shall not directly or indirectly use, or allow the use of, Government property of any kind, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve Government property, including equipment, supplies, and other property entrusted or issued to him.

§ 19.735-206 Misuse of information.

For the purpose of furthering a private interest, an employee shall not except as provided in § 19.735-203(c), directly or indirectly use, or allow the use of, official information obtained through or in connection with his Government employment which has not been made available to the general public.

§ 19.735-207 Indebtedness.

An employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State, or local taxes. For the purpose of this section, a "just financial obligation" means one acknowledged by the employee or reduced to judgment by a court, and "in a proper and timely manner" means in a manner which the Commission determines does not, under the circumstances, reflect adversely on the Government as his employer. In the event of dispute between an employee and an alleged creditor, this section does not require the Commission to determine the validity or amount of the disputed debt.

§ 19.735-208 Gambling, betting, and lotteries.

An employee of the Commission shall not participate, while on Government-owned or leased property or while on duty for the Commission, in any gambling activity including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket. However, this section does not preclude activities:

(a) Necessitated by an employee's law enforcement duties; or

(b) Under section 3 of Executive Order 10927 and similar agency-approved activities.

§ 19.735-209 General conduct prejudicial to the Government.

An employee of the Commission shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Commission or to the Government.

§ 19.735-210 Miscellaneous statutory provisions.

In addition to the statutes referred to in § 19.735-204, each employee shall acquaint himself with the following provisions that relate to his ethical and other conduct as an employee of the Commission.

(a) House Concurrent Resolution 175, 85th Congress, 2d Session, 72 Stat. B12, the "Code of Ethics for Government Service."

(b) Chapter 11 of title 18, United States Code, relating to bribery, graft, and conflicts of interest, as appropriate to the employees concerned.

(c) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(d) The prohibitions against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).

(e) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).

(f) The prohibitions against (1) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); and (2) the disclosure of confidential information (18 U.S.C. 1905).

(g) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(h) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a(c)).

(i) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(j) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(k) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(l) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(m) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(n) The prohibitions against (1) embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(o) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(p) The prohibitions against political activities in subchapter III of chapter 73 of title 5, United States Code, 18 U.S.C. 602, 603, 607, and 608.

(q) The prohibition against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

SUBPART C—ETHICAL AND OTHER CONDUCT AND RESPONSIBILITIES OF SPECIAL GOVERNMENT EMPLOYEES

§ 19.735-301 Specific provisions.

The regulations issued under this subpart contain provisions covering the standards of and governing the ethical and other conduct of special Government employees of the Commission as set forth in §§ 735.302 through 735.306 of the Civil Service Regulations (5 CFR 735.302-735.306) as well as those set forth in the Executive order and the Federal Conflicts of Interest Statutes and the Federal Communications Act of 1934, as amended.

§ 19.735-302 Use of Government employment.

A special Government employee shall not use his Government employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself or another person, particularly one with whom he has family, business, or financial ties.

§ 19.735-303 Use of inside information.

(a) A special Government employee shall not use inside information obtained as a result of his Government employment for private gain for himself or another person either by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with whom he has family, business, or financial ties. For the purpose of this section, "inside information" means information obtained under Government authority which has not become part of the body of public information.

(b) A special Government employee may teach, lecture, or write in a manner not inconsistent with § 19.735-203(c) in regard to employees.

§ 19.735-304 Coercion.

A special Government employee shall not use his Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person, particularly one with whom he has family, business, or financial ties.

§ 19.735-305 Gifts, entertainment, and favors.

(a) Except as provided in paragraph (b) of this section, a special Government employee, while so employed or in connection with his employment, shall not receive or solicit from a person having business with his agency anything of value as a gift, gratuity, loan, entertainment, or favor for himself or another person particularly one with whom he has family, business, or financial ties.

(b) The same exceptions applying to the acceptance of gifts, entertainment, and favors by Government employees which are set forth under § 19.735-202(b) apply to special Government employees of the Commission.

§ 19.735-306 Miscellaneous statutory provisions.

Each special Government employee of the Commission shall acquaint himself with the following major statutory prohibitions relating to his ethical and other conduct as well as those set forth in § 19.735-210 in this part.

(a) Section 4(h) of the Communications Act which provides that no employee of the Commission "shall be financially interested in the manufacture or sale of radio apparatus or of apparatus for wire or radio communication; in communication by wire or radio or in radio transmission of energy; in any company furnishing services or such apparatus to any company engaged in communication by wire or radio or to any company manufacturing or selling apparatus used for communication by wire or radio; or in any company owning stocks, bonds, or other securities of any such

company; nor be in the employ of or hold any official relation to any person subject to any of the provisions of this Act, nor own stocks, bonds, or other securities of any corporation subject to any of the provisions of this Act. * * *

(b) Sections 203 and 205 of Title 18 of the United States Code which provide that a special Government employee

(1) May not, except in the discharge of his official duties, represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest and in which he has at any time participated personally and substantially for the Government.

(2) May not, except in the discharge of his official duties, represent anyone else in a matter pending before the agency he serves unless he has served there no more than 60 days during the past 365. He is bound by this restraint despite the fact that the matter is not one in which he has ever participated personally and substantially.

(3) These prohibitions do not extend to

(i) Representation of another person without compensation in a disciplinary, loyalty, or other personnel matter; or

(ii) The giving of testimony under oath or from making statements required to be made under penalty for perjury or contempt; or

(iii) Representation, with the approval of the Government official responsible for his appointment, of his own parents, spouse, or child, in matters in which he has not participated personally and substantially and which are not the subject of his official responsibility.

(c) Section 208 of Title 18 of the United States Code which provides that a special Government employee may not participate in his governmental capacity in any matter in which he, his spouse, minor child, outside business associate or person with whom he is negotiating for employment has a financial interest.

(1) This prohibition shall not apply if the employee advises the Government officials responsible for his appointment of the nature of the matter, makes full disclosure of the financial interest, and receives in advance a written determination that the interest is not so substantial as to be deemed likely to affect the integrity of the employee's services.

(2) With respect to the financial interests of the employee himself, the prohibition of this section 208 overlaps the prohibitions of section 4(b) of the Communications Act. When the prohibitions of section 4(b) are applicable, the provision for waiver in subparagraph (1) of this paragraph is not applicable with respect to the interest of the employee himself.

(d) Section 207(a) of Title 18 of the United States Code which provides that a special Government employee may not, after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and in which he participated personally and substantially for the Government.

(e) Section 207(b) of Title 18 of the United States Code which provides that a special Government employee may not, for 1 year after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and which was within the boundaries of his official responsibility during the last year of his Government service. This temporary restraint of course gives way to the permanent restriction described in paragraph (d) of this section if the matter is one in which he participated personally and substantially.

SUBPART D—STATEMENTS OF EMPLOYMENT AND FINANCIAL INTERESTS

§ 19.735-401 Form and content of statements.

The statements of employment and financial interests required under this subpart for use by employees and special Government employees of the Commission are in accordance with the formats prescribed by the Civil Service Commission in the Federal Personnel Manual.

§ 19.735-402 Specific provisions of agency regulations for employees.

The regulations issued under this subpart are in accordance with the reporting requirements set forth in §§ 735.403 through 735.411 of the Civil Service Regulations (5 CFR 735.403-735.411).

§ 19.735-403 Employees required to submit statements.

Except as provided in § 19.735-404, statements of employment and financial interests shall be required from the following employees of the Commission:

(a) Employees who are Hearing Examiners.

(b) Employees who are Members of the Review Board.

(c) Employees who are in grade GS-13 or above and who are Heads or Assistant Heads of Offices, Bureaus, Divisions, or Branches or comparable units.

(d) Employees who are in grade GS-13 or above and who are in the immediate offices of the Office or Bureau Chiefs.

(e) Employees who are in grade GS-13 or above and who are legal, engineering, or other professional assistants to the Commissioners.

(f) Employees in GS-11 or above who are Heads or Supervisors of field offices.

§ 19.735-403a Employee's complaint on filing requirement.

An employee who believes that his position has been improperly included under the Commission's regulations requiring the filing of a statement of employment and financial interests is entitled to seek review of his complaint under the Commission's grievance procedure.

§ 19.735-404 Commissioners not required to submit statements.

A statement of employment and financial interests is not required by this subpart from the Commissioners

who are subject to separate reporting requirements under section 401 of the Executive order.

§ 19.735-405 Time and place for submission of employees' statements.

(a) An employee required to submit a statement of employment and financial interests pursuant to § 19.735-403, shall submit that statement on the prescribed form not later than:

(1) Ninety days after the effective date of the Commission's regulations issued under this part if employed on or before that effective date.

(2) Thirty days after his entrance on duty, but not earlier than ninety days after the effective date, if appointed after that effective date.

(b) An employee required to submit a statement of employment and financial interests shall submit that statement as follows:

(1) In the case of employees generally, to the office of the Executive Director;

(2) In the case of Heads of Offices and Bureaus, to the office of the Chairman; and

(3) In the case of an employee in the immediate office of a Commissioner, to the individual Commissioners, respectively.

(c) An employee required to submit a statement of employment and financial interests will be individually notified of his obligation to file.

§ 19.735-406 Supplementary statements.

Changes in, or additions to, the information contained in an employee's statement of employment and financial interests shall be reported in a supplementary statement as of June 30 each year. If no changes or additions occur, a negative report is required. Notwithstanding the filing of the annual report required by this section, each employee shall at all times avoid acquiring a financial interest that could result, or take an action that would result, in a violation of the conflicts-of-interest provisions of section 208 of title 18, United States Code, or Subpart B of this part.

§ 19.735-407 Interests of employees' relatives.

The interest of a spouse, minor child, or other member of an employee's immediate household is considered to be an interest of the employee. For the purpose of this section, "member of an employee's immediate household" means those blood relations who are residents of the employee's household.

§ 19.735-408 Information not known by employees.

If any information required to be included on a statement of employment and financial interests or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit information in his behalf.

§ 19.735-409 Information prohibited.

This subpart does not require an employee to submit on a statement of employment and financial interests or supplementary statement any information relating

to the employee's connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.

§ 19.735-410 Confidentiality of employees' statements.

Each statement of employment and financial interests, and each supplementary statement, shall be held in confidence and shall be retained in the Office of the Executive Director. Each employee charged with reviewing a statement is responsible for maintaining the statements in confidence and shall not allow access to or allow information to be disclosed from a statement except to carry out the purpose of this part. Information from these statements shall not be disclosed except as the Civil Service Commission or the Chairman may determine for good cause shown.

§ 19.735-411 Effect of employees' statements on other requirements.

The statements of employment and financial interests and supplementary statements required of employees are in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a statement or supplementary statement by an employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order or regulation.

§ 19.735-412 Procedure for obtaining waivers of the applicability of the Federal conflicts of interest statutes.

(a) As indicated in § 19.735-204, an employee may not, except in the discharge of his official duties, represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest. (18 U.S.C. 203 and 205) Nor may an employee participate in his governmental capacity in any matter in which he, his spouse, minor child, outside business associate or person with whom he is negotiating for employment has a financial interest. (18 U.S.C. 208)

(b) Requests for waivers of the applicability of the above Federal conflicts of interest statutes may be submitted as follows:

(1) In the case of employees generally, to the Head of the Office or Bureau to which the employee is assigned;

(2) In the case of Heads of Offices and Bureaus, to the Chairman; and

(3) In the case of employees in the immediate offices of a Commissioner, to the Commissioner.

(c) All requests for waivers shall be in writing and in the required detail. Before any waiver is granted, the General Counsel shall be furnished a copy of all relevant documents and shall be afforded an opportunity to comment thereon.

(d) Copies of all requests for waivers and the action taken thereon shall be maintained in the Office of the Executive Director.

(e) An employee who deems himself disqualified from participating in any matter pending before the Commission and who does not request a waiver shall file a statement as to his disqualification and nonparticipation with the Head of the Bureau or Office to which he is assigned and with the Executive Director.

§ 19.735-413 Specific reporting requirements for special Government employees.

(a) The reporting requirements for special Government employees are the same as those applying to Government employees which are also set forth in this subpart.

(b) Except as provided in paragraph (c) of this section, special Government employees shall be required to submit a statement of employment and financial interests which reports:

(1) All other employment; and

(2) The financial interests of the special Government employee which relate either directly or indirectly to the duties and responsibilities of the special Government employee.

(c) The Chairman may waive the requirement in paragraph (b) of this section for the submission of a

statement of employment and financial interests in the case of a special Government employee who is not a consultant or an expert when the Commission finds that the duties of the position held by that special Government employee are of a nature and at such a level of responsibility that the submission of the statement by the incumbent is not necessary to protect the integrity of the Government. For the purpose of this paragraph, "consultant" and "expert" have the meanings given those terms by Chapter 304 of the Federal Personnel Manual, but do not include:

(1) A physician, dentist, or allied medical specialist whose services are procured to provide care and service to patients; or

(2) A veterinarian whose services are procured to provide care and service to animals.

(d) A statement of employment and financial interests required to be submitted under this section shall be submitted not later than the time of employment of the special Government employee as provided in the Commission's regulations. Each special Government employee shall keep his statement current throughout his employment with the Commission by the submission of supplementary statements.

(e) As indicated in § 19.735-306, a special Government employee is subject to certain prohibitions of the Federal conflicts of interest statutes contained in sections 203, 205, and 208 of Title 18 of the United States Code. The procedures for obtaining a waiver of these statutes are the same as those applying to Government employees which are set forth in § 19.735-412.