## FEDERAL COMMUNICATIONS COMMISSION

## PART 13—Rules Governing Commercial Radio Operators

(Revised to March 30, 1949)

## PART 13-COMMERCIAL RADIO OPERATORS

#### RECAPITULATION OF REGULATIONS

Because of the number of outstanding amendments to Part 13 since it last appeared in a daily issue of the FEDERAL REGISTER, there follows a recapitulation of Part 13 as revised to and including the Commission's action of March 30, 1949.

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AUTHORITY: §§ 13.1 to 13.94 issued under

sec. 4 (i), 48 Stat. 1066, sec. 6 (b), 50 Stat. 191; 47 U. S. C. 154 (i), 303 (r). Interprets or

applies sec. 303 (1), 48 Stat. 1082; 47 U. S. C.

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## GENERAL

- § 13.1 Licensed operators required. 123. 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.
- § 13.2 Classes of licenses. The classes of commercial operator licenses issued by the Commission are:
  - (a) Commercial radiotelephone group: (1) Radiotelephone second-class oper-
- ator license.
- (2) Radiotelephone first-class operator license.
- (b) Commercial radiotelegraph group:
- (1) Radiotelegraph second-class operator license
- (2) Radiotelegraph first-class operator license.
- 'Whenever the term "license" is used generally to denote an authorization from the Commission, it includes "license," "permit" and "authorization"
- <sup>3</sup>By Order No. 126, dated August 21, 1945 certain railroad employees were authorized to operate radio transmitting apparatus for use in connection with railroad operations without an operator's license upon compliance by the affected employee and the employing railroad with the condition of the Commission's order.
- <sup>3</sup> By Commission Order No. 133, dated May 10, 1946, effective June 1, 1946, the Commission waived the requirements for the opera-tion of mobile or portable radio transmitting apparatus by a licensed operator in the Emergency, Miscellaneous, Railroad and Experi-mental Services (Parts 5, 10, 11 and 16 of the Commission's Rules) subject to certain conditions stated in the Order. Those provisions of Part 13 of the Commission's Rules that are inconsistent with the provisions of Order No. 133 are suspended.
- 'By Order, dated and effective December 15, 1947, and by subsequent orders effective March 15, 1948, June 15, 1948 and November 15, 1948, the Commission temporarily waived to a limited extent the requirement that ship radar stations licensed in the Ship Service be operated by licensed radio operators. See footnote 71, § 8.195 of the Commission's Rules Governing Ship Service. See also § 13.61.
- See § 13.61.
  By Order No. 136, the Commission cancelled Order No. 97 effective June 30, 1946, Provided, however, That all Temporary Limited Radiotelegraph Second Class Operator Licenses outstanding at time of cancellation shall remain valid according to the respective
- terms thereof.

  'By Order No. 136, the Commission cancelled Order No. 123 effective June 30, 1946: Provided, however, That all Temporary Emergency Radiotelegraph Second Class Operator Licenses outstanding at time of cancellation shall remain valid according to the respective terms thereof.

- (c) Restricted commercial group:
- (1) Restricted radiotelephone operator permit.
- (2) Restricted radiotelegraph operator permit.
- § 13.3 Dual holding of licenses. A person may not hold more than one radiotelegraph operator license (or restricted radiotelegraph permit) and one radiotelephone operator license (or restricted radiotelephone operator permit) at the same time.
- § 13.4 Term of licenses. Commercial operator licenses are normally issued for a term of 5 years from the date of issu-
- § 13.5 Eligibility for new license. (a) Under the provisions of section 303 (1) of the Communications Act of 1934, as amended, United States citizens who are found qualified by the Commission are the only persons to whom radio operator licenses may be issued.
- (b) Notwithstanding any other provisions of the Commission's rules, no per-son 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, or (2) who is involved in any pending litigation based on an alleged violation of the Communications Act of 1934, as amended.
- § 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. 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, in the case of a station licensed for service other than broadcast, 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

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stations, except amateur and broadcast, licensed in the name of the same person to use frequencies above 30 megacycles only, a licensed radio operator holding a valid radiotelegraph or radiotelephone first- or second-class license who has the station within his effective control may be on duty at any point within the communication range of such stations in lieu of the transmitter location or control point during the actual operation of the transmitting apparatus and shall supervise the emissions of all such stations so as to insure the proper operation in accordance with the station license.

(b) An operator may be on duty at a remote control point in lieu of the location of the transmitting apparatus in accordance with the provisions of paragraph (a) (1) of this section: Provided, That all of the following conditions are met: (1) The transmitter shall be so installed and protected that it is not accessible to other than duly authorized persons; (2) the emissions of the transmitter shall be continuously monitored at the control point by a licensed operator of the grade specified for the class of station involved; (3) provision shall be made so that the transmitter can quickly and without delay be placed in an inoperative condition by the operator at the control point in the event there is a deviation from the terms of the station license; (4) the radiation of the transmitter shall be suspended immediately when there is a deviation from the terms of the station license.

## APPLICATIONS

§ 13.11 Procedure—(a) General. The application in the prescribed form and including all required subsidiary forms and documents, properly completed and signed shall be submitted in person or by mail to the office at which the applicant desires his application to be considered and acted upon, which office will make the final arrangements for conducting any required examination. If the application is for renewal of license, it must be submitted during the last year of the license term, and if all prescribed service requirements are fulfilled,\* the renewal license may be issued by mail. A renewal application shall also be accompanied by the license to be renewed.

(b) Restricted radiotelephone operator permit. No oral or written examination is required for this permit. If the application is properly completed and signed, and if the applicant is found to be qualified, the permit may be issued forthwith by personal delivery to the applicant or by mail.

§ 13.12 Special provisions, radiotelegraph first class. An applicant for the 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 1 year of satisfactory service as a radiotelegraph operator manipulating the key of a manually operated radiotelegraph station on board a ship or in a manually operated coastal telegraph station.

#### EXAMINATIONS

- § 13.21 Examination elements. Written examinations will comprise questions from one or more of the following examination elements:
- 1. Basic law. Provisions of law and regulation with which every operator should be familiar.
- 2. Basic theory and practice. Technical matters appropriate for every class of license except restricted radiotelephone operator permit.
- 3. Radiotelephone. Additional matters, both legal and technical, including radiotelephone theory and practice.
- 4. Advanced radiotelephone. Theory and practice applicable to broadcast station operation.
- 5. Radiotelegraph. Additional matters, both legal and technical, including radiotelegraph theory and practice.
- 6. Advnaced radiotelegraph. Radiotelegraph theory and practice of wider scope, particularly with respect to ship radio matters (direction finders, ship radiotelephone stations. spark transmitters, etc.).
- § 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 sixteen (16) code groups per minute
- (3) Written examination elements: 1. ·2, 5, and 6.
- (d) Radiotelegraph first-class operator license:
- (1) Ability to transmit and receive spoken messages in English.
- (2) Transmitting and receiving code test of twenty-five (25) words per minute plain language and twenty (20) code groups per minute.
- (3) Written examination elements: 1. 2. 5. and 6.
- (e) 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.

(f) Restricted radiotelegraph operator

- (1) Transmitting and receiving code test of sixteen (16) code groups per minute.
- (2) Written examination elements: 1, 2, and 5.
- § 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. 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 elements for the new class of license. However, no person holding a new, duplicate, or replacement restricted radiotelephone operator permit issued upon 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 issuance of the permit based thereon, be relieved of qualifying by examination on any phase of the subject matter of the declaration when applying for any other operator license or permit for which examination on any subject matter is required.
- § 13.26 Canceling and issuing new licenses. If the holder of a license qualifles for a higher class in the same group, the license held will be canceled upon the issuance of the new license. Similarly, if the holder of a restricted operator permit qualifies for a first- or second-class operator license of the corresponding type, the permit held will be canceled upon issuance of the new license.
- § 13.27 Eligibility for reexamination. An applicant who fails an examination element will be ineligible for 2 months to take an examination for any class of license requiring, that element. Exam-

\* See § 13.28.

A menth 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.

ination elements will be graded in the order listed,10 and an applicant may, without further application, be issued the class of license for which he qualifies.

§ 13.28 Renewal examinations and exceptions. A restricted radiotelephone operator permit may be renewed without examination or showing of service and upon the same basis as an original permit of this class is issued. A license of any other class may be renewed without examination provided the service record on the license" shows at least 3 years' satisfactory service in the aggregate during the license term and while actually employed as a radio operator under that license, or shows at least 2 years' service in the aggregate, under the same conditions, of which I year must have been continuous and immediately prior to the date of application for renewal.

If the above requirements have not been fulfilled, but the service record shows at least 3 months' satisfactory service in the aggregate, while actually employed as a radio operator under the license during the last 3 years of the license term, a license may be renewed upon the successful completion of a renewal examinaton which may be taken at any time during the last year of the

license term.

Renewal examinations will consist of the same elements as for original licenses. However, the written examination will be directed toward a determination of the applicant's qualifications to continue to hold the license for which he has previously qualified. If the renewal examination is not successfully completed before expiration of the license sought to be renewed, or if the service is not acceptable, the applicant will be examined as for the original license.

## 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

§ 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 long-

10 See § 13.21.

hand 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.

Computing words or code § 13.45 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:
- (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.
- (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 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 qualifled radiotelegraph operator in a station on board a ship or ships of the United States.
- (c) Restricted radiotelegraph operator permit. Any station except-
- (1) Stations transmitting television, or

18 For temporary authority granted holders of valid first and second class operator licenses, either radiotelephone or radiotelegraph, to perform r 'justments, servicing and maintenance of ship radar stations licensed in the Ship Service, see footnote 71, § 8.195, of the Commission's rules governing ship service.

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.

(2) Any of the various classes of broadcast stations other than remote pickup and ST broadcast stations, or

(3) Ship stations licensed to use telephony for communication with coastal

telephone stations, or

(4) Radiotelegraph stations on board a vessel required by treaty or statute to be equipped with a radio installation, or

(5) Ship telegraph, coastal telegraph or marine-relay stations open to public correspondence:

Provided, That, in the case of equipment designed for and using telephone or facsimile transmissions: (1) Such operator is prohibited from making adjustments that may result in improper transmitter operation, and (2) the equipment is so designed that none of the operations necessary to be performed during the course of normal rendition of service may cause off-frequency operation or result in any unauthorized radiation, and (3) any needed adjustments of the transmitter which may affect proper operation of the station are regularly made by or in the presence of an operator holding a firstor second-class license, either radiotelephone or radiotelegraph, who shall be responsible for the proper operation of the equipment.

(d) 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 coastal telephone stations.

(e) 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.

(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 coastal telephone stations.
- (f) Restricted radiotelephore 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 and ST broadcast stations, or
- (4) Coastal telephone stations or coastal harbor stations other than in the Territory of Alaska, or
- (5) Ship stations licensed to use telephony for communication with coastal telephone stations;

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 none of the operations

<sup>&</sup>quot; See §§ 13.91 to 13.94, inclusive.

necessary to be performed during the course of normal rendition of service 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 in the presence of an operator holding a first- or second-class license, either radiotelephone or radiotelegraph, who shall be responsible for the proper operation of the 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) The holder of any class of commercial radio operator license may operate any station in the experimental service while using frequencies solely above 300 megacycles.

(b) The holder of any class of radiotelephone operator license, whose license authorizes him to operate a station while transmitting telephony, may operate the same station when transmitting on the same frequencies, any type of telegraphy under the following conditions:

(1) When transmitting telegraphy by automatic means for identification, for testing, or for actuating an automatic selective signaling device, or

(2) When properly serving as a relay station and for that purpose retransmitting by automatic means, solely on frequencies above 50 megacycles, the signals of a radiotelegraph station, or

(3) When transmitting telegraphy as an incidental part of a program intended to be received by the general public, either directly or through the intermediary of a relay station or stations.

§ 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 obtain or attempt to obtain, or assist another to obtain an operator's license by fraudulent means.

#### MISCELLANEOUS

§ 13.71 Issue of duplicate or replacement licenses. (a) An operator whose license, permit or authorization has been lost, mutilated or destroyed shall immediately notify the Commission. A properly executed application for duplicate should be submitted to the office of issue, embodying a statement of the circumstances involved in the loss, mutilation or destruction of the license or permit for which a duplicate is desired. If the license or permit has been lost, the applicant must state that reasonable search has been made for it, and further, that in the event it be found either the original or the duplicate will be returned for cancellation. The applicant should also submit documentary evidence of the service that has been obtained under the original license or permit, or a statement under oath or affirmation embodying that information.

(b) The holder of any license, permit or suthorization vhose name is legally changed may make application for replacement document to indicate the new legal name, by submitting a properly executed application to the office of issue accompanied by the license permit or authorization affected and by documentary evidence of the legality of the name change.

§ 13.72 Exhibiting signed copy of application. When a duplicate or replacement operator license or permit has been requested, or request has been made for renewal upon service or for an endorsement or a verification card, the operator shall exhibit in lieu of the original document a signed copy of the application which has been submitted by him.

§ 13.73 Verification card. The holder of an operator license or permit of the diploma form (as distinguished from such document of the card form) may by filing a properly executed application accompanied by his license or permit, obtain a verification card." 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."

(h) Performing service or maintenance duties at one or more stations. The holder of a radiotelephone or radiotelegraph first- or second-class radio operator license who performs, or supervises, and is responsible for service or maintenance work on any transmitter of any station for which a station license is required, shall post his license at the transmitter involved whenever the transmitter is in actual operation while service or maintenance work is being performed: Provided, That in lieu of posting his license, he may have on his person either his license or a verification card: " 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.

§ 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 (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

<sup>&</sup>quot; Form 758-F.

<sup>15</sup> Form 759.

basis and at which his license is properly posted.

#### 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 of the aviation chain or company in lieu service may be shown by giving the name of listing the call letters of the several

§ 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 license or a restricted radiotelegraph operator permit desiring an endorsement to be placed thereon attesting to an aggregate of at least 6 months' satisfactory service as a qualified operator on a vessel of the United States, may, in the event documentary evidence cannot be produced, submit to any office of the Commission a statement under

oath accompanied by the license to be endorsed, 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 fol-

(1) Manual radiotelegraph operation only; and

(2) Transmitter control only; or

(3) Combination of (1) and (2) running concurrently;

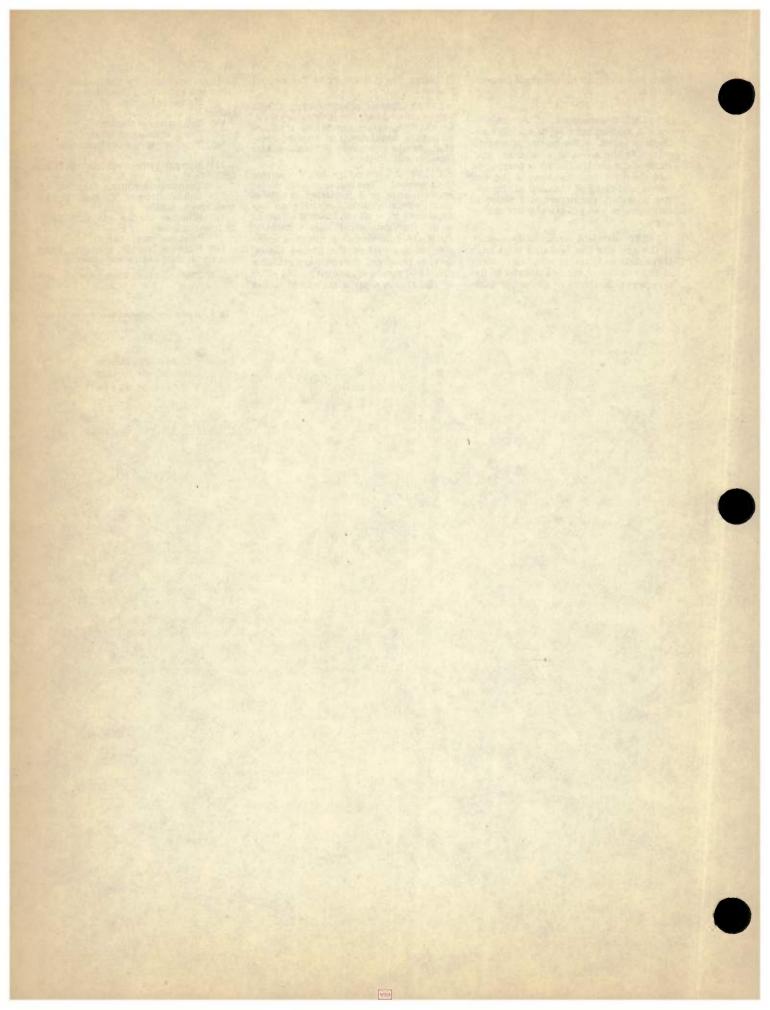
(e) Whether service was satisfactory or unsatisfactory;

(f) Period of employment;

(g) Name of master, employer, licensee, or his duly authorized agent.

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<sup>&</sup>lt;sup>1</sup>Purchasers of this part will be advised where a particular amendment may be obtained including the cost if not available from the F. C. C.



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