

which are never brought to the Commission's attention. Thus, granting the Commission authority to approve radiating equipment before it is sold would, by reducing our enforcement problem, permit more effective utilization of our manpower resources than is now possible.

A further benefit to the Government from a general reduction of levels of excessive radiation (the "radiation smog" over metropolitan areas earlier referred to) is that Government radio services whose operations must be conducted in areas of relatively low radiation limits would, to a great extent, be relieved of the need for relocating to escape high radiation areas. The need for the Commission to relocate its monitoring installations as increasing urbanization brings about higher levels of radiation has already been mentioned. It is also our understanding that the interference problem has become so acute in areas of military installations that military purchase specifications for radiating devices now are written to require that such devices be suppressed or otherwise designed to prevent interference. Finally, from the Government's viewpoint, the Government, as well as the public, would be benefited by enactment of this legislation through the additional protection against interference which would be afforded to those services, such as air navigation control, where the safety of life depends on purity of reception.

The public would also benefit from this legislation because a reduction in the present levels of excessive radiation would permit reception of a better quality than is now possible. Here it might be noted that the public has become so accustomed to a degraded quality of service under present conditions that unless radio reception is seriously interfered with, the public will not complain. The public would also gain reassurance that, except perhaps under extraordinary circumstances, equipment it bought would not need further modification as a condition to its legal operation.

There remains to be considered the problem of additional costs to manufacturers which might be necessary under this legislation. We recognize, of course, that properly designed equipment may cost more than improperly designed equipment. But, generally speaking, in most instances, the additional costs to manufacturers stemming from this legislation would be small. Even now, when the Commission orders a user to shield or otherwise adjust his equipment to prevent excessive radiation, this can be accomplished generally at a relatively low cost. If this were done at the time of manufacture, costs could further be minimized by the economies possible under proper design and mass production techniques.

But, in any event, the consumer must now pay the cost of eliminating excessive radiation, as well as the cost of administrative proceedings brought against him. In light of this, we think it preferable that members of the public who buy devices that may radiate should have assurance that such devices are properly designed at the time of manufacture, rather than having purchasers discover non-compliance with our radiation requirements after the sale. By requiring that *all* manufacturers hold radiation down to acceptable limits, not only does the public gain this "warranty" that equipment purchased is fit for legal operation, but those manufacturers who now voluntarily comply with our radiation rules would be relieved of the competitive disadvantages under which they now operate.

Several remaining aspects of our proposal deserve mention. First, it should be noted that this new section is not intended to supplant our authority under Section 301, but rather, to supplement it. While the new section will go far to reducing levels of excessive radiation, there will be instances where properly designed equipment becomes faulty or is improperly used, thus calling for application of Section 301.

Further, implementation of our authority would necessarily be on a gradual basis. Before promulgating new standards, the Commission would give public notice of rulemaking proceedings, and any person or segment of the industry affected by a particular set of regulations would have ample opportunity in subsequent rulemaking proceedings to comment on the proposed regulations. Thus, the Commission would be in a position to assess the impact of its proposed regulations on those affected, and where appropriate, could minimize the effect of new standards on the industry. In short, if the Commission obtains this legislation, it would proceed to implement it gradually, and only after a thorough study of all the problems involved.