DRAFTING INFORMATION

The principal authors of this document are Robert P. Jones, Regulations Branch, Civil Aviation Security Service, and Richard C. Beitel, Office of the Chief Counsel.

Accordingly, Special Federal Aviation Regulations No. 31 (41 FR 2248) is hereby revoked, effective August 30, 1977.

(Sec 316(d) of the Federal Aviation Act of 1958 (49 U.S.C. 1357(d)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on August 30, 1977.

QUENTIN S. TAYLOR,
Acting Administrator.

[FR Doc.77-26119 Filed 9-7-77;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release SAB-16]

PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS

Subpart B—Staff Accounting Bulletins

STAFF ACCOUNTING BULLETIN NO. 16

AGENCY: Securities and Exchange Commission.

ACTION: Publication of Staff Accounting Bulletin.

SUMMARY: This interpretation describes the position of the Commission's staff concerning disclosure to be made by registrants when their financial statements filed with the Commission are potentially affected by the FASB's Exposure Draft, "Financial Accounting and Reporting by Oil and Gas Producing Companies." It is the staff's position that disclosure should include an indication of the estimated general magnitude of the potential impact on earnings and shareholders' equity by registrants whose financial statements would be substantially changed if the proposals presented in the FASB Exposure Draft are adopted.

EFFECTIVE DATE: Immediately.

FOR FURTHER INFORMATION CONTACT:

Richard C. Adkerson, Office of the Chief Accountant, Securities and Exchange Commission, 500 North Capitol St., Washington, D.C. 20549 (202-755-1671).

SUPPLEMENTARY INFORMATION: The statements in the Bulletin are not rules or interpretations of the Commission nor are they published as bearing the Commission's official approval; they represent interpretations and practices followed by the Division of Corporation Finance and the Office of the Chief Accountant in administering the disclosure requirements of the Federal securities laws.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 1, 1977.

STAFF ACCOUNTING BULLETIN NO. 16

The staff hereby adds Topic 10-I regarding disclosure of the potential impact of the FASB's proposed Statement of Financial Accounting Standards, "Financial Accounting and Reporting by Oil and Gas Producing Companies."

TOPIC 10: MISCELLANEOUS DISCLOSURE

* * * * *

I. Disclosure Regarding the FASB Exposure Draft, "Financial Accounting and Reporting by Oil and Gas Producing Companies."

Facts. On July 15, 1977, the Financial Accounting Standards Board issued an exposure draft of a proposed Statement of Financial Accounting Standards, entitled "Financial Accounting and Reporting by Oil and Gas Producing Companies" (the "FASB Exposure Draft"). The potential impact of the proposed standards on the financial statements of some registrants is significant. For some registrants, application of the proposed standards may result in net income for current and prior periods being substantially reduced or changed to net losses and shareholders' equity likewise being substantially reduced or changed to a deficit.

The FASB Exposure Draft proposes, among other matters, the following:

1. All companies engaged in oil and gas production would be required to adopt a prescribed form of the successful efforts method of accounting for exploration and development costs.

2. FASB Statement No. 9, "Accounting for Income Taxes—Oil and Gas Producing Companies," would be superseded; and comprehensive interperiod income tax allocation by the deferred method would be required for all exploration and development costs.

3. Accounting treatment is proposed for specific types of mineral property conveyances and various types of related transactions.

4. Accounting changes to conform to the new standards would be made retroactively by restating the financial statements of prior periods.

5. The proposed standards would become effective for financial statements for fiscal years beginning after June 15, 1978.

Question. What disclosure concerning the FASB Exposure Draft should be made in filings with the Commission?

Interpretive Response. The staff believes the following data relating to the FASB Exposure Draft should be disclosed in the footnotes of the financial statements of registrants which would be materially affected if the standards are adopted:

1. A general statement of the existence of the FASB Exposure Draft and its relationship to the registrant's current accounting policies.

2. A statement that the registrant would or may, as appropriate, be required to restate its current and previously issued financial statements, if the provisions of the FASB Exposure Draft are adopted as proposed.

3. A quantification of the general magnitude of the estimated potential effects on reported shareholders' equity and on earnings from applying the proposed provisions of the FASB Exposure Draft.

4. A discussion of significant implications, if any, that adoption of the standards proposed by the FASB would have on the registrant's dividend policy and on its ability to comply with covenants in its debt or other agreements, such as those involving debt/equity ratios and restrictions on additional financing and asset acquisitions.

The staff recognizes the significant data accumulation problems faced by some registrants in estimating the effects of applying the standards proposed by the FASB. In addition, the staff is aware that differences of opinion may exist in interpreting certain provisions of the FASB Exposure Draft and that changes may be adopted by the FASB in its final statement. Nevertheless, the significance of the FASB Exposure Draft to certain registrants' financial statements is such that a general indication of the magnitude of the effects of applying the proposed standards may be required to preclude the possibility of the financial statements being considered misleading.

The staff does not expect the estimates disclosed to be stated as precise amounts. It would consider acceptable descriptions in terms of broad ranges or percentages. Moreover, the staff recognizes that registrants' estimates may be subject to revision based on information obtained in subsequently compiling the data for restating their financial statements, subsequent changes in interpreting the provisions of the FASB Exposure Draft, and changes by the FASB to the proposed standards in its final statement. Disclosure of the estimated impact should include qualifications for these or other matters, as appropriate.

The disclosure discussed at Item 3 above may be made outside the financial statements, such as in Management's Discussion and Analysis of the Summary of Operations. In these cases, the financial statement disclosures (Items 1, 2, and 4) should include a reference to the location in the filing where the Item 3 disclosure is made.

The staff believes that, when practicable, these disclosures should be included in all filings with the Commission which contain financial statements of a registrant, including summarized financial statements in Forms 10-Q. The staff recognizes that, in many cases, compiling the data for the disclosure relating to the magnitude of the estimated impact on net income and shareholders' equity may not be practicable for quarterly filings in 1977. In such cases, registrants should disclose the information described at Items 1, 2, and 4 above and indicate the reasons for not providing the Item 3 information.

The staff believes that registrants should include all the information discussed above in registration statements and annual reports filed with the Commission. Furthermore, the staff believes that registrants will have had sufficient time to compile the data necessary to make all of the disclosures discussed above in quarterly reports filed after December 31, 1977. If developing the information for periodic reports filed with the Commission causes an undue hardship on a registrant, the registrant should discuss its circumstances with the staff.

[FR Doc.77-26162 Filed 9-7-77;8:45 am]

[Release No. 34-13914]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

PART 249b—FURTHER FORMS, SECURITIES EXCHANGE ACT OF 1934

Transfer Agents

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: This rule and related form prescribe the procedure to be followed by those transfer agents registered with the Commission in withdrawing from registration. The form is intended to simplify the withdrawal process and the information required by the form will enable the Commission to determine whether it is necessary or appropriate in the public interest, for the protection of investors, or in furtherance of the Securities Exchange Act that the withdrawal be denied, postponed or subject to specific terms and conditions.

EFFECTIVE DATE: October 10, 1977.

FOR FURTHER INFORMATION CONTACT:

Lisa G. Gessow,

Attorney, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol St., Washington, D.C. 20549, (202-755-8916).

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Securities and Exchange Commission (the "Commission"), pursuant to Sections 2, 17, 17A and 23(a) of the Act (15 U.S.C. 78b, 78q, 78q-1 and 78w(a)), has amended Title 17, Chapter II, Parts 240 and 249b of the Code of Federal Regulations to add §§ 240.17Ac3-1 and 249b.101.

RULE 17Ac3-1

Rule 17Ac3-1 provides that a transfer agent registered with the Commission may withdraw from registration by filing a notice of withdrawal of its transfer agent registration on, and in accordance with the instructions contained in, Form TA-W.[1] Withdrawal from registration will become effective on the sixtieth day after filing of a properly completed Form TA-W unless the Commission takes affirmative action to accelerate, deny or postpone such withdrawal.

The rule further provides that every withdrawal filed pursuant to Rule 17Ac3-1 constitutes a "report" within the meaning of Sections 17 and 32(a) of the Act.

FORM TA-W

Form TA-W has been adopted to simplify the registration withdrawal process. The information required on the Form is intended to enable the Commission to determine whether it is necessary or appropriate in the public interest, for the protection of investors, or in furtherance of the purposes of section 17A that the withdrawal be denied, postponed or subject to specific terms and conditions. The information requested includes the name of the registrant, the address of its principal place of business, the date registrant ceased performing any transfer agent function as defined in the Act, whether the registrant is involved in any legal actions or proceedings or is aware of any potential claims against it,[2] whether there are any unsatisfied judgment or liens against registrant arising out of its performance of transfer agent functions, the names and addresses of any successor transfer agents and whether such successors transfer agents are registered pursuant to the Act, the names and addresses of the persons who will maintain custody or possession of registrant's transfer agent books and records, the address at which such books and records will be located and the reasons for ceasing the performance of transfer agent functions or for otherwise requesting withdrawal of its registration as transfer agent.

STATUTORY BASIS AND COMPETITIVE CONSIDERATIONS

Rule 17Ac3-1 and Form TA-W are adopted pursuant to the Securities Exchange Act of 1934, in particular sections 2, 17, 17A and 23(a) thereof, 15 U.S.C. 78b, 78q, 78q-1 and 78w(a).

The Commission finds that any burden on competition imposed by this rule is necessary and appropriate in the public interest, for the protection of investors and to facilitate the establishment of a national system for the prompt and accurate clearance and settlement of transactions in securities.

EFFECTIVE DATE

Rule 17Ac3-1 and Form TA-W are effective as of October 10, 1977. Accordingly, 17 CFR Parts 240 and 249b are amended by adding §§ 240.17Ac3-1 and 249b.101 as follows:

§ 240.17Ac3-1 Withdrawal from registration with the Commission.

(a) Notice of withdrawal from registration as a transfer agent with the Commission pursuant to section 17A(c)(3)(C) of the Act shall be filed on Form TA-W in accordance with the instructions contained thereon.

(b) Except as hereinafter provided, a notice to withdraw from registration filed by a transfer agent pursuant to section 17A(c)(3)(C) of the Act shall become effective on the sixtieth day after the filing thereof with the Commission or within such shorter period of time as the Commission may determine. If a notice to withdraw from registration is filed with the Commission at any time subsequent to the date of issuance of a Commission order instituting proceedings pursuant to Section 17A(c)(3)(A) of the Act, or if prior to the effective date of the notice of withdrawal the Commission institutes such a proceeding or a proceeding to impose terms and conditions upon such withdrawal, the notice of withdrawal shall not become effective except at such time and upon such terms and conditions as the Commission deems necessary or appropriate in the public interest, for the protection of investors, or in furtherance of the purposes of section 17A.

(c) Every notice of withdrawal filed pursuant to this rule shall constitute a "report" within the meaning of sections 17 and 32(a) of the Act.

§ 249b.101 Form TA-W, notice of withdrawal from registration as transfer agent.

This form shall be used for withdrawing, pursuant to section 17A of the Securities Exchange Act of 1934, the registration of transfer agents registered with the Commission.

NOTE.—Copies of Form TA-W have been filed with the Office of Federal Register as part of this document. Copies may be obtained from the Publications Section, Securities and Exchange Commission, 500 North Capitol St., Washington, D.C. 20549 and at each of the Commission's regional offices. Copies of Form TA-W will be available on or about the week of September 26, 1977.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 1, 1977.

[FR Doc.77-26188 Filed 9-7-77;8:45 am]

[1] Transfer agents registered with the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation or the Board of Governors of the Federal Reserve System are not subject to the rule and form adopted herein today. Each of the three Federal bank regulatory agencies has developed its own procedures for withdrawing the registrations of bank transfer agents registered with it.

[2] Any out-of-proof conditions are considered, for these purposes, as potential claims.

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 76-197]

PART 110—ANCHORAGE REGULATIONS

Special Anchorage Areas, Dana Point, Calif.

AGENCY: Coast Guard, DOT.

ACTION: Final Rule.

SUMMARY: This amendment establishes a special anchorage area in Dana Point Harbor, Calif. This amendment is needed to meet the heavy demand for anchorage space for transient pleasure vessels. In special anchorage areas, vessels under 65 feet in length are not required to carry or exhibit anchor lights.

EFFECTIVE DATE: This amendment is effective October 8, 1977.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590 (202-426-1477).

SUPPLEMENTARY INFORMATION: On March 7, 1977, the Coast Guard published a proposed rule (42 FR 12890) concerning this amendment. Interested parties were given until April 20, 1977, to submit comments. No comments were received.

DRAFTING INFORMATION: The principal persons involved in drafting this rule are: Lieutenant Commander H. E. Snow, Project Manager, Office of Marine Environment and Systems, and Mr. S. D. Jackson, Project Attorney, Office of the Chief Counsel.

In consideration of the foregoing, Part 110 of Title 33 Code of Federal Regulations is amended by adding § 110.93 to read as follows:

§ 110.93 Dana Point Harbor, Calif.

The area in Dana Point Harbor, Calif. commencing at a point at latitude 33°27'36.2" N. longitude 117°42'20.4" W.; thence 016°20' True for 612 feet to a point at latitude 33°27'42.1" N., longitude 117°42'18.4" W.; thence 106°20' True for 85 feet to a point at latitude 33°27'41.8" N., longitude 117°42'17.7" W.; thence 196°20' True for 222 feet to a point at latitude 33°27'39.7" N., longitude 117°42'18.2" W.; thence 182°20' True 234 feet to a point at latitude 33°27'37.4" N., longitude 117°42'18.2" W.; thence 166°20' True for 499 feet to a point at latitude 33°27'32.6" N., longitude 117°42'16.8" W.; thence 320° True for 470 feet to the point of origin.

(Sec. 1, 30 Stat. 98, as amended (33 U.S.C. 180); sec. 6(g)(1)(B), 80 Stat. 937 (49 U.S.C. 1655(g)(1)(B)); 49 CFR 1.46(c)(2).)

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.

Dated August 29, 1977.

O. W. SILER,
Admiral, U.S. Coast Guard Commandant.

[FR Doc.77-25984 Filed 9-7-77;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—LAND RESOURCE MANAGEMENT (2000)

PART 2850—POWER TRANSMISSION LINES

Subpart 2851—Principles and Procedures Power Transmission Lines

ELECTRIC TRANSMISSION FACILITIES CROSSING FEDERAL LANDS

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: Power transmission rights-of-way for facilities of less than 66kV capacity are not required to include a stipulation that transmission capability in excess of the needs of the grantee be made available for transmission of Federal power. The upper limit is changed from 33kV. There is seldom any excess transmission capability on such low capacity lines. Processing of right-of-way applications will be simplified by eliminating the required stipulation.

DATE: Effective September 9, 1977.

ADDRESS: Director (210), Bureau of Land Management, 1800 C Street NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Billy R. Templeton, 202-343-8735.

SUPPLEMENTAL INFORMATION: The principal author of this document is Billy R. Templeton of the Bureau of Land Management, Division of Legislation and Regulatory Management.

On page 20315 of the FEDERAL REGISTER of April 19, 1977, proposed rulemaking was published to raise the minimum voltage at which a wheeling stipulation is required in a power transmission facility from 33 kV to 66 kV. Comments and suggestions were invited from the public for a 30-day period, ending May 31, 1977. Comments were received from six sources. Five favored the proposal, but recommended that the level be increased above 66 kV or waived completely. One was opposed to the proposal completely.

A suggestion was made to set the minimum above 66 kV or waive the requirement for a wheeling stipulation entirely. It has been determined that this is not necessary since under the provisions in § 2851.1-1(a) the Secretary may waive the wheeling stipulation requirement if appropriate.

The one unfavorable comment was that the proposed amendment could have an adverse impact on potential preference customers not presently being served by Federal power because of inability to secure wheeling arrangements. It was suggested that the proposed rule could deny access to new lines below 66 kV to serve these potential customers. This would discriminate between them and other preference customers currently receiving power wheeled over lines below 66 kV.

In adopting the proposed amendment to increase the wheeling stipulation voltage level from the present 33 kV to proposed 66 kV, the Department considered the potential impact such change would have on those potential preference customers below 66 kV. It was concluded that the possibility that service to a new customer would turn on the existence or nonexistence of the wheeling stipulation on a line below 66 kV is so remote as to be virtually nonexistent.

Accordingly, amendments proposed under the authority of section 501(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761), to Title 43, Chapter II, Subchapter B, Part 2850, Subpart 2851 of the Code of Federal Regulations are adopted as set forth below.

DANIEL P. BEARD,
Deputy Assistant Secretary of the Interior.

AUGUST 30, 1977.

1. Section 2851.1-1(a)(5) is amended to read as follows:

§ 2851.1-1 Terms and conditions.

(a) * * *

(5) An applicant for a right-of-way for a transmission facility having a voltage of 66 kilovolts or more must, in addition to the requirements of Subpart 2802 of this part execute and file with its application a stipulation agreeing to accept the right-of-way grant subject to the following conditions:

* * * * *

2. Section 2851.2-1(c)(4) is amended to read as follows:

§ 2851.2-1 Applications.

* * * * *

(c) * * *

(4) If the line is to have a nominal voltage of 66 kilovolts or more, the application should include a one-line diagram of the proposed line and the immediate interconnecting facilities including power plants and substations, a power flow diagram or proposed line and connecting major lines showing conditions under normal use, and typical structure drawings of proposed lines showing construction dimensions and a list of materials.

[FR Doc.77-26050 Filed 9-7-77;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20775; FCC 77-583]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Providing Clarification and Modification of Rules for Emergency Position Indicating Radiobeacons on Frequencies 121.5 and 243 MHz

AGENCY: Federal Communications Commission.

ACTION: Final Rule.

SUMMARY: A Report and Order is adopted setting out rules pertaining to emergency position indicating radiobeacons (EPIRB's). This action clarifies and modifies our rules concerning technical standards, processing of equipment authorizations, license applications and vessel inspections. The clarification and modifications will permit more expeditions processing of authorizations thereby benefiting the Commission and the public.

EFFECTIVE DATE: October 11, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Robert C. McIntyre, Safety & Special Radio Services Bureau, 202-632-7197.

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER—PROCEEDING TERMINATED

Adopted: August 24, 1977.

Released: September 6, 1977.

In the matter of Amendment of Parts 2 and 83 of the Commission's rules to provide clarification and modification of the rules for emergency position indicating radiobeacons on the frequencies 121.5 and 243 MHz, Docket No. 20775.

1. On April 23, 1976, we released a Notice of Proposed Rule Making (NPRM) in this Docket (FCC 76-328, 41 FR 17572, April 27, 1976), to amend Parts 81 and 83 of the rules to provide clarification and modification of the rules for emergency position indicating radiobeacons (EPIRB's).

2. Comments concerning the proposed rules appended to the Notice of Proposed Rule Making in this docket were received from Aeronautical Radio, Incorporated (ARINC), Air Transport Association of America (ATA), Aircraft Owners and Pilots Association (AOPA) and late comments were received from Narco Marine (Narco). Comments were filed jointly by ARINC and ATA. The late comments filed by Narco concerning the proposed rules do not raise any new basic matters not already covered by other commenters.

3. EPIRB's are radio frequency devices which transmit signals simultaneously on 121.5 and 243 MHz to facilitate search and rescue operations by indicating the position of a distress situation. EPIRB signals are modulated by a well defined, distinctive, sweeping tone chosen to be easily recognizable and compatible with radiolocation equipment. Aircraft equipment with radio direction finding equipment are extensively used in search and rescue operations and can rapidly determine the location of an EPIRB emitting a signal.

4. The Commission called attention in the Notice to the fact that since adopting rules[1] providing for the operation of EPIRB's the Laboratory Division of the Office of Chief Engineer (OCE) has evaluated a number of these devices which were submitted for purposes of type acceptance and has, through the equipment authorization program, assessed the effectiveness of our rules. As an outgrowth of this evaluation, we are of the opinion that it is in the public interest to make certain changes to our rules; these changes affect rules concerning technical standards, equipment authorizations and administrative procedures pertaining to the maritime radio service. Objections were raised to the following rule changes proposed by the Commission:

Measurement procedures.
Table of Frequency Allocations.
EPIRB Testing.

The following paragraphs of this Report and Order discuss the views of the respondents with regard to these controversial areas and are silent on the other proposed changes to which no objections were raised.

MEASUREMENT PROCEDURES

5. The Notice includes provisions for the use by the public of measurement procedures prepared by the Office of Chief Engineer for obtaining the necessary data to demonstrate compliance with the Commission's rules for purposes of equipment authorizations. Section 83.134(i) now requires that measurement procedures delineated in Radio Technical Commission for Aeronautics (RTCA) Documents DO-145 and DO-146 be used for peak effective radiated power measurements. ARINC, ATA and AOPA state that the Commission did not explain in detail the problem with the RTCA documents and that the issuance of superseding test procedures by the Chief Engineer would only serve to increase the ambiguity which the Commission has suggested exists in RTCA documents DO-145 and DO-146. For this reason the commentors request that the Commission retain reference to the RTCA documents in its rules pertaining to effective radiated power measurements.

6. The Commission has previously made public[2] its concerns regarding the procedures set out in RTCA documents DO-145 and DO-146 and indicated that, since these procedures are subject to various interpretations, significant differences in radiated output power may result from their use. Variations in radiated output power in excess of 9 dB have been observed when similar transmitters are tested using methods employed by different manufacturers. This magnitude of difference (approximately 10 times in power) can result in a variation of 3 to 1 in the range of EPIRB's which are rated as equivalent and may adversely affect the safety of life. We have further informed RTCA Special Committee No. 127[3], which is charged with developing a new minimum performance standard to replace DO-145 and 146, of the ambiguity which exists in the present measurement procedures so that RTCA may give this matter appropriate consideration in their new standard. Accordingly, we see no reason to retain reference to RTCA documents concerning power measurements in our rules since the procedure described in these documents is not acceptable to the Commission.

7. The respondents further raise objections to our proposal to require a new, but as yet, unspecified test procedure for EPIRB's. The proposed rules pertaining to Part 83 would require the use of an OCE Bulletin describing a measurement procedure for peak effective radiated power of EPIRB's to be used by applicants for equipment authorizations. We note that no equipment manufacturers voiced opposition to the adoption of

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[1] Report and Order, Docket No. 19693, adopted March 7, 1974 (39 FR 10140; 45 FCC 2d 885).

[2] Public Notice, "Information Concerning the Measurement of Peak Effective Radiated Power for Emergency Position Indicating Radiobeacons (EPIRB's) Transmitters", Reference No. 26615, dated July 26, 1974.

Public Notice, "Clarification of Measurement Procedure for Field Strength of Marine Emergency Position Indicating Radiobeacons (EPIRB) Transmitters"; Reference No. 31697, dated October 10, 1974.

[3] Commission letter to the Chairman, Task Force No. 3 of SC 127, Reference File No. AVI 6-1, dated April 11, 1975.

these rules. Nevertheless a specific OCE Bulletin to be used, which was not available when the Notice was adopted, we will also permit the use of any other measurement procedure submitted to and accepted by the Commission for purposes of application for equipment authorizations.

TABLE OF FREQUENCY ALLOCATIONS

8. The Notice proposed modification of the Table Frequency Allocations in Part 2 of the rules to set out EPIRB's under the Radiodetermination Service rather than the Maritime Mobile Service since the emissions of an EPIRB are used to indicate position thereby facilitating search and rescue operations (see International Radio Regulations No. 68A). Radiodetermination is defined internationally and in our rules as "the determination of position, or the obtaining of information relating to position, by means of the propagation properties of radio waves". Therefore it is the Commission's view that EPIRB stations should be considered more appropriately in this service than the maritime mobile service.

9. ARINC, ATA and AOPA object to this change on the basis that it is "superficially correct" and that the Commission's rules and the International Telecommunication Union's Radio Regulations (RR) provide for EPIRB's in the Maritime Mobile Service. Additionally, the respondents object to the specific inclusion of "maritime mobile service", "maritime radiodetermination service" and "ship stations" in column 11 of the Table of Frequency Allocations in Part 2 of the rules on the basis that it will lead to the expanded use of these frequencies for purposes other than search and rescue.

10. RR No. 68A provides for the operation of EPIRB's in a "mobile station" but not specifically in a "maritime mobile station" as in the case of other shipboard equipment. Additionally, all other types of radiobeacons are provided for in the radiodetermination radio service and the EPIRB definition is grouped with these definitions (see RR Nos. 45–68A). For these reasons, and because particularly with regard to an emergency frequency, it is necessary that the service and stations provided for on these frequencies be specifically identified to avoid any possibility of misuse, the Commission does not share the opinion of ARINC, ATA and AOPA that the proposed rules will result in the derogation of the usefulness of these frequencies. Accordingly, the rules pertaining to the Table of Frequency Allocations appended to the Notice are adopted as proposed.

EPIRB TESTING

11. We proposed in the Notice that testing of EPIRB's be conducted using a dummy load to insure that no transmissions or radiated energy occur that could be received by a radio station and result in a false alarm. This proposal is more stringent than our existing regulation which permits over-the-air tests during the first five minutes of every hour. All comments received were unanimous in their opposition to this change. ARINC, ATA and AOPA interpreted the proposed rules as an action which would increase the possibility of false distress signals since Coast Guard coordination was no longer required. Narco points out that a large number of EPIRB's are equipped with antennas which are permanently wired to the transmitter. If testing with a dummy load is the only type of test permitted, it will be necessary to disassemble the unit to permit testing. Since in many cases this would not be practical and could possibly damage the waterproof integrity of the EPIRB, we will continue to permit testing of EPIRB's with Coast Guard coordination or using over-the-air tests during the first five minutes of any hour if testing with a dummy load is not used.

EPIRB AUTHORIZATION

12. Separately, but related to the foregoing matters, we are amending § 83.68 (b) to provide that EPIRB's required by Coast Guard regulations be operated under specified conditions pursuant to the rules, rather than as a result of a provision on a station authorization. This will eliminate a requirement that EPIRB operational authority must be individually obtained by filing an application for modification of a ship station license; at renewal the authorization should be appropriately modified to reflect the addition of an EPIRB. This will relieve a restriction on the public. We will continue, however, to require an application for authority to operate an EPIRB installed voluntarily, or authority to operate an EPIRB only on board a vessel.

13. *Accordingly, it is ordered*, That pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, set forth below effective October 11, 1977.

14. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303.))

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Parts 2 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

A. In Part 2—Frequency Allocations and Radio Treaty Matters; General Rules and Regulations.

1. In § 2.106, column 11 is amended to read as follows:

§ 2.106 Table of frequency allocations.

Frequency MHz 10	*Nature of services of 11 stations*
*	* * * *
121.5	Aeronautical Mobile. Maritime Mobile. Maritime Radiodetermination. Ship. Survival craft and equipment. Emergency position indicating radiobeacon. Emergency locator transmitter.
*	* * * *
123.100	Aeronautical search and rescue. Ship. Survival craft and equipment.
*	* * * *
243	Survival craft and equipment. Emergency position indicating radiobeacon. Emergency locator transmitter.
*	* * * *

2. A new § 2.947 is added to read as follows:

§ 2.947 Measurement procedure.

(a) The Commission will accept data which have been measured in accordance with the following standards or measurement procedures:

(1) Those set forth in OCE Bulletins or reports prepared by the Office of the Chief Engineer of the Commission. These will be issued as required, and specified in the particular part of the rules where applicable.

(2) Those acceptable to the Commission and published by national engineering societies such as the Electronic Industries Association, the Institute of Electrical and Electronic Engineers, Inc., and the American National Standards Institute.

(3) Any measurement procedure acceptable to the Commission may be used to prepare data demonstrating compliance with the requirements of this chapter.

(b) Information submitted pursuant to paragraph (a) of this section shall completely identify the specific standard or measurement procedure used.

(c) In the case of equipment requiring measurement procedures not specified in the references set forth in paragraph (a) (1) and (2) of this section, the applicant shall submit a detailed description of the measurement procedures actually used.

(d) A listing of the test equipment used shall be submitted.

(e) If deemed necessary, the Commission may require additional information concerning the measurement procedures employed in obtaining the data submitted for equipment authorization purposes.

3. Section 2.999 is amended to read as follows:

§ 2.999 Measurement procedure.

The measurement procedures employed shall be in accordance with the requirements set forth in § 2.947. In addition, any specific test requirements set forth in the particular rules governing the equipment for which type acceptance is requested shall apply.

B. In Part 83—Stations on Shipboard in the Maritime Services.

1. Section 83.2(i) is amended to read as follows:

§ 83.2 General.

* * * * *

(i) *Ship station license.* A license authorizing the operation of one or more of the following: A ship station, a survival craft station associated with a ship, an emergency position indicating radiobeacon (EPIRB) station, a ship radionavigation station, an associated portable ship unit or units for use in the vicinity of the ship with which it is associated.

* * * * *

§ 83.3 [Amended]

2. Section 83.3 is amended by deleting paragraph (q).

3. Section 83.4 is amended by adding a new paragraph (w) to read as follows:

§ 83.4 Maritime radiodetermination service.

* * * * *

(w) *Emergency position indicating radiobeacon (EPIRB) station.* A station in the maritime radiolocation service consisting of a transmitter only, the distinctive emissions of which are intended to facilitate search and rescue operations.

4. Section 83.35(a) is amended to read as follows:

§ 83.4 Maritime radiodetermination service.

(a) A formal application for a new ship station license or for a modification of an existing license if required by § 83.33 when accompanied by a request for an interim ship station license, shall be filed in accordance with § 83.36 and presented in person by the applicant or his agent at the nearest field office of the Commission or at the Commission's main office in Washington, D.C.: *Provided*, That, as an alternative procedure, an applicant in Alaska for such a ship station license may submit an application by mail to the Commission's Field Office at Anchorage, Alaska, when accompanied by a written request for an interim ship station license.

* * * * *

5. Section 83.46 is amended by adding a new paragraph (f) to read as follows:

§ 83.46 Application for inspection and certification.

* * * * *

(f) The FCC Forms specified in paragraphs (b) and (d) of this section shall be used to apply for inspection of EPIRB stations on board vessels which are required to be mandatorily fitted by U.S. Coast Guard regulations (Chapter I of Title 46 of the Code of Federal Regulations) when they are additionally subject to (1) either or both the Safety Convention and Part II of Title III of the Communications Act, or (2) to Part III of Title III of the Communications Act.

6. Section 83.68 is amended by modifying the title and paragraph (b) to read as follows:

§ 83.68 Authority for survival craft stations and EPIRB stations.

* * * * *

(b) An EPIRB station may be operated on board a vessel under the following circumstances:

(1) When the vessel is authorized to operate a survival craft station;

(2) When the vessel is required by the U.S. Coast Guard to be equipped with an EPIRB station; or

(3) When the vessel is operated beyond the range of maritime VHF distress coverage of coast stations. Authority to operate an EPIRB station must be applied for as provided in § 83.36(a) herein. Except that, an EPIRB station may be operated, for the remaining period of the license term during which EPIRB installation occurs, on vessels set forth in subsection (b)(2) of this section even if there is no specific authority for EPIRB operation on the specific license.

7. In § 83.132, paragraph (a)(1)(iii) is amended, paragraph (a)(iv) is deleted, and paragraph (a)(5) is added as follows:

§ 83.132 Authorized classes of emission.

(a) * * *

(1) Stations using radiotelegraphy:

* * * * *

(iii) For the frequency 121.5 MHz, A2.

(iv) [Deleted.]

* * * * *

(5) Stations not covered by the above:

(i) For the frequency 121.5 MHz, A9.

(ii) For the frequency 243.0 MHz, A9.

* * * * *

8. Section 83.134(i) is revised to read as follows:

§ 83.134 Transmitter power.

* * * * *

(i) For EPIRB stations operating on the frequencies 121.5 and 243MHz the peak effective radiated power on each frequency, measured during and at the end of 48 hours of continuous operation, and without replacement or recharge of batteries, shall not be less than 75 milliwatts. This specification shall apply to all units whether dry, or immersed for any or all of the forty-eight hour period in fresh or salt-water, as long as the entire antenna extends above the water surface. The peak effective radiated power shall be determined pursuant to the measurement procedure set out in Commission publication Bulletin OEC 45. The required power shall be obtained over a temperature range of −20 to +50 degrees Celsius.

9. Section 83.139(b) is amended and a new paragraph (h) is added to read as follows:

§ 83.139 Acceptability of transmitters for licensing.

* * * * *

(b) Each survival craft station transmitter which has not been type approved pursuant to § 83.469 or § 83.472 shall be type accepted by the Commission.

* * * * *

(h) Each emergency position indicating radiobeacon transmitter authorized for use in an EPIRB station, ship station, or a survival craft station shall be type accepted by the Commission for operation under this part to be acceptable for licensing.

10. Section 83.144 heading and paragraphs (c), (d)(1), (d)(1)(iii), and (h) are amended to read as follows:

§ 83.144 Special requirements for emergency indicating radiobeacon stations, Class B.

* * * * *

(c) The EPIRB shall be provided with a visible and/or aurible indicator which clearly shows that the device is operating. The indicator shall be activated by the transmitter RF output power.

(d) * * *

(1) May be fitted with a manually-activated test switch, (or comparable device) associated test circuit, and output indicator activated by the RF output power which shall, in the test position:

* * * * *

(iii) Reduce radiation to a level not to exceed 25 microvolts per meter at a distance of one hundred fifty (150) feet irrespective of direction.

* * * * *

(h) The EPIRB shall be powered by a battery, whether an original or replacement component, contained within the transmission case or in a battery holder that is securely and rigidly attached to the transmitter case. The useful life of the battery (established by the EPIRB manufacturer) is the length of time, after its date of manufacture, that the battery may be stored under marine environmental conditions without losing its ability to permit the transmitter power requirement prescribed in § 83.134(i) to be met. The date (month and year) of the battery's manufacture shall be indelibly and legibly marked on the battery and the expiration date (month and year) upon which 50 percent of its useful life will have expired shall be indelibly and legibly marked on both the battery and the outside of the transmitter. The electromechanical connectors on and to the battery must be corrosion resistant and positive in action, and may not rely for contact upon spring force alone.

* * * * *

11. Section 83.145 is amended by modifying paragraph (b) and adding a new subparagraph (b)(8) as follows:

§ 83.145 Special requirements for emergency position indicating radiobeacon stations, Class A.

* * * * *

(b) In addition to the requirements applicable to Class B devices a Class A EPIRB must:

* * * * *

(b)(8) Have the batteries replaced after the date specfiied in § 83.144(h) upon which 50 percent of its useful life has expired or after the transmitter has been used in an emergency situation.

* * * * *

12. Section 83.322(c) is amended as follows:

§ 83.322 Frequencies for use in distress.

* * * * *

(c) The frequency 121.5 MHz (using class A2 emission) is available for assignment to survival craft stations for radiobeacon purposes. The frequency 121.5

MHz (using class A9 emission) is available for assignment to stations for facilitating search and rescue operations. The frequencies 121.5 MHz and 123.1 MHz (class A3 emission) are available for assignment to ship stations for scene of action search and rescue operations between ship and aircraft. The frequency 121.5 MHz will be assigned to ship stations for search and rescue operations only if the frequency 123.1 MHz is also authorized. Communication in support of search and rescue operations is permitted on frequency 121.5 MHz only when communications on the frequency 123.1 MHz or other VHF frequencies is not practicable. Ships and aircraft engaged in such communications on 121.5 MHz should shift to 123.1 MHz as soon as possible.

* * * * *

13. Section 83.352(b) is amended as follows:

§ 83.352 Frequencies for use in distress.

* * * * *

(b) The frequency 121.5 MHz (using class A2 emission) is available for assignment to survival craft stations for radiobeacon purposes. The frequency 121.5 MHz (using class A9 emission) is available for assignment to stations for facilitating search and rescue operations. The frequencies 121.5 MHz and 123.1 MHz (class A3 emission) are available for assignment to ship stations for scene of action search and rescue operations between ships and aircraft. The frequency 121.5 MHz will be assigned to ship stations for search and rescue operations only if the frequency 123.1 MHz is also authorized. Communication in support of search and rescue operations is permitted on the frequency 121.5 MHz only when communications on the frequency 123.1 MHz or other VHF frequencies is not practicable. Ships and aircraft engaged in such communications on 121.5 MHz should shift to 123.1 MHz as soon as possible.

* * * * *

14. Section 83.401(c) is amended to read as follows:

§ 83.401 Assignable frequencies for direction finding.

* * * * *

(c) In the event of distress, the following frequencies may be used for radio direction-finding for purposes of search and rescue by any authorized ship, survival craft or emergency position indicating radiobeacon stations.

410 kHz	8364 kHz
500 kHz	121.5 MHz
2182 kHz	243.0 MHz

15. A new § 83.406 is added to read as follows:

§ 83.406 Special provisions applicable to emergency position indicating radiobeacons.

(a) The station licensee of each EPIRB station shall provide and keep at the station an installation and maintenance record. Alternatively, such record may be made part of the ships radio-telephone or radiotelegraph station log. Entries in this record shall be made by the licensee or the responsible installation, service or maintenance person concerned in each particular instance, but the station licensee shall have the responsibility for the faithful and accurate making of such entries as are required by this section.

(b) Each entry in this record shall be signed by the responsible person concerned.

(c) The following entries shall be made in this record:

(1) The date and place of initial installation;

(2) The results of equipment tests including those conducted by the U.S. Coast Guard; and

(3) All transmissions shall be recorded when practicable including the date, time, vessel position, and a description of the circumstances requiring such transmission.

[FR Doc.77-26044 Filed 9-7-77;8:45 am]

[Docket No. 20620; RM-2426]

PART 15—RADIO FREQUENCY DEVICES

Operation of Wide-Band Swept RF Equipment Used as Anti-Pilferage Devices; Correction

AGENCY: Federal Communications Commission.

ACTION: Erratum.

SUMMARY: Erratum to § 15.323 of Report and Order in Docket No. 20620, which adopted new provisions under Subpart F of Part 15 of the rules for operation of wide-band Swept RF equipment.

EFFECTIVE DATE: September 12, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Don Olmstead, RF Devices and Experimental Branch, Office of Chief Engineer (202-632-7095).

SUPPLEMENTARY INFORMATION:

Released: September 1, 1977.

In the matter of: the amendment of Part 15 to provide for the operation of wide-band swept RF equipment used as anti-pilferage devices, Docket No. 20620, RM-2426.

The Report and Order in the above entitled matter, released August 5, 1977 and published in the FEDERAL REGISTER on August 8, 1977 (42 FR 39979), on page 39981, is corrected so that the second sentence of § 15.323 reads as follows:

§ 15.323 Measurement requirements for operation under § 15.305(c).

* * * Measurements on frequencies below 25 MHz shall be made using a shielded loop as the pickup device, and measurements on frequencies above 25 MHz shall be made using a tuned dipole or a linearly-polarized broadband dipole as the pickup device. * * *

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-26045 Filed 9-7-77;8:45 am]

[Docket No. 21197]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Presque Isle, Maine; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: This action assigns Channel 269A as a fourth FM assignment to Presque Isle, Maine, after interest was expressed by Jack Sieber and Notice was given. It also, effective at the end of the current license term, modifies the license of the University of Maine on Station WUPI, from Channel 216 to Channel 212, to avoid Intermediate Frequency interference with the new assignment. Reimbursement was not ordered for the license modification because the University had previously requested modification and because the channel should have been assigned in a prior proceeding, but was not because of a mistake of fact.

EFFECTIVE DATE: April 1, 1978.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

James J. Gross, Broadcast Bureau (202-632-7792).

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER—PROCEEDING TERMINATED

Adopted: August 29, 1977.
Released: September 1, 1977.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Presque Isle, Maine), Docket No. 21197.

1. The Commission has before it responses to its Notice of Proposed Rule Making and Order to Show Cause (hereinafter "Notice") [1], concerning FM assignments at Presque Isle, Maine. The Notice proposed the assignment of Channel 269A as a fourth FM assignment to that community, and ordered the University of Maine to show cause why the license for its Class D educational station at Presque Isle should not be modified from Channel 216 to Channel 212 to avoid Intermediate Frequency (IF) interference with the new assignment.[2]

---

[1] 42 FR 20152 (pub. April 18, 1977).

[2] Section 73.207 sets forth the mileage separation requirements between various classes of FM stations, including those 53 or 54 channels apart which could cause IF interference problems.

2. Responses to the Notice were filed by the University and Jack F. Sieber, proponent of the new assignment. The University does not object to license modification, but seeks reimbursement from the new permittee of Channel 269A for the expenses incurred in changing frequencies. This request is in accord with the Notice which stated that the permittee of Channel 269A would be required to provide reimbursement to the University of the costs in connection with the channel change. Sieber opposes the University on its reimbursement request and states that based upon the history of this proceeding the University should bear the costs of modification.

3. The history of this proceeding began on October 3, 1974, when the University filed a petition for rule making with the Commission seeking Channel 291 as a reserved educational noncommercial assignment to Presque Isle, Maine. To comply with the Commission's rules regarding IF interference, this required deletion of unoccupied Channel 237A. The University proposed the assignment of Channel 269A as a substitute for Channel 237A. However, since Channel 269A also posed an IF interference problem to Channel 216, on which the University operates a Class D station, the University filed an application (BPED-1742) to change frequency from Channel 216 to Channel 212. Then, on May 28, 1975, the Commission adopted a Notice of Proposed Rule Making [3] which proposed the assignment of Channel *291 and the deletion of Channel 237A. Noting that the deletion offered the advantage of ending the intermixture of classes of channels, the Commission did not propose a substitute Class A channel. Further, it did indicate that if there were interest in such an assignment, Channel 269A could be substituted.

4. Shortly thereafter, Sieber tendered an application for a construction permit on Channel 237A, but he did not comment directly in the rule making proceeding looking toward the proposed deletion of Channel 237A. His application was found to be defective because the proposed site was short spaced by four miles to co-channel Station CVB at Quebec City, Canada, and it was returned to Sieber by letter of January 14, 1976.

5. Then, on March 5, 1976, the Commission adopted its Report and Order [4] deleting Channel 237A and assigning Channel *291 to Presque Isle. Based on what now appears to be an erroneous assumption that no interest in a Class A channel at Presque Isle had been expressed, the Report and Order found no reason to substitute Channel 269A for Channel 237A. (The Commission's computer data base did not reveal the existence of the Sieber application because it had already been returned.)

6. Since Channel 237A was no longer available, Sieber resubmitted his application on June 23, 1976, this time seeking to use noncommercial educational Channel 201 for commercial purposes. Although such use would be contrary to the Commission's policy and regulations, this expression of interest in an assignment at Presque Isle caused the Commission to issue its latest Notice in this case on April 7, 1977, to consider assigning Channel 269A to that community and to modify the University from Channel 216 to 212. The prior application of the University for that very change in channels had been dismissed at the University's request on March 19, 1976.

7. It is now Sieber's contention that the Commission made a mistake of fact in deleting the Class A assignment at Presque Isle, without substitution, in the face of his expressed interest there. Furthermore, he notes that the University previously applied for modification from Channel 216 to Channel 212 without reimbursement, when circumstances were such that it would have benefitted from the addition of Channel 269A at Presque Isle. Therefore, Sieber argues, the new permittee of Channel 269A should not be expected to pay the cost of reimbursement to the University for making such a change, where the University would have benefited from the change absent a mistake of fact.

8. The Commission's usual policy is to require the party benefitting from a frequency modification to bear the cost of reimbursement of such modification, and such policy was applied to Presque Isle in footnote 3 of the Notice. Nevertheless, Sieber has brought to our attention the unusual nature of this case and the Commission's error in overlooking his expression of interest in the Class A assignment during the proceeding which deleted it. Upon review of the history of the Presque Isle assignment, it is our finding that the University of Maine should not be reimbursed. Significant in this finding is the fact that the University originally proposed substitution of Channel 269A for 237A in order to further its own proposal to obtain Channel *291, and had originally applied to the Commission for the very modification from Channel 216 to Channel 212 for which it now seeks reimbursement. Had all the facts been known, Channel 269A would have been assigned to Presque Isle, Maine, in the first proceeding without reimbursement to the University of Maine. Clearly, it would neither be fair nor equitable to now shift that cost to Sieber given these circumstances.

9. The University of Maine also seeks reimbursement for correction of TV interference problems that might occur with respect to the nearby Canadian satellite Station CHSJ-TV-1 at Bon Accord, New Brunswick. The Commission's engineering study indicates any interference to the TV service would be limited to a small area near the transmitter site and would cause no interference to TV service in Canada. On this basis the Canadian Government has approved of the proposed assignments. Therefore we shall not condition the University's modification on reimbursement for costs that might be associated with any possible interference problems.[5]

10. Sieber has expressed interest in promptly constructing a station on Channel 269A if authorized, and we find that it would be in the public interest to restore a Class A channel to Presque Isle to provide for another commercial FM voice. Sieber states that he is willing to compete with the other Class C stations in that community, and on this basis a waiver of our policy against intermixture is warranted. Presque Isle is large enough to warrant what in effect is only its third assignment.

11. The University has conditioned its consent to license modification upon the Commission's imposing reimbursement conditions. This we shall not do as explained above. Therefore we do not have its acquiescence in the modification. In accordance with *Transcontinent TV Corp. F.C.C.*, 308 F. 2d 339 (D.C. Cir. 1962), we shall make the channel changes at Presque Isle effective on the license expiration date of WUPI, April 1, 1978, or at such earlier date as the University may request, upon ceasing operation on Channel 21.

12. *Accordingly, it is ordered*, That effective April 1, 1978, the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) is amend to read as follows for Presque Isle, Maine:

City	*Channel No.*
Presque Isle, Maine——	241, 245, 269A, *291

13. *It is further ordered*, That pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding license held by the University of Maine, licensee of Station WUPI, Presque Isle, Maine, is modified effective 3 AM local time April 1, 1978 (concurrently with the expiration of that license, or such earlier date as FM Station WUPI may, upon its request, cease operation on Channel 216) to specify operation on Channel 212 in lieu of Channel 216. The licensee shall inform the Commission in writing by no later than October 15, 1977, of its acceptance of this modification. Station WUPI may continue to operate on Channel 216 subject to the following conditions:

(a) At least 30 days before commencing operation on Channel 212, the licensee of Station WUPI shall submit to the Commission the technical information normally required of an applicant for a construction permit on Channel 212;

(b) At least 10 days prior to commencing operation on Channel 212, the licensee of Station WUPI shall submit the measurement data required of an applicant for an FM broadcast station; and

(c) The licensee of Station WUPI shall not commence operation on Channel 212 without prior Commission authorization.

14. Authority for the actions taken herein is found in sections 4(i), 303 (g)

[3] Docket 20498, 40 FR 24753 (pub. June 10, 1975).

[4] Docket 20498, 41 FR 11516 (pub. March 19, 1976).

[5] In any event, acceptance of this problem was inherent in the filing of the University's application to change frequency.

and (r), 307(b); and 316 of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules and regulations.

15. It is directed, That the Secretary of the Commission send a copy of this Report and Order by certified mail, return receipt requested to the University of Maine, Station WUPI, Presque Isle, Maine.

16. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083 (47 U.S.C. 154, 303, 307).)

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77-26048 Filed 9-7-77;8:45 am]

[FCC 77-589]

PART 81—STATIONS ON LAND IN THE MARITIME SERVICE AND ALASKA—PUBLIC FIXED STATIONS

Clarifying the Limitation on Authorization of Frequencies Below 4000 kHz to Public Coast Stations Serving Lakes or Rivers

AGENCY: Federal Communications Commission.

ACTION: Rule amendment.

SUMMARY: This amendment of the rules clarifies the limitation on authorization of frequencies below 4000 kHz to public coast stations which serve only lakes or rivers.

EFFECTIVE DATE: September 12, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Robert P. De Young, Safety and Special Radio Services Bureau (202-632-7197).

SUPPLEMENTARY INFORMATION:

ORDER

Adopted: August 24, 1977.
Released: September 1, 1977.

Amendment of § 81.304(f)(2) of the rules to clarify the limitation on the authorization of frequencies below 4000 kHz to public coast stations serving lakes or rivers.

1. Mobile Marine Radio, Inc. (hereafter sometimes referred to as "MMR"), the licensee of Public Coast I-ABL Station WLO in Mobile, Ala., has requested the Commission to interpret or otherwise clarify the meaning of § 81.304(f)(2) of its rules.[1]

2. MMR is licensed to and does provide, inter alia, radiotelephony service in the 2, 4, 8, 13, 16, and 22 MHz bands and VHF-FM telephony service. MMR serves vessels in the Gulf of Mexico, the Caribbean, the Atlantic Ocean, and on the Alabama inland river system. Because of the service it provides to the Alabama inland river system, MMR points out that a strict interpretation of the rule would require it to delete its 2 MHz frequency, 2572 kHz, as of January 1, 1977. Such a result was not foreseen nor intended by the Commission in any of the Dockets which resulted in the adoption of § 81.304(f).[2]

3. The intent of the Commission in adopting the restriction on public coast stations serving lakes and rivers was to ensure that frequencies with longer range potential would not be inefficiently used. The intent of the Commission can be clarified by adding the word "only" to the phrases "lakes and rivers" as it appears in the subparagraph.

4. In view of the above: *It is ordered,* That § 81.304(f)(2) of the rules is amended in accordance below, effective September 12, 1977.

5. Because this amendment is consistent with the Commission's reasons for adopting the rule, because it is intended merely to clarify the rule, and because the procedural and substantive rights of no Commission licensee will be affected by this order, the notice and public procedures of 5 U.S.C. 553 are impracticable and unnecessary. Authority for this action is contained in § 1.412(c) of the Commission's rules.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082 (47 U.S.C. 154, 303).)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Part 81 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

In Part 81—Stations on Land in the Maritime Services and Alaska—Public Fixed Stations.

In § 81.304, paragraph (f)(2) is amended to read as follows:

§ 81.304 Frequencies available.

* * * * *

(f) * * *

(2) Except in the Mississippi River System and Great Lakes, public coast stations serving only lakes or rivers will not be authorized to employ frequencies below 4000 kHz.

* * * * *

[FR Doc.77-26046 Filed 9-7-77;8:45 am]

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[1] Section 81.304(f) provides:

(f) Except for safety communications, after January 1, 1977:

(1) Radiotelephony frequencies below 4000 kHz shall not be used by a public coast station for communication with a vessel which is within the VHF service range of that public coast station; and

(2) Except in the Mississippi River System and Great Lakes, public coast stations serving lakes or rivers will not be authorized to employ frequencies below 4000 kHz.

[2] See Docket No. 18307, 35 FR 10, 212 (1970), which pertained to the 48 contiguous states plus Hawaii, Puerto Rico, and the Island Territories; Docket No. 18633, 36 FR 12, 502 (1971), which pertained to the Great Lakes; and Docket No. 18632, FR 20, 949 (1971), which pertained to Alaska.

[FCC 77-591]

PART 97—AMATEUR RADIO SERVICE

Deletion of "Grandfather" Privilege to Upgrade to Amateur Extra Class

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: This will delete § 97.25(c) of the Commission's rules. § 97.25(c) gave all amateurs who are in the General or Advanced Class and who were amateurs prior to April, 1917 the privilege to apply for the Amateur Extra Class without taking any additional tests. This is a little used section and in an effort to deregulate the amateur rules, it is being eliminated, subject to a substantial "last call" period.

EFFECTIVE DATE: March 1, 1978.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Robert Cassler, Personal Radio Division, Safety and Special Radio Services Bureau, 202-634-6620.

ORDER

ADOPTED: August 24, 1977.

RELEASED: September 1, 1977.

In the matter of Deletion of § 97.25(c) of the Amateur rules—"grandfather" privilege to upgrade to Amateur Extra Class.

1. In an effort to eliminate those rules and regulations which are not essential to the proper administration of the Amateur Radio Services, the Commission has under consideration § 97.25(c) of its rules. Section 97.25(c) is a "grandfather" clause which allows any amateur who was licensed prior to April, 1917, and is currently an amateur operator holding a General or Advanced Class license, the right to apply for the Amateur Extra Class license without further examination.

2. This section of the amateur rules has not been invoked by any amateur for a considerable time. Simple arithmetic shows that individuals who might qualify under this provision would typically be at least 75-80 years of age. We believe it reasonable to assume that virtually everyone wishing to resume amateur activity has already done so in the intervening 60 years from 1917 to the present. By this Order, the Commission deletes § 97.25(c). The effective date of this deletion will be March 1, 1978, to give a last call to all amateurs who might wish to avail themselves of § 97.25(c).

3. Inasmuch as this deletion is basically a minor amendment to Part 97 of the Commission's rules, the Commission, for good cause, as stated herein, finds that the notice and public procedures provisions of the Administrative Procedures Act, 5 U.S.C. 553, are unnecessary. Authority for the amendment of this rule appears in sections 4(i) and 303 of the Communications Act of 1934, as amended.