

tion more than 10 years old and less than 20 years old and foreign government information more than 10 and less than 30 years old received or classified by the White House and shall act upon that request within 60 calendar days.

(2) NARS shall review the requested information, determine which agencies have primary subject matter interest, forward to those agencies copies of material containing the requested information, and request their recommendations regarding declassification.

(3) NARS shall review the recommendations returned by the agencies and make its declassification determination.

(4) If the request is denied in whole or in part, NARS shall furnish the requester:

(i) A brief statement of the reasons the requested information cannot be declassified;

(ii) Access to the portions of documents that are releasable only in part; and

(iii) A notice of the right to appeal the determination within 60 days to the Deputy Archivist of the United States (mailing address: General Services Administration (ND), Washington, D.C. 20408).

(5) Upon receipt of an appeal, the Deputy Archivist shall, within 30 calendar days:

(i) Review the decision to deny information;

(ii) Consult with the appellate authorities in agencies having primary subject matter interest in the information denied;

(iii) Notify the requester of the determination and make available to the requester information which has been declassified as a result of the appeal; and

(iv) Notify the requester of the right to further appeal denials of access to the Director, Information Security Oversight Office (mailing address: General Services Administration (AT), Washington, D.C. 20405).

(b) *Agency action.* Upon receipt of a request forwarded by NARS for consultation regarding declassification of White House originated information more than 10 years old and less than 20 years old and foreign government information more than 10 years old and less than 30 years old received or classified in the White House, the agency with primary subject matter interest shall:

(1) Advise the Archivist of the United States whether the information should be declassified in whole or in part or should continue to be exempt from declassification; and

(2) Return the request to NARS with a brief statement of the reasons any requested information should not be declassified and a copy of each document

which should be released only in part, marked to indicate the portions which remain classified.

§ 105-61.104-8 *Mandatory review of classified White House originated information more than 20 years old and foreign government information received or classified by the White House more than 30 years old.*

(a) *NARS action.* (1) NARS shall promptly acknowledge the receipt of a request for mandatory review of classified White House originated information more than 20 years old and foreign government information received or classified by the White House more than 30 years old and shall act upon that request within 60 days.

(2) NARS shall review the information using applicable systematic review guidelines and shall make available to the requester information declassified using those guidelines.

(3) Information which cannot be declassified by NARS using systematic review guidelines shall be forwarded to the agencies with primary subject matter interest and further processed in accordance with § 105-61.104-7(a) (2) through (5) and (b).

(b) *Agency action.* Upon receipt of a request forwarded by NARS for consultation regarding declassification of White House originated information more than 20 years old and foreign government information more than 30 years old received or classified in the White House, the agency with primary subject matter interest shall:

(1) Advise the Archivist of the United States whether the information should be declassified in whole or in part or should continue to be exempt from declassification; and

(2) Return the request to NARS with a brief statement of the reasons any requested information should not be declassified and a copy of each document which should be released only in part, marked to indicate the portions which should remain classified.

§ 105-61.104-9 *Access by historical researchers and former Presidential appointees.*

(a) Access to classified information may be granted to persons who are engaged in historical research projects or who previously occupied policymaking positions to which they were appointed by the President. Persons desiring permission to examine material under this special historical researcher/Presidential appointees access program should contact NARS at least 4 months before they desire access to the materials to permit time for the responsible agencies to process the requests for access. NARS shall inform requesters of the agencies to which they will have to apply for permission to examine classified information and

shall provide requesters with the information and forms to apply for permission from the Archivist of the United States to examine classified information originated by the White House or classified information in the custody of the National Archives which was originated by a defunct agency. Researchers may examine these records only after the responsible agencies have authorized access.

(b) To guard against the possibility of unauthorized access to restricted records, a director may issue instructions supplementing the research room rules provided in § 105-61.102.

§ 105-61.104-10 *Fees for copies of documents declassified through mandatory review procedures.*

NARS will charge requesters for copies of declassified documents according to the fees listed in § 105-61.5206. These fees apply to:

(a) Copies furnished to researchers directly by NARS; and

(b) Copies which an agency received from NARS and furnished to a requester.

Subpart 105-61.2—Public Use of Donated Historical Materials

1. Section 105-61.201 is revised to read as follows:

§ 105-61.201 *General.*

The use of donated historical materials, as defined in § 105-61.001-4, is governed by the provisions of Subpart 105-61.1.

2. Section 105-61.203 is deleted.

§ 105-61.203 [Deleted]

§ 105-61.203-1 [Deleted]

§ 105-61.203-2 [Deleted]

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 105-61.000-2)

Dated: March 16, 1979.

PAUL E. GOULDING,
Acting Administrator
of General Services.

[FR Doc. 79-9312 Filed 3-27-79; 8:45 am]

[4110-02-M]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION; DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 186—INDIAN ELEMENTARY AND SECONDARY SCHOOL AS- SISTANCE ACT

Interpretation

AGENCY: Office of Education, HEW.

ACTION: Notice of interpretation.

SUMMARY: This notice explains to Indian tribes and tribal organizations that operate schools for the children of their tribes under a Pub. L. 93-638 contract how to apply for fiscal year 1979 assistance as a local educational agency (LEA) under Part A of the Indian Education Act.

DATE: This notice is expected to take effect 45 days after it is transmitted to Congress. This notice will be transmitted to Congress several days before it is published in the *FEDERAL REGISTER*. The effective date is changed by statute if Congress disapproves the provisions of the notice or takes certain adjournments. If you want to know the effective date of this notice, call or write the Office of Education contact person.

FOR FURTHER INFORMATION CONTACT:

Mr. Hakim Khan, Office of Indian Education, Division of Local Educational Agency Assistance, U.S. Office of Education, 400 Maryland Avenue, SW., Room 2167, Washington, D.C. 20202. Telephone: (202) 245-9159.

SUPPLEMENTARY INFORMATION: This notice explains to Indian tribes and organizations that operate schools under a Pub. L. 93-638 contract, and that wish to apply under Part A of the Indian Education Act for fiscal year 1979 assistance for those schools, which provisions of the Part A regulations apply to them.

For the reasons set forth below, the Commissioner has determined that applicants eligible for assistance under Part A of the Indian Education Act by reason of section 1146 of the Education Amendments of 1978 are not required to comply with the Part A regulations at 45 CFR 186.13-186.17 and the parenthetical reference to consultation with the parent committee and the Indian community in 45 CFR 186.18, relating to the content of applications and, in particular, prescribing procedures for the development, operation, and evaluation of projects. In addition, the Commissioner has determined that the regulations in 45 CFR 186.23 and 186.24 limiting the making of payments to grantees do not apply to these applicants. The Commissioner will approve applications that comply with the remaining provisions of 45 CFR 186.1-186.30.

Section 1146 of the Education Amendments of 1978 (Pub. L. 95-561, enacted November 1, 1978) took effect on October 1, 1978. That section provides that certain Indian tribes and tribal organizations are considered to be local educational agencies (LEAs) for purposes of section 303(a) of the Indian Elementary and Secondary School Assistance Act. That statute is

also known as Part A of the Indian Education Act, and as Title III of Pub. L. 81-874. In the rest of this notice it is referred to as "the Act".

Under section 1146 of the new law, an Indian tribe or an organization which is controlled or sanctioned by an Indian tribal government is considered an LEA under section 303(a) of the Act if it operates a school for the children of that tribe and that school meets either of two requirements. First, the school qualifies if it provides an educational program that meets the standards to be established by the Bureau of Indian Affairs (BIA) under section 1121 of Pub. L. 95-561. Since those standards will not be established before the February 15, 1979 closing date for submitting applications for fiscal year 1979 under the Act (see 43 FR 57979, December 11, 1978), a school will not be able to qualify on the basis of those standards for a fiscal year 1979 grant. Second, a school qualifies if it is operated by the tribe or tribal organization under a contract with the BIA in accordance with Pub. L. 93-638, the Indian Self-Determination and Education Assistance Act.

In order to receive funds as an LEA under the Act, those tribes and organizations which operate qualifying schools need to know which provisions of the Part A regulations apply to them. Neither section 1146 of Pub. L. 95-561 nor its legislative history provides clear guidance on this matter.

Section 1146 provides, in its entirety, as follows:

Notwithstanding any other provision of law, any Indian tribe or organization which is controlled or sanctioned by an Indian tribal government and which operates any school for the children of that tribe shall be deemed to be a local educational agency for purposes of section 303(a) of the Indian Elementary and Secondary School Assistance Act if each such school, as determined by the Commissioner, operated by that tribe or organization provides its students an educational program which meets the standards established under section 1121 for the basic education of Indian children, or is a school operated under contract by that tribe or organization in accordance with the provisions of the Indian Self-Determination and Education Assistance Act.

This section was passed, in virtually identical form, by the House of Representatives as section 1145 of H.R. 15. The accompanying report of the Committee on Education and Labor states that:

This amendment provides that Indian-controlled schools under contract with the Bureau of Indian Affairs (sic) alternative schools are granted status as a local educational agency for the purpose of receiving Part A entitlement payments under section 303(a) of the Act. These schools shall remain eligible to compete for program monies under the 10 percent set-aside currently in the Act. Due to the increased number of alter-

native and contract schools in the past five years and problems which some schools have had in the awarding of competitive grants from their tribes, it was determined that the needs of the alternative and contract schools would best be served by including them as eligible participants under both programs for Part A. (H.R. Rep. No. 1137, 95th Cong., 2d Sess. 126 (1978))

The Senate adopted a version identical to that passed by the House, as part of a floor amendment sponsored by Senators Abourezk and Bartlett, both of whom are members of the Senate Select Committee on Indian Affairs. A section-by-section analysis submitted by Senators Abourezk and Bartlett states that:

Section 536 (enacted as 1146) qualifies contract and alternative schools for the entitlement program funded under the Indian Education Act as well as the 10 percent set aside competitive program. (124 Cong. Rec. S13885, (daily ed. August 21, 1978))

Because section 1146 of Pub. L. 95-561 refers only to section 303(a), and because the legislative history of that section does not compel a contrary result, it is the Commissioner's view that the Congress did not intend to apply to applicants operating Pub. L. 93-638 contract schools all the provisions that apply to LEAs seeking assistance under the Act. In addition, the substantial differences between those applicants and LEAs suggest that some statutory provisions relating to LEAs would be inappropriate if applied to those applicants.

Therefore, with respect to the content of applications, the Commissioner has determined that the Congress meant to apply to applicants operating Pub. L. 93-638 contract schools those provisions of the Act that apply to applications generally, but not provisions that are limited by their terms to applications from LEAs.

Accordingly, the provisions of section 305(b) of the Act, relating in large part to the involvement of parents, teachers, and students in the development, operation and evaluation of projects, do not apply to applicants operating Pub. L. 93-638 contract schools. The Commissioner strongly encourages these applicants to involve parents, teachers, students, and other members of the affected communities in the operation and evaluation of Part A projects. However, these applicants need not comply with the provisions of section 305(b) or the regulations that implement those provisions (45 CFR 186.13-186.17 and the parenthetical language on consultation in section 186.18).

In addition, the Commissioner has determined that the provisions of section 306(b) of the Act do not apply to applicants operating Pub. L. 93-638 contract schools. Those provisions set out certain restrictions on payments to

grantees that are designed to deal with the financial relationship of an LEA to the State in which it is located. Because Pub. L. 93-638 contract schools have a very different relationship to States, the provisions of section 306(b) are not appropriate to those schools. Accordingly, the Commissioner will not apply 45 CFR 186.23 and 186.24, which implement section 306(b), to grantees that operate those schools.

(20 U.S.C. 241aa-241ff; section 1146 of Pub. L. 95-561)

Dated: March 20, 1979.

(Catalog of Federal Domestic Assistance Number 13.534, Indian Education—Part A)

ERNEST L. BOYER,

U.S. Commissioner of Education.

[FR Doc. 79-9273 Filed 3-27-79; 8:45 am]

[6730-01-M]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

[General Orders 13 and 38; Docket No. 78-30]

PART 531—FILING OF FREIGHT AND PASSENGER RATES, FARES, AND CHARGES IN THE DOMESTIC OFFSHORE TRADE, PUBLICATION AND POSTING

PART 536—FILING OF TARIFFS BY COMMON CARRIERS BY WATER IN THE FOREIGN COMMERCE OF THE UNITED STATES AND BY CONFERENCE OF SUCH CARRIERS

Time Limit for Filing of Overcharge Claims; Stay of Final Rule

AGENCY: Federal Maritime Commission.

ACTION: Stay of final rule.

SUMMARY: The Commission's final rules in this proceeding were published February 6, 1979 (44 FR 7144). The effective date was subsequently deferred to April 1, 1979 (44 FR 11547). The Commission has now determined to stay the effective date of these rules pending further order of the Commission. The stay is designed to allow the Commission time to complete its consideration of various petitions for reconsideration.

DATES: Effective date stayed pending further order of the Commission.

FOR FURTHER INFORMATION CONTACT:

Francis C. Hurney, Secretary, Federal Maritime Commission, Room 11101, 1100 L Street NW., Washington, D.C. 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: None.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 79-9376 Filed 3-27-79; 8:45 am]

[6712-01-M]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 79-174]

PART 0—COMMISSION ORGANIZATION

Delegations of Authority to the Chief, Common Carrier Bureau and to the Telecommunications Committee

AGENCY: Federal Communications Commission.

ACTION: Final order.

SUMMARY: FCC rules amended to make explicit the existing practice of referring routine facilities applications involving expenditures in excess of \$10 million to the Telecommunications Committee. Authority to approve consolidations, acquisitions and control involving \$10 million or less and authority to designate for hearing facility applications which do not involve novel questions of fact, law or policy delegated to Chief, Common Carrier Bureau. Authority to issue notices of inquiry, notices of proposed rulemaking and reports or orders in rulemaking and inquiry proceedings expressly reserved to the Commission.

EFFECTIVE DATE: April 2, 1979.

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

FOR FURTHER INFORMATION CONTACT:

Larry A. Blosser, Common Carrier Bureau (202) 632-4890.

SUPPLEMENTARY INFORMATION:

Adopted: March 20, 1979.

Released: March 22, 1979.

Order. In the matter of amendment of part 0 of the Commission's rules with respect to delegations of authority to the Chief, Common Carrier Bureau and to the Telecommunications Committee.

1. The Commission has reviewed the delegations of authority to the Chief, Common Carrier Bureau, and to the Telecommunications Committee, and has concluded that the public interest would be served by revision of §§ 0.215 and 0.291 of the rules to more clearly reflect the existing practice with re-

spect to applications for common carrier facility authorizations, by elimination of the recitation of specific delegations contained in other sections (0.292, 0.302, 0.303, 0.308), and by addition to § 0.291 of an express exception relating to investigatory and rulemaking proceedings. Matters which do not involve novel questions of fact, law or policy and precedent will be disposed of at staff level. It further appears desirable to revise existing § 0.291 to permit the Chief, Common Carrier Bureau to act upon applications filed under section 221(a) of the Communications Act of 1934, as amended, where the proposed expenditure does not exceed \$10 million, and to designate for hearing those applications for radio facilities filed pursuant to Parts 21, 23 and 25 of the rules in those instances where novel questions of fact, law or policy are not presented.

2. Authority for the adoption of this Order is contained in Section 5(d) of the Communications Act of 1934, as amended. Since it relates to internal Commission management, practices, and procedure, and since the early implementation of these changes will expedite the transaction of public business, compliance with the notice and effective date provisions of the Administrative Procedure Act, 5 U.S.C. 553, is not required.

3. Accordingly, it is ordered, That §§ 0.292, 0.302, 0.303 and 0.308 of the Commission's rules are deleted, effective April 2, 1979.

4. It is further ordered, That §§ 0.304, 0.307, and 0.309 of the Commission's rules are renumbered §§ 0.301, 0.302 and 0.303, respectively, effective April 2, 1979.

5. It is further ordered, That §§ 0.215 and 0.291 of the Commission's rules are amended in the manner set forth in the Appendix, effective April 2, 1979.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; (47 U.S.C. 154, 155, 303.))

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

APPENDIX

Part 0 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 0.215 is revised to read as follows:

§ 0.215 Telecommunications Committee.

A Telecommunications Committee, composed of three Commissioners, designated as such by the Commission, or a majority thereof, will act, except as otherwise ordered by the Commission, upon all applications or requests (except requests for special temporary authorization covered by § 0.291) sub-

mitted under Sections 214 or 319 of the Communications Act of 1934, as amended, by communications common carriers, where the estimated cost of construction (or value of radio facilities where an assignment or transfer of facilities is involved) is in excess of \$10 million.

2. Section 0.291 is revised to read as follows:

§ 0.291 Authority delegated.

The Chief, Common Carrier Bureau, is hereby delegated authority to perform all functions of the Bureau, described in § 0.91, subject to the following exceptions and limitations.

(a) *Authority concerning applications.* (1) The Chief, Common Carrier Bureau shall not have authority to act on any formal or informal radio applications or Section 214 applications for common carrier services (including all marine and aeronautical applications) which are in hearing status or where the estimated cost of construction (or value of radio facilities where an assignment or transfer of facilities is involved) is in excess of \$10 million or the annual rental is in excess of \$2 million. (The only exception to these monetary limitations will be special temporary authorizations in the event of extraordinary circumstances requiring the immediate restoration or institution of public service.) (2) The Chief, Common Carrier Bureau shall not have authority to act on any applications or requests which present novel questions of fact, law or policy which cannot be resolved under outstanding precedents and guidelines.

(b) *Authority concerning sections 219 and 220 of the Act.* The Chief, Common Carrier Bureau shall not have authority to promulgate regulations or orders pursuant to section 219 or section 220 of the Communications Act of 1934, as amended, except that the Chief, Common Carrier Bureau shall have authority to approve depreciation charges to operating expenses on an interim basis subject to commission prescription prior to the end of January of the year following that in which interim approval is given.

(c) *Authority concerning section 221(a) of the Act.* (1) The Chief, Common Carrier Bureau shall not have authority to determine whether hearings shall be held on applications filed under section 221(a) of the Communications Act of 1934, as amended, where a request has been made by a telephone company, an association of telephone companies, a State Commission or local government authority. (2) The Chief, Common Carrier Bureau shall not have authority to act upon applications filed under Section 221(a) of the Communications Act of 1934, as amended, where the proposed expenditure for consolidation, acquisition or

control is in excess of \$10 million. (3) The Chief, Common Carrier Bureau shall not have authority to act upon any application, petition or request under section 221(a) of the Communications Act of 1934, as amended, which presents novel questions of fact, law or policy which cannot be resolved under outstanding precedents and guidelines.

(d) *Authority concerning tariff regulations.* The Chief, Common Carrier Bureau shall not have authority to determine whether a tariff shall be suspended. However, the Chief, Common Carrier Bureau may issue orders requiring the issuing carrier to defer the effective date of a tariff filing made on less than 90 days public notice so as to provide for a maximum total of 90 days public notice regardless of whether petitions opposing the tariff filing have been filed.

(e) *Authority concerning non-common carrier satellite systems.* The Chief, Common Carrier Bureau shall not have authority to determine whether a construction permit shall be granted for a non-common carrier satellite system, or any part thereof, where the construction costs are in excess of \$10 million.

(f) *Authority to designate for hearing.* The Chief, Common Carrier Bureau shall not have authority to designate for hearing any formal complaints or any applications except: (1) applications for radio facilities filed pursuant to Parts 21, 23 and 25 of this chapter which are mutually exclusive and (2) applications for facilities where the issues presented relate solely to whether the applicant has complied with outstanding precedents and guidelines.

(g) *Authority concerning forfeitures.* The Chief, Common Carrier Bureau shall not have authority to impose, reduce or cancel forfeitures pursuant to section 203 or section 510 of the Communications Act of 1934, as amended, in amounts of \$10,000 or more.

(h) *Authority concerning applications for review.* The Chief, Common Carrier Bureau shall not have authority to act upon any applications for review of actions taken by the Chief, Common Carrier Bureau, pursuant to any delegated authority.

(i) *Authority concerning rulemaking and investigatory proceedings.* The Chief, Common Carrier Bureau shall not have authority to issue notices of proposed rulemaking, notices of inquiry or to issue reports or orders arising from either of the foregoing.

§ 0.292 [Deleted]

3. Section 0.292 is deleted.

§ 0.302 [Deleted]

4. Section 0.302 is deleted.

§ 0.303 [Deleted]

5. Section 0.303 is deleted.

§ 0.304 [Deleted and renumbered § 0.301]

6. Section 0.304 is deleted and renumbered 0.301.

§ 0.307 [Deleted and renumbered § 0.302]

7. Section 0.307 is deleted and renumbered 0.302.

§ 0.308 [Deleted]

8. Section 0.308 is deleted.

§ 0.309 [Deleted and renumbered § 0.303]

9. Section 0.309 is deleted and renumbered 0.303.

[FR Doc. 79-9337 Filed 3-27-79; 8:45 am]

[6712-01-M]

[Docket No. 21089; RM-2760, FCC 79-162]

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Implementing an Inter-Governmental Maritime Consultative Organization's resolution Pertaining to the Safety of Life at Sea Convention, and; Petition for continued use of A3 emission in the Maritime Service

AGENCY: Federal Communications Commission.

ACTION: Final order.

SUMMARY: Amendment of the rules to provide for the carriage of radio-telephone installations on compulsorily fitted radiotelegraph vessels as recommended by Intergovernmental Maritime Consultative Organization. Rules additionally are amended to permit continued carriage of double sideband equipment on voluntarily fitted vessels as an adjunct to the Marine VHF distress system.

EFFECTIVE DATE: January 1, 1980.

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

FOR FURTHER INFORMATION CONTACT:

Robert C. McIntyre, Private Radio Bureau, (202 632-7197).

SUPPLEMENTARY INFORMATION:

In the matter of amendment of Part 83 to implement an Inter-Governmental Maritime Consultative Organization's resolution pertaining to the Safety of Life at Sea Convention, and; petition for continued use of A3 emission in the Maritime Service; Report and order (proceeding terminated). Adopted: March 15, 1979.

Released: March 23, 1979.

By the Commission: Chairman Ferris abstaining from voting.

1. On February 4, 1977, we released a Notice of Proposed Rule Making (NPRM) in this Docket¹ proposing to amend Part 83 of the rules to implement an Inter-Governmental Maritime Consultative Organization's (IMCO)² Resolution pertaining to the Safety of Life at Sea Convention. The Notice also responded to a Petition for Rule Making filed by the Queen City Yacht Club³ in a related matter concerning the continued use of double sideband (DSB) A3 emission⁴ on 2182 kHz for distress and safety purposes. At the same time two associated Orders were released: (1) allowing the use of A3 emissions on an interim basis⁵ and (2) denying the Queen City petition in part.⁶

THE PROPOSAL

2. A detailed description and text of the IMCO Resolution A.335 were appended to the Notice. The Resolution recommends that member states of the organization "put into effect as soon as possible the provisions of these recommendations." IMCO intended to strengthen the effectiveness of certain provisions of Chapter IV of the International Convention for the Safety of Life at Sea (Safety Convention) by adopting the following recommendations detailed in the resolution:

(i) Increases the number of radiotelephone operators required on ships be-

tween 500 and 1600 gross tons equipped with radiotelephony only (Regulation 7(a));

(ii) Provides data to describe the minimum normal range of main and reserve transmitter used with self supporting antenna (Regulation 9(g));

(iii) Includes in the radiotelegraph installation facilities for radiotelephony transmission and reception on the radiotelephony distress frequency 2182 kHz (Regulation 9);

(iv) Extends the provisions concerning the minimum range of radiotelephone transmitters to new vessels of 300-500 gross tons and to all vessels 500-1600 gross tons (Regulation 15(c)).

The Commission stated in the Notice that it thought implementation of these recommendations, not mandatorily required by treaty,⁷ would improve maritime safety and serve the public interest, convenience and necessity.

3. The Commission agreed to consider that part of the Queen City Yacht Club petition which requested that use of double sideband (A3 emission) be continued "for safety calls on 2182 kHz at any time if communications cannot first be established on VHF Channel 16." In previous action we had established⁸ a mandatory date of January 1, 1977, for conversion of ship stations operating in the medium frequency (MF) band to the single sideband modes of emission.⁹ The Commission agreed to reconsider continuation of DSB in conjunction with implementation of the IMCO Resolution, particularly Recommendation (a) (iii) of A. 335, which provides for inclusion in radiotelegraph installations facilities for radiotelephone communications on the international distress frequency 2182 kHz.

⁷Resolutions are not part of the Safety Convention to which the United States is signatory. IMCO, in the interest of safety, however, has requested all administrations to implement recommendations contained in its resolutions. It is noted that none of the recommendations contained in the subject resolution are contrary to the requirements set forth in SOLAS (1960) or the 1974 Safety Convention which has been ratified by the Senate.

⁸Docket 18307, First Report and Order, Adopted June 10, 1970, FCC 70-608, 35 FR 10212.

⁹Single sideband emissions include:

Full carrier (A3H). The carrier is radiated at one half to one quarter of the (peak envelope) power in the sideband. This mode provides compatibility with DSB systems.

Reduced carrier (A3A). The carrier is radiated at one fortieth ($\frac{1}{40}$) of the (peak envelope) power in the sideband. This mode is more efficient in the use of power than the A3H mode. The A3A mode is used where the carrier provides receiver frequency control and line amplifier gain control functions.

Suppressed carrier (A3J). The carrier is radiated at one ten thousandth ($\frac{1}{10,000}$) of the (peak envelope) power in the sideband. This is the most efficient SSB mode in the utilization of power.

COMMENTS

4. The time for filing comments and reply comments has passed. We have received twenty comments¹⁰ on the proposed rules from equipment manufacturers, maritime organizations, vessel owners and vessel operators concerned with recreational, as well as commercial craft.

5. Comments received were supportive of the Commission's proposals with regard to a(i), a(ii) and a(iv) of IMCO Resolution A.335 which pertain, respectively, to carriage of radiotelephone operators on ships between 500 and 1600 gross rated tons, minimum normal range of the main and reserve radiotelegraph installations, and the extension of the provisions concerning the minimum normal range of radiotelephone transmitters. No objections were raised to reducing the peak envelope power limit of stations operated by holders of a third class radiotelephone permit, from 1500 to 1000 watts. With regard to a(iii) of the IMCO Resolution, the majority of respondents supported implementation of this proposal; comments received of a technical nature, however, have resulted in modifications to the proposed rules concerning certain aspects of radiotelephone installations.

6. Comments concerning the portion of our proposal related to the Queen City petition, which requests continued use of DSB for distress and safety purposes, were more contentious. Several commenters opposed any extension of the use of double sideband on 2182 kHz and recommended, further, that the Commission should provide for the implementation of a safety system on the MF international distress, safety and calling frequency (2182 kHz) which would use only A3J emissions. The use of single sideband emissions in a national safety system is the subject of a separate Commis-

¹⁰The following comments were received in response to the Notice of Proposed Rule Making in Docket No. 21089: Offshore Marine Electronics Association (OMEA), E. Miller, Queen City Yacht Club (Queen City), The Interclub Association of Washington (Interclub), Southern California Boating Safety Association (SCBSA), R. L. Nelson, C. D. Cummins, Konel Corporation (Konel), Roche Harbor Yacht Club (Roche Harbor), ITT Mackay Marine (ITT), Northern California Marine Radio Council (NCMRC), Communications Associates, Inc. (CAI), Central Committee on Telecommunications of the American Petroleum Institute (API), Southern California Marine Radio Council (SCMRC), American Institute of Merchant Shipping (AIMS), National Marine Electronics Association (NMEA), Swinomish Yacht Club (SYC), V. Johnson, N. Collins, American Telephone and Telegraph Company (ATT). Reply Comments were received from Northern Pacific Marine Radio Council (NPMRC) and Northern California Marine Radio Council (NCMRC).

¹Docket 21089; Notice of Proposed Rule Making, adopted January 26, 1977, (42 FR 8674, February 9, 1977).

²The Inter-Governmental Maritime Consultative Organization (IMCO) is a specialized agency of the United Nations concerned solely with maritime affairs. The organization's main objective is to facilitate cooperation among governments on technical matters affecting the safety of life at sea. IMCO through its Assembly approves all recommendations prepared by the organization. The Assembly during its ninth session on November 12, 1975, adopted Resolution A.335, "Recommendations Related to Chapter IV of the International Convention for the Safety of Life at Sea (Safety Convention) which is concerned with radiotelegraphy and radiotelephony requirements for compulsorily equipped vessels."

³RM-2760, Queen City Yacht Club, Petition for Rule Making, filed September 20, 1976.

⁴Double sideband (A3) signals are comprised of a full carrier and two sidebands (upper and lower). One-half of the power is in the carrier and one-half of the power is divided between the two sidebands when fully modulated. This type of emission is employed on the international distress safety and calling frequency rather than more efficient single sideband emissions because of the number of double sideband emergency equipments in use and the simplicity of the DSB system compared to single sideband.

⁵Order, adopted January 26, 1977, FCC 77-68, 42 FR 8694.

⁶Order, adopted January 26, 1977, FCC 77-67.

sion action" and is not being considered within the scope of this proceeding. This report will focus on the merits of extending the use of A3 emissions for distress and safety purposes only, as requested in the Queen City petition, taking into account the pertinent aspects of the proceeding in Docket 78-208.

USE OF DSB BY COMPULSORILY FITTED VESSELS

7. The proposed rules provide for the continued use of A3 emission on the frequency 2182 kHz for compulsorily fitted radiotelegraph vessels to satisfy the requirements of a(iii) of IMCO Resolution A.335. Of the comments received only Konel, SCMRC and CAI oppose the extension of the cut off date for the use of class A3 emissions in the MF band for all vessels. NCMRC objected to the extension of time permitting use of this emission on voluntarily equipped vessels and those compulsorily fitted vessels subject to Part III of Title III of the Communications Act.

8. The present maritime distress system is operationally prescribed by the Inter-Governmental Maritime Consultative Organization's Safety of Life at Sea Convention of 1960 and explicitly defined in the technical standards set out in the international Radio Regulations. The United States is signatory to these IMCO and ITU treaties, which have been ratified by Congress and are therefore legally binding on US citizenry. The Safety Convention requires that ships equipped with radiotelephone stations comply with the following regulations of Chapter IV:

15(b) The transmitter shall be capable of transmitting on the radiotelephone distress frequency and on at least one other frequency in the bands between 1,605 kc/s and 2,850 kc/s, using the class of emission assigned by the Radio Regulations for these frequencies (emphasis provided). In normal operation the transmitter shall have a depth of modulation of at least 70 per cent at peak intensity.

15(f) The receiver required by paragraph (a) of this Regulation shall be capable of receiving the radiotelephone distress frequency and at least one other frequency available for maritime radiotelephone stations in the bands between 1,605 kc/s and 2,850 kc/s, using the class of emission assigned by the Radio Regulations for these frequencies (emphasis provided). In addition the receiver shall permit the reception of such other frequencies, using the class of emission assigned by the Radio Regulations, as are used for the transmission by radiotelephony of meteorological messages and such other communications relating to the safety of navigation as may be considered necessary by the Administration. The receiver shall have sufficient

sensitivity to produce signals by means of a loudspeaker when the receiver input is as low as 50 microvolts.

9. The international Radio Regulations, article 28, Subsection 19(a), 1976, require that all ship stations equipped with radiotelephone apparatus in the 1605-2800 kHz band be able to transmit class A3 or A3H emissions on 2182 kHz and be able to receive class A3 and A3H emissions on this same frequency. Therefore, the Commission's proposal concerning radiotelegraph vessels subject to the Safety Convention is fully consistent with international regulations. Konel, SCMRC and CAI in their comments fail to weigh sufficiently the fact that compulsorily fitted vessels voyaging worldwide participate in a distress, safety and calling system which must be internationally compatible if it is to be viable. For this reason, and those previously stated in the Notice, radiotelephone installations, which may include existing A3 installations, are required effective January 1, 1980, on compulsorily fitted radiotelegraph vessels subject to the Safety Convention.

10. NCMRC recommends that no extension of time be granted to vessels compulsorily fitted under Part III of Title III of the Act. In this matter we believe our proposed rules have not been clearly understood. Our proposal in this matter modified the rules to incorporate previous Commission actions¹² implementing SSB and increasing the output power of the transmitter consistent with paragraph a(iv) of the IMCO Resolution. The instant rulemaking does not propose to permit DSB to be used in lieu of SSB emissions. However, an existing licensee may retain installed DSB equipment as an adjunct to his compulsorily fitted radiotelephone equipment. The attached rules include the emission designators (A3H and A3J) adopted in the Commission action providing for SSB¹³ on 2182 kHz and the power limits proposed in the instant proceeding.

USE OF DSB BY VOLUNTARILY FITTED VESSELS

11. The Queen City petition requested that existing licensees of DSB equipment be permitted to continue its use for distress and safety purposes only in the event that communications cannot be established using the VHF maritime mobile system. The Commission agreed that the Queen City petition had merit in this regard, and in paragraphs 11 and 12 of the Notice gave its rationale for extending the use of DSB emissions on 2182 kHz. Stated briefly these reasons were (1) the international Radio Regulations provide for indefinite use of A3 emissions on

2182 kHz; (2) foreign flag vessels and coast stations are equipped to receive A3 emissions on 2182 kHz; (3) most of the maritime emergency equipment in use employs A3 emissions. The majority of comments received were supportive of the Commission's proposal; however, Konel, SCMRC, CAI, NCMRC and NMEA were opposed.

12. Konel and SCMRC object to the proposal on the basis that harmful effects will accrue to the maritime mobile SSB implementation program which the Commission initiated in 1967.¹⁴ Konel states that the instant proposal would blunt "the imperative to convert to SSB." However, since this Notice was adopted, the Commission has released rules¹⁵ providing for a national SSB system using A3J emissions, as Konel advocated in its comments. For this reason, we must conclude that this matter is now moot.

13. NCMRC states that the most serious shortcoming of the Commission's proposal is in the area of small vessel DSB equipment reliability, and that "In general, the only assurance that the operator of a smaller vessel normally has that the radio equipment is functioning properly is by its performance in day-to-day operation under relatively familiar conditions." The Commission recognizes the merits in this statement with regard to the older DSB equipment. Our proposal did not address testing, and this may have in part precipitated NCMRC's comments on DSB equipment reliability. Several inquiries from the general public, including comments from Konel, ITT, NMEA and CAI, were received concerning the legality of testing the equipment. Our present rules, while discouraging two way communications during tests, permit ship stations to test equipment on 2182 kHz with other ship stations and coast stations, except those operated by the U.S. Coast Guard, for the purpose of obtaining signal reports. In addition to the test capability currently provided in our rules, we are modifying our proposal to permit the brief testing of this equipment on 2182 kHz with ship or coast stations to assure compatibility with the SSB (A3J) system. This added test capability should permit the small vessel operator to determine more readily that his or her equipment is functioning properly. We be-

¹¹ Docket 78-208; Notice of Proposed Rule Making, adopted July 12, 1978, FCC 78-487, Docket 78-208; Report and Order, adopted March 15, 1979, FCC 79-162.

¹² Docket 18307, *op. cit.*

¹³ Docket 78-208, *op. cit.*

¹⁴ Docket No. 17295, Report and Order, released July 25, 1968, FCC 68-740, 33 FR 10849.

¹⁵ Docket No. 18307, First Report and Order, released June 16, 1970, FCC 70-608, 35 FR 10212.

¹⁶ Docket No. 18632, Report and Order, released October 26, 1971, FCC 71-1044, 36 FR 20949.

¹⁷ Docket No. 18633, First Report and Order, released June 28, 1971; FCC 71-663, 36 FR 12502.

¹⁸ Docket 78-208, *Op. cit.*

lieve that such over-the-air testing can be used as a substitute for the normal day-to-day operation considered so necessary by NCRMC.

14. SCMR in its comments points out that because of the Commission's previous action¹⁶ to require all ship stations to convert to SSB on January 1, 1977, maintenance of older DSB equipment may be difficult to obtain and parts may not be available to make repairs. We are not overly concerned with the problem of maintenance, because any such difficulty encountered by the user will serve to encourage the fitting of SSB equipment which, as stated in paragraph 14 of the Notice, is consistent with the Commission's long term goals for the maritime mobile service.

15. CAI has recommended that, in the event the Commission sees fit to grant an extension of time for the use of A3 emissions, multichannel equipment be modified to provide for transmission only on 2182 kHz. While we understand the intent of CAI's comment, our proposal only permits operation on 2182 kHz and communications on other frequencies would be in violation of the Commission's rules. In the maritime mobile service we have generally relied on the operator to comply with our rules. Further, we are not certain of the technical problems which would be encountered in modifying equipment to eliminate all frequencies except 2182 kHz if such a regulation were adopted. Should abuses of the nature envisioned by CAI occur, the Commission will take appropriate action at that time to assure compliance with our rules.

16. NMEA states that our proposal to extend the use of DSB will damage the Commission's and its own credibility with the public, since NMEA devoted considerable effort to educating the public with regard to the Commission's SSB program and the 1 January 1977, cut off date for DSB. In this regard, we sincerely appreciate NMEA's concern and efforts to educate the maritime community with regard to the Commission's proceedings. However, our reasons for modifying the SSB program to permit the continued carriage of existing DSB equipment for distress and safety purposes are clearly enunciated in the Notice and supported by a majority of respondents. It is our opinion that the safety benefits to be derived by the modification of our program far outweigh the concerns expressed by NMEA. Consequently, we consider it in the public interest to permit the continued use of DSB for the purpose proposed.

17. Queen City, Interclub, SCBSA, SYC, Mr. Nelson, Roche Harbor, Mr. C. D. Cummins and Mr. E. Miller in

their comments requested the Commission to provide for the use of another medium frequency channel in addition to 2182 kHz for safety communications. NPMRC and NCMRC filed reply comments objecting to the use of A3 on other frequencies in the MF band. We expect that vessels which repeatedly sail in areas that require use of MF propagation characteristics to assure good communications are presently fitted with SSB equipment. The majority of vessels equipped to operate in the medium frequency have SSB capability and we are reluctant to provide for use of DSB at the expense of SSB. No valid data indicating a need for additional channels has been submitted; we agree with the reply comments filed and are not convinced that an additional MF channel should be made available to users of DSB emissions.

THE RADIOTELEPHONE INSTALLATION

18. Several commenters including ITT, API and AIMS addressed the specific rules we proposed concerning the radiotelephone installation required on compulsorily fitted vessels and we will address these matters in the following paragraphs.

19. The proposed rule, §83.445(e), concerning the requirement for connection of the double sideband radiotelephone installation to a vessel reserve power supply was commented on by ITT, API and AIMS. ITT indicates that to operate existing radiotelephone installations from the radiotelegraph reserve power supply would require the addition of many ampere-hours capacity to the radiocommunications reserve supply. API and AIMS stated that the proposed rules are ambiguous since they do not define whether the supply referred to is the ship's reserve power supply or its radiocommunications reserve supply. The Commission's proposed rules refer to the radiocommunications reserve supply defined in §83.444 of our rules. We did not anticipate costly expansion of the ampere-hour capacity of the existing reserve supply which ITT has indicated would be necessary. It is our intent to permit existing DSB equipment to be utilized with minimum modification to the installation. In light of the ITT comment, we are of the opinion that this end can be best achieved by deleting §83.445(e) of the proposed rules.

20. The Commission proposed (§83.445(b)) that the receiver used be capable of reception of A3H or A3 class of emission. ITT points out that the ITU frequency tolerance for class A3 emission on 2182 kHz is ± 655 Hz for survival craft stations and ± 436 Hz for ship stations. Further, ITT notes that A3 signals become unintelligible using an SSB receiver when the

carrier frequency is removed by more than 350 Hz. For this reason, and the specific requirements of IMCO and ITU previously discussed in paragraph 8 of this Report the Commission is modifying the proposed rules to specify that the receiver shall be capable of A3 and A3H for compulsorily fitted vessels subject to the SOLAS Convention.

21. ITT requests that the Commission clarify §83.445(a) (1) and (3), which concern, respectively, the duty cycle of the transmitter and the requirement for a visual indication that the transmitter is operating. Section 83.445(a)(1) as proposed is intended to ensure that the transmitting device, which is generally used for voice communications, has sufficient power handling capability to permit the sending of a continuous tone for a period of up to one minute. It does not relate to the on-off period of the radiotelephone two tone alarm signal, which is discussed in Subpart J of Part 83 of the Commission's rules. Our rules (§83.235)(c) establish the absolute priority of the distress call over all messages and require other stations capable of causing interference with distress traffic to cease transmissions. Since the vessel in distress has priority on the use of the channel, we see no reason to limit the period between distress calls and are of the opinion that §83.445(a)(1) should not be changed. The visual indication required to show that the transmitter is supplying power to the antenna must be activated by a portion of the transmitter output power. A light operating from the transmitter push-to-talk switch, as suggested by ITT, is not adequate. This requirement is the same as the present Commission's rules governing radiotelephone transmitters subject to Part II of Title III of the Communications Act and the Safety Convention.

22. API and AIMS submitted comments concerning the omnidirectional property of the antenna required for the radiotelephone installation. The proposed rules require that the antenna "be nondirectional." The respondents correctly point out that a truly nondirectional antenna cannot be realized in practice and recommend that the wording be modified to indicate that the antenna be as nondirectional "as practicable." The Commission agrees with the wording recommended by AIMS for the reasons stated above and §83.445(c) is modified accordingly.

23. API and AIMS further note that our proposed modification to §83.106(a), requiring A3H, A3A, and A3J on 2182 kHz and two other frequencies in the band 1605-3500 kHz, creates problems for vessels fitted with preprogrammed equipment. Programmable cards are used to control the receiver; a separate card is used

¹⁶Docket 18307, Op. Ct.

for each separate frequency and class of emission. The equipment would require 9 cards to comply with the proposed rule. It is pointed out that, in the commenter's opinion, this requirement is excessive and unnecessary to satisfy the Commission's objective to provide an integrated radiotelegraph/radiotelephone distress communication system in accordance with IMCO's Resolution A.335. The Commission has considered this section of the rules in a recent proceeding¹⁷ providing for SSB on the frequency 2182 kHz. We believe that § 83.106(a) as adopted in the Report and Order in Docket 78-208 satisfies the concerns expressed by API and AIMS. The transmitter is required to transmit A3J on 2182 kHz, A3A and A3J on at least two other frequencies in the 1605-3500 MHz band. Ship stations are, additionally, authorized to transmit using emission A3H for communications with foreign coast stations and with vessels of foreign registry. Section 83.106(a) is modified to reflect these changes.

24. The proposed rules (§ 83.445(d)) require that the radiotelephone installation shall be provided with a device to permit rapid changeover from transmission to reception. ITT in its comments seeks clarification of the Commission's intent with regard to these rules. The device referred to is a push-to-talk switch, and, where practicable, is intended to be located in the microphone or on the telephone handset. A voice operated relay (VOX) may also be used to satisfy this requirement but it is not mandatory that this method be used to effect rapid changes between transmitting and receiving equipment.

25. AIMS and API request that we permit the radiotelephone installation to be located in the chart room because they do not consider it is necessary that the equipment be mounted on the bridge or in the radiotelegraph operating room. The 1974 Safety Convention, Regulation 7, specifically requires that the radiotelephone watches be maintained in the place to be determined by the administration concerned. We have in the proposed rules provided latitude to permit loudspeakers to be installed in the room from which the vessel is normally steered and in the radiotelegraph room to allow the radio operator to stand the required continuous watch during the hours he is on duty. API and AIMS have not supported their comments with factual information showing why installation in a chart room would not degrade the efficiency of the required radio watch. Therefore the rules as proposed in the Notice are adopted.

26. AIMS and API provided comments concerning the Commission's

requirement that the equipment be adequately protected from excessive voltages and currents to prevent damage to any component which is used in the equipment. API states that it is not possible to completely protect every component in all cases. However, API does not describe specific instances for our consideration. AIMS states that the rules should be modified to provide protection to the equipment itself rather than the components used in the equipment. The rules proposed in the Notice (§ 83.445(h)) require that the equipment be "adequately protected," which is construed to mean that the equipment or components used therein, when subject to power variations normally experienced in ship power supplies, will not be damaged. Protection of any component in cases which fall outside of what can normally be expected is not required. Further, we see little to be gained by replacing the word "component" with "equipment" as suggested by AIMS since protection of the equipment implies protection of individual components. Therefore, we are adopting the rules as proposed.

27. The radiotelephone installation which we are proposing to make mandatory on radiotelegraph equipped ships is supplemental to the 500 kHz radiotelegraph safety system presently used on such vessels. Since this is a supplementary safety system, we proposed (§ 83.445) that a malfunction of the radiotelephone equipment should not cause the ship to be delayed in port if "repair is not practicable." AIMS states that this wording is highly subjective and suggests in its place the phrase "adequate repairs are not readily available." We consider AIMS comment to be a difference without a distinction, and the rule as proposed is adopted.

OPERATIONAL CONSIDERATIONS

28. AIMS in its comments draws attention to the inconsistency between § 83.484(a), 83.106(a) and 83.517(a), which define technical specifications for MF radiotelephone transmitters carried on various classes of vessels and, in particular, the channel capacity requirements. The subject rule sections pertain to vessels which have dissimilar operational needs and the authority for these regulations are derived from different national and international statutes. The changes in this rulemaking are consequential to previous Commission proceedings implementing SSB¹⁸ and §§ 83.106, 83.484 and 83.517 have been further considered by the Commission in General Docket 78-208. The appended rules are modified to take this action into ac-

count. In other respects the rules are adopted as proposed.

29. The rules set out in the Notice did not address testing of the radiotelephone two tone alarm signal generator. ITT in its comments recommends that the Commission require periodic checks of the radiotelephone installation using an artificial antenna. The Commission agrees with this recommendation and § 83.445 is modified to require a weekly check of the radiotelephone alarm signal generator on frequencies other than the radiotelephone distress frequency using a suitable artificial antenna.

30. AIMS notes in its comments that the 1974 Safety Convention, which has yet to be signed by a sufficient number of administrations permitting it to come into force, will require a continuous radio frequency watch using a radiotelephone distress frequency watch receiver using a loudspeaker, a filtered loudspeaker or a radiotelephone auto alarm. AIMS and ITT advocate permitting the use of a receiver capable of responding to the two tone alarm signal (auto alarm) to meet the radiotelephone watch requirement. Existing Commission rules require an aural watch on the distress frequency and do not permit the use of automatic devices. There are many aspects of the proposal put forth by AIMS and ITT which require further examination, including safety considerations and technical specifications governing the design of such a receiver. These matters have not been discussed in this proceeding and further, there is mounting concern internationally regarding the effectiveness of the filtered loudspeaker feature in these receivers. For these reasons, the Commission feels it is premature to include regulations providing for use of radiotelephone watch receivers in this proceeding. We are aware, however, that use of such a receiver on vessels plying waters further than 200 miles from shore may offer advantages with regard to the safety of navigation. The broad scope of this subject is sufficient to warrant a separate rulemaking and we are considering initiating such action in this matter.

31. Regarding questions on matters covered in this document contact Robert McIntyre, telephone (202) 632-7197.

32. 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, the Commission's rules are amended, as set forth in the attached Appendix, effective January 1, 1980.

33. It is further ordered, That this proceeding is terminated.

¹⁷ Docket 78-208. *op. cit.*

¹⁸ Dockets No. 17295, 18307, 18632 and 18633. *op. cit.*

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

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

APPENDIX

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Part 83 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 83.106(a) is amended to read as follows:

§ 83.106 Required frequencies for radiotelephony.

(a) Each ship radiotelephone station licensed to operate in the band 1605 to 3500 kHz shall be able to receive and transmit the emission A3J¹ on the carrier frequency 2182 kHz. Ship stations are, additionally, authorized to receive and transmit using emission A3H for communications with foreign coast stations and with vessels of foreign registry. If the station is used for other than safety communications, it shall be capable also of receiving and transmitting the emission A3A and A3J on at least two other frequencies in that band. For ship stations on vessels operating (1) exclusively on the Mississippi River and its connecting waterways, and (2) also on high frequency bands above 3500 kHz, such stations may be equipped with only one, instead of two, other frequencies within the band 1605-3500 kHz in addition to the frequency 2182 kHz. Additionally, use of A3 emissions are permitted for distress and safety purposes on 2182 kHz for portable survival craft equipment having the capability to operate on 500 and 8364 kHz and for transmitters authorized for use prior to January 1, 1972, in accordance with applicable rules of this part.

2. Section 83.132(a)(2)(i) is amended to read as follows:

§ 83.132 Authorized classes of emission.

(a) * * *

(2) Stations using radiotelephony:

(i) For frequencies below 23 MHz designated in § 83.351(a): 2182 kHz A3J¹, A3H², A3³.

¹Capability for A3J emission 2182 kHz shall be completed on or before April 30, 1979.

²Ship stations are, additionally, authorized to receive and transmit using emission A3H for communication with foreign coast stations and with vessels of foreign registry.

³The transition from emission A3H to emission A3J shall be completed on or before April 30, 1979.

⁴A3: A3 emission permitted pursuant to § 83.139 and for portable survival craft equipment having the capability to operate on 500 and 8364 kHz.

3. Section 83.139(c) and (c)(3) are amended and a new (c)(4) is added to read as follows:

§ 83.139 Acceptability of transmitters for licensing.

(c) DSB transmitters, except for portable survival craft equipment, operating in the band 2000-2850 kHz will not be authorized in new ship stations. DSB transmitters authorized for use prior to January 1, 1972, may continue to be used by the same licensee for testing, distress and safety purposes on the frequency 2182 kHz subject to the following:

(3) Stations aboard vessels registered in the State of Alaska, or documented vessels with a home port in Alaska, which employ a DSB transmitter under a ship station license which expired during the period January 1, 1971 to January 1, 1973, may be renewed for use by the licensee on 2182 kHz for distress and safety purposes if an application for renewal of the ship station license is submitted; *And provided further*, That the license has not been:

(i) Cancelled at the request of the licensee; or

(ii) Revoked by action of the Commission.

(4) DSB transmitters, other than survival craft equipment, in use after March 1, 1979, shall be clearly and indelibly marked as follows to indicate the purpose for which it may be used: "Distress and Safety Use Only." In some cases due to different frequency tolerance requirements DSB equipment may not provide satisfactory communications with coast and ship stations equipped to operate in the SSB mode.

4. Section 83.155 is amended by revising paragraph (d) to read as follows:

§ 83.155 Operator(s) required by Title III of Communications Act of 1934.

(d) Each cargo ship of the United States which, in accordance with Part II of Title III of the Communications Act, is equipped with a radiotelephone station shall for distress and safety purposes carry at least one qualified operator. Where the power of the station does not exceed 250 watts carrier power for A3 emission, or 1000 watts peak envelope power for A3A, A3H and A3J emissions, such operator shall

All other frequencies A3, A3A, A3H or A3J as specified in § 83.351(a) and (b).

hold a radiotelephone third-class operator permit or higher class of operator authorization. Where the power of the station exceeds 250 watts carrier power for A3 emission, or 1000 watts peak envelope power for A3A, A3H and A3J emissions such operator shall, as a minimum, hold a radiotelephone second-class operator license.

5. In § 83.156, paragraph (b) is amended to read as follows:

§ 83.156 Operator(s) required by the Safety Convention.

(b) Each cargo ship of the United States which, in accordance with the Safety Convention, is equipped with a radiotelephone station, shall for distress and safety purposes carry the following number and class of radiotelephone operators:

(1) On ships of 300 tons gross tonnage and upward but less than 500 tons gross tonnage, at least one operator;

(2) On ships of 500 tons gross tonnage and upward but less than 1600 tons gross tonnage one radiotelephone operator exclusively employed for duties related to radiotelephony or two radiotelephone operators when one is not exclusively employed for duties related to radiotelephony.

(3) Where the power of the station does not exceed 250 watts carrier power for A3 emission, or 1000 watts peak envelope power for A3A, A3H and A3J emissions such operator shall hold a radiotelephone third-class operator permit or higher class of operator authorization. Where the power of the station exceeds 250 watts carrier power for A3 emission or 1000 watts peak envelope power for A3A, A3H and A3J emissions such operator shall, as a minimum, hold a radiotelephone second-class operator license.

6. Section 83.202(a) is amended to read as follows:

§ 83.202 Watch required on vessels subject to the Communications Act.

(a) Each ship of the United States which is equipped with a radiotelegraph station for compliance with Part II of Title III of the Communications Act shall, while being navigated in the open sea outside of a harbor or port, keep a continuous and efficient watch on 500 kHz by means of radio officers. In lieu thereof, on a cargo ship equipped with a radiotelegraph auto alarm in proper operating condition, an efficient watch on 500 kHz shall be maintained by means of a radio officer for at least 8 hours per day in the aggregate, i.e., for at least one-third of each day or portion of

each day that the vessel is navigated in the open sea outside of a harbor or port. Ships equipped with a radiotelegraph station shall also maintain a continuous watch when in the open sea outside a harbor or port on the radiotelephone distress frequency 2182 kHz from the principal radio operating position or the room from which the vessel is normally steered.

7. Section 83.203(a) is amended to read as follows:

§ 83.203 Watch required on vessels subject only to the Safety Convention.

(a) Each ship of the United States which is equipped with a radiotelegraph station for compliance with the Safety Convention, but which is not fitted with a radiotelegraph auto alarm in proper operating condition, shall while at sea keep a continuous and efficient watch on 500 kHz by means of radio officers. Ships equipped with a radiotelegraph station shall also maintain a continuous watch when in the open sea outside a harbor or port on the radiotelephone distress frequency 2182 kHz from the principal operating position or the room from which the vessel is normally steered. If fitted with a radiotelegraph auto alarm in proper operating condition, the 500 kHz watch shall be kept while at sea as follows:

(1) Each cargo ship, and each passenger ship carrying or certificated to carry 250 passengers or less, or more than 250 passengers but engaged on a voyage of less than 16 hours duration between two consecutive ports, at least 8 hours watch a day;

(2) Each passenger ship carrying or certificated to carry more than 250 passengers and engaged on a voyage exceeding 16 hours duration between two consecutive ports, at least 16 hours watch a day.

8. Section 83.351(c)(2) is amended and a new paragraph (d) added to read as follows:

§ 83.351 Frequencies available.

(c)(2) Transmitters, except portable survival craft equipment, employing A3 emission which were authorized (see Section 83.139(c)) prior to January 1, 1972, may continue to be used by the same licensee on the frequency 2182 kHz for testing, distress and safety purposes when the ship station is equipped for use of F3 emission on frequencies in the band 156-162 MHz.

(d) Ship stations in international waters or waters controlled by foreign countries may communicate with ship and coast stations operating under authority granted by other administrations using A3H emissions in the band 1605-4000 kHz until January 1, 1982.

9. In § 83.365, paragraph (a)(4) is amended to read as follows:

§ 83.365 Procedure in testing.

(a) ***

(4) Testing of transmitters shall, insofar as practicable, be confined to working frequencies without two way communications. However, 2182 kHz and 156.8 MHz may be used to contact other ship or coast stations when signal reports are necessary. Short tests, by vessels which continue to rely upon the use of DSB equipment for distress and safety purposes, are permitted on 2182 kHz to evaluate the compatibility of that equipment with an SSB emission A3J system. U.S. Coast Guard stations may be contacted on 2182 kHz for test purposes only when tests are being conducted during inspections by Commission representatives or when qualified radio technicians are installing equipment or correcting deficiencies in the station radiotelephone equipment. In these cases the test shall be identified as "FCC" or "technical" and logged accordingly.

10. The title of Subpart R is changed as follows:

**Subpart R—Radiotelegraph Stations
Provided for Compliance With Part
II of Title III of the Communications
Act or the Radio Provisions of the
Safety Convention**

11. In § 83.442 the heading and text are amended to read as follows:

§ 83.442 Radio station.

The station required to be provided on a radiotelegraph equipped ship by reason of the provisions of Part II of Title III of the Communications Act, or on a U.S. ship by reason of the Safety Convention, shall comply in an efficient manner with the provisions of this subpart in addition to all other applicable requirements of this part. The station comprises a main and a reserve radiotelegraph installation, electrically separate and electrically independent of each other (except as otherwise provided in paragraph (b) of § 83.443), a radiotelephone installation* and such other equipment as may be necessary for the proper use and operation of these installations.

*Effective January 1, 1980, radiotelephone installations are required.

12. In § 83.443 the heading and paragraphs (a) and (b) are amended, and a new paragraph (c) is added to read as follows:

§ 83.443 Radio installations.

(a) The main radiotelegraph installation includes a main transmitter, a main receiver, a main power supply, and a main antenna system.

(b) The reserve radiotelegraph installation includes a reserve transmitter, a reserve receiver, a reserve power supply, emergency electric lights, and reserve antenna system: *Provided, however, That:*

(c) The radiotelephone installation includes a radiotelephone transmitter, a radiotelephone receiver and an appropriate antenna system.

13. A new § 83.445 is added to read as follows:

§ 83.445 Requirements of radiotelephone installation.

All radiotelephone installations in radiotelegraph equipped vessels shall comply with the following conditions in addition to all other requirements.

(a) The radiotelephone transmitter shall be capable of effective transmission of A3 or A3H emission on 2182 kHz and shall be capable of transmitting clearly perceptible signals from ship to ship during daytime, under normal conditions and circumstances over a minimum normal range of 150 nautical miles when used with an antenna system in accordance with paragraph (c) of this section. The transmitter shall:

(1) Have a duty cycle which allows for effective transmission of the international radiotelephone alarm signal.

(2) Be capable of delivering not less than 25 watts carrier power for A3 emission or 60 watts peak power for A3H emission into an artificial antenna consisting of 10 ohms resistance and 200 picofarads capacitance of 50 ohms nominal impedance to demonstrate compliance with the 150 nautical mile range requirement.

(3) Be equipped with a device which will provide visual indication whenever the transmitter is supplying power to the antenna.

(4) Be equipped with a device capable of generating the international two-tone alarm pursuant to § 83.142 and type approved by the Commission for such use.

(b) The radiotelephone receiver shall be capable of efficiently receiving A3 and A3H when connected to the antenna system specified in paragraph (c) of this section and shall be preset and capable of accurate and convenient selection of 2182 kHz. The receiver shall additionally:

(1) Have sufficient sensitivity to provide an audio output of 50 milliwatts to a loudspeaker when the input is as low as 50 microvolts. The 50 microvolt input signal shall be modulated 30 percent at 400 Hertz and provide at least a 6 dB signal-to-noise ratio when measured in the rated audio bandwidth.

(2) Be equipped with one or more loudspeakers capable of being effectively used to maintain a watch on 2182 kHz at the principal operating position or in the room from which the vessel is normally steered.

(c) The antenna system shall be as nondirectional and efficient as is practicable for the transmission and reception of radio ground waves over seawater. The installation and construction of the required antenna shall be such as to ensure, insofar as is practicable, proper operation in time of emergency. If the required antenna is suspended between masts or other supports subject to whipping, an approved device (safety link) shall be installed which under heavy stress will operate to greatly reduce such stress without breakage of the antenna, the halyards, or any other supporting elements.

(d) The radiotelephone installation shall be provided with a device for permitting changeover from transmission to reception and vice versa without manual switching.

(e) An artificial antenna shall be provided to permit weekly checks, without causing interference, of the automatic device for generating the radiotelephone alarm signal on frequencies other than the radiotelephone distress frequency.

(f) The radiotelephone installation shall be located in the radiotelegraph operating room or in the room from which the ship is normally steered.

(g) Demonstration of the equipment comprising the radiotelephone installation may be required to show compliance with applicable regulations whenever in the judgment of the Commission this is deemed necessary.

(h) Equipment used in the radiotelephone installation shall be adequately protected by means of suitable devices from excessive currents and voltages which cause damage to any component thereof.

(i) The radiotelephone installation should be maintained in an efficient condition however, malfunction of this equipment shall not be considered as making the vessel unseaworthy or as a reason for delaying the ship in ports where repair is not practicable.

14. In § 83.484, paragraph (d)(2) is amended to read as follows:

§ 83.484 Radiotelephone transmitter.

(d) ***

(2) The transmitter has been demonstrated, or is of a type which has been demonstrated, to the satisfaction of the Commission as capable, with normal operating voltages applied, of delivering not less than 60 watts peak envelope power for A3H and A3J¹ emissions on each of the frequencies 2182 and 2638 kHz into either an artificial antenna consisting of a series network of 10 Ohms effective resistance and 200 picofarads capacitance or an artificial antenna of 50 Ohms nominal impedance; *Provided, however*, That an individual demonstration of the power output capability of the transmitter, with the radiotelephone installation normally installed on board ship, may be required whenever in the judgment of the Commission this is deemed necessary.

15. In § 83.517 paragraphs (a) and (c)(2) are amended to read as follows:

§ 83.517 Medium frequency transmitter.

(a) The transmitter shall have a peak envelope output power of at least 60 watts for A3H and A3J¹ emissions on 2182 kHz, in accordance with § 83.351, and at least one ship-to-shore working frequency within the band 1605 to 2850 kHz enabling communication with a public coast station serving the region in which the vessel is navigated.

(c) ***

(2) The transmitter has been demonstrated, or is of a type which has been demonstrated, to the satisfaction of the Commission as capable, with normal operating voltages applied, of delivering not less than 60 watts peak envelope power for A3H and A3J emissions on each of the frequencies 2182 and 2638 kHz into either an artificial antenna consisting of a series network of 10 Ohms effective resistance and 200 picofarads capacitance or an artificial antenna of 50 Ohms nominal impedance. An individual demonstration of the power output capability of the transmitter, with the radiotelephone installation normally installed on board ship, may be required whenever in the judgment of the Commission this is deemed necessary.

[FR Doc. 79-9348 Filed 3-27-79; 8:45 am]

¹ Capability for A3J emission on 2182 kHz shall be completed on or before April 30, 1979.

[1505-01-M]

Title 50—Wildlife and Fisheries

CHAPTER VI—FISHERY CONSERVATION AND MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 611—FOREIGN FISHING

Reports and Recordkeeping

Correction

In FR Doc. 79-7772, appearing at page 15726 in the issue of Thursday, March 15, 1979, the effective date was inadvertently omitted. The effective day should be "Effective March 13, 1979."

[3510-22-M]

PART 653—ATLANTIC HERRING FISHERY

Emergency Regulations

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Emergency regulations and request for comments.

SUMMARY: These emergency regulations implement an amendment to the fishery management plan for Atlantic herring which changes statistical procedures. The purpose of this amendment is to conserve migrating Gulf of Maine herring while giving fishermen a better opportunity to harvest the optimum yield in the Georges Bank and South area.

DATES: Effective date: March 23, 1979. Comments are invited until > May 23, 1979.

ADDRESS: Send comments to Dr. Robert W. Hanks, Acting Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930; Telephone (617) 281-3600.

FOR FURTHER INFORMATION CONTACT:

Same address as above.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Atlantic Herring Fishery of the Northwest Atlantic (FMP), prepared by the New England Fishery Management Council, was approved December 11, 1978, by the Assistant Administrator for Fisheries. On December 28, 1978, the FMP was implemented through emergency regulations and published in the FEDERAL REGISTER (43 FR 60474). Those regulations took effect December 28, 1978, for a period of 45

days. The emergency regulations were extended until March 19, 1979 (44 FR 7711). Final regulations were promulgated March 19, 1979 (44 FR 17186, March 21, 1979).

Two separate stocks of herring from U.S. waters, the Gulf of Maine stock and the Georges Bank stock, are managed by the FMP. A primary objective of the FMP is to prevent excess removal from the depressed Gulf of Maine stock. The 1978-79 quota for the Gulf of Maine was set at 8,000 mt, less than half the average annual harvest for that area since 1972. To offset the decreased harvest from the Gulf of Maine and to stimulate greater fishing effort on the Georges Bank stock, the FMP provided a 10,000 mt annual quota for the Georges Bank and South area, 2,500 mt in the winter/spring (December 1-June 30) season and 7,500 mt in the summer/fall (July 1-November 30) season. The winter/spring quota is low, to protect the Gulf of Maine stock present during those months.

Some of the Gulf of Maine herring migrate south of the Gulf and overwinter east of 71°50' W. longitude, but no tagged Gulf of Maine herring have been recaptured west of the line (see Figure 1). Therefore, there is no evidence that harvesting herring from west of 71°50' W. longitude will have a significant impact on the critical Gulf of Maine stock.

The New England Fishery Management Council voted unanimously at its regular meeting, November 29, 1978, to adopt an amendment to the FMP to allow all herring caught west of 71°50' W. longitude to be counted against the summer/fall Georges Bank and South area quota regardless of when caught.

The amendment is intended to give fishermen a better opportunity to harvest the optimum yield in the Georges Bank and South area. Because the fishermen are encouraged to concentrate their fishery in the area west of 71°50' (a longitude which roughly intersects the boundary between Connecticut and Rhode Island), the Gulf of Maine stock which seasonally moves south of Cape Cod will not be subjected to heavy fishing pressure

outside of the Gulf of Maine. At the same time, the Georges Bank stock will be adequately harvested. This amendment does not change any numbers. The total annual adult herring quota for the Georges Bank and South area will remain at 10,000 mt; the only change is that herring caught west of 71°50' W. longitude from December 1 through June 30 will be counted against the 7,500 mt summer/fall quota.

The winter/spring fishing season is more than half over. This amendment is being implemented by emergency regulations to provide fishermen the opportunity to harvest the optimum yield under the current quota. The closure of the Gulf of Maine to herring fishing on March 15, 1979, has increased fishing effort in the Georges Bank and South area, which increases the probability that the winter/spring quota soon will be reached. This measure also provides the incentive for fishermen to conserve the critical Gulf of Maine stock by concentrating their fishery west of 71°50'.

The amendment has been reviewed, and was approved March 12, 1979, under a delegation of authority from the Secretary of Commerce to the Assistant Administrator for Fisheries, NOAA.

The FMP is amended as follows:

1. The following paragraph is added to the end of Section 3.2.3.2.: Herring tagging studies indicate that stock overlapping in the Georges Bank and South area is significant during the winter/fall fishery primarily east of 71°50' W. longitude. The relatively low allowable catch for that area and period will provide further protection to the Gulf of Maine spawning stock. The stock overlapping is believed to be less significant west of that line. Therefore, all herring caught west of 71°50' W. longitude shall be counted against the summer/fall (July 1-November 30) 5Z/SA6 quota, regardless of when caught.

2. The second paragraph of Section 3.2.3.4. is amended to read: The TALFF for herring in the Georges Bank and South area for the fishing year 1978/79 has been determined to

be zero (Block K in Figure 3.2.). It should be noted that all herring caught west of 71°50' W. longitude will be counted against the relatively large summer/fall quota for this area, thereby increasing the likelihood that the entire quota for this area and period will be completely harvested. This is consistent with the New England Fishery Management Council's intent to secure a maximum rate of stock recovery in 1978/79 (Block G in Figure 3.2.), given that the expected domestic catch for herring in the area is to be accommodated within the OY (Block F in Figure 3.2.).

The final environmental impact statement for the FMP for Atlantic herring was filed with the Environmental Protection Agency on September 18, 1978.

The Assistant Administrator finds and determines that, based on the above, an emergency exists in the fishery. Consequently, these regulations are promulgated as emergency regulations according to Section 305 (e)(2) of the Fishery Conservation and Management Act of 1976, 16 U.S.C. 1801 *et seq.*

These regulations have been issued in response to an emergency and are, therefore, exempt from the provisions of E. O. 12044. Comments on these regulations are invited until May 23, 1979.

Signed at Washington, D.C. this the 23d day of March 1979.

(16 U.S. 1801 *et seq.*)

WINFRED H. MEIBOHM,
Executive Director, National
Marine Fisheries Service.

Amend 50 CFR 653.21(b) by adding a new paragraph (3) as follows:

§ 653.21 Seasonal catch quotas.

• • • • •
(b) • • • • •
• • • • •

(3) All herring caught west of 71°50' W. longitude will be counted against the quota in § 653.21(b)(1), no matter when they are caught.

[3510-22-C]

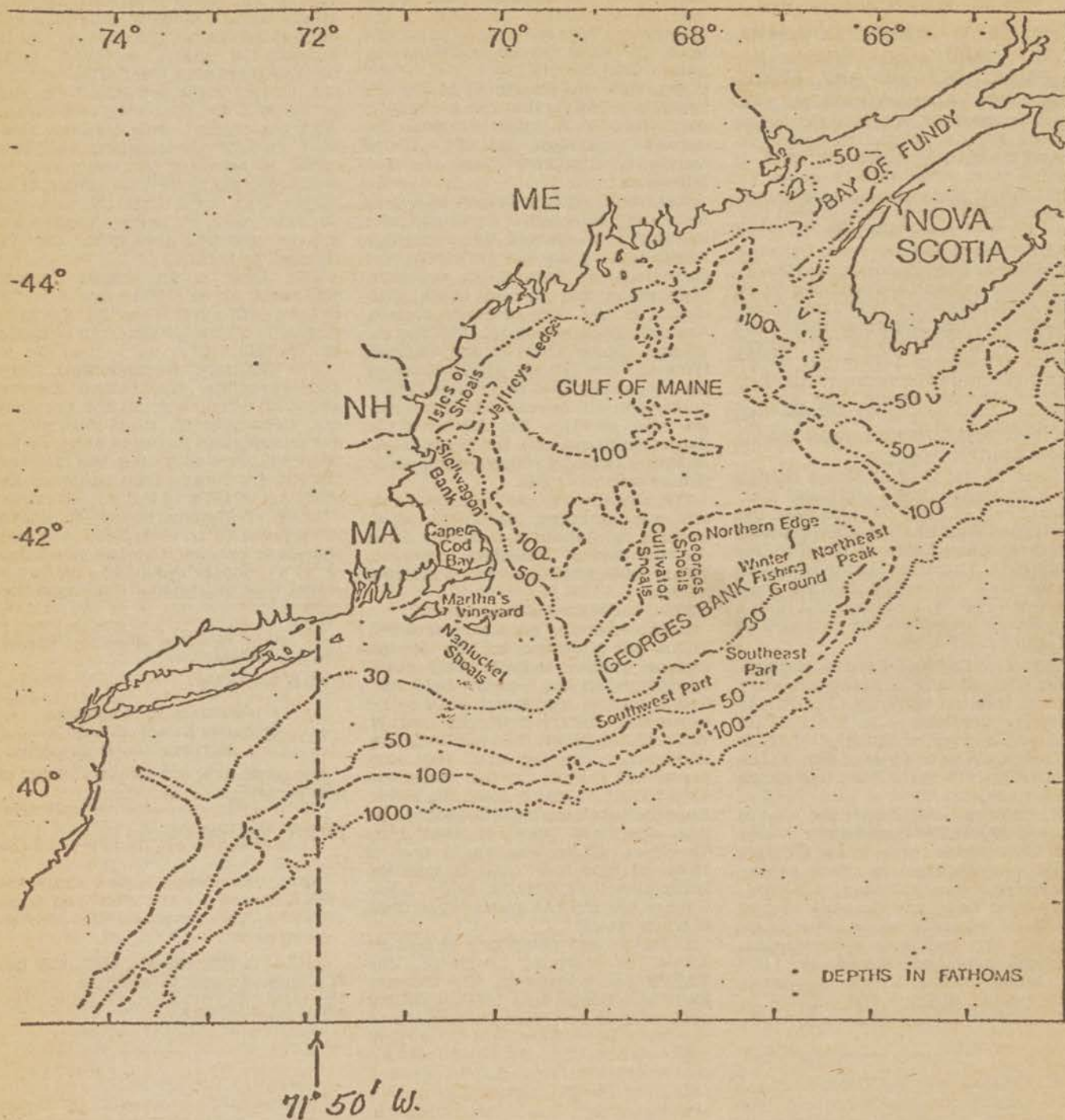


Figure 1

[FR Doc. 79-9404 Filed 3-27-79; 8:45 am]