FOR FURTHER INFORMATION CONTACT: Doris E. Chelius, Bureau of Land Management, Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215–7076, 303–236–1768.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described National Forest System lands, which are under the jurisdiction of the Secretary of Agriculture, are hereby withdrawn from location and entry under the United States mining laws (30 U.S.C. Ch. 2) to protect existing and planned recreational values which are a part of the Aspen Mountain Ski Area:

Sixth Principal Meridian

White River National Forest

T. 10 S., R. 84 W.,
- Sec. 18, S½SE¼NW¼NW¼, SW¼NW¼, W½SW¼, and W½E½SW¼, excluding patented lands;
- Sec. 19, W½E½W½, W½W½, W½SE¼ NE¼NW¼, W½E½SE¼NW¼, E½E½ SW¼, W½SW¼NW¼SE¼, W½NW¼ SW¼SE¼, and SW¼SW¼SE¼, excluding patented lands;
- Sec. 30, W½W½NE¼, W½E½SW¼NE¼, NW¼, N½N½NE¼SW¼, SW¼NW¼ NE¼SW¼, SW¼NE¼NE¼SW¼, N½ NE¼NW¼SW¼, and N½NW¼NW¼ SE¼, excluding patented lands.

T. 10 S., R. 85 W.,
- Sec. 13, SE¼NE¼, E½SW¼NE¼, E½W½ SE¼, and E½SE¼, excluding patented lands;
- Sec. 24, E½E½ and E½W½NE¼, excluding patented lands;
- Sec. 25, NE¼NE¼, NE¼SE¼NE¼, and NE¼SE¼SE¼NE¼, excluding patented lands.

The areas described aggregate approximately 374 acres in Pitkin County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of National Forest System lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal will expire 50 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary determines that the withdrawal shall be extended.

Date: June 13, 1989.

Ralph W. Tarr,

Solicitor.

[FR Doc. 89–14513 Filed 6–19–89; 8:45 am]

BILLING CODE 4310–JB–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 73 and 76

[Gen. Docket No. 87–24; DA 89–642]

Cable Television Services; Program Exclusivity in the Cable and Broadcast Industry; Technical Amendment and Correction.

AGENCY: Federal Communications Commission.

ACTION: Final rule; technical amendment and correction.

SUMMARY: The Commission is correcting errors, by technical amendment, in the preamble, ordering clause and regulatory text of the summarized *Report and Order* (*R&O*), Gen. Docket 87–24, which appeared in the **Federal Register** on July 19, 1988 (53 FR 27167). The correction to the regulatory text is presented as a technical amendment to the Code of Federal Regulations (CFR), because the codified text of the rule is being corrected after the revision date of its CFR title. In addition, the Commission is correcting errors in the summary contained in the supplementary information section, ordering clauses and regulatory text of the summarized *Memorandum Opinion and Order* (*MO&O*), Gen. Docket No. 87–24, which appeared in the **Federal Register** on March 29, 1989 (54 FR 12913).

EFFECTIVE DATES: The effective date for this technical amendment and correction is June 12, 1989. The effective date for §§ 76.92–76.95 revised at 53 FR 27171 is changed to August 18, 1988.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: David E. Horowitz, Mass Media Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION: In the *R&O*, the Commission reinstituted syndicated exclusivity rules applicable to cable systems, and modified existing network non-duplication rules. In brief, the syndicated exclusivity rules permit broadcasters to negotiate with their program suppliers for exclusive exhibition rights with respect to syndicated (*i.e.*, non-network) programming carried by cable systems located within certain geographic parameters. Similarly, the network non-duplication rules permit network-affiliated broadcasters to contract for exclusive exhibition *vis-a-vis* cable, but with respect to network programming. In response to various petitions for reconsideration, the Commission adopted the *MO&O*, which amended the syndicated exclusivity rules in certain regards and further modified the network non-duplication rules. The summarized versions appearing in the **Federal Register** of both the *R&O* (53 FR 27167) and the *MO&O* (54 FR 12913) contained errors which are discussed briefly below and are corrected by technical amendment (in the case of the *R&O*) or by this notice (in the case of the *MO&O*).

Technical Amendments to the Summarized Report and Order

The following technical amendments are made in FR Doc. 88–16187, *Cable Television Services; Program Exclusivity in the Cable and Broadcast Industry*, published in the **Federal Register** on July 19, 1988 (53 FR 27167).

1. The information set forth under the "Effective Date" caption of the preamble on page 27167, third column, erroneously included an exception for §§ 76.92–76.95 from the August 18, 1988, effective date. This exception is deleted and the information under the "Effective Date" caption is revised to read as follows: "August 18, 1988.".

2. Under the "Ordering Clause" heading on page 27170, in the third column, in the second full paragraph (numbered 27), lines 1–3, which read, "Accordingly, IT IS ORDERED THAT, under the authority contained in sections 4(i), 4(g), 302, 303(a) and 604 of", are revised to read as follows: "Accordingly, IT IS ORDERED THAT, under the authority contained in sections 4(i), 4(j), 301, 303, 601(4) and 624 of".

Technical Amendment of Program Exclusivity Rules

List of Subjects in 47 CFR Part 76:

Cable television.

Technical Amendment

Part 76 of Title 47 of the Code of Federal Regulations is amended to read as follows:

1. The authority citation for Part 76 continues to read as follows:

Authority: Secs. 2, 3, 4, 301, 303, 307, 308, 309, 48 Stat., as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085; 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309.

2. Section 76.5 of the rules is amended by revising paragraph (nn) to read as follows:

§ 76.5 Definitions.

* * * * *

(nn) A "syndicated program" is any program sold, licensed, distributed or offered to television station licensees in more than one market within the United States other than as network programming as defined in § 76.5(o).

Corrections of the Summarized Memorandum Opinion and Order

The following corrections are made in FR Doc. 89-7386, *Cable Television Services; Program Exclusivity in the Cable and Broadcast Industry*, published in the **Federal Register** on March 29, 1989 (54 FR 12913).

1. On page 12917, first column, third full paragraph (numbered 31), line 3, change "require that" to "allow".

2. On page 12917, first column, third full paragraph (numbered 31), line 6, change "this *MO&O*" to "the amendments adopted by this *MO&O* to".

3. On page 12917, first column, third full paragraph (numbered 31), line 12, change "this *MO&O,*" to "the amendments adopted by this *MO&O,*".

4. Under the "Ordering Clauses" heading on page 12918, second column, third full paragraph (numbered 46), line 3, change "302" to "301".

§ 76.94 [Corrected]

5. On page 12918, third column, paragraph (b) of § 76.94, line 6, change "contract." to "contract; provided, however, that for such contracts signed before May 5, 1989, a broadcaster may provide notice on or before June 19, 1989.".

§ 76.97 [Corrected]

6. On page 12919, second column, § 76.97, first line of text, change "provisions" to "network non-duplication protection and exceptions thereto".

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 89-14428 Filed 6-19-89; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 97

[PR Docket No. 88-139; FCC 89-180]

Reorganization and Deregulation of Part 97, Rules Governing the Amateur Radio Service

AGENCY: Federal Communications Commission.

ACTION: Final rules.

SUMMARY: This action amends the amateur service rules by reorganizing them to accommodate technological advances and changes in operating practices. It also eliminates unnecessary, obsolete and redundant rules. The rule amendments are necessary to foster a regulatory environment that promotes maximum operator flexibility and innovative experimentation. The effect of the rule amendments is to provide the flexibility needed by amateur operators in order to achieve the objectives of the service.

EFFECTIVE DATE: September 1, 1989.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Maurice J. DePont, Federal Communications Commission, Private Radio Bureau, Washington, DC 20554, (202) 632-4964.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, adopted May 31, 1989, and released June 9, 1989. The complete text of this Commission action, including the rule amendments, is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this Report and Order, including the rule amendments, may also be purchased from the Commission's copy contractor, International Transcription Services, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Summary of Report and Order

1. The amateur service rules have been amended by restructuring them to provide a more meaningful, easy-to-use body of regulations for present and future amateur operators. Unnecessary, obsolete, and redundant rule provisions have been deleted.

2. The emission designators were simplified into a simple system based upon nine terms that are already familiar to amateur operators, such as phone, RTTY, and CW. This makes it possible for amateur operators to understand immediately their authorized emissions. It also promotes flexibility and experimentation by clarifying the wide range of emission types available.

3. The existing language for the quiet hours rule has been retained. This will alleviate the concerns of the commenters in this proceeding who felt that the proposed rule would broaden the Commission's authority to restrict amateur station operations.

4. In addition to the foregoing, these final rules clarify and codify amateur service policies and practices. For example, the exceptions to the prohibitions against transmission of business communications and against broadcasting have been codified.

5. The amended rules are set forth at the end of this document.

6. Pursuant to section 605 of the Regulatory Flexibility Act of 1980, 5 U.S.C. 605, the Commission certifies that these rules will not have a significant economic impact on a substantial number of small entities, because these entities may not use the amateur radio services for commercial radiocommunication. Morever, these rules will not require the use of or significantly enhance the sale of any additional amateur service apparatus.

7. These rules have been analyzed with respect to the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, and found to decrease the information collection burden that the Commission imposes on the public. This proposed reduction in information collection burden is subject to approval by the Office of Management and Budget as prescribed by the Act.

8. The amended rules are issued under the authority of 47 U.S.C. 154(i) and 303(r).

List of Subjects in 47 CFR Part 97

Amateur radio, Antennas, Emissions, Third-party traffic.

Donna R. Searcy,

Secretary.

Part 97 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended, as follows:

PART 97—AMATEUR RADIO SERVICE

Subpart A—General Provisions

Sec.

Subpart B—Station Operation Standards

Authority: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–155, 301–609, unless otherwise noted.

Subpart A—General Provisions

§ 97.1 Basis and purpose.

The rules and regulations in this Part are designed to provide an amateur radio service having a fundamental purpose as expressed in the following principles:

(a) Recognition and enhancement of the value of the amateur service to the public as a voluntary noncommercial communication service, particularly with respect to providing emergency communications.

(b) Continuation and extension of the amateur's proven ability to contribute to the advancement of the radio art.

(c) Encouragement and improvement of the amateur service through rules which provide for advancing skills in both the communication and technical phases of the art.

(d) Expansion of the existing reservoir within the amateur radio service of trained operators, technicians, and electronics experts.

(e) Continuation and extension of the amateur's unique ability to enhance international goodwill.

§ 97.3 Definitions.

(a) The definitions of terms used in Part 97 are:

(1) *Amateur operator.* A person holding a written authorization to be the control operator of an amateur station.

(2) *Amateur radio services.* The amateur service, the amateur-satellite service and the radio amateur civil emergency service.

(3) *Amateur-satellite service.* A radiocommunication service using stations on Earth satellites for the same purpose as those of the amateur service.

(4) *Amateur service.* A radiocommunication service for the purpose of self-training, intercommunication and technical investigations carried out by amateurs, that is, duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest.

(5) *Amateur station.* A station in an amateur radio service consisting of the apparatus necessary for carrying on radiocommunications.

(6) *Automatic control.* The use of devices and procedures for control of a station when it is transmitting so that compliance with the FCC Rules is achieved without the control operator being present at a control point.

(7) *Auxiliary station.* An amateur station transmitting communications point-to-point within a system of cooperating amateur stations.

(8) *Bandwidth.* The width of a frequency band outside of which the mean power of the total emission is attenuated at least 26 dB below the mean power of the total emission, including allowances for transmitter drift or Doppler shift.

(9) *Beacon.* An amateur station transmitting communications for the purposes of observation of propagation and reception or other related experimental activities.

(10) *Broadcasting.* Transmissions intended for reception by the general public, either direct or relayed.

(11) *Control operator.* An amateur operator designated by the licensee of a station to be responsible for the transmissions from that station to assure compliance with the FCC Rules.

(12) *Control point.* The location at which the control operator function is performed.

(13) *CSCE.* Certificate of successful completion of an examination.

(14) *Earth station.* An amateur station located on, or within 50 km of, the Earth's surface intended for communications with space stations or with other Earth stations by means of one or more other objects in space.

(15) *EIC.* Engineer in Charge of an FCC Field Facility.

(16) *External RF power amplifier.* A device capable of increasing power output when used in conjunction with, but not an integral part of, a transmitter.

(17) *External RF power amplifier kit.* A number of electronic parts, which, when assembled, is an external RF power amplifier, even if additional parts are required to complete assembly.

(18) *FAA.* Federal Aviation Administration.

(19) *FCC.* Federal Communications Commission.

(20) *Frequency coordinator.* An entity, recognized in a local or regional area by amateur operators whose stations are eligible to be auxiliary or repeater stations, that recommends transmit/receive channels and associated operating and technical parameters for such stations in order to avoid or minimize potential interference.

(21) *Harmful interference.* Interference which endangers the functioning of a radionavigation service or of other safety services or seriously degrades, obstructs or repeatedly interrupts a radiocommunication service operating in accordance with the Radio Regulations.

(22) *Indicator.* Words, letters or numerals appended to and separated from the call sign during the station identification.

(23) *Information bulletin.* A message directed only to amateur operators consisting solely of subject matter of direct interest to the amateur service.

(24) *International Morse code.* A dot-dash code as defined in International Telegraph and Telephone Consultative Committee (CCITT) Recommendation F.1 (1984), Division B, I. Morse code.

(25) *ITU.* International Telecommunication Union.

(26) *Line A.* Begins at Aberdeen, WA, running by great circle arc to the

intersection of 48°N, 120°W, thence along parallel 48°N, to the intersection of 95°W, thence by great circle arc through the southernmost point of Duluth, MN, thence by great circle arc to 45°N, 85°W, thence southward along meridian 85°W, to its intersection with parallel 41°N, thence along parallel 41°N, to its intersection with meridian 82°W, thence by great circle arc through the southernmost point of Bangor, ME, thence by great circle arc through the southernmost point of Searsport, ME, at which point it terminates.

(27) *Local control.* The use of a control operator who directly manipulates the operating adjustments in the station to achieve compliance with the FCC Rules.

(28) *National Radio Quiet Zone.* The area in Maryland, Virginia and West Virginia Bounded by 39° 15'N on the north, 78° 30'W on the east, 37° 30'N on the south and 80° 30'W on the west.

(29) *Question pool.* All current examination questions for a designated written examination element.

(30) *Question set.* A series of examination on a given examination selected from the question pool.

(31) *Radio Regulations.* The latest ITU *Radio Regulations* to which the United States is a party.

(32) *RACES* (radio amateur civil emergency service). A radio service using amateur stations for civil defense communications during periods of local, regional or national civil emergencies.

(33) *Remote control.* The use of a control operator who indirectly manipulates the operating adjustments in the station through a control link to achieve compliance with the FCC Rules.

(34) *Repeater.* An amateur station that automatically retransmits the signals of other stations.

(35) *Space station.* An amateur station located more than 50 km above the Earth's surface.

(36) *Spurious emission.* An emission, or frequencies outside the necessary bandwidth of a transmission, the level of which may be reduced without affecting the information being transmitted.

(37) *Telecommand station.* An amateur station that transmits communications to initiate, modify or terminate functions of a space station.

(38) *Third party communications.* A message from the control operator (first party) of an amateur station to another amateur station control operator (second party) on behalf of another person (third party).

(39) *VE.* Volunteer examiner.

(40) *VEC.* Volunteer-examiner coordinator.

(b) The definitions of technical smybols used in this Part are:

(1) *EHF* (extremely high frequency). The frequency range 30–300 GHz.

(2) *HF* (high frequency). The frequency range 3–30 MHz.

(3) *Hz.* Hertz.

(4) *m.* Meters.

(5) *MF* (medium frequency). The frequency range 300–3000 kHz.

(6) *PEP* (peak envelope power). The average power supplied to the antenna transmission line by a transmitter during one RF cycle at the crest of the modulation envelope taken under normal operating conditions.

(7) *RF.* Radio frequency.

(8) *SHF* (super-high frequency). The frequency range 3–30 GHz.

(9) *UHF* (ultra-high frequency). The frequency range 300–3000 MHz.

(10) *VHF* (very-high frequency). The frequency range 30–300 MHz.

(11) *W.* Watts.

(c) The following terms are used in this Part to indicate emission types. Refer to § 2.201 of the FCC Rules, *Emission, modulation and transmission characteristics*, for information on emission type designators.

(1) *CW.* International Morse code telegraphy emissions having designators with A, C, H, J or R as the first symbol; 1 as the second symbol; A or B as the third symbol; and emissions J2A and J2B.

(2) *Data.* Telemetry, telecommand and computer communications emissions having designators with A, C, D, F, G, H, J or R as the first symbol; 1 as the second symbol; D as the third symbol; and emission J2D. Only a digital code of a type specifically authorized in this Part may be transmitted.

(3) *Image.* Facsimile and television emissions having designators with A, C, D, F, G, H, J or R as the first symbol; 1, 2 or 3 as the second symbol; C or F as the third symbol; and emissions having B as the first symbol; 7, 8 or 9 as the second symbol; W as the third symbol.

(4) *MCW.* Tone-modulated international Morse code telegraphy emissions having designators with A, C, D, F, G, H or R as the first symbol; 2 as the second symbol; A or B as the third symbol.

(5) *Phone.* Speech and other sound emissions having designators with A, C, D, F, G, H, J or R as the first symbol; 1, 2 or 3 as the second symbol; E as the third symbol. Also speech emissions having B as the first symbol; 7, 8 or 9 as the second symbol; E as the third symbol. MCW for the purpose of performing the station identification procedure, or for providing telegraphy practice interspersed with speech. Incidental tones for the purpose of selective calling or alerting or to control the level of a demodulated signal may also be considered phone.

(6) *Pulse.* Emissions having designators with K, L, M, P, Q, V or W as the first symbol; 0, 1, 2, 3, 7, 8, 9 or X as the second symbol; A, B, C, D, E, F, N, W or X as the third symbol.

(7) *RTTY.* Narrow-band direct-printing telegraphy emissions having designators with A, C, D, F, G, H, J or R as the first symbol; 1 as the second symbol; B as the third symbol; and emission J2B. Only a digital code of a type specifically authorized in this Part may be transmitted.

(8) *SS.* Spread-spectrum emissions using bandwidth-expansion modulation emissions having designators with A, C, D, F, G, H, J or R as the first symbol; X as the second symbol; X as the third symbol. Only a SS emission of a type specifically authorized in this Part may be transmitted.

(9) *Test.* Emissions containing no information having the designators with N as the third symbol. Test does not include pulse emissions with no information or modulation unless pulse emissions are also authorized in the frequency band.

§ 97.5 Station license required.

(a) When a station is transmitting on any amateur service frequency from a geographic location within 50 km of the Earth's surface where the amateur service is regulated by the FCC, the person having physical control of the apparatus must hold an FCC-issued written authorization for an amateur station.

(b) When a station is transmitting on any amateur service frequency from a location within 50 km of the Earth's surface and aboard any vessel or craft that is documented or registered in the United States, the person having physical control of the apparatus must hold an FCC-issued written authorization for an amateur station.

(c) When a station is transmitting on any amateur-satellite service frequency from a location more than 50 km above the Earth's surface aboard any craft that is documented or registered in the United States, the person having physical control of the apparatus must hold an FCC-issued written authorization for an amateur station.

(d) The types of written authorizations that permit amateur station operation where the amateur service is regulated by the FCC are:

(1) An operator/primary station license (FCC Form 660) issued to the person by the FCC. A primary station license is issued only to a person, together with an operator license on the

same document. Every amateur operator licensed by the FCC must have one, but only one, primary station license. Except a representative of a foreign government, any person who qualifies by examination is eligible to apply for an operator/primary station license.

(2) A club station license (FCC form 660) issued to the person by the FCC. A club station license is issued only to the person who is the license trustee designated by an officer of the club. The trustee must hold an FCC-issued Amateur Extra, Advanced, General, or Technician operator license. The club must be composed of at least two persons and must have a name, a document of organization, management and a primary purpose devoted to amateur service activities consistent with this Part.

(3) A military recreation station license (FCC Form 660) issued to the person by the FCC. A military recreation station license is issued only to the person who is the license custodian designated by the official in charge of the United States military recreational premises where the station is situated. The custodian must not be a representative of a foreign government. The custodian need not hold an amateur operator license.

(4) A RACES station license (FCC Form 660) issued to the person by the FCC. A RACES station license is issued only to the person who is the license custodian designated by the official responsible for the governmental agency served by that civil defense organization. The custodian must not be a representative of a foreign government. The custodian must be the civil defense official responsible for coordination of all civil defense activities in the area concerned. The custodian need not hold an amateur operator license.

(5) A reciprocal permit for alien amateur licensee (FCC Form 610–AL) issued to the person by the FCC. A reciprocal permit for alien amateur licensee is issued only to a person who is a citizen of a country with which the United States has arrangements to grant reciprocal operating permits to visiting alien amateur operators. The person must be a citizen of the same country that issued the amateur service license. No person who is a citizen of the United States, regardless of any other citizenship also held, is eligible for a reciprocal permit for alien amateur licensee. No person holding an FCC-issued amateur service license will be issued a reciprocal permit for alien amateur license.

(6) An amateur service license issued to the person by the Government of Canada. The person must be a Canadian citizen.

(e) The written authorization for an amateur station authorizes the use in accordance with the FCC Rules of all transmitting apparatus under the physical control of the station licensee at points where the amateur service is regulated by the FCC. The original written authorization document or a photocopy thereof must be retained at the station.

§ 97.7 Control operator required.

When transmitting, each amateur station must have a control operator. Only a person holding one of the following documents may be the control operator of a station:

(a) An operator/primary station license (FCC Form 660) issued to the person by the FCC.

(b) A reciprocal permit for alien amateur licensee (FCC Form 610–AL) issued to the person by the FCC.

(c) An amateur service license issued to a Canadian citizen by the Government of Canada.

§ 97.9 Operator license.

(a) There are 5 classes of operator licenses: Novice, Technician, General, Advanced and Amateur Extra. An operator license authorizes the holder to be the control operator of a station with the privileges of the operator class specified on the license. The license document or a photocopy thereof must be in the personal possession of the licensee at all times when the person is the control operator of a station.

(b) A person holding a Novice, Technician, General, or Advanced Class operator license who has properly filed with the FCC an application for a higher operator class which has not yet been acted upon, and who holds a CSCE indicating that the person completed the necessary examinations within the previous 365 days is authorized to exercise the rights and privileges of the higher operator class.

§ 97.11 Stations aboard ships or aircraft.

(a) The installation and operation of an amateur station on a ship or aircraft must be approved by the master of the ship or pilot in command of the aircraft.

(b) The station must be separate from and independent of all other radio apparatus installed on the ship or aircraft, except a common antenna may be shared with a voluntary ship radio installation. The station's transmissions must not cause interference to any other apparatus installed on the ship or aircraft.

(c) The station must not constitute a hazard to the safety of life or property. For a station aboard an aircraft, the apparatus shall not be operated while the aircraft is operating under Instrument Flight Rules, as defined by the FAA, unless the station has been found to comply with all applicable FAA Rules.

§ 97.13 Restrictions on station location.

(a) Before placing an amateur station on land of environmental importance or that is significant in American history, architecture or culture, the licensee may be required to take certain actions prescribed by §§ 1.1305–1.1319 of the FCC Rules.

(b) A station within 1600 m (1 mile) of an FCC monitoring facility must protect that facility from harmful interference. Failure to do so could result in imposition of operating restrictions upon the amateur station by an EIC pursuant to § 97.121 of this Part. Geographical coordinates of the facilities that require protection are listed in § 0.121(c) of the FCC Rules.

§ 97.15 Station antenna structures.

(a) Unless the amateur station licensee has received prior approval from the FCC, no antenna structure, including and radiating elements, tower, supports and all appurtenances, may be higher than 61 m (200 feet) above ground level at its site.

(b) Unless the amateur station licensee has received prior approval from the FCC, no antenna structure, at an airport or heliport that is available for public use and is listed in the *Airport Directory* of the current *Airman's Information Manual* or in either the *Alaska* or *Pacific Airman's Guide and Chart Supplement;* or at an airport or heliport under construction that is the subject of a notice or proposal on file with the FAA, and except for military airports, it is clearly indicated that the airport will be available for public use; or at an airport or heliport that is operated by the armed forces of the United States; or at a place near any of these airports or heliports, may be higher than:

(1) 1 m above the airport elevation for each 100 m from the nearest runway longer than 1 km within 6.1 km of the antenna structure.

(2) 2 m above the airport elevation for each 100 m from the nearest runway longer than 1 km within 3.1 km of the antenna structure.

(3) 4 m above the airport elevation for each 100 m from the nearest landing pad within 1.5 km of the antenna structure.

(c) An amateur station antenna structure no higher than 6.1 m (20 feet) above ground level at its site or no

higher than 6.1 m above any natural object or existing manmade structure, other than an antenna structure, is exempt from the requirements of paragraphs (a) and (b) of this section.

(d) Further details as to whether an aeronautical study and/or obstruction marking and lighting may be required, and specifications for obstruction marking and lighting, are contained in Part 17 of the FCC Rules, *Construction, Marking, and Lighting of Antenna Structures.* To request approval to place an antenna structure higher than the limits specified in paragraphs (a), (b), and (c) of this section, the licensee must notify the FAA on FAA Form 7460–1 and the FCC on FCC Form 854.

(e) Except as otherwise provided herein, a station antenna structure may be erected at heights and dimensions sufficient to accommodate amateur service communications. [State and local regulation of a station antenna structure must not preclude amateur service communications. Rather, it must reasonably accommodate such communications and must constitute the minimum practicable regulation to accomplish the state or local authority's legitimate purpose. [*See* PRB–1, 101 FCC 2d 952 (1985) for details.]

§ 97.17 Application for new license.

(a) Any qualified person is eligible to apply for an amateur service license.

(b) Each application for a new operator/primary station license must be made on FCC Form 610. Each application for a reciprocal permit for alien amateur licensee must be made on FCC Form 610–A. No new license for a club, military recreation, or RACES station will be issued.

(c) Each application for a new operator/primary station license and each application involving a change in operator class must be submitted to the VEs administering the qualifying examination.

(d) Any qualified person is eligible to apply for a reciprocal permit for alien amateur licensee. The application must be submitted to the FCC, P.O. Box 1020, Gettysburg, PA 17326.

(e) No person shall obtain or attempt to obtain, or assist another person to obtain or attempt to obtain, an operator license or reciprocal permit for alien amateur licensee by fraudulent means.

(f) A call sign will be assigned systematically to each station. The FCC will issue public announcements detailing the policies and procedures of the call sign assignment system. The FCC will not grant any request for a specific call sign.

§ 97.19 Application for a renewed or modified license.

(a) Each application for a renewed or modified operator/primary station license must be made on FCC Form 610. Each application for a renewed or modified club, military recreation or RACES station license must be made on FCC Form 610–B. A reciprocal permit for alien amateur licensee is not renewable. A new reciprocal permit may be issued upon proper application.

(b) Each application for a renewed or modified amateur service license must be accompanied by a photocopy of the license document or the original document. Each application for a modified operator license involving a change in operator class must be submitted to the VEs administering the qualifying examination. All other applications must be submitted to: FCC, P.O. Box 1020, Gettysburg, PA 17326.

(c) When the licensee has submitted a timely application for renewal of an unexpired license (between 60 and 90 days prior to the end of the license term is recommended), the licensee may continue to operate until the disposition of the application has been determined. If a license expires, application for renewal may be made during a grace period of 2 years after the expiration date. During this grace period, the expired license is not valid. A license renewed during the grace period must be dated as of the date of the renewal.

§ 97.21 Mailing address and station location.

Each application for an amateur service license and each application for a reciprocal permit for alien amateur licensee must show a mailing address and a station location (the addresses may be the same) in an area where the amateur service is regulated by the FCC. The mailing address must be one where the licensee can receive mail delivery by the United States Postal Service. The station location must be a place where a station can be physically located. [A Postal Service box, RFD number, or general delivery is unsuitable as a station location.]

§ 97.23 License term.

(a) An amateur service license is normally issued for a 10-year term.

(b) A reciprocal permit for alien amateur licensee is normally issued for a 1-year term.

§ 97.25 FCC modification of station license.

(a) The FCC may modify a station license, either for a limited time or for the duration of the term thereof, if it determines:

(1) That such action will promote the public interest, convenience and necessity; or

(2) That such action will promote fuller compliance with the provisions of the Communications Act of 1934, as amended, or of any treaty ratified by the United States.

(b) When the FCC makes such a determination, it will issue an order of modification. The order will not become final until the licensee is notified in writing of the proposed action and the grounds and reasons therefor. The licensee will be given reasonable opportunity of no less than 30 days to protest the modification; except that, where safety of life or property is involved, a shorter priod of notice may be provided. Any protest by a licensee of an FCC order of modification will be handled in accordance with the provisions of 47 U.S.C. 316.

§ 97.27 Replacement license.

Each licensee or permittee whose original document is lost, mutilated or destroyed must request a replacement. The request must be made to: FCC, P.O. Box 1020, Gettysburg, PA 17326. A statement of how the document was lost, mutilated or destroyed must be attached to the request. A replacement license must bear the same expiration date as the license that it replaces.

Subpart B—Station Operation Standards

§ 97.101 General standards.

(a) In all respects not specifically covered by FCC Rules each amateur station must be operated in accordance with good engineering and good amateur practice.

(b) Each station licensee and each control operator must cooperate in selecting transmitting channels and in making the most effective use of the amateur service frequencies. No frequency will be assigned for the exclusive use of any station.

(c) At all times and on all frequencies, each control operator must give priority to stations providing emergency communications, except to stations transmitting communications for training drills and tests in RACES.

(d) No amateur operator shall willfully or maliciously interfere with or cause interference to any radio communication or signal.

§ 97.103 Station licensee responsibilities.

(a) The station licensee is responsible for the proper operation of the station in accordance with the FCC Rules. When the control operator is a different amateur operator than the station

licensee, both persons are equally responsible for proper operation of the station.

(b) The station licensee must designate the station control operator. The FCC will presume that the station licensee is also the control operator, unless documentation to the contrary is in the station records.

(c) The station licensee must make the station and the station records available for inspection upon request by an FCC representative. When deemed necessary by an EIC to assure compliance with the FCC Rules, the station licensee must maintain a record of station operations containing such items of information as the EIC may require in accord with § 0.314(x) of the FCC Rules.

§ 97.105 Control operator duties.

(a) The control operator must ensure the immediate proper operation of the station, regardless of the type of control.

(b) A station may only be operated in the manner and to the extent permitted by the privileges authorized for the class of operator license held by the control operator.

§ 97.107 Alien control operator privileges.

(a) The privileges available to a control operator holding an amateur service license issued by the Government of Canada are:

(1) The terms of the *Convention Between the United States and Canada (TIAS No. 2508) Relating to the Operation by Citizens of Either Country of Certain Radio Equipment or Stations in the Other Country;*

(2) The operating terms and conditions of the amateur service license issued by the Government of Canada; and

(3) The applicable provisions of the FCC Rules, but not to exceed the control operator privileges of an FCC-issued Amateur Extra Class operator license.

(b) The privileges available to a control operator holding an FCC-issued reciprocal permit for alien amateur licensee are:

(1) The terms of the agreement between the alien's government and the United States;

(2) The operating terms and conditions of the amateur service license issued by the alien's government;

(3) The applicable provisions of the FCC Rules, but not to exceed the control operator privileges of an FCC-issued Amateur Extra Class operator license; and

(4) None, if the holder of the reciprocal permit has obtained an FCC-issued operator/primary station license.

(c) At any time the FCC may, in its discretion, modify, suspend, or cancel the amateur service privileges within or over any area where radio services are regulated by the FCC of any Canadian amateur service licensee or alien reciprocal permittee.

§ 97.109 Station control.

(a) Each amateur station must have at least one control point.

(b) When a station is being locally controlled, the control operator must be at the control point. Any station may be locally controlled.

(c) When a station is being automatically controlled, the control operator need not be at the control point. Only stations specifically designated elsewhere in this Part may be automatically controlled. Automatic control must cease upon notification by an EIC that the station is transmitting improperly or causing harmful interference to other stations. Automatic control must not be resumed without prior approval of the EIC.

(d) No station may be automatically controlled while transmitting third-party traffic, except a station retransmitting digital packet radio communications on the 6 m and shorter wavelength bands. Such stations must be using the American Radio Relay League, Inc. *AX.25 Amateur Packet-Radio Link-Layer Protocol, Version 2.0,* October 1984 (or compatible). The retransmitted messages must originate at a station that is being locally or remotely controlled.

§ 97.111 Authorized transmissions.

(a) An amateur station may transmit the following types of two-way communications:

(1) Transmissions necessary to exchange messages with other stations in the amateur service, except those in any country whose administration has given notice that it objects to such communications. The FCC will issue public notices of current arrangements for international communications;

(2) Transmissions necessary to exchange messages with a station in another FCC-regulated service while providing emergency communications;

(3) Transmissions necessary to exchange messages with a United States government station, necessary to providing communications in RACES; and

(4) Transmissions necessary to exchange messages with a station in a service not regulated by the FCC, but authorized by the FCC to communicate with amateur stations. An amateur station may exchange messages with a participating United States military station during an Armed Forces Day Communications Test.

(b) In addition to one-way transmissions specifically authorized elsewhere in this Part, an amateur station may transmit the following types of one-way communications:

(1) Brief transmissions necessary to make adjustments to the station;

(2) Brief transmissions necessary to establishing two-way communications with other stations;

(3) Transmissions necessary to remotely control a device from a distant location;

(4) Transmissions necessary to providing emergency communications;

(5) Transmissions necessary to assisting persons learning, or improving proficiency in, the international Morse code; and

(6) Transmissions necessary to disseminate information bulletins.

§ 97.113 Prohibited transmissions.

(a) No amateur station shall transmit any communication the purpose of which is to facilitate the business or commercial affairs of any party. No station shall transmit communications as an alternative to other authorized radio services, except as necessary to providing emergency communications. A station may, however, transmit communications to:

(1) Facilitate the public's safe observation of, or safe participation in, a parade, race, marathon or similar public gathering. No amateur station shall transmit communications concerning moving, supplying and quartering observers and participants for any sponsoring organization unless the principal beneficiary of such communications is the public and any benefit to the sponsoring organization is incidental.

(2) Inform other amateur operators of the availability of apparatus normally used in an amateur station, including such apparatus for sale or trade. This exception is not authorized to any person seeking to derive a profit by buying or selling such apparatus on a regular basis.

(b) No station shall transmit messages for hire or for material compensation, direct or indirect, paid or promised. The control operator of a club station, however, may accept compensation for such periods of time during which the station is transmitting telegraphy practice or information bulletins provided that:

(1) The station transmits the telegraphy practice and information bulletins for at least 40 hours per week;

(2) The station schedules operations on all amateur service MF and HF bands

using reasonable measures to maximize coverage;

(3) The schedule of normal operating times and frequencies is published at least 30 days in advance of the actual transmissions; and

(4) The control operator does not accept any direct or indirect compensation for periods during which the station is transmitting any other material.

(c) No station shall transmit communications in order to engage in any form of broadcasting, nor to engage in any activity related to program production or newsgathering for broadcasting purposes. A station may, however, transmit communications to convey news information about an event for dissemination to the public when the following conditions are present:

(1) The information involves the immediate safety of life of individuals or the immediate protection of property;

(2) The information is directly related to the event;

(3) The information cannot be transmitted by any other means because normal communications systems have been disrupted or because there are no other communication systems available at the place where the information is originated; and

(4) Other means of communication could not be reasonably provided before or at the time of the event.

(d) No station shall transmit: music; radiocommunications or messages for any purpose, or in connection with any activity, that is contrary to federal, state, or local law; messages in codes or ciphers where the intent is to obscure the meaning (except where specifically excepted elsewere in the Part); obscene, indecent, or profane words, language, or meaning; and/or false or deceptive messages or signals.

(e) No station shall retransmit programs or signals emanating from any type of radio station other than an amateur station, except communications originating on United States Government frequencies between a space shuttle and its associated Earth stations. Prior approval for such retransmissions must be obtained from the National Aeronautics and Space Administration. Such retransmissions must be for the exclusive use of amateur operators.

(f) No amateur station, except an auxiliary, repeater or space station, may automatically retransmit the radio signals of other amateur stations.

§ 97.115 Third party communications.

(a) An amateur station may transmit messages for a third party to:

(1) Any station within the jurisdiction of the United States.

(2) Any station within the jurisdiction of any foreign government whose administration has made arrangements with the United States to allow amateur stations to be used for transmitting international communications on behalf of third parties. No station shall transmit messages for a third party to any station within the jurisdiction of any foreign government whose administration has not made such an arrangement. This prohibition does not apply to a message for any third party who is eligible to be a control operator of the station.

(b) The third party may participate in stating the message where:

(1) The control operator is present at the control point and is continuously monitoring and supervising the third party's participation; and

(2) The third party is not a prior amateur service licensee whose license was revoked; suspended for less than the balance of the license term and the suspension is still in effect; suspended for the balance of the license term and relicensing has not taken place; or surrendered for cancellation following notice of revocation, suspension or monetary forfeiture proceedings. The third party may not be the subject of a cease and desist order which relates to amateur service operation and which is still in effect.

(c) At the end of an exchange of international third party communications, the station must also transmit in the station identification procedure the call sign of the station with which a third party message was exchanged.

§ 97.117 International communications.

Transmissions to a different country, where permitted, shall be made in plain language and shall be limited to messages of a technical nature relating to tests, and, to remarks of a personal character for which, by reason of their unimportance, recourse to the public telecommunications service is not justified.

§ 97.119 Station identification.

(a) Each amateur station, except a space station or telecommand station, must transmit its assigned call sign on its transmitting channel at the end of each communication, and at least every 10 minutes during a communication, for the purpose of clearly making the source of the transmissions from the station known to those receiving the transmissions. No station may transmit unidentified communications or signals, or transmit as the station call sign, any call sign not authorized to the station.

(b) The call sign must be transmitted with an emission authorized for the transmitting channel in one of the following ways:

(1) By a CW emission. When keyed by an automatic device used only for identification, the speed must not exceed 20 words per minute;

(2) By a phone emission in the English language. Use of a phonetic alphabet as an aid for correct station identification is encouraged;

(3) By a RTTY emission when all or part of the communications are transmitted in the same digital code as the station identification, or when the communications consist of a data emission transmitted on the VHF 6 m or shorter wavelength band;

(4) By an image emission conforming to the applicable transmission standards, either color or monochrome, of § 73.682(a) of the FCC Rules when all or part of the communications are transmitted in the same image emission; or

(5) By a CW or phone emission during SS emission transmission on a narrow bandwidth frequency segment. Alternatively, by the changing of one or more parameters of the emission so that a conventional CW or phone emission receiver can be used to determine the station call sign.

(c) An indicator may be included with the call sign. It must be separated from the call sign by the slant mark or by any suitable word that denotes the slant mark.

(d) When the operator license class held by the control operator exceeds that of the station licensee, an indicator consisting of the call sign assigned to the control operator's station must be included after the call sign.

(e) When the control operator is using privileges on the basis of holding a CSCE, an indicator must be included after the call sign as follows:

(1) KT for Technician Class operator;

(2) AG for General Class operator;

(3) AA for Advanced Class operator; or

(4) AE for Amateur Extra Class operator.

(f) When the station is transmitting under the authority of a reciprocal permit for alien amateur licensee, an indicator consisting of the appropriate letter-numeral designating the station location must be included before the call sign issued to the station by the licensing country. When the station is transmitting under the authority of an amateur service license issued by the

Government of Canada, a station location indicator must be included after the call sign. At least once during each intercommunication, the identification announcement must include the geographical location as nearly as possible by city and state, commonwealth or possession.

(g) A self-assigned indicator may be included after the call sign. The identifier must not conflict with any other indicator specified by the FCC Rules or by a prefix assigned to another country.

§ 97.121 Restricted operation.

(a) If the operation of an amateur station causes general interference to the reception of transmissions from stations operating in the domestic broadcast service when receivers of good engineering design, including adequate selectivity characteristics, are used to receive such transmissions, and this fact is made known to the amateur station licensee, the amateur station shall not be operated during the hours from 8 p.m. to 10:30 p.m., local time, and on Sunday for the additional period from 10:30 a.m. until 1 p.m., local time, upon the frequency or frequencies used when the interference is created.

(b) In general, such steps as may be necessary to minimize interference to stations operating in other services may be required after investigation by the FCC.

Subpart C—Special Operations

§ 97.201 Auxiliary station.

(a) Any amateur station licensed to a holder of a Technician, General, Advanced or Amateur Extra Class operator license may be an auxiliary station. A holder of a Technician, General, Advanced or Amateur Extra Class operator license may be the control operator of an auxiliary station, subject to the privileges of the class of operator license held.

(b) An auxiliary station may transmit only on the 1.25 m and shorter wavelength bands, except the 220.0–220.5 MHz, 431–433 MHz and 435–438 MHz segments.

(c) Where an auxiliary station causes harmful interference to another auxiliary station, the licensees are equally and fully responsible for resolving the interference unless one station's operation is recommended by a frequency coordinator and the other station's is not. In that case, the licensee of the non-coordinated auxiliary station has primary responsibilty to resolve the interference.

(d) An auxiliary station may be automatically controlled only when it is part of a system that includes a repeater station also being automatically controlled.

(e) An auxiliary station may transmit one-way communications.

§ 97.203 Beacon station.

(a) Any amateur station licensed to a holder of a Technician, General, Advanced or Amateur Extra Class operator license may be a beacon. A holder of a Technician, General, Advanced or Amateur Extra Class operator license may be the control operator of a beacon, subject to the privileges of the class of operator license held.

(b) A beacon must not concurrently transmit on more than 1 channel in the same amateur service frequency band, from the same station location.

(c) The transmitter power of a beacon must not exceed 100 W.

(d) A beacon may be automatically controlled while it is transmitting on the 28.20–28.30 MHz, 50.06–50.08 MHz, 144.05–144.06 MHz, 220.05–220.06 MHz, 222.05–222.06 MHz or 432.07–432.08 MHz segments, or on the 33 cm and shorter wavelength bands.

(e) Before establishing an automatically controlled beacon in the National Radio Quiet Zone or before changing the transmitting frequency, transmitter power, antenna height or directivity, the station licensee must give written notification thereof to the Interference Office, National Radio Astronomy Observatory, P.O. Box 2, Green Bank, WV 24944.

(1) The notification must include the geographical coordinates of the antenna, antenna ground elevation above mean sea level (AMSL), antenna center of radiation above ground level (AGL), antenna directivity, proposed frequency, type of emission, and transmitter power.

(2) If an objection to the proposed operation is received by the FCC from the National Radio Astronomy Observatory at Green Bank, Pocahontas County, WV, for itself or on behalf of the Naval Research Laboratory at Sugar Grove, Pendleton County, WV, within 20 days from the date of notification, the FCC will consider all aspects of the problem and take whatever action is deemed appropriate.

(f) A beacon must cease transmissions upon notification by an EIC that the station is operating improperly or causing undue interference to other operations. The beacon may not resume transmitting without prior approval of the EIC.

(g) A beacon may transmit one-way communications.

§ 97.205 Repeater station.

(a) Any amateur station licensed to a holder of a Technician, General, Advanced or Amateur Extra Class operator license may be a repeater. A holder of a Technician, General, Advanced or Amateur Extra Class operator license may be the control operator of a repeater, subject to the privileges of the class of operator license held.

(b) A repeater may receive and retransmit only on the 10 m and shorter wavelength frequency bands except the 28.0–29.5 MHz, 50.0–52.0 MHz, 144.0–144.5 MHz, 145.5–146.0 MHz, 220.0–220.5 MHz, 431.0–433.0 MHz and 435.0–438.0 MHz segments.

(c) Where the transmissions of a repeater cause harmful interference to another repeater, the two station licensees are equally and fully responsible for resolving the interference unless the operation of one station is recommended by a frequency coordinator and the operation of the other station is not. In that case, the licensee of the non-coordinated repeater has primary responsibility to resolve the interference.

(d) A repeater may be automatically controlled.

(e) Ancillary functions of a repeater that are available to users on the input channel are not considered remotely controlled functions of the station. Limiting the use of a repeater to only certain user stations is permissible.

(f) Before establishing a repeater in the National Radio Quiet Zone or before changing the transmitting frequency, tramsitter power, antenna height or directivity, or the location of an existing repeater, the station licensee must give written notification thereof to the Interference Office, National Radio Astronomy Observatory, P.O. Box 2, Green Bank, WV 24944.

(1) The notification must include the geographical coordinates of the station antenna, antenna ground elevation above mean sea level (AMSL), antenna center of radiation above ground level (AGL), antenna directivity, proposed frequency, type of emission, and transmitter power.

(2) If an objection to the proposed operation is received by the FCC from the National Radio Astronomy Observatory at Green Bank, Pocahontas County, WV, for itself or on behalf of the Naval Research Laboratory at Sugar Grove, Pendleton County, WV, within 20 days from the date of notification, the FCC will consider all aspects of the problem and take whatever action is deemed appropriate.

§ 97.207 Space station.

(a) Any amateur station licensed to a holder of an Amateur Extra Class operator license may be a space station. A holder of any class operator license may be the control operator of a space station, subject to the privileges of the class of operator license held by the control operator.

(b) A space station must be capable of effecting a cessation of transmissions by telecommand whenever such cessation is ordered by the FCC.

(c) The following frequency bands and segments are authorized to space stations:

(1) The 15 m, 12 m, 10 m, 6 mm, 4 mm, 2 mm and 1 mm bands; and

(2) The 7.0–7.1 MHz, 14.00–14.25 MHz, 144–146 MHz, 2400–2450 MHz, 3.40–3.41 GHz, 5.83–5.85 GHz, 10.45–10.50 GHz and 24.00–24.05 GHz segments.

(d) A space station may automatically retransmit the radio signals of Earth stations and other space stations.

(e) A space station may transmit one-way communications.

(f) Results of measurements made in the space station, including those related to the function of the station, transmitted by a space station may consist of specially coded messages intended to facilitate communications.

(g) The licensee of each space station must give two written, pre-space station notifications to the Private Radio Bureau, FCC, Washington, DC 20554. Each notification must be in accord with the provisions of Articles 11 and 13 of the Radio Regulations.

(1) The first notification is required no less than 27 months prior to initiating space station transmissions and must specify the information required by Appendix 4 and Resolution No. 642 of the Radio Regulations.

(2) The second notification is required no less than 5 months prior to initiating space station transmissions and must specify the information required by Appendix 3 and Resolution No. 642 of the Radio Regulations.

(h) The licensee of each space station must give a written, in-space station notification to the Private Radio Bureau, FCC, Washington, DC 20554, no later than 7 days following initiation of space station transmissions. The notification must update the information contained in the pre-space notification.

(i) The licensee of each space station must give a written, post-space station notification to the Private Radio Bureau, FCC, Washington, DC 20554, no later than 3 months after termination of the space station transmissions. When the termination is ordered by the FCC, notification is required no later than 24 hours after termination.

§ 97.209 Earth station.

(a) Any amateur station may be an Earth station. A holder of any class operator license may be the control operator of an Earth station, subject to the privileges of the class of operator license held by the control operator.

(b) The following frequency bands and segments are authorized to Earth stations:

(1) The 15 m, 12 m, 10 m, 6 mm, 4 mm, 2 mm and 1 mm bands; and

(2) The 7.0–7.1 MHz, 14.00–14.25 MHz, 144–146 MHz, 435–438 MHz, 1260–1270 MHz and 2400–2450 MHz, 3.40–3.41 GHz, 5.65–5.67 GHz, 10.45–10.50 GHz and 24.00–24.05 GHz segments.

§ 97.211 Telecommand station.

(a) Any amateur station designated by the licensee of a space station is eligible to transmit as a telecommand station for that space station, subject to the privileges of the class of operator license held by the control operator.

(b) A telecommand station may transmit special codes intended to obscure the meaning of telecommand messages to the station in space operation.

(c) The following frequency bands and segments are authorized to telecommand stations:

(1) The 15 m, 12 m and 10 m bands, 6 mm, 4 mm, 2 mm and 1 mm bands; and

(2) The 7.0–7.1 MHz, 14.00–14.25 MHz, 144–146 MHz, 435–438 MHz, 1260–1270 MHz and 2400–2450 MHz, 3.40–3.41 GHz, 5.65–5.67 GHz, 10.45–10.50 GHz and 24.00–24.05 GHz segments.

(d) A telecommand station may transmit one-way communications.

§ 97.213 Remote control of a station.

An amateur station may be remotely controlled where:

(a) There is a radio or wireline control link between the control point and the station sufficient for the control operator to perform his/her duties. If radio, the control link must use an auxiliary station. A control link using a fiber optic cable or another telecommunication service is considered wireline.

(b) Provisions are incorporated to limit transmission by the station to a period of no more than 3 minutes in the event of malfunction in the control link.

(c) The station is protected against making, willfully or negligently, unauthorized transmissions.

(d) A photocopy of the station license and a label with the name, address, and telephone number of the station licensee and at least one designated control operator is posted in a conspicuous place at the station location.

§ 97.215 Remote control of model craft.

An amateur station transmitting signals to control a model craft may be operated as follows:

(a) The station identification procedure is not required for transmissions directed only to the model craft, provided that a label indicating the station call sign and the station licensee's name and address is affixed to the station transmitter.

(b) The control signals are not considered codes or ciphers intended to obscure the meaning of the communication.

(c) The transmitter power must not exceed 1 W.

Subpart D—Technical Standards

§ 97.301 Authorized frequency bands.

The following transmitting frequency bands are available to an amateur station located within 50 km of the Earth's surface, within the specified ITU Region and outside any area where the amateur service is regulated by another country or another United States government agency.

(a) For a station having a control operator holding a Technician, General, Advanced or Amateur Extra Class operator license:

Wavelength band	ITU—Region 1	ITU—Region 2	ITU—Region 3	Sharing requirements see § 97.303 (Paragraph)
VHF	MHz	MHz	MHz	
6 m		50–54	50–54	(a)
2 m	144–146	144–148	144–148	(a).
1.25 m		220–225		(a), (b), (e).
UHF	MHz	MHz	MHz	
70 cm	430–440	420–450	430–440	(a), (b), (f).

Wavelength band	ITU—Region 1	ITU—Region 2	ITU—Region 3	Sharing requirements see § 97.303 (Paragraph)
33 cm		902–928		(a), (b), (g).
23 cm	1240–1300	1240–1300	124–1300	(j).
13 cm	2300–2310	2300–2310	2300–2310	(a), (b), (j).
do	2390–2450	2390–2450	2390–2450	(a), (b), (j).
SHF	GHz	GHz	GHz	
9 cm		3.3–3.5	3.3–.5	(a), (b), (k), (l).
5 cm	5.650–5.850	5.650–5.925	5.650–5.850	(a), (b), (m).
3 cm	10.00–10.50	10.00–10.50	10.00–10.50	(a), (c), (i), (n).
1.2 cm	24.00–24.25	24.00–24.25	24.00–24.25	(a), (b), (i), (o).
EHF	GHz	GHz	GHz	
6 mm	47.0–47.2	47.0–47.2	47.0–47.2	
4 mm	75.5–81.0	75.5–81.0	75.5–81.0	(b), (c), (h).
2.5 mm	119.98–120.02	119.98–120.02	119.98–120.02	(k), (p).
2 mm	142–149	142–149	142–149	(b), (c), (h), (k).
1 mm	241–250	241–250	241–250	(b), (c), (h), (q).
	above 300	above 300	above 300	(k).

(b) For a station having a control operator holding an Amateur Extra Class operator license:

Wavelength band	ITU—Region 1	ITU—Region 2	ITU—Region 3	Sharing requirements. See § 97.303 (Paragraph)
MF	kHz	kHz	kHz	
160 m	1810–1850	1800–2000	1800–2000	(a), (b), (c).
HF	MHz	MHz	MHz	
80 m	3.50–3.75	3.50–3.75	3.50–3.75	(a).
75 m	3.75–3.80	3.75–4.00	3.75–3.90	(a).
40 m	7.0–7.1	7.0–7.3	7.0–7.1	(a).
30 m	10.10–10.15	10.10–10.15	10.10–10.15	(d).
20 m	14.00–14.35	14.00–14.35	14.00–14.35	
17 m	18.068–18.168	18.068–18.168	18.068–18.168	
15 m	21.00–21.45	21.00–21.45	21.00–21.45	
12 m	24.89–24.99	24.89–24.99	24.89–24.99	
10 m	28.0–29.7	28.0–29.7	28.0–29.7	

(c) For a station having a control operator holding an Advanced Class operator license:

Wavelength band	ITU—Region 1	ITU—Region 2	ITU—Region 3	Sharing requirements See § 97.303, (Paragraph)
MF	kHz	kHz	kHz	
160 m	1810–1850	1800–2000	1800–2000	(a), (b), (c).
HF	MHz	MHz	MHz	
80 m	3.525–3.750	3.525–3.750	3.525–3.750	(a).
75 m	3.775–3.800	3.775–4.000	3.775–3.900	(a).
40 m	7.025–7.100	7.025–7.300	7.025–7.100	(a).
30 m	10.10–10.15	10.10–10.15	10.10–10.15	(d).
20 m	14.025–14.150	14.025–14.150	14.025–14.150	
Do	14.175–14.350	14.175–14.350	14.175–14.350	
17 m	18.068–18.168	18.068–18.168	18.068–18.168	
15 m	21.025–21.200	21.025–21.200	21.025–21.200	
Do	21.30–21.45	21.30–21.45	21.30–21.45	
12 m	24.89–24.99	24.89–24.99	24.89–24.99	
10 m	28.0–29.7	28.0–29.7	28.0–29.7	

(d) For a station having a control operator holding a General Class operator license:

Wavelength band	ITU–Region 1	ITU–Region 2	ITU–Region 3	Sharing requirements. See § 97.303 (Paragraph)
MF	kHz	kHz	kHz	
160 m	1810–1850	1800–2000	1800–2000	(a), (b), (c).

Wavelength band	ITU-Region 1	ITU-Region 2	ITU-Region 3	Sharing requirements. See § 97.303 (Paragraph)
HF	MHz	MHz	MHz	
80 m	3.525-3.750	3.525-3.750	3.525-3.750	(a).
75 m		3.85-4.00		(a).
40 m	7.025-7.100	7.025-7.100	7.025-7.100	(a).
Do		7.225-7.300		(a).
30 m	10.10-10.15	10.10-10.15	10.10-10.15	(d).
20 m	14.025-14.150	14.025-14.150	14.025-14.150	
Do	14.225-14.350	14.225-14.350	14.225-14.350	
17 m	18.068-18.168	18.068-18.168	18.068-18.168	
15 m	21.025-21.200	21.025-21.200	21.025-21.100	
Do	21.30-21.45	21.30-21.45	21.30-21.45	
12 m	24.89-24.99	24.89-24.99	24.89-24.99	
10 m	28.0-29.7	28.0-29.7	28.0-29.7	

(e) For a station having a control operator holding a Technician or Novice Class operator license:

Wavelength band	ITU—Region 1	ITU—Region 2	ITU—Region 3	Sharing requirements. See § 97.303 (Paragraph)
HF	MHz	MHz	MHz	
80 m	3.70-3.75	3.70-3.75	3.70-3.75	(a).
40 m	7.050-7.075	7.10-7.15	7.050-7.075	(a).
15 m	21.10-21.20	21.10-21.20	21.10-21.20	
10 m	28.1-28.5	28.1-28.5	28.1-28.5	

(f) For a station having a control operator holding a Novice Class operator license:

Wavelength band	ITU-Region 1	ITU-Region 2	ITU-Region 3	Sharing requirements. See § 97.303 (Paragraph)
VHF	MHz	MHz	MHz	
1.25 m		222.10-223.91		(a), (b), (e).
UHF	MHz	MHz	MHz	
23 cm	1270-1295	1270-1295	1270-1295	(i).

§ 97.303 Frequency sharing requirements.

The following is a summary of the frequency sharing requirements that apply to amateur station transmissions on the frequency bands specified in § 97.301 of this Part. (For each ITU Region, each frequency band allocated to the amateur service is designated as either a secondary service or a primary service. A station in a secondary service must not cause harmful interference to, and must accept interference from, stations in a primary service. See §§ 2.105 and 2.106 of the FCC Rules, *United States Table of Frequency Allocations* for complete requirements.)

(a) Where, in adjacent ITU Regions or Subregions, a band of frequencies is allocated to different services of the same category, the basic principle is the equality of right to operate. The stations of each service in one region must operate so as not to cause harmful interference to services in the other Regions or Subregions. (See ITU *Radio Regulations*, No. 346 (Geneva, 1979).)

(b) No amateur station transmitting in the 1900–2000 kHz segment, the 1.25 m band, the 70 cm band, the 33 cm band, the 13 cm band, the 9 cm band, the 5 cm band, the 3 cm band, the 24.05–24.24 GHz segment, the 76–81 GHz segment, the 144–149 GHz segment and the 241–248 GHz segment shall cause harmful interference to, nor is protected from interference due to the operation of, the Government radiolocation service.

(c) No amateur station transmitting in the 1900–2000 kHz segment, the 3 cm band, the 76–81 GHz segment, the 144–149 GHz segment and the 241–248 GHz segment shall cause harmful interference to, nor is protected from interference due to the operation of, stations in the non-Government radiolocation service.

(d) No amateur station transmitting in the 30 meter band shall cause harmful interference to stations authorized by other nations in the fixed service. The licensee of the amateur station must make all necessary adjustments, including termination of transmissions, if harmful interference is caused.

(e) The 1.25 m band is allocated to the amateur, fixed and mobile services in the United States on a co-primary basis. The basic principle that applies is the equality of right to operate. Amateur, fixed and mobile stations must operate so as not to cause harmful interference to each other.

(f) In the 70 cm band:

(1) No amateur station shall transmit from north of Line A in the 420–430 MHz segment.

(2) The 420–430 MHz segment is allocated to the amateur service in the United States on a secondary basis, and is allocated in the fixed and mobile (except aeronautical mobile) services in the International Table of allocations on a primary basis. No amateur station transmitting in this band shall cause harmful interference to, nor is protected from interference due to the operation of, stations authorized by other nations in the fixed and mobile (except aeronautical mobile) services.

(3) The 430–440 MHz segment is allocated to the amateur service on a secondary basis in ITU Regions 2 and 3. No amateur station transmitting in this band in ITU Regions 2 and 3 shall cause

harmful interference to, nor is protected from interference due to the operation of, stations authorized by other nations in the radiolocation service. In ITU Region 1, the 430–440 MHz segment is allocated to the amateur service on a co-primary basis with the radiolocation service. As between these two services in this band in ITU Region 1, the basic principle that applies is the equality of right to operate. Amateur stations authorized by the United States and radiolocation stations authorized by other nations in ITU Region 1 shall operate so as not to cause harmful interference to each other.

(4) No amateur station transmitting in the 449.5–450 MHz segment shall cause interference to, nor is protected from itnerference due to the operation of stations in, the space operation service and the space research service or Government or non-Government stations for space telecommand.

(g) In the 33 cm band:

(1) No amateur station shall transmit from within the States of Colorado and Wyoming, bounded on the south by latitude 39°N., on the north by latitude 42°N., on the east by longitude 105°W., and on the west by longitude 108°W. This band is allocated on a secondary basis to the amateur service subject to not causing harmful interference to, and not receiving protection from any interference due to the operation of, industrial, scientific and medical devices, automatic vehicle monitoring systems or Government stations authorized in this band.

(2) No amateur station shall transmit from those portions of the States of Texas and New Mexico bounded on the south by latitude 31°41′N., on the north by latitude 34°30′N., on the east by longitude 104°11′W., and on the west by longitude 107°30′W.

(h) No amatuer station transmitting in the 23 cm band, the 3 cm band, the 24.05–24.25 GHz segment, the 76–81 GHz segment, the 144–149 GHz segment and the 241–248 GHz segment shall cause harmful interference to, nor is protected from interference due to the operation of, stations authorized by other nations in the radiolocation service.

(i) In the 1240–1260 MHz segment, no amateur station shall cause harmful interference to, nor is protected from interference due to the operation of, stations in the radionavigation-satellite service.

(j) In the 13 cm band:

(1) The amateur service is allocated on a secondary basis in all ITU Regions. In ITU Region 1, no amateur station shall cause harmful interference to, and is not protected from interference due to the operation of, stations authorized by other nations in the fixed service. In ITU Regions 2 and 3, no station shall cause harmful interference to, and is not protected from interference due to the operation of, stations authorized by other nations in the fixed, mobile and radiolocation services.

(2) In the United States, 2300–2310 MHz segment is allocated to the amateur service on a co-secondary basis with the Government fixed and mobile services. In this segment, the fixed and mobile services must not cause harmful interference to the amateur service. No amateur station transmitting in the 2400–2450 MHz segment is protected from interference due to the operation of industrial, scientific and medical devices on 2450 MHz.

(k) No amateur station transmitting in the 3.332–3.339 GHz and 3.3458–3525 GHz segments, the 2.5 mm band, the 144.68–144.98 GHz, 145.45–145.75 and 146.82–147.12 GHz segments and the 343–348 GHz segment shall cause harmful interference to stations in the radio astronomy service. No amateur station transmitting in the 300–302 GHz, 324–326 GHz, 345–347 GHz, 363–365 GHz and 379–381 GHz segments shall cause harmful interference to stations in the space research service (passive) or Earth exploration-satellite service (passive).

(l) In the 9 cm band:

(1) In ITU Regions 2 and 3, the band is allocated to the amateur service on a secondary basis.

(2) In the United States, the band is allocated to the amateur service on a co-secondary basis with the non-Government radiolocation service.

(3) In the 3.3–3.4 GHz segment, no amateur station shall cause harmful interference to, nor is protected from interference due to the operation of, stations authorized by other nations in the radiolocation service.

(4) In the 3.4–3.5 GHz segment, no amateur station shall cause harmful interference to, nor is protected from interference due to the operation of, stations authorized by other nations in the fixed and fixed-satellite service.

(m) In the 5 cm band:

(1) In the 5.650–5.725 GHz segment, the amateur service is allocated in all ITU Regions on a co-secondary basis with the space research (deep space) service.

(2) In the 5.725–5.850 GHz segment, the amateur service is allocated in all ITU Regions on a secondary basis. No amateur station shall cause harmful interference to, nor is protected from interference due to the operation of, stations authorized by other nations in the fixed-satellite service in ITU Region 1.

(3) No amateur station transmitting in the 5.725–5.875 GHz segment is protected from interference due to the operation of industrial, scientific and medical devices operating on 5.8 GHz.

(4) In the 5.650–5.850 GHz segment, no amateur station shall cause harmful interference to, nor is protected from interference due to the operation of, stations authorized by other nations in the radiolocation service.

(5) In the 5.850–5.925 GHz segment, the amateur service is allocated in ITU Region 2 on a co-secondary basis with the radiolocation service. In the United States, the segment is allocated to the amateur service on a secondary basis to the non-Government fixed-satellite service. No amateur station shall cause harmful interference to, nor is protected from interference due to the operation of, stations authorized by other nations in the fixed, fixed-satellite and mobile services. No amateur station shall cause harmful interference to, nor is protected from interference due to the operation of, stations in the non-Government fixed-satellite service.

(n) In the 3 cm band:

(1) In the United States, the 3 cm band is allocated to the amateur service on a co-secondary basis with the non-government radiolocation service.

(2) In the 10.00–10.45 segment in ITU Regions 1 and 3, no amateur station shall cause interference to, nor is protected from interference due to the operation of, stations authorized by other nations in the fixed and mobile services.

(o) No amateur station transmitting in the 1.2 cm band is protected from interference due to the operation of industrial, scientific and medical devices on 24.125 GHz. In the United States, the 24.05–24.25 GHz segment is allocated to the amateur service on a co-secondary basis with the non-government radiolocation and Government and non-government Earth exploration-satellite (active) services.

(p) The 2.5 mm band is allocated to the amateur service on a secondary basis. No amateur station transmitting in this band shall cause harmful interference to, nor is protected from interference due to the operation of, stations in the fixed, inter-satellite and mobile services.

(q) No amateur station transmitting in the 244–246 GHz segment of the 1 mm band is protected from interference due to the operation of industrial, scientific and medical devices on 245 GHz.

§ 97.305 Authorized emission types.

(a) An amateur station may transmit a CW emission on any frequency authorized to the control operator.

(b) A station may transmit a test emission on any frequency authorized to the control operator for brief periods for experimental purposes, except that no pulse modulation emission may be transmitted on any frequency where pulse is not specifically authorized.

(c) A station may transmit the following emission types on the frequencies indicated, as authorized to the control operator, subject to the standards specified in § 97.307(f) of this Part.

Wavelength band	Frequencies	Emission types authorized	Standards see § 97.307(f), paragraph:
MF:			
160 m	Entire band	Phone image, RTTY, data	(1), (2), and (3).
HF:			
80 m	Entire band	RTTY, data	(3), (9).
75 m	Entire band	Phone, image	(1), (2).
40 m	7.000–7.075 MHz	RTTY, data	(c), (9).
40 m	7.075–7.100 MHz	Phone, image	(1), (2), (9) and (11).
40 m	7.10–7.15 MHz	RTTY, data	(1), (9).
40 m	7.15–7.30 MHz	Phone, image	(1), (2).
30 m	Entire band	RTTY, data	(3).
20 m	14.00–14.15 MHz	RTTY, data	(3).
20 m	14.15–14.35 MHz	Phone, image	(1), (2).
17 m	18.068–18.110 MHz	RTTY, data	(3).
17 m	18.110–18.168 MHz	Phone, image	(1), (2).
15 m	21.0–21.2 MHz	RTTY, data	(3), (9).
15 m	21.20–21.45 MHz	Phone, image	(1), (2).
12 m	24.89–24.93 MHz	RTTY, data	(3).
12 m	24.93–24.99 MHz	Phone, image	(1), (2).
10 m	28.0–28.3 MHz	RTTY, data	(4).
10 m	28.3–29.5 MHz	Phone, image	(1), (2), and (10).
10 m	28.5–29.0 MHz	Phone, image	(1), (2).
10 m	29.0–29.7 MHz	Phone, image	(1).
VHF:			
6 m	50.1–51.0 MHz	MCW, phone, image, RTTY, data	(2), (5).
6 m	51.0–54.0 MHz	MCW, phone, image, RTTY, data, test	(2), (5), and (8).
2 m	144.1–148.0 MHz	MCW, phone, image, RTTY, data, test	(2), (5), and (8).
1.25 m	Entire band	MCW, phone, image, RTTY, data, test	(2), (5), and (8).
70 m	Entire band	MCW, phone, image, RTTY, data, test	(6), (8).
33 m	Entire band	MCW, phone, image, RTTY, data, test, pulse	(7), (8), and (12).
23 m	Entire band	MCW, phone, image, RTTY, data, SS, test	(7), (8), and (12).
13 m	Entire band	MCW, phone, image, RTTY, data, SS, test, pulse	(7), (8), and (12).
SHF:			
9 m	Entire band	MCW, phone, image, RTTY, data, SS, test, pulse	(7), (8), and (12).
5 m	Entire band	MCW, phone, image, RTTY, data, SS, test, pulse	(7), (8), and (12).
3 m	Entire band	MCW, phone, image, RTTY, data, SS, test	(7), (8), and (12).
1.2 m	Entire band	MCW, phone, image, RTTY, data, SS, test, pulse	(7), (8), and (12).
EHF:			
6 m	Entire band	MCW, phone, image, RTTY, data, SS, test, pulse	(7), (8), and (12).
4 m	Entire band	MCW, phone, image, RTTY, data, SS, test, pulse	(7), (8), and (12).
2.5 m	Entire band	MCW, phone, image, RTTY, data, SS, test, pulse	(7), (8), and (12).
2 m	Entire band	MCW, phone, image, RTTY, data, SS, test, pulse	(7), (8), and (12).
1 m	Entire band	MCW, phone, image, RTTY, data, SS, test, pulse	(7), (8), and (12).
—	Above 300 GHz	MCW, phone, image, RTTY, data, SS, test, pulse	(7), (8), and (12).

§ 97.307 Emission standards.

(a) No amateur station transmission shall occupy more bandwidth than necessary for the information rate and emission type being transmitted, in accordance with good amateur practice.

(b) Emissions resulting from modulation must be confined to the band or segment available to the control operator. Emissions outside the necessary bandwidth must not cause splatter or keyclick interference to operations on adjacent frequencies.

(c) All spurious emissions from a station transmitter must be reduced to the greatest extent practicable. If any spurious emission, including chassis or power line radiation, causes harmful interference to the reception of another radio station, the licensee of the interfering amateur station is required to take steps to eliminate the interference, in accordance with good engineering practice.

(d) The mean power of any spurious emission from a station transmitter or external RF power amplifier transmitting on a frequency below 30 MHz must not exceed 50 mW and must be at least 40 dB below the mean power of the fundamental emission. For a transmitter of mean power less than 5 W, the attenuation must be at least 30 dB. A transmitter built before April 15, 1977, or first marketed before January 1, 1978, is exempt from this requirement.

(e) The mean power of any spurious emission from a station transmitter or external RF power amplifier transmitting on a frequency between 30–225 MHz must be at least 60 dB below the mean power of the fundamental. For a transmitter having a mean power of 25 W or less, the mean power of any spurious emission supplied to the antenna transmission line must not exceed 25 μW and must be at least 40 dB below the mean power of the fundamental emission, but need not be reduced below the power of 10 μW. A transmitter built before April 15, 1977, or first marketed before January 1, 1978, is exempt from this requirement.

(f) The following standards and limitations apply to transmissions on the frequencies specified in § 97.305(c) of this Part.

(1) No angle-modulated emission may have a modulation index greater than 1 at the highest modulation frequency.

(2) No non-phone emission shall exceed the bandwidth of a communications quality phone emission of the same modulation type. The total bandwidth of an independent sideband emission (having B as the first symbol), or a multiplexed image and phone emission, shall not exceed that of a communications quality A3E emission.

(3) Only a RTTY or date emission using a specified digital code listed in § 97.309(a) of this Part may be transmitted. The symbol rate must not exceed 300 bauds, or for frequency-shift keying, the frequency shift between mark and space must not exceed 1 kHz.

(4) Only a RTTY or data emission using a specified digital code listed in § 97.309(a) of this Part may be transmitted. The symbol rate must not exceed 1200 bauds, or for frequency-shift keying, the frequency shift between mark and space must not exceed 1 kHz.

(5) A RTTY, data or multiplexed emission using a specified digital code listed in § 97.309(a) of this Part may be transmitted. The symbol rate must not exceed 19.6 kilobauds. For frequency-shift keying, the frequency shift between mark and space must not exceed 1 kHz. A RTTY, data or multiplexed emission using an unspecified digital code under the limitations listed in § 97.309(b) of this Part also may be transmitted. The authorized bandwidth is 20 kHz.

(6) A RTTY, data or multiplexed emission using a specified digital code listed in § 97.309(a) of this Part may be transmitted. The symbol rate must not exceed 56 kilobauds. For frequency-shift keying, the frequency shift between mark and space must not exceed 1 kHz. A RTTY, data or multiplexed emission using an unspecified digital code under the limitations listed in § 97.309(b) of this Part also may be transmitted. The authorized bandwidth is 100 kHz.

(7) A RTTY, data or multiplexed emission using a specified digital code listed in § 97.309(a) of this Part or an unspecified digital code under the limitations listed in § 97.309(b) of this Part may be transmitted.

(8) A RTTY or data emission having designators with A, B, C, D, E, F, G, H, J or R as the first symbol; 1, 2, 7 or 9 as the second symbol; and D or W as the third symbol is also authorized.

(9) A station having a control operator holding a Novice or Technician Class operator license may only transmit a CW emission using the international Morse code.

(10) A station having a control operator holding a Novice or Technician Class operator license may only transmit a CW emission using the international Morse code or phone emissions J3E and R3E.

(11) Phone and image emissions may be transmitted only by stations located in ITU Regions 1 and 3, and by stations located within ITU Region 2 that are west of 130° West longitude or south of 20° North latitude.

(12) Emission F8E may be transmitted.

§ 97.309 RTTY and digital emission codes.

(a) Where authorized by §§ 97.305(c) and 97.307(f) of this Part, an amateur station may transmit a RTTY or data emission using the following specified digital codes:

(1) The 5-unit, start-stop, International Telegraph Alphabet No. 2, code defined in International Telegraph and Telephone Consultative Committee Recommendation F.1, Division C, and extensions as provided for in CCITT Recommendation T.61 (Malaga-Torremolinos, 1984).

(2) The 7-unit code specified in International Radio Consultative Committee Recommendation CCIR 476–1 (1978) 476–3 (1982), 476–4 (1986) or 625 (1986).

(3) The 7-unit code defined in American National Standards Institute X3.4–1977 or International Alphabet No. 5 as defined in International Telegraph and Telephone Consultative Committee Recommendation T.50 or in International Organization for Standardization, International Standard ISO 646 (1983).

(b) Where authorized by §§ 97.305(c) and 97.307(f) of this Part, a station may transmit a RTTY or data emission using an unspecified digital code, except to a station in a country with which the United States does not have an agreement permitting the code to be used. RTTY and data emissions using unspecified digital codes must not be transmitted for the purpose of obscuring the meaning of any communication. When deemed necessary by an EIC to assure compliance with the FCC Rules, a station must:

(1) Cease the transmission using the unspecified digital code;

(2) Restrict transmissions of any digital code to the extent instructed;

(3) Maintain a record, convertible to the original information, of all digital communications transmitted.

§ 97.311 SS emission types.

(a) SS emission transmissions by an amateur station are authorized only for communications between points within areas where the amateur service is regulated by the FCC. SS emission transmissions must not be used for the purpose of obscuring the meaning of any communication.

(b) Stations transmitting SS emission must not cause harmful interference to stations employing other authorized emissions, and must accept all interference caused by stations employing other authorized emissions. For the purposes of this paragraph, unintended triggering of carrier operated repeaters is not considered to be harmful interference.

(c) Only the following types of SS emission transmissions are authorized (hybrid SS emissions transmissions involving both spreading techniques are prohibited):

(1) Frequency hopping where the carrier of the transmitted signal is modulated with unciphered information and changes frequency at fixed intervals under the direction of a high speed code sequence.

(2) Direct sequence where the information is modulo–2 added to a high speed code sequence. The combined information and code are then used to modulate the RF carrier. The high speed code sequence dominates the modulation function, and is the direct cause of the wide spreading of the transmitted signal.

(d) The only spreading sequences that are authorized are from the output of one binary linear feedback shift register (which may be implemented in hardware or software).

(1) Only the following sets of connections may be used:

Number of stages in shift register	Taps used in feedback
7	7,1.
13	13,4, 3, and 1.
19	19, 5, 2, and 1.

(2) The shift register must not be reset other than by its feedback during an individual transmission. The shift register output sequence must be used without alteration.

(3) The output of the last stage of the binary linear feedback shift register must be used as follows:

(i) For frequency hopping transmissions using x frequencies, n consecutive bits from the shift register must be used to select the next frequency from a list of frequencies sorted in ascending order. Each consecutive frequency must be selected by a consecutive block of n bits. (Where n is the smallest integer greater than $\log_2 x$.)

(ii) For direct sequence transmissions using m-ary modulation, consecutive blocks of $\log_2 m$ bits from the shift register must be used to select the transmitted signal during each interval.

(e) The station records must document all SS emission transmissions and must

be retained for a period of 1 year following the last entry. The station records must include sufficient information to enable the FCC, using the information contained therein, to demodulate all transmissions. The station records must contain at least the following:

(1) A technical description of the transmitted signal;

(2) Pertinent parameters describing the transmitted signal including the frequency or frequencies of operation and, where applicable, the chip rate, the code rate, the spreading function, the transmission protocol(s) including the method of achieving sychronization, and the modulation type;

(3) A general description of the type of information being conveyed, (voice, text, memory dump, facsimile, television, etc.);

(4) The method and, if applicable, the frequency or frequencies used for station identification; and

(5) The date of beginning and the date of ending use of each type of transmitted signal.

(f) When deemed necessary by an EIC to assure compliance with this Part, a station licensee must:

(1) Cease SS emission transmissions;

(2) Restrict SS emission transmissions to the extent instructed; and

(3) Maintain a record, convertible to the original information (voice, text, image, etc.) of all spread spectrum communications transmitted.

(g) The transmitter power must not exceed 100 W.

§ 97.313 Transmitter power standards.

(a) An amateur station must use the minimum transmitter power necessary to carry out the desired communications.

(b) No station may transmit with a transmitter power exceeding 1.5 kW PEP. Until June 2, 1990, a station transmitting emission A3E is exempt from this requirement provided the power input (both RF and direct current) to the final amplifying stage supplying RF power to the antenna feed line does not exceed 1 kW, exclusive of power for heating the cathodes of vacuum tubes.

(c) No station may transmit with a transmitter power exceeding 200 W PEP on:

(1) The 3.70–3.75 MHz, 7.10–7.15 MHz, 10.10–10.15 MHz and 21.1–21.2 MHz segments;

(2) The 28.1–28.5 MHz segment when the control operator is a Novice or Technician operator; or

(3) The 7.050–7.075 MHz segment when the station is within ITU Regions 1 or 3.

(d) No station may transmit with a transmitter power exceeding 25 W PEP on the VHF 1.25 m band when the control operator is a Novice operator.

(e) No station may transmit with a transmitter power exceeding 5 W PEP on the UHF 23 cm band when the control operator is a Novice operator.

(f) No station may transmit with a transmitter power exceeding 50 W PEP on the UHF 70 cm band from an area specified in footnote US7 to § 2.106 of the FCC Rules, unless expressly authorized by the FCC after mutual agreement, on a case-by-case basis, between the EIC of the applicable field facility and the military area frequency coordinator at the applicable military base. An Earth station or telecommand station, however, may transmit on the 435–438 MHz segment with a maximum of 611 W effective radiated power (1 kW equivalent isotropically radiated power) without the authorization otherwise required. The transmitting antenna elevation angle between the lower half-power (−3 dB relative to the peak or antenna bore sight) point and the horizon must always be greater than 10°.

(g) No station may transmit with a transmitter power exceeding 50 W PEP on the 33 cm band from within 241 km of the boundaries of the White Sands Missile Range. Its boundaries are those portions of Texas and New Mexico bounded on the south by latitude 31° 41′ North, on the east by longitude 104° 11′ West, on the north by latitude 34° 30′ North, and on the west by longitude 107° 30′ West.

§ 97.315 Type acceptance of external RF power amplifiers.

(a) No more than 1 unit of 1 model of an external RF power amplifier capable of operation below 144 MHz may be constructed or modified during any calendar year by an amateur operator for use at a station without a grant of type acceptance. No amplifier capable of operation below 144 HMz may be constructed or modified by a non-amateur operator without a grant of type acceptance from the FCC.

(b) Any external RF power amplifier or external RF power amplifier kit (see § 2.815 of the FCC Rules), manufactured, imported or modified for use in a station or attached at any station must be type accepted for use in the amateur service in accordance with Subpart J of Part 2 of the FCC Rules. This requirement does not apply if one or more of the following conditions are met:

(1) The amplifier is not capable of operation on frequencies below 144 HMz. For the purpose of this part, an amplifier will be deemed to be incapable of operation below 144 HMz if it is not capable of being easily modified to increase its amplification characteristics below 120 MHz and either:

(i) The mean output power of the amplifier decreases, as frequency decreases from 144 HMz, to a point where 0 dB or less gain is exhibited at 120 MHz; or

(ii) The amplifier is not capable of amplifying signals below 120 MHz even for brief periods without sustaining permanent damage to its amplification circuitry.

(2) The amplifier was manufactured before April 28, 1978, and has been issued a marketing waiver by the FCC, or the amplifier was purchased before April 28, 1978, by an amateur operator for use at that amateur operator's station.

(3) The amplifier was:

(i) Constructed by the licensee, not from an external RF power amplifier kit, for use at the licensee's station; or

(ii) Modified by the licensee for use at the licensee's station.

(4) The amplifier is sold by an amateur operator to another amateur operator or to a dealer.

(5) The amplifier is purchased in used condition by an equipment dealer from an amateur operator and the amplifier is further sold to another amateur operator for use at that operator's station.

(c) A list of type accepted equipment may be inspected at FCC headquarters in Washington, DC, or at any FCC field location. Any external RF power amplifier appearing on this list as type accepted for use in the amateur service may be marketed for use in the amateur service.

§ 97.317 Standards for type acceptance of external RF power amplifiers.

(a) To receive a grant of type acceptance, the amplifier must satisfy the spurious emission standards of § 97.307(d) or (e) of this Part, as applicable, when the amplifier is:

(1) Operated at its full output power;

(2) Placed in the "standby" or "off" positions, but still connected to the transmitter; and

(3) Driven with at least 50 W mean RF input power (unless higher drive level is specified.)

(b) To receive a grant of type acceptance, the amplifier must not be capable of operation on any frequency or frequencies between 24 MHz and 35 MHz. The amplifier will be deemed incapable of such operation if it:

(1) Exhibits no more than 6 dB gain between 24 MHz and 26 MHz and between 28 MHz and 35 MHz. (This gain will be determined by the ratio of the

input RF driving signal (mean power measurement) to the mean RF output power of the amplifier); and

(2) Exhibits no amplification (0 dB gain) between 26 MHz and 28 MHz.

(c) Type acceptance may be denied when denial would prevent the use of these amplifiers in services other than the amateur service. The following features will result in dismissal or denial of an application for type acceptance:

(1) Any accessible wiring which, when altered, would permit operation of the amplifier in a manner contrary to the FCC Rules;

(2) Circuit boards or similar circuitry to facilitate the addition of components to change the amplifier's operating characteristics in a manner contrary to the FCC Rules;

(3) Instructions for operation or modification of the amplifier in a manner contrary to FCC Rules;

(4) Any internal or external controls or adjustments to facilitate operation of the amplifier in a manner contrary to the FCC Rules;

(5) Any internal RF sensing circuitry or any external switch, the purpose of which is to place the amplifier in the transmit mode;

(6) The incorporation of more gain in the amplifier than is necessary to operate in the amateur service; for purposes of this paragraph, the amplifer must:

(i) Not be capable of achieving designed output power when driven with less than 40 W mean RF input power;

(ii) Not be capable of amplifying the input RF driving signal by more than 15 dB, unless the amplifier has a designed transmitter power of less than 1.5 kW (in such a case, gain must be reduced by the same number of dB as the transmitter power relationship to 1.5 kW; This gain limitation is determined by the ratio of the input RF driving signal to the RF output power of the amplifier where both signals are expressed in peak envelope power or mean power);

(iii) Not exhibit more gain than permitted by paragraph (c)(6)(ii) of this Section when driven by an RF input signal of less than 50 W mean power; and

(iv) Be capable of sustained operation at its designed power level;

(7) Any attenuation in the input of the amplifier which, when removed or modified, would permit the amplifier to function at its designed transmitter power when driven by an RF frequency input signal of less than 50 W mean power; or

(8) Any other features designed to facilitate operation in a telecommunication service other than the Amateur Radio Services, such as the Citizens Band (CB) Radio Service.

Subpart E—Providing Emergency Communications

§ 97.401 Operation during a disaster.

(a) When normal communication systems are overloaded, damaged or disrupted because a disaster has occurred, or is likely to occur, in an area where the amateur service is regulated by the FCC, an amateur station may make transmissions necessary to meet essential communication needs and facilitate relief actions.

(b) When normal communication systems are overloaded, damaged or disrupted because a natural disaster has occurred, or is likely to occur, in an area where the amateur service is not regulated by the FCC, a station assisting in meeting essential communication needs and facilitating relief actions may do so only in accord with ITU Resolution No. 640 (Geneva, 1979). The 80 m, 75 m, 40 m, 30 m, 20 m, 17 m, 15 m, 12 m, and 2 m bands may be used for these purposes.

(c) When a disaster disrupts normal communication systems in a particular area, the FCC may declare a temporary state of communication emergency. The declaration will set forth any special conditions and special rules to be observed by stations during the communication emergency. A request for a declaration of a temporary state of emergency should be directed to the EIC in the area concerned.

(d) A station in, or within 92.6 km of, Alaska may transmit emissions J3E and R3E on the channel at 5.1675 Mhz for emergency communications. The channel must be shared with stations licensed in the Alaska-private fixed service. The transmitter power must not exceed 150 W.

§ 97.403 Safety of life and protection of property.

No provision of these rules prevents the use by an amateur station of any means of radiocommunication at its disposal to provide essential communication needs in connection with the immediate safety of human life and immediate protection of property when normal communication systems are not available.

§ 97.405 Station in distress.

(a) No provision of these rules prevents the use by an amateur station in distress of any means at its disposal to attract attention, make known its condition and location, and obtain assistance.

(b) No provision of these rules prevents the use by a station, in the exceptional circumstances described in paragraph (a) of this section, of any means of radiocommunications at its disposal to assist a station in distress.

§ 97.407 Radio amateur civil emergency service.

(a) No station may transmit in RACES unless it is an FCC-licensed primary, club, or military recreation station and it is certified by a civil defense organization as registered with that organization, or it is an FCC-licensed RACES station. No person may be the control operator of a RACES station, or may be the control operator of an amateur station transmitting in RACES unless that person holds a FCC-issued amateur operator license and is certified by a civil defense organization as enrolled in that organization.

(b) The frequency bands and segments and emissions authorized to the control operator are available to stations transmitting communications in RACES on a shared basis with the amateur service. In the event of an emergency which necessitates the invoking of the President's War Emergency Powers under the provisions of Section 706 of the Communications Act of 1934, as amended, 47 U.S.C. 606, RACES stations and amateur stations participating in RACES may only transmit on the following frequencies:

(1) The 1800–1825 kHz, 1975–2000 kHz, 3.50–3.55 MHz, 3.93–3.98 MHz, 3.984–4.000 MHz, 7.079–7.125 MHz, 7.245–7.255 MHz, 10.10–10.15 MHz, 14.047–14.053 MHz, 14.22–14.23 MHz, 14.331–14.350 MHz, 21.047–21.053 MHz, 21.228–21.267 MHz, 28.55–28.75 MHz, 29.237–29.273 MHz, 29.45–29.65 MHz, 50.35–50.75 MHz, 52–54 MHz, 144.50–145.71 MHz, 146–148 MHz, 2390–2450 MHz segments;

(2) The 1.25 m, 70 cm and 23 cm bands; and

(3) The channels at 3.997 MHz and 53.30 MHz may be used in emergency areas when required to make initial contact with a military unit and for communications with military stations on matters requiring coordination.

(c) A RACES station may only communicate with:

(1) Another RACES station;

(2) An amateur station registered with a civil defense organization;

(3) A United States Government station authorized by the responsible agency to communicate with RACES stations;

(4) A station in a service regulated by the FCC whenever such communication is authorized by the FCC.

(d) An amateur station registered with a civil defense organization may only communicate with:

(1) A RACES station licensed to the civil defense organization with which the amateur station is registered;

(2) The following stations upon authorization of the responsible civil defense official for the organization with which the amateur station is registered:

(i) A RACES station licensed to another civil defense organization;

(ii) An amateur station registered with the same or another civil defense organization;

(iii) A United States Government station authorized by the responsible agency to communicate with RACES stations; and

(iv) A station in a service regulated by the FCC whenever such communication is authorized by the FCC.

(e) All communications transmitted in RACES must be specifically authorized by the civil defense organization for the area served. Only civil defense communications of the following types may be transmitted:

(1) Messages concerning impending or actual conditions jeopardizing the public safety, or affecting the national defense or security during periods of local, regional, or national civil emergencies;

(2) Messages directly concerning the immediate safety of life of individuals, the immediate protection of property, maintenance of law and order, alleviation of human suffering and need, and the combating of armed attack or sabotage;

(3) Messages directly concerning the accumulation and dissemination of public information or instructions to the civilian population essential to the activities of the civil defense organization or other authorized governmental or relief agencies; and

(4) Communications for RACES training drills and tests necessary to ensure the establishment and maintenance of orderly and efficient operation of the RACES as ordered by the responsible civil defense organization served. Such drills and tests may not exceed a total time of 1 hour per week. With the approval of the chief officer for emergency planning in the applicable State, Commonwealth, District or territory, however, such tests and drills may be conducted for a period not to exceed 72 hours no more than twice in any calendar year.

Subpart F—Qualifying Examination Systems

§ 97.501 Qualifying for an amateur operator license.

An applicant must successfully pass an examination for the issuance of a new amateur operator license and for each change in operator class. Each applicant for the class of operator license specified below must pass, or otherwise receive examination credit for, the following examination elements:

(a) Amateur Extra Class operator: Elements 1(C), 2, 3(A), 3(B), 4(A), and 4(B);

(b) Advanced Class operator: Elements 1(B) or 1(C), 2, 3(A), 3(B), and 4(A);

(c) General Class operator: Elements 1(B) or 1(C), 2, 3(A), and 3(B);

(d) Technician Class operator: Elements 1(A) or 1(B) or 1(C), 2, and 3(A);

(e) Novice Class operator: Elements 1(A) or 1(B) or 1(C), and 2.

§ 97.503 Element standards.

(a) A telegraphy examination must be sufficient to prove that the examinee has the ability to send correctly by hand and to receive correctly by ear texts in the international Morse code at not less than the prescribed speed, using all the letters of the alphabet, numerals 0–9, period, comma, question mark, slant mark and prosigns ar, bt, and sk.

(1) Element 1(A): 5 words per minute;

(2) Element 1(B): 13 words per minute;

(3) Element 1(C): 20 words per minute.

(b) A written examination must be such as to prove that the examinee possesses the operational and technical qualifications required to perform properly the duties of an amateur service licensee. Each written examination must be comprised of a question set as follows:

(1) Element 2: 30 questions concerning the privileges of a Novice Class operator license. The minimum passing score is 22 questions answered correctly.

(2) Element 3(A): 25 questions concerning the additional privileges of a Technician Class operator license. The minimum passing score is 19 questions answered correctly.

(3) Element 3(B): 25 questions concerning the additional privileges of a General Class operator license. The minimum passing score is 19 questions answered correctly.

(4) Element 4(A): 50 questions concerning the additional privileges of an Advanced Class operator license. The minimum passing score is 37 questions answered correctly.

(5) Element 4(B): 40 questions concerning the additional privileges of an Amateur Extra Class operator license. The minimum passing score is 30 questions answered correctly.

(c) The topics and number of questions required in each question set are listed below for the appropriate examination element:

Topics	Element: 2	3(A)	3(B)	4(A)	4(B)
(1) FCC rules for the amateur radio services	10	5	4	6	8
(2) Amateur station operating procedures	2	3	3	1	4
(3) Radio wave propagation characteristics of amateur service frequency bands	1	3	3	2	2
(4) Amateur radio practices	4	4	5	4	4
(5) Electrical principles as applied to amateur station equipment	4	2	2	10	6
(6) Amateur station equipment circuit components	2	2	1	6	4
(7) Practical circuits employed in amateur station equipment	2	1	1	10	4
(8) Signals and emissions transmitted by amateur stations	2	2	2	6	4
(9) Amateur station antennas and feed lines	3	3	4	5	4

§ 97.505 Element credit.

(a) The administering VEs must give credit as specified below to an examinee holding any of the following documents:

(1) An unexpired (or within the grace period) FCC-issued amateur operator license: The least elements required for the license held. For a Technician Class operator license issued before March 21, 1987, credit must also be given for Element 3(B).

(2) A CSCE: Each element the CSCE indicates the examinee passed within the previous 365 days.

(3) A photocopy of a FCC Form 610 which was submitted to the FCC indicating the examinee qualified for a Novice Class operator license within the previous 365 days: Elements 1(A) and 2.

(4) An unexpired (or expired less than 5 years) FCC-issued commercial

radiotelegraph operator license or permit: Element 1(C).

(b) No examination credit, except as herein provided, shall be allowed on the basis of holding or having held any other license.

§ 97.507 Preparing an examination.

(a) Each telegraphy message and each written question set administered to an examinee must be prepared by a VE holding an FCC-issued Amateur Extra Class operator license. A telegraphy message or written question set, however, may also be prepared for the following elements by a VE holding an FCC-issued operator license of the Class indicated:

(1) Element 3(B): Advanced Class operator.

(2) Elements 1(A) and 3(A): Advanced or General Class operator.

(3) Element 2: Advanced, General or Technician Class operator.

(b) Each question set administered to an examinee must utilize questions taken from the applicable question pool.

(c) Each telegraphy message and each written question set administered to an examinee for a Technician, General, Advanced, or Amateur Extra Class operator license must be prepared, or obtained from a supplier, by the administering VEs according to instructions from the coordinating VEC.

(d) The preparation of each telegraphy message and each written question set administered to an examinee for a Novice Class operator license is the responsibility of the administering VEs. The telegraphy message and written question set may be obtained by the administering VEs from a supplier.

(e) A telegraphy examination must consist of a message sent in the international Morse code at no less than the prescribed speed for a minimum of 5 minutes. The message must contain each required telegraphy character at least once. No message known to the examinee may be administered in a telegraphy examination. Each 5 letters of the alphabet must be counted as 1 word. Each numeral, punctuation mark and prosign must be counted as 2 letters of the alphabet.

§ 97.509 Administering an examination.

(a) Each examination for an amateur operator license must be administered at a location and a time specified by the administering VEs. Each administering VE must be present and observe the examinee throughout the entire examination. The administering VEs are responsible for the proper conduct and necessary supervision of each examination. The administering VEs must immediately terminate the examination upon failure of the examinee to comply with their instructions.

(b) Each examinee must comply with the instructions given by the administering VEs.

(c) No examination that has been compromised shall be administered to any examinee. Neither the same telegraphy message nor the same question set may be readministered to the same examinee.

(d) Passing a telegraphy receiving examination is adequate proof of an examinee's ability to both send and receive telegraphy. The administering VEs, however, may also include a sending segment in a telegraphy examination.

(e) Upon completion of each examination element, the administering VEs must immediately grade the examinee's answers. The administering VEs are responsible for determining the correctness of the examinee's answers.

(f) When the examinee is credited for all examination elements required for the operator license sought, the administering VEs must certify on the examinee's application form that the applicant is qualified for the license and report the basis for the qualification.

(g) When the examinee does not score a passing grade on an examination element, the administering VEs must return the application form to the examinee and inform the examinee of the grade.

(h) The administering VEs must accommodate an examinee whose physical disabilities require a special examination procedure. The administering VEs may require a physician's certification indicating the nature of the disability before determining which, if any, special procedures must be used.

(i) The FCC may:

(1) Administer any examination element itself;

(2) Readminister any examination element previously administered by VEs, either itself or under the supervision of VEs designated by the FCC; or

(3) Cancel the operator and station licenses of any licensee who fails to appear for readministration of an examination when directed by the FCC, or who does not successfully complete any required element which is readministered. In an instance of such cancellation, the person will be issued operator and station licenses consistent with completed examination elements that have not been invalidated by not appearing for, or by failing, the examination upon readministration.

§ 97.511 Technician, General, Advanced and Amateur Extra Class operator license examination.

(a) Each session where an examination for a Technician, General, Advanced or Amateur Extra Class operator license is administered must be coordinated by a VEC. Each administering VE must be accredited by the coordinating VEC.

(b) Each examination for a Technician Class operator license must be administered by 3 administering VEs, each of whom must hold an FCC-issued Amateur Extra or Advanced Class operator license.

(c) Each examination for a General, Advanced or Amateur Extra Class operator license must be administered by 3 administering VEs, each of whom must hold an FCC-issued Amateur Extra Class operator license.

(d) The administering VEs must make a public announcement before administering an examination for Technician, General, Advanced or Amateur Extra Class operator license. The number of candidates at any examination may be limited.

(e) The administering VEs must issue a CSCE to an examinee who scores a passing grade on an examination element.

(f) Within 10 days of the administration of a successful examination for the Technician, General, Advanced or Amateur Extra Class operator license, the administering VEs must submit the application to the coordinating VEC.

§ 97.513 Novice Class operator license examination.

(a) Each examination for a Novice Class operator license must be administered by 2 VEs. The VEs do not have to be accredited by a VEC. Each administering VE must hold a current FCC-issued Amateur Extra, Advanced or General Class operator license.

(b) Within 10 days of the administration of a successful examination for a Novice Class operator license, the administering VEs must submit the application to: FCC, P.O. Box 1020, Gettysburg, PA 17326.

§ 97.515 Volunteer examiner requirements.

(a) Each administering VE must be at least 18 years of age.

(b) Any person who owns a significant interest in, or is an employee of, any company or other entity that is engaged in the manufacture or distribution of equipment used in connection with amateur station

transmissions, or in the preparation or distribution of any publication used in preparation for obtaining amateur licenses, is ineligible to be an administering VE. An employee who does not normally communicate with that part of an entity engaged in the manufacture or distribution of such equipment, or in the preparation or distribution of any publication used in preparation for obtaining amateur operator licenses, is eligible to be an administering VE.

(c) No person may be a VE if that person's amateur station license or amateur operator license has ever been revoked or suspended.

(d) No VE may administer an examination to that VE's spouse, children, grandchildren, stepchildren, parents, grandparents, stepparents, brothers, sisters, stepbrothers, stepsisters, aunts uncles, nieces, nephews, and in-laws.

§ 97.517 Volunteer examiner conduct.

No VE may administer or certify any examination by fraudulent means or for monetary or other consideration including reimbursement in any amount in excess of that permitted. Violation of this provision may result in the revocation of the VE's amateur station license and the suspension of the VE's amateur operator license.

§ 97.519 Coordinating examination sessions.

(a) A VEC must coordinate the efforts of VEs in preparing and administering examinations.

(b) At the completion of each examination session coordinated, the coordinating VEC must collect the applications and test results from the administering VEs. The coordinating VEC must screen and forward all applications for qualified examinees within 10 days of their receipt from the administering VEs to: FCC P.O. Box 1020, Gettysburg, PA 17326.

(c) Each VEC must make any examination records available to the FCC, upon request

§ 97.521 VEC qualifications.

No organization may serve as a VEC unless it has entered into a written agreement with the FCC. The VEC must abide by the terms of the agreement. In order to be eligible to be a VEC, the entity must:

(a) Be an organization that exists for the purpose of furthering the amateur service;

(b) Be capable of serving as a VEC in at least the VEC region (see Appendix 2) proposed;

(c) Agree to coordinate examinations for Technician, General, Advanced, and Amateur Extra Class operator licenses;

(d) Agree to assure that, for any examination, every examinee qualified under these rules is registered without regard to race, sex, religion, national origin or membership (or lack thereof) in any amateur service organization;

(e) Not be engaged in the manufacture or distribution of equipment used in connection with amateur station transmissions, or in the preparation or distribution of any publication used in preparation for obtaining amateur licenses, unless a persuasive showing is made to the FCC that preventive measures have been taken to preclude any possible conflict of interest.

§ 97.523 Question pools.

All VECs must cooperate in maintaining one question pool for each written examination element. Each question pool must contain at least 10 times the number of questions required for a single examination. Each question pool must be published and made available to the public prior to its use for making a question set. Each question on each VEC question pool must be prepared by a VE holding the required FCC-issued operator license. See § 97.507(a) of this Part.

§ 97.525 Accrediting VEs.

(a) No VEC may accredit a person as a VE if:

(1) The person does not meet minimum VE statutory qualifications or minimum qualifications as prescribed by this Part;

(2) The FCC does not accept the voluntary and uncompensated services of the person;

(3) The VEC determines that the person is not competent to perform the VE functions; or

(4) The VEC determines that questions of the person's integrity or honesty could compromise the examinations.

(b) Each VEC must seek a broad representation of amateur operators to be VEs. No VEC may discriminate in accrediting VEs on the basis of race, sex, religion or national origin; nor on the basis of membership (or lack thereof) in an amateur service organization; nor on the basis of the person accepting or declining to accept reimbursement.

§ 97.527 Reimbursement for expenses.

(a) VEs and VECs may be reimbursed by examinees for out-of-pocket expenses incurred in preparing, processing, administering, or coodinating an examination for a Technician, General, Advanced, or Amateur Extra operator license.

(b) The maximum amount of reimbursement from any one examinee for any one examination at a particular session regardless of the number of examination elements taken must not exceed that announced by the FCC in a Public Notice. (The basis for the maximum fee is $4.00 for 1984, adjusted annually each January 1 thereafter for changes in the Department of Labor Consumer Price Index.)

(c) No reimbursement may be accepted by any VE for preparing, processing, or administering an examination for a Novice operator license.

(d) Each VE and each VEC accepting reimbursement must maintain records of out-of-pocket expenses and reimbursements for each examination session. Written certifications must be filed with the FCC each year that all expenses for the period from January 1 to December 31 of the preceding year for which reimbursement was obtained were necessarily and prudently incurred.

(e) The expense and reimbursement records must be retained by each VE and each VEC for 3 years and be made available to the FCC upon request.

(f) Each VE must forward the certification by January 15 of each year to the coordinating VEC for the examinations for which reimbursement was received. Each VEC must forward all such certifications and its own certification to the FCC on or before January 31 of each year.

(g) Each VEC must disaccredit any VE failing to provide the certification. The VEC must advise the FCC on January 31 of each year of any VE that it has disaccredited for this reason.

Appendix 1—Places Where the Amateur Service is Regulated by the FCC

In ITU Region 2, the amateur service is regulated by the FCC within the territorial limits of the 50 United States, District of Columbia, Caribbean Insular areas [Commonwealth of Puerto Rico, United States Virgin Islands (50 islets and cays) and Navassa Island], and Johnston Island (Islets East, Johnston, North and Sand) and Midway Island (Islets Eastern and Sand) in the Pacific Insular areas.

In ITU Region 3, the amateur service is regulated by the FCC within the Pacific Insular territorial limits of American Samoa (seven islands), Baker Island, Commonwealth of Northern Mariana Islands, Guam Island, Howland Island, Jarvis Island, Kingman Reef, Palmyra Island (more than 50 islets) and Wake Island (Islets Peale, Wake and Wilkes).

Appendix 2—VEC Regions

1. Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont.
2. New Jersey and New York.
3. Delaware, District of Columbia, Maryland and Pennsylvania.
4. Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee and Virginia.
5. Arkansas, Louisiana, Mississippi, New Mexico, Oklahoma and Texas.
6. California.
7. Arizona, Idaho, Montana, Nevada, Oregon, Utah, Washington and Wyoming.
8. Michigan, Ohio and West Virginia.
9. Illinois, Indiana and Wisconsin.
10. Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota and South Dakota.
11. Alaska.
12. Caribbean Insular areas.
13. Hawaii and Pacific Insular areas.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

[Docket No. 90515-9115]

Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of reopening.

SUMMARY: NOAA announces the reopening of the ocean commercial salmon fishery in the exclusive economic zone (EEZ) from the Queets River, Washington, to Cape Falcon, Oregon, for three days on June 13–15, 1989. This fishery closed at midnight, June 8, 1989. Evaluation of landing data following closure of the fishery indicates that sufficient chinook salmon remain to allow three additional days of fishing. This action is intended to maximize the harvest of chinook salmon in this subarea without exceeding the ocean share of salmon allocated to the commercial fishery.

EFFECTIVE DATE: Reopening of the EEZ to commercial salmon fishing between the Queets River, Washington, and Cape Falcon, Oregon, is effective from 0001 hours local time June 13, 1989, through 2400 hours local time June 15, 1989. Actual notice to affected fishermen was given prior to that time through a special telephone hotline and U.S. Coast Guard Notice to Mariners broadcasts as provided by 50 CFR 661.20, 661.21, and 661.23 (as amended May 1, 1989).

ADDRESS: Comments may be mailed to Rolland A. Schmitten, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., BIN C15700, Seattle, WA 98115–0070. Information relevant to this notice has been compiled in aggregate for and is available for public review during business hours at the office of the NMFS Northwest Regional Director.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at 206–526–6140.

SUPPLEMENTARY INFORMATION: Regulations governing the ocean salmon fisheries at 50 CFR Part 661 specify at § 661.21(a)(2):

"If a fishery is closed under a quota before the end of a scheduled season based on overestimate of actual catch, the Secretary will reopen that fishery in as timely a manner as possible for all or part of the remaining original season provided the Secretary finds that a reopening of the fishery is consistent with the management objectives for the affected species and the additional open period is no less than 24 hours."

Management measures for 1989 were effective on May 1, 1989 (54 FR 19798, May 8, 1989). The 1989 commercial fishery for all salmon except coho in the subarea from the Queets River, Washington, to Cape Falcon, Oregon, commenced on May 1, 1989, and closed at midnight, June 8, 1989, upon the projected attainment of a subarea quota of 39,500 chinook salmon. Subsequent evaluation of landing data indicates that this closure was based on an overestimate of actual catch.

According to the best available information, commercial catches through June 8 totaled 35,000 chinook salmon, leaving 4,500 chinook salmon available for harvest in the subarea chinook quota. This amount of available chinook salmon has been determined to be sufficient for three additional days of fishing. This action is being taken in as timely a manner as possible for all of the remaining original season, which would have ended no later than June 15, 1989. Reopening of the commercial fishery in this subarea is consistent with the management objectives for chinook salmon in this subarea. As in the original season (May 1–June 15) Conservation Zone 1, the Columbia River mouth, will be closed (54 FR 19798, May 8, 1989).

In accordance with the revised inseason notice procedures of 50 CFR 661.20, 661.21, and 661.23, actual notice to fishermen was given prior to 0001 hours local time, June 13, 1989, by telephone hotline number (206) 526–6667 and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF–FM and 2182 KHz. NOAA issues this notice of the reopening of the commercial salmon fishery in the EEZ from the Queets River, Washington, to Cape Falcon, Oregon, which was effective at 0001 hours local time, June 13, 1989. This notice does not apply to treaty Indian fisheries or to other fisheries which may be operating in other areas.

The Regional Director consulted with representatives of the Pacific Fishery Management Council, the Washington Department of Fisheries, and the Oregon Department of Fish and Wildlife regarding this reopening. The States of Washington and Oregon will manage the commercial fishery in State waters adjacent to this area of the EEZ in accordance with this federal action.

Because of the need for immediate action, the Secretary of Commerce has determined that good cause exists for this notice to be issued without affording a prior opportunity for public comment. Therefore, public comments on this notice will be accepted for 15 days after filing with the Office of the Federal Register, through June 30, 1989.

Other Matters

This action is authorized by 50 CFR 661.23 and is in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 661

Fisheries, Fishing, Indians.

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

Dated: June 14, 1989.

Richard H. Schaefer,

Director of Office of Fisheries, Conservation and Management, National Marine Fisheries Service.

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