§§ 682.210, 682.211, 682.301, 682.401, 682.402, 682.407, 682.409, 682.412, 682.414, 682.508, 682.515, 682.601, 682.602, 682.603, 682.803 [Amended]

4. Sections 682.210, 682.211, 682.301, 682.401, 682.402, 682.407, 682.409, 682.412, 682.414, 682.508, 682.515, 682.601, 682.602, 682.603, and 682.803 are amended by revising the OMB control number following these sections to read as follows:

"(Approved by the Office of Management and Budget under control number 1840–0538)"

[FR Doc. 93–3843 Filed 2–18–93; 8:45 am]
BILLING CODE 4000–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–4558–1]

Georgia; Final Authorization of State's Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule; correction.

SUMMARY: This action corrects the list of authorities previously published in the **Federal Register** dated July 24, 1990, (55 FR 30000) for final authority. Approval of Georgia's program revision for requirements promulgated between July 1, 1985 and June 30, 1989 became effective on September 24, 1990; however, two rule corrections were inadvertently omitted from the July 24, 1990, **Federal Register** document.

DATES: Final authorization for Georgia shall be effective retroactively to September 24, 1990, unless EPA publishes a **Federal Register** action withdrawing this immediate final rule. All comments on this correction must be received by close of business by March 8, 1993.

ADDRESSES: Comments should be directed to Leonard W. Nowak at the address listed below.

FOR FURTHER INFORMATION CONTACT: Leonard W. Nowak, Acting Chief Waste Planning Section, Waste Management Division, U.S. Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365; (404) 347–2234.

SUPPLEMENTARY INFORMATION: These provisions were made publicly available for review during the public comment period in the original application and are still available at Georgia Environmental Protection Division and Environmental Protection Agency, Region IV listed in the address section of the July 24, 1990, **Federal Register** Notice. Public comments on the two omitted provisions will be received until the close of business March 8, 1993. If there are no adverse public comments, final authority for Georgia for these provisions will be effective retroactively to September 24, 1990.

In the immediate final rule published on July 24, 1990, at 55 FR 3000, insert the following entries in the table which begins on Page 330001.

Provision	FR reference	FR date	State authority
Listings of spent pickle liquor	51 FR 33612	9/22/86	391–3–11–.07
Standards for hazardous waste storage and treatment tank systems; correction	51 FR 29430	8/15/86	391–3–11–.10

Dated: January 12, 1993.

J. Barker,

Regional Administrator.

[FR Doc. 93–3790 Filed 2–18–93; 8:45 am]
BILLING CODE 6560–50–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 435, 436, and 440

[MB–001–N]

RIN 0938–AA58

Medicaid Program; Eligibility and Coverage Requirements

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of delay of effective dates and compliance dates.

SUMMARY: This notice delays by 6 months the effective dates and compliance dates of the final rule with comment period on Medicaid Eligibility and Coverage Requirements published January 19. 1993 in the **Federal Register** (58 FR 4908).

DATES: Effective February 18, 1993, the Effective and Compliance Dates are delayed as follows:

Effective Dates: These regulations are effective on August 18, 1993, except for §§ 435.604, 435.606, 436.604, and 436.606, which are effective October 19, 1993.

Compliance Dates: We will not hold a State out of compliance with the requirements of this final rule if the State submits preprinted plan amendments and required attachments by October 19, 1993, for all provisions other than §§ 435.604, 435.606, 436.604, and 436.606. States must comply with §§ 435.604, 435.606, 436.604, and 436.606, and submit preprinted plan amendments and required attachments for these sections, by the latest of: (1) January 19, 1994; (2) the first day of the next fiscal year in which appropriations apply following July 19, 1993 if State legislation is needed to appropriate funds to implement the provisions of these sections; or (3) the first day of the calendar quarter following the end of the next session of the State legislature that convenes after July 19, 1993 if the State needs authorizing legislation to implement the provisions of these sections.

FOR FURTHER INFORMATION CONTACT: Marinos Svolos, (410) 966–4451.

SUPPLEMENTARY INFORMATION: On January 19, 1993, we published in the **Federal Register** a final rule with comment period that amends the requirements for coverage of certain groups of individuals under Medicaid and the requirements for determining Medicaid eligibility. Because the new administration wants to fully review the policies in these regulations, we are delaying the effective dates and compliance dates for 6 months.

These regulations incorporate into the Medicaid regulations substantive changes made in the composition of eligibility groups of individuals and in the criteria used to determine their financial eligibility under Medicaid. The substantive changes were initially made by the Omnibus Budget Reconciliation Act of 1981 (OBRA '81), Public Law 97–35 and the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA), Public Law 97–248 and further amended by the Deficit Reduction Act of 1984 (DRA), Public Law 98–369; the Consolidated Omnibus

Budget Reconciliation Act of 1985 (COBRA), Public Law 99–272; the Omnibus Budget Reconciliation Act of 1986 (OBRA '86), Public Law 99–509; the Medicare and Medicaid Patient and Program Protection Act of 1987, Public Law 100–93; the Omnibus Budget Reconciliation Act of 1987 (OBRA '87), Public Law 100–203; the Medicare Catastrophic Coverage Act of 1988 (MCCA), Public Law 100–360; the Family Support Act of 1988, Public Law 100–485; the Omnibus Budget Reconciliation Act of 1989 (OBRA '89), Public Law 101–239; and the Omnibus Budget Reconciliation Act of 1990 (OBRA '90), Public Law 101–508. In addition, the document contains changes made as a result of administrative decisions to improve program administration and efficiency.

(Catalog of Federal Domestic Assistance Program No. 93.778—Medical Assistance Program)

Dated: February 17, 1993.

William Toby,

Acting Deputy Administrator, Health Care Financing Administration.

Approved: February 17, 1993.

Donna E. Shalala,

Secretary.

[FR Doc. 93–4092 Filed 2–17–93; 5:10 pm]

BILLING CODE 4120–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA–7564]

List of Communities Eligible for the Sale of Flood Insurance

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule identifies communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATE: The dates listed in the fourth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the NFIP at: Post Office Box 457, Lanham, MD 20706, (800) 638–7418.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, 500 C Street, SW., room 417, Washington, DC 20472, (202) 646–2717.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM). The date of the flood map, if one has been published, is indicated in the fifth column of the table. In the communities listed where a flood map has been published, section 102 of the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4012(a), requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard areas shown on the map.

The Director finds that the delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Federal Insurance Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, because the rule creates no additional burden, but lists those communities eligible for the sale of flood insurance.

Regulatory Impact Analysis

This rule is not a major rule under Executive Order 11291, Federal Regulation, February 17, 1981, 3 CFR, 1981 Comp., p. 127. No regulatory impact analysis has been prepared.

Paperwork Reduction Act

This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp., p. 252.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp., p. 309.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*, Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 64.6 [Amended]

2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date of authorization/cancellation of sale of flood insurance in community	Current effective map date
New Eligibles—Emergency Program			
Texas: Ross, city of McLennan County	481317	Jan. 6, 1993	May 30, 1978.
Massachusetts: Washington, town of Berkshire County	250044	do	Oct. 8, 1976.

State and location	Community No.	Effective date of authorization/cancellation of sale of flood insurance in community	Current effective map date
New Eligibles—Regular Program			
Florida:			
Dade County, unincorporated areas	120635	Aug. 14, 1970, Emerg.; Sept. 29, 1972, Reg	Jan. 20, 1993.
Bal Harbour, city of Dade County	120636	.....do	Do.
Bay Harbor, town of Dade County	120637	.....do	Do.
Biscayne Park, village of Dade County	120638	.....do	Do.
Coral Gables, city of Dade County	120639	.....do	Do.
El Portal, village of Dade County	120640	.....do	Do.
Florida City, city of Dade County	120641	.....do	Do.
Golden Beach, town of Dade County	120642	.....do	Do.
Hialeah, city of Dade County	120643	.....do	Do.
Hialeah Gardens, city of Dade County	120644	.....do	Do.
Homestead, city of Dade County	120645	.....do	Do.
Indian Creek, village of Dade County	120646	.....do	Do.
Islandia, city of Dade County	120647	.....do	Do.
Key Biscayne, city of Dade County	120648	.....do	Do.
Medley, town of Dade County	120649	.....do	Do.
Miami, city of Dade County	120650	.....do	Do.
Miami Beach, city of Dade County	120651	.....do	Do.
Miami Shores, village of Dade County	120652	.....do	Do.
Miami Springs, city of Dade County	120653	.....do	Do.
North Bay Village, city of Dade County	120654	.....do	Do.
North Miami, city of Dade County	120655	.....do	Do.
North Miami Beach, city of Dade County	120656	.....do	Do.
Opa-Locka, city of Dade County	120657	.....do	Do.
South Miami, city of Dade County	120658	.....do	Do.
Surfside, town of Dade County	120659	.....do	Do.
Sweetwater, city of Dade County	120660	.....do	NSFHAs.[2]
Virginia Gardens, village of Dade County	120661	.....do	Jan. 20, 1993.
West Miami, city of Dade County	120662	.....do	NSFHAs.[2]
Reinstatements—Regular Program			
New York:			
Brownville, village of Jefferson County	361576	Nov. 21, 1975, Emerg.; Mar. 18, 1986, Reg.; Nov. 4, 1992, Susp.; Jan. 6, 1993, Rein.	Mar. 18, 1986.
Fairfield, town of Herkimer County	360302	Sept. 1, 1976, Emerg.; July 30, 1982, Reg.; Nov. 4, 1992, Susp.; Jan. 6, 1993, Rein.	Oct. 18, 1988.
Genoa, town of Cayuga County	360111	Feb. 1, 1977, Emerg.; Nov. 4, 1983, Reg.; Nov. 4, 1992, Susp.; Jan. 6, 1993; Rein.	Nov. 4, 1983.
Morrisville, village of Madison County	360406	Nov. 26, 1976, Emerg.; Apr. 15, 1982, Reg.; Nov. 4, 1992, Susp.; Jan. 6, 1993, Rein.	Apr. 15, 1982.
North Hudson, town of Essex County	361391	July 30, 1976, Emerg.; May 15, 1985, Reg.; Nov. 4, 1992, Susp.; Jan. 6, 1993, Rein.	May 15, 1985.
Wolcott, town of Allegany County	360901	June 8, 1976, Emerg.; July 23, 1982, Reg.; Nov. 4, 1992, Susp.; Jan. 19, 1993, Rein.	June 2, 1992.
Halcott, town of Allegany County	360291	Dec. 11, 1979, Emerg.; Nov. 4, 1983, Reg.; Nov. 4, 1992, Susp.; Jan. 28, 1993, Rein.	Nov. 4, 1983.
West Virginia: Marmet, city of Kanawha County	540079	June 12, 1975, Emerg.; Apr. 15, 1985, Reg.; Nov. 18, 1992, Susp.; Jan. 28, 1993, Rein.	Apr. 3, 1985.
Region II			
New Jersey: Stow Creek, township of Cumberland County	340174	Jan. 20, 1993, Suspension withdrawn	Jan. 20, 1993.
New York: Busti, town of Chautauqua County	361106	.....do	Do.
Region III			
West Virginia: Ranson, city of Jefferson County	540068	.....do	Do.
Florida:			
Bay Harbor Islands, town of Dade County	120637	.....do	Do.
Florida City, city of Dade County	120641	.....do	Do.
Hialeah Gardens, city of Dade County	120644	.....do	Do.
Homestead, city of Dade County	120645	.....do	Do.
Indian Creek, village of Dade County	120646	.....do	Do.
Islandia, city of Dade County	120647	.....do	Do.
Key Biscayne, city of Dade County	120648	.....do	Do.
Medley, town of Dade County	120649	.....do	Do.
North Bay Village, city of Dade County	120654	.....do	Do.
Opa-Locka, city of Dade County	120657	.....do	Do.
Surfside, town of Dade County	120659	.....do	Do.
Sweetwater, city of Dade County	120660	.....do	NSFHAs.[2]
West Miami, city of Dade County	120662	.....do	NSFHAs.[2]

[1] Effective January 20, 1993, Metropolitan Dade County under CID No. *125098* is no longer a participating community in the NFIP.
Effective January 20, 1993, Dade County (for its unincorporated areas only) and the 27 municipalities formerly included under Metropolitan Dade County are now participating as separate communities with new CID numbers. All 28 communities have submitted applications and adopted compliant floodplain management measures that meet the specified requirements under 60.3 of the NFIP regulations. A countywide map for Dade County and 25 municipalities has been issued effective January 20, 1993. Two of the municipalities have no special flood hazard areas.
[2] No Special Flood Hazard Areas (NSFHAs).
Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension, Rein.—Reinstatement.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Issued: February 11, 1993.

Francis V. Reilly,

Deputy Administrator, Federal Insurance Administration.

[FR Doc. 93–3904 Filed 2–18–93; 8:45 am]

BILLING CODE 6718–21–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0 and 13

[FO Docket No. 92–206; FCC 93–33]

Privatization of the Administration of Examinations for Commercial Operator Licenses and Clarification of Certain Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action amends title 47 of the Code of Federal Regulations to privatize commercial license examinations and establishes rules for implementing the new system. It also clarifies and updates the rules as proposed. This action is necessary to establish a private sector operator examination system that meets the need of applicants for more frequent examination opportunities at convenient locations, the need of industry for examinations that reflect state of the art technology and modern operating conditions, and the need of the Commission to reduce the resources it must expend on commercial operator licensing. The intended effect of this action is to promote excellence and efficiency in the licensing of commercial radio operators, to increase the availability and effectiveness of examinations, and to reduce government expenses.

EFFECTIVE DATE: March 29, 1993.

FOR FURTHER INFORMATION CONTACT: William T. Cross, Federal Communications Commission, Private Radio Bureau, Personal Radio Branch, Washington, DC 20554, (202) 632–4964.

SUPPLEMENTARY INFORMATION: 1. In 1986, we released a Notice of Inquiry seeking comment on whether privatizing commercial radio operator license examinations would serve the public interest. 51 FR 36415, September 24, 1986. As a result of that proceeding, we sought and received statutory authority to delegate preparation and administration of operator examinations to one or more private entities. Subsequently, we adopted a Notice proposing to amend the Commercial Radio Operator Rules, 47 CFR part 13, to privatize the six Commission-issued certificates, licenses, permits, or endorsements (licenses) that require an applicant to pass an examination. 57 FR 41718, September 11, 1992. In the Notice we noted the continuing demand for commercial operator licenses and the problems associated with the current testing system, including limited opportunities to take the tests and out-of-date examination questions. We also stated our belief that these problems will continue in the foreseeable future due to ongoing Commission resource constraints. To resolve these problems, we proposed turning the commercial operator examination function over to the private sector.

2. In response to the Notice, we received 22 comments and 11 reply comments. The comments uniformly support our proposal to privatize commercial radio operator examinations. They differ widely, however, in the details of how this should be accomplished. All of the commenters agree with our analysis of the problems and contend that the private sector can offer more up-to-date tests and more frequent examinations in many more diverse and accessible locations than the Commission. We agree. Accordingly, we are amending our rules to privatize commercial radio operator examinations.

3. The Commission's Report and Order, adopted January 14, 1993, and released February 12, 1993, is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 239) 1919 M Street, NW., Washington, DC. The complete text of this decision, including the rule amendments, may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

Summary of Report and Order

1. This action amends the rules for commercial radio operator examinations. The rule changes are set forth at the end of this document.

2. The following collection of information contained in the rules has been submitted to the Office of Management and Budget for review under section 3504(h) of the Paperwork Reduction Act of 1980. Copies of the submission may be purchased from the Commission's copy contractor, International Transcription Service, Inc. (address and telephone number are given above). Persons wishing to comment on this information collection should contact Jonas Neihardt, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395–4814. A copy of comments made should also be sent to the Federal Communications Commission, Office of Managing Director, Washington, DC 20554. For further information contact Judy Boley, Federal Communications Commission, (202) 632–7513.

OMB Number: none.
Title: 13.217 Records—FO Docket No. 92–206.
Action: New collection.
Respondents: Businesses.
Estimated Annual Burden: 15 recordkeepers × 1 hour per response for a total of 15 burden hours.
Needs and Uses: Rule needed to assure that expenses and revenues collected by examination managers are necessary and prudent. We do not expect examination managers to collect this information until October 1, 1993.

3. Pursuant to the Regulatory Flexibility Act of 1980 (Pub. L. 96–354), 5 U.S.C. 604, our final analysis is as follows:

Need and purpose of this Action. This rule making proceeding was needed to obtain comments regarding our proposal to privatize examinations for licenses specified under part 13 of the Commission's Rules. The purpose of this action is to promote excellence and efficiency in the licensing of commercial radio operators by increasing the availability, relevance, and validity of commercial radio operator examinations and reducing government expenses.

Summary of issues raised by the public comments in response to the Initial Regulatory Flexibility Analysis. The commenters agree that the potential impact of these rule changes is to improve the efficiency in licensing commercial radio operators, thereby making it easier for small entities to hire licensed commercial radio operators. The commenters also recognize that the rule changes adopted in this proceeding may affect entities that voluntarily apply to become commercial radio operator license examination managers and entities that are engaged in training individuals to pass commercial radio operator examinations.

Significant alternatives considered and rejected. Alternatives include the Commission continuing to give examinations or contracting with another entity or entities to perform examination functions. The proposed alternative is adopted to minimize the impact on small entities.

4. This Report and Order and rule amendments are issued under the

authority of sections 4(f)(5), 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(f)(5), 154(i) and 303(r).

5. A copy of this Memorandum Opinion and Order will be forwarded to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects

47 CFR Part 0

Organization and functions (Government agencies).

47 CFR Part 13

Commercial radio operator examinations, Privatization of license examinations, Radio.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

Rule Changes

Parts 0 and 13 of chapter I of title 47 of the Code of Federal Regulations are amended as follows:

PART 0—COMMISSION ORGANIZATION

1. The authority citation for part 0 continues to read as follows:

Authority: Sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155.)

2. Section 0.131 is amended by adding new paragraphs (h) and (i) to read as follows:

§ 0.131 Functions of the Bureau.

* * * * *

(h) Establishes the number of examination managers necessary to manage commercial operator license examinations under part 13 of the rules; executes in the name of the Commission agreements pertaining to certification and employment of services of entities found qualified to prepare and administer commercial operator license examinations under part 13 of the rules; considers requests for review of certified manager's decisions; engages in oversight of manager actions and practices; and decertifies entities that do not perform satisfactorily.

(i) Revises the common question pool, the required Elements and topics, and the number of questions in each Element for commercial radio operator license examinations, as appropriate.

3. Section 0.485 is revised to read as follows:

§ 0.485 Commercial radio operator examinations.

Generally, written and telegraphy examinations for commercial radio operator licenses shall be conducted at locations and times specified by commercial operator license examination managers. (See § 13.209 of this Chapter). When the FCC conducts these examinations, they shall take place at locations and times specified by the FCC.

1. Part 13 is revised to read as follows:

PART 13—COMMERCIAL RADIO OPERATORS

General

13.1 Basis and purpose.
13.3 Definitions.
13.5 Licensed commercial radio operators required.
13.7 Classification of operator licenses and endorsements.
13.9 Eligibility and application for new license or endorsement.
13.11 Holding more than one commercial radio operator license.
13.13 Application for renewed or modified license.
13.15 License term.
13.17 Replacement license.
13.19 Operator's responsibility.

Examination System

13.201 Qualifying for a commercial operator license or endorsement.
13.203 Examination elements.
13.205 Examination credit for licenses held.
13.207 Preparing an examination.
13.209 Examination procedures.
13.211 Commercial radio operator license examination.
13.213 COLEM qualifications.
13.215 Question pools.
13.217 Records.

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

§ 13.1 Basis and purpose.

(a) *Basis.* The basis for the rules contained in this part is the Communications Act of 1934, as amended, and applicable treaties and agreements to which the United States is a party.

(b) *Purpose.* The purpose of the rules in this part is to prescribe the manner and conditions under which commercial radio operators are licensed by the Commission.

§ 13.3 Definitions.

The definitions of terms used in part 13 are:

(a) *COLEM.* Commercial operator license examination manager.

(b) *Commercial radio operator.* A person holding a license or licenses specified in § 13.7(b).

(c) *GMDSS.* Global Maritime Distress and Safety System.

(d) *FCC.* Federal Communications Commission.

(e) *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.

(f) *ITU.* International Telecommunication Union.

(g) *PPC.* Proof-of-Passing Certificate.

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

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

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

§ 13.5 Licensed commercial radio operator required.

Rules that require FCC station licensees to have certain transmitter operating, maintenance, and repair duties performed by a commercial radio operator are contained in parts 23, 73, 74, 80, and 87 of this Chapter.

§ 13.7 Classification of operator licenses and endorsements.

(a) Commercial radio operator licenses issued by the FCC are classified in accordance with the Radio Regulations of the ITU.

(b) There are nine types of commercial radio operator licenses, certificates and permits (licenses). The license's ITU classification, if different from its name, is given in parenthesis.

(1) First Class Radiotelegraph Operator's Certificate.

(2) Second Class Radiotelegraph Operator's Certificate.

(3) Third Class Radiotelegraph Operator's Certificate (radiotelegraph operator's special certificate).

(4) General Radiotelephone Operator License (radiotelephone operator's general certificate).

(5) Marine Radio Operator Permit (radiotelephone operator's restricted certificate).

(6) Restricted Radiotelephone Operator Permit (radiotelephone operator's restricted certificate).

(7) Restricted Radiotelephone Operator Permit-Limited Use (radiotelephone operator's restricted certificate).

(8) GMDSS Radio Operator's License (general operator's certificate).

(9) GMDSS Radio Maintainer's License (technical portion of the first-class radio electronic certificate).

(c) There are six license endorsements affixed by the FCC to provide special authorizations or restrictions. Endorsements may be affixed to the license(s) indicated in parenthesis.

(1) Ship Radar Endorsement (First and Second Class Radiotelegraph Operator's Certificates, General Radiotelephone Operator License, GMDSS Radio Maintainer's License).

(3) Restrictive endorsements relating to physical handicaps, English language or literacy waivers, or other matters (all licenses).

(4) Marine Radio Operator Permits shall bear the following endorsement: This permit does not authorize the operation of AM, FM or TV broadcast stations.

(5) General Radiotelephone Operator Licenses issued after December 31, 1985, shall bear the following endorsement: This license confers authority to operate licensed radio stations in the Aviation, Marine and International Fixed Public Radio Services only. This authority is subject to: any endorsement placed upon this license; FCC orders, rules, and regulations; United States statutes; and the provisions of any treaties to which the United States is a party. This license does not confer any authority to operate broadcast stations. It is not assignable or transferable.

(6)(i) If a person is afflicted with an uncorrected physical handicap which would clearly prevent the performance of all or any part of the duties of a radio operator, under the license for which application is made, at a station under emergency conditions involving the safety of life or property, that person still may be issued the license if found qualified. Such a license shall bear a restrictive endorsement as follows:

This license is not valid for the performance of any operating duties, other than installation, service and maintenance duties, at any station licensed by the FCC which is required, directly or indirectly, by any treaty, statute or rule or regulation pursuant to statute, to be provided for safety purposes.

(ii) In the case of a license that does not require an examination in technical radio matters, the endorsement specified in paragraph (c)(6)(i) of this section will be modified by deleting the reference therein to installation, service, and maintenance duties.

(iii) In any case where an applicant who normally would receive or has received a commercial radio operator license bearing the endorsement prescribed by paragraph (c)(6)(i) of this section, indicates a desire to operate a station falling within the prohibited terms of the endorsement, the applicant may request in writing that such endorsement not be placed upon, or be removed from his or her license, and may submit written comments or statements from other parties in support thereof.

(iv) An applicant who shows that he has performed satisfactorily the duties of a radio operator at a station required to be provided for safety purposes during a period when he or she was afflicted by uncorrected physical handicaps of the same kind and to the same degree as the physical handicaps shown by his or her current application shall not be deemed to be within the provisions of paragraph (c)(6)(i) of this section.

(d) A Restricted Radiotelephone Operator Permit-Limited Use issued by the FCC to an aircraft pilot who is not legally eligible for employment in the United States is valid only for operating radio stations on aircraft.

(e) A Restricted Radiotelephone Operator Permit-Limited Use issued by the FCC to a person under the provision of Section 303(1)(2) of the Communications Act of 1934, as amended, is valid only for the operation of radio stations for which that person is the station licensee.

§ 13.9 Eligibility and application for new license or endorsement.

(a) If found qualified, the following persons are eligible to apply for commercial radio operator licenses:

(1) Any person legally eligible for employment in the United States.

(2) Any person, for the purpose of operating aircraft radio stations, who holds:

(i) United States pilot certificates; or

(ii) Foreign aircraft pilot certificates which are valid in the United States, if the foreign government involved has entered into a reciprocal agreement under which such foreign government does not impose any similar requirement relating to eligibility for employment upon United States citizens.

(3) Any person who holds a FCC radio station license, for the purpose of operating that station.

(4) Notwithstanding any other provisions of the FCC's rules, no person shall be eligible to be issued a commercial radio operator license when

(i) The person's commercial radio operator license is suspended, or

(ii) The person's commercial radio operator license is the subject of an ongoing suspension proceeding, or

(iii) The person is afflicted with complete deafness or complete muteness or complete inability for any other reason to transmit correctly and to receive correctly by telephone spoken messages in English.

(b)(1) Each application for a new General Radiotelephone Operator License, Marine Radio Operator Permit, First Class Radiotelegraph Operator's Certificate, Second Class Radiotelegraph Operator's Certificate, Third Class Radiotelegraph Operator's Certificate, Ship Radar Endorsement, Six Months Service Endorsement, GMDSS Radio Operator's License or GMDSS Radio Maintainer's License must be made on FCC Form 756.

(2) Each application for a Restricted Radiotelephone Operator Permit must be made on FCC Form 753.

(3) Each application for a Restricted Radiotelephone Operator Permit-Limited Use must be made on FCC Form 755.

(c) Each application for a new General Radiotelephone Operator License, Marine Radio Operator Permit, First Class Radiotelegraph Operator's Certificate, Second Class Radiotelegraph Operator's Certificate, Third Class Radiotelegraph Operator's Certificate, Ship Radar Endorsement, GMDSS Radio Operator's License or GMDSS Radio Maintainer's License must include an original PPC(s) from a COLEM(s) showing that the applicant has passed the necessary examination element(s). The applicant must submit the application to the address specified in the part 1 of the rules.

(d) Each application for a new six month radiotelegraph endorsement must include documentation showing the applicant has satisfied the requirements of § 13.201(c). The applicant must submit the application to the address specified in part 1 of the rules.

(e) No person shall alter, duplicate for fraudulent purposes, or fraudulently obtain or attempt to obtain an operator license. No person shall use a license issued to another or a license that he or she knows to be altered, duplicated for fraudulent purposes, or fraudulently obtained. No person shall obtain or attempt to obtain, or assist another person to obtain or attempt to obtain, an operator license by fraudulent means.

§ 13.11 Holding more than one commercial radio operator license.

(a) An eligible person may hold more than one commercial operator license except as follows:

(1) No person may hold two or more unexpired radiotelegraph operator's certificates at the same time;

(2) No person may hold any class of radiotelegraph operator's certificate and a Marine Radio Operator Permit;

(3) No person may hold any class of radiotelegraph operator's certificate and a Restricted Radiotelephone Operator Permit.

(b) Each person who is not legally eligible for employment in the United States, and certain other persons who were issued permits prior to September 13, 1982, may hold two Restricted Radiotelephone Operator Permits

simultaneously when each permit authorizes the operation of a particular station or class of stations.

§ 13.13 Application for a renewed or modified license.

(a) Each application to renew a First Class Radiotelegraph Operator's Certificate, Second Class Radiotelegraph Operator's Certificate, Third Class Radiotelegraph Operator's Certificate, Marine Radio Operator Permit, GMDSS Radio Operator's License, or GMDSS Radio Maintainer's License must be made on FCC Form 756. The application must be accompanied by the original document or a legible photocopy unless it has been lost, mutilated, or destroyed. If the license has been lost, mutilated, or destroyed, submit a written explanation. The application must be accompanied by the appropriate fee and submitted to the address specified in part 1 of the rules.

(b) A licensee may submit an application for renewal of an unexpired license during the last year of the license term. If a license expires, application for renewal may be made during a grace period of five years after the expiration date without having to retake the required examinations. The application must be accompanied by the required fee and submitted to the address specified in part 1 of the rules. During the grace period, the expired license is not valid. A license renewed during the grace period will be effective as of the date of the renewal. Licensees who fail to renew their license within the grace period must apply for a new license and take the required examination(s).

(c) Each application involving a change in operator class must be made on FCC Form 756. Each application for a commercial operator license involving a change in operator class must include original PPC(s) from a COLEM showing that the applicant has passed the necessary examination element(s). The application must be accompanied by the required fee, if any, and submitted to the address specified in part 1 of the rules.

(d) The holder of a First Class Radiotelegraph Operator's Certificate, Second Class Radiotelegraph Operator's Certificate, Third Class Radiotelegraph Operator's Certificate, General Radiotelephone Operator License, Marine Radio Operator Permit, GMDSS Radio Operator's License, or GMDSS Radio Maintainer's License whose name is legally changed may obtain a modified license by filing a FCC Form 756 with a written explanation. The application must be accompanied by the required fee and submitted to the address specified in part 1 of the rules.

(e) A licensee who has made application for a renewed or modified operator license or permit may exhibit a photocopy of their license in lieu of the original document.

§ 13.15 License term.

(a) Commercial radio operator licenses are normally valid for a term of five years from the date of issuance, except as provided in paragraph (b) of this section.

(b) General Radiotelephone Operator Licenses, Restricted Radiotelephone Operator Permits, and Restricted Radiotelephone Operator Permits-Limited Use are normally valid for the lifetime of the holder. The terms of all Restricted Radiotelephone Operator Permits issued prior to November 15, 1953, and valid on that date, are extended to the lifetime of the operator.

§ 13.17 Replacement license.

(a) Each licensee or permittee whose original document is lost, mutilated, or destroyed must request a replacement. The application must be accompanied by the required fee and submitted to the address specified in part 1 of the rules.

(b) Each application for a replacement General Radiotelephone Operator License, Marine Radio Operator Permit, First Class Radiotelegraph Operator's Certificate, Second Class Radiotelegraph Operator's Certificate, Third Class Radiotelegraph Operator's Certificate, GMDSS Radio Operator's License, GMDSS Radio Maintainer's License, must be made on FCC Form 756 and must include a written explanation as to the circumstances involved in the loss, mutilation, or destruction of the original document.

(c) Each application for a replacement Restricted Radiotelephone Operator Permit must be on FCC Form 753.

(d) Each application for a replacement Restricted Radiotelephone Operator Permit-Limited Use must be on FCC Form 755.

(e) A licensee who has made application for a replacement license may exhibit a copy of the application submitted to the FCC or a photocopy of the license in lieu of the original document.

§ 13.19 Operator's responsibility.

(a) The operator responsible for maintenance of a transmitter may permit other persons to adjust that transmitter in the operator's presence for the purpose of carrying out tests or making adjustments requiring specialized knowledge or skill, provided that he or she shall not be relieved thereby from responsibility for the proper operation of the equipment.

(b) In every case where a station operating log or service and maintenance log is required, the operator responsible for the station operation or maintenance shall make the required entries in the station log. If no station log is required, the operator responsible for service or maintenance duties which may affect the proper operation of the station shall sign and date an entry in the station maintenance records giving:

(1) Pertinent details of all service and maintenance work performed by the operator or conducted under his or her supervision;

(2) His or her name and address; and

(3) The class, serial number and expiration date of the license:

(c) When the operator is on duty and in charge of transmitting systems, or performing service, maintenance or inspection functions, the license or permit document, or a photocopy thereof, must be posted or in the operator's personal possession, and available for inspection upon request by a FCC representative.

(d) The operator on duty and in charge of transmitting systems, or performing service, maintenance or inspection functions, shall not be subject to the requirements of paragraph (b) of this section at a station, or stations of one licensee at a single location, at which the operator is regularly employed and at which his or her license, or a photocopy, is posted.

Examination System

§ 13.201 Qualifying for a commercial operator license or endorsement.

(a) To be qualified to hold any commercial radio operator license, an applicant must have a satisfactory knowledge of FCC rules and must have the ability to send correctly and receive correctly spoken messages in the English language.

(b) An applicant must pass an examination for the issuance of a new commercial radio operator license, other than the Restricted Radiotelephone Operator Permit and the Restricted Radiotelephone Operator Permit-Limited Use, and for each change in operator class. An applicant must pass an examination for the issuance of a new Ship Radar Endorsement. Each application for the class of license or endorsement specified below must pass, or otherwise receive credit for, the corresponding examination elements:

(1) First Class Radiotelegraph Operator's Certificate.

(i) Telegraphy Elements 3 and 4;

(ii) Written Elements 1, 5, and 6;
(iii) Applicant must be at least 21 years old;
(iv) Applicant must have one year of experience in sending and receiving public correspondence by radiotelegraph at a public coast station, a ship station, or both.
(2) Second Class Radiotelegraph Operator's Certificate.
(i) Telegraphy Elements 1 and 2;
(ii) Written Elements 1, 5, and 6.
(3) Third Class Radiotelegraph Operator's Certificate.
(i) Telegraphy Elements 1 and 2;
(ii) Written Elements 1 and 5.
(4) General Radiotelephone Operator License: Written Elements 1 and 3.
(5) Marine Radio Operator Permit: Written Element 1.
(6) GMDSS Radio Operator's License: Written Elements 1 and 7.
(7) GMDSS Radio Maintainer's License: Written Elements 1, 3, and 9.
(8) Ship Radar Endorsement: Written Element 8.
(c) An applicant for the six months service endorsement must show that:
(1) The applicant was employed as a radio operator on board a ship or ships of the United States for a period totaling at least six months;
(2) The ships were equipped with a radio station complying with the provisions of part II of title III of the Communications Act, or the ships were owned and operated by the U.S. Government and equipped with radio stations;
(3) The ships were in service during the applicable six month period and no portion of any single in-port period included in the qualifying six months period exceeded seven days;
(4) The applicant held a FCC-issued First or Second Class Radiotelegraph Operator's Certificate during this entire six month qualifying period; and
(5) The applicant holds a radio officer's license issued by the U.S. Coast Guard at the time the six month endorsement is requested.

§ 13.203 Examination elements.

(a) A written examination (written Element) must prove that the examinee possesses the operational and technical qualifications to perform the duties required by a person holding that class of commercial radio operator license. Each written examination must be comprised of a question set as follows:
(1) Element 1 (formerly Elements 1 and 2): Basic radio law and operating practice with which every maritime radio operator should be familiar. 24 questions concerning provisions of laws, treaties, regulations, and operating procedures and practices generally followed or required in communicating by means of radiotelephone stations. The minimum passing score is 18 questions answered correctly.
(2) Element 3: General radiotelephone. 76 questions concerning electronic fundamentals and techniques required to adjust, repair, and maintain radio transmitters and receivers at stations licensed by the FCC in the aviation, maritime, and international fixed public radio services. The minimum passing score is 57 questions answered correctly.
(3) Element 5: Radiotelegraph operating practice. 50 questions concerning radio operating procedures and practices generally followed or required in communicating by means of radiotelegraph stations primarily other than in the maritime mobile services of public correspondence. The minimum passing score is 38 questions answered correctly.
(4) Element 6: Advanced radiotelegraph. 100 questions concerning technical, legal and other matters applicable to the operation of all classes of radiotelegraph stations, including operating procedures and practices in the maritime mobile services of public correspondence, and associated matters such as radio navigational aids, message traffic routing and accounting, etc. The minimum passing score is 75 questions answered correctly.
(5) Element 7: GMDSS radio operating practices. 76 questions concerning GMDSS radio operating procedures and practices sufficient to show detailed practical knowledge of the operation of all GMDSS sub-systems and equipment; ability to send and receive correctly by radio telephone and narrow-band direct-printing telegraphy; detailed knowledge of the regulations applying to radio communications, knowledge of the documents relating to charges for radio communications and knowledge of those provisions of the International Convention for the Safety of Life at Sea which relate to radio; sufficient knowledge of English to be able to express oneself satisfactorily both orally and in writing; knowledge of and ability to perform each function listed in § 80.1081; and knowledge covering the requirements set forth in IMO Assembly Resolution on Training for Radio Personnel (GMDSS), Annex 3. The minimum passing score is 57 questions answered correctly.
(6) Element 8: Ship radar techniques. 50 questions concerning specialized theory and practice applicable to the proper installation, servicing and maintenance of ship radar equipment in general use for marine navigational purposes. The minimum passing score is 38 questions answered correctly.
(7) Element 9: GMDSS radio maintenance practices and procedures. 50 questions concerning the requirements set forth in IMO Assembly on Training for Radio Personnel (GMDSS), Annex 5 and IMO Assembly on Radio Maintenance Guidelines for the Global Maritime Distress and Safety System related to Sea Areas A3 and A4. The minimum passing score is 38 questions answered correctly.
(b) A telegraphy examination (telegraphy Elements) must 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) Telegraphy Element 1: 16 code groups per minute.
(2) Telegraphy Element 2: 20 words per minute.
(3) Telegraphy Element 3: 20 code groups per minute.
(4) Telegraphy Element 4: 25 words per minute.

§ 13.205 Examination credit for licenses held.

(a) The COLEM must give credit as specified below to an examine holding any of the following documents:
(1) An unexpired (or within the grace period) FCC-issued commercial radio operator license: the written examination and telegraphy Element(s) required to obtain the license held.
(2) A PPC: Each element the PPC indicates the examinee passed within the previous 365 days.
(3) An unexpired or within the grace period FCC-issued Amateur Extra Class operator license: Telegraphy Elements 1 and 2.
(b) No examination credit, except as herein provided, shall be allowed on the basis of holding or having held any other license, permit, or certificate.

§ 13.207 Preparing an examination.

(a) Each telegraphy message and each written question set administered to an examinee for a commercial radio operator license must be provided by a COLEM.
(b) Each question set administered to an examinee must utilize questions taken from the applicable Element question pool. The COLEM may obtain the written question sets from a supplier or other COLEM.
(c) A telegraphy examination must consist of a plain language text or code group message sent in the international

Morse code at no less than the prescribed speed for a minimum of five 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 five letters of the alphabet must be counted as one word or one code group. Each numeral, punctuation mark, and prosign must be counted as two letters of the alphabet. The COLEM may obtain the telegraphy message from a supplier or other COLEM.

§ 13.209 Examination procedures.

(a) Each examination for a commercial radio operator license must be administered at a location and a time specified by the COLEM. The COLEM is responsible for the proper conduct and necessary supervision of each examination. The COLEM must immediately terminate the examination upon failure of the examinee to comply with its instructions.

(b) Each examinee, when taking an examination for a commercial radio operator license, shall comply with the instructions of the COLEM.

(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 re-administered to the same examinee.

(d) Passing a telegraphy examination.

(1) To pass a receiving telegraphy examination, an examinee is required to receive correctly the message by ear, for a period of 1 minute without error at the rate of speed specified in § 13.203 for the class of license sought.

(2) To pass a sending telegraphy examination, an examinee is required to send correctly for a period of 1 minute at the rate of speed prescribed in § 13.203(b) for the class of license sought.

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

(f) The COLEM is responsible for determining the correctness of he examinee's answers. When the examinee does not score a passing grade on an examination element, the COLEM must inform the examinee of the grade.

(g) When the examinee is credited for all examination elements required for the commercial operator license sought, the examinee may apply to the FCC for the license.

(h) No applicant who is eligible to apply for any commercial radio operator license shall, by reason of any physical handicap, be denied the privilege of applying and being permitted to attempt to prove his or her qualifications (by examination if examination is required) for such commercial radio operator license in accordance with procedures established by the COLEM.

(i) The COLEM must accommodate an examinee whose physical disabilities require a special examination procedure. The COLEM may require a physician's certification indicating the nature of the disability before determining which, if any, special procedures are appropriate to use. In the case of a blind examinee, the examination questions may be read aloud and the examinee may answer orally. A blind examinee wishing to use this procedure must make arrangements with the COLEM prior to the date the examination is desired.

(j) The FCC may:

(1) Administer any examination element itself.

(2) Readminister any examination element previously administered by a COLEM, either itself or by designating another COLEM to readminister the examination element.

(3) Cancel the commercial operator license(s) of any licensee who fails to appear for re-administration of an examination when directed by the FCC, or who fails any required element that is re-administered. In case of such cancellation, the person will be issued an operator license consistent with completed examination elements that have not been invalidated by not appearing for, or by failing, the examination upon re-administration.

§ 13.211 Commercial radio operator license examination.

(a) Each session where an examination for a commercial radio operator license is administered must be managed by a COLEM or the FCC.

(b) Each examination for a commercial radio operator license must be administered as determined by the COLEM.

(c) The COLEM may limit the number of candidates at any examination.

(d) The COLEM may prohibit from the examination area items the COLEM determines could compromise the integrity of an examination or distract examinees.

(e) Within 10 days of completion of the examination element(s), the COLEM must provide the results of the examination to the examinee and the COLEM must issue a PPC to an examinee who scores a passing grade on an examination element.

(f) A PPC is valid for 365 days from the date it is issued.

§ 13.213 COLEM qualifications.

No entity may serve as a COLEM unless it has entered into a written agreement with the FCC. In order to be eligible to be a COLEM, the entity must:

(a) Agree to abide by the terms of the agreement;

(b) Be capable of serving as a COLEM;

(c) Agree to coordinate examinations for one or more types of commercial radio operator licenses and/or endorsements;

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

(e) Agree to make any examination records available to the FCC, upon request.

(f) Agree not to administer an examination to an employee, relative, or relative of an employee.

§ 13.215 Question pools.

The question pool for each written examination element will be composed of questions acceptable to the FCC. Each question pool must contain at least 5 times the number of questions required for a single examination. The FCC will issue public announcements detailing the questions in the pool for each element. COLEMs must use only the most recent question pool made available to the public when preparing a question set for a written examination element.

§ 13.217 Records.

Each COLEM recovering fees from examinees must maintain records of expenses and revenues, frequency of examinations administered, and examination pass rates. Records must cover the period from January 1 to December 31 of the preceding year and must be submitted as directed by the Commission. Each COLEM must retain records for 1 year and the records must be made available to the FCC upon request.

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47 CFR Part 1

[FCC 93–56]

Telecommunications Authorization Act of 1992

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: By this action, the Commission amends the Schedule of