

preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

The Agency has determined that the final rule is not a covered regulatory action as defined in the Executive Order because it is not economically significant and is not a health or safety risk-based determination. Today's rule effects an administrative change by authorizing the State to implement its hazardous waste program in lieu of the Federal RCRA program for the non-trust lands within the 1873 Survey Area except over Indians and Indian activities within the 1873 Survey Area. As such, the final rule is not subject to the requirements of Executive Order 13045.

#### *Paperwork Reduction Act*

Under the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.*, Federal agencies must consider the paperwork burden imposed by any information request contained in a proposed rule or a final rule. This rule will not impose any information requirements upon the regulated community.

#### *National Technology Transfer and Advancement Act*

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Pub. L. 104-113, section 12(d) (15 U.S.C. 272), directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This action does not involve technical standards. Therefore, EPA did not consider the use of any voluntary standards.

#### **List of Subjects in 40 CFR Part 271**

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

**Authority:** This notice is issued under the authority of sections 2002(a), 3006 and

7004(b) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: June 24, 1998.

**Chuck Clarke,**

*Regional Administrator.*

[FR Doc. 98-17682 Filed 7-6-98; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

**47 CFR Parts 0, 1, 2, 5, 15, 18, 21, 22, 24, 26, 73, 74, 78, 80, 87, 90, 95, 97, and 101**

[ET Docket No. 97-94; FCC 98-58]

### Streamlining the Equipment Authorization Process

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission is amending its rules to simplify the equipment authorization processes, deregulate the authorization requirements for certain types of equipment, and begin implementation of an electronic filing system for equipment authorization applications. These actions will greatly reduce the complexity and burden of the Commission's equipment authorization requirements so that products can be introduced to the market more rapidly. We believe these actions will greatly benefit both large and small manufacturers and encourage the development of innovative products that best meet consumers' needs.

**EFFECTIVE DATE:** October 5, 1998.

**FOR FURTHER INFORMATION CONTACT:**

Hugh L. Van Tuyl, (202) 418-7506 or Julius P. Knapp, (202) 418-2468, Office of Engineering and Technology.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Order*, ET Docket 97-94, FCC 98-58, adopted April 2, 1998, and released April 16, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C., and also may be purchased from the Commission's duplication contractor, International Transcription Service, (202) 857-3800, 1231 20th Street, N.W. Washington, D.C. 20036.

### Summary of the Report and Order

1. On March 13, 1997, the Commission adopted a *Notice of Proposed Rule Making (Notice)* 62 FR 24383, May 5, 1997, in the above captioned proceeding. The *Notice* proposed to amend parts 2, 15, 18 and

other rule parts to: (1) simplify our existing equipment authorization processes; (2) deregulate the equipment authorization requirements for certain types of equipment; and (3) provide for electronic filing of applications for equipment authorization. The proposals were designed to reduce the burden of the equipment authorization program on manufacturers.

2. We are adopting many of the proposed changes to simplify the authorization process and relax the equipment authorization requirements for certain devices, as well as making the rule changes necessary to implement an electronic filing system for applications.

#### *Simplification of Existing Equipment Authorization Processes*

3. There are currently five different equipment authorization procedures specified in Subpart J of Part 2 of the Commission's Rules. The following is a brief description of each procedure:

Type acceptance calls for the manufacturer or importer to submit a written application for review and approval by the Commission. The application must include a complete technical description of the product and a test report showing compliance with the technical requirements. The type acceptance procedure has traditionally been applied to radio transmitters that are used in authorized radio services, such as commercial and private mobile radio services.

Certification is similar to type acceptance. The manufacturer or importer must submit a written application that includes a technical description of the product and a test report showing compliance with the Commission's technical standards. Certification has traditionally been used for low power, unlicensed consumer devices that operate under Parts 15 and 18 of the rules.

Notification requires submittal of a written application, but no test report is required unless specifically requested by the Commission. Notification has been used for a variety of products that demonstrated a good record of compliance, but the Commission found it appropriate to maintain some degree of oversight.

Declaration of Conformity (DoC) is a relatively new self-approval procedure that was established in connection with the Commission's deregulation of the certification requirements for personal computer equipment. The DoC procedure calls for the manufacturer or importer to test the equipment to determine compliance with the FCC standards. The laboratory performing

the measurements must be accredited by either the National Institute of Standards and Technology (NIST) or the American Association for Laboratory Accreditation (A2LA). A copy of the declaration of conformity, listing the party responsible for compliance, must be included in the literature furnished with the product.

Verification is also a manufacturer self-approval procedure, but unlike the DoC procedure does not require use of an accredited test laboratory and does not require a declaration of compliance to be supplied with the equipment. Verification has been used primarily for certain non-consumer devices operating under parts 15 and 18 of the rules, such as business computers and industrial heating and welding equipment that use radio frequency energy.

4. In order to reduce the complexity of having so many authorization procedures, we proposed to reduce the number to three, which we believe to be the minimum necessary for an effective program. Specifically, we proposed to eliminate the notification procedure, and to combine the type acceptance procedure with certification. We proposed to retain the two self-authorization procedures, verification and declaration of conformity, although we requested comments on the possibility of combining them.

#### **Elimination of the Notification Procedure**

5. The notification procedure requires the filing of an application form with the Commission, but it does not require the submittal of any measurement results. This procedure provides us with a record of the equipment being marketed, but we do not review any test data to confirm the compliance of the equipment. We are eliminating the notification procedure. Equipment currently under the notification procedure will be placed in the less stringent DoC or verification procedure.

#### **Combining of Type Acceptance and Certification**

6. The current certification and type acceptance procedures are very similar, in that both require the filing of an application form and technical report, and the filing procedure is the same for both. The primary difference is that certain technical information filed with the application is different. In light of this, we believe that it is more efficient to combine them into a single category. We have found in our dealings with the public, parties that are less familiar with the equipment authorization program frequently are confused by the multiple authorization procedures currently

contained in the rules. Having a single procedure for equipment that must be authorized by the Commission will make the rules more understandable and thereby promote compliance. Moreover, we note that the term "certification" is generally used worldwide for a system requiring a third-party product approval. Accordingly, we are simplifying the rules by combining the type acceptance and certification procedures into a single procedure called "certification".

#### **Retention of Verification and Declaration of Conformity as Separate Processes**

7. We believe there is merit to retaining verification and DoC as separate procedures. Verification is clearly appropriate for equipment that has an excellent record of compliance, where the measurement methods are well known and understood, and where it is relatively easy to determine the party responsible for compliance. The Declaration of Conformity procedure provides added safeguards that are necessary to ensure compliance for certain products that have a greater potential for causing interference or where issues about the proper measurement method may arise. Accordingly, we are making no changes to the verification and DoC procedures.

#### **Relaxation of the Equipment Authorization Requirements for Certain Devices**

8. Section 302(a) of the Act states, "*\* \* \* governs the interference potential of devices which in their operation are capable of emitting radio frequency energy \* \* \**" Section 302(a) of the Act is not intended to require a Commission approval for every type of radio frequency equipment before it can be imported or marketed in the United States. Rather, it gives the Commission authority to make *reasonable* regulations governing the interference potential of radio frequency devices, *consistent with the public interest*. We note that the *Notice* did not propose to change the technical standards governing radio frequency devices; only the methods of authorizing certain devices.

#### **Part 15 Devices**

9. The current part 15 rules require TV interface devices and certain receivers to be authorized through the certification procedure. Other receivers and Cable System Terminal Devices (CSTDs) are required to be authorized through the notification procedure. The *Notice* proposed to change the authorization requirement for TV

interface devices and receivers, except scanning receivers, to DoC. The *Notice* also proposed to change the authorization requirement for CSTDs from notification to certification.

10. VCRs and many receivers are widely deployed, mass-marketed consumer devices. VCRs that do not comply with the technical standards have the potential for causing interference to television reception, because they generate a signal on television frequencies. In addition, we have occasionally found receivers on the market that do not comply with the rules. We note that both VCRs and receivers require measurements of radio emissions that require considerable skill. For these reasons, we believe that the authorization process for VCRs and receivers should be relaxed to the DoC procedure, rather than verification. However, for the time being we will continue to allow receivers that are contained in a transceiver subject to certification to be authorized under the verification procedure. We will for now also provide the option of obtaining a grant of certification for VCRs and receivers. Any laboratory accredited to perform DoC testing of personal computers and peripherals may perform DoC testing of VCRs and receivers, since the ANSI C63.4-1992 measurement procedure is used for testing all of these devices. We note that there are already many laboratories accredited to perform such testing.

11. The *Notice* proposed to tighten the authorization requirement for CSTDs from notification to certification. We proposed that action in recognition of the fact that there is a large market for "pirate" cable boxes, which allow the viewing of scrambled cable channels without payment to the cable provider.

12. While we recognize that cable signal theft is a serious concern, upon review we believe that attempts to address this problem through our equipment authorization program would likely create substantial administrative burdens and delays in the availability of cable system terminal devices. We believe that our proper focus with regard to CSTDs should be on compliance with our radio emissions standards. Accordingly, we are relaxing the equipment authorization requirement for CSTDs to the DoC procedure, consistent with the requirements for receivers and VCRs.

#### **Part 18 Devices**

13. Part 18 consumer ISM equipment has had a reasonably good record of compliance with the FCC requirements. However, these devices could easily cause interference if they did not

conform with our standards because significant radio energy can be radiated into the airwaves. We also note that the measurement of radio emissions from these products requires considerable skill. We believe that relaxing the authorization requirement to the DoC procedure is appropriate, because it relieves manufacturers of the burden of obtaining an approval, but still provides a degree of certainty that the equipment will comply with the standards. We will, for now, allow the option of obtaining certification. We recognize that there are currently no laboratories accredited specifically for part 18 testing, but we are working with the appropriate organizations to establish such accreditation provisions. We note that there are certain similarities between part 15 and part 18 compliance testing. Therefore, until such time as an accreditation procedure is established for part 18 testing, we will accept measurement results from a laboratory accredited for part 15 testing for the purpose of a part 18 DoC.

14. We believe that a compliance statement and a label are necessary to allow identification of equipment that has been tested for compliance, and for identification of the responsible party. Accordingly, we are adopting a requirement for a short compliance statement and simple label on the device. We will require part 18 equipment authorized under the DoC procedure to be labelled with the FCC logo, as we currently require for part 15 equipment authorized under the DoC procedure. The FCC logo was selected to be a recognizable indicator that the device complies with the FCC standards, similar to the use of the "UL" logo to show compliance with Underwriters Laboratory standards, or the "CE" logo to indicate compliance with European standards. We decline to change the requirements contained in § 18.213 since they serve a useful purpose in informing users of the interference potential of the device and any maintenance that may be required for continued compliance with the rules. Finally, we are taking this opportunity to remove the provisions of § 18.205 requiring the filing of a description of the measurement facility used for testing part 18 equipment. This is merely an editorial change, because § 2.948 already requires the same information.

#### Licensed Transmitters

15. We proposed to change the authorization procedure from notification to either verification or DoC for transmitters operating in licensed services as listed:

- Wildlife tracking and ocean buoys operating under part 5.
- Part 101 point-to-point microwave transmitters.
- Part 73 AM transmitters, FM transmitters, television transmitters, and antenna phase monitors.
- Part 74 Auxiliary Broadcast aural STLs, aural intercity relays, aural STL boosters, aural intercity relay boosters, TV STLs, TV intercity relays, TV translator relays and TV microwave boosters.
- Part 78 Cable Television Relay fixed transmitters.
- Part 80 INMARSAT equipment.
- Part 87 406 MHz emergency locator transmitters.

16. We continue to believe that the authorization requirements for these transmitters may be relaxed, due to the excellent record of compliance compiled thus far. While we initially proposed DoC for certain parts 74, 78 and 101 transmitters in the *Notice*, we now believe that verification would be more appropriate. These transmitters are operated under the terms of a license. Therefore, we can locate and contact a licensee to resolve any interference problems that may develop. In addition, there is currently no laboratory accreditation program for laboratories testing parts 74, 78 and 101 transmitters. Therefore, we are eliminating the notification requirement for all transmitters on the list delineated above, including those under parts 74, 78 and 101, and replacing it with a verification requirement. We will continue to monitor the compliance of this equipment, and may revisit our decision to eliminate the authorization requirements if significant compliance problems develop.

#### Authorization Changes for Other Devices

17. We requested comments on whether there are other devices not covered above for which the authorization requirements could be relaxed. Motorola requested that we move Family Radio Service transmitters operating under part 95 from certification to DoC, because the equipment is low powered and is based on established designs. The Family Radio Service is a relatively new service, established only in 1996. See *Amendment of Part 95 of the Commission's Rules to Establish a Very Short Distance Two-way Voice Radio Service* in WT 95-102, 11 FCC Rcd 12977 (1996), 61 FR 28768, June 6, 1996. We do not feel that there has been sufficient time to demonstrate a history of compliance which would warrant relaxing the authorization requirements

for the equipment used in the service. Accordingly, we decline to place Family Radio Service transmitters under DoC at this time.

18. Ericsson requested that part 22 and part 90 analog base stations be subject to verification, and that part 22 and part 90 analog mobile equipment be subject to DoC since the test procedures are widely known and the equipment has an excellent record of compliance. We have concerns about deregulating the equipment authorization requirements for part 22 and part 90 transmitters due to the need to ensure compliance with recent changes to the technical rules. Also, certain parts 22 and 90 mobile and portable transmitters are subject to recently adopted requirements for routine evaluation for RF exposure. We therefore do not believe that verification is appropriate for the base stations, nor do we believe DoC is appropriate for the mobile stations. However, we will monitor the situation and, if appropriate, will consider relaxing the equipment authorization requirements for the aforementioned equipment in the future.

19. We have concerns about keyless entry transmitters used on automobiles. They are widely deployed, and therefore have a high potential for causing interference if they do not comply with the technical standards. While we do not believe it is appropriate to relax the authorization requirements for keyless entry and passive anti-theft devices at this time, we will reevaluate this finding in the future.

#### Electronic Filing

20. The *Notice* proposed that the Commission adopt an electronic filing system for equipment authorization applications. We believe that the implementation of an electronic filing system will significantly reduce the processing time of equipment authorization applications. Such a system will eliminate the delays associated with filing applications in Pittsburgh, transporting them to the FCC Laboratory and manually logging them in. Also, an electronic system will allow parallel processing of applications, so the administrative and technical reviews can be done simultaneously, thus further reducing the processing time.

21. The Commission has hired a contractor to do the programming of the electronic filing system. Testing of the system began in March, 1998, and we expect that it will soon be fully operational. See Public Notice, "OET Prototype Electronic Form 731", released February 27, 1998.

22. We will require all equipment authorization applications to be filed electronically one year after the effective date of these rules. Prior to that date, we will accept both paper and electronically filed applications while manufacturers become familiar with the new system. We will be amenable to consideration of waiver requests from small businesses that find it a hardship to file applications electronically. We are adding a new paragraph to Section 2.911 indicating that the electronic equivalent of a signature will be accepted in electronically filed applications.

#### Filing Fees

23. The filing fees for equipment are set at a level based upon the amount of time that is necessary to review applications. Applications for certification of equipment under parts 15 and 18 often require greater review time in comparison to applications for equipment under other rule parts. Consequently, there is a higher fee for those applications. We see no reason to change the current fee of \$450 for transmitters used in licensed services. Accordingly, we will set the filing fees as proposed in the *Notice*.

#### Radio Equipment List

24. The *Notice* proposed to eliminate the Radio Equipment List, since the information in the list is available through other sources. Information on transmitters that have been approved is available electronically from the FCC Internet site and the Public Access Link (PAL) system. In addition, inquiries can be made by telephone to the "status desk" at the Commission's Laboratory. The Commission also releases monthly Public Notices announcing the grants of applications. Because this information is available from various sources, we do not see a need to continue the Radio Equipment List. We disagree that elimination of the list will make it more difficult to locate the manufacturer of equipment which has caused interference, since the information is readily available. We are not making any changes to Section 101.103(d)(2)(ii) of the rules.

#### Submission of Samples

25. Parties marketing equipment are required to supply a sample to the Commission for testing within 60 days of a request by the Commission. However, in cases involving harmful interference or safety of life, a sample must be supplied within 14 days. We believe that 60 days, or even 30 days, is more time than necessary for supplying a sample in most cases, and could

therefore result in noncompliant equipment remaining on the market for a longer period of time. Accordingly, we are adopting a 14 day time limit for supplying test samples to the Commission as proposed in the *Notice*. We recognize that 14 days may not be sufficient in some cases when there are difficulties in supplying a sample. We will continue to consider extensions of time upon submission of a showing of good cause in those cases, as the rules currently allow. We decline to establish a procedure for vouchers or reimbursement of sample purchase costs at this time, due to the complexities involved.

#### Transfers of Control

26. The *Notice* proposed to clarify the rules that apply to corporate mergers, buyouts and acquisitions involving grantees of equipment authorization. We proposed to combine Sections 2.929, 2.934 and 2.935 of the rules to clarify when an equipment authorization may be assigned or transferred to another party, and when new applications must be filed.

27. Prior to 1989, the Commission's rules required the filing of a new application whenever a change was made to the trade name under which equipment is marketed. In 1989, the Commission eliminated that requirement. However, it appears that Section 2.929 was inadvertently not updated at that time to reflect that change. We are adopting the revised rule on transfers and assignments proposed in the *Notice*, but we are eliminating the reference to filing a new application for name changes.

#### Transition Provisions

28. The changes adopted here simplify and streamline the equipment authorization procedures. Since they are deregulatory in nature, only a short transition period is necessary. Accordingly, we are making the rules effective October 5, 1998. However, in order to allow manufacturers to obtain the maximum benefit from the changes, equipment may be authorized under the relaxed procedures (i.e.—Declaration of Conformity or verification) effective September 8, 1998.

29. Accordingly, It Is Ordered that parts 0, 1, 2, 5, 15, 18, 21, 22, 24, 26, 73, 74, 78, 80, 87, 90, 95, 97 and 101 of the Commission's Rules and Regulations Are Amended, as specified in the Rule Changes attachment and are effective October 5, 1998. This action is taken pursuant to sections 4(i), 301, 302, 303(e), 303(f), 303(r), 304 and 307 of the Communications Act of 1934, as

amended, 47 U.S.C. Sections 154(i), 301, 302, 303(e), 303(f), 303(r), 304 and 307.

#### Final Regulatory Flexibility Analysis

30. As required by the Regulatory Flexibility Act ("RFA"),<sup>1</sup> an Initial Regulatory Flexibility Analysis ("IRFA") was incorporated in "*Amendment of Parts 2, 15, 18 and Other Parts of the Commission's Rules to Simplify and Streamline the Equipment Authorization Process for Radio Frequency Equipment*", *Notice of Proposed Rule Making* ("*Notice*"), in ET Docket No. 97-94, 62 FR 24383, May 5, 1997. The Commission sought written public comment on the proposals in the *Notice*, including comment on the IRFA. The Commission's Final Regulatory Flexibility Analysis ("FRFA") in this Report and Order conforms to the RFA.<sup>2</sup>

#### 31. Need For and Objective of the Rules.

The Commission is amending parts 2, 15, 18 and other parts of its rules to simplify the equipment authorization processes, deregulate the equipment authorization requirements for certain types of equipment, and begin implementation of an electronic filing system for equipment authorization applications. These actions will greatly reduce the complexity and burden of the Commission's equipment authorization requirements. They will also improve the efficiency of the equipment authorization process so that products can be introduced to the market more rapidly. They will reduce the number of applications required to be filed with the Commission annually from about 3500 to approximately 1800, significantly reducing paperwork requirements on manufacturers. We expect that this action will result in savings of at least \$100 million to manufacturers of the products covered by the changes. The provision for electronic filing of applications should significantly reduce the current applications time. We believe these actions will greatly benefit both large and small manufacturers and encourage the development of innovative products that best meet consumer's needs.

#### 32. Summary of Significant Issues Raised by Public Comments in Response to the IRFA.

In the IRFA we stated that proposals in this proceeding would result in a significant decrease in equipment authorization applications that must be

<sup>1</sup> See 5 U.S.C. 603. The RFA, see 5 U.S.C. 601 *et seq.*, has been amended by the Contract With America Advancement Act of 1996, Public Law No. 104-121, 110 Stat 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

<sup>2</sup> See 5 U.S.C. 604.

filed with the Commission. We believe that small entities will benefit from these proposals because in many cases they will no longer be required to file applications with the Commission. Also, small entities will benefit from the simpler regulations and streamlined process for equipment that continues to require authorization by the FCC. We solicited comments regarding these conclusions. No comments were submitted directly in response to the IRFA.

### 33. *Description and Estimate of the Number of Small Entities to Which the Rules Will Apply.*

The RFA generally defines small entity as having the same meaning as the terms "small business" "small organization," and "small governmental jurisdictions."<sup>3</sup> In addition, the term "small business" is the same meaning as the term "small business concern" under the Small Business Act ("SBA"), 15 U.S.C. 632, unless the Commission has developed one or more definitions that are appropriate to its activities.<sup>4</sup> Under the SBA, a "small business concern" is one that (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) meets any individual criteria established by the Small Business Administration (SBA).<sup>5</sup>

34. The Commission has not developed a definition of small entities applicable to RF Equipment manufacturers. Therefore, the applicable definition of small entity is the definition under the SBA rules applicable to manufacturers of "Radio and Television Broadcasting and Communications Equipment." According to the SBA's regulation, an RF manufacturer must have 750 or fewer employees in order to qualify as a small business.<sup>6</sup> Census Bureau data indicates that there are 858 companies in the United States that manufacture radio and television broadcasting and communications equipment, and that 778 of these firms have fewer than 750 employees and would be classified as small entities.<sup>7</sup> We believe that many of the companies that manufacture RF equipment may qualify as small entities.

### 35. *Description of Projected Reporting, Recordkeeping and Other Compliance Requirements.*

There are currently five different equipment authorization procedures. They are type acceptance, certification, notification, verification and Declaration of Conformity (DoC). We are proposing to eliminate the notification procedure, and to combine the type acceptance procedure with the certification procedure. Equipment currently under the notification procedure will be placed in the less stringent DoC or verification procedure, as appropriate. Both verification and DoC are self-authorization procedures, which allow equipment to be marketed without approval from the FCC once it has been tested and found to comply with the FCC rules. However, the DoC procedure has an additional requirement to test the equipment at an accredited laboratory, which provides a higher degree of confidence that a device will be measured correctly. It also has additional requirements for labelling and information supplied with the product, which allows the Commission to more easily locate the manufacturer in the event the equipment causes interference.

36. Applications for equipment authorization will be required to be filed electronically one year after the effective date of the rules. The equipment required to file will typically consist of a personal computer with an internet connection, a document scanner, a digital camera and software to convert data to the proper format. The equipment is readily available, or applicants can contract with others (e.g.—equipment testing laboratories) who have the equipment.

### 37. *Steps Taken to Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered.*

#### Simplification of Equipment Authorization Categories

38. The Commission requested comments on its proposal to eliminate the notification category of equipment authorization, and to combine the type acceptance with the certification category of authorization. It also requested comments on whether to combine the DoC and verification procedures.

39. There was no opposition to eliminating the notification procedure, but the Commission received comments concerning combining type acceptance with certification. Motorola stated that the change could be a source of confusion, and Rockwell had concerns that the structure of the proposed rules could be improved. The Commission believes that having three different authorization procedures for equipment

requiring approval is an even greater source of confusion than the proposal, particularly for small entities which may not be familiar with the rules. Accordingly, the Commission is eliminating the notification procedure, and combining type acceptance and certification into a single procedure called "certification" for equipment requiring an approval. The structure of the proposed rules is being modified as recommended by Rockwell to make them simpler for both large and small entities to understand.

40. The comments did not support combining the DoC and verification procedures. The DoC procedure is relatively new, and the Commission has expended resources educating small entities about it, so making changes to it at this point would cause confusion. Also, since there is a need to maintain a higher degree of confidence that certain equipment complies with standards to reduce the potential for causing harmful interference, the Commission believes it is necessary to keep the DoC procedure separate from the verification procedure.

#### Deregulation of Equipment Authorization Requirements

41. The Commission proposed to relax the authorization requirement for equipment operating under various parts of the rules. The comments generally supported relaxing the requirements, and several parties supported even further relaxation than the Commission proposed. Rockwell requested that we place most part 15 receivers under verification, and CEMA requested that we place VCRs under verification. Ford recommended that we move certain Part 15 low power transmitters to DoC and Motorola recommended that we move part 95 Family Radio Service transmitters to DoC. Finally, Ericsson requested that certain parts 22 and 90 transmitters be moved to DoC or verification.

42. The further relaxation in the authorization requirements proposed in the comments would reduce the burden on small entities manufacturing those devices. However, in relaxing the authorization requirements for equipment, the Commission must also consider whether there is an increased likelihood of harmful interference being caused. The Commission has carefully considered the requests made in the comments, and is concerned that relaxing the authorization requirement for these devices beyond what was proposed would result in too great a risk of interference to communication services. The authorization requirements selected by the

<sup>3</sup> 5 U.S.C. 601(6).

<sup>4</sup> 5 U.S.C. 601(3) (incorporating by reference the definition of "small business concern" in 5 U.S.C. 632).

<sup>5</sup> 15 U.S.C. 632.

<sup>6</sup> See 13 CFR 121.201, Standard Industrial Classification (SIC) Code 3663.

<sup>7</sup> See U.S. Department of Commerce, 1992 Census of Transportation, Communications and Utilities (issued May 1995), SIC category 3663.

Commission for each type of equipment are believed to be the least burdensome necessary to minimize the risk of interference, and will therefore have the least impact on small entities.

Electronic Filing

43. The Commission proposed to implement an electronic filing system for equipment authorization applications. It also solicited comments on whether the system should be mandatory or whether paper applications should continue to be accepted. The comments supported developing an electronic filing system, but some parties expressed concern about whether the Commission would mandate electronic filing, which could be burdensome for some entities.

44. The Commission believes that the implementation of an electronic filing system will significantly reduce the processing time of equipment authorization applications. Such a system would eliminate the delays associated with filing applications in Pittsburgh, transporting them to the Commission's Laboratory and manually logging them in. It would also allow parallel processing of applications, so the administrative and technical reviews can be done simultaneously, thus further reducing the processing time. Such a system will benefit small entities by reducing the costs caused by delays in marketing new equipment. We have decided to make the system mandatory, since the equipment required to electronically file applications is readily available. However, we will continue to accept paper applications for a period of one year to minimize the impact on small entities.

45. *Report to Congress.* The Commission shall send a copy of this Final Regulatory Flexibility Analysis, along with this First Report and Order, in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 801(a)(1)(A), and the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects

47 CFR Part 0

Reporting and recordkeeping requirements.

47 CFR Parts 1 and 2

Radio, Reporting and recordkeeping requirements.

47 CFR Part 5

Radio.

47 CFR Part 15

Communications equipment.

47 CFR Part 18

Business and industry, Scientific equipment.

47 CFR Parts 21, 22, and 24

Communications equipment, Radio.

47 CFR Part 26

Radio.

47 CFR Parts 73, 74, 78, 80, 87, 90, 95, 97, and 101

Communications equipment, Radio. Federal Communications Commission.

William F. Caton, Deputy Secretary.

Rules Changes

For the reasons discussed in the preamble Parts 0, 1, 2, 5, 15, 18, 21, 22, 24, 26, 73, 74, 78, 80, 87, 90, 95, 97 and 101 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: Secs. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155.

§ 0.31 [Amended]

2. Section 0.31, paragraph (j) is amended by removing the term "type approval and acceptance, and certification" and adding in its place "approval".

§ 0.401 [Amended]

3. Section 0.401, paragraph (a)(2) is amended by revising the second

sentence to read "The mailing address is: Federal Communications Commission, Equipment Authorization Division, 7435 Oakland Mills Road, Columbia, MD 21046".

§ 0.406 [Amended]

4. Section 0.406, paragraph (b)(3) is amended by removing the term "type acceptance and type approval" and adding in its place "authorization".

§ 0.433 [Removed]

5. Section 0.433 is removed.

§ 0.453 [Amended]

6. Section 0.453, paragraph (k) is amended by removing the term "(Type accepted, type approved, certified and notified)".

§ 0.455 [Amended]

7. Section 0.455, paragraph (e)(3) is amended by removing the term "(type accepted, type approval, certification, or advance approval of subscription television systems)".

§ 0.457 [Amended]

8. Section 0.457, paragraph (d)(1)(ii) is amended by removing the term "(type acceptance, type approval, certification, or advance approval of subscription television systems)".

PART 1—PRACTICE AND PROCEDURE

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

Authority: 15 U.S.C. 79 *et seq.*; 47 U.S.C. 151, 154(i), 154(j), 155, 225, and 303(r).

§ 1.77 [Amended]

10. Section 1.77, paragraph (g) is amended by removing the term "type approval and type acceptance" and adding in its place "certification", and removing the reference to "subpart F" and adding in its place "subpart J".

11. Section 1.1103 is revised to read as follows:

§ 1.1103 Schedule of charges for equipment authorization, experimental radio services, ship inspections and international telecommunications settlements.

Action	FCC form No.	Fee amount	Payment type code	Address
1. Certification:				
a. Receivers (except TV and FM).	731 .....	350	EEC	Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251-5315.
b. Devices under Parts 11, 15 and 18 (except receivers).	731 .....	895	EGC	Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251-5315.
c. All other devices .....	731 .....	450	EFT	Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251-5315.

Action	FCC form No.	Fee amount	Payment type code	Address
d. Modifications and Class II Permissive Changes.	731 .....	45	EAC	Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251-5315.
e. Request for Confidentiality	731 or 159 & Corres.	130	EBC	Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251-5315.
2. Advance Approval for Subscription TV System.	159 & Corres ....	2,740	EIS	Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251-5315.
a. Request for Confidentiality	159 & Corres ....	130	EBS	Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251-5315.
3. Assignment of Applicant Code: a. New applicants for all application types except Subscription TV.	159 & Corres ....	45	EAG	Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251-5315.
4. Experimental Radio Service: a. New Station Authorization ..	442 .....	45	EAE	Federal Communications Commission, Equipment Approval Services, P.O. Box 358320, Pittsburgh, PA 15251-5320.
b. Modification of Authorization.	442 .....	45	EAE	Federal Communications Commission, Equipment Approval Services, P.O. Box 358320, Pittsburgh, PA 15251-5320.
c. Renewal of Station Authorization.	405 .....	45	EAE	Federal Communications Commission, Equipment Approval Services, P.O. Box 358320, Pittsburgh, PA 15251-5320.
d. Assignment or Transfer of Control.	702 or 703 .....	45	EAE	Federal Communications Commission, Equipment Approval Services, P.O. Box 358320, Pittsburgh, PA 15251-5320.
e. Special Temporary Authority.	159 & Corres ....	45	EAE	Federal Communications Commission, Equipment Approval Services, P.O. Box 358320, Pittsburgh, PA 15251-5320.
f. Additional fee required for any of the above applications that request confidentiality.	159 & Corres ....	45	EAE	Federal Communications Commission, Equipment Approval Services, P.O. Box 358320, Pittsburgh, PA 15251-5320.
5. Ship Inspections: a. Passenger Vessel Under Title III, Part III.	801 .....	390	FCS	Federal Communications Commission, P.O. Box 358110, Pittsburgh, PA 15251-5110.
b. Oceangoing Vessel Under Title III, Part II.	801 .....	755	FFS	Federal Communications Commission, P.O. Box 358110, Pittsburgh, PA 15251-5110.
c. Vessels Under the Great Lakes Agreement.	801 .....	110	FDS	Federal Communications Commission, P.O. Box 358110, Pittsburgh, PA 15251-5110.
d. Vessels Under the Safety of Life at Sea (SOLAS) Convention.	801 .....	660	FES	Federal Communications Commission, P.O. Box 358110, Pittsburgh, PA 15251-5110.
e. Temporary Waiver of Inspection.	159 & Corres ....	75	FBS	Federal Communications Commission, P.O. Box 358110, Pittsburgh, PA 15251-5110.
6. International Telecommunications Settlements Administrative Fee for Collections (per line item).	99 .....	2	IAT	Licensees will be billed.

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

12. The authority citation for part 2 continues to read as follows:

**Authority:** 47 U.S.C. 154, 302, 303, 307, and 336, unless otherwise noted.

13. Section 2.803, paragraph (a)(1) is revised to read as follows:

**§ 2.803 Marketing of radio frequency devices prior to equipment authorization.**

(a) \* \* \*

(1) In the case of a device subject to certification, such device has been

authorized by the Commission in accordance with the rules in this chapter and is properly identified and labelled as required by § 2.925 and other relevant sections in this chapter; or

\* \* \* \* \*

**§ 2.901 [Amended]**

14. Section 2.901, paragraph (a) is amended by removing the term “type acceptance, certification, registration or notification” and adding in its place “certification or registration”. Paragraph (b) is amended by removing the term “type acceptance, certification or

notification” and adding in its place “certification”.

**§ 2.904 [Removed]**

15. Section 2.904 is removed.

**§ 2.905 [Removed]**

16. Section 2.905 is removed.

17. Section 2.907, paragraph (a) is revised to read as follows:

**§ 2.907 Certification.**

(a) Certification is an equipment authorization issued by the Commission, based on representations

and test data submitted by the applicant.

\* \* \* \* \*

18. Section 2.911 is amended by adding a new paragraph (g) to read as follows:

**§ 2.911 Written application required.**

\* \* \* \* \*

(g) "Signed," as used in this section, means an original handwritten signature; however, the Office of Engineering and Technology may allow signature by any symbol executed or adopted by the applicant with the intent that such symbol be a signature, including symbols formed by computer-generated electronic impulses.

19. Section 2.913 is amended by revising paragraph (b) and adding a new paragraph (c) as follows:

**§ 2.913 Submittal of equipment authorization application or information to the Commission.**

\* \* \* \* \*

(b) Any information or equipment samples requested by the Commission pursuant to the provisions of subpart J of this part shall, unless otherwise directed, be submitted to the Federal Communications Commission, Equipment Authorization Division, 7435 Oakland Mills Road, Columbia, Maryland 21046.

(c) Effective October 5, 1999, all applications for equipment authorization must be filed electronically. The Commission will be amenable to consideration of waiver requests from small businesses that find it a hardship to file applications electronically. Information on the procedures for electronically filing equipment authorization applications can be obtained from the address in paragraph (b) of this section.

20. Section 2.915, paragraphs (a) introductory text and (c) are revised to read as follows:

**§ 2.915 Grant of application.**

(a) The Commission will grant an application for certification if it finds from an examination of the application and supporting data, or other matter which it may officially notice, that:

\* \* \* \* \*

(c) Certification shall not attach to any equipment, nor shall any equipment authorization be deemed effective, until the application has been granted.

**§ 2.924 [Amended]**

21. Section 2.924 is amended by revising the second sentence to read as follows:

\* \* \* \* \*

A device will be considered to be electrically identical if no changes are

made to the device authorized by the Commission, or if the changes made to the device would be treated as class I permissive changes within the scope of § 2.1043(b)(1).

\* \* \* \* \*

22. Section 2.929 is revised to read as follows:

**§ 2.929 Changes in name, address, ownership or control of grantee.**

(a) An equipment authorization issued by the Commission may not be assigned, exchanged or in any other way transferred to a second party, except as provided in this section.

(b) The grantee of an equipment authorization may license or otherwise authorize a second party to manufacture the equipment covered by the grant of the equipment authorization provided:

(1) The equipment manufactured by such second party bears the FCC Identifier as is set out in the grant of the equipment authorization.

**Note to paragraph (b)(1):** Any change in the FCC Identifier desired as a result of such production or marketing agreement will require the filing of a new application for an equipment authorization as specified in § 2.933.

(2) The grantee of the equipment authorization shall continue to be responsible to the Commission for the equipment produced pursuant to such an agreement.

(c) Whenever there is a change in the name and/or address of the grantee of an equipment authorization, written notice of such change(s) shall be submitted to the Commission within 30 days after the grantee starts using the new name and/or address.

(d) In the case of transactions affecting the grantee, such as a transfer of control or sale to another company, mergers, or transfer of manufacturing rights, notice must be given to the Commission in writing within 60 days after the consummation of the transaction. Depending on the circumstances in each case, the Commission may require new applications for equipment authorization. In reaching a decision the Commission will consider whether the acquiring party can adequately ensure and accept responsibility for continued compliance with the regulations. In general, new applications for each device will not be required. A single application for equipment authorization may be filed covering all the affected equipment.

23. Section 2.931 is revised to read as follows:

**§ 2.931 Responsibility of the grantee.**

In accepting a grant of an equipment authorization, the grantee warrants that

each unit of equipment marketed under such grant and bearing the identification specified in the grant will conform to the unit that was measured and that the data (design and rated operational characteristics) filed with the application for certification continues to be representative of the equipment being produced under such grant within the variation that can be expected due to quantity production and testing on a statistical basis.

24. Section 2.932 is revised to read as follows:

**§ 2.932 Modification of equipment.**

(a) A new application for an equipment authorization shall be filed whenever there is a change in the design, circuitry or construction of an equipment or device for which an equipment authorization has been issued, except as provided in paragraphs (b) through (d) of this section.

(b) Permissive changes may be made in certificated equipment, and equipment that was authorized under the former type acceptance procedure, pursuant to § 2.1043.

(c) Permissive changes may be made in equipment that was authorized under the former notification procedure without submittal of information to the Commission, unless the equipment is currently subject to authorization under the certification procedure. However, the grantee shall submit information documenting continued compliance with the pertinent requirements upon request.

(d) All requests for permissive changes submitted to the Commission must be accompanied by the anti-drug abuse certification required under § 1.2002 of this chapter.

25. Section 2.933 is revised to read as follows:

**§ 2.933 Change in identification of equipment.**

(a) A new application for equipment authorization shall be filed whenever there is a change in the FCC Identifier for the equipment with or without a change in design, circuitry or construction. However, a change in the model/type number or trade name performed in accordance with the provisions in § 2.924 of this chapter is not considered to be a change in identification and does not require additional authorization from the Commission.

(b) An application filed pursuant to paragraph (a) of this section where no change in design, circuitry or construction is involved, need not be accompanied by a resubmission of

equipment or measurement or test data customarily required with a new application, unless specifically requested by the Commission. In lieu thereof, the applicant shall attach a statement setting out:

(1) The original identification used on the equipment prior to the change in identification.

(2) The date of the original grant of the equipment authorization.

(3) How the equipment bearing the modified identification differs from the original equipment.

(4) Whether the original test results continue to be representative of and applicable to the equipment bearing the changed identification.

(5) The photographs required by § 2.1033(b)(7) or § 2.1033(c)(12) showing the exterior appearance of the equipment, including the operating controls available to the user and the identification label. Photographs of the construction, the component placement on the chassis, and the chassis assembly are not required to be submitted unless specifically requested by the Commission.

(c) If the change in the FCC Identifier also involves a change in design or circuitry which falls outside the purview of a permissive change described in § 2.1043, a complete application shall be filed pursuant to § 2.911.

**§ 2.934 [Removed]**

26. Section 2.934 is removed.

**§ 2.935 [Removed]**

27. Section 2.935 is removed.

28. Section 2.938 is amended by revising paragraph (c) to read as follows:

**§ 2.938 Retention of records.**

\* \* \* \* \*

(c) The records listed in paragraph (a) of this section shall be retained for one year for equipment subject to authorization under the certification procedure or former type acceptance procedure, or for two years for equipment subject to authorization under any other procedure, after the manufacture of said equipment has been permanently discontinued, or until the conclusion of an investigation or a proceeding if the responsible party (or, under paragraph (b) of this section, the manufacturer) is officially notified that an investigation or any other administrative proceeding involving its equipment has been instituted.

\* \* \* \* \*

**§ 2.943 [Amended]**

29. Section 2.943, paragraph (a) is amended by removing the words "for

type acceptance, certification or notification".

30. Section 2.946 is revised to read as follows:

**§ 2.946 Penalty for failure to provide test samples and data.**

(a) Any responsible party, as defined in § 2.909, or any party who markets equipment subject to the provisions of this chapter, shall provide test sample(s) or data upon request by the Commission. Failure to comply with such a request within 14 days may be cause for forfeiture, pursuant to § 1.80 of this chapter, or other administrative sanctions such as suspending action on any applications for equipment authorization submitted by such party while the matter is being resolved.

(b) The Commission may consider extensions of time upon submission of a showing of good cause.

**§ 2.948 [Amended]**

31. Section 2.948, paragraph (a)(2) first sentence is amended by removing the words "or the notification".

**§ 2.971 [Removed]**

32. The undesignated center heading "Notification" and § 2.971 are removed.

**§ 2.973 [Removed]**

33. Section 2.973 is removed.

**§ 2.975 [Removed]**

34. Section 2.975 is removed.

**§ 2.977 [Removed]**

35. Section 2.977 is removed.

**§ 2.981 [Removed]**

36. The undesignated center heading "Type Acceptance" and § 2.981 is removed.

**§ 2.983 [Removed]**

37. Section 2.983 is removed.

**§ 2.985 [Redesignated as § 2.1046]**

38. Section 2.985 is redesignated as new § 2.1046, and the reference to "§ 2.983(d)(5)" in paragraph (a) is removed and add in its place "§ 2.1033(c)(8)".

**§ 2.987 [Redesignated as § 2.1047]**

39. Section 2.987 is redesignated as new § 2.1047, and the reference to "§ 2.989" in paragraph (c) is removed and add in its place "§ 2.1049".

**§ 2.989 [Redesignated as § 2.1049]**

40. Section 2.989 is redesignated as new § 2.1049.

**§ 2.991 [Redesignated as § 2.1051]**

41. Section 2.991 is redesignated as new § 2.1051, and the reference to "§ 2.989" is removed and add in its place "§ 2.1049".

**§ 2.993 [Redesignated as § 2.1053]**

42. Section 2.993 is redesignated as new § 2.1053, and the reference to "§ 2.989" is removed and add in its place "§ 2.1049".

**§ 2.995 [Redesignated as § 2.1055]**

43. Section 2.995 is redesignated as § 2.1055.

**§ 2.997 [Redesignated as § 2.1057]**

44. Section 2.997 is redesignated as § 2.1057, and the references to "§§ 2.991 and 2.993" in paragraph (a) are removed and add in its place "§§ 2.1051 and 2.1053", respectively.

**§ 2.999 [Removed]**

45. Section 2.999 is removed.

**§ 2.1001 [Removed]**

46. Section 2.1001 is removed.

**§ 2.1005 [Removed]**

47. Section 2.1005 is removed.

48. Section 2.1033 is revised to read as follows:

**§ 2.1033 Application for certification.**

(a) An application for certification shall be filed on FCC Form 731 with all questions answered. Items that do not apply shall be so noted.

(b) Applications for equipment operating under Parts 11, 15 and 18 of the rules shall be accompanied by a technical report containing the following information:

(1) The full name and mailing address of the manufacturer of the device and the applicant for certification.

(2) FCC identifier.

(3) A copy of the installation and operating instructions to be furnished the user. A draft copy of the instructions may be submitted if the actual document is not available. The actual document shall be furnished to the FCC when it becomes available.

(4) A brief description of the circuit functions of the device along with a statement describing how the device operates. This statement should contain a description of the ground system and antenna, if any, used with the device.

(5) A block diagram showing the frequency of all oscillators in the device. The signal path and frequency shall be indicated at each block. The tuning range(s) and intermediate frequency(ies) shall be indicated at each block. A schematic diagram is also required for intentional radiators.

(6) A report of measurements showing compliance with the pertinent FCC technical requirements. This report shall identify the test procedure used (e.g., specify the FCC test procedure, or industry test procedure that was used), the date the measurements were made,

the location where the measurements were made, and the device that was tested (model and serial number, if available). The report shall include sample calculations showing how the measurement results were converted for comparison with the technical requirements.

(7) A sufficient number of photographs to clearly show the exterior appearance, the construction, the component placement on the chassis, and the chassis assembly. The exterior views shall show the overall appearance, the antenna used with the device (if any), the controls available to the user, and the required identification label in sufficient detail so that the name and FCC identifier can be read. In lieu of a photograph of the label, a sample label (or facsimile thereof) may be submitted together with a sketch showing where this label will be placed on the equipment. Photographs shall be of size A4 (21 cm × 29.7 cm) or 8 × 10 inches (20.3 cm × 25.4 cm). Smaller photographs may be submitted provided they are sharp and clear, show the necessary detail, and are mounted on A4 (21 cm × 29.7 cm) or 8.5 × 11 inch (21.6 cm × 27.9 cm) paper. A sample label or facsimile together with the sketch showing the placement of this label shall be on the same size paper.

(8) If the equipment for which certification is being sought must be tested with peripheral or accessory devices connected or installed, a brief description of those peripherals or accessories. The peripheral or accessory devices shall be unmodified, commercially available equipment.

(9) For equipment subject to the provisions of part 15 of this chapter, the application shall indicate if the equipment is being authorized pursuant to the transition provisions in § 15.37 of this chapter.

(10) Applications for the certification of direct sequence spread spectrum transmitters under part 15 shall be accompanied by an exhibit demonstrating compliance with the processing gain provisions of § 15.247(e) of this chapter. Applications for the certification of frequency hopping transmitters under part 15 shall be accompanied by an exhibit describing compliance of the associated receiver or receivers with § 15.247(a)(1) of this chapter.

(11) Applications for the certification of scanning receivers shall include a statement describing the methods used to comply with the design requirements of § 15.121(a) of this chapter or the marketing requirements of § 15.121(b) of this chapter.

(c) Applications for equipment other than that operating under parts 15 and 18 of the rules shall be accompanied by a technical report containing the following information:

(1) The full name and mailing address of the manufacturer of the device and the applicant for certification.

(2) FCC identifier.

(3) A copy of the installation and operating instructions to be furnished the user. A draft copy of the instructions may be submitted if the actual document is not available. The actual document shall be furnished to the FCC when it becomes available.

(4) Type or types of emission.

(5) Frequency range.

(6) Range of operating power values or specific operating power levels, and description of any means provided for variation of operating power.

(7) Maximum power rating as defined in the applicable part(s) of the rules.

(8) The dc voltages applied to and dc currents into the several elements of the final radio frequency amplifying device for normal operation over the power range.

(9) Tune-up procedure over the power range, or at specific operating power levels.

(10) A schematic diagram and a description of all circuitry and devices provided for determining and stabilizing frequency, for suppression of spurious radiation, for limiting modulation, and for limiting power.

(11) A photograph or drawing of the equipment identification plate or label showing the information to be placed thereon.

(12) Photographs (8" x 10") of the equipment of sufficient clarity to reveal equipment construction and layout, including meters, if any, and labels for controls and meters and sufficient views of the internal construction to define component placement and chassis assembly. Insofar as these requirements are met by photographs or drawings contained in instruction manuals supplied with the certification request, additional photographs are necessary only to complete the required showing.

(13) For equipment employing digital modulation techniques, a detailed description of the modulation system to be used, including the response characteristics (frequency, phase and amplitude) of any filters provided, and a description of the modulating wavetrain, shall be submitted for the maximum rated conditions under which the equipment will be operated.

(14) The data required by §§ 2.1046 through 2.1057, inclusive, measured in accordance with the procedures set out in § 2.1041.

(15) The application for certification of an external radio frequency power amplifier under part 97 of this chapter need not be accompanied by the data required by paragraph (b)(14) of this section. In lieu thereof, measurements shall be submitted to show compliance with the technical specifications in subpart C of part 97 of this chapter and such information as required by § 2.1060 of this part.

(16) An application for certification of an AM broadcast stereophonic exciter-generator intended for interfacing with existing certified, or formerly type accepted or notified transmitters must include measurements made on a complete stereophonic transmitter. The instruction book must include complete specifications and circuit requirements for interconnecting with existing transmitters. The instruction book must also provide a full description of the equipment and measurement procedures to monitor modulation and to verify that the combination of stereo exciter-generator and transmitter meet the emission limitations of § 73.44.

(17) A single application may be filed for a composite system that incorporates devices subject to certification under multiple rule parts, however, the appropriate fee must be included for each device. Separate applications must be filed if different FCC Identifiers will be used for each device.

49. Section 2.1041 is revised to read as follows:

**§ 2.1041 Measurement procedure.**

For equipment operating under parts 15 and 18, the measurement procedures are specified in the rules governing the particular device for which certification is requested. For equipment operating in the authorized radio services, measurements are required as specified in §§ 2.1046, 2.1047, 2.1049, 2.1051, 2.1053, 2.1055 and 2.1057. See also § 2.947.

50. Section 2.1043 is revised to read as follows:

**§ 2.1043 Changes in certificated equipment.**

(a) Changes to the basic frequency determining and stabilizing circuitry (including clock or data rates), frequency multiplication stages, basic modulator circuit or maximum power or field strength ratings shall not be performed without application for and authorization of a new grant of certification. Variations in electrical or mechanical construction, other than these indicated items, are permitted provided the variations either do not affect the characteristics required to be reported to the Commission or the

variations are made in compliance with the other provisions of this section.

(b) Two classes of permissive changes may be made in certificated equipment without requiring a new application for and grant of certification. Neither class of change shall result in a change in identification.

(1) A Class I permissive change includes those modifications in the equipment which do not degrade the characteristics reported by the manufacturer and accepted by the Commission when certification is granted. No filing with the Commission is required for a Class I permissive change.

(2) A Class II permissive change includes those modifications which degrade the performance characteristics as reported to the Commission at the time of the initial certification. Such degraded performance must still meet the minimum requirements of the applicable rules. When a Class II permissive change is made by the grantee, the grantee shall supply the Commission with complete information and the results of tests of the characteristics affected by such change. The modified equipment shall not be marketed under the existing grant of certification prior to acknowledgement by the Commission that the change is acceptable.

(3) Except as specified below, permissive changes, as detailed above, shall be made only by the holder of the grant of certification. Changes by any party other than the grantee require a new application for and grant of certification.

(c) A grantee desiring to make a change other than a permissive change shall file an application on FCC Form 731 accompanied by the required fees. The grantee shall attach a description of the change(s) to be made and a statement indicating whether the change(s) will be made in all units (including previous production) or will be made only in those units produced after the change is authorized.

(d) A modification which results in a change in the identification of a device with or without change in circuitry requires a new application for, and grant of certification. If the changes affect the characteristics required to be reported, a complete application shall be filed. If the characteristics required to be reported are not changed the abbreviated procedure of § 2.933 may be used.

(e) Equipment that has been certificated or formerly type accepted for use in the Amateur Radio Service pursuant to the requirements of part 97 of this chapter may be modified without

regard to the conditions specified in paragraph (b) of this section, provided the following conditions are met:

(1) Any person performing such modifications on equipment used under part 97 of this chapter must possess a valid amateur radio operator license of the class required for the use of the equipment being modified.

(2) Modifications made pursuant to this paragraph are limited to equipment used at licensed amateur radio stations.

(3) Modifications specified or performed by equipment manufacturers or suppliers must be in accordance with the requirements set forth in paragraph (b) of this section.

(4) Modifications specified or performed by licensees in the Amateur Radio Service on equipment other than that at specific licensed amateur radio stations must be in accordance with the requirements set forth in paragraph (b) of this section.

(5) The station licensee shall be responsible for ensuring that modified equipment used at his station will comply with the applicable technical standards in part 97 of this chapter.

(f) For equipment other than that operating under parts 15 or 18, when a Class II permissive change is made by other than the grantee of certification, the information and data specified in paragraph (b)(2) of this section shall be supplied by the person making the change. The modified equipment shall not be operated under an authorization of the Commission prior to acknowledgement by the Commission that the change is acceptable.

(g) The interconnection of a certificated or formerly type accepted AM broadcast stereophonic exciter-generator with a certificated or formerly type accepted AM broadcast transmitter in accordance with the manufacturer's instructions and upon completion of measurements showing that the modified transmitter meets the emission limitation requirements of § 73.44 is defined as a Class I permissive change for compliance with this section.

(h) The interconnection of a multiplexing exciter with a certificated or formerly type accepted AM broadcast transmitter in accordance with the manufacturer's instructions without electrical or mechanical modification of the transmitter circuits and completion of equipment performance measurements showing the transmitter meets the minimum performance requirements applicable thereto is defined as a Class I permissive change for compliance with this section.

(i) The addition of TV broadcast subcarrier generators to a certificated or formerly type accepted TV broadcast

transmitter or the addition of FM broadcast subcarrier generators to a type accepted FM broadcast transmitter, provided the transmitter exciter is designed for subcarrier operation without mechanical or electrical alterations to the exciter or other transmitter circuits.

(j) The addition of TV broadcast stereophonic generators to a certificated or formerly type accepted TV broadcast transmitter or the addition of FM broadcast stereophonic generators to a certificated or formerly type accepted FM broadcast transmitter, provided the transmitter exciter is designed for stereophonic sound operation without mechanical or electrical alterations to the exciter or other transmitter circuits.

(k) The addition of subscription TV encoding equipment for which the FCC has granted advance approval under the provisions of § 2.1400 in subpart M and § 73.644(c) of part 73 to a certificated or formerly type accepted transmitter is considered a Class I permissive change.

(l) Notwithstanding the provisions of this section, broadcast licensees or permittees are permitted to modify certificated or formerly type accepted equipment pursuant to § 73.1690 of the FCC's rules.

51. A new § 2.1060 is added to read as follows:

**§ 2.1060 Equipment for use in the amateur radio service.**

(a) The general provisions of §§ 2.925, 2.1031, 2.1033, 2.1041, 2.1043, 2.1051, 2.1053 and 2.1057 shall apply to applications for, and grants of, certification for equipment operated under the requirements of part 97 of this chapter, the Amateur Radio Service.

(b) When performing the tests specified in §§ 2.1051 and 2.1053 of this part, the center of the transmitted bandwidth shall be within the operating frequency band by an amount equal to 50 percent of the bandwidth utilized for the tests. In addition, said tests shall be made on at least one frequency in each of the bands within which the equipment is capable of tuning.

(c) Any supplier of an external radio frequency power amplifier kit as defined by § 97.3(a)(17) of this chapter shall comply with the following requirements:

(1) Assembly of one unit of a specific type shall be made in exact accordance with the instructions being supplied with the product being marketed. If all of the necessary components are not normally furnished with the kit, assembly shall be made using the recommended components.

(2) The measurement data required for certification shall be obtained for this

unit and submitted with the certification application. Unless otherwise requested, it is not necessary to submit this unit with the application.

(3) A copy of the exact instructions which will be provided for assembly of the equipment shall be provided in addition to other material required by § 2.1033 of this part.

(4) The identification label required by § 2.925 of this part shall be permanently affixed to the assembled unit and shall be of sufficient size so as to be easily read. The following information shall be shown on the label: (Name of Grantee of Certification)

FCC ID: (The number assigned to the equipment by the grantor)

This amplifier can be expected to comply with part 97 of the FCC Regulations when assembled and aligned in strict accordance with the instruction manual using components with the kit or an exact equivalent thereof.

(Title and signature of responsible representative of Grantee)

Statement of Compliance

I state that I have constructed this equipment in accordance with the instruction manual and using the parts furnished by the supplier of this kit.

(Signature)

(Date)

(Amateur call sign) (Class of license)

(Expiration date of license)

To be signed by the person responsible for proper assembly of kit.)

(5) If requested, an unassembled unit shall be provided for assembly and test by the Commission. Shipping charges to and from the Commission's Laboratory shall be borne by the applicant.

(d) Certification of external radio frequency power amplifiers and

amplifier kits may be denied when denial serves the public interest, convenience and necessity by preventing the use of these amplifiers in services other than the Amateur Radio Service. Other uses of these amplifiers, such as in the Citizens Band Radio Service, are prohibited (§ 95.411 of this chapter). Examples of features which may result in the denial of certification are contained in § 97.317 of this chapter.

**PART 5—EXPERIMENTAL RADIO SERVICES (OTHER THAN BROADCAST)**

52. The authority citation for part 5 continues to read as follows:

**Authority:** Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply sec. 301, 48 Stat. 1081, as amended; 47 U.S.C. 301.

**§ 5.108 [Amended]**

53. Section 5.108, paragraph (a) is amended by removing the term "type accepted" and adding in its place "verified".

54. Section 5.109 is revised to read as follows:

**§ 5.109 Acceptability of transmitters for licensing.**

All transmitters used at stations licensed for wildlife and ocean buoy tracking and telemetering operations pursuant to § 5.108 shall be verified pursuant to subpart J of part 2 of this chapter.

**PART 15—RADIO FREQUENCY DEVICES**

55. The authority citation for part 15 continues to read as follows:

**Authority:** 47 U.S.C. 154, 302, 303, 304, 307 and 544A.

**§ 15.19 [Amended]**

56. Section 15.19, paragraph (a) introductory text is amended by removing the word "notification,".

**§ 15.25 [Amended]**

57. Section 15.25, paragraph (b) introductory text is amended by removing the term "notified" and adding in its place "authorized under the Declaration of Conformity procedure," paragraph (b)(2) is amended by removing the term "notification" and adding in its place "Declaration of Conformity" and paragraph (c) is amended by removing the term "or notification".

**§ 15.31 [Amended]**

58. Section 15.31, paragraph (b) is amended by removing the term "notification or". Paragraph (f)(3) is amended by removing the term "notification" and adding in its place "Declaration of Conformity".

**§ 15.35 [Amended]**

59. Section 15.35, paragraph (c) is amended by removing the term "notification" and adding in its place "Declaration of Conformity".

60. Section 15.101, paragraphs (a) and (b) are revised to read as follows:

**§ 15.101 Equipment authorization of unintentional radiators.**

(a) Except as otherwise exempted in §§ 15.23, 15.103, and 15.113, unintentional radiators shall be authorized prior to the initiation of marketing, as follows:

Type of device	Equipment authorization required
TV broadcast receiver .....	Verification.
FM broadcast receiver .....	Verification.
CB receiver .....	Declaration of Conformity or Certification.
Superregenerative receiver .....	Declaration of Conformity or Certification.
Scanning receiver .....	Certification.
All other receivers subject to part 15 .....	Declaration of Conformity or Certification.
TV interface device .....	Declaration of Conformity or Certification.
Cable system terminal device .....	Declaration of Conformity.
Stand-alone cable input selector switch .....	Verification.
Class B personal computers and peripherals .....	Declaration of Conformity or Certification.
CPU boards and internal power supplies used with Class B personal computers.	Declaration of Conformity or Certification.
Class B personal computers assembled using authorized CPU boards or power supplies..	Declaration of Conformity.
Class B external switching power supplies .....	Verification.
Other Class B digital devices & peripherals .....	Verification.
Class A digital devices, peripherals & external switching power supplies..	Verification.
All other devices .....	Verification.

**Note to table:** Where the above table indicates more than one category of authorization for a device, the party responsible for compliance has the option to select the type of authorization.

(b) Only those receivers that operate (tune) within the frequency range of 30–960 MHz and CB receivers are subject to the authorizations shown in paragraph (a) of this section. However, receivers indicated as being subject to Declaration of Conformity that are contained within a transceiver, the transmitter portion of which is subject to certification, shall be authorized under the verification procedure. Receivers operating above 960 MHz or below 30 MHz, except for CB receivers, are exempt from complying with the technical provisions of this part but are subject to § 15.5.

\* \* \* \* \*

#### § 15.214 [Amended]

61. Section 15.214, paragraph (a) is amended by revising the last sentence to read as follows:

(a) \* \* \* The application shall include a fee for certification of each type of transmitter and for certification, if appropriate, for each type of receiver included in the system.

\* \* \* \* \*

#### PART 18—INDUSTRIAL, SCIENTIFIC, AND MEDICAL EQUIPMENT

62. The authority citation for part 18 continues to read as follows:

**Authority:** 47 U.S.C. 4, 301, 302, 303, 304, 307.

63. Section 18.203, paragraph (a) is revised to read as follows:

#### § 18.203 Equipment authorization.

(a) Consumer ISM equipment, unless otherwise specified, must be authorized under either the Declaration of Conformity or certification procedure prior to use or marketing. An application for certification shall be filed with the Commission on an FCC Form 731, pursuant to the relevant sections in part 2, subpart J of this chapter and shall also be accompanied by:

(1) A description of measurement facilities pursuant to § 2.948, or reference to such information already on file with the Commission.

(2) A technical report pursuant to §§ 18.207 and 18.311.

\* \* \* \* \*

#### § 18.205 [Removed]

64. Section 18.205 is removed.

#### § 18.207 [Amended]

65. Section 18.207, paragraph (a) is amended by correcting “§ 18.205” to read “§ 2.948”.

66. Section 18.209 is revised to read as follows:

#### § 18.209 Identification of authorized equipment.

(a) Each device for which a grant of equipment authorization is issued under this part shall be identified pursuant to the applicable provisions of subpart J of part 2 of this chapter. Changes in the identification of authorized equipment may be made pursuant to § 2.933 of part 2 of this chapter. FCC Identifiers as described in §§ 2.925 and 2.926 of this chapter shall not be used on equipment subject to verification or Declaration of Conformity.

(b) Devices authorized under the Declaration of Conformity procedure shall be labelled with the logo shown below. The label shall not be a stick-on, paper label. It shall be permanently affixed to the product and shall be readily visible to the purchaser at the time of purchase, as described in § 2.925(d) of this chapter. “Permanently affixed” means that the label is etched, engraved, stamped, silkscreened, indelibly printed, or otherwise permanently marked on a permanently attached part of the equipment or on a nameplate of metal, plastic, or other material fastened to the equipment by welding, riveting, or a permanent adhesive. The label must be designed to last the expected lifetime of the equipment in the environment in which the equipment may be operated and must not be readily detachable. The logo follows:



67. A new § 18.212 is added to read as follows:

#### § 18.212 Compliance information.

(a) Equipment authorized under the Declaration of Conformity procedure shall include the following compliance information in lieu of the information required by § 2.1077.

(1) Identification of the product, e.g., name and model number.

(2) A statement similar to the following:

*This device complies with Part 18 of the FCC Rules.*

(3) The name and address of the responsible party as defined in § 2.909 of the rules. This party must be located within the United States.

(b) The compliance information may be placed in the instruction manual, on

a separate sheet, or on the packaging. There is no specific format for this information.

#### PART 21—DOMESTIC PUBLIC FIXED RADIO SERVICES

68. The authority citation for part 21 continues to read as follows:

**Authority:** Secs. 1, 2, 4, 201–205, 208, 215, 218, 303, 307, 313, 403, 404, 410, 602, 48 Stat. as amended, 1064, 1066, 1070–1073, 1076, 1077, 1080, 1082, 1083, 1087, 1094, 1098, 1102; 47 U.S.C. 151, 154, 201–205, 208, 215, 218, 303, 307, 313, 314, 403, 404, 602; 47 U.S.C. 552, 554.

#### § 21.42 [Amended]

69. Section 21.42, paragraph (c)(1)(i) is amended by removing the term “type-accepted” each place it appears and adding in its place “certificated”, and by removing the term “type notified” each place it appears.

#### § 21.120 [Amended]

70. Section 21.120, paragraph (a) is amended by removing the term “type accepted” and adding in its place “certificated”. Paragraphs (b) and (c) are amended by removing the term “type acceptance or notification” and adding in its place “certification” and by removing the last sentence in each of paragraphs (b) and (c).

#### § 21.907 [Amended]

71. Section 21.907, paragraphs (c) and (d) are amended by removing the term “type-accepted” and adding in its place “certificated”.

#### PART 22—PUBLIC MOBILE SERVICES

72. The authority citation for part 22 continues to read as follows:

**Authority:** 47 U.S.C. 154, 222, 303, 309 and 332.

#### § 22.99 [Amended]

73. Section 22.99, the definition of *emission mask* is amended by removing the term “type acceptance” and adding in its place “certification”.

#### § 22.377 [Amended]

74. Section 22.377, existing paragraph (c) is removed, paragraph (d) is redesignated as paragraph (c), the section heading, introductory text, paragraphs (a), (b) and newly redesignated (c) are amended by removing the term “type-acceptance” and adding in its place “certification” each place it appears and removing the term “type-accepted” and adding in its place “certificated”.

#### § 22.379 [Amended]

75. Section 22.379(a) is amended by removing the term “type-accepted” and adding in its place “certificated”.

## PART 24—PERSONAL COMMUNICATIONS SERVICES

76. The authority citation for part 24 continues to read as follows:

**Authority:** 47 U.S.C. 154, 301, 302, 303, 309 and 332.

### § 24.51 [Amended]

77. Section 24.51, existing paragraph (b) is removed, paragraphs (c) and (d) are redesignated as paragraphs (b) and (c), paragraph (a) and newly redesignated paragraph (c) are amended by removing the term "type acceptance" each place it appears and adding in its place "certification". Newly redesignated paragraph (b) is amended by removing the last sentence.

## PART 26—GENERAL WIRELESS COMMUNICATIONS SERVICE

78. The authority citation for part 26 continues to read as follows:

**Authority:** 47 U.S.C. 154, 301, 302, 303, 309 and 332, unless otherwise noted.

79. Section 26.51 is revised to read as follows:

### § 26.51 Equipment authorization.

(a) Each transmitter utilized for operation under this part and each transmitter marketed, as set forth in § 2.803 of this chapter, must be of a type that has been authorized by the Commission under its type certification procedure.

(b) Any manufacturer of radio transmitting equipment to be used in these services may request equipment authorization following the procedures set forth in Subpart J of part 2 of this chapter. Equipment authorization for an individual transmitter may be requested by an applicant for a station authorization by following the procedures set forth in part 2 of this chapter.

## PART 73—RADIO BROADCAST SERVICES

80. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334 and 336.

81. Section 73.53 is amended by revising paragraphs (a), (b) introductory text, and (b)(10) to read as follows:

### § 73.53 Requirements for authorization of antenna monitors.

(a) Antenna monitors shall be verified for compliance with the technical requirements in this section. The procedure for verification is specified in subpart J of part 2 of the FCC's rules.

(b) An antenna monitor shall meet the following specifications:

\* \* \* \* \*

(10) Complete and correct schematic diagrams and operating instructions shall be retained by the party responsible for verification of the equipment and submitted to the FCC upon request. For the purpose of equipment authorization, these diagrams and instructions shall be considered as part of the monitor.

\* \* \* \* \*

82. Section 73.1660 is revised to read as follows:

### § 73.1660 Acceptability of broadcast transmitters.

(a) An AM, FM or TV transmitter shall be verified for compliance with the requirements of this part following the procedures described in part 2 of the FCC rules.

(b) A permittee or licensee planning to modify a transmitter which has been approved by the FCC or verified for compliance must follow the requirements contained in § 73.1690.

(c) A transmitter which was in use prior to January 30, 1955, may continue to be used by the licensee, and successors or assignees, if it continues to comply with the technical requirements for the type of station at which it is used.

(d) AM stereophonic exciter-generators for interfacing with approved or verified AM transmitters may be certified upon request from any manufacturer in accordance with the procedures described in part 2 of the FCC rules. Broadcast licensees may modify their certified AM stereophonic exciter-generators in accordance with § 73.1690.

(e) Additional rules covering certification and verification, modification of authorized transmitters, and withdrawal of a grant of authorization are contained in part 2 of the FCC rules.

83. Section 73.1665, paragraph (c) and the note that follows are revised to read as follows:

### § 73.1665 Main transmitters.

\* \* \* \* \*

(c) A licensee may, without further authority or notification to the FCC, replace an existing main transmitter or install additional main transmitter(s) for use with the authorized antenna if the replacement or additional transmitter(s) has been verified for compliance. Within 10 days after commencement of regular use of the replacement or additional transmitter(s), equipment performance measurements, as prescribed for the type of station are to be completed.

**Note to paragraph (c):** Pending the availability of AM broadcast transmitters that are approved or verified for use in the 1605–

1705 kHz band, transmitters that are approved or verified for use in the 535–1605 kHz band may be utilized in the 1605–1705 kHz band if it is shown that the requirements of § 73.44 have been met. Verification or FCC approval of the transmitter will supersede the applicability of this note.

## PART 74—EXPERIMENTAL RADIO, AUXILIARY, SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

84. The authority citation for part 74 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 307, and 554.

85. Section 74.451, the section heading is revised to read as follows:

### § 74.451 Certification of equipment.

#### § 74.451 [Amended]

Paragraphs (a), (b), (c), (d) and (f) are amended by removing the term "type accepted" each place it appears and adding in its place "certificated" and by removing the term "type acceptance" each place it appears and adding in its place "certification". The last sentence of paragraph (c) is removed.

#### § 74.452 [Amended]

86. Section 74.452, paragraphs (b) and (d) are amended by removing the term "type accepted" each place it appears and adding in its place "certificated".

#### § 74.462 [Amended]

87. Section 74.462, paragraph (a) is amended by removing the term "type accepted" each place it appears and adding in its place "certificated", footnote 4 of the table in paragraph (b) is amended by removing the term "type accepted" and adding in its place "certificated" and removing the term "Radio Equipment List" and adding in its place "database".

88. Section 74.550 is revised to read as follows:

### § 74.550 Equipment authorization.

Each authorization for aural broadcast STL, ICR, and booster stations shall require the use of equipment which has been certificated or verified. Equipment which has not been approved under the equipment authorization program and which was in service prior to July 1, 1993, may be retained solely for temporary uses necessary to restore or maintain regular service provided by approved equipment, because the main or primary unit has failed or requires servicing. Such temporary uses may not interfere with or impede the establishment of other aural broadcast auxiliary links and may not occur during more than 720 cumulative hours per year. Should interference occur, the

licensee must take all steps necessary to eliminate it, up to and including cessation of operation of the auxiliary transmitter. All unapproved equipment retained for temporary use must have been in the possession of the licensee prior to July 1, 1993, and may not be obtained from other sources. Equipment designed exclusively for fixed operation shall be authorized under the verification procedure. The equipment authorization procedures are contained in subpart J of part 2 of the rules.

**Note to § 74.550:** Consistent with the note to § 74.502(a), grandfathered equipment in the 942–944 MHz band and STL/ICR users of these frequencies in Puerto Rico are also required to come into compliance by July 1, 1993. The backup provisions described above apply to these stations also.

**§ 74.632 [Amended]**

89. Section 74.632, paragraph (a) is amended by removing the term “type accepted” and adding in its place “authorized as required”.

**§ 74.651 [Amended]**

90. Section 74.651, paragraph (a)(1) is amended by removing the term “type accepted or notified” and adding in its place “authorized”.

91. Section 74.655 is revised to read as follows:

**§ 74.655 Authorization of equipment.**

(a) Except as provided in paragraph (b) of this section, all transmitting equipment first marketed for use under this subpart or placed into service after October 1, 1981, must be authorized under the certification or verification procedure, as detailed in paragraph (f) of this section. Equipment which is used at a station licensed prior to October 1, 1985, which has not been authorized as detailed in paragraph (f) of this section, may continue to be used by the licensee or its successors or assignees, provided that if operation of such equipment causes harmful interference due to its failure to comply with the technical standards set forth in this subpart, the FCC may, at its discretion, require the licensee to take such corrective action as is necessary to eliminate the interference. However, such equipment may not be further marketed or reused under part 74 after October 1, 1985. Transmitters designed for use in the 31.0 to 31.3 GHz band shall be authorized under the verification procedure.

(b) Certification or verification is not required for transmitters used in conjunction with TV pickup stations operating with a peak output power not greater than 250 mW. Pickup stations operating in excess of 250 mW licensed pursuant to applications accepted for

filing prior to October 1, 1980 may continue operation subject to periodic renewal. If operation of such equipment causes harmful interference the FCC may, at its discretion, require the licensee to take such corrective action as is necessary to eliminate the interference.

(c) The license of a TV auxiliary station may replace transmitting equipment with authorized equipment, as detailed under paragraph (f) of this section, without prior FCC approval, provided the proposed changes will not depart from any of the terms of the station or system authorization or the Commission's technical rules governing this service, and also provided that any changes made to authorized transmitting equipment is in compliance with the provisions of part 2 of the FCC rules concerning modifications to authorized equipment.

(d) Any manufacturer of a transmitter to be used in this service may authorize the equipment under the certification or verification procedure, as appropriate, following the procedures set forth in subpart J of part 2 of the FCC rules.

(e) An applicant for a TV broadcast auxiliary station may also authorize an individual transmitter, as specified in paragraph (f) of this section, by following the procedures set forth in subpart J of part 2 of the FCC rules and regulations.

(f) Transmitters designed to be used exclusively for a TV STL station, a TV intercity relay station, a TV translator relay station, or a TV microwave booster station, shall be authorized under verification. All other transmitters will be authorized under the certification procedure.

**§ 74.750 [Amended]**

92. Section 74.750, paragraph (a), (b), (c) introductory text and (g) are amended by removing the term “type accepted” each place it appears and adding in its place “certificated”. Paragraph (e) introductory text and (e)(1), (e)(2), (e)(3), (e)(4) are amended by removing the term “type accepted” each place it appears and adding in its place “certificated” and by removing the term “type acceptance” each place it appears and adding in its place “certification”. The last two sentences of paragraph (e)(1) are removed.

**§ 74.751 [Amended]**

93. Section 74.751, paragraphs (a) and (b)(1) are amended by removing the term “type accepted” and adding in its place “certificated”.

94. Section 74.851, the section heading is revised to read as follows:

**§ 74.851 Certification of equipment.**

**§ 74.851 [Amended]**

Paragraphs (a), (b), (c), (e) and (f) are amended by removing the term “type accepted” each place it appears and adding in its place “certificated” and by removing the term “type acceptance” each place it appears and adding in its place “certification”. The last sentence of paragraph (c) is removed.

**§ 74.852 [Amended]**

95. Section 74.852, paragraph (a) is amended by removing the term “type accepted” each place it appears and adding in its place “certificated”.

**§ 74.861 [Amended]**

96. Section 74.861, paragraph (b) is amended by removing the term “type accepted” and adding in its place “certificated”, and removing the term “type acceptance” and adding in its place “certification”.

**§ 74.938 [Amended]**

97. Section 74.938 is amended by removing the term “type accepted” and adding in its place “certificated”, and removing the term “type acceptance” each place it appears and adding in its place “certification”.

**§ 74.939 [Amended]**

98. Section 74.939, paragraph (j) is amended by removing the term “type acceptance” and adding in its place “certification”.

**§ 74.950 [Amended]**

99. Section 74.950, paragraph (f) introductory text is amended by removing the term “type accepted” and adding in its place “certificated”.

**§ 74.951 [Amended]**

100. Section 74.951, paragraph (a) is amended by removing the term “type accepted” and adding in its place “certificated”.

**§ 74.952 [Amended]**

101. Section 74.952, paragraph (a) is redesignated as paragraph (b), the introductory text is redesignated as paragraph (a), and newly redesignated paragraphs (a) and (b) are amended by removing the term “type accepted” and adding in its place “certificated”, and newly redesignated paragraph (b) is amended removing the term “type acceptance” each place it appears and adding in its place “certification”.

**§ 74.1235 [Amended]**

102. Section 74.1235(e) is amended by removing the term “type-accepted” each place it appears and adding in its place “certificated”.

103. Section 74.1250 is amended by revising paragraphs (a), (b) and (c) introductory text to read as follows:

**§ 74.1250 Transmitters and associated equipment.**

(a) FM translator and booster transmitting apparatus, and exciters employed to provide a locally generated and modulated input signal to translator and booster equipment, used by stations authorized under the provisions of this subpart must be certificated upon the request of any manufacturer of transmitters in accordance with this section and subpart J of part 2 of this chapter. In addition, FM translator and booster stations may use FM broadcast transmitting apparatus verified or approved under the provisions of part 73 of this chapter.

(b) Transmitting antennas, antennas used to receive signals to be rebroadcast, and transmission lines are not subject to the requirement for certification.

(c) The following requirements must be met before translator, booster or exciter equipment will be certificated in accordance with this section:

\* \* \* \* \*

**§ 74.1251 [Amended]**

104. Section 74.1251, paragraph (a) is amended by removing the term "type accepted" and adding in its place "certificated", and revising the reference "§ 2.1001" to read "Part 2". Paragraph (b)(1) is amended by removing the term "type accepted" and adding in its place "certificated".

**PART 78—CABLE TELEVISION RELAY SERVICE**

105. The authority citation for part 78 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.

106. Section 78.107 is amended by removing paragraph (a) and by redesignating paragraphs (b), (c), (d) and (e) as paragraphs (a), (b), (c), and (d). The newly redesignated paragraph (a) is amended by revising paragraph (a) introductory text, and paragraph (a)(2) to read as follows:

**§ 78.107 Equipment and installation.**

(a) Applications for new cable television relay stations, other than fixed stations, will not be accepted unless the equipment specified therein has been certificated. In the case of fixed stations, the equipment must be authorized under the verification procedure for use pursuant to the provisions of this subpart. Transmitters

designed for use in the 31.0 to 31.3 GHz band shall be authorized under the verification procedure.

(1) \* \* \*

(2) Neither certification nor verification is required for the following transmitters:

\* \* \* \* \*

**Part 78 Index [Amended]**

107. The alphabetical index to part 78 is amended by removing the entry for "Equipment list, Type accepted", and removing the entry for "Type accepted equipment" and adding in its place "Certificated equipment".

**PART 80—STATIONS IN THE MARITIME SERVICES**

108. The authority citation for part 80 continues to read as follows:

**Authority:** Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, 307(e) unless otherwise noted. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. 151-155, 301-609; 3 UST 3450, 3 UST 4726, 12 UST 2377.

**§ 80.29 [Amended]**

109. Section 80.29, the table in paragraph (a) is amended by removing the term "type-accepted" and adding in its place "authorized" in the second column.

**§ 80.43 [Amended]**

110. Section 80.43 is amended by removing the term "type accepted" and adding in its place "authorized".

**§ 80.203 [Amended]**

111. Section 80.203, paragraph (a) is amended by removing the term "type accepted" and adding in its place "certificated" in the first sentence, removing the term "type acceptance" and adding in its place "certification" in the second sentence, and removing the term "type accepted or type approved" and adding in its place "authorized" in the last sentence. Paragraphs (d), (f), (h), (g), (i), (j), (k), (l) and (m)(2) are amended by removing the term "type accepted" each place it appears and adding in its place "certificated" and removing the term "type acceptance" each place it appears and adding in its place "certification". Paragraph (k) is amended by removing the last sentence.

**§ 80.205 [Amended]**

112. Section 80.205, paragraph (a), footnote 11 is amended by removing the term "type accepted" and adding in its place "approved".

**§ 80.207 [Amended]**

113. Section 80.207, paragraph (d), footnotes 2 and 5 are amended by

removing the term "type accepted" and adding in its place "approved".

114. In the first column of the table in the entries in paragraph (a) of § 80.209, paragraphs (1)(ii), (1)(iii) and (1)(iv) are amended by removing the terms "type accepted or type approved" and "type approved" and adding in its place "approved". Footnote 1 following the table, is amended by removing the term "type acceptance" and adding in its place "approval". Footnote 2 is amended by removing the term "type accepted" and adding in its place "approved".

**§ 80.215 [Amended]**

115. Section 80.215, in paragraph (e)(3), footnote 8 is amended by removing the term "type acceptance" and adding in its place "Certification".

**§ 80.221 [Amended]**

116. Section 80.221, paragraph (d) is amended by removing the term "type accepted" and adding in its place "certificated".

**§ 80.251 [Amended]**

117. Section 80.251, paragraph (a) is amended by removing the term "type acceptance" and adding in its place "certification", and in paragraph (b) by removing the term "type accepted" and adding in its place "certificated".

**§ 80.253 [Amended]**

118. Section 80.253, in paragraph (a), footnote 1 is amended by removing the term "type accepted or type approved" and adding in its place "approved". Footnote 2 is amended by removing the term "type accepted or type approval" and adding in its place "approved".

**§ 80.255 [Amended]**

119. Section 80.255, paragraph (a), footnotes 1 and 2 are amended by removing the terms "type accepted or type approved" and adding in its place "approved".

**§ 80.250 [Amended]**

120. Section 80.259, paragraph (a) introductory text is amended by removing the term "type acceptance" and adding in its place "certification", paragraphs (a)(1) and (a)(2) are amended by removing the term "type approved" and adding in its place "approved".

**§ 80.265 [Amended]**

121. Section 80.265, following the table in paragraph (b)(1), footnotes 1 and 2 are amended by removing the terms "type accepted or type approved" and adding in its place "approved". Footnote 3 is amended by removing the word "type". Paragraph (c)(1), the footnote to the table is amended by

removing the term "type approved" and adding in its place "approved". Paragraph (e)(2) is amended by removing the term "type accepted" and adding in its place "certificated".

**§ 80.267 [Amended]**

122. Section 80.267, paragraph (a)(1), following the table, footnotes 1 and 2 are amended by removing the term "type accepted or type approved" and adding in its place "approved".

**§ 80.271 [Amended]**

123. Section 80.271, paragraphs (b), (c) and (d) are amended by removing the term "type accepted" and adding in its place "certificated". Paragraph (e) is amended by removing the term "Radio Equipment List" and adding in its place "database".

**§ 80.605 [Amended]**

124. Section 80.605, paragraph (b) is amended by removing the term "type acceptance" each place it appears and adding in its place "certification".

**§ 80.812 [Amended]**

125. Section 80.812 is amended by removing the term "of a type accepted" and adding in its place "certificated".

**§ 80.814 [Amended]**

126. Section 80.814 is amended by removing the term "of a type accepted" and adding in its place "certificated".

**§ 80.829 [Amended]**

127. Section 80.829, paragraph (b) is amended by removing the term "type accepted" and adding in its place "certificated".

**§ 80.831 [Amended]**

128. Section 80.831, paragraph (a) is amended by removing the term "type accepted" and adding in its place "certificated".

**§ 80.833 [Amended]**

129. Section 80.833, paragraph (a) is amended by removing the term "type accepted" and adding in its place "certificated".

**§ 80.836 [Amended]**

130. Section 80.836, paragraph (c)(3)(i) is amended by removing the term "type accepted" and adding in its place "certificated".

**§ 80.856 [Amended]**

131. Section 80.856 is amended by removing the term "type accepted" and adding in its place "certificated".

**§ 80.873 [Amended]**

132. Section 80.873, paragraph (d)(3) is amended by removing the term "type

accepted" and adding in its place "certificated".

**§ 80.874 [Amended]**

133. Section 80.874, paragraph (a) is amended by removing the term "type accepted" and adding in its place "certificated".

**§ 80.911 [Amended]**

134. Section 80.911, paragraph (c) is amended by removing the term "type accepted" and adding in its place "certificated".

**§ 80.1053 [Amended]**

135. Section 80.1053, paragraph (c) is amended by removing the term "type accepted" each place it appears and adding in its place "certificated", and by removing the term "type acceptance" each place it appears and adding in its place "certification".

**§ 80.1059 [Amended]**

136. Section 80.1059, paragraph (e) is amended by removing the term "type acceptance" and adding in its place "certification".

**§ 80.1061 [Amended]**

137. Section 80.1061, paragraphs (c) and (d) are amended by removing the term "type acceptance" and adding in its place "certification".

**§ 80.1103 [Amended]**

138. Section 80.1103, paragraph (a) is amended by removing the term "type accepted" and adding in its place "certificated" and by removing the term "notified" and adding in its "verified". Paragraph (b) is amended by removing the term "type acceptance" and adding in its place "certification", and paragraph (c) is amended by removing the term "notification" and adding in its place "verification" and by removing the term "certificate" and adding in its place "certification".

**PART 87—AVIATION SERVICES**

139. The authority citation for part 87 continues to read as follows:

**Authority:** 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, 307(e) unless otherwise noted. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. 151-156, 301-609.

**§ 87.39 [Amended]**

140. Section 87.39 is amended by removing the term "type accepted" and adding in its place "certificated".

**§ 87.131 [Amended]**

141. Section 87.131, footnote 5 of the table, is amended by removing the term "type accepted" and adding in its place "certificated", and footnote 7 is

amended by removing the term "type acceptance" and adding in its place "certification".

**§ 87.133 [Amended]**

142. Section 87.133, paragraph (a), footnote 3 of the table is amended by removing the term "type accepted or type approved" and adding in its place "approved". Footnotes 4 and 5 are amended by removing the term "type accepted" and adding in its place "approved". Footnote 11 is amended by removing the term "type acceptance" and adding in its place "certification".

**§ 87.137 [Amended]**

143. Section 87.137, paragraph (a), footnotes 3 and 15 of the table are amended by removing the term "type accepted" and adding in its place "approved". Footnote 4 is amended by removing the term "type acceptance" and adding in its place "approval".

**§ 87.139 [Amended]**

144. Section 87.139, paragraph (g) is amended by removing the term "type accepted" and adding in its place "approved".

145. Section 87.145 is revised to read as follows:

**§ 87.145 Acceptability of transmitters for licensing.**

(a) Each transmitter must be certificated for use in these services, except as listed in paragraph (c) of this section. However, aircraft stations which transmit on maritime mobile frequencies must use transmitters certificated for use in ship stations in accordance with part 80 of this chapter. Certification under part 80 is not required for aircraft earth stations transmitting on maritime mobile-satellite frequencies. Such stations must be certificated under part 87.

(b) Some radio equipment installed on air carrier aircraft must meet the requirements of the Commission and the requirements of the FAA. The FAA requirements may be obtained from the FAA, Aircraft Maintenance Division, 800 Independence Ave., SW., Washington, DC 20591.

(c) The equipment listed below is exempted from certification. The operation of transmitters which have not been certificated must not result in harmful interference due to the failure of those transmitters to comply with technical standards of this subpart.

(1) Development or Civil Air Patrol transmitters.

(2) Flight test station transmitters for limited periods where justified.

(3) U.S. Government transmitters furnished in the performance of a U.S. Government contract if the use of

certificated equipment would increase the cost of the contract or if the transmitter will be incorporated in the finished product. However, such equipment must meet the technical standards contained in this subpart.

(4) ELTs verified in accordance with § 87.147(e).

(5) Signal generators when used as radionavigation land test stations (MTF).

(d) Aircraft earth stations must correct their transmit frequencies for Doppler effect relative to the satellite. The transmitted signal may not deviate more than 335 Hz from the desired transmit frequency. (This is a root sum square error which assumes zero error for the received ground earth station signal and includes the AES transmit/receive frequency reference error and the AES automatic frequency control residual errors.) The applicant must attest that the equipment provides adequate Doppler effect compensation and where applicable, that measurements have been made that demonstrate compliance. Submission of data demonstrating compliance is not required unless requested by the Commission.

146. Section 87.147 is amended by revising paragraphs (a), (b), (c), (d) introductory text, (d)(2), and (e) to read as follows:

**§ 87.147 Authorization of equipment.**

(a) Certification may be requested by following the procedures in part 2 of this chapter. Aircraft transmitters must meet the requirements over an ambient temperature range of -20 degrees to +50 degrees Celsius.

(b) ELTs manufactured after October 1, 1988, must meet the output power characteristics contained in § 87.141(i) when tested in accordance with the Signal Enhancement Test contained in subpart N, part 2 of this chapter. A report of the measurements must be submitted with each application for certification. ELTs that meet the output power characteristics of the section must have a permanent label prominently displayed on the outer casing state, "Meets FCC Rule for improved satellite detection." This label, however, must not be placed on the equipment without authorization to do so by the Commission. Application for such authorization may be made either by submission of a new application for certification accompanied by the required fee and all information and test data required by parts 2 and 87 of this chapter or, for ELTs approved prior to October 1, 1988, a letter requesting such authorization, including appropriate test data and a

showing that all units produced under the original equipment authorization comply with the requirements of this paragraph without change to the original circuitry.

(c) An applicant for a station license may request certification for an individual transmitter by following the procedure in part 2 of this chapter. Such a transmitter will be individually certified and so noted on the station license.

(d) An applicant for certification of equipment intended for transmission in any of the frequency bands listed in paragraph (d)(3) of this section must notify the FAA of the filing of a certification application. The letter of notification must be mailed to: FAA, Spectrum Engineering Division, 800 Independence Ave. SW., Washington, DC 20591 no later than the date of filing of the application with the Commission.

(1) \* \* \*

(2) The certification application must include a copy of the notification letter to the FAA. The Commission will not act for 21 days after receipt of the application to afford the FAA an opportunity to comment. If the FAA objects to the application for equipment authorization, it should mail its objection with a showing that the equipment is incompatible with the National Airspace System to: Office of Engineering and Technology Laboratory, Authorization and Evaluation Division, 7435 Oakland Mills Rd., Columbia, MD 21046. If the Commission receives such an objection, the Commission will consider the FAA showing before taking final action on the application.

(3) \* \* \*

(e) Verification reports for ELTs capable of operating on the frequency 406.025 MHz must include sufficient documentation to show that the ELT meets the requirements of § 87.199(a). A letter notifying the FAA of the ELT verification must be mailed to: FAA, Spectrum Engineering Division, 800 Independence Avenue SW., Washington, DC 20591.

**§ 87.189 [Amended]**

147. Section 87.189, paragraph (b) is amended by removing the term "type-accepted" and adding in its place "certificated".

148. Section 87.199 is amended by revising paragraphs (c) and (d) to read as follows:

**§ 87.199 Special requirements for 406.025 MHz ELTs.**

\* \* \* \* \*

(c) Prior to verification of a 406.025 MHz ELT, the ELT must be certified by a test facility recognized by one of the

COSPAS/SARSAT Partners that the equipment satisfies the design characteristics associated with the COSPAS/SARSAT document COSPAS/SARSAT 406 MHz Distress Beacon Type Approval Standard (C/S T.007). Additionally, an independent test facility must certify that the ELT complies with the electrical and environmental standards associated with the RTCA Recommended Standards.

(d) The procedures for verification are contained in subpart J of part 2 of this chapter.

\* \* \* \* \*

**PART 90—PRIVATE LAND MOBILE RADIO SERVICES**

149. The authority citation for part 90 continues to read as follows:

**Authority:** Secs. 4, 251-2, 303, 309, and 332, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 251-2, 303, 309 and 332, unless otherwise noted.

**§ 90.5 [Amended]**

150. Section 90.5, paragraph (c) is amended by removing the term "type acceptance and type approval" and adding in its place "certification".

**§ 90.20 [Amended]**

151. Section 90.20, paragraph (e)(5)(i), (f)(4) and (f)(5) are amended by removing the term "type accepted" and adding in its place "certificated".

**§ 90.35 [Amended]**

152. Section 90.35, paragraph (c)(22) is amended by removing the term "type accepted" and adding in its place "certificated".

**§ 90.65 [Amended]**

153. Section 90.65, paragraph (c)(11) is amended by removing the term "type accepted" and adding in its place "certificated".

**§ 90.103 [Amended]**

154. Section 90.103, paragraphs (c)(23) and (c)(24) are amended by removing the term "type accepted" and adding in its place "certificated".

155. Section 90.129 is amended by revising paragraph (b) to read as follows:

**§ 90.129 Supplemental information to be routinely submitted with applications.**

\* \* \* \* \*

(b) Description of any equipment proposed to be used if it is not approved for use under this part.

\* \* \* \* \*

156. Section 90.203 is amended by revising paragraph (a) and paragraph (b) introductory text and paragraphs (c), (e), (f), (h)(2), (j)(2) introductory text, (j)(4)

introductory text, (j)(5), (j)(6) introductory text, (j)(6)(i)(A), (j)(7), (j)(8), and (k) to read as follows:

**§ 90.203 Certification required.**

(a) Except as specified in paragraph (b) of this section, each transmitter utilized for operation under this part and each transmitter marketed as set forth in § 2.803 of this chapter must be of a type which has been certificated for use under this part.

(1) [Reserved]

(2) Any manufacturer of radio transmitting equipment (including signal boosters) to be used in these services may request certification for such equipment following the procedures set forth in subpart J of part 2 of this chapter. Certification for an individual transmitter or signal booster also may be requested by an applicant for a station authorization by following the procedure set forth in part 2 of this chapter. Such equipment if approved will be individually enumerated on the station authorization.

(b) Certification is not required for the following:

\* \* \* \* \*

(c) Radiolocation transmitters for use in public safety and land transportation applications marketed prior to January 1, 1974, must meet the applicable technical standards in this part, pursuant to § 2.803 of this chapter.

\* \* \* \* \*

(e) Except as provided in paragraph (g) of this section, transmitters designed to operate above 25 MHz shall not be certificated for use under this part if the operator can program and transmit on frequencies, other than those programmed by the manufacturer, service or maintenance personnel, using the equipment's external operation controls.

(f) Except as provided in paragraph (g) of this section, transmitters designed to operate above 25 MHz that have been approved prior to January 15, 1988, and that permit the operator, by using external controls, to program the transmitter's operating frequencies, shall not be manufactured in, or imported into the United States after March 15, 1988. Marketing of these transmitters shall not be permitted after March 15, 1989.

\* \* \* \* \*

(h) \* \* \*

(2) The part 90 certification limits the use of the equipment to operations only under § 90.423.

(i) Equipment certificated after February 16, 1988 and marketed for public safety operation in the 821–824/866–869 MHz bands must have the

capability to be programmed for operation on the mutual aid channels as designated in § 90.617(a) of the rules.

(j) \* \* \*

(2) Applications for certification received on or after February 14, 1997 will only be granted for equipment with the following channel bandwidths:

\* \* \* \* \*

(3) Applications for part 90 certification of transmitters designed to operate on frequencies in the 150–174 MHz and/or 421–512 MHz bands, received on or after February 14, 1997, must include a certification that the equipment meets a spectrum efficiency standard of one voice channel per 12.5 kHz of channel bandwidth. Additionally, if the equipment is capable of transmitting data, has transmitter output power greater than 500 mW, and has a channel bandwidth of more than 6.25 kHz, the equipment must be capable of supporting a minimum data rate of 4800 bits per second per 6.25 kHz of channel bandwidth.

(4) Applications for certification received on or after January 1, 2005, except for hand-held transmitters with an output power of two watts or less, will only be granted for equipment with the following channel bandwidths:

\* \* \* \* \*

(5) Applications for part 90 certification of transmitters designed to operate on frequencies in the 150–174 MHz and/or 421–512 MHz bands, received on or after January 1, 2005, must include a certification that the equipment meets a spectrum efficiency standard of one voice channel per 6.25 kHz of channel bandwidth. Additionally, if the equipment is capable of transmitting data, has transmitter output power greater than 500 mW, and has a channel bandwidth of more than 6.25 kHz, the equipment must be capable of supporting a minimum data rate of 4800 bits per second per 6.25 kHz of channel bandwidth.

(6) Modification and permissive changes to certification grants.

(i) \* \* \*

(A) Transmitters that have the inherent capability for multi-mode or narrowband operation allowed in paragraphs (j)(2) and (j)(4) of this section, may have their grant of certification modified (reissued) upon demonstrating that the original unit complies with the technical requirements for operation; and

(B) \* \* \*

(ii) \* \* \*

(7) Transmitters designed for one-way paging operations will be certificated

with a 25 kHz channel bandwidth and are exempt from the spectrum efficiency requirements of paragraphs (j)(3) and (j)(5) of this section.

(8) The Commission's Equipment Authorization Division may, on a case by case basis, grant certification to equipment with slower data rates than specified in paragraphs (j)(3) and (j)(5) of this section, provided that a technical analysis is submitted with the application which describes why the slower data rate will provide more spectral efficiency than the standard data rate.

\* \* \* \* \*

(k)(1) For transmitters operating on frequencies in the 220–222 MHz band, certification will only be granted for equipment with channel bandwidths up to 5 kHz, except that certification will be granted for equipment operating on 220–222 MHz band Channels 1 through 160 (220.0025 through 220.7975/221.0025 through 221.7975), 171 through 180 (220.8525 through 220.8975/221.8525 through 221.8975), and 186 through 200 (220.9275 through 220.9975/221.9275 through 221.9975) with channel bandwidths greater than 5 kHz if the equipment meets the following spectrum efficiency standard: Applications for part 90 certification of transmitters designed to operate on frequencies in the 220–222 MHz band must include a statement that the equipment meets a spectrum efficiency standard of at least one voice channel per 5 kHz of channel bandwidth (for voice communications), and a data rate of at least 4,800 bits per second per 5 kHz of channel bandwidth (for data communications). Certification for transmitters operating on 220–222 MHz band Channels 1 through 160 (220.0025 through 220.7975/221.0025 through 221.7975), 171 through 180 (220.8525 through 220.8975/221.8525 through 221.8975), and 186 through 200 (220.9275 through 220.9975/221.9275 through 221.9975) with channel bandwidths greater than 5 kHz will be granted without the requirement that a statement be included that the equipment meets the spectrum efficiency standard if the requests for certification of such transmitters are filed after December 31, 2001.

(2) Certification may be granted on a case-by-case basis by the Commission's Equipment Authorization Division for equipment operating on 220–222 MHz band Channels 1 through 160 (220.0025 through 220.7975/221.0025 through 221.7975), 171 through 180 (220.8525 through 220.8975/221.8525 through 221.8975), and 186 through 200 (220.9275 through 220.9975/221.9275

through 221.9975) with channel bandwidths greater than 5 kHz and not satisfying the spectrum efficiency standard identified in paragraph (k)(1) of this section, if requests for part 90 certification of such transmitters are accompanied by a technical analysis that satisfactorily demonstrates that the transmitters will provide more spectral efficiency than that which would be provided by use of the spectrum efficiency standard.

**§ 90.211 [Amended]**

157. Section 90.211, paragraph (b) is amended by removing the term "type acceptance" each place it appears and adding in its place "certification".

**§ 90.219 [Amended]**

158. Section 90.219, paragraph (e) is amended by removing the term "type-accepted" and adding in its place "certificated".

**§ 90.237 [Amended]**

159. Section 90.237, paragraphs (c) and (g) are amended by removing the term "type-accepted" each place it appears and adding in its place "certificated".

**§ 90.241 [Amended]**

160. Section 90.241, paragraph (c)(12) is amended by removing the term "Type accepted" and adding in its place "certificated".

**§ 90.269 [Amended]**

161. Section 90.269, paragraph (a)(2) is amended by removing the term "type accepted" and adding in its place "certificated".

**PART 95—PERSONAL RADIO SERVICES**

162. The authority citation for part 95 continues to read as follows:

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

**§ 95.117 [Amended]**

163. Section 95.117, paragraph (a)(4) is amended by removing the term "type-accepted" and adding in its place "certificated".

**§ 95.129 [Amended]**

164. Section 95.129, paragraphs (a), (b)(1) and (b)(2) are amended by removing the term "type-accepted" and adding in its place "certificated".

**§ 95.133 [Amended]**

165. Section 95.133, paragraphs (a) and (b) are amended by removing the term "type-accepted" each place it appear and adding in its place "certificated".

166. Section 95.209 is revised to read as follows:

**§ 95.209 (R/C Rule 9) What equipment may I use at my R/C station?**

(a) Your R/C station may transmit only with:

(1) An FCC certificated R/C transmitter (certificated means the FCC has determined that certain radio equipment is capable of meeting recommended standards for operation); or

(2) A non-certificated R/C transmitter on Channels 26.995–27.255 MHz if it complies with the technical standards (see part 95, subpart E).

(3) Use of a transmitter outside of the band 26.955–27.255 MHz which is not certificated voids your authority to operate the station. Use of a transmitter in the band 26.995–27.255 MHz which does not comply with the technical standards voids your authority to operate the station.

(b) You may examine a list of certificated transmitters at any FCC field office.

(c) Your R/C station may transmit with a transmitter assembled from a kit.

(d) You must not make, or have made, any internal modification to a certificated transmitter. (See R/C Rule 22.) Any internal modification to a certificated transmitter cancels the certification, and use of such a transmitter voids your authority to operate the station.

**§ 95.221 [Amended]**

167. Section 95.221, paragraph (b) is amended by removing the term "type accepted" and adding in its place "certificated".

**§ 95.222 [Amended]**

168. Section 95.222, paragraph (b)(2) is amended by removing the term "type accepted" and adding in its place "certificated".

**§ 95.225 [Amended]**

169. Section 95.225, paragraph (a)(2) is amended by removing the term "type-accepted" and adding in its place "certificated".

**§ 95.409 [Amended]**

170. Section 95.409, paragraphs (a) and (b) are amended by removing the term "type-accepted" each place it appears and adding in its place "certificated", and by removing the term "type acceptance" each place it appears and adding in its place "certification".

**§ 95.411 [Amended]**

171. Section 95.411, paragraph (a) introductory text is amended by removing the term "type-accepted" and adding in its place "certificated".

**§ 95.425 [Amended]**

172. Section 95.425, paragraph (b)(2) is amended by removing the term "type accepted" and adding in its place "certificated".

**§ 95.428 [Amended]**

173. Section 95.428, paragraph (a)(2) is amended by removing the term "type-accepted" and adding in its place "certificated".

**§ 95.601 [Amended]**

174. Section 95.601 is amended by removing the term "type acceptance or type certification" and adding in its place "certification".

**§ 95.603 [Amended]**

175. Section 95.603 the section heading is revised, paragraphs (a), (b), (c) and (e) are amended by removing the term "type accepted" each place it appears and adding in its place "certificated".

**§ 95.603 Certification required.**

176. Section 95.605 is revised to read as follows:

**§ 95.605 Certification procedures.**

Any entity may request certification for its transmitter when the transmitter is used in the GMRS, R/C, CB, IVDS, LPRS, or FRS following the procedures in part 2 of this chapter.

**§ 95.607 [Amended]**

177. Section 95.607, introductory text and paragraph (a) are revised by removing the term "type accepted" and adding in its place "certificated", and removing the term "type acceptance" each place it appears and adding in its place "certification".

**§ 95.635 [Amended]**

178. Section 95.635, the table in paragraph (b) is amended by removing the term "type accepted" each place it appears and adding in its place "authorized".

**§ 95.645 [Amended]**

179. The undesignated center heading preceding § 95.645 is revised to read as follows: "CERTIFICATION REQUIREMENTS".

180. Section 95.645, paragraph (b) is amended by removing the term "type accepted" and adding in its place "certificated".

**§ 95.653 [Amended]**

181. Section 95.653, paragraph (a) is amended by removing the term "type acceptance" and adding in its place "certification".

**§ 95.655 [Amended]**

182. Section 95.655, paragraph (a) is amended by removing the term "type accepted" each place it appears and adding in its place "certificated", and removing the term "type acceptance" and adding in its place "certification".

**§ 95.665 [Amended]**

183. The undesignated center heading preceding § 95.665 is revised to read as follows: "ADDITIONAL CERTIFICATION REQUIREMENTS FOR CB TRANSMITTERS."

**§ 95.669 [Amended]**

184. Section 95.669, paragraph (a)(1) is amended by removing the term "type acceptance" and adding in its place "certification".

185. Section 95.851 is revised to read as follows:

**§ 95.851 Certification.**

Each CTS and RTU transmitter must be certificated for use in the IVDS in accordance with subpart J of part 2 of this chapter.

**§ 95.857 [Amended]**

186. Section 95.857, paragraph (c) is amended by removing the term "type acceptance" and adding in its place "certification".

**PART 97—AMATEUR RADIO SERVICE**

187. The authority citation for part 97 continues to read as follows:

**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.

188. Section 97.315, the section heading is revised to read as follows:

**§ 97.315 Certification of external RF power amplifiers.**

Paragraphs (a), (b) and (c) are amended by removing the term "type acceptance" each place it appears and adding in its place "certification", and by removing the term "type accepted" each place it appears and adding in its place "certificated". Paragraph (c) is amended by removing the first sentence, and by removing the term "on this list" and adding in its place "in the Commission's database".

189. Section 97.317, the section heading is revised to read as follows:

**§ 97.317 Standards for certification of external RF power amplifiers.**

Paragraphs (a), (b) and (c) are amended by removing the term "type acceptance" each place it appears and adding in its place "certification".

**PART 101—FIXED MICROWAVE SERVICES**

190. The authority citation for part 101 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303.

**§ 101.61 [Amended]**

191. Section 101.61, paragraph (c)(1)(i) is amended by removing the term "type-accepted (or type-notified)" each place it appears and adding in its place "certificated or verified."

**§ 101.107 [Amended]**

192. Section 101.107, footnote 4 following the table is amended by removing the term "type accepted" and adding in its place "authorized".

**§ 101.133 [Amended]**

193. Section 101.133, paragraph (a) is amended by removing the term "type-accepted" and adding in its place "certificated".

194. Section 101.139 is revised to read as follows:

**§ 101.139 Authorization of transmitters.**

(a) Except for transmitters used at developmental stations or for fixed point-to-point operation pursuant to subparts H and I of this part, each transmitter must be a type which has been certificated by the Commission for use under the applicable rules of this part. Transmitters used in the private operational fixed and common carrier fixed point-to-point microwave services under subparts H and I of this part must be of a type that has been verified for compliance. Transmitters designed for use in the 31.0 to 31.3 GHz band will be authorized under the verification procedure.

(b) Any manufacturer of a transmitter to be produced for use under the rules of this part may request certification or obtain verification by following the applicable procedures set forth in part 2 of this chapter.

(c) Certification for an individual transmitter may also be requested by an applicant for a station authorization, pursuant to the procedures set forth in part 2 of this chapter.

(d) A transmitter presently shown on an instrument of authorization, which operates on an assigned frequency in the 890-940 MHz band and has not been certificated, may continue to be used by the licensee without certification provided such transmitter continues otherwise to comply with the applicable rules and regulations of the Commission.

(e) Certification or verification is not required for portable transmitters operating with peak output power not

greater than 250 mW. If operation of such equipment causes harmful interference the FCC may, at its discretion, require the licensee to take such corrective action as is necessary to eliminate the interference.

(f) After July 15, 1996, the manufacturer (except for export) or importation of equipment employing digital modulation techniques in the 3700-4200, 5925-6425, 6525-6875, 10,550-10,680 and 10,700-11,700 MHz bands must meet the minimum payload capacity requirements of § 101.141.

**§ 101.141 [Amended]**

195. Section 101.141, paragraph (a)(2) is amended by removing the term "type accepted" and adding in its place "certificated".

**§ 101.151 [Amended]**

196. Section 101.151, paragraph (e) is amended by removing the term "Type-accepted" and adding in its place "Certificated".

[FR Doc. 98-17670 Filed 7-6-98; 8:45 am]

BILLING CODE 6712-01-U

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 285**

[Docket No. 980629161-8161-01; I.D. 061798A]

RIN 0648-AL39

**Atlantic Tuna Fisheries; Atlantic Bluefin Tuna**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Rescission of prohibition.

**SUMMARY:** NMFS issues this notification announcing the rescission of the prohibition of the use of aircraft to assist fishing vessel operators in the location and capture of Atlantic bluefin tuna (BFT). This rescission is in compliance with a June 10, 1998, Order of the United States District Court for Massachusetts (Court), which overturned the regulations banning the use of spotter planes in other than the Purse Seine and Harpoon categories.

**DATES:** Effective June 10, 1998.

**FOR FURTHER INFORMATION CONTACT:** Sarah McLaughlin, 301-713-2347, or Mark Murray-Brown, 978-281-9260.

**SUPPLEMENTARY INFORMATION:** NMFS, in accordance with the authority of the Atlantic Tunas Convention Act (16