

Dated: August 24, 1998.

A. Stan Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 98-24606 Filed 9-11-98; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 97

[WT Docket No. 98-143; FCC 98-183]

Amateur Service Rules

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The proposed rule amendments would phase out the Novice Class operator license (current licensees grandfathered) and the Technician Plus operator license. In addition, the proposed amendments would authorize Advanced Class operators to prepare and administer examinations for the General Class operator license, and would sunset RACES station licenses by not issuing any license renewals. Comments are invited from the amateur community on improvement of amateur enforcement processes, on the specific telegraphy speeds requirement for the various license classes, and on ways to streamline and improve the operator written examinations.

DATES: Comments are due on or before December 1, 1998, and reply comments are due on or before January 15, 1999.

FOR FURTHER INFORMATION CONTACT:

Maurice J. DePont, Federal Communications Commission, Washington, D.C. 20554, (202) 418-0690.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rule Making* (NPRM), adopted July 29, 1998, and released August 10, 1998. The complete text of this Commission action, including the proposed rules, is available for inspection and copying during normal business hours in the FCC Reference Center (Room 230) 1919 M Street, N.W., Washington, D.C. The complete text of this *Notice of Proposed Rule Making* may also be ordered from the Commission's copy contractor, International Transcription Services, Inc., 1231 20th Street, N.W., Washington, D.C. 20036, Telephone (202) 857-3800.

Summary of Notice of Proposed Rule Making

1. The proposed rule amendments would reduce the number of amateur operator license classes from six to four by phasing out the Novice Class and Technician Class operator licenses. Current Novice Class licensees would be grandfathered. The four remaining classes would be the Amateur Extra, Advanced, General and Technician. Pursuant to the proposal, Advanced Class operators could prepare and administer examinations for a General Class license.

2. The proposed rule amendments also would eliminate Radio Amateur Civil Emergency Service (RACES) licenses because the emergency communications that routinely are transmitted by RACES stations can be transmitted by primary, club or military recreation stations. It is proposed that current RACES licenses would not be renewed.

3. Comments are sought on ideas for improving the amateur enforcement processes. One possibility, for example, would be to encourage or require persons bringing complaints of interference to the Commission to include a draft order to show cause to initiate a revocation or cease and desist hearing proceeding. In addition, comments are sought on how to better utilize the services of the Amateur Auxiliary, consistent with its statutory basis.

4. Interested persons were also invited to submit comments about the current telegraphy speeds and to indicate whether the three levels of 5, 13, and 20 words per minute should be retained or reduced to two or one speed requirement. Comments were also invited concerning the written examinations and whether the current list of topics used in the written examinations adequately covers current technology and contemporary operating practices.

5. Finally, various routine and repetitive petitions concerning licensing requirements, frequency privileges, or restructuring of the various amateur license classes were dismissed.

6. In accordance with provisions of the Regulatory Flexibility Act, the Commission certifies that the amended rules will not have a significant economic impact on a substantial number of small entities because the amateur stations that are the subject of this proceeding are not authorized to transmit communications for a pecuniary interest.

7. Comments may be filed using the Commission's Electronic Filing System

(ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (May 1, 1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

8. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 1919 M St., N.W., Room 222, Washington, D.C. 20554.

9. Parties who choose to file by paper should also submit their comments on diskette. These diskettes should be submitted to: MJDePont, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, Room 8332, 2025 M Street, N.W., Washington, D.C. 20554. Such a submission should be on a 3.5 inch diskette formatted in an IBM compatible format using WordPerfect 5.1 for Windows or compatible software. The diskette should be accompanied by a cover letter and should be submitted in "read only" mode. The diskette should be clearly labelled with the commenter's name, proceeding (including the lead docket number in this case, WT Docket No. 98-143), type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the diskette. The label should also include the following phrase "Disk Copy—Not an Original." Each diskette should contain only one party's pleadings, preferably in a single electronic file. In addition, commenters must send diskette copies to the

Commission's copy contractor, International Transcription Services, Inc., 1231 20th Street, N.W., Washington, D.C. 20037.

10. Alternative formats (computer diskette, large print, audio cassette and Braille) are available to persons with disabilities by contacting Martha Contee at (202) 418-0260, TTY (202) 418-2555, or at mcontee@fcc.gov. This NPRM can also be downloaded at: <http://www.fcc.gov/dtf/>.

11. Authority for this action is contained in sections 4 (i) and (j), 303(r) and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154 (i) and (j), 303(r) and 403.

12. A copy of the Regulatory Flexibility Act certification will be provided to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 97

Amateur radio, Examinations, Radio, Volunteer examiners.

Federal Communications Commission.
Magalie Roman Salas,
Secretary.

Rule Changes

Part 97 of Chapter I of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

PART 97—AMATEUR RADIO SERVICE

1. 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.

2. Section 97.9 is revised to read as follows:

§ 97.9 Operator license.

(a) The classes of amateur operator licenses are: Novice, Technician, General, Advanced and Amateur Extra. A person who has been granted an operator license is authorized to be the control operator of an amateur station with the privileges of the operator class specified on the license.

(b) A person who has been granted an operator license of Novice, Technician, General or Advanced Class and who has properly submitted to the administering VEs an application document, FCC Form 610, for an operator license of a higher class, and who holds a CSCE indicating that the person has completed the necessary examinations within the previous 365 days, is authorized to exercise the rights and privileges of the higher operator class

until final disposition of the application or until 365 days following the passing of the examination, whichever comes first.

3. Section 97.13 is amended by revising paragraph (b) to read as follows:

§ 97.13 Restrictions on station location.

* * * * *

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

* * * * *

4. Section 97.17 is amended by revising paragraph (b)(1), redesignating paragraphs (c), (d), (e), (f) and (g) as paragraphs (d), (e), (f), (g), and (h), adding new paragraph (c) and revising newly redesignated paragraph (e) (4) to read as follows:

§ 97.17 Application for new license or reciprocal permit for alien amateur licensee.

* * * * *

(b) * * *

(1) FCC Form 610 for a new Technician, General, Advanced or Amateur Extra Class operator/primary station license;

* * * * *

(c) No application for a new Novice or Technician Plus Class operator/primary station license will be accepted for filing.

* * * * *

(e) * * *

(4) No person who has been granted by the FCC an amateur operator/primary station license is eligible for a *reciprocal permit for alien amateur licensee*.

* * * * *

5. Section 97.21 is amended by revising paragraph (a)(3) and paragraph (b) to read as follows:

§ 97.21 Application for a modified or renewed license.

(a) * * *

(3) May apply for renewal of the license for a new term. Application for renewal of a Technician Plus Class operator/primary station license will be processed as an application for renewal of a Technician Class operator/primary station license.

(i) When the license does not show a call sign selected by the vanity call sign system, the application must be made on FCC Form 610. For a club or military recreation station license, the

application must be made on FCC Form 610-B. The application must be submitted no more than 90 days prior to its expiration to: FCC, 1270 Fairfield Road, Gettysburg, PA 17325-7245. When the application for renewal of the license has been received by the FCC at 1270 Fairfield Road, Gettysburg, PA 17325-7245 on or before the license expiration date, the license operating authority is continued until the final disposition of the application. No application for renewal of a RACES station license will be granted.

(ii) When the license shows a call sign selected by the vanity call sign system, the application must be filed as specified in Section 97.19(b). When the application has been received at the proper address specified in the Wireless Telecommunications Bureau Fee Filing Guide on or before the license expiration date, the license operating authority is continued until final disposition of the application.

(b) A person who had been granted an amateur primary, club or military recreation station license, but the license has expired, may apply for renewal of the license for another term during a 2 year filing grace period. The application document must be received by the FCC at 1270 Fairfield Road, Gettysburg, PA 17325-7245 prior to the end of the grace period. For an operator/primary station license, the application must be made on FCC Form 610. For a club or military recreation station license, the application must be made on FCC Form 610-B. Unless and until the license is renewed, no privileges in this part are conferred.

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6. Section 97.301 is amended by revising the paragraph (a) introductory text, by revising paragraph (e) and removing paragraph (f) to read as follows:

§ 97.301 Authorized frequency bands.

* * * * *

(a) For a station having a control operator who has been granted an operator license of Technician, General, Advanced or Amateur Extra Class:

* * * * *

(e) For a station having a control operator who has been granted an operator license of Novice Class or Technician Class and who has received credit for proficiency in telegraphy in accordance with the international requirements (Element 1(A), 1(B) or 1(C)):

Wavelength band	ITU region 1	ITU region 2	ITU region 3	Sharing requirements See § 97.303 (paragraph)
HF		MHz		
80 m	3.675–3.725	3.675–3.725	3.675–3.725	(a)
40 m	7.050–7.075	7.10–7.15	7.050–7.075	(a)
15 m	21.10–21.20	21.10–21.20	21.10–21.20	
10 m	28.10–28.50	28.10–28.50	28.10–28.50	
VHF	MHz	MHz	MHz	
1.25 m		222–225		(a)
UHF	MHz	MHz	MHz	
23 cm	1270–1295	1270–1295	1270–1295	(h)(i)

7. Section 97.313 is amended by revising paragraph (f) to read as follows:

§ 97.313 Transmitter power standards.

* * * * *

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

* * * * *

8. Section 97.407 is amended by revising paragraph (b) introductory text to read as follows:

§ 97.407 Radio Amateur Civil Emergency Service (RACES).

* * * * *

(b) The frequency bands and segments and emissions authorized to the control

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

* * * * *

9. Section 97.501 is revised to read as follows:

§ 97.501 Qualifying for an amateur operator license.

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

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

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

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

(d) Technician Class operator: Element 3(A).

10. Section 97.503 is amended by removing paragraphs (b)(1) and (b)(2); redesignating paragraphs (b)(3), (b)(4), and (b)(5) as (b)(2), (b)(3) and (b)(4); adding a new paragraph(b)(1); and revising paragraph (c) to read as follows:

§ 97.503 Element standards.

* * * * *

(b) * * *

(1) Element 3(A): 65 questions concerning the privileges of a Technician Class operator license. The minimum passing score is 48 questions answered correctly.

(2) Element 3(B): 30 questions concerning the privileges of a General Class operator license. The minimum passing score is 22 questions answered correctly.

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

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

(c) The topics and number of questions that should be included in each written examination question set are listed below:

Topics	Element			
	3(A)	3(B)	4(A)	4(B)
(1) FCC rules for the amateur radio services	15	4	6	8
(2) Amateur station operating procedures	5	3	1	4
(3) Radio wave propagation characteristics of amateur service frequency bands	4	3	2	2
(4) Amateur radio practices	8	5	4	4
(5) Electrical principles as applied to amateur station equipment	6	2	10	6
(6) Amateur station equipment circuit components	4	1	6	4
(7) Practical circuits employed in amateur station equipment	3	1	10	4
(8) Signals and emissions transmitted by amateur stations	4	2	6	4
(9) Amateur station antennas and feed lines	6	4	5	4
(10) Radiofrequency environmental safety practices at an amateur station	10	5	0	0

11. Section 97.505 is amended by revising paragraphs (a) introductory text, (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(8) and (a)(9) to read as follows:

§ 97.505 Element credit.

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

(1) An unexpired (or expired but within the grace period for renewal) Advanced Class operator license: Elements 1(B), 3(A), 3(B) and 4(A).

(2) An unexpired (or expired but within the grace period for renewal) General Class operator license: Elements 1(B), 3(A) and 3(B).

(3) An unexpired (or expired but within the grace period for renewal) Technician Plus Class operator license (including a Technician Class operator license granted before February 14, 1991): Elements 1(A) and 3(A).

(4) An unexpired (or expired but within the grace period for renewal) Technician Class operator license: Element 3(A).

(5) An unexpired (or expired but within the grace period for renewal) Novice Class operator license: Element 1(A).

* * * * *

(8) An expired FCC-issued Technician Class operator license document (or proof of having held the document) granted before March 21, 1987: Element 3(B).

(9) An expired, or unexpired, FCC-issued Technician Class operator license document (or proof of having held the document) granted before February 14, 1991: Element 1(A).

* * * * *

12. Section 97.507 is amended by revising paragraph (a) introductory text (a)(1), and (a)(2) to read as follows:

§ 97.507 Preparing an examination.

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

(1) Elements 1(B) and 3(B): Advanced Class operator.

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

* * * * *

13. Section 97.509 is amended by revising paragraphs (a) and (b)(3) to read as follows:

§ 97.509 Administering VE requirements.

(a) Each examination for an amateur operator license must be administered by a team of at least 3 VEs at an examination session coordinated by a VEC. Before the session, the administering VEs or the VE session manager must ensure that a public announcement is made giving the location and time of the session. The number of examinees at the session may be limited.

(b) * * *

(3) Be a person who holds an amateur operator license of the class specified below:

(i) Amateur Extra, Advanced or General Class in order to administer a Technician Class operator license examination;

(ii) Amateur Extra or Advanced Class in order to administer a General Class operator license examination;

(iii) Amateur Extra Class in order to administer an Advanced or Amateur Extra Class operator license examination.

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[FR Doc. 98-24115 Filed 9-11-98; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 90-Day Finding for a Petition to List the Rio Grande Cutthroat Trout

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding.

SUMMARY: The Fish and Wildlife Service (Service) announces a 90-day finding for a petition to list the Rio Grande cutthroat trout (*Oncorhynchus clarki virginalis*) as endangered under the Endangered Species Act of 1973, as amended. The Service finds that the petition did not present substantial information indicating that listing this subspecies may be warranted. **DATES:** The finding announced in this document was made on August 22, 1998.

ADDRESSES: You may submit any data, information, comments, or questions concerning this finding to the Field Supervisor, New Mexico Ecological Services Field Office, 2105 Osuna NE, Albuquerque, New Mexico 87113. Members of the public may review the petition finding, supporting data, and

comments, by appointment during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Jennifer Fowler-Propst, Field Supervisor, New Mexico Ecological Services Field Office, at the above address (505/761-4525).

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that the Service make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to demonstrate that the petitioned action may be warranted. The Service is required to base the finding on all information available at the time the finding is made. To the maximum extent practicable, the Service must make this finding within 90 days of the date the petition was received, and promptly publish a notice in the **Federal Register**. If the Service finds that substantial information was presented, the Service also is required to promptly commence a review of the status of the species involved if one has not already been initiated under the Service's internal candidate assessment process.

The Service has made a 90-day finding on a petition to list the Rio Grande cutthroat trout (*Oncorhynchus clarki virginalis*) as endangered. Kieran Suckling, Director of the Southwest Center for Biological Diversity, submitted the petition, dated February 17, 1998. The Service received the petition on February 25, 1998. Additional petitioners included the Biodiversity Legal Foundation, Carson Forest Watch, Ancient Forest Rescue, and Southwest Trout.

The petitioners state that habitat destruction and degradation have reduced the current distribution of the subspecies to approximately 5% of its historical range; existing populations are small and isolated; habitat destruction and degradation from livestock grazing, logging, road construction, and mining continue to threaten the subspecies; and stocking of nonnative, closely related species such as the rainbow trout (*Oncorhynchus mykiss*) has replaced many of the historical populations of the native species with hybrids. The petition further states that these factors continue to threaten the stability and existence of the Rio Grande cutthroat trout.

The Service has reviewed the petition and other literature and information available in the Service's files, and