

FCC MAIL SECTION

Federal Communications Commission

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Before the Federal Communications Commission Washington, D.C. 20554

DISPATCHED BY In the Matter of

Amendment of the Amateur Radio Services Rules (Part 97) Concerning Space Station Operation.

RM-7934 RM-7957

ORDER

Adopted: July 1, 1992;

Released: July 17, 1992

By the Commission:

1. In this Order, we are amending the amateur radio services rules to authorize any amateur operator to be the licensee of a space station. Section 97.207(a) of the Commission's Rules, 47 C.F.R. § 97.207(a), currently provides that only an Amateur Extra Class operator may be the licensee of a space station. Amateur Extra is the highest grade of the five classes of amateur operator license.

2. On March 3, 1992, Neal A. Osborn filed rule making petition RM-7957. He requests that any amateur station be permitted to transmit from space. He also requests that "spacecraft" be included within the definition of "ship" in order to subject them to the restrictions pertaining to amateur stations aboard ships contained in Section 97.11 of the Commission's Rules, 47 C.F.R. § 97.11. On March 5, 1992, Jim D. Haynie filed petition for rule making RM-7934. He also requests that any amateur station be permitted to transmit from space. Both petitioners note that waivers of Section 97.207(a) have been granted where astronauts holding lower classes of operator license sought permission for their amateur stations to be space stations.

3. We believe that amending the rules to permit any amateur station to transmit from space would benefit both the amateur community and the public. Amateur operators would have greater access to space telecommunications technology. The public would have a more highly-trained pool of operators and electronics experts available in emergencies. Additionally, the Commission would benefit because rule waivers to astronauts who want to operate their amateur stations in space would not have to be issued. We do not agree, however, that a spacecraft should be defined as a "ship." Our rules will continue to follow the definition of space station which is contained in the international Radio Regulations. Further, we note that

the volunteer-examiner coordinators (VECs) can rearrange in their pools the necessary questions concerning proper operation of a space station.

4. This rule amendment would provide an additional privilege for most amateur operators. It is expected to be noncontroversial and is considered to be a minor rule amendment in which the public is not particularly interested. We find, therefore, for good cause, that compliance with the notice and comment procedure of the Administrative Procedure Act is unnecessary. See 5 U.S.C. § 553(b)(B).

5. Accordingly, IT IS ORDERED that effective September 23, 1992, Part 97 of the Commission's Rules, 47 C.F.R. Part 97, IS AMENDED as set forth below. Authority for this action is found in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 303(r).

6. Pursuant to the authority contained in 47 U.S.C. § 154(i), IT IS FURTHER ORDERED that the petitions for rule making of Neal A. Osborn and Jim D. Haynie ARE GRANTED as indicated herein and ARE DENIED in all other respects.

7. For information concerning this Order contact Maurice J. DePont, Private Radio Bureau, (202) 632-4964.

FEDERAL COMMUNICATIONS COMMISSION

Donna R. Searcy Secretary

APPENDIX

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

1. The authority citation for Part 97 continues to read as follows:

Authority citation: 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 97.207(a) is revised to read as follows:

§ 97.207 Space station.

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

1 A space station is an amateur station located more than 50 km above the Earth's surface that transmits on frequencies allocated to the amateur-satellite service.

2 The other classes of amateur operator licenses are: Novice, Technician, General, and Advanced. As of March 31, 1992, there were 555,989 amateur operators licensed by the Commission, including 58,543 who held the Amateur Extra Class operator license.

3 See Radio Regulation No. 61, Geneva (1979). See also Section 97.3(a)(36) of the Commission's Rules, 47 C.F.R. § 97.3(a)(36).

4 The VECs maintain the question pools for the amateur operator license examinations. Section 97.503(b) of the Commission's Rules, 47 C.F.R. § 97.503(b), requires that each written examination be structured so as to prove that an examinee possesses the operational and technical qualifications required to perform properly the duties of the class of operator license sought. The questions concerning space stations include frequencies authorized, types of transmissions, telecommand provisions, and notifications.