

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

(c) A RACES station may only communicate with:

- (1) Another RACES station;
- (2) An amateur station registered with a civil defense organization;
- (3) A United States Government station authorized by the responsible agency to communicate with RACES stations;
- (4) A station in a service regulated by the FCC whenever such communication is authorized by the FCC.

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

- (1) A RACES station licensed to the civil defense organization with which the amateur station is registered;
- (2) The following stations upon authorization of the responsible civil defense official for the organization with which the amateur station is registered:
  - (i) A RACES station licensed to another civil defense organization;
  - (ii) An amateur station registered with the same or another civil defense organization;
  - (iii) A United States Government station authorized by the responsible agency to communicate with RACES stations; and
  - (iv) A station in a service regulated by the FCC whenever such communication is authorized by the FCC.

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

- (1) Messages concerning impending or actual conditions jeopardizing the public safety, or affecting the national defense or security during periods of local, regional, or national civil emergencies;
- (2) Messages directly concerning the immediate safety of life of individuals, the immediate protection of property, maintenance of law and order, alleviation of human suffering and need, and the combating of armed attack or sabotage;
- (3) Messages directly concerning the accumulation and dissemination of public information or instructions to the civilian population essential to the activities of the civil defense organization or other authorized governmental or relief agencies; and

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

12. 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: Element 1(B) or 1(C), 3(A) and 3(B);
- (d) Technician Class operator: Element 3(A).

13. Section 97.503(b) and (c) are revised to read as follows:

**§ 97.503 Element standards.**

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

(1) Element 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:

<u>Topics:</u>	<u>Element:</u>	<u>3(A)</u>	<u>3(B)</u>	<u>4(A)</u>	<u>4(B)</u>
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(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

14. Section 97.505 is revised 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: 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)..

(6) A CSCE: Each element the CSCE indicates the examinee has passed.

(7) An unexpired (or expired less than 5 years) FCC-issued commercial radiotelegraph operator

license or permit document: Element 1(C).

(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).

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

15. Section 97.507 is revised 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) Element 3(B): Advanced Class operator.

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

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

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

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

16. Section 97.509 is revised 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) Each administering VE must:

(1) Be accredited by the coordinating VEC;

- (2) Be at least 18 years of age;
- (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.
- (4) Be a person whose amateur station license or amateur operator license has never been revoked or suspended.
  - (c) Each administering VE must be present and observing the examinee throughout the entire examination. The administering VEs are responsible for the proper conduct and necessary supervision of each examination. The administering VEs must immediately terminate the examination upon failure of the examinee to comply with their instructions.
  - (d) No VE may administer an examination to his or her spouse, children, grandchildren, stepchildren, parents, grandparents, stepparents, brothers, sisters, stepbrothers, stepsisters, aunts, uncles, nieces, nephews and in-laws.
  - (e) No VE may administer or certify any examination by fraudulent means or for monetary or other consideration including reimbursement in any amount in excess of that permitted. Violation of this provision may result in the revocation of the VE's amateur station license and the suspension of the VE's amateur operator license.
  - (f) No examination that has been compromised shall be administered to any examinee. Neither the same telegraphy message nor the same question set may be re-administered to the same examinee.
  - (g) Passing a telegraphy receiving examination is adequate proof of an examinee's ability to both send and receive telegraphy. The administering VEs, however, may also include a sending segment in a telegraphy examination.
  - (h) Upon completion of each examination element, the administering VEs must immediately grade the examinee's answers. The administering VEs are responsible for determining the correctness of the examinee's answers.
  - (i) When the examinee is credited for all examination elements required for the operator license sought, the 3 VEs must certify on the examinee's application document that the applicant is qualified for the license and that they have complied with these administering VE requirements. The certifying VEs are jointly and individually accountable for the proper administration of each examination element reported on the examinee's application FCC Form 610. The certifying VEs may delegate to other qualified VEs their authority, but not their accountability, to administer individual elements of an examination.
  - (j) When the examinee does not score a passing grade on an examination element, the

administering VEs must return the application document to the examinee and inform the examinee of the grade.

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

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

(m) Within 10 days of the administration of a successful examination for an amateur operator license, the administering VEs must submit the application document to the coordinating VEC.

**Separate Statement of Commissioner Harold W. Furchtgott-Roth****In re: Notice of Proposed Rule Making****1998 Biennial Regulatory Review -- Amendment of Part 97 of the Commission's Rules to Simplify the Amateur Service Rules and to Delete Unnecessary Requirements and Procedures**

I support adoption of this NPRM. In my view, any reduction of unnecessary regulatory burdens is beneficial. To that extent, this item is good and I am all for it. This item should not, however, be mistaken for complete compliance with Section 11 of the Communications Act.

As I have explained previously, the FCC is not planning to "review all regulations issued under this Act . . . that apply to the operations or activities of any provider of telecommunications service," as required under Subsection 11(a) in 1998 (emphasis added). See generally *1998 Biennial Regulatory Review -- Review of Computer III and ONA Safeguards and Requirements*, 13 FCC Rcd 6040 (released Jan. 30, 1998). Nor has the Commission issued general principles to guide our public interest analysis and decision-making process across the wide range of FCC regulations.

In one important respect, however, the FCC's current efforts are more ambitious and difficult than I believe are required by the Communications Act. Subsection 11(a) -- "Biennial Review" -- requires only that the Commission "determine whether any such regulation is no longer necessary in the public interest" (emphasis added). It is pursuant to subsection 11(b) -- "Effect of Determination" -- that regulations determined to be no longer in the public interest must be repealed or modified. Thus, the repeal or modification of our rules, which requires notice and comment rule making proceedings, need not be accomplished during the year of the biennial review. Yet the Commission plans to complete roughly thirty such proceedings this year.

I encourage parties to participate in these thirty rule making proceedings. I also suggest that parties submit to the Commission -- either informally or as a formal filing -- specific suggestions of rules we might determine this year to be no longer necessary in the public interest as well as ideas for a thorough review of all our rules pursuant to Subsection 11(a).

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