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

MAIL ROOM
NOV 30 2009
FCC MAIL ROOM

In the Matter of	)	
	)	
Amendment of the Amateur Service Rules Governing Vanity and Club Station Call Signs	)	WT Docket No. 09-209
	)	
Petition for Rule Making: Amateur Radio Service (Part 97)	)	
	)	
Petition to Change Part 97.19(c)(2) of the Amateur Radio Service Rules	)	

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NOTICE OF PROPOSED RULE MAKING

Adopted: November 23, 2009 **Released:** November 24, 2009

Comment Date: [60 days after publication in the Federal Register]
Reply Comment Date: [75 days after publication in the Federal Register]

By the Commission:

I. INTRODUCTION

1. In this *Notice of Proposed Rule Making* (*Notice*), we propose to amend the Commission's Amateur Radio Service rules[1] to clarify certain rules and codify existing procedures governing the amateur service vanity call sign system.[2] We also propose to revise certain rules applicable to amateur service club stations. We solicit comments on our proposals, which we believe will make our licensing procedures more equitable and efficient.

II. BACKGROUND

2. Since the Commission implemented the vanity call sign system in 1996,[3] thousands of

[1] 47 C.F.R. Part 97, hereafter referred to as the amateur radio service rules or amateur service rules.

[2] When an individual operator or amateur radio club is initially licensed, the Commission assigns the station call sign sequentially from an alphabetized list corresponding to the geographical region of the licensee's mailing address and the operator class of the licensee or trustee. This is known as a sequential call sign. A licensee may then request the assignment of a specific call sign (provided that the call sign is unassigned and otherwise available) that represents something of significance to the licensee, such as the licensee's initials or nickname, or a personal statement. This is known as a vanity call sign. *See* Amendment of Part 97 of the Commission's Rules Governing the Amateur Radio Services, *Report and Order*, WT Docket No. 04-140, 21 FCC Rcd 11643, 11657 ¶ 29 (2006) (*Omnibus Report and Order*); 47 C.F.R. § 97.3(a)(11).

[3] *See* Amendment of the Amateur Service Rules to Implement a Vanity Call Sign System, *Report and Order*, PR Docket No. 93-305, 10 FCC Rcd 1039, 1039 ¶¶ 1-2 (1995) (*Vanity Report and Order*); *see also* Amendment of the Amateur Service Rules to Implement a Vanity Call Sign System, *Memorandum Opinion and Order*, PR Docket No. 93-305, 10 FCC Rcd 11135 (1995) (*Vanity Memorandum Opinion and Order*); Amendment of the Amateur Service Rules to Implement a Vanity Call Sign System, *Second Memorandum Opinion and Order*, PR Docket No. 93-305, 11 FCC Rcd 5283 (1996).

licensees have elected to replace their sequentially assigned call sign with a vanity call sign.[4] In the *Vanity Report and Order*, the Commission established the broad outlines of the vanity call sign system. It concluded that call signs generally should not be available for reassignment for two years[5] following the death of a licensee, or expiration or termination of the license for that call sign, but made exceptions for former holders of the call sign, close relatives of a deceased former holder, and club stations of which a deceased former holder was a member.[6]

3. The Commission did not, however, specify all of the procedures governing the vanity call sign system. Instead, it indicated that the procedures would be set out in the public notices announcing "starting gates" for the groups receiving initial priority, and that the procedures would be adjusted from gate to gate as experience dictated.[7] The procedures announced in the public notices announcing the gates are still in effect, but are not set forth in the Commission's Rules.[8] We now believe that certain provisions should be codified in our rules, and others added, so that the vanity call sign system will be fair, equitable, and transparent to all amateur service licensees.

4. The Commission also decided in the *Vanity Report and Order* to resume issuing new club station licenses.[9] We believe that certain rule changes to the club station licensing rules may be appropriate.

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[4] Currently, there are over seventy-nine thousand active amateur service station licenses with vanity call signs.

[5] This two-year waiting period is consistent with the two-year grace period during which an amateur licensee can renew an expired license. *Vanity Report and Order*, 10 FCC Rcd at 1040 ¶ 11; *see* 47 C.F.R. § 97.21(b). A waiting period shorter than the renewal grace period could lead to cases where the call sign on an expired license is assigned to another licensee, then the original licensee renews the license during the grace period, resulting in two active licenses with the same call sign.

[6] *See Vanity Report and Order*, 10 FCC Rcd at 1040 ¶ 6, 1041 ¶ 12, 1042.

[7] *See id.* at 1040 ¶¶ 6-7, 1041 ¶ 14; *see also* 47 C.F.R. § 97.3(a)(11)(ii). The Commission also set forth the sequence in which various groups of licensees would be permitted to file applications upon the implementation of the vanity call sign system. *See Vanity Report and Order*, 10 FCC Rcd at 1039-40 ¶¶ 5-7. Gate 1 included former holders and close relatives of deceased former holders. Gate 1A included club stations. Subsequent gates proceeded based on license class.

[8] *See* Amateur Station Vanity Call Sign System Filing Gate 1 Opens May 31, 1996, *Public Notice* (rel. May 1, 1996) (*Gate 1 Public Notice*); Amateur Station Vanity Call Sign System Filing Gate 1A Opens July 22, 1996, *Public Notice* (rel. June 21, 1996); Amateur Station Vanity Call Sign System Filing Gate 2 Opens September 23, 1996, *Public Notice* (rel. Aug. 22, 1996) (*Gate 2 Public Notice*); Amateur Station Vanity Call Sign System Filing Gate 3 Opens August 6, 1997, *Public Notice* (rel. July 3, 1997) (*Gate 3 Public Notice*); Amateur Station Vanity Call Sign System Filing Gate 4 Opens December 2, 1997, *Public Notice* (rel. Oct. 30, 1997) (*Gate 4 Public Notice*).

[9] *See Vanity Report and Order*, 10 FCC Rcd at 1041 ¶ 12. These licenses may be granted to a group that is composed of at least four persons and has a name, a document of organization, management, and a primary purpose devoted to amateur service activities. *See* 47 C.F.R. § 97.5(b)(2).

III. DISCUSSION

A. Availability of Call Signs Assigned to Stations of Deceased Licensees

5. As noted above, call signs shown on the license of a deceased licensee generally are unavailable to the vanity call sign system for two years after the license expires or is canceled. Below, we propose to amend our rules to clarify the process by which such call signs become available for reassignment.

1. License cancellation procedure

6. In order for a vanity call sign to be assigned to an amateur station, the call sign must be assignable at the time the application is processed.[10] Even if a licensee is deceased, the call sign is not available if the license is still active in our database because we have not been informed of the licensee's death.[11] When we receive proper documentation of the licensee's passing—*i.e.*, a signed request for license cancellation accompanied by a copy of a death certificate, or an obituary or data from the Social Security Death Index (SSDI) that shows the date of death—we cancel the license as of the licensee's date of death.[12] We propose to amend our rules to codify these procedures by adding a new paragraph to Section 97.21.[13] We believe that this will make our cancellation process more equitable and transparent, and facilitate the availability of desirable call signs.[14] Accordingly, we seek comment on this proposal.[15]

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[10] *See* 47 C.F.R. § 97.19(d)(2), (3).

[11] *See, e.g.*, Ronald W. Moody, *Letter*, 22 FCC Rcd 3773, 3773-74 (WTB MD 2007) (denying a petition for reconsideration of the dismissal of a vanity call sign application because, although the former holder had been deceased for two years when the application was filed, the Commission had not been notified of his death so the license was still active).

[12] *Id.* In addition, we have canceled call signs when we learned of the licensee's death through other sources of information, such as news reports of the death of well-known licensees.

[13] *See* 47 C.F.R. § 97.21. Currently, the procedure for canceling a license due to the grantee's death is outlined on our website, but is not codified in our rules. *See* http://wireless.fcc.gov/services/index.htm?job=call_signs_3&id=amateur&page=2.

[14] We also believe that it will reduce the possibility of erroneous cancellations. In the past, staff has acted on cancellation requests based on SSDI or other data that appeared to describe the licensee, even if the biographical information did not match exactly. Usually, these cancellations have been appropriate, but on occasion a license has been canceled erroneously based on information relating to another person with the same name as the licensee. *See e.g.*, Peter Birk, *Order Proposing Modification*, 24 FCC Rcd 3540, 3540 ¶ 3 (WTB MD 2009). The staff now processes cancellation requests from unrelated parties only when available information matches exactly. As a general matter, no action will be taken with respect to cancellation requests containing any discrepancy between the deceased and the licensee.

[15] Barbara J. Levow requested in a petition for rulemaking that the Commission regularly compare the names and Social Security Numbers (SSNs) of amateur radio service licensees with the names and SSNs in the SSDI, and automatically cancel any license for which there is a match. *See* Barbara J. Levow, Petition for Rulemaking (filed May 20, 2008). We believe this is unnecessary in light of our proposal to codify the procedures for canceling an amateur service license, and therefore deny the petition. We also note that this request incorrectly assumes that licensees' SSNs are in the amateur service licensing database, when in fact that information is maintained in a separate database to which access is restricted in order to protect licensees' privacy. *See generally* Amendment of (continued....)

2. When call sign becomes available for reassignment

7. The public notices announcing the vanity call sign system procedures indicate that the two-year waiting period for a call sign shown on a deceased person's license runs from the licensee's date of death.[16] Our rules, however, are ambiguous as to whether the waiting period runs from the date of death, or the date that the Commission cancels the license in light of the licensee's death.[17] We propose to amend the rules to clarify that a license that is canceled due to the licensee's death is deemed to have been canceled as of the date of death, regardless of when the licensing database is updated to reflect the licensee's death.

8. This practice, however, can create an arguably inequitable situation. We often receive a request from an unrelated person to cancel the license of a licensee who died more than two years earlier, and a vanity application from the same person requesting the deceased's call sign. Because the cancellation request generally is not processed before the application requesting the call sign is received, only the applicant knows that the deceased's call sign is about to be available for reassignment.

9. We propose, therefore, to modify our processes to ensure that the deceased's call sign is unavailable to the vanity call sign system for at least thirty days after the staff updates the licensing database to reflect the licensee's death. Specifically, we propose to amend the rules to provide that the call sign shown on a license that is canceled due to the death of a licensee more than two years earlier remain unavailable to the vanity call sign system for thirty days following the date the staff takes action to cancel the license.[18] Providing a short period after we process a cancellation request would allow the assignability of a desirable call sign to become known, and would provide an opportunity for other licensees to apply for the call sign. This would further the major concern expressed by the amateur service community that the vanity call sign system be fair.[19] We request comment on these proposals.

B. Exceptions to the Two-Year Waiting Period

10. As noted above, the Commission created certain exceptions to the rule that a call sign shown on a canceled license is unavailable to the vanity call sign system for two years. Below, we propose to amend our rules to clarify these exceptions.

(Continued from previous page)
Parts 1, 21, 61, 73, 74, and 76 of the Commission's Rules; Adoption of a Mandatory FCC Registration Number, *Report and Order*, MD Docket No. 00-205, 16 FCC Rcd 16138 (2001).

[16] *See Gate 2 Public Notice* at 1; *Gate 3 Public Notice* at 2; *Gate 4 Public Notice* at 2.

[17] *Compare* 47 C.F.R. § 97.19(c)(3) (providing that, except for a relative and a club, the call sign shown on the license of the person now deceased is not available to the vanity call sign system for two years following the person's death or the expiration of the license grant, whichever is sooner) *with* 47 C.F.R. § 97.19(c)(2) (providing that a call sign shown on a surrendered, revoked, set aside, canceled, or voided license grant is not available to the vanity call sign system for two years following the date such action is taken).

[18] We also propose to follow this procedure in cases where the staff takes action to cancel the license within thirty days before the second anniversary of the licensee's death.

[19] *See Vanity Report and Order*, 10 FCC Rcd at 1039 ¶ 4.

1. Former holder exception

11. In the *Vanity Report and Order*, the Commission made an exception to allow a licensee who formerly held a call sign to apply for that call sign ahead of other licensees.[20] The Commission noted that such an exception was perceived as fair by the amateur service community generally,[21] and this exception has been included in various public announcements detailing the procedures of the vanity call sign system.[22] This exception for former holders was not, however, codified in the rules. Accordingly, we propose to amend the rules to reflect this exception. We invite comment on this proposal.[23]

2. Close relative exception

12. The Commission also decided to allow close relatives of a deceased former holder of a call sign to apply for that call sign ahead of other licensees, provided that the relative holds the requisite class of operator license.[24] The Commission defined "close relatives" to include, among others, an in-law of the deceased former holder.[25] In order to avoid any confusion, we propose to amend Section 97.3 to define the term "in-law" to include only a parent or stepparent of a licensee's spouse; a licensee's spouse's sibling; the spouse of a licensee's spouse's sibling; or the spouse of a licensee's sibling, child, or stepchild. We request comment on this proposal.

3. Club station exception

13. In addition, the Commission made an exception to the two-year waiting period for club stations requesting the call sign of a deceased licensee, when the club station trustee has the written

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[20] *See Vanity Report and Order*, 10 FCC Rcd at 1040 ¶ 6; *see also, e.g., Gate 1 Public Notice*. Moreover, unlike other exceptions to the two-year waiting period, the exception for former holders applies if the call sign becomes available because it is surrendered, revoked, canceled, or is voided even though the previous holder is still alive. *See Gate 1 Public Notice* at 1.

[21] *See Vanity Report and Order*, 10 FCC Rcd at 1039 ¶ 6.

[22] *See, e.g., Omnibus Report and Order*, 21 FCC Rcd at 11657 ¶ 29.

[23] Steven Bryant filed a petition for rulemaking requesting a rule change to prohibit licensees from applying more than once for the same call sign under the former holder exception, in order to stop licensees from cycling through their previous call signs. *See* Steven Bryant, Petition to Change Part 97.19(c)(2) of the Amateur Radio Service Rules (filed June 29, 2009). We believe, however, that the petition does not present sufficient evidence that this is a problem that merits a rule change, for it provides only one example of a licensee filing such applications. Moreover, contrary to Bryant's claim, such a rule change would impact the Commission's licensing system, by requiring reprogramming of the system to search for a previous former holder application filed by the applicant for the requested call sign every time a new former holder application is filed. Consequently, we deny the petition.

[24] The Commission limited the close relative exception to persons who hold the requisite or higher class of operator license, because it would not be fair to allow some individuals to obtain call signs corresponding to a higher class simply because a now-deceased relative had passed a more rigorous examination. *See Vanity Memorandum Opinion and Order,* 10 FCC Rcd at 11137 ¶ 9; *see also* 47 C.F.R. § 97.19(c)(3), (d).

[25] The other "close relatives" are the deceased former holder's spouse, children, grandchildren, stepchildren, parents, grandparents, stepparents, brothers, sisters, stepbrothers, stepsisters, aunts, uncles, nieces, or nephews. *See Vanity Report and Order*, 10 FCC Rcd 1040 n.14; *see also* 47 C.F.R. § 97.19(c)(3).

consent of a close relative of the deceased.[26] The exception was intended to apply only to clubs of which the deceased was a member,[27] but this limitation is not reflected in our rules (though it is specified in other Commission pronouncements regarding the vanity call sign system[28]). We seek comment on our proposal to amend Section 97.19 to reflect this limitation.

4. Ineligible applicants

14. When a vanity call sign application is granted, the call sign currently assigned to the licensee's station is surrendered,[29] and is not available to the vanity call sign system for two years.[30] Occasionally, vanity call sign applications have been granted to applicants who erroneously or fraudulently indicated that they fell within an exception to the two-year waiting period.[31] Sometimes, after the situation is brought to the applicant's attention, the applicant applies for and is assigned another call sign, thereby surrendering the improperly obtained call sign. Under the usual procedure, the improperly obtained call sign would not be available to the vanity call sign system for another two years. Because this additional delay would be unfair to prospective applicants who expected the call sign to become assignable at the end of the original two-year period, the *Gate 3* and *Gate 4 Public Notices* specifically stated, "Where a vanity call sign for which the most recent recipient was ineligible is surrendered, cancelled, revoked or voided, the two year requirement does not apply."[32]

15. This policy of not commencing a new two-year waiting period upon the surrender of a call sign that was erroneously granted to an ineligible applicant is not codified in our rules. We propose, therefore, to amend Section 97.19(c) to clarify that a new two-year period does not commence when the most recent recipient acknowledges, or the Commission determines, that the recipient was not eligible to be assigned the call sign. Information regarding the acknowledgement or determination of ineligibility will be posted to the license in the Commission's Universal Licensing System (ULS) so that other licensees will be able to recognize that the surrender did not commence a new two-year waiting period. We seek comment on this proposal.

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[26] *See, e.g.*, *Vanity Memorandum Opinion and Order,* 10 FCC Rcd at 11137 ¶ 10; *see also* 47 C.F.R. § 97.19(c)(3).

[27] *See, e.g.*, *Vanity Memorandum Opinion and Order,* 10 FCC Rcd at 11135 ¶ 4, 11137 ¶ 10.

[28] *See, e.g.*, *Omnibus Report and Order*, 21 FCC Rcd at 11657-58 ¶¶ 29-30.

[29] *See* 47 C.F.R. § 97.19(d)(1).

[30] *See* 47 C.F.R. § 97.19(c)(2).

[31] Vanity call signs have been granted to applicants who, for example, claimed they were a former holder of a call sign when, in fact, the call sign had not previously been assigned to their station; and applicants who claimed they were a relative of a former holder now deceased when, in fact, they were not a relative. We remind licensees that we take misrepresentation of eligibility seriously, and that filing a fraudulent application reflects on a licensee's character and, therefore, qualifications to be a Commission licensee. *See, e.g.*, Frank C. Richards, *Hearing Designation Order*, 22 FCC Rcd 9384, 9386 ¶ 7 (WTB MD 2007).

[32] *See Gate 3 Public Notice* at 2; *Gate 4 Public Notice* at 2.

C. Other Club Station Licensing Issues

16. For purposes of club station licensing, a club is a group with at least four persons and that has a name, a document of organization, management, and a primary purpose devoted to amateur service activities consistent with Part 97.[33] A licensee trustee is designated by an officer of the club to hold the club station license grant.[34]

17. Disputes regarding who a club's trustee is sometimes come before the Commission in the context of a contested application to modify the license to change the trustee.[35] In order to avoid Commission involvement in what are essentially internal club matters, and to ensure that an application changing the trustee of a club station reflects the intent of the club, we propose to amend the rules to require that applications requesting a change in trustee include documentation signed by an officer of the club when the application is submitted to the Club Station Call Sign Administrator (CSCSA). Additionally, we believe that by accepting applications only from the licensee the club station record in ULS shows is the trustee of the club station, the CSCSA can minimize the number of disputed applications that are filed with us. We seek comment on these proposals.

18. While our rules limit individuals to holding one operator/primary station license grant and, therefore, one call sign,[36] there is no similar limit on how many license grants a club may hold. This affords club stations an advantage over individuals seeking desirable call signs, reduces the pool of vanity call signs available to individuals and other club stations, and increases the possibility of conflict over particular call signs. We therefore propose to limit club stations to holding one license grant and, consequently, one call sign.[37] Clubs that currently hold more than one call sign would not be allowed to obtain any more call signs, but could renew or modify their existing station license grants. We seek comment on this proposal.

19. Finally, we propose to permit Novice Class licensees to serve as club station trustees.

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[33] *See* 47 C.F.R. § 97.5(b)(2).

[34] *Id.*

[35] Section 97.21(a) requires that a person holding a valid amateur station license grant must apply for a modification of the license grant as necessary to show, among other things, the correct license trustee name. *See* 47 C.F.R. § 97.21(a). The application must be presented in document form to a Club Station Call Sign Administrator (CSCSA), who then submits the information thereon to the FCC in an electronic batch file. There is no requirement, however, that the document submitted to the CSCSA demonstrate that the new trustee has been so designated by an officer of the club.

[36] *See* 47 C.F.R. § 97.5(b)(1).

[37] We note that currently there is no limit on the number of clubs for which a licensee may serve as trustee, and we do not at this time propose such a limit. We remind licensees, however, that for a club to obtain a club station license, the club must be a *bona fide* organization, and that we have authority to verify that a club meets the regulatory requirements. *See* Amendments to the Amateur Service Rules Including Amendments for Examination Credit, Eligibility for a Club Station License, Recognition of the Volunteer Examiner Session Manager, a Special Event Call Sign System, and a Self-Assigned Indicator in the Station Identification, *Report and Order*, WT Docket No. 95-57, 12 FCC Rcd 3804, 3807-3808 ¶ 10 (1997); Amendment of Sections 97.3 and 97.39 of the Commission's Rules to Clarify the Definition of an Amateur Club Station, *Order*, 57 F.C.C. 2d 1083, 1083 ¶ 2 (1976); *see also* 47 U.S.C. § 308(b).

The historical prohibition against Novice Class licensees serving as club station trustees[38] was rooted in the fact that Novice Class licenses originally were not renewable.[39] Because such licenses now may be renewed on the same basis as any other amateur service license,[40] we believe that this prohibition is no longer necessary. We seek comment on this proposal.

IV. CONCLUSION

20. In summary, we believe that the public interest will be served by amending certain rules in order to make the amateur service's vanity call sign system more equitable and transparent. We also propose changes in the rules governing club station licensing, to promote equitable and administratively efficient processes. We therefore seek comment on these proposed rule changes. In addition, we invite commenters to propose any other amendments to the rules governing the vanity call sign system and club station licensing.

V. PROCEDURAL MATTERS

21. *Initial Regulatory Flexibility Certification.* The Regulatory Flexibility Act[41] requires an initial regulatory flexibility analysis to be prepared for notice and comment rulemaking proceedings, unless the agency certifies that "the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities."[42] The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction."[43] In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act.[44] A "small business concern" is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).[45]

22. In this *Notice*, we propose to amend the amateur service rules applicable to the vanity call sign system and club station licensing. Because "small entities," as defined in the RFA, are not persons

[38] *See, e.g.*, 47 C.F.R. § 12.62 (1951).

[39] *See* Amendment of Part 97 of the Commission's Rules concerning operator classes, privileges, and requirements in the Amateur Radio Service, *Second Report and Order*, Docket No. 20282, 67 F.C.C. 2d 1126, 1127 ¶ 4 (1978), *aff'd*, *Memorandum Opinion and Order*, 71 F.C.C. 2d 126 (1979).

[40] *See* 47 C.F.R. § 97.21.

[41] *See* 5 U.S.C. § 603. The RFA, *see* 5 U.S.C. § 601– 612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996).

[42] *See* 5 U.S.C. § 605(b).

[43] *See* 5 U.S.C. § 601(6).

[44] *See* 5 U.S.C. § 601(3) (incorporating by reference the definition of "small business concern" in the Small Business Act, 15 U.S.C. § 632). Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies "unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register."

[45] *See* 15 U.S.C. § 632.

eligible for licensing in the amateur service, these proposed rules do not apply to "small entities." Rather, the rules apply exclusively to individuals who currently are amateur service licensees and who are requesting a specific call sign be assigned to their station. Moreover, club stations are not authorized to transmit any communications in which the station licensee or control operator has a pecuniary interest,[46] and thus do not qualify as a "small entity."[47] Therefore, we certify that the proposals in this *Notice*, if adopted, will not have a significant economic impact on a substantial number of small entities. The Commission will send a copy of the *Notice*, including a copy of this Initial Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the SBA.[48] This initial certification will also be published in the Federal Register.[49]

23. *Paperwork Reduction Analysis*. This *Notice* does not contain proposed information collection(s) subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, it does not contain any new or modified "information collection burden for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. § 3506(c)(4).

24. *Ex Parte Presentations*. This is a permit-but-disclose notice and comment rulemaking proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in the Commission's Rules.[50]

25. *Alternative formats*. To request materials in alternative formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to <FCC504@fcc.gov> or call the Consumer and Government Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY). This *Notice* also may be downloaded from the Commission's web site at <http://www.fcc.gov/>.

26. *Comment Dates*. Pursuant to Sections 1.415 and 1.419 of the Commission's Rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before **[60 days after publication in the Federal Register]** and reply comments on or before **[75 days after publication in the Federal Register]**.

27. Commenters may file comments electronically using the Commission's Electronic Comment Filing System (ECFS), the Federal Government's eRulemaking Portal, or by filing paper copies.[51] Commenters filing through the ECFS can send their comments as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Commenters may also submit an electronic comment by Internet e-mail. To get

[46] *See* 47 C.F.R. § 97.113(a)(2)-(3).

[47] *See* Amendment of the Amateur Service Rules to Establish Station Call Sign Administrators for Club and Military Recreation Stations, *Order*, 8 FCC Rcd 3594, 3595 ¶ 9 (1993).

[48] *See* 5 U.S.C. § 605(b).

[49] *See id.*

[50] *See generally* 47 C.F.R. §§ 1.1202, 1.1203, 1.1206(a).

[51] *See* Electronic Filing of Documents in Rulemaking Proceedings, *Report and Order*, GC Docket No. 97-113, 13 FCC Rcd 11322 (1998).

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." Commenters will receive a sample form and directions in reply. Commenters filing through the Federal eRulemaking Portal <http://www.regulations.gov>, should follow the instructions provided on the website for submitting comments.

28. Commenters who chose to file paper comments must file an original and four copies of each comment. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number. All filings must be sent to the Commission's Secretary, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Room TW-A325, Washington, D.C. 20554.

29. Commenters may send filings by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. Commenters must bind all hand deliveries together with rubber bands or fasteners and must dispose of any envelopes before entering the building. This facility is the only location where the Commission's Secretary will accept hand-delivered or messenger-delivered paper filings. Commenters must send commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) to 9300 East Hampton Drive, Capitol Heights, MD 20743. Commenters should address U.S. Postal Service first-class mail, Express Mail, and Priority Mail to 445 12th Street, SW, Washington, DC 20554.

30. Interested parties may view documents filed in this proceeding on the Commission's Electronic Comment Filing System (ECFS) using the following steps: (1) access ECFS at http://www.fcc.gov/cgb/ecfs. (2) In the introductory screen, click on "Search for Filed Comments." (3) In the "Proceeding" box, enter the numerals in the docket number. (4) Click on the box marked "Retrieve Document List". A link to each document is provided in the document list. Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. Filings and comments also may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554, telephone 1-800-378-3160, or via e-mail www.bcpiweb.com.

VI. ORDERING CLAUSES

31. IT IS ORDERED that, pursuant to Sections 4(i), 4(j), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 303(r), NOTICE IS HEREBY GIVEN of the proposed amendment to Part 97 of the Commission's Rules, 47 C.F.R. Part 97, as described above, and that COMMENT IS SOUGHT on this proposal to amend Part 97 of the Commission's Rules as set forth in the Appendix.

32. IT IS FURTHER ORDERED that, pursuant to Section 1.407 of the Commission's Rules, 47 C.F.R § 1.407, the Petition for Rule Making filed by Barbara J. Levow on May 20, 2008 IS DENIED.

33. IT IS FURTHER ORDERED that, pursuant to Section 1.407 of the Commission's Rules, 47 C.F.R § 1.407, the Petition to Change Part 97.19(c)(2) of the Amateur Radio Service Rules filed by Steven Bryant on June 29, 2009 IS DENIED.

34. IT IS FURTHER ORDERED that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, SHALL SEND a copy of this *Notice of Proposed Rule Making*, including the Initial Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch

Marlene H. Dortch
Secretary

APPENDIX

Proposed Rule Changes

Chapter 1 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 97.3 is amended by redesignating paragraphs (a)(27) through (a)(49) as paragraphs (a)(28) through (a)(50), and adding a new paragraph (a)(27) to read as follows:

§ 97.3 Definitions.

(a) * * *

(27) *In-law*. A parent or stepparent of a licensee's spouse; a licensee's spouse's sibling; the spouse of a licensee's spouse's sibling; or the spouse of a licensee's sibling, child, or stepchild.

* * * * *

3. Section 97.5 is amended by revising paragraph (b)(2) to read as follows:

§ 97.5 Station license required.

* * * * *

(b) * * *

(2) A club station license grant. A club station license grant may be held only by the person who is the license trustee designated by an officer of the club. The trustee must be a person who holds an operator/primary station license grant. The club must be composed of at least four persons and must have a name, a document of organization, management, and a primary purpose devoted to amateur service activities consistent with this part. After [insert effective date], no additional club station license grant will be made to a club whose trustee already holds a club station license grant for that club.

* * * * *

4. Section 97.19 is amended by revising paragraphs (c)(2), (c)(3), and (d) introductory paragraph to read as follows:

§ 97.19 Application for a vanity call sign.

* * * * *

(c) * * *

(2) A call sign shown on a surrendered, revoked, set aside, canceled (except for license that are canceled pursuant to Section 97.21(d) of this part), or voided license grant is not available to the vanity call sign system for 2 years following the date such action is taken. (The availability of a call sign shown on a license canceled pursuant to Section 97.21(d) of this part is governed by paragraph (c)(3) of this section.)

(i) This 2-year period does not apply to any license grant pursuant to paragraph (c)(3)(i), (ii), or (iii) of this section that is surrendered, canceled, revoked, voided, or set aside because the grantee acknowledged or the Commission determined that the grantee was not eligible for the exception.

(ii) An applicant to whose operator/primary station license grant, or club station license grant for which the applicant is the trustee, the call sign was previously assigned is exempt from this 2-year period.

(3) Except for an applicant:

(i) to whose operator/primary station license grant, or club station license grant for which the applicant is the trustee, the call sign was previously assigned; or

(ii) who is the spouse, child, grandchild, stepchild, parent, grandparent, step-parent, brother, sister, stepbrother, stepsister, aunt, uncle, niece, nephew, or in-law of the person now deceased or of any other deceased former holder of the call sign; or

(iii) who is a club station license trustee acting with a written statement of consent signed by either the licensee *ante mortem* but who is now deceased, or by at least one relative as listed above in (ii) of the person now deceased, provided that the deceased licensee was a member of the club;

the call sign shown on a license canceled pursuant to Section 97.21(d) of this part is not available to the vanity call sign system for 2 years following the person's death, or for 2 years following the expiration of the license grant, whichever is sooner; except that, when the licensee's death occurs prior to the license expiration date, but the Commission does not cancel the license until on or after the date 30 days before the second anniversary of the licensee's death, the call sign is not available to the vanity call sign system for 30 days following the date such action is taken.

(d) Except for an applicant whose station had been formerly assigned the call sign requested, the vanity call sign requested by an applicant must be selected from the group of call signs corresponding to the same or lower class of operator license held by the applicant as designated in the sequential call sign system.

* * * * *

5. Section 97.21 is amended by revising the title and paragraph (a)(1) and adding new paragraph (d) to read as follows:

§ 97.21 Application for a modified, renewed, or cancelled license grant.

(a) * * *

(1) Must apply to the FCC for a modification of the license grant as necessary to show the correct

mailing address, licensee name, club name, license trustee name, or license custodian name in accordance with § 1.913 of this chapter. For a club, military recreation or RACES station license grant, the application must be presented in document form to a Club Station Call Sign Administrator (CSCSA) who must submit the information thereon to the FCC in an electronic batch file. The CSCSA must retain the collected information for at least 15 months and make it available to the FCC upon request. An application to modify a club station license grant to change the license trustee name must be submitted to a CSCSA by an officer of the club. A CSCSA shall not file with the Commission any application to modify a club station license grant, except to change a club station license trustee, submitted by a person who is not the trustee of record.

* * *

(d) A person may request cancellation of an operator/primary station license grant on account of the licensee's death by submitting a signed request that includes a death certificate, obituary, or Social Security Death Index (SSDI) data clearly showing that the person named in the operator/primary station license grant has died. Such requests may be submitted as pleadings associated with the license. *See* Section 1.45 of this chapter. In addition, the Commission may cancel an operator/primary station license grant if it becomes aware of the grantee's death through other means. For purposes of this section, when SSDI data is submitted, it must be based on the Social Security Administration Death Master File current at the time of the request.