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Federal Communications Commission

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Amateur Radio is not required for dissemination of information as long as commercial services are operational. Amateur Radio may be required during a "Communications Emergency", which usually occurs as a result of some condition beyond local control.

The HIPAA regulations do contain exemptions for disclosure of patent information under specific conditions and to specific parties. Immediate threat to life is one condition and the American Red Cross is an example of an exempted party. In addition the President and/or the Secretary of Health and Human Services can waive the privacy rules during a specific incident.

The current state of Amateur Radio communications provides for digital modes, both Automatic Request protocols and compression of files and messages. This combination makes it unlikely that any specific station could intercept and generate a clear text version of original message.

As written 97.113 (4) (c) leaves much open to interpretation. What is not defined is Emergency Services Operations. Is this meant to be limited to local EMA agencies? Or any agency that may be asked, or just showing up. What conditions must be meant to be considered under this exemption, or will all operation be considered training. Who is to decide what information is to be encrypted? Will this lead to the use of P25 encryption or are they free to make up my own codes. This could lead to greater misuse of the Amateur Radio service than that which caused the restrictions within the RACES service. My suggestion would be to place the same restriction as found in 97.113 (3) (i) and 97.407 (e) (4).

If an agency is really concerned and wanting "CIA" level encryption then they should look into provisions of 90.263 and 2.405. Amateur Radio is no designed to replace all communications services, and there capabilities.

Respectfully Submitted