

namely, from the date of expiration of the old license until the first subsequent annual inspection.

2. Section 362 of Title III Part II of the Communications Act of 1934, as amended, requires that, after completion of a required yearly inspection of compulsory radio equipment, the Commission shall certify on the station license that the station complies with all FCC requirements. Normally this is accomplished by having the Commission engineer, at the completion of his annual inspection, endorse the station license to that effect.

3. However, when a license is endorsed during the last year of its effective term (normally a period of five years, the renewal that is issued to replace it will not bear this endorsement; the information as to when the station was last found to be in compliance will not be immediately available to the interested government inspector aboard the vessel, whether FCC, Coast Guard, or other. This condition may persist until the next FCC annual inspection at which time, of course, the engineer will recertify compliance of the station.

4. It was therefore proposed that, during this period between posting of the renewal license and the first FCC annual inspection thereafter, the licensee continue the posting of the expired license so that the intent of the statutory requirement could be met and the information it contained be made immediately available to concerned personnel.

5. The period for receiving comments ended October 29, 1979. No comments were received during the comment period. The Commission is therefore proceeding to amend its rules in the manner spelled out in the Appendix to the Notice of Proposed Rule Making.

6. Any questions concerning the contents of this Report and Order may be referred to Irvin Hurwitz at telephone number (202) 632-7175 or care of the Federal Communications Commission, Washington, D.C. 20554.

7. Accordingly, it is ordered, That, pursuant to the authority contained in Sections 4(i), 303(f), and 303(r) of the Communications Act of 1934, as amended, the Commission's rules are amended, as set forth in the attached Appendix, effective March 17, 1980.

8. It is further ordered, That this proceeding is terminated.

[Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303]

Federal Communications Commission.  
William J. Tricarico,  
Secretary.

Appendix

Part 83 of Chapter I of Title 47 of the Code of Federal Regulations is amended to read as follows:

**PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES**

1. In § 83.339, paragraph (a)(1) is amended to read as follows:

§ 83.339 Station documents.

(a) The compulsorily fitted ship radiotelegraph station shall be provided with the following documents:

(1) A valid station license; after expiration the expired license shall remain posted alongside the renewal license until the first Commission detailed inspection subsequent to the expiration has been completed;

2. In § 83.367, paragraph (a)(1) is amended to read as follows:

§ 83.367 Station documents.

(a) Ship radiotelephone stations subject to the radio provisions of the Safety Convention shall be provided with the following documents:

(1) A valid station license; after expiration the expired license shall remain posted alongside the renewal license until the first Commission detailed inspection subsequent to the expiration has been completed;

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BILLING CODE 6712-01-M

**47 CFR Part 97**

[Docket No. 20777; RM-2429; RM-2550; and RM-2771; FCC 80-35]

**Deregulation of Part 97 of the Rules Regarding Emissions Authorized in the Amateur Radio Service**

**AGENCY:** Federal Communications Commission.

**ACTION:** Third report and order.

**SUMMARY:** The Commission adopts rules allowing amateur radio operators to use the American Standard Code for Information Interchange (ASCII) for radioteleprinter communications, remote control operations, the operation of data networks, and other uses consistent with the amateur rules.

**EFFECTIVE DATE:** March 17, 1980.

**ADDRESSES:** Federal Communications Commission, Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** John B. Johnston, Chief, Personal Radio Branch, Private Radio Bureau, (202) 254-6884.

**SUPPLEMENTARY INFORMATION:**

**Third Report and Order**

Adopted: January 30, 1980.  
(Released: February 7, 1980.)

By the Commission:  
1. On August 8, 1978, the Commission adopted a Notice of Inquiry and Further Notice of Proposed Rule Making which was published in the Federal Register (43 FR 36984) on August 11, 1978. This Notice proposed deregulating the emissions authorized in the Amateur Radio Service by providing for the use of the American Standard Code for Information Interchange (ASCII)<sup>1</sup> by amateur radioteleprinter operators. Section 97.69 of the Commission's Rules, which regulates radioteleprinter transmissions in the Amateur Radio Service, presently allows only the use of the International Telegraphic Alphabet No. 2 (often referred to as the "Baudot Code") under carefully specified technical parameters. Since 1968, ASCII has largely replaced the Baudot Code as the teleprinter code in common commercial usage in the United States. The Commission felt it appropriate, therefore, that it make provision for the use of ASCII in the Amateur Radio Service.

2. In the above-mentioned Notice, the Commission discussed the composition of ASCII and various factors which make its use desirable. In addition, we raised a number of questions concerning the technical limitations which should be applicable to its use, such as the maximum permissible bandwidth, sending speed, frequency deviation and modulating frequency, permissible emission types, the use of parity bits, synchronous and asynchronous transmission, and the order of the data bits.

*Summary of Comments*

3. Approximately 55 comments were filed, including 2 reply comments. Almost 80 percent of those filing comments expressed the belief that if the Commission was to be true to the spirit of § 97.1 of the amateur rules (which explains the basis and purpose of the Amateur Radio Service), particularly in reference to the provisions concerning "continuation and extension of the amateur's proven

<sup>1</sup>The term "ASCII", used throughout this proceeding, refers to the USA Standard Code for Information Interchange as defined in the United States of America Standards Institute Standard X3.4-1968.

ability to contribute to the advancement of the radio art,"<sup>2</sup> and "advancing skills in both the communications and technical phases of the art,"<sup>3</sup> then it should adopt few, if any, restrictions or standards relating to radioteleprinter operation. The comments generally reflect the view that any standards adopted should be as broad as possible (such as the specification of maximum permissible bandwidth) and should not be concerned with specific radioteleprinter code types or the transmission parameters normally associated with the use of such codes. A number of those filing comments expressed the belief that in raising such detailed questions about the specifics of radioteleprinter operation, the Commission was in fact proposing a "reregulation" of the Amateur Radio Service, not the "deregulation" which was represented. Thus, in the face of what was perceived as conflicting and contradictory intentions on the Commission's part, many of those filing comments, after initially arguing for only the most minimal or necessary technical standards, went on to make specific recommendations in response to the questions raised by the Commission in the Notice.

4. There was virtually unanimous agreement that the Commission should not concern itself with (or adopt rules relating to) the use of a parity bit, the order of the bits (in terms of most or least significant), or the use of synchronous or asynchronous transmission. There was also general agreement that the permissible bandwidths of ASCII or other radioteleprinter signals should be similar to the traditional bandwidths associated with the use of the Baudot Code in the various frequency bands. In most cases, these traditional radioteleprinter bandwidths were taken as the basis for calculating maximum permissible sending speeds (but not "standard" sending speeds), inasmuch as operation within such maximum specified limits is very easily ascertained (thus facilitating compliance); and provides amateur radioteleprinter operators with some latitude in sending speed which would be lost with little, if any, advantage, if we were to specify or require the use of "standard" speeds within certain tolerances. Thus, there appeared to be a general consensus of opinion that the speed between 3.5 and 29.7 MHz should be limited to 300 bauds where the use of F1 emission is authorized, 1200 bauds

<sup>2</sup>See Section 97.1, Paragraph (b) of the Commission's Rules.

<sup>3</sup>Ibid, Paragraph (c).

between 50.1 and 225 MHz where the use of F1, F2 and A2 emissions are authorized, and no limit above 420 MHz. Several of those filing comments, however, pointed out the dual "wideband" and "narrowband" nature of the 10 meter band (28.0-29.7 MHz), and argued that the use of up to 1200 bauds would appear to be appropriate. There were also some comments suggesting that 19.6 kilobauds would be an appropriate limit in the higher (i.e., above 420 MHz) amateur frequency bands. There were many indications, in the comments, that while amateur operators, in general, favored flexible rules which fostered experimentation; many would none the less use conventional codes and sending speeds in conjunction with traditional or generally accepted frequency shifts or modulating frequencies, or with technical parameters chosen with more of a view toward more efficient, spectrum conserving operation.

5. In other comments, amateur operators expressed interest in using radioteleprinter codes other than Baudot or ASCII. Frequently cited examples were the Binary Coded Decimal (BCD), Extended Binary Coded Decimal Interchange Code (EBCDIC), Moore and Correspondence (IBM Selectric) codes. It was also felt that the Commission should allow the use of various "computer" or "machine" languages for computer-to-computer communication; and that the rules should provide for experimentation in the use of "packet switching" techniques. Recognizing that under such an approach, it would be impossible for the Commission's enforcement personnel to intercept all radioteleprinter transmissions, several of those filing comments pointed out that amateurs have repeatedly demonstrated their ability to enforce self-imposed standards, and recommended that the Commission take an approach of adopting generalized and non-specific rules which deal only with the general form, and not the content of transmissions. Reference is made to the generally high degree of amateur operator compliance with the rules relating to permissible communications as the foundation for this deregulatory approach.

6. About the only comments at variance with the general amateur operator consensus on this matter were filed by the National Communications System (NCS).<sup>4</sup> NCS argued that the

<sup>4</sup>The National Communications System is a confederation in which certain Federal Agencies participate with their assets to provide necessary communications for the Federal Government under all conditions ranging from a normal situation to national emergencies and international crises.

Commission should adopt relatively detailed technical standards (based on ANSI, CCITT and CCIR standards<sup>5</sup> in order to foster what it terms "interoperability." NCS views the Amateur Radio Service as a valuable national resource of potentially great significance in augmenting commercial and Federal Government communications networks. It feels that "interoperability" or communications system compatibility would be best ensured by the Commission's adoption of technical limitations on radioteleprinter operation. While these limitations would be specified in rather considerable detail, NCS nevertheless feels that they would still allow ample room for technological innovation and advancement in performance.

*Conclusions*

7. Our intent in this proceeding was simply to expand the operating capabilities available to amateur radioteleprinter operators by providing for the use of ASCII. We find, however, that the comments generally go beyond our proposal and seek more or less total deregulation in the area of radioteleprinter operation. We are not necessarily opposed to such extensive deregulation; and we agree that it would be in perfect harmony with the basis and purpose of the Amateur Radio Service as articulated in § 97.1 of the rules. However, it is not clear that such an action would be consistent with Article 41 of the International Telecommunications Union (ITU) Regulations.<sup>6</sup> Additional exploration is needed to verify the literal and implied intent of Article 41 in relation to international radioteleprinter communications.

8. Past experience with the use of the Baudot code in the Amateur Radio Service indicates that the vast majority

including nuclear attacks. The primary assets of the NCS include the telecommunications networks of the Departments of State, Defense, Interior, Commerce, Energy and the Federal Aviation Administration, the General Services Administration, the Central Intelligence Agency, the National Aeronautics and Space Administration, and the International Communications Agency.

<sup>5</sup>ANSI—American National Standards Institute, CCIR—International telegraph and telephone consultative committee, CCIR—International Radio Consultative Committee.

<sup>6</sup>A preliminary opinion on this matter is that Article 41, section 2(1) [which states, in part, that "transmissions between amateur stations of different countries . . . shall be made in plain language"] could be construed to allow the use of "standard" radioteleprinter codes for international communications, but no other type of radioteleprinter code, whether it be used for experimental purposes or otherwise. However, Article 41 does not appear to prohibit the use of an unlimited number of radioteleprinter codes domestically.

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of operators use common radioteletype standards, thus simplifying enforcement monitoring both by amateurs and our monitoring personnel. Accordingly, we are not adopting further standards at this time with regard to the use of the ASCII radioteletype code.

9. On the matter of "interoperability" raised by the National Communications System, the Commission feels that even if no standards were being adopted, most amateur radioteletype operators would communicate with conventional equipment and operate in accordance with generally accepted technical standards. Even those operators who may be heavily involved in experimentation would certainly provide themselves with the capability of conventional operation within a very short time frame. We feel, then, that NCS's concern about "interoperability" is needless, particularly in view of the record of amateur operator preparedness in past emergencies.

10. In view of the foregoing discussion, we have decided to amend § 97.69 of the amateur rules to provide for the use of ASCII in the Amateur Radio Service. The only limitation we are placing on the use of ASCII is a sending speed limit applicable to each band.<sup>7</sup> The Commission recognizes that ASCII, as a means of digital communication, may have uses other than as a means of radioteletype communication (such as, but not restricted to, control of a station or object, transfer of computer programs or direct computer-to-computer communications and communication in data networks). To the extent that such uses do not conflict with other provisions set forth in rules, they are permissible.

11. Accordingly, it is ordered, that effective, March 17, 1980, Part 97 of the Commission's rules is amended as shown in the Appendix, pursuant to the authority contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended. Further information on this matter may be obtained by contacting John B. Johnston, Private Radio Bureau, Rules Division, Personal Radio Branch, at (202) 254-6884.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

<sup>7</sup>Recognizing that the use of slower speeds is likely to be the norm, we have, in order to provide maximum flexibility, decided to permit speeds up to 300 bauds between 3.5 and 28 MHz, 1200 bauds between 28 and 225 MHz, and 19.8 kilobauds above 420 MHz. (See the Appendix, revised 97.69 for additional details.)

Federal Communications Commission,  
William J. Tricarico,  
Secretary.

*Appendix*

I. Part 97 of the Commission's Rules and Regulations is amended as follows:

1. in § 97.69, is re-entitled "Digital transmissions" and is amended to read as follows:

**§ 97.69 Digital transmissions.**

Subject to the special conditions contained in paragraphs (a) and (b) below, the use of the International Telegraphic Alphabet No. 2 (also known as the Baudot Code) and the American Standard Code for Information Interchange (ASCII) may be used for such purposes as (but not restricted to) radio teletype communications, control of amateur radio stations, models and other objects, transfer of computer programs or direct computer-to-computer communications, and communications in various types of data networks (including so-called "packet switching" systems); provided that such operation is carried out in accordance with the other regulations set forth in this Part.

(a) Use of the International Telegraphic Alphabet No. 2 (Baudot Code) is subject to the following requirements:

(1) Transmission shall consist of a single channel, five-unit (start-stop) teletype code conforming to International Telegraphic Alphabet No. 2 with respect to all letters and numerals (including the slant sign or fraction bar); however, in "figures" positions not utilized for numerals, special signals may be employed for the remote control of receiving printers, or for other purposes indicated in this section.

(2) The transmitting speed shall be maintained within 5 words per minute of one of the following standard speeds: 60 (45 bauds), 67 (50 bauds), 75 (56.25 bauds) or 100 (75 bauds) words per minute.

(3) When frequency shift keying (type F1 emission) is utilized, the deviation in frequency from the mark signal to the space signal, or from the space signal to the mark signal, shall be less than 900 Hertz.

(4) When audio frequency shift keying (type A2 or F2 emission) is utilized, the highest fundamental modulating frequency shall not exceed 3000 Hertz, and the difference between the modulating audio frequency for the mark signal and that for the space signal shall be less than 900 Hertz.

(b) Use of the American Standard Code for Information Interchange

(ASCII) is subject to the following requirements:

(1) The code shall conform to the American Standard Code for Information Interchange (ASCII) as defined in American National Standard Institute (ANSI) Standard X3.4-1968.

(2) F1 emission shall be utilized on those frequencies between 3.5 and 21.25 MHz where its use is permissible; and the sending speed shall not exceed 300 bauds.

(3) F1, F2 and A2 emissions may be utilized on those frequencies between 28 and 225 MHz where their use is permissible; and the sending speed shall not exceed 1200 bauds.

(4) F1, F2 and A2 emissions may be utilized on those frequencies above 420 MHz where their use is permissible; and the sending speed shall not exceed 19.8 kilobauds.

[FR Doc. 80-4312 Filed 2-8-80; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**Office of the Secretary**

**49 CFR Part 1**

[OST Docket No. 1; Amdt. No. 1-137]

**Organization and Delegation of Powers and Duties; Delegation to the Commandant of the Coast Guard**

**AGENCY:** Department of Transportation.  
**ACTION:** Final rule.

**SUMMARY:** The purpose of this amendment is to delegate to the Commandant of the Coast Guard functions vested in the Secretary of Transportation by the statute authorizing the admission of foreign nationals to the Coast Guard Academy.

**EFFECTIVE:** The amendment is effective February 11, 1980.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Michael J. Wensman, Office of Public and International Affairs (G-AIA/21), U.S. Coast Guard, Room 2100, Coast Guard Headquarters Building, 2100 Second Street, SW., Washington, D.C. 20593, (202) 425-2280.

**SUPPLEMENTARY INFORMATION:** Since this amendment relates to departmental management, procedures, and practices, it is excepted from notice and public procedure requirements. It is made effective immediately because it is not a substantive rule.

**Drafting Information**

The principal person involved in drafting this proposal is Michael N. Mervin, Project Manager and Project

Attorney, Office of Chief Counsel, U.S. Coast Guard.

**Discussion of Delegation**

Pub. L. 91-278, enacted June 12, 1970, and amended in 1976 (Pub. L. 94-468, October 11, 1976), added section 195 to Title 14, United States Code, (14 U.S.C. 195) to authorize admission of foreign nationals to the Coast Guard Academy. The statute also vested in the Secretary of Transportation the following authority:

1. To determine the rate of reimbursement by foreign countries for the costs of providing such instruction;

2. To grant a waiver of reimbursement to individual countries; and

3. To promulgate any special regulations governing attendance of foreign nationals at the Academy. This proposal would delegate the functions vested by 14 U.S.C. 195 to the Commandant of the Coast Guard as authorized by section 9(e), Department of Transportation Act (49 U.S.C. 1657(e)).

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended by adding to paragraph (n) of § 1.46 a new subparagraph (13), to read as follows:

**§ 1.46 Delegations to the Commandant of the Coast Guard.**

\* \* \* \* \*

(n) \* \* \*

(13) 14 U.S.C. 195, relating to instruction of foreign nationals at the Coast Guard Academy.

Issued in Washington, D.C., on January 31, 1980.

Niel Goldschmidt,  
Secretary.

[FR Doc. 80-4118 Filed 2-8-80; 8:45 am]  
BILLING CODE 4910-14-M

**49 CFR Part 10**

[OST Docket No. 39; Notice 80-1]

**Maintenance of and Access to Records Pertaining to Individuals**

**AGENCY:** Department of Transportation (DOT), Office of the Secretary.  
**ACTION:** Final rules.

**SUMMARY:** These rules adopt minor amendments to DOT's Privacy Act regulations. They reflect organizational changes within the Department, establish three limited exemptions for certain investigatory files, and change the special procedures relating to the disclosure of medical records.

**DATE:** These regulations are effective on February 11, 1980.

**FOR FURTHER INFORMATION CONTACT:** John J. Windsor, Privacy Act Coordinator, M-341, Department of Transportation, Washington, D.C. 20590, 202/426-1887.

**ADDRESSES:** Background information on this rulemaking is available from Docket Clerk, OST Docket No. 39, Office of the General Counsel, Department of Transportation, 400 7th Street, SW., Washington, DC 20590.

**SUPPLEMENTAL INFORMATION:** The amendments to the Department's regulations are being published pursuant to Pub. L. 93-579, 5 U.S.C. 552a, the Privacy Act of 1974. Comments were not received from the public on the Notice of Proposed Rulemaking that was published on December 4, 1978 (43 FR 56682).

The amendments to the Department's regulations are minor in nature; reflecting organizational changes within the Department; establishing three limited exemptions from the Act's requirements for certain investigatory files; and changing the special procedures relating to the disclosure of medical records.

**Revisions of DOT's Privacy Act Regulations**

The revisions make the following changes:

(1) All pronouns become gender neutral.

(2) Research and Special Programs Administration (RSPA) becomes identified as an operating administration in lieu of the Material Transportation Bureau, which is now part of RSPA.

(3) The special procedures regarding medical records will change to provide greater flexibility to DOT in deciding whether to release medical information directly to the subject. Current procedures deny the DOT the opportunity to disclose information directly to a subject if competent medical authority believes it may be harmful to the subject to do so.

(4) Two limited exemptions from the Act's requirements are created in addition to those already in effect. One is for the Federal Aviation Administration (FAA) and the other is for the National Highway Traffic Safety Administration (NHTSA).

The FAA proposal exempts all criminal investigatory information maintained by headquarters and field security offices from a number of Privacy Act requirements. Principally, it allows the FAA to disclose the fact that the FAA has information on an individual, grants them access to it, and the opportunity to seek its amendment.

Similar exemptions already exist within the Office of the Secretary (OST) and the United States Coast Guard (USCG).

The NHTSA proposal exempts the files which it maintains on people's suitability for employment with NHTSA from a number of Privacy Act requirements. Similar exemptions already exist for files in OST, USCG, FAA, and the Federal Railroad Administration.

(5) The USCG's marine pollution case files will no longer be listed among the records specifically exempted since it has been determined that this system of records is not subject to the Privacy Act.

(6) Finally, the regulations are amended to reflect an organizational change that places DOT's Investigations Record System in the Office of the Inspector General.

**Note.**—The Office of the Secretary has determined that this document involves a regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by the Department of the Transportation Regulatory Policies and Procedures published in the Federal Register on February 26, 1979 (44 FR 11034). Furthermore, the economic impact of the proposed regulation is so minimal that a full Regulatory Evaluation is not warranted.

Issued in Washington, D.C. on January 30, 1980.

Neil Goldschmidt,  
Secretary of Transportation.

Part 10 of Title 49, Code of Federal Regulations, is amended to read as follows:

**SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION**

**PART 10—MAINTENANCE OF AND ACCESS TO RECORDS PERTAINING TO INDIVIDUALS**

**Subpart A—Applicability and Policy**

- Sec. 10.1 Applicability.
- 10.3 Policy.
- 10.5 Definitions.

**Subpart B—General**

- 10.11 Administration of part.
- 10.13 Privacy Act Officer.
- 10.15 Protection of records.

**Subpart C—Maintenance of Records**

- 10.21 General.
- 10.23 Accounting of disclosures.
- 10.25 Mailing lists.
- 10.27 Government contractors.
- 10.29 Social Security numbers.

**Subpart D—Availability of Records**

- 10.31 Requests for records.
- 10.33 Acknowledgement and access.
- 10.35 Conditions of disclosure.
- 10.37 Identification of individual making request.