

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

In the Matter of

Amendment of the Amateur
Service Rules to Clarify Use
of CLOVER, G-TOR, and
PacTOR Digital Codes.

ORDER

Adopted: October 2, 1995; Released: October 11, 1995

By the Chief, Wireless Telecommunications Bureau:

1. This Order amends Section 97.309(a) of the Commission's Rules, 47 C.F.R. § 97.309(a), to clarify that amateur stations may use any digital code that has its technical characteristics publicly documented. This action was initiated by a letter from the American Radio Relay League, Inc. (ARRL).¹

2. The ARRL states that some amateur operators have expressed concern about the propriety of using the CLOVER, G-TOR, and PacTOR codes² on the High Frequency (HF) amateur service bands. This is due to the fact that Section 97.309(a) appears to authorize only the Baudot, AMTOR, and ASCII codes on the HF bands.³ The ARRL states that it has worked with the developers of CLOVER, G-TOR, and PacTOR to document the technical characteristics of these codes.⁴ It requests, therefore, that we amend Section 97.309(a) of the Commission's Rules to specifically authorize CLOVER, G-TOR, and PacTOR to remove any doubt about the permissibility of their use.

3. The primary purpose of CLOVER, G-TOR, and PacTOR is to facilitate communications using already-authorized digital codes, emission types, and frequency bands. The technical characteristics of CLOVER, G-TOR, and PacTOR have been documented publicly for use by amateur operators,⁵ and commercial products are readily available that facilitate the transmission and reception of communications incorporating these codes. Including CLOVER, G-TOR, and PacTOR in the rules will not conflict with our objective of preventing the use of codes or ciphers intended to obscure the meaning of the communication.⁶ We agree, therefore, that it would be helpful to

the amateur service community for the rules to specifically authorize amateur stations to transmit messages and data using these and similar digital codes. Accordingly, we are amending Section 97.309(a) to clarify the rules as requested by the ARRL.

4. Because the rule amendment adopted herein is interpretative in nature, and clarifies the existing amateur service rules, the notice and comment provisions of Section 553(b) of the Administrative Procedure Act, 5 U.S.C. § 553(b), do not apply, and it is not subject to the publication or service requirements of Section 553(d) of the Administrative Procedure Act, 5 U.S.C. § 553(d).

5. We certify that the Regulatory Flexibility Act of 1980 does not apply to the amended rule because there will not be any significant economic impact on a substantial number of small business entities, as defined by Section 601(3) of the Regulatory Flexibility Act. The amateur service may not be used to transmit communications for compensation, for the pecuniary benefit of the station control operator or the station control operator's employer, or for communications, on a regular basis, which could reasonably be furnished through other radio services. See 47 C.F.R. § 97.113. The Secretary shall send a copy of this Order, including the certification, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 605(b) of the Regulatory Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1164, 5 U.S.C. §§ 601-612 (1981).

6. Accordingly, IT IS ORDERED that effective upon publication in the Federal Register, Part 97 of the Commission's Rules, 47 C.F.R. Part 97, IS AMENDED as set forth in the attached Appendix. This action is taken under the authority delegated to the Chief, Wireless Telecommunications Bureau, in Section 0.331(a)(1) of the Commission's Rules, 47 C.F.R. § 0.331(a)(1).

7. For further information, contact William T. Cross, Wireless Telecommunications Bureau, Private Wireless Division, (202) 418-0680.

FEDERAL COMMUNICATIONS COMMISSION

Regina M. Keeney
Chief, Wireless Telecommunications Bureau

¹ Letter from Dr. Paul L. Rinaldo, Manager Technical Relations, to Mr. John B. Johnston, Wireless Telecommunications Bureau (May 12, 1995).

² CLOVER, G-TOR, and PacTOR are different techniques currently used by many amateur operators to increase the efficiency of digital communications transmitted on the HF portion of the radio spectrum.

³ On the Very High Frequency and shorter wavelength bands, the rules authorize the use of any unspecified digital code provided the emission does not exceed a specified bandwidth. See Sections 97.307(f)(5)-(7) of the Commission's Rules, 47

C.F.R. §§ 97.307(f)(5)-(7).

⁴ *Technical Descriptions, Clover, G-TOR, PacTOR*, April, 1995, published by the ARRL.

⁵ See *Technical Descriptions CLOVER, G-TOR, PACTOR*, published by the American Radio Relay League, Inc. (1995).

⁶ The HF bands are widely used for international communications. Number 2732 § 2.(1) of Article 32 Section I of the International Telecommunications Union *Radio Regulations* requires that transmissions between amateur stations of different countries be made in plain language. Section 97.113(a)(4) of the Commission's Rules, 47 C.F.R. § 97.113(a)(4), therefore, prohibits amateur stations from transmitting messages in codes or ciphers intended to obscure the meaning thereof.

Appendix

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

Part 97 - Amateur Radio Service

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 97.309(a) is amended by adding paragraph (4) to read as follows:

§ 97.309 RTTY and data emission codes.

(a) * * *

(4) An amateur station transmitting a RTTY or data emission using a digital code specified in this paragraph may use any technique whose technical characteristics have been documented publicly, such as CLOVER, G-TOR, or PacTOR, for the purpose of facilitating communications.

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