

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

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

REPORT AND ORDER

Adopted: November 2, 2010

Released: November 8, 2010

By the Commission:

I. INTRODUCTION

1. In this *Report and Order*, we amend and clarify our rules with respect to amateur service vanity call signs in order to promote processes that are more equitable and administratively efficient. Vanity call signs are call signs that have some personal significance to the license holder, such as the licensee’s initials or nickname. With respect to the vanity call sign system, we amend the rules to clarify the date on which the call sign associated with a license that is canceled due to the licensee’s death becomes available for reassignment, and to clarify the exceptions to the general rule that a call sign is unavailable to the vanity call sign system for two years after the license terminates. With respect to amateur service club stations, we limit who can file applications on behalf of a club, how many vanity call signs a club can hold, and how many clubs can have the same license trustee.

II. BACKGROUND

2. When an amateur station is initially licensed, the Commission assigns the station a call sign from an alphabetized list corresponding to the licensee's geographic region and license class.¹ This call sign is known as a sequentially assigned call sign.² After an individual or club has been licensed, the licensee may then request the assignment of a specific unassigned and otherwise assignable call sign that represents something of significance to the licensee, such as one’s initials or nickname, or a word or personal statement. A call sign the licensee has selected is known as a vanity call sign.³

¹ See 47 C.F.R. §§ 97.5(b)(1), (2), 97.17(d).

² See 47 C.F.R. § 97.3(a)(11)(i).

³ See 47 C.F.R. §§ 97.3(a)(11)(ii), 97.19. Currently, there are over eighty thousand amateur stations with vanity call signs.

3. The vanity call sign system was implemented in 1996.⁴ In the *Vanity Report and Order*, the Commission established the broad outlines of the vanity call sign system. Among other things, it concluded that call signs generally should not be available for reassignment for two years following the death of a licensee, or expiration or termination of the license for that call sign,⁵ but made exceptions from the two-year waiting period for former holders of a call sign, close relatives of a deceased former holder of a call sign, and club stations of which a deceased former holder was a member.⁶ The Commission also decided that the vanity call sign system would be implemented through a series of "starting gates," to allow certain groups filing priority.⁷ The Commission did not, however, specify all of the procedures governing the vanity call sign system in the *Vanity Report and Order*. Instead, it set forth the procedures in the public notices announcing the various starting gates,⁸ and adjusted the procedures from gate to gate as experience dictated.⁹

4. The Commission also decided in the *Vanity Report and Order* to resume issuing new club station licenses.¹⁰ A club station license is held by the license trustee designated by a club officer.¹¹

5. In the *NPRM* in this proceeding, the Commission proposed to codify certain provisions announced in the starting gate public notices, and to add other rules to make the vanity call sign system more fair, equitable, and transparent. It also proposed to change certain rules applicable to club station licensing. In response to the *NPRM*, we received fifty-three comments and reply comments.

III. DISCUSSION

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

6. The vanity call sign system allows a licensee to request the assignment of a specific unassigned and otherwise assignable call sign to his or her station. Whether a call sign is assignable is determined at the time the application is processed.¹² As noted above, the call sign shown on the license

⁴ 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).

⁵ The two-year waiting period is consistent with the grace period during which an expired amateur radio licensee can be renewed. See *Vanity Report and Order*, 10 FCC Rcd at 1040 ¶ 11; see also 47 C.F.R. § 97.21(b).

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

⁷ 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) (*Gate 1A Public Notice*); 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*); see also 47 C.F.R. § 97.3(a)(11)(ii).

⁹ See *Vanity Report and Order*, 10 FCC Rcd at 1040 ¶ 7, 1041 ¶ 14.

¹⁰ See *id.* at 1041 ¶ 12.

¹¹ See 47 C.F.R. § 97.5(b)(2).

¹² See 47 C.F.R. § 97.19(d)(2), (3).

of a deceased licensee generally is unavailable to the vanity call sign system until two years after the license expires or is canceled. In the *NPRM*, the Commission proposed to clarify the process by which such call signs become available for reassignment.

1. License cancellation procedure

7. *Background.* The license of a deceased licensee remains in active status in our database, and thus the call sign remains unavailable for assignment to another station, until Commission staff learns of the licensee's death and cancels the license.¹³ When we receive proper documentation of the licensee's death, *i.e.*, a signed request for license cancellation accompanied by a copy of a death certificate, an obituary, or data from the Social Security Death Index or other source that shows the date of death, we cancel the license as of the licensee's date of death.¹⁴ In the *NPRM*, we proposed to amend the rules to codify these cancellation procedures.¹⁵

8. *Decision.* All commenters who addressed this issue support the proposal to specify the documentation of the licensee's death we will accept before we cancel his or her license.¹⁶ We agree that "[t]he procedures ensure that there are objective criteria for death notifications and the process is appropriate."¹⁷ Accordingly, we add a new Section 97.31 to specify the documentation of a licensee's death that we will accept to cancel the license.¹⁸

2. When call sign becomes available for reassignment

9. *Background.* In the *NPRM*, we proposed to amend the rules to eliminate any uncertainty¹⁹ 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 Commission cancels the license.²⁰ We also proposed to

¹³ 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).

¹⁴ This procedure was set forth in the starting gate public notices, but is not in Part 97. See *Gate 2 Public Notice* at 2; *Gate 3 Public Notice* at 1; *Gate 4 Public Notice* at 1. In addition, the Commission has canceled call signs when staff learned of the licensee's death through other sources, such as news reports of the death of well-known licensees.

¹⁵ See *NPRM*, 24 FCC Rcd at 14790 ¶ 6.

¹⁶ See ARRL, the National Association for Amateur Radio (ARRL) Comments at 5; Richard A. Golden Comments at 1; Stephen J. Melachrinis Comments at 1.

¹⁷ See ARRL Comments at 5.

¹⁸ Mr. Golden also requests that "unless the notification is by a relative, the Commission notify the licensee that it proposes to cancel his or her license." See Richard A. Golden Comments at 1. We understand Mr. Golden's concern, but we do not believe that such a requirement is necessary. Objective documentation of a licensee's death of the type set forth above does not become less reliable when submitted by a non-relative of the deceased. Moreover, we note that we have changed our procedures so the staff now processes cancellation requests from a party unrelated to the deceased only when available biographical information of the deceased individual and the licensee matches exactly. See *NPRM*, 24 FCC Rcd at 14790 n.14.

¹⁹ Compare 47 C.F.R. § 97.19(c)(3) (providing that the call sign on a license canceled due to the licensee's death is not available to the vanity call sign for two years following the person's death) with 47 C.F.R. § 97.19(c)(2) (providing that the call sign on a license that is canceled is not available to the vanity call sign for two years following the date such action is taken).

²⁰ See *NPRM*, 24 FCC Rcd at 14791 ¶ 7; see also *Gate 2 Public Notice* at 1; *Gate 3 Public Notice* at 2; *Gate 4 Public Notice* at 2.

modify our processes to provide that, for purposes of the availability of the call sign, the cancellation of a license more than two years after the licensee's death (or within thirty days before the second anniversary of the licensee's death) not take effect until thirty days after the licensing database is updated.²¹ This thirty-day waiting period was intended to prevent a person from submitting a cancellation request and then filing an application for the deceased's call sign before other licensees know that the call sign is about to become available for reassignment.²² The Commission tentatively concluded that it would be more equitable to provide a waiting period after the cancellation request is processed so that other interested licensees have an opportunity to apply for the call sign.²³

10. *Decision.* Commenters who addressed the issue support the proposal to clarify the rule.²⁴ Accordingly, we clarify the rules to provide that the date a license is canceled due to a licensee's death and, therefore, the date on which the two-year waiting period starts, is the licensee's date of death.

11. Commenters were split regarding the proposal 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 staff action canceling the license. Based on the record before us, we believe that establishing a thirty-day waiting period is warranted.

12. We disagree with the commenters who argue that a thirty-day waiting period will eliminate the incentive to conduct the necessary research to inform the Commission that a licensee has passed away.²⁵ Rather, we note that the availability of many vanity call signs becomes known through the efforts of individuals who do not personally apply for them, but who have developed systems that make this information available to the amateur community.²⁶ In addition, we note that many requests for the cancellation of a deceased individual's license are filed for reasons other than the requestor's desire for the call sign. Finally, we note that a person who requests the cancellation of a deceased operator's license will have as good a chance as anyone else to receive the call sign.²⁷

13. We agree with ARRL that establishing this waiting period "creates a fair and transparent system for call sign assignment,"²⁸ and we note that such a result is consistent with the desire of the amateur service community that the vanity call sign system be fair.²⁹ Other licensees should have an

²¹ See *NPRM*, 24 FCC Rcd at 14791 ¶ 9.

²² *Id.*

²³ *Id.* at 14791 ¶ 8.

²⁴ See Stephen J. Melachrinis Comments at 1; Fred Maia Comments at 5.

²⁵ See James Larry Griggs Comments at 1; Doug Rehman Comments at 1; Caleb Squires Comments at 1; Michael D. Powell Comment at 1; Joseph Reymann Comments at 2.

²⁶ See, e.g., WWW.VanityHQ.com and <http://www.ae7q.com/>.

²⁷ We also reject the suggestion that "the person doing the research earns the right to apply for that call sign" ahead of others. See James Larry Griggs Comments at 1; see also Doug Rehman Comments at 1; Dell R. McDiarmid Comments at 1; Michael D. Powell Comment at 1; Stephen J. Melachrinis Comments at 1-2; Fred Maia Comments at 5-7. Call signs belong to the United States, see 47 C.F.R. § 2.302, and applicants or licensees have no property interest in them, 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, 11658 ¶ 31 (2006) (*Omnibus Report and Order*); Amendment of Part 1 of the Commission's Rules – Practice and Procedure – with Respect to the Assignment of New and Modified Call Signs to AM, FM and TV Broadcasting Stations, *Memorandum Opinion and Order*, Docket No. 17477, 58 F.C.C. 2d 189 ¶ 7 (1976).

²⁸ ARRL Comments at 5.

²⁹ See *Vanity Report and Order*, 10 FCC Rcd at 1039 ¶ 4.

opportunity to learn of the availability of a desirable call sign and the opportunity to apply for the call sign when we cancel a license. Potential applicants already have this opportunity with respect to call signs associated with expired or surrendered licenses, because the relevant information is publicly available in our licensing database. We believe that potential applicants should have an equivalent opportunity to apply for a call sign on a license that is canceled due to the licensee's death.

14. We conclude, based on the above, that the call sign shown on a license that is canceled due to the death of a licensee more than two years earlier, or within thirty days before the second anniversary of the licensee's death, should remain unavailable to the vanity call sign system for thirty days following the date the staff takes action to cancel the license. We amend Section 97.19 accordingly.³⁰

B. Exceptions to the Two-Year Waiting Period

15. As noted above, in the *Vanity Report and Order* the Commission created certain exceptions to the general rule that a call sign is unavailable to the vanity call sign system for two years after the license terminates. In the *NPRM*, we proposed to clarify these exceptions.

1. Former holder exception

16. *Background.* 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,³¹ but the exception was never codified in the rules. In the *NPRM*, we proposed to codify the former holder exception.

17. *Decision.* Based on our review of the record, we are persuaded that we should codify the former holder exception. We agree with ARRL that the proposal "is consistent with current and prior administrative policy and . . . reasonable,"³² and we note that this exception has been in effect since 1996 and has been supported by the amateur service community. Accordingly, we revise Section 97.19 to provide that a former holder of the call sign is exempt from the general rule that a call sign shown on an expired, surrendered, revoked, set aside, canceled, or voided license is unavailable to the vanity call sign system for two years.

2. Close relative exception

18. *Background.* The Commission also decided to allow close relatives of a deceased former

³⁰ We enact one exception to this rule. As noted above, the call sign shown on an expired license grant is not available to the vanity call sign system for two years following the expiration of the license, which is consistent with the grace period during which an expired amateur radio licensee can be renewed. 47 C.F.R. §§ 97.19(c)(1), 97.21(b). In a case where the Commission is informed very late in the grace period that the licensee actually passed away before the license expired, implementation of a thirty-day waiting period could delay the availability of the call sign for reassignment. For example, the call sign associated with a license that expired on August 31, 2008 ordinarily would become available to the vanity call sign system on September 1, 2010. If the Commission were to receive a cancellation request in August 2010 demonstrating that the licensee had passed away before the license expired and the staff accordingly canceled the license in mid-August 2010 (effective as of the date of death), the call sign would not become available for reassignment until thirty days later, instead of on September 1. We do not wish to enact a procedure that will delay the availability of call signs. See *NPRM*, 24 FCC Rcd at 14790 ¶ 6. Therefore, we will amend the rules to provide that Commission staff will not act on a request to cancel a license due to the licensee's death if the license is in the last thirty days of the post-expiration grace period.

³¹ See *Vanity Report and Order*, 10 FCC Rcd at 1040 ¶ 6; *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 voided even if the previous holder is still alive. See *Gate 1 Public Notice* at 1.

³² ARRL Comments at 6.

holder of a call sign to apply ahead of other licensees for a call sign formerly held by the deceased, provided that the relative holds the requisite class of operator license.³³ The Commission defined “close relatives” to include, among others, an in-law of the deceased former holder, but did not specifically define which in-laws were eligible under this exception.³⁴ In the *NPRM*, we proposed to amend Section 97.3 to define the term “in-law” to include only a parent, stepparent, or sibling of a licensee's spouse; and the spouse of a licensee's sibling, child, or stepchild, or of a licensee's spouse's sibling.

19. *Decision.* Based on our review of the record, we are persuaded that we should adopt the rule amendment as proposed, with one exception. Commenters support the proposed definition, which they state is “specific, objectively determinable and appropriate.”³⁵ We note, however, that the close relative exception currently treats siblings and step-siblings equally, while the proposed definition of “in-law” recognized only full siblings. In order to maintain consistency, we revise Section 97.3(a) to define the term “in-law” to include only a parent, stepparent, sibling, or step-sibling of a licensee's spouse; and the spouse of a licensee's sibling, step-sibling, child, or stepchild; or the spouse of a licensee's spouse's sibling or step-sibling.

3. Club station exception

20. *Background.* In the *Vanity Report and Order*, the Commission also 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 consent of a close relative of the deceased.³⁶ The exception was intended to apply only to clubs of which the deceased was a member,³⁷ but this limitation is not reflected in our rules. In the *NPRM*, we sought comment on whether to amend Section 97.19 to reflect this limitation.³⁸

21. *Decision.* Based on the record before us, we believe that limiting the club station exception as proposed is warranted. We note that ARRL supports the proposal, provided that we clarify “that the decedent's club membership need not be current at the time of his or her death, as long as the decedent was a *bona fide* member of the club at some time during his or her life.”³⁹ We agree that the exception was intended to include any club to which the decedent belonged during his or her life, and amend Section 97.19 accordingly.⁴⁰

³³ See *Vanity Report and Order*, 10 FCC Rcd at 1040 ¶ 6; *Vanity Memorandum Opinion and Order*, 10 FCC Rcd at 11137 ¶ 9; see also 47 C.F.R. § 97.19(c)(3), (d).

³⁴ The other “close relatives” are the deceased former holder's spouse, children, grandchildren, stepchildren, parents, grandparents, stepparents, brothers, sisters, stepbrothers, stepsisters, aunts, uncles, nieces, and nephews. See *Vanity Report and Order*, 10 FCC Rcd 1040 n.14; see also 47 C.F.R. § 97.19(c)(3).

³⁵ ARRL Comments at 6; see also, Fred Maia Comments at 8; Stephen J. Melachrinis Comments at 2.

³⁶ See *Vanity Report and Order*, 10 FCC Rcd at 1041 ¶ 12; *Vanity Memorandum Opinion and Order*, 10 FCC Rcd at 11137 ¶ 10; see also 47 C.F.R. § 97.19(c)(3). The rule subsequently was amended to expand the exception to club stations requesting the call sign of a deceased licensee with the *ante mortem* written consent of the deceased licensee. See *Omnibus Report and Order*, 21 FCC Rcd at 11658 ¶ 31; see also 47 C.F.R. § 97.19(c)(3).

³⁷ See, e.g., *Vanity Memorandum Opinion and Order*, 10 FCC Rcd at 11135 ¶ 4, 11137 ¶ 10.

³⁸ See *NPRM*, 24 FCC Rcd at 14792 ¶ 13.

³⁹ See ARRL Comments at 6-7.

⁴⁰ We decline ARRL's suggestion that the rule specify “what evidence of membership is necessary” to establish the club's entitlement to the decedent's call sign. See ARRL Comments at 6-7. We do not currently require applicants under the club station exception to submit documentation of eligibility, and we do not believe that it is necessary to add such a requirement in conjunction with this clarification of the rule. Rather, if any question arises with respect to a particular application, we have discretion to require the club station trustee, if challenged, to provide

22. We disagree with the commenter who opposes the proposal on the basis that “the ultimate purpose of a club *in memoriam* grant is to honor the memory of the decedent in lieu of retaining the call sign within the decedent’s family, [so it should be left] to the judgment of the surviving relatives whether the club’s request is consistent with the family’s wishes.”⁴¹ We note that the purpose of this exception was only to allow a club to memorialize a deceased member.⁴² Allowing a club to which the deceased licensee was a stranger to apply for his or her call sign ahead of other licensees simply because the club trustee obtained the consent of a relative of the deceased would give club stations an unfair advantage over individual licensees seeking the call sign, which would be contrary to our intent in this proceeding.⁴³

4. Ineligible applicants

23. *Background.* When a vanity call sign application is granted, the call sign currently assigned to the licensee’s station is surrendered,⁴⁴ and is not available to the vanity call sign system for two years.⁴⁵ Under this procedure, if an applicant obtains a call sign by erroneously or fraudulently indicating that he or she is eligible under an exception to the two-year waiting period, then (after a question is raised regarding the applicant’s eligibility) applies for and is assigned another call sign, 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 waiting 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.”⁴⁶ This policy, however, is not codified in our rules, so we proposed in the *NPRM* to amend Section 97.19(c) to provide 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.⁴⁷

24. *Decision.* All commenters who addressed this issue support the proposal.⁴⁸ In addition, we agree with those commenters that suggest that the call sign not be available to the vanity call sign system for thirty days after information regarding the acknowledgement or determination of ineligibility is posted to the license in the Commission’s licensing system.⁴⁹ As with the thirty-day waiting period that we adopt herein with respect to licenses that are canceled due to the licensee’s death more than two years earlier, a thirty-day waiting period after a call sign is acknowledged or determined to have been improperly assigned will give interested licensees a chance to know that the recaptured call sign will be available again. We amend Section 97.19(c) accordingly.

documentation that the decedent was a member of a club. See 47 U.S.C. § 308(b). In the event that abuse of the club station exception is a problem in the future, we can revisit the documentation requirements.

⁴¹ Stephen J. Melachrinis Comments at 2.

⁴² See *Gate 1A Public Notice* at 2; *Gate 2 Public Notice* at 3; *Gate 3 Public Notice* at 3; *Gate 4 Public Notice* at 3; *Omnibus Report and Order*, 21 FCC Rcd at 11657-58 ¶¶ 29-30.

⁴³ See *NPRM*, 24 FCC Rcd at 14794 ¶ 18.

⁴⁴ See 47 C.F.R. § 97.19(d)(1).

⁴⁵ See 47 C.F.R. § 97.19(c)(2).

⁴⁶ See *Gate 3 Public Notice* at 2; *Gate 4 Public Notice* at 2.

⁴⁷ See *NPRM*, 24 FCC Rcd at 14793 ¶ 15.

⁴⁸ See Jack H. Henkle Comments at 1; Stephen J. Melachrinis Comments at 2; ARRL Comments at 7-8; Bradford Armstrong Comments at 1; Lyle L. Long Comments at 1; Fred Maia Comments at 7-8.

⁴⁹ See ARRL Comments at 8; Bradford Armstrong Comments at 1; Lyle L. Long Comments at 1; Fred Maia Comments at 8.

C. Other Club Station Licensing Issues

1. Club station trustees

25. *Background.* A club, for purposes of obtaining an amateur service club station license, is a group of at least four persons that has a name, a document of organization, management, and a primary purpose devoted to amateur service activities consistent with Part 97.⁵⁰ The club station license is granted to the person who is designated by an officer of the club as the license trustee.⁵¹ The trustee must be a person who holds an Amateur Extra, Advanced, General, or Technician Class operator license.⁵² Applications for new or modified club station licenses must be presented to a Club Station Call Sign Administrator (CSCSA), which then submits the information to the Commission.⁵³

26. Currently, an application to modify a club station license to change the trustee can be submitted to the CSCSA without corroboration from club officers or the current trustee. Protests of granted applications modifying licenses by changing the trustee sometimes bring before the Commission disputes regarding who a club's legitimate trustee is. In order to avoid Commission involvement in internal club disputes, and to ensure that an application changing the trustee reflects the club's intent, we proposed in the *NPRM* 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 CSCSA.⁵⁴ We also proposed to accept other applications on behalf of the club only from the trustee listed in the Commission's licensing database.⁵⁵ Finally, we proposed to permit a Novice Class licensee to be a club station trustee.⁵⁶

27. *Decision.* We agree with ARRL that applications requesting a change in trustee should be required to include documentation signed by an officer of the club when the application is submitted to the CSCSA, in order to "prevent a departing trustee from making off with the club license and call sign, or refusing to agree to a change in trustee" and "address instances in which a trustee becomes incapacitated."⁵⁷ We also amend Section 97.21 to provide that other applications on behalf of the club may be submitted to the CSCSA only by the trustee listed in the Commission's licensing database.

28. In addition, we amend Section 97.5(b)(2) to permit Novice Class licensees to serve as club station trustees. The only objection in the record to permitting Novice Class licensees to serve as club station trustees is that they do not have operating privileges on bands which are used by many amateur radio repeater stations.⁵⁸ We conclude, however, that this is not a reason to prohibit them from being club station trustees, for frequency and operating privileges are determined solely by the class of

⁵⁰ 47 C.F.R. § 97.5(b)(2).

⁵¹ *Id.*

⁵² *Id.*

⁵³ See 47 C.F.R. §§ 97.17(a)(2), 97.21(a)(1).

⁵⁴ See *NPRM*, 24 FCC Rcd at 14794 ¶ 17.

⁵⁵ See *id.*

⁵⁶ See *id.* at 14794-95 ¶ 19.

⁵⁷ See ARRL Comments at 9. We believe that the signature of one officer is sufficient for these purposes, and therefore decline the suggestions that we require applications requesting a change in trustee to include documentation signed by multiple officers. See, e.g., Lyle L. Long Comments at 1; W. Lee McVey Comments at 5.

⁵⁸ J. Hoge Comments at 1; see also ARRL Comments at 11 ("the practical effect of this ... would be minimal, because few clubs will want a Novice class licensee to be the trustee of their club station [due to] cumbersome station identification requirements when the station is operated outside the trustee's operating privileges").

operator license held by the control operator, rather than the license held by the club station trustee.⁵⁹

2. Limits on club station licenses

29. *Background.* Our rules limit individuals to holding one operator/primary station license grant and, therefore, one call sign.⁶⁰ There is, however, no similar limit on how many license grants a club may hold, or on the number of clubs for which a licensee may serve as trustee. This allows club station trustees to control multiple call signs, thereby reducing the pool of vanity call signs available to individuals and other club stations. In the *NPRM*, we proposed to limit club stations to one call sign, but not to limit the number of clubs for which a licensee may serve as trustee.⁶¹ We proposed that clubs that currently hold more than one call sign be permitted to renew or modify their existing station license grants, but not obtain any more call signs.⁶²

30. *Decision.* Based on the record before us, we conclude that the proposal in the *NPRM* was both too broad and too narrow. With respect to the proposal to limit club stations to holding one license grant, and, consequently, one call sign, we conclude that we need only limit club stations to holding one vanity call sign, with no limit on the number of sequentially assigned call signs that a club station may hold.⁶³ The proposal was intended to prevent club stations from obtaining an unfair share of desirable call signs. We did not note any objection to club stations with multiple sequentially assigned call signs. Moreover, club stations may have legitimate reasons for using multiple call signs.⁶⁴ Club stations currently holding more than one vanity call sign may renew or modify their existing station license grants,⁶⁵ but not obtain any additional vanity call signs.⁶⁶

31. We are persuaded by the record to reconsider the question of whether to limit the number of clubs for which a licensee may serve as trustee. Commenters argue that limiting the number of vanity call signs that a club can obtain will accomplish nothing if an individual can bypass the rule simply by

⁵⁹ See 47 C.F.R. §§ 97.9(a), 97.105(b). See also Stephen J. Melachrinis Comments at 3 (if the restriction on operating privileges “is acceptable to the licensee, there is no longer a reason for the Commission to restrict” Novice Class licensees from being club station trustees); Fred Maia Comments at 11.

⁶⁰ See 47 C.F.R. § 97.5(b)(1).

⁶¹ See *NPRM*, 24 FCC Rcd at 14794 ¶ 18.

⁶² *Id.*

⁶³ See James R. Maynard III Comments at 1; Steven J. Robeson Reply Comment at 1; David R. Tucker Comment at 1; see also ARRL Comments at 11; Nathan Bargmann Comments at 1; James W. Horman, Jr., Comments at 1; Stephen J. Melachrinis Comments at 2.

⁶⁴ Eric M. Gildersleeve Comments at 1 (“some amateur radio operations require the need for more than one call sign to be issued, in that certain modes of operation (i.e., Icom’s D-Star system) require a unique call sign for each repeater system”); ARRL Comments at 10; Stephen J. Melachrinis Comments at 2. We note, however, that this need also can be addressed by appending self-assigned identifiers to the licensee’s call sign to create multiple unique call signs for the system. See Fred Maia Comments at 10.

⁶⁵ A number of commenters argue that clubs with multiple call signs should be required to give up all but one. See Ernest R. Swanson Comments at 1; Lyle L. Long Comment at 2; Fred Maia Comments at 10; James Anderson Comments at 1; Jack H. Henkle Comments at 1; W. Lee McVey Comments at 1-2. We conclude, however, that it would be inequitable to require these clubs to surrender call signs that they obtained properly under the rules at the time they were assigned.

⁶⁶ The prohibition on obtaining additional vanity call signs includes *in memoriam* call signs formerly assigned to deceased members of the club.

creating multiple clubs.⁶⁷ To prevent trustees from evading the intent of the rule change, we will, as commenters request, also limit an individual to being the trustee for only one club station license grant. Individuals who currently serve as trustee for more than one club may continue to serve as trustee of those clubs, but may not be designated the trustee of any additional clubs.

D. Other Requested Rule Changes

32. In the *NPRM*, we invited commenters to propose other amendments to the rules governing the vanity call sign system and club station licensing that may promote equitable and administratively efficient licensing processes.⁶⁸ A number of commenters suggested changes to the vanity call sign system.

1. Available call signs

33. *Background.* Only call signs that are in the sequential call sign system may be requested as vanity call signs.⁶⁹ Approximately fifteen million call signs are presently available in the sequential call sign system, but not every amateur call sign that has been allocated to the United States⁷⁰ has been entered into the sequential call sign system.⁷¹ ARRL requests that we make certain additional call signs available to the sequential call sign system.⁷² It argues that this would permit the assignment of additional desirable call signs.⁷³

34. *Decision.* We decline to make additional call signs available to the sequential call sign system. As noted above, millions of call signs are presently available to amateur stations. We believe, therefore, that a sufficient number of call signs is available for an amateur service licensee to obtain a vanity call sign that is acceptable to him or her. Additionally, we note that ARRL's requests would not substantially increase the availability of call signs of the format, *i.e.*, one-by-two call signs (*i.e.*, call signs

⁶⁷ See ARRL Comments at 10; Stephen J. Melachrinos Comments at 2; Eric M. Gildersleeve Comments at 1; Lyle L. Long Comments at 1; James W. Horman, Jr., Comment at 2; Fred Maia Comments at 9-10 ("there is little difference between one club with a dozen station call signs and a dozen 'ghost' clubs with the same or different trustees formed by the same management each with a different preferential call sign").

⁶⁸ See *NPRM*, 24 FCC Rcd at 14795 ¶ 20.

⁶⁹ See 47 C.F.R. § 97.19(d). The Commission issues public announcements detailing the procedures of the sequential call sign system. See 47 C.F.R. § 97.3(a)(11)(i).

⁷⁰ See 47 C.F.R. § 2.302.

⁷¹ See, e.g., Jerry D. Janow, *Letter*, 22 FCC Rcd 11546, 11546 (WTB MD 2007) (dismissing an application for a call sign that is allocated to the United States but is not in the sequential call sign system).

⁷² Specifically, ARRL requests that we expand the pool of available Group A call signs. See ARRL Comments at 12. Group A call signs are call signs that start with the letter(s) K, N, W, or AA-AL, followed by a numeral and one or two letters. These call signs are generally available only to Amateur Extra Class licensees. There are approximately 43,000 Group A call signs, and over 120,000 Amateur Extra Class licensees eligible to request them. ARRL requests that we expand the pool of available Group A call signs "by permitting the first character of a two-character Group A call sign suffix to be a numeral as well as a letter (for example, W23A)." *Id.*; see also Fred Maia Comments at 2. ARRL also requests we make available the two-by-three call sign (*i.e.*, call signs consisting of two letters, followed by a numeral, followed by three letters) block beginning with the letter N, and that we permit the issuance of three-letter suffix call signs with the prefixes WC, WK, WM, WR and WT. See ARRL Comments at 15. In addition, ARRL requests that call sign blocks assigned to offshore areas that do not have United States Postal Service mail delivery (specifically, the AH/KH/NH/WH and KP/NP/WP prefix call sign blocks) be made available to licensees in other areas. See *id.* at 13-14.

⁷³ See ARRL Comments at 15.

consisting of one letter, followed by a numeral, followed by two letters), that experience has shown to be most desired by amateur radio operators.⁷⁴

2. Restrictions on call sign availability

35. *Background.* As noted above, under the sequential call sign system, the Commission assigns the station a call sign from an alphabetized list corresponding to the licensee's license class and the geographic region of the licensee's mailing address.⁷⁵ Some commenters request that we limit applicants for vanity call signs to requesting call signs assigned to the applicant's region.⁷⁶ In addition, ARRL requests that Group A vanity call signs⁷⁷ be assigned only to United States citizens.⁷⁸

36. *Decision.* With respect to limiting vanity call sign applications to call signs assigned to the applicant's region, the same request was made when the vanity call sign system was implemented. The Commission rejected the suggestion because "the applicant's choice of vanity call signs would be reduced to ten percent or less of the call signs that would otherwise be assignable to the station," and "a limitation based upon the person's place of residence . . . could easily be circumvented by using a mailing address in another call sign region."⁷⁹ We reach the same conclusion.

37. Section 97.17(a) provides that any qualified person is eligible to apply for an operator/primary station license grant.⁸⁰ U.S. citizenship is not a requirement to hold a Commission-issued amateur license or to be eligible for the privileges associated with such a license, including applying for a vanity call sign, so we decline to amend the rules as ARRL requests.

3. Fee for renewing a vanity call sign

38. *Background.* Amateur licensees with sequentially assigned call signs are not assessed a fee to obtain or renew a license, but the Commission does assess a fee when a licensee applies for a new vanity call sign or applies to renew a vanity call sign.⁸¹ Many commenters request that we eliminate the fee to renew a license with a vanity call sign.⁸²

39. *Decision.* Commenters made the same request when the vanity call sign system was implemented. As the Commission explained at that time, Section 9(g) of the Communications Act of 1934, as amended, requires that the Commission assess and collect a regulatory fee for a new or renewed

⁷⁴ We also note that the Commission already rejected ARRL's request to make call sign blocks assigned to offshore areas available to licensees in other areas. See Amendment of Part 97 of the Commission's Rules Governing the Amateur Radio Services, *Notice of Proposed Rulemaking and Order*, WT Docket No. 04-140, 19 FCC Rcd 7293, 7318 ¶¶ 55-57 (2004). ARRL has not demonstrated changed circumstances or any other reason that would warrant revisiting ARRL's proposal.

⁷⁵ See 47 C.F.R. §§ 97.5(b)(1), (2), 97.17(d).

⁷⁶ See, e.g., Nathan Bargmann Comments at 1.

⁷⁷ See note 72, *supra*.

⁷⁸ See ARRL Comments at 14.

⁷⁹ See *Vanity Report and Order*, 10 FCC Rcd at 1040 ¶ 10.

⁸⁰ See 47 C.F.R. § 97.17(a). A person demonstrates they are qualified to hold a new license grant in amateur service license by passing the necessary examination elements. See 47 C.F.R. § 97.501.

⁸¹ See 47 C.F.R. § 1.1152. The current fee for a new or renewed vanity call sign is \$13.30 for a ten-year license term.

⁸² See, e.g., Nathan Bargmann Comments at 2.

vanity call sign.⁸³ Therefore, “under the Communications Act, we cannot provide a one-time fee for processing vanity call sign applications.”⁸⁴ Accordingly, we decline to amend the rules as requested.

E. Conforming Rule Changes

40. We take this opportunity to make certain minor, non-substantive amendments to the amateur service rules.⁸⁵ First, we note that when the Commission simplified the amateur service's operator license structure in 2000, it decided to renew Technician Plus Class operator licenses⁸⁶ as Technician Class operator licenses.⁸⁷ Because all Technician Plus Class operator licenses have now either expired or been renewed as Technician Class operator licenses, we amend Part 97 to remove obsolete references to Technician Plus Class operator licenses. We note that the Commission also decided in 2000 not to renew radio amateur civil emergency service (RACES) station licenses.⁸⁸ Because the last RACES station license has expired, we amend Part 97 to remove references to RACES station licenses.

41. We also revise Section 97.21 to reference Section 1.949 of our rules, which requires that renewal applications be filed no sooner than ninety days prior to expiration of the license.⁸⁹ Finally, we amend Sections 0.191 and 0.392⁹⁰ to remove references to Section 97.401(b), which the Commission removed in 2006.⁹¹

IV. CONCLUSION

42. 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 believe that changes in the rules governing club station licensing will promote more equitable and administratively efficient licensing processes. We therefore adopt these rule changes.

V. PROCEDURAL MATTERS

A. Final Regulatory Flexibility Certification

43. The Regulatory Flexibility Act (RFA)⁹² requires a final regulatory flexibility analysis to be prepared for notice and comment rulemaking proceedings, unless the agency certifies that “the rule

⁸³ 47 U.S.C. § 159(g).

⁸⁴ See *Vanity Report and Order*, 10 FCC Rcd at 1041 ¶ 15.

⁸⁵ These amendments remove language that has been rendered obsolete by various Commission decisions issued after promulgation of the rules at issue. We therefore find good cause to adopt these amendments without notice and comment. See 5 U.S.C. § 553(b)(B).

⁸⁶ *I.e.*, Technician Class operators who received credit for passing a Morse code examination.

⁸⁷ See 1998 Biennial Regulatory Review – Amendment of Part 97 of the Commission's Amateur Service Rules, *Report and Order*, WT Docket No. 98-143, 15 FCC Rcd 315, 325 ¶ 20 (2000) (*Biennial Review Report and Order*).

⁸⁸ See *Biennial Review Report and Order*, 15 FCC Rcd at 346 ¶¶ 61-63.

⁸⁹ See 47 C.F.R. § 1.949.

⁹⁰ 47 C.F.R. §§ 0.191, 0.392.

⁹¹ See *Omnibus Report and Order*, 21 FCC Rcd at 11668 ¶ 48.

⁹² 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).

will not, if promulgated, have a significant economic impact on a substantial number of small entities.”⁹³ The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.”⁹⁴ In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act.⁹⁵ 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).⁹⁶

44. In the *NPRM*, the Commission certified that the rules it proposed to adopt in this proceeding would not have a significant economic impact on a substantial number of small entities.⁹⁷ No comments were received concerning the proposed certification. For the reasons stated below, we certify that the rules adopted herein will not have a significant economic impact on a substantial number of small entities.⁹⁸

45. The *NPRM* certified that no regulatory flexibility analysis was required because the promulgation of the proposed rule amendments would not create a significant economic impact on a substantial number of small entities because the rules would apply exclusively to individuals.⁹⁹ However, the rules that we adopt in this *Report and Order* apply to small amateur radio organizations, some of which may be small entities. Consequently, we cannot certify that no regulatory flexibility analysis is required for the reasons set forth in the *NPRM*.

46. Nonetheless, we may still certify that no regulatory flexibility analysis is necessary here. Even if a substantial number of small entities, namely, amateur radio service organizations, were affected by the rules, there would not be a significant economic impact on those entities. The rules we are adopting do not impose economic requirements. Instead, they relate to the administration of the amateur radio service.

47. Therefore, we certify that the rule changes adopted in this *Report and Order* will not have a significant economic impact on a substantial number of small entities. The Commission will send a copy of the *Report and Order*, including a copy of this Final Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the SBA.¹⁰⁰ This final certification will also be published in the Federal Register.¹⁰¹

⁹³ See 5 U.S.C. § 605(b).

⁹⁴ See 5 U.S.C. § 601(6).

⁹⁵ 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.”

⁹⁶ See 15 U.S.C. § 632.

⁹⁷ See *NPRM*, 24 FCC Rcd at 14795-96 ¶ 22.

⁹⁸ See 5 U.S.C. § 605(b).

⁹⁹ See *NPRM*, 24 FCC Rcd at 14796 ¶ 22.

¹⁰⁰ See 5 U.S.C. § 605(b).

¹⁰¹ See *id.*

B. Paperwork Reduction Act Analysis

48. This *Report and Order* does not contain new or modified information collection(s), subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, the *Report and Order* does not contain any proposed 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).

C. Congressional Review Act

49. The Commission will send a copy of this *Report and Order* to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. § 801(a)(1)(4).

D. Alternative Formats and Contact

50. 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 Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY). This *Report and Order* also may be downloaded from the Commission’s web site at <<http://www.fcc.gov/>>.

51. For further information, contact William T. Cross, Mobility Division, Wireless Telecommunications Bureau, (202) 418-0680 or TTY at (202) 418-7233.

VI. ORDERING CLAUSES

52. IT IS ORDERED, pursuant to Sections 4(i), 303(r), and 403 of the Communications Act of 1934, 47 U.S.C. §§ 154(i), 303(r), and 403, that this *Report and Order* IS HEREBY ADOPTED.

53. IT IS FURTHER ORDERED that Parts 0 and 97 of the Commission’s Rules ARE AMENDED as set forth in the Appendix, effective 60 days after publication in the Federal Register.

54. IT IS FURTHER ORDERED that the Commission’s Consumer and Governmental Affairs Bureau, Reference Information Center, SHALL SEND a copy of this *Report and Order*, including the Final Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

APPENDIX

Final Rules

Part 0 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

1. The authority citation for part 0 continues to read as follows:

AUTHORITY: Secs. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155.

2. Section 0.191 is amended by removing and reserving paragraph (o).
3. Section 0.392 is amended by removing and reserving paragraph (g).

Part 97 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

4. 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.

5. 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, stepparent, sibling, or step-sibling of a licensee's spouse; the spouse of a licensee's sibling, step-sibling, child, or stepchild; or the spouse of a licensee's spouse's sibling or step-sibling.

* * * * *

6. Section 97.5 is amended by removing paragraph (b)(4) and 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.

* * * * *

7. Section 97.9 is amended to read as follows:

§ 97.9 Operator license grant.

(a) The classes of amateur operator license grants are: Novice, Technician, General, Advanced, and Amateur Extra. The person named in the operator license grant is authorized to be the control operator of an amateur station with the privileges authorized to the operator class specified on the license grant.

(b) The person named in an operator license grant of Novice, Technician, General or Advanced Class, who has properly submitted to the administering VEs a FCC Form 605 document requesting examination for an operator license grant of a higher class, and who holds a CSCE indicating that the person has completed the necessary examinations within the previous 365 days, is authorized to exercise the rights and privileges of the higher operator class until final disposition of the application or until 365 days following the passing of the examination, whichever comes first.

8. Section 97.17 is amended by revising paragraphs (a) and (d) to read as follows:

§ 97.17 Application for new license grant.

(a) Any qualified person is eligible to apply for a new operator/primary station, club station or military recreation station license grant. No new license grant will be issued for a Novice or Advanced Class operator/primary station.

* * * * *

(d) One unique call sign will be shown on the license grant of each new primary, club and military recreation station. The call sign will be selected by the sequential call sign system. Effective [**insert effective date**], no club station license grants will be issued to a licensee who is shown as the license trustee on an existing club station license grant.

9. Section 97.19 is amended by revising paragraphs (a), (c)(2), and (c)(3) to read as follows:

§ 97.19 Application for a vanity call sign.

(a) The person named in an operator/primary station license grant or in a club station license grant is eligible to make application for modification of the license grant, or the renewal thereof, to show a call sign selected by the vanity call sign system. Effective [**insert effective date**], the person named in a club station license grant that shows on the license a call sign that was selected by a trustee is not eligible for an additional vanity call sign. (The person named in a club station license grant that shows on the license a call sign that was selected by a trustee is eligible for a vanity call sign for his or her operator/primary station license grant on the same basis as any other person who holds an operator/primary station license grant.) Military recreation stations are not eligible for a vanity call sign.

* * * * *

(c) * * *

(2) A call sign shown on a surrendered or canceled license grant (except for a license grant that is canceled pursuant to Section 97.31 of this part) 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 97.31 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. In such a case, the call sign is not available to the vanity call sign system for 30 days following the date such action is taken, or for the period for which the call sign would not have been available to the vanity call sign system pursuant to paragraphs (c)(2) or (3) of this section but for the intervening grant to the ineligible applicant, whichever is later.

(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 the 2-year period set forth in paragraph (c)(2) of this section.

(3) A call sign shown on a license canceled pursuant to Section 97.31 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. If, however, a license is canceled more than 2 years after the licensee's death (or within 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. The following applicants are exempt from this 2-year period:

(i) 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; or

(ii) an applicant who is the spouse, child, grandchild, stepchild, parent, grandparent, stepparent, 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, provided that the vanity call sign requested by the applicant is 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; or

(iii) an applicant 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 or of any other deceased former holder of the call sign, provided that the deceased former holder was a member of the club during his or her life.

* * * * *

10. Section 97.21 is amended by revising paragraphs (a)(1), (a)(3), (a)(3)(iii), and (c) to read as follows:

§ 97.21 Application for a modified or renewed 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 or military recreation station license grant, the application must be presented in document form to a Club Station Call Sign Administrator who must submit the information thereon to the FCC in an electronic batch file. The Club Station Call Sign Administrator must retain the collected information for at least 15 months and make it available to the FCC upon request. A Club Station Call Sign Administrator shall not file with the Commission any application to modify a club station license grant that was submitted by a person other than the trustee as shown on the license grant, except an application to change the club station license trustee. An application to modify a club station

license grant to change the license trustee name must be submitted to a Club Station Call Sign Administrator and must be signed by an officer of the club.

* * *

(3) May apply to the FCC for renewal of the license grant for another term in accordance with Sections 1.913 and 1.949 of this chapter. Application for renewal of a Technician Plus Class operator/primary station license will be processed as an application for renewal of a Technician Class operator/primary station license.

(iii) For a club station or military recreation station license grant showing a call sign obtained through the sequential call sign system, and for a club station license grant showing a call sign obtained through the vanity call sign system but whose grantee does not want to have the vanity call sign reassigned to the station, the application must be presented in document form to a Club Station Call Sign Administrator who must submit the information thereon to the FCC in an electronic batch file. The replacement call sign will be selected by the sequential call sign system. The Club Station Call Sign Administrator must retain the collected information for at least 15 months and make it available to the FCC upon request.

* * *

(c) Except as provided in paragraph (a)(4) above, a call sign obtained under the sequential or vanity call sign system will be reassigned to the station upon renewal or modification of a station license.

11. A new Section 97.31 is added to read as follows:

§ 97.31 Cancellation on account of the licensee's death.

(a) 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 data that shows the person named in the operator/primary station license grant has died. Such a request may be submitted as a pleading associated with the deceased licensee's 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. No action will be taken during the last thirty days of the post-expiration grace period (see section 97.21(b) of this chapter) on a request to cancel a license due to the licensee's death.

(b) A license that is canceled due to the licensee's death is canceled as of the date of the licensee's death.

12. Section 97.119 is amended by revising paragraphs (f)(2) and (f)(3) to read as follows:

§ 97.119 Station identification.

* * * * *

(f) * * *

(2) For a control operator who has requested a license modification from Novice or Technician to General Class: AG;

(3) For a control operator who has requested a license modification from Novice, Technician, General, or Advanced Class to Amateur Extra Class: AE.

* * * * *

13. Section 97.201 is amended by revising paragraph (a) to read as follows:

§ 97.201 Auxiliary station.

(a) Any amateur station licensed to a holder of a Technician, General, Advanced or Amateur Extra Class operator license may be an auxiliary station. A holder of a Technician, General, Advanced or Amateur Extra Class operator license may be the control operator of an auxiliary station, subject to the privileges of the class of operator license held.

* * * * *

14. Section 97.203 is amended by revising paragraph (a) to read as follows:

§ 97.203 Beacon station.

(a) Any amateur station licensed to a holder of a Technician, General, Advanced or Amateur Extra Class operator license may be a beacon. A holder of a Technician, General, Advanced or Amateur Extra Class operator license may be the control operator of a beacon, subject to the privileges of the class of operator license held.

* * * * *

15. Section 97.301 is amended by revising paragraphs (a) and (e) to read as follows:

§ 97.301 Authorized frequency bands.

* * *

(a) For a station having a control operator who has been granted a Technician, General, Advanced, or Amateur Extra Class operator license or who holds a CEPT radio-amateur license or IARP of any class:

* * * * *

(e) For a station having a control operator who has been granted an operator license of Novice Class or Technician Class:

* * * * *

16. Section 97.313 is amended by revising paragraph (c)(2) to read as follows:

§ 97.313 Transmitter power standards.

* * * * *

(c) * * *

(2) On the 3.525-3.60 MHz, 7.025-7.125 MHz, 21.025-21.20 MHz, and 28.0-28.5 MHz segment when the control operator is a Novice Class operator or a Technician Class operator; or

* * * * *

17. Section 97.407 is amended by removing paragraph (d) and its subparagraphs, redesignating paragraph (e) as paragraph (d), and revising paragraphs (a), (b), and (c) to read as follows:

§ 97.407 Radio amateur civil emergency service.

(a) No station may transmit in RACES unless it is an FCC-licensed primary, club, or military recreation station and it is certified by a civil defense organization as registered with that organization. No person may be the control operator of an amateur station transmitting in RACES unless that person holds a FCC-issued amateur operator license and is certified by a civil defense organization as enrolled in that organization.

(b) The frequency bands and segments and emissions authorized to the control operator are available to stations transmitting communications in RACES on a shared basis with the amateur service. In the event of an emergency which necessitates invoking the President's War Emergency Powers under the provisions of section 706 of the Communications Act of 1934, as amended, 47 U.S.C. 606, amateur stations participating in RACES may only transmit on the frequency segments authorized pursuant to part 214 of this chapter.

(c) An amateur station registered with a civil defense organization may only communicate with the following stations upon authorization of the responsible civil defense official for the organization with which the amateur station is registered:

(1) An amateur station registered with the same or another civil defense organization; and

(2) A station in a service regulated by the FCC whenever such communication is authorized by the FCC.

* * * * *