

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Parts 80 and 87**

[CC Docket No. 96-82, FCC 96-145]

Operation of Certain Domestic Ship and Aircraft Radio Stations Without Individual Licenses**AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

SUMMARY: Pursuant to the 1996 Telecommunications Act, this NPRM proposes to amend the Commission's rules regarding ship and aircraft radio stations, to remove the individual radio licensing requirement and to authorize by rule the operation of radio equipment on recreational vessels and aircraft. The Federal Communications Commission ("Commission") tentatively concludes that individual licenses are unnecessary for either the safety or operational requirements of these vessels and aircraft. It also tentatively concludes that individual licensing is unnecessary to meet its regulatory and spectrum management responsibilities with regard to these services, and that eliminating the individual licensing requirement will remove an unnecessary regulatory burden on the public. This proposed rule is being considered with the adoption of interim rules published concurrently in the Federal Register.

DATES: Comments are due on or before May 10, 1996. Reply comments are due on or before May 20, 1996. Informal comments may be filed on or before May 20, 1996.

ADDRESSES: You must send comments and reply comments to the Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554. You may also file informal comments by electronic mail. You should address informal comments to smagnott@fcc.gov. You must put the docket number of this proceeding on the subject line ("WT Docket No. 96-82"). You must also include your full name and Postal Service mailing address in the text of the message.

FOR FURTHER INFORMATION CONTACT: Susan Magnotti, Private Wireless Division, Wireless Telecommunications Bureau, (202) 418-0871, or at smagnott@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rulemaking in WT Docket No.

96-82, adopted April 1, 1996, and released April 12, 1996.

The complete text of the Notice of Proposed Rulemaking is available for inspection and copying during normal business hours in the FCC Reference Center (Room 230), 1919 M Street, N.W., Washington D.C., and also may be purchased from the Commission's copy contractor, International Transcription Services, at (202) 857-3800, 1919 M Street, N.W., Room 246, Washington, D.C. 20554.

Synopsis of Notice of Proposed Rulemaking

This Notice of Proposed Rule Making (NPRM) proposes to revise the Commission's rules pursuant to Section 307(e) of the Communications Act of 1934 (the "Communications Act"), as amended by Section 403(i) of the Telecommunications Act of 1996. With this NPRM, the Commission proposes to revise its rules for the Maritime Services and the Aviation Services to reflect our conclusion that this individual licensing requirement should be removed.

Section 403(i) of the 1996 Telecommunications Act amended Section 307(e)(1) of the Communications Act as follows:

[I]f the Commission determines that such authorization serves the public interest, convenience, and necessity, the Commission may by rule authorize the operation of radio stations without individual licenses in . . . (C) the aviation radio service for aircraft stations operated on domestic flights when such aircraft are not otherwise required to carry a radio station; and (D) the maritime radio service for ship stations navigated on domestic voyages when such ships are not otherwise required to carry a radio station.

Pursuant to this statutory authority, the Commission tentatively concludes that it serves the public interest, convenience, and necessity to authorize, by rule, recreational vessel and aircraft radio stations. Accordingly, the Commission proposes to amend its rules to remove the individual radio licensing requirement for these vessels and aircraft. Under this proposal, the Commission would eliminate the requirement that members of the public have an individual license to operate a marine VHF radio, any type of emergency position indicating radio beacon (EPIRB), and/or radar on board a recreational vessel. Similarly, the Commission would eliminate the requirement that members of the public have an individual license to operate a VHF aircraft radio and/or any type of

emergency locator transmitter (ELT) on board a recreational aircraft.

Initial Regulatory Flexibility Analysis

Reason for action. The purpose of this NPRM is to determine, pursuant to the Telecommunications Act of 1996, whether it is in the public interest, convenience, and necessity to amend the rules to remove the individual radio licensing requirement for vessels and aircraft that operate domestically and are not subject to the radio carriage requirements of any statute or treaty.

Objectives. The objective of this NPRM is to request public comment on the proposals made herein.

Legal basis. The authority for this action is the Administrative Procedure Act, 5 U.S.C. § 553; and Sections 4(i), 4(j), 301, 303(r), and 307(e) of the Communications Act of 1934 as amended, 47 U.S.C. §§ 145, 301, 303(r) and 307(e).

Reporting, recordkeeping and other compliance requirements. Compliance requirements would be reduced if the proposal in this NPRM is adopted.

Federal rules which overlap, duplicate or conflict with these rules. None.

Description, potential impact and number of small entities involved. Most applicants for individual recreational licenses are individuals. However, to the extent any are small entities, the proposed rule would eliminate the burden of filing for individual recreational vessel or aircraft licenses.

Significant Alternatives. None.

Ordering Clauses

Accordingly, it is ordered that this Notice of Proposed Rule Making is hereby adopted.

It is further ordered that the Secretary shall mail a copy of this document to the Chief Counsel for Advocacy, Small Business Administration, the Administrator, Federal Aviation Administration, and the Commander, United States Coast Guard Auxiliary.

List of Subjects**47 CFR Part 80**

Radio, Vessels.

47 CFR Part 87

Radio.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

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