

**§ 80.59**

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- (i) Canadian channels: 24, 85, 27, 88 (Note 1).
- (ii) U.S.A. channels: 84, 25, 86, 87, 28 (Note 2).
- (iii) Shared channels: 26 (Note 3).

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NOTES: 1. Also assignable to U.S. Stations within the frequency coordination zone following successful coordination with Canada.  
 2. Also assignable to Canadian station within the frequency coordination zone following successful coordination with the United States.  
 3. Changes to existing assignments and new assignments within the frequency coordination zone of either country are subject to prior coordination with the other Administration.

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[51 FR 31213, Sept. 2, 1986, as amended at 63 FR 68956, Dec. 14, 1998; 73 FR 4480, Jan. 25, 2008]

(f) *Canada/U.S.A. channeling arrangement for East Coast VHF maritime mobile public correspondence.* For purposes of this section, channels on the east coast will be assigned as follows:

**§ 80.59 Compulsory ship inspections.**

(1) The provisions of the arrangement apply to the Canadian and U.S.A. east coast waters including the St. Lawrence Seaway within the coordination boundaries of “Arrangement A” of the Canada/U.S.A. Frequency Coordination Agreement above 30 MHz.

(a) Inspection of ships subject to the Communications Act or the Safety Convention.

(2) The arrangement applies to the following public correspondence channels: Channels 24, 84, 25, 85, 26, 86, 27, 87, 28, and 88.

(1) The FCC will not normally conduct the required inspections of ships subject to the inspection requirements of the Communications Act or the Safety Convention.

(3) Canada and the U.S.A. use the following channeling arrangement:

NOTE: Nothing in this section prohibits Commission inspectors from inspecting ships. The mandatory inspection of U. S. vessels must be conducted by an FCC-licensed technician holding an FCC General Radiotelephone Operator License, GMDSS Radio Maintainer’s License, Second Class Radiotelegraph Operator’s Certificate, or First Class Radiotelegraph Operator’s Certificate in accordance with the following table:

- (i) Canadian channels: 24, 85, 27, 88 (Note 1).

Category of vessel	Minimum class of FCC license required by private sector technician to conduct inspection—only one license required			
	General radiotelephone operator license	GMDSS radio maintainer’s license	Second class radiotelegraph operator’s certificate	First class radiotelegraph operator’s certificate
Radiotelephone equipped vessels subject to 47 CFR part 80, subpart R or S .....	√	√	√	√
Radiotelegraph equipped vessels subject to 47 CFR part 80, subpart Q .....			√	√
GMDSS equipped vessels subject to 47 CFR part 80, subpart W or subpart Q .....		√		

(2) A certification that the ship has passed an inspection must be entered into the ship’s log by the inspecting technician. The technician conducting the inspection and providing the certification must not be the vessel’s

owner, operator, master, or employee or their affiliates. Additionally, the vessel owner, operator, or ship’s master must certify in the station log that the inspection was satisfactory. There are no FCC prior notice requirements for

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any inspection pursuant to paragraph (a)(1) of this section. An inspection of the bridge-to-bridge radio stations on board vessels subject to the Vessel Bridge-to-Bridge Radiotelephone Act must be conducted by the same FCC-licensed technician.

(3) Additionally, for passenger vessels operated on an international voyage the inspecting technician must send a completed FCC Form 806 to the Officer in Charge, Marine Safety Office, United States Coast Guard in the Marine Inspection Zone in which the ship is inspected.

(4) In the event that a ship fails to pass an inspection the inspecting technician must make a log entry detailing the reason that the ship did not pass the inspection. Additionally, the technician must notify the vessel owner, operator, or ship's master that the vessel has failed the inspection.

(5) Because such inspections are intended to ensure the availability of communications capability during a distress the Commission will vigorously investigate reports of fraudulent inspections, or violations of the Communications Act or the Commission's Rules related to ship inspections. FCC-licensed technicians, ship owners or operators should report such violations to the Commission through its National Call Center at 1-888-CALL FCC (1-888-225-5322).

(b) Inspection and certification of a ship subject to the Great Lakes Agreement. The FCC will not inspect Great Lakes Agreement vessels. An inspection and certification of a ship subject to the Great Lakes Agreement must be made by a technician holding one of the following: an FCC General Radiotelephone Operator License, a GMDSS Radio Maintainer's License, a Second Class Radiotelegraph Operator's Certificate, or a First Class Radiotelegraph Operator's Certificate. The certification required by §80.953 must be entered into the ship's log. The technician conducting the inspection and providing the certification must not be the vessel's owner, operator, master, or an employee of any of them. Additionally, the vessel owner, operator, or ship's master must certify that the inspection was satisfactory. There are no FCC prior notice requirements

for any inspection pursuant to §80.59(b).

(c) *Application for exemption.* (1) Applications for exemption from the radio provisions of part II or III of title III of the Communications Act, the Safety Convention, or the Great Lakes Radio Agreement, or for modification or renewal of an exemption previously granted must be filed as a waiver request using FCC Form 605. Waiver requests must include the following information:

- (i) Name of ship;
- (ii) Call sign of ship;
- (iii) Official number of ship;
- (iv) Gross tonnage of ship;
- (v) The radio station requirements from which the exemption is requested:
  - (A) Radiotelephone (VHF/MF);
  - (B) Radiotelegraph; and/or
  - (C) Radio direction finding apparatus;
- (vi) File number of any previously granted exemption;
- (vii) Detailed description of the voyages for which the exemption is requested, including:
  - (A) Maximum distance from nearest land in nautical miles;
  - (B) Maximum distance between two consecutive ports in nautical miles; and
  - (C) Names of all ports of call and an indication of whether travel will include a foreign port;
- (viii) Reasons for the exemption:
  - (A) Size of vessel;
  - (B) Variety of radio equipment on board;
  - (C) Limited routes; and/or
  - (D) Conditions of voyages;
- (ix) A copy of the U.S. Coast Guard Certificate of Inspection an indication of whether the vessel is certified as a Passenger or Cargo ship (for passenger ships, list the number of passengers the ship is licensed to carry); and
- (x) Type and quantity of radio equipment on board, including:
  - (A) VHF Radio Installation (indicate if GMDSS approved);
  - (B) Single Side-Band (SSB) (indicate the band of operation, MF or HF and indicate if GMDSS approved);
  - (C) Category 1, 406 MHz EPIRB (GMDSS approved);
  - (D) NAVTEX Receiver (GMDSS approved);

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(E) Survival Craft VHF (GMDSS approved);

(F) 9 GHz Radar Transponder (GMDSS approved);

(G) Ship Earth Station;

(H) 2182 Radiotelephone Auto Alarm

(I) Reserve Power Supply (capability); and

(J) Any other equipment.

(2) Feeable applications for exemption must be filed with U.S. Bank, P.O. Box 979097, St. Louis, MO 63197-9000 at the address set forth in §1.1102. Emergency requests must be filed with the Federal Communications Commission, Office of the Secretary, 445 Twelfth Street, SW., TW-B204, Washington, DC 20554.

NOTE: With emergency requests, do not send the fee, you will be billed.

(d) *Waiver of annual inspection.* (1) The Commission may, upon a finding that the public interest would be served, grant a waiver of the annual inspection required by Section 362(b) of the Communications Act, 47 U.S.C. 360(b), for a period of not more than 90 days for the sole purpose of enabling a United States vessel to complete its voyage and proceed to a port in the United States where an inspection can be held. An informal application must be submitted by the ship's owner, operator or authorized agent. The application must be submitted to the Commission's District Director or Resident Agent in charge of the FCC office nearest the port of arrival at least three days before the ship's arrival. The application must include:

(i) The ship's name and radio call sign;

(ii) The name of the first United States port of arrival directly from a foreign port;

(iii) The date of arrival;

(iv) The date and port at which annual inspection will be formally requested to be conducted;

(v) The reason why an FCC-licensed technician could not perform the inspection; and

(vi) A statement that the ship's compulsory radio equipment is operable.

(2) Vessels that are navigated on voyages outside of the United States for more than 12 months in succession are exempted from annual inspection required by section 362(b) of the Commu-

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nications Act, provided that the vessels comply with all applicable requirements of the Safety Convention, including the annual inspection required by Regulation 9, Chapter I, and the vessel is inspected by an FCC-licensed technician in accordance with this section within 30 days of arriving in the United States.

[51 FR 31213, Sept. 2, 1986, as amended at 56 FR 64715, Dec. 12, 1991; 60 FR 50122, Sept. 28, 1995; 61 FR 8478, Mar. 5, 1996; 61 FR 25805, May 23, 1996; 63 FR 29658, June 1, 1998; 63 FR 68956, Dec. 14, 1998; 64 FR 53241, Oct. 1, 1999; 68 FR 46960, Aug. 7, 2003; 69 FR 64671, Nov. 8, 2004; 73 FR 9031, Feb. 19, 2008]

### § 80.60 Partitioned licenses and disaggregated spectrum.

(a) Except as specified in §20.15(c) of this chapter with respect to commercial mobile radio service providers, charges must not be made for service of:

(1) VHF Public Coast area licensees, see §80.371(c)(1)(ii), may partition their geographic service area or disaggregate their spectrum pursuant to the procedures set forth in this section.

(2) AMTS geographic area licensees, see §80.385(a)(3), may partition their geographic service area or disaggregate their spectrum pursuant to the procedures set forth in this section. Site-based AMTS public coast station licensees may partition their license or disaggregate their spectrum pursuant to the procedures set forth in this section, provided that the partitionee or disaggregatee's predicted 38 dBu signal level contour does not extend beyond the partitioner or disaggregator's predicted 38 dBu signal level contour. The predicted 38 dBu signal level contours shall be calculated using the F(50, 50) field strength chart for Channels 7-13 in §73.699 (Fig. 10) of this chapter, with a 9 dB correction for antenna height differential.

(3) Nationwide or multi-region LF, MF, and HF public coast station licensees, see §§80.357(b)(1), 80.361(a), 80.363(a)(2), 80.371(b), and 80.374, may partition their spectrum pursuant to the procedures set forth in this section, except that frequencies or frequency pairs licensed to more than one licensee as of March 13, 2002 may be partitioned only by the earliest licensee,