

§ 69.153 [Corrected]

1. On page 56132, in the third column, § 69.153 amendatory instruction no. 80 is corrected to read as follows:

80. Section 69.153 is amended by revising paragraphs (c)(1), (d) introductory text, (d)(1) introductory text, (d)(1)(i), (d)(2) introductory text and (d)(2)(i) and adding paragraph (g) to read as follows:

Dated: September 11, 1998.

Magalie Roman Salas,

Secretary.

[FR Doc. 98-24976 Filed 9-17-98; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 21 and 78

[ET Docket No. 97-94; FCC-58]

Streamlining the Equipment Authorization Process; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects portions of the Commission's rules that were published in the **Federal Register** of July 7, 1998 (63 FR 36591).

DATES: Effective on September 18, 1998.

FOR FURTHER INFORMATION CONTACT: Barbara Britt (202) 418-0310.

SUPPLEMENTARY INFORMATION: The Federal Communications Commission published a document amending part 21 of the Commission's rules in the **Federal Register** of July 7, 1998 (63 FR 36591), this document corrects 47 CFR 21.42 as it appeared. In rule FR Doc. 98-17670, published on July 7, 1998, (63 FR 36603) make the following corrections:

§ 21.42 [Corrected]

1. On page 36603, in the third column, § 21.42 amendatory instruction no. 69 is corrected to read as follows:

69. Section 21.42, paragraph (c)(1)(i) is amended by removing the term "type-accepted" each place it appears and adding in its place "certificated" and by removing the term "(or type notified)" each place it appears.

§ 78.107 [Amended]

2. On page 36606, in the first column, § 78.107 amendatory instruction no. 106 is corrected to read as follows:

106. Section 78.107 is amended by removing paragraph (a) and by redesignating paragraphs (b), (c), (d) and (e) as paragraphs (a), (b), (c), and (d). The newly redesignated paragraph (a) is

amended by revising paragraph (a) introductory text, and paragraph (a)(2) introductory text to read as follows:

Dated: September 11, 1998.

Magalie Roman Salas,

Secretary.

[FR Doc. 98-24975 Filed 9-17-98; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97-246; RM-9205, RM-9250]

Radio Broadcasting Services; Walla Walla and Pullman, WA and Hermiston, OR; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects portions of the Commission's rules that were published in the **Federal Register** of July 29, 1998 (63 FR 40373).

DATES: Effective on September 18, 1998.

FOR FURTHER INFORMATION CONTACT: Barbara Britt (202) 418-0310.

SUPPLEMENTARY INFORMATION: The Federal Communications Commission published a document amending part 73 of the Commission's rules in the **Federal Register** of July 29, 1998 (63 FR 40373), this document corrects 47 CFR 73.202 as it appeared. In rule FR Doc. 98-19906, published on July 29, 1998, (63 FR 40373) make the following correction:

1. On page 40374, in the first column, § 73.202 amendatory instruction no. 3 is corrected to read as follows:

§ 73.202 [Corrected]

3. Section 73.202(b), the Table of FM Allotments under Oregon, is amended by removing Channel 257A and adding Channel 263A at Hermiston.

Dated: September 11, 1998.

Magalie Roman Salas,

Secretary.

[FR Doc. 98-24978 Filed 9-17-98; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

Radio Broadcasting Services; Various Locations; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects portion of the Commission's rules that were published in the **Federal Register** of July 20, 1998 (63 FR 38756).

DATES: Effective on September 18, 1998.

FOR FURTHER INFORMATION CONTACT:

Barbara Britt (202) 418-0310.

SUPPLEMENTARY INFORMATION: The Federal Communications Commission published a document amending part 73 of the Commission's rules in the **Federal Register** of July 20, 1998 (63 FR 38756), this document corrects 47 CFR 73.202 as it appeared. In rule FR Doc. 98-19302, published on July 20, 1998, (63 FR 38757) make the following correction:

1. On page 38757, in the first column § 73.202 amendatory instruction no. 2 is corrected to read as follows:

§ 73.202 [Corrected]

2. Section 73.202(b), the Table of FM Allotments under Florida, is amended by removing Channel 288A and adding Channel 288C2 at Apalachicola, by removing Channel 253C and adding Channel 253C1 at Crystal City, by removing Channel 249A and adding Channel 249C3 at Punta Rassa, and by removing Channel 245A and adding Channel 245C3 at Tavernier.

Dated: September 11, 1998.

Magalie Roman Salas,

Secretary.

[FR Doc. 98-24977 Filed 9-17-98; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 80

[PR Docket No. 90-480, FCC 98-180]

Global Maritime Distress and Safety System

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission amended its rules to require that at-sea maintenance for GMDSS vessels be conducted by an FCC-licensed technician holding a GMDSS Maintainer's License and providing a grace period until February 1999, so that existing technicians have an opportunity to obtain the license. This action was taken in an effort to fully address the safety issues raised regarding at-sea maintenance for GMDSS vessels. Release of the *Memorandum Opinion and Order* ensures that only qualified, FCC licensed technicians would provide at-sea maintenance on board GMDSS-equipped vessels.

EFFECTIVE DATE: October 19, 1998.

FOR FURTHER INFORMATION CONTACT: Freda Lippert Thyden of the Public Safety and Private Wireless Division, Wireless Telecommunications Bureau at (202) 418-0680 or via e-mail at fthyden@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Memorandum Opinion and Order*, FCC 98-180, adopted July 28, 1998, and released August 10, 1998. The full text of this *Memorandum Opinion and Order* is available for inspection and copying during normal business hours in the FCC Dockets Branch, Room 230, 1919 M Street, N.W., Washington, D.C. 20554. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, Washington D.C. 20036, telephone (202) 857-3800. This *Memorandum Opinion and Order* imposes no paperwork burden on the public.

Summary of Memorandum Opinion and Order

1. In this *Memorandum Opinion and Order*, we deny the American Radio Association's (ARA) Petition for Partial Reconsideration (Petition) of our Report and Order, 57 FR 9063 (March 16, 1992) adding the technical and operational requirements of the Global Maritime Distress and Safety System (GMDSS) to Part 80 of the Commission's Rules.¹ Our rules are consistent with the GMDSS provisions of the International Convention for the Safety of Life at Sea (Safety Convention)² as adopted by the International Maritime Organization (IMO),³ and provide flexibility for vessel operators to choose maintenance methods based on the routes of each particular vessel and the availability of shore-based maintenance. Duplication of equipment and shore-based maintenance are as effective a means for ensuring successful operation of GMDSS radio installations as at-sea maintenance. Also, Congress recently affirmed that U.S. vessels should not have to carry dual safety systems prior to full implementation of the GMDSS in 1999. Section 365 of the Communications Act of 1934, as amended, (Communications Act) prohibits any requirement that passenger vessels and large cargo vessels carry manual Morse code

radiotelegraph installations, so long as these vessels operate in accordance with the GMDSS provisions of the Safety Convention,⁴ and have been certified by the U.S. Coast Guard as having GMDSS equipment installed and operating in good working condition.⁵

2. Prior to the enactment of the 1996 Telecommunications Act, Section 351 of the Communications Act required passenger vessels and large cargo vessels to be equipped with manual Morse code radiotelegraph installations when navigating on the open seas or on international voyages.⁶ This requirement derived from the Wireless Ship Act of 1910,⁷ and the Radio Communications Act of 1912.⁸ At that time, the radiotelegraph was part of an international distress communications system providing a common radio link between large vessels at sea via manual Morse code telegraphy on 500 kHz. In 1988, the international maritime community agreed to replace the required radiotelegraph with the GMDSS—an automated ship-to-shore distress and safety radio communications system that relies on satellites and advanced terrestrial systems.⁹ In 1992, the Commission in the *Report and Order*, 57 FR 9063 (March 16, 1992) adopted rules implementing the new international GMDSS requirements, requiring each passenger vessel and cargo vessel over 300 gross tons (hereafter "compulsory vessels") to carry a complete GMDSS radio installation by February 1, 1999.¹⁰ Four years later, in 1996, Congress amended the Communications Act to eliminate the radiotelegraph carriage requirement for vessels carrying a GMDSS radio installation.¹¹

3. The GMDSS rules ensure that qualified personnel are available to operate the radio installation during an emergency. Each GMDSS vessel must carry two persons licensed by the Commission to operate the radio

installation. Although these operators may have other duties on board the vessel, one of them must be dedicated to operating the GMDSS installation during an emergency, while the other operator serves as a backup.¹² In addition to the two licensed operators on board, the vessel owner must choose among three maintenance methods: duplication of equipment, shore-based maintenance, and/or at-sea maintenance.¹³ If at-sea maintenance is chosen, the vessel must carry one person licensed by the Commission to maintain the GMDSS radio installation.¹⁴ The number and types of maintenance options required depend on the routes of the vessel.

4. After having carefully reviewed the arguments of ARA, the opposition pleading submitted by the American Institute of Merchant Shipping, and Congressional correspondence, we affirm our original decision. All arguments presented by the petitioner and commenters are essentially the same as those previously considered by the Commission.¹⁵ Moreover, these issues are the same as those examined by the international maritime community during the development of the GMDSS.

5. *At-sea-maintenance for GMDSS vessels.* In adopting the GMDSS rules in 1992, we found that requiring two licensed GMDSS radio operators and providing maintenance options based on vessels' routes would ensure safety at sea.¹⁶ All safety concerns were reviewed by the IMO and again in the Commission's Report and Order with emphasis on U.S. vessels. In addition, the Commission concurred with the IMO view that, in considering the proper operation of radio equipment, requiring two licensed GMDSS radio operators is superior to reliance on one individual who might be unable to perform communications during a distress situation.¹⁷ The GMDSS requires multiple radio operators who

⁴ Pub. L. No. 104-104, 110 Stat. 56 (1996) (1996 Telecommunications Act).

⁵ See Section 365 of the Communications Act, as amended, 47 U.S.C. § 363.

⁶ 47 U.S.C. § 351.

⁷ Pub. L. No. 262, 36 Stat. 629 (1910).

⁸ Pub. L. 264, 37 Stat. 302 (1912).

⁹ See Final Acts of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974, on the Global Maritime Distress and Safety System, London (1988) (1988 SOLAS Amendments).

¹⁰ Report and Order, 7 FCC Rcd at 951.

¹¹ The Commission implemented Section 365 of the Communications Act—a provision created by Section 206 of the 1996 Telecommunications Act—by Order released April 12, 1996. See Amendment of the Commission's Rule to Conform the Maritime Service Rules to the Provisions of the Telecommunications Act of 1996, Order, 11 FCC Rcd 17069 (1996).

¹² 47 C.F.R. § 80.1073.

¹³ The term "duplication of equipment" refers to carrying redundant systems to meet GMDSS functional requirements as specified in 47 C.F.R. § 80.1105(g). The term "shore-based maintenance" refers to maintaining and repairing GMDSS systems at ports of call as specified in 47 C.F.R. § 80.1105(i). The term "at-sea maintenance" refers to carrying at least one person qualified to maintain and repair GMDSS systems while the vessel is at sea, as specified in 47 C.F.R. § 80.1105(j).

¹⁴ 47 C.F.R. § 80.1074.

¹⁵ See Report and Order, 7 FCC Rcd at 955-58.

¹⁶ Id. at 954.

¹⁷ This position was reaffirmed at the World Administrative Radio Conference held in February 1992 (WARC-92), where the international community conformed the international Radio Regulations to the 1988 SOLAS Amendments concerning this point.

¹ Report and Order, 7 FCC Rcd 951 (1992).

² International Convention for the Safety of Life at Sea, 1974 (Safety Convention), 32 U.S.T. 47, T.I.A.S. 9700.

³ The IMO is a specialized agency of the United Nations that promotes the safety of ships and property at sea and the lives of people on board.

are familiar with the radio equipment and who use it daily to satisfy the ship's operational needs. They must be licensed and familiar with GMDSS emergency procedures, and possess the basic technical skills necessary to replace equipment and adjust antennas.

6. In response to safety concerns expressed by ARA and others about operator availability during a distress situation, we adopted the Coast Guard's suggestion that the radio operator and his/her alternate must be listed on the ship's station bill. Further, the Commission's GMDSS rules implement the Safety Convention regulations that require vital safety communications equipment to be functioning properly before a ship leaves port. Moreover, in 1996 Congress endorsed the GMDSS requirements set forth in the Safety Convention, which do not require at-sea maintenance. Congress, the Safety Convention, and the Commission's GMDSS rules are in agreement concerning at-sea maintenance.

7. In an effort to fully address the safety issues raised regarding at-sea maintenance for GMDSS vessels, we are amending Section 80.1074(b) to require that all at-sea maintenance be conducted by an FCC-licensed technician holding a GMDSS Radio Maintainer's License, and providing a grace period until February 1999 so that existing technicians have an opportunity to obtain the license. In 1993, the Commission amended Part 13 of the rules, creating a GMDSS Radio Maintainer's License to ensure that only qualified, FCC-licensed technicians would provide at-sea maintenance on board GMDSS-equipped vessels.¹⁸ In order to be licensed by the Commission as a GMDSS Radio Maintainer, an applicant must pass a written examination demonstrating knowledge of GMDSS systems and repair procedures.¹⁹ We are amending the rules to reflect the Commission's intent in creating the new GMDSS Radio Maintainer's License.²⁰

¹⁸ Amendment of Part 13 of the Commission's Rules to Privatize the Administration of Examinations for Commercial Operator Licenses and to Clarify Certain Rules, FO Docket No. 92-206, Report and Order, 8 FCC Rcd 1046 (1993). See also Public Notice, 8 FCC Rcd 919 (1993).

¹⁹ 47 C.F.R. § 13.203(a)(7).

²⁰ In creating the GMDSS Maintainer's License in 1993, the Commission postponed amending § 80.1074(b) pending final resolution of the maintenance issues in the subject Petition for Reconsideration. Now that the maintenance issues have been resolved, this amendment is necessary in order to ensure that at-sea maintenance is provided by qualified individuals. A notice and comment rulemaking proceeding in this matter, however, is unnecessary and would be contrary to the public interest. See 47 CFR § 1.412(c), 5 USC § 553(b)(B).

8. Presently, Section 80.1074(b) permits at-sea maintenance to be performed by a licensed technician holding either a First Class Radiotelegraph Operator's Certificate (T-1), Second Class Radiotelephone Operator's Certificate (T-2), or a General Radiotelephone Operator License (G). In order to minimize the impact of this amendment on vessel operators that may have already made arrangements for at-sea maintenance, we are providing a grace period whereby persons holding the non-GMDSS related licenses listed above will have ample opportunity to take the examination(s) required to obtain a GMDSS Maintainer's License. Therefore, persons holding a T-1, T-2, or G may serve as an at-sea maintainer on GMDSS vessels until the full implementation of the GMDSS on February 1, 1999.

9. *Transition period.* The Commission no longer has the statutory authority to require GMDSS vessels to carry a manual Morse code radiotelegraph installation. Section 365 of the Communications Act prohibits any requirement that compulsory vessels carry manual Morse code radiotelegraph installations, so long as they operate in accordance with the GMDSS provisions of the Safety Convention and have been certified by the U.S. Coast Guard as having GMDSS equipment installed and operating in good working condition.²¹ On April 12, 1996, the Commission released an Order implementing Section 365 of the Communications Act by revising the general exemption in 47 CFR § 80.836. Furthermore, perpetuating an outmoded ship-to-ship manual Morse code radiotelegraph system on 500 kHz that has little potential to communicate with radio stations of the major maritime nations risks American lives and property.²² Many countries are already in the process of eliminating the 500 kHz manual Morse code system and converting their ships to GMDSS. Further, the Coast Guard has already eliminated its shore watch on 500 kHz. Thus, carrying dual systems is not required by the international regulations and would be an unnecessary burden for the U.S. shipping industry.

10. *Ordering Clauses.* It is further ordered that, pursuant to the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r), and the authority contained in section 553(b)(B) of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), and Section 1.412(c) of the Commission's

Rules, 47 CFR 1.412(c), part 80 of the Commission's Rules is amended as set forth below, effective October 29, 1998.

11. It is further ordered that, pursuant to the authority contained in Sections 4(i), 303(r), and 405 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(r), and 405, and Section 1.429(i) of the Commission's Rules, 47 CFR 1.429(i), the Petition for Partial Reconsideration filed by the American Radio Association is denied.

12. It is further ordered that this proceeding is terminated.

List of Subjects in 47 CFR Part 80

Marine safety, Telegraph, Vessels, Global maritime distress and safety system (GMDSS).

Federal Communications Commission.

Magalie Roman Salas,
Secretary.

Rule Changes

Part 80 of Chapter I of Title 47 of the Code of Federal Regulations Part 80 is amended as follows:

PART 80—STATIONS IN THE MARITIME SERVICES

1. The authority citation for Part 80 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, 307(e) unless otherwise noted. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. 151-155, 301-609; 3 UST 3450, 3 UST 4726, 12 UST 2377.

2. Section 80.1074 is amended by revising paragraph (b) to read as follows:

§ 80.1074 Radio maintenance personnel for at-sea maintenance.

* * * * *

(b) The following licenses qualify personnel as GMDSS radio maintainers to perform at-sea maintenance of equipment specified in this subpart. For the purposes of this subpart, no order is intended by this listing or the alphanumeric designator.

(1) GM: GMDSS Maintainer's License;

(2) GB: GMDSS Operator's/Maintainer's License; or,

(3) Until February 1, 1999:

(i) T-1: First Class Radiotelegraph Operator's Certificate;

(ii) T-2: Second Class Radiotelegraph Operator's Certificate; or,

(iii) G: General Radiotelephone Operator License.

* * * * *

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²¹ 47 U.S.C. § 363.

²² Report and Order, 7 FCC Rcd at 953.