

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

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Richard W. Krimm,

Acting Associate Director, Mitigation Directorate.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0 and 80

[CI Docket No. 95-54, 96-195]

Inspection of Great Lakes Agreement Ships

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has issued a *Report and Order* which adopts rules to require vessel operators on the Great Lakes subject to the annual inspection requirements of the Agreement between the United States and Canada for the Promotion of Safety on the Great Lakes by Means of Radio (Great Lakes Agreement) to have the inspection performed by an FCC-licensed technicians holding 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 instead of by Commission staff. The Commission took this action to reduce economic burdens on the public and the Commission. The intended effect of these rule changes is increase the availability of competent, private sector inspectors to conduct Great Lakes Agreement inspections without adversely affecting safety and, thus, provide greater convenience for the maritime industry.

EFFECTIVE DATE: June 24, 1996.

FOR FURTHER INFORMATION CONTACT: George R. Dillon of the Compliance and Information Bureau at (202) 418-1100.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order*, CI Docket No. 95-54, FCC 96-195, adopted April 25, 1996, and released, April 26, 1996. The full text of this *Report and Order* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239) 1919 M Street, NW, Washington, DC. The complete text may be purchased from the Commission's copy contractor, International Transcription Services, 2100 M Street

NW, Washington, DC 20037, telephone (202) 857-3800.

Summary of Report and Order

1. In this *Report and Order*, we adopt rules that require owners and operators of ships subject to the annual inspection requirements of the Agreement between the United States and Canada for the Promotion of Safety on the Great Lakes by Means of Radio (Great Lakes Agreement) to have the inspection performed by 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 instead of by Commission staff. These changes will reduce economic burdens on the public and the Commission by allowing mariners to arrange for an inspection at their convenience. Because the United States is required by the Great Lakes Agreement to fully guarantee the completeness and efficiency of the inspection, we are adopting rules to require two independent certifications that the ship has passed an inspection. One certification from the inspecting technician that the vessel has passed an inspection and another certification that the vessel owner, operator, or ship's master is satisfied that the inspection was satisfactory. We have also concluded that it is important to the integrity of this ship inspection program that the inspectors be independent of the vessel owners and operators. We are, therefore, providing that the vessel's owner, operator, master, employees or their affiliates may not conduct the required inspections.

2. The Great Lakes Agreement is intended to promote safety of life and property on the Great Lakes by means of radio. It dates back to 1952 and requires, among other things, that all vessels over 20 meters (65 feet), most towing vessels, and vessels carrying more than six passengers for hire be equipped with a marine VHF radiotelephone installation. The Great Lakes Agreement requires that these installations be inspected at least once each year. The Great Lakes Agreement requires that the inspections be carried out by officers of the Contracting Governments or by either persons nominated for that purpose or organizations recognized by the Contracting Government. In other words, the Great Lakes Agreement provides specific authority allowing the United States to entrust the annual inspection to either persons or organizations other than the Commission.

3. Additionally, the Great Lakes Agreement requires that these vessels be inspected while the vessel is in active service or within one month before the date the vessel is placed in service. Because almost all vessels on the Great Lakes must be taken out of service over the winter and operators do not wish to interrupt shipping schedules after the shipping season begins, there is a very busy period in the spring when these vessels are being put back in service.

4. The Commission inspects approximately 490 vessels subject to the Great Lakes Agreement each year. Commission inspectors test the output power, frequency tolerance and availability of reserve power, and conduct an operational radio check of the radiotelephone installation during the inspection. Any failure of these critical items results in the vessel failing the annual inspection and not receiving a safety certificate until the failure is corrected. An integral part of the annual inspection is to examine the connecting transmission lines, electrical cabling and control circuitry that make up the entire radiotelephone installation to ensure that the individual components operate satisfactorily when connected together.

5. Although the inspections are relatively simple and generally take no more than an hour to complete, they are conducted to ensure that Great Lakes Agreement ships have a reliable means of distress communications in an emergency. We note, however, that improvements in the reliability of radiotelephone equipment and the industry practice of preinspection examinations have resulted in an inspection failure rate for Great Lakes Agreement vessels of only one per cent.

6. We believe in the principle that government should be responsive to user needs and began this proceeding to promote flexibility, remove unnecessary and inimical regulations and, most importantly, provide better service to the public.

Final Regulatory Flexibility Analysis

7. As required by Section 603 of the Regulatory Flexibility Act, the Commission has prepared a Final Regulatory Flexibility Analysis of the expected impact on small entities of the rules adopted in this Report and Order.

8. Need for and purpose of this action. The rules we adopt in this proceeding will permit the owners and operators of Great Lakes Agreement vessels to arrange for an inspection by an FCC-licensed operator instead of requiring that all inspections be conducted by FCC personnel. This change will improve the speed and convenience of

service to the owners and operators of such vessels, many of which are small businesses and will conserve scarce government resources.

9. Summary of the issues raised by the public comments in response to the Initial Regulatory Flexibility Analysis. There were no comments submitted in response to the Initial Regulatory Flexibility Analysis.

10. Significant alternatives considered. We proposed limiting the inspection of subject vessels to classification societies and requested specific comments on our proposal. Commenters overwhelmingly opposed limiting the inspections solely to classification societies and suggested that we permit anyone with an FCC license to inspect the vessels.

List of Subjects

47 CFR Part 0

Organization and functions (Government agencies)

47 CFR Part 80

Communications equipment, Radio, Reporting and recordkeeping requirements.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Rule Changes

Parts 0 and 80 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 0—COMMISSION ORGANIZATION

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 0.311 is amended by adding a new paragraph (i) to read as follows:

Compliance and Information Bureau

§ 0.311 Authority delegated.

* * * * *

(i) The Chief of the Compliance and Information Bureau is authorized to rely on reports, documents or log entries made by the holder of an FCC General

Radiotelephone Operator License, GMDSS Radio Maintainer's License, Second Class Radiotelegraph Operator's Certificate, or First Class Radiotelegraph Operator's Certificate as certification that the vessel complies with requirements of Articles XI, XII, and XIII of the Great Lakes Agreement. The Chief, Compliance and Information Bureau is authorized to delegate this authority.

3. Section 0.314 is amended by revising paragraph (l) to read as follows:

§ 0.314 Additional authority delegated.

* * * * *

(l) For inspection or periodical survey as required by Article XII of the Great Lakes Agreement and certification prescribed by Article XIII thereof. The District Director may require that the inspection 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.

* * * * *

PART 80—STATIONS IN THE MARITIME SERVICES

4. 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, 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.

5. Section 80.59 is amended by revising the section heading, and paragraphs (a) and (b) to read as follows:

§ 80.59 Compulsory ship inspections.

(a) Application for inspection of ships subject to the Communications Act or the Safety Convention. FCC Form 801, including documentation that the appropriate inspection fees have been paid, must be used to apply for inspection and certification for ships subject to Part II or Part III of Title III of the Communications Act or the Safety Convention. An inspection of the bridge-to-bridge radio stations on board vessels subject to the Vessel Bridge-to-Bridge Radiotelephone Act will be

conducted when the vessels are additionally subject to any of the laws and treaties mentioned in the previous sentence.

(1) Applications for inspections of ships subject to Part II or Part III of Title III or the Safety Convention must be submitted to the Commission in sufficient time to reach the FCC field office serving the port where the ship is to be inspected at least three days prior to the proposed inspection date.

(2) If the inspection described in paragraph (a)(1) of this section is to be scheduled on a Sunday, national holiday or during other than established working hours on any other day, the applicant must additionally submit FCC Form 808 to the FCC field office serving the port where the ship is to be inspected at least three days prior to the inspection.

(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).

* * * * *

6. Section 80.401 is revised to read as follows:

§ 80.401 Station documents requirement.

Licenses of radio stations are required to have current station documents as indicated in the following table:

BILLING CODE 6712-01-P

Radio Station Category	Station License	Appropriate Operator Authorization	Station Logs	Appropriate safety Convention Certificate	Communications Act Safety Certificate	Great Lakes Radio Agreement Safety Certificate	Bridge to Bridge Act Safety Certificate	Part 80; FCC Rules and Regulations	Alphabetical List of Maritime Mobile Call Signs	List of Ship Stations	Manual for use by Maritime Mobile (M/M) Service&M/M Satellite Serv	List Of Coast Stations	List of Radiodetermination and special Services Stations	Station Equipment Records
Shipboard:														
Telegraph; Title III, Part II/Safety Convention	R1	R	R	R										
Telephone; Title III, Part II/Safety Convention	R1	R	R	R										
Telephone; Title III, Part II	R1	R	R	R										
Telephone; Title III, Part III	R1	R	R	R										
Telephone; Great Lakes Radio Agreement	R	R	R4			R4								
Telephone; Bridge-to-Bridge Act	R	R	R				R							
Radar	R													
On Board	R													R
Voluntary	R	R												
Public Coast (MF)	R	R	R						R3	R3				
Public Coast (HF)	R	R	R						R	R				
Public Coast (VHF)	R	R	R						R					
Private Coast	R	R												
Radio Determination	R	R												
Operational Fixed	R	R												
Maritime Support	R	R												
Alaska - Public Fixed	R	R	R											
Alaska - Private Fixed	R	R	R											
Ship/Coast: Marine Utility	R	R												

LEGEND:
R = REQUIRED

DOCUMENTS 

Notes:

1. The expired station license must be retained in the station records until the first Commission inspection after the expiration date.

2. Alternatively, a list of coast stations maintained by the licensee with which communications are likely to be conducted, showing watchkeeping hours, frequencies and charges, is authorized.

3. Required only if station provides a service to oceangoing vessels.

4. Certification of a Great Lakes Agreement inspection may be made by either a log entry or issuance of a Great Lakes Agreement certificate. Radiotelephone logs containing entries certifying that a Great Lakes Agreement inspection has been conducted must be retained and be available for inspection by the FCC for 2 years after the date of the inspection.

7. Section 80.409 is amended by adding a new sentence at the end of paragraph (b)(2), and revising paragraph (f)(2) to read as follows:

§ 80.409 Station logs.

* * * * *

(b) * * *

(2) * * * Additionally, logs required by paragraph (f) of this section must be retained on board the vessel for a period of 2 years from the date of the last inspection of the ship radio station.

(f) * * *

(2) Radiotelephony stations subject to the Great Lakes Agreement and the Bridge-to-Bridge Act must record entries indicated by paragraphs (e) (1), (5), (6), (7), (8), (9), (11) and (12) of this section. Additionally, the radiotelephone log must provide an easily identifiable, separate section relating to the required inspection of the ship's radio station. Entries must be made in this section giving at least the following information:

- (i) The date the inspection was conducted;
- (ii) The date by which the next inspection needs to be completed;
- (iii) The inspector's printed name, address and class of FCC license (including the serial number);
- (iv) The results of the inspection, including any repairs made;
- (v) The inspector's signed and dated certification that the vessel meets the requirements of the Great Lakes Agreement and the Bridge-to-Bridge Act contained in Subparts T and U of this part and has successfully passed the inspection; and
- (vi) The vessel owner, operator, or ship's master's certification that the inspection was satisfactory.

* * * * *

8. Section 80.411 is amended by adding a new sentence to the end of paragraph (b) to read as follows:

§ 80.411 Vessel certification or exemption.

* * * * *

(b) * * * Ships subject to the Great Lakes Agreement may, in lieu of a posted certificate, certify compliance in the station log required by section 80.409(f).

9. Section 80.953 is revised to read as follows:

§ 80.953 Inspection and certification.

(a) Each U.S. flag vessel subject to the Great Lakes Agreement must have an inspection of the required radiotelephone installation at least once every 13 months. This inspection must be made while the vessel is in active service or within not more than one month before the date on which it is placed in service.

(b) An inspection and certification of a ship subject to the Great Lakes Agreement must be made by a technician holding one of the following: a 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. Additionally, the technician must not be the vessel's owner, operator, master, or an employee of any of them. The results of the inspection must be recorded in the ship's radiotelephone log and include:

- (1) The date the inspection was conducted;
- (2) The date by which the next inspection needs to be completed;
- (3) The inspector's printed name, address, class of FCC license (including the serial number);
- (4) The results of the inspection, including any repairs made; and
- (5) The inspector's signed and dated certification that the vessel meets the requirements of the Great Lakes Agreement and the Bridge-to-Bridge Act contained in Subparts T and U of this part and has successfully passed the inspection.

(c) The vessel owner, operator, or ship's master must certify that the inspection required by paragraph (b) was satisfactory.

(d) The ship's log must be retained on-board the vessel for at least two years from the date of the inspection.

10. Section 80.1005 is amended by adding two new sentences at the end of the section to read as follows:

§ 80.1005 Inspection of station.

* * * An inspection of the bridge-to-bridge station on a Great Lakes Agreement vessel must normally be made at the same time as the Great Lakes Agreement inspection is conducted by a technician holding one

of the following: a 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. Additionally, the technician must not be the vessel's owner, operator, master, or an employee of any of them. Ships subject to the Bridge-to-Bridge Act may, in lieu of an endorsed certificate, certify compliance in the station log required by section 80.409(f).

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47 CFR Part 24

[DA 96-706]

Waiver of Bid Withdrawal Payment Provisions

AGENCY: Federal Communications Commission.

ACTION: Final rule; waiver.

SUMMARY: On March 6, 1995, Georgia Independent PCS Corporation (Georgia) filed a request for waiver of the bid withdrawal payment provisions applicable to the broadband PCS C block auction. Under the Commission's rules, the amount of the bid withdrawal payment is equal to the difference between the withdrawn bid amount and the amount of the subsequent winning bid, if the subsequent winning bid is lower. No withdrawal payment is assessed if the subsequent winning bid exceeds the withdrawn bid. The Order reduces Georgia's bid withdrawal payment to the minimum bid increment for License B-076 (Chattanooga, TN) in Round 37 of the broadband Personal Communications Services (PCS) C block auction, or \$569,898.

EFFECTIVE DATE: May 6, 1996.

FOR FURTHER INFORMATION CONTACT: James Hedlund at 202-418-0660.

SUPPLEMENTARY INFORMATION: This Order, adopted May 6, 1996 and released May 6, 1996, is available for inspection and copying during normal business hours in the FCC Reference Center, Room 239, 1919 M Street NW., Washington, DC. The complete text may be purchased from the Commission's copy contractor, International Transcription Services, Inc., 2100 M Street NW., Suite 140, Washington, DC 20037 (202) 857-3800.

Order

1. The Wireless Telecommunications Bureau has before it a Request for Waiver of Section 24.704(a)(1) of the Commission's rules filed by Georgia