

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

In the Matter of)
)
Amendment of the Commission’s Rules) WT Docket No. 10-177
Concerning Commercial Radio Operators)

REPORT AND ORDER

Adopted: January 8, 2013

Released: January 8, 2013

By the Commission:

I. INTRODUCTION

1. In this *Report and Order*, we amend our rules concerning commercial radio operator licenses for maritime and aviation radio stations. Our rules require that a person who operates, maintains, or conducts the mandatory inspection of certain maritime and aviation radio stations hold an appropriate commercial radio operator license. In the *Notice of Proposed Rule Making (NPRM)* in this proceeding,¹ the Commission proposed changes to Part 13 of the Commission’s Rules regarding commercial radio operator licensing, and to related rules in Parts 0, 1, 80, and 87 regarding certain functions performed by licensed commercial radio operators, to determine which rules could be clarified, streamlined, or eliminated in order to reduce administrative burdens and make the rules easier to use.

2. We now adopt rule changes that were either proposed in or suggested in response to the *NPRM*, including (1) consolidating the three classes of radiotelegraph operator’s certificates; (2) eliminating redundant and outdated restrictive endorsements; (3) modifying certain procedural and recordkeeping requirements applicable to commercial operator license examination managers (COLEMs); and (4) clarifying the rules that pertain to log-keeping requirements. In addition, we decline to change the current process for maintaining question pools, and the rules that pertain to equipment testing intervals.

II. BACKGROUND

3. A commercial radio operator license is required to operate certain ship, aircraft, and ground stations² and to repair and maintain maritime and aviation radio stations.³ In addition, only technicians holding an appropriate commercial radio operator license may conduct compulsory ship

¹ Amendment of the Commission’s Rules Concerning Commercial Radio Operators, *Notice of Proposed Rule Making*, WT Docket No. 10-177, 25 FCC Rcd 12829 (2010) (*NPRM*).

² See 47 C.F.R. §§ 80.159, 87.89. An operator license is no longer required for coast stations. See Amendment of the Commission’s Rules Concerning Maritime Communications, *Second Memorandum Opinion and Order and Fifth Report and Order*, PR Docket No. 92-257, 17 FCC Rcd 6685, 6716 ¶ 71 (2002); 47 C.F.R. §§ 80.153(a), 80.177(c).

³ See 47 C.F.R. §§ 80.167, 80.169, 87.73.

inspections.⁴ There currently are eleven classes of commercial radio operator licenses and six types of endorsements.⁵ Part 13 sets forth eligibility requirements for the different classes of commercial radio operator licenses and permits and prescribes the manner and conditions under which commercial radio operators are licensed.

4. In the *NPRM* in this proceeding, the Commission proposed changes to the Part 13 rules regarding commercial radio operator licensing and to related rules in Parts 0, 1, 80, and 87. In particular, it proposed changes to the rules regarding radiotelegraph operator's certificates, restrictive endorsements, question pools, and procedural and recordkeeping requirements applicable to COLEMs. The Commission also asked for comment on any other changes, corrections, or clarifications of the rules governing commercial radio operators that commenters believed were needed. Seventeen parties submitted comments or reply comments.⁶

III. DISCUSSION

A. Commercial Operator Licensing Issues

1. Radiotelegraph Operator's Certificates

5. *Background.* A radiotelegraph operator's certificate authorizes the holder to operate, repair, and maintain ship and coast radiotelegraph stations in the maritime services (and to operate certain radiotelephone stations), but radiotelegraphy generally has been replaced in the maritime services by the Global Maritime Distress and Safety System (GMDSS).⁷ The Commission currently issues three classes

⁴ See 47 C.F.R. § 80.59.

⁵ The eleven licenses are First Class Radiotelegraph Operator's Certificate, Second Class Radiotelegraph Operator's Certificate, Third Class Radiotelegraph Operator's Certificate, General Radiotelephone Operator License (GROL), Marine Radio Operator Permit (MROP), Restricted Radiotelephone Operator Permit, Restricted Radiotelephone Operator Permit-Limited Use, Global Maritime Distress and Safety System (GMDSS) Radio Operator's License, Restricted GMDSS Radio Operator's License, GMDSS Radio Maintainer's License, and GMDSS Radio Operator/Maintainer License. See 47 C.F.R. § 13.7(b). The six license endorsements are Ship Radar Endorsement; Six Months Service Endorsement; restrictive endorsements relating to physical disability, English language or literacy waivers, or other matters; an endorsement stating that MROPs do not authorize the operation of broadcast stations; a similar endorsement on GROLs; and an endorsement related to the inability to perform certain critical safety-related functions due to an uncorrected physical disability. See 47 C.F.R. § 13.7(c). At a commenter's request, we amend Section 13.7 of the Commission's Rules, 47 C.F.R. § 13.7, to clarify that all of the higher license classes convey all of the authority of a Restricted Radiotelephone Operator Permit. See Richard H. Weil, Comments (filed Sept. 15, 2010) (Weil Comments) at 2.

⁶ The commenters are listed in Appendix A.

⁷ See Amendment of Part 13 of the Commission's Rules to Privatize the Administration of Examinations for Commercial Operator Licenses and to Clarify Certain Rules, *Report and Order*, FO Docket No. 92-206, 8 FCC Rcd 1046, 1050 n.53 (1993) (*COLEM Report and Order*) ("[W]ith the implementation of GMDSS, radiotelegraph operators are being phased out. Therefore, we may combine or eliminate the three radiotelegraph certificates in the future."). The GMDSS is a ship-to-shore and ship-to-ship distress communications system using satellite and digital selective calling technology. Amendment of Parts 13 and 80 of the Commission's Rules Concerning Maritime Communications, *Memorandum Opinion and Order, Third Report and Order, and Third Further Notice of Proposed Rule Making*, WT Docket No. 00-48, 21 FCC Rcd 10282, 10283 n.2 (2006) (*GMDSS Third Report and Order*).

of radiotelegraph operator certificates.⁸ First and Second Class Radiotelegraph Operator's Certificates convey equivalent authority.⁹ Applicants for Second Class Radiotelegraph Operator's Certificates must pass written Elements 1 (basic radio law and operating practice), 5 (radiotelegraph operating practice), and 6 (advanced radiotelegraph), and Telegraphy Elements 1 and 2.¹⁰ Applicants for First Class Radiotelegraph Operator's Certificates must pass the same written elements, in addition to Telegraphy Elements 3 and 4,¹¹ and have one year of experience in sending and receiving public correspondence by radiotelegraph.¹² Applicants for Third Class Radiotelegraph Operator's Certificates, which convey less authority, must pass written Elements 1 and 5, as well as Telegraphy Elements 1 and 2.¹³ Over the five-year period ending December 31, 2011, the Commission issued two First Class Radiotelegraph Operator's Certificates, seventy-four Second Class Radiotelegraph Operator's Certificates, and seven Third Class Radiotelegraph Operator's Certificates. Over the first six months of 2012, the Commission issued no First Class Radiotelegraph Operator's Certificates, seven Second Class Radiotelegraph Operator's Certificates, and one Third Class Radiotelegraph Operator's Certificate.

6. The *NPRM* proposed to consolidate the three classes of radiotelegraph operator's certificates into a single class.¹⁴ Specifically, the Commission proposed to cease granting new First Class Radiotelegraph Operator's Certificates because the one-year experience requirement is almost impossible to meet, given that ships no longer maintain radiotelegraph stations, and very few radiotelegraph coast stations (typically historic preservation efforts) still operate. The Commission also proposed to cease granting new Third Class Radiotelegraph Operator's Certificates because they now, as a practical matter, convey the same authority as a Marine Radio Operator Permit, for which applicants need to pass only written Element 1.¹⁵ In addition, it sought comment on whether radiotelegraph operator's certificates, which currently are granted for a five-year license term, should be valid for the lifetime of the holder, as is the case for other commercial operator licenses.¹⁶ Lastly, it sought comment on whether to eliminate

⁸ See 47 C.F.R. § 13.7(a)(1)-(3).

⁹ See 47 C.F.R. § 13.8(a), (b). A First or Second Class Radiotelegraph Operator's Certificate is required to meet the statutory criteria to be a radio officer. See 46 U.S.C. § 7103(a), 47 U.S.C. § 153(41)(A). A radio officer is required on commercial vessels in certain instances. See 47 U.S.C. § 353.

¹⁰ See 47 C.F.R. § 13.201(b)(2). Telegraphy Element 1 is a 16 code group per minute Morse code test; Telegraphy Element 2 is a 20 word per minute (wpm) Morse code test. See 47 C.F.R. § 13.203(b)(1), (2).

¹¹ Telegraphy Element 3 is a 20 code group per minute Morse code test; Telegraphy Element 4 is a 25 wpm Morse code test. See 47 C.F.R. § 13.203(b)(3), (4).

¹² See 47 C.F.R. § 13.201(b)(1).

¹³ See 47 C.F.R. § 13.201(b)(3).

¹⁴ See *NPRM*, 25 FCC Rcd at 12831 ¶¶ 4-6.

¹⁵ See 47 C.F.R. § 13.201(b)(5).

¹⁶ See *NPRM*, 25 FCC Rcd at 12831 ¶ 7.

the prohibition¹⁷ on holding a radiotelegraph operator's certificate simultaneously with certain other commercial radio operator licenses.¹⁸

7. *Discussion.* As supported by the commenters,¹⁹ we will consolidate First Class Radiotelegraph Operator's Certificates and Second Class Radiotelegraph Operator's Certificates into a new license class, the Radiotelegraph Operator License.²⁰ Radiotelegraph Operator License applicants will be required to pass written Elements 1 and 6, and Telegraphy Elements 1 and 2.²¹ Upon the effective date of the rules adopted herein, we will cease accepting applications for new First and Second Class Radiotelegraph Operator's Certificates, and existing First and Second Class Radiotelegraph Operator's Certificates will be renewed as Radiotelegraph Operator Licenses.²²

8. We also will cease accepting applications for new Third Class Radiotelegraph Operator's Certificates. Existing Third Class Radiotelegraph Operator's Certificates will be renewed as Marine Radio Operator Permits.²³ Holders of Third Class Radiotelegraph Operator's Certificates that are renewed as Marine Radio Operator Permits will retain element credit for having passed Telegraphy Elements 1 and 2, so they (but not other Marine Radio Operator Permit holders) will be able to upgrade to a Radiotelegraph Operator License by passing written Element 6, just as Third Class Radiotelegraph Operator's Certificate holders currently must pass written Element 6 to upgrade to a Second Class Radiotelegraph Operator's Certificate.

9. Commenters also support the Commission's proposal to issue radiotelegraph operator's certificates for the lifetime of the holder.²⁴ As the Commission concluded with respect to other

¹⁷ 47 C.F.R. § 13.11(a).

¹⁸ See *NPRM*, 25 FCC Rcd at 12832 ¶ 8.

¹⁹ See, e.g., Michael Hemeon, Comments (filed Sept. 27, 2010) (Hemeon Comments) at 1.

²⁰ We accept commenters' suggestion to call the consolidated license a Radiotelegraph Operator License rather than a Radiotelegraph Operator's Certificate, as proposed in the *NPRM*. See, e.g., Michael L. Stranathan, Comments (Stranathan Comments) at 2. This nomenclature is more in line with that of other commercial operator licenses and will help differentiate the new license from current radiotelegraph operator's certificates.

²¹ We conclude that we need not require applicants to pass both written Elements 5 and 6, because the material tested by written Element 6 builds upon knowledge needed to pass written Element 5.

²² Cf. Inquiry Relating to the Commission's Radio Operator Licensing Program, *Fourth Report and Order*, Docket No. 20817, 87 F.C.C.2d 44, 71 ¶ 60 (1981) (*Commercial Radio Operator Fourth Report and Order*). Some commenters argue that existing First Class Radiotelegraph Operator's Certificate holders should be able to retain their licenses in recognition of their past achievements. See, e.g., John Covington, Comments (filed Sept. 28, 2010) (Covington Comments) at 1. We do not believe that this constitutes a sufficient reason. See *Commercial Radio Operator Fourth Report and Order*, 87 F.C.C.2d at 62-63 ¶ 40 (stating, in response to similar objections to consolidating First Class Radiotelephone Operator Licenses with Second Class Radiotelephone Operator Licenses, "First Class licensees' comments reflected a deserved pride in their accomplishment . . . , but failed to recognize that an operator's merit is confirmed by his or her practical abilities, . . . not by the mere possession of a license. In respect to any First Class operators who would be disconcerted by a 'demotion' from the Commission today, we want to emphasize that this action represents our recognition that it is the actual day-to-day performance . . . , rather than the inherently limited Commission licensing procedure, that deserves the full measure of public praise.").

²³ See Covington Comments at 1.

²⁴ See, e.g., *id.*

commercial operator license classes, “the renewal process imposes an unnecessary paperwork and filing fee burden on licensees inasmuch as licensees’ continued competency is not assessed in any way upon renewal, and because there appears to be no reason to treat these licenses differently in this connection from those that already have lifetime terms.”²⁵ We believe that it is in the public interest to reduce this administrative burden. Therefore, after the rule changes adopted herein take effect, Radiotelegraph Operator Licenses (both new licenses and those issued upon the renewal of a First or Second Class Radiotelegraph Operator’s Certificate²⁶) will be issued without an expiration date.²⁷ Current Third Class Radiotelegraph Operator’s Certificates that are renewed as Marine Radio Operator Permits also will be issued without an expiration date, like other Marine Radio Operator Permits.

10. Finally, we eliminate the prohibition on simultaneously holding a radiotelegraph operator’s certificate and another unexpired radiotelegraph operator’s certificate, a Marine Radio Operator Permit, or a Restricted Radiotelephone Operator Permit. As the Commission noted in the *NPRM*, the origin of this prohibition is unclear, and it does not appear to serve any current purpose.²⁸

2. Other Licensing Issues

11. As proposed in the *NPRM*, we amend Section 13.7 of the Commission’s Rules to eliminate certain obsolete license endorsements. Marine Radio Operator Permits and General Radiotelephone Operator Licenses currently bear endorsements stating that the license does not confer authority to operate a broadcast station.²⁹ The Commission explained that these endorsements no longer serve any purpose, because no commercial operator license of any kind is now required to operate a

²⁵ See *GMDSS Third Report and Order*, 21 FCC Rcd at 10305 ¶ 41 (footnotes omitted).

²⁶ Some commenters suggest that current licenses be automatically converted to lifetime terms. See, e.g., Owen Anderson, Comments (filed Nov. 12, 2010) at 1. While the Commission proceeded in that manner when it extended the term of other commercial operator licenses to the lifetime of the holder, see *GMDSS Third Report and Order*, 21 FCC Rcd at 10305 ¶ 41, we conclude that the rule changes adopted herein should take effect upon renewal rather than automatically, because, as discussed above, they will also change the class of the licenses. Cf. 1998 Biennial Review – Amendment of Part 97 of the Commission’s Amateur Service Rules, *Report and Order*, WT Docket No. 98-123, 15 FCC Rcd 315, 326 ¶ 20 (2000); *Commercial Radio Operator Fourth Report and Order*, 87 F.C.C.2d at 71 ¶¶ 60-61. Consequently, the extended term will apply only to licenses for which renewal applications are received. Cf. 1998 Biennial Regulatory Review – 47 C.F.R. Part 90 – Private Land Mobile Radio Services, *Report and Order and Further Notice of Proposed Rule Making*, WT Docket No. 98-182, 15 FCC Rcd 16673, 16678 ¶ 10 (2000) (extending Part 90 license term from five years to ten years, effective upon renewal).

²⁷ We also will implement commenters’ suggestion to discontinue the current practice of putting licensees’ photographs on radiotelegraph operator certificates, see FCC Form 605 Schedule E Instructions at 1, because a photograph’s usefulness in identifying the bearer would diminish over his or her lifetime. See, e.g., Hemeon Comments at 1.

²⁸ See *NPRM*, 25 FCC Rcd at 12832 ¶ 8. The one commenter to address this question supports eliminating the restriction. See Weil Comments at 1-2.

²⁹ See 47 C.F.R. § 13.7(c)(4), (5). Specifically, MROPs must bear an endorsement stating, “This permit does not authorize the operation of AM, FM or TV broadcast stations,” and GROLs must be endorsed as follows: “This license confers authority to operate licensed radio stations in the Aviation, Marine and International Fixed Public Radio Services only. This authority is subject to: any endorsements placed upon this license; FCC Orders, rules, and regulations; Unites States statutes; and the provisions of any treaties to which the United States is a party. This license does not confer any authority to operate broadcast stations. It is not assignable or transferable.”

broadcast station.³⁰ Section 13.7 also provides that the commercial operator license of a person with “an uncorrected physical handicap” is valid only for equipment installation, service, and maintenance, but not for operating duties.³¹ In the *NPRM*, the Commission noted that commercial operator license examinations are now administered by COLEMs rather than by Commission staff, so Commission licensing staff cannot determine whether a licensee has a disqualifying disability, and that in any event this determination should be left to employers on a case-by-case basis.³² Commenters support the proposals to eliminate these endorsements,³³ and we amend Section 13.7 accordingly.³⁴

12. We also amend Section 13.10 of the Commission’s Rules,³⁵ which already requires licensees to specify a valid mailing address, to provide that the Commission can suspend a commercial radio operator license if Commission correspondence is returned as undeliverable because the applicant failed to provide a correct address.³⁶ This proposal³⁷ was supported by the commenters.³⁸

B. COLEM Issues

13. An applicant must pass a written examination in order to obtain most types of commercial radio operator licenses.³⁹ The questions for each examination are taken from common Commission-approved question pools⁴⁰ that are updated periodically.⁴¹ In 1993, the Commission delegated the preparation and administration of commercial operator license examinations to COLEMs.⁴²

³⁰ See *NPRM*, 25 FCC Rcd at 12832 ¶ 9 (citing Amendment of Part 13 of the Commission’s Rules to Privatize the Administration of Examinations for Commercial Operator Licenses and to Clarify Certain Rules, *Notice of Proposed Rule Making*, FO Docket No. 92-206, 7 FCC Rcd 5890, 5892 (1992)).

³¹ See 47 C.F.R. § 13.7(c)(6)(i).

³² See *NPRM*, 25 FCC Rcd at 12832 ¶ 10.

³³ See, e.g., Covington Comments at 2.

³⁴ New, renewed, or modified licenses issued after the rule change takes effect will be issued without these endorsements, but we will not reissue license documents to replace existing licenses that bear these endorsements, or alter existing licenses in the Commission’s Universal Licensing System.

³⁵ 47 C.F.R. § 13.10.

³⁶ If the Commission is unable to reach licensees through the mail, the staff, as a general matter, will attempt to reach them by email and/or telephone if they provide their e-mail address and/or telephone number on their commercial operator license application form.

³⁷ *NPRM*, 25 FCC Rcd at 12832-33 ¶ 11.

³⁸ See, e.g., Weil Comments at 2.

³⁹ See 47 C.F.R. § 13.201.

⁴⁰ See 47 C.F.R. § 13.215. The question pool for each examination element contains at least five times the number of questions required for the examination for that element. To administer an examination, the appropriate number of questions is taken from the question pool and compiled into a question set. See *id.*

⁴¹ See *GMDSS Third Report and Order*, 21 FCC Rcd at 10304-05 ¶¶ 40-41.

⁴² See *COLEM Report and Order*, 8 FCC Rcd at 1047 ¶ 5.

The COLEM organization must sign an agreement with the Commission to coordinate the examinations, agree not to discriminate in the coordination of the examinations, and maintain examination and financial records and make them available to the Commission.⁴³

1. Maintenance of Question Pools

14. The Commission retained responsibility for maintaining the question pools, and delegated authority to modify the question pools to what is now the Wireless Telecommunications Bureau (Bureau).⁴⁴ The Bureau currently reviews and approves updates proposed by private entities or individuals, but no longer generates question pools itself.⁴⁵ In the *NPRM*, the Commission proposed to amend the rules to make the COLEMs responsible for maintaining the question pools.⁴⁶ It noted that the volunteer examiner-coordinators (VECs) that administer examinations for amateur radio operator licenses maintain the question pools for those examinations⁴⁷ through the Question Pool Committee (QPC) of the National Conference of Volunteer Examiner-Coordinators (NCVEC). The Commission stated that this arrangement has allowed timelier updates of the amateur question pools than if Commission action were required.⁴⁸

15. Although commenters offer conditional support for the proposal, we decline to delegate responsibility for maintaining the question pools for commercial radio operator license examinations. Commenters note that the COLEMs currently have nothing analogous to the QPC or the NCVEC, the formation of which would require time and funding.⁴⁹ They also distinguish VECs from COLEMs in that VEC personnel are likely to be experienced amateur radio operators, while COLEMs are more often test administration entities with staffs that lack special expertise in the operation, maintenance, or inspection of maritime or aviation radio stations.⁵⁰ One COLEM even states that delegating authority for maintaining the question pools would not necessarily result in the pools being updated any faster.⁵¹

⁴³ See 47 C.F.R. §§ 13.213, 13.217.

⁴⁴ The Commission stated, however, that it hoped that the private sector, particularly the COLEMs, would provide input to keep the questions up-to-date. See *COLEM Report and Order*, 8 FCC Rcd at 1048-49 ¶ 14.

⁴⁵ See, e.g., Wireless Telecommunications Bureau Approves New Commercial Operator License Examination (COLE) Question Pools for Elements 1, 3, and 8, *Public Notice*, WT Docket No. 09-43, 24 FCC Rcd 8486 (WTB 2009).

⁴⁶ See *NPRM*, 25 FCC Rcd at 12834 ¶ 14.

⁴⁷ *Id.* at 12833-34 ¶ 14. Our rules set the minimum number of questions for amateur radio operator examinations and require that the pools be available to the public, but the Commission plays no official role in maintaining or updating the amateur radio operator license examination question pools. See 47 C.F.R. § 97.523.

⁴⁸ See *NPRM*, 25 FCC Rcd at 12834 ¶ 14 (citing Amendment of Part 97 of the Commission's Rules to Implement WRC-03 Regulations Applicable to Requirements for Operator Licenses in the Amateur Radio Service, *Notice of Proposed Rule Making and Order*, WT Docket No. 05-235, 20 FCC Rcd 13247, 13266-67 ¶ 38 (2005)).

⁴⁹ See Master Publishing, Inc., Comments (filed Nov. 24, 2010) (Master Publishing Comments) at 2; National Radio Examiners, Comments (NRE Comments) at 5-6.

⁵⁰ See Master Publishing Comments at 2; NRE Comments at 5-6.

⁵¹ See NRE Comments at 7.

Based on the record before us, we conclude that the possible benefits to examinees (in terms of accurate, timely question pools) of delegating responsibility for maintaining the question pools for commercial radio operator license examinations would not be commensurate with the administrative and financial burdens that it would impose on COLEMs. We therefore decline to revise the rules as proposed in the *NPRM* and will retain the current process for maintaining the question pools,⁵² which we believe has functioned adequately.⁵³

2. Other COLEM Issues

16. We revise certain procedural requirements applicable to COLEMs, as proposed in the *NPRM*.⁵⁴ We shorten the time in which COLEMs are required by Section 13.211(e) of our Rules⁵⁵ to notify examinees of their examination results (and issue a proof-of-passing certificate to successful examinees) from ten days to three business days. We amend Section 13.13 of our Rules⁵⁶ to require COLEMs filing applications on behalf of applicants to submit the information electronically. Section 13.217 of our Rules⁵⁷ requires COLEMs to retain “records of expenses and revenues, frequency of examinations administered, and examination pass rates.” We conclude that COLEMs no longer need to submit this information to the Bureau on a regular basis; instead, it must be submitted only upon Commission request. This will reduce COLEMs’ administrative burden but, because the information will no longer be submitted regularly, we amend the rule to require them to retain the information for three years instead of the current one-year retention period. Finally, we will no longer require COLEMs to obtain Commission approval to change their fees for administering examinations. Going forward, COLEMs need only notify the Bureau of changes in their fee structure.⁵⁸ We believe that fees will remain reasonable due to prospective examinees generally having a choice of COLEMs.

⁵² Because we decide not to delegate responsibility for maintaining the question pools for commercial radio operator license examinations, we need not address in detail the narrower proposal of some commenters to delegate responsibility for maintaining the question pools for Elements 7 and 7R to the GMDSS Task Force rather than to the COLEMs. *See, e.g.*, GMDSS Task Force, Comments (filed Nov. 24, 2010) at 2.

⁵³ We do not share Master Publishing’s opinion that unscheduled revisions of question pools create “chaos” for examinees. *See* Master Publishing Comments at 1. Minor errors in the question pools are corrected as they are brought to the Bureau’s attention, but such revisions occur rarely; and Bureau staff has advised COLEMs not to use any questions that they believe are incorrect, and to give examinees credit for answering a question as set forth in the approved question pool. When substantive revisions are made to a question pool, the Bureau provides a phase-in period to accommodate COLEMs and examinees whose preparations relied on the previous version of the pool. *See GMDSS Third Report and Order*, 21 FCC Rcd at 10305 ¶ 41. Moreover, requiring revision of each question pool on a predetermined schedule could result in unnecessary review of question pools for which no update is then needed.

⁵⁴ *See NPRM*, 25 FCC Rcd at 12834-35 ¶¶ 15-19. The proposals were supported by the one commenter that addressed them. *See* NRE Comments at 10.

⁵⁵ *See* 47 C.F.R. § 13.211(e).

⁵⁶ *See* 47 C.F.R. § 13.13.

⁵⁷ 47 C.F.R. § 13.217.

⁵⁸ Fees are posted on the Commission’s website. *See* <http://wireless.fcc.gov/commoperators/index.htm?job=cole>.

C. Equipment Testing and Logging Requirements

17. Because this proceeding relates to duties performed by commercial radio operator license holders, the *NPRM* requested comment on harmonizing and perhaps consolidating the Part 80 rules for testing maritime radio equipment and logging the test results.⁵⁹ In particular, the Commission solicited comment on proposals by Owen Anderson and Kurt Anderson regarding the equipment testing and logging requirements.⁶⁰ For reasons discussed below, we decline to adopt most of their proposed rule changes, but we do amend Part 80 in some respects in accord with their comments.⁶¹

18. We agree with Kurt Anderson that Section 80.409⁶² can be clarified, and we restructure the rule along the general lines he proposes so that the logging requirements are grouped more logically by subject matter and the applicability of the logging requirements to different classes of vessels is clearer.⁶³ We decline to adopt his other log-keeping proposals, however, because we conclude that they are either unsupported,⁶⁴ contrary to the goal of easing log-keepers' burdens,⁶⁵ duplicative of existing

⁵⁹ See *NPRM*, 25 FCC Rcd at 12835 ¶ 20.

⁶⁰ *Id.* at 12836 ¶ 21. These proposals were made by the Andersons in a petition for reconsideration filed in another rulemaking proceeding, which the Commission denied as beyond the scope of that proceeding. See Amendment of Parts 13 and 80 of the Commission's Rules Concerning Maritime Communications, *Fourth Report and Order and Second Memorandum Opinion and Order*, WT Docket No. 00-48, 25 FCC Rcd 7781, 7793-94 ¶ 21 (2010) (*GMDSS Fourth Report and Order*). Because of the interrelationship of the Part 80 equipment testing and logging requirements with the Part 13 rules, and commercial operator licensees' need to be acquainted with those requirements, the Commission added the petition to the record of this proceeding. See *NPRM*, 25 FCC Rcd at 12836 ¶ 21.

⁶¹ Both Andersons filed comments in this proceeding. (Owen Anderson filed one set of comments addressing the Part 13 rules, and a separate set of comments addressing the Part 80 rules. To distinguish the two sets of comments, we cite to his comments regarding the Part 80 rules as Owen Anderson Part 80 Comments.) We decline to address Kurt Anderson's proposals regarding the watch-keeping rules, see Kurt Anderson, Comments (filed Nov. 29, 2011) (Kurt Anderson Comments) at 6, and both Andersons' proposals regarding distress alerts, see *id.* at 1-3; Owen Anderson Part 80 Comments at 2-3; Owen Anderson, Reply Comments (filed Dec. 13, 2011) at 1, as beyond the scope of this proceeding. The *NPRM* confined its request for comments regarding Part 80 to testing and logging requirements. See *NPRM*, 25 FCC Rcd at 12835-36 ¶¶ 20-21. As suggested by Kurt Anderson, however, see Kurt Anderson Comments at 7, we make non-substantive changes to update references to the National Imagery and Mapping Agency, see 47 C.F.R. §§ 80.401, 80.415(b)(2), 80.1085(b), which has been renamed the National Geospatial-Intelligence Agency, see National Defense Authorization Act for Fiscal Year 2004, P.L. 108-136, 117 Stat. 1392, 1568 § 921; and to correct a typographical error, see 47 C.F.R. § 80.1129(b) (referring to "homing signals").

⁶² 47 C.F.R. § 80.409.

⁶³ See Kurt Anderson Comments at 5, 15-18, 19-20. We also add to Section 80.409 a cross-reference to subpart W of Part 80, so that log-keepers on GMDSS vessels are aware that they must be familiar with those subpart W GMDSS rules to ensure full compliance with our logging requirements. See Appendix C, *infra*.

⁶⁴ Mr. Anderson argues, for example, that the requirement in Section 80.409(a)(2) that errors in electronic logs be deleted using "a strike-through formatting effect or similar software function" should be removed because it "will never be complied with," given that such formatting features in Microsoft Word™ and Excel™ "are either unavailable or ... difficult to use." See Kurt Anderson Comments at 5. We disagree. In Microsoft Word™, for example, strike-through formatting is available simply by clicking on "Font" from the "Format" drop-down menu.

rules,⁶⁶ vague,⁶⁷ or previously addressed.⁶⁸

19. We also find that the current record does not justify changing any of the equipment testing intervals set forth in Part 80. In response to Kurt Anderson's comments, we clarify that there is no contradiction between Section 80.409(e)(5)(iii), which calls for weekly log entries that portable survival craft radio equipment has been tested, and Section 80.1095(c), which provides that survival craft equipment must be tested at intervals not to exceed twelve months.⁶⁹ The annual GMDSS test requires checks of frequency tolerance, power output, modulation, battery manufacture date, and half-life date;⁷⁰ the weekly obligation is to conduct an operational test of the survival craft transmitter and receiver to determine that the equipment remains in operating condition.⁷¹ Similarly, we find no conflict between the annual 406 MHz emergency position indicating radiobeacon (EPIRB) testing mandated by the Part 80 rules,⁷² and the National Oceanographic and Atmospheric Administration (NOAA) and Coast Guard monthly testing requirements.⁷³ The monthly testing called for by NOAA and the Coast Guard involves a visual inspection of the device as well as the EPIRB self-test contained in the manufacturer's instructions,⁷⁴ while the annual testing mandated by Part 80 is more detailed and rigorous, encompassing "all aspects of operational efficiency with particular emphasis on frequency stability, signal strength and

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⁶⁵ Although Mr. Anderson argues that the log-keeping requirements should be made less onerous, his proposed rewrite of the log-keeping rule for distress communications, 47 C.F.R. § 80.409(e)(1)-(2), appears more burdensome than the current rule. For example, the rule requires the logging of safety communications only when those communications affect the station's own ship and are transmitted on other than VHF channels, but his proposed revision would require logging all safety communications transmitted by the station, whether affecting the station's own ship or relaying a safety communication initiated by another ship, and irrespective of the frequency used. *See* Kurt Anderson Comments at 16.

⁶⁶ Mr. Anderson proposes that we add to Section 80.409 a requirement that, when a log entry is made to reflect the repair of GMDSS equipment, the license of the repairing technician also be entered into the log by the technician. *See* Kurt Anderson Comments at 18. Such log entries are already required under Section 13.19(b) of the Rules. *See* 47 C.F.R. § 13.19(b).

⁶⁷ *See, e.g.*, Kurt Anderson Comments at 5 (requesting that Section 80.409(e)(6), the rule requiring a log entry at least once every thirty days that the batteries or other reserve power sources have been checked, "be amplified to encourage good testing practice and correct record keeping").

⁶⁸ *See, e.g.*, *GMDSS Third Report and Order*, 21 FCC Rcd at 10294 ¶ 20 (reducing the frequency of battery testing from weekly to monthly in response to the Andersons' concerns that weekly testing could lead to battery failure); *see also* 47 C.F.R. § 80.409(e)(6).

⁶⁹ *See* Kurt Anderson Comments at 6; 47 C.F.R. §§ 80.409(e)(5)(iii), 80.1095(c).

⁷⁰ *See* Amendment of the Commission's Rules Concerning the Inspection of Radio Installations on Large Cargo and Small Passenger Ships, *Report and Order*, CI Docket No. 95-55, 13 FCC Rcd 13556, 13596 Attachment E – How to Conduct a GMDSS Inspection (1998).

⁷¹ *See, e.g.*, 46 C.F.R. § 131.560(e).

⁷² *See* 47 C.F.R. §§ 80.1085(a)(6)(iii), 80.1105(k).

⁷³ *See* Kurt Anderson Comments at 6.

⁷⁴ *See* "Monthly EPIRB Inspection Procedures As Recommended by NOAA and the U.S. Coast Guard," available at http://www.sarsat.noaa.gov/EPIRB_inspecting.pdf.

coding.”⁷⁵ We decline to adopt the remainder of the Andersons’ proposals, as either inconsistent with other decisions herein,⁷⁶ previously rejected,⁷⁷ or previously implemented.⁷⁸

D. Administrative Issues

20. Finally, we make several administrative amendments to the Rules. Part 0 of our Rules currently lists the oversight of the privatized ship radio safety inspection program⁷⁹ and the granting of extensions of ship safety certificates as functions of the Enforcement Bureau.⁸⁰ In fact, however, the Wireless Telecommunications Bureau now exercises primary responsibility in these areas. We amend Part 0 accordingly. In addition, as proposed in the *NPRM*,⁸¹ we (1) delete Section 0.489 of the Commission’s Rules, pertaining to applications for ship radio inspections; (2) replace the term “physical handicap” with “physical disability,”⁸² (3) delete obsolete references to an old information bulletin,⁸³ the Public Safety and Private Wireless Division,⁸⁴ Part 23 international fixed public radio services,⁸⁵ Subpart

⁷⁵ See 47 C.F.R. § 80.1105(k).

⁷⁶ Both Andersons request that we delete what they deem to be obsolete references to radiotelegraphy from Part 80. See Owen Anderson Part 80 Comments at 1-2; Kurt Anderson Comments at 4. As noted *supra*, the Commission has established in this *Report and Order* a new Radiotelegraph Operator License, to replace the First Class and Second Class Radiotelegraph Operator’s Certificates, so rules regarding radiotelegraphy are not obsolete.

⁷⁷ Owen Anderson requests that all references to a radio direction finding apparatus (RDFA) be deleted as obsolete. See Owen Anderson Part 80 Comments at 1. The Commission addressed this issue in 2002, observing that the RDFA carriage requirement is statutory, and therefore may not be eliminated or waived by the Commission. See Amendment of Parts 13 and 80 of the Commission’s Rules Concerning Maritime Communications, *Report and Order and Further Notice of Proposed Rule Making*, WT Docket No. 00-48, 17 FCC Rcd 6741, 6759 ¶ 42 (2002) (citing 47 U.S.C. § 351(a)(2)).

⁷⁸ See *GMDSS Fourth Report and Order*, 25 FCC Rcd at 7783-84 ¶ 4 (removing all references to Inmarsat-E EPIRBs from Part 80).

⁷⁹ Formerly, the Commission conducted inspections of all United States ships required by statute or treaty to be inspected. In 1998, the Commission amended its rules to authorize private sector technicians to conduct the inspections. See Amendment of the Commission’s Rules Concerning the Inspection of Radio Installations on Large Cargo and Small Passenger Vessels, *Report and Order*, CI Docket No. 95-55, 13 FCC Rcd 13556 (1998).

⁸⁰ 47 C.F.R. §§ 0.111(e), 0.314(b).

⁸¹ See *NPRM*, 25 FCC Rcd at 12836-37 ¶ 22. No comments were received regarding these proposals.

⁸² See 47 C.F.R. §§ 13.7(c)(3), 13.209(h), 80.151(c)(3). This is in keeping with the most current statutory terms used in the Americans with Disabilities Act. See Amendment of Part 1, Subpart N of the Commission’s Rules Concerning Non-Discrimination on the Basis of Disability in the Commission’s Programs and Activities, *Order*, 18 FCC Rcd 4034, 4035 ¶ 2 (2003) (citing 42 U.S.C. § 12101).

⁸³ See 47 C.F.R. § 0.483(b). The Commission no longer issues the information bulletin “Commercial Radio Operator Licenses and Permits.” The information is now available on the Commission’s web site, see <http://wireless.fcc.gov/commoperators/index.htm?job=home>.

⁸⁴ See 47 C.F.R. § 1.85. The Commission reorganized the Wireless Telecommunications Bureau effective November 13, 2003, and the Public Safety and Critical Infrastructure Division assumed the relevant duties of the Public Safety and Private Wireless Division. See Reorganization of the Wireless Telecommunications Bureau, *Order*, 18 FCC Rcd 25414, 25414 ¶ 2 (2003). Pursuant to a Commission reorganization effective September 25, (continued....)

Q of Part 80,⁸⁶ and written Element 2;⁸⁷ and (4) streamline Sections 13.9, 13.17, and 13.209 by consolidating certain paragraphs.⁸⁸

21. The procedural rule changes adopted herein generally reduce burdens on licensees and COLEMs by eliminating certain filing requirements. Other rule changes clarify, streamline, or eliminate existing obligations and thereby reduce administrative burdens and make the rules easier to use and understand. The only potential costs that have been identified, the requirement on COLEMs to keep records for three years, are minimal. We therefore conclude that the benefits of the changes adopted herein outweigh any potential costs.

IV. REGULATORY MATTERS

22. *Regulatory Flexibility Analysis.* The Regulatory Flexibility Act of 1980, as amended (RFA),⁸⁹ requires that a regulatory flexibility analysis be prepared for notice-and-comment rulemaking proceedings, unless the agency certifies that “the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.”⁹⁰ As required by the RFA,⁹¹ the Commission has prepared a Final Regulatory Flexibility Analysis (FRFA) of the possible significant economic impact on small entities of the rules adopted in this *Report and Order*. The analysis is found in Appendix B. The Commission will send a copy of this *Report and Order*, including the FRFA, to the Chief Counsel for Advocacy of the Small Business Administration.

23. *Paperwork Reduction Analysis.* This document contains modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. Specifically, the item requires COLEMs filing applications on behalf of applicants to submit the information electronically. It has been or will be submitted to the Office of Management and Budget (OMB) for review under Section 3507(d) of the PRA. OMB, the general public, and other Federal agencies are invited to comment on the new or modified information collection requirements contained in this proceeding. In addition, we note that pursuant to the Small Business Paperwork Relief Act of 2002, (Continued from previous page) _____
2005, certain duties formerly assigned to the Public Safety and Critical Infrastructure Division were assumed by the Mobility Division. *See* Establishment of the Public Safety and Homeland Security Bureau, *Order*, 21 FCC Rcd 10867 (2006).

⁸⁵ *See* 47 C.F.R. §§ 13.5, 13.203(a)(2). Part 23 containing the rules governing International Fixed Public Radiocommunication Services has been removed. *See* Elimination of Part 23 of the Commission's Rules, *Report and Order*, IB Docket No. 05-216, 25 FCC Rcd 541 (2010).

⁸⁶ *See* 47 C.F.R. §§ 80.59(a)(1), 80.409(f)(1)(i)(E). Subpart Q was eliminated in 2002. *See* Amendment of Parts 13 and 80 of the Commission's Rules Concerning Maritime Communications, *Report and Order Further Notice of Proposed Rule Making*, WT Docket No. 00-48, 17 FCC Rcd 6741, 6759 ¶ 42 (2002).

⁸⁷ *See* 47 C.F.R. § 13.203(a)(1). Written Element 2 has been consolidated with Element 1. *See COLEM Report and Order*, 8 FCC Rcd at 1056.

⁸⁸ *See* 47 C.F.R. §§ 13.9(b)(1)-(2), 13.17(c)-(d), 13.209(d)-(e).

⁸⁹ The RFA, *see* 5 U.S.C. §§ 601-612, was amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996).

⁹⁰ 5 U.S.C. § 605(b).

⁹¹ 5 U.S.C. § 603.

Public Law 107-198, *see* 44 U.S.C. 3506(c)(4), we previously sought specific comment on how the Commission might further reduce the information collection burden for small business concerns with fewer than 25 employees. In the present document, we have assessed the effects of our requirements that COLEMs filing applications on behalf of applicants submit the information electronically, and believe the burden will be minimal. We find that these requirements will not impose a substantial burden on businesses with fewer than 25 employees.

24. *Congressional Review Act.* The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act (“CRA”).⁹²

25. *Alternative Formats.* 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 Government 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/>>.

V. ORDERING CLAUSES

26. Accordingly, IT IS ORDERED that, pursuant to the authority of Sections 4(i), 303(r), and 332(a)(2) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), 332(a)(2), Parts 0, 1, 13, 80, and 87 of the Commission's Rules ARE AMENDED as set forth in the attached Appendix C effective thirty days after publication in the Federal Register, except for Sections 1.913(d)(1)(vi), 13.13(c), and 13.9(c), which contain modified information collection requirements that require approval by the Office of Management and Budget under the Paperwork Reduction Act. The Federal Communications Commission will publish a document in the Federal Register announcing such approval and the relevant effective date.

27. 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 Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

⁹² *See* 5 U.S.C. § 801(a)(1)(A).

APPENDIX A**Parties Submitting Comments and Reply Comments in WT Docket No. 10-177****Comments**

Kurt Anderson
Owen Anderson
John Covington
Michael Hemeon
David L. Hough
Master Publishing, Inc.
National GMDSS Task Force
National Radio Examiners
Ray Soifer
Michael L. Stranathan
L. E. Trump
Richard H. Weil
Paul Zerafa

Reply Comments

Joseph Allen
Kurt Anderson
Owen Anderson
Rich Beattie
Leslie B. Eadie
Mercomms Unlimited, Inc.
National GMDSS Task Force

APPENDIX B

Final Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act of 1980, as amended (RFA),⁹³ an Initial Regulatory Flexibility Analysis (IRFA) was incorporated into the *Notice of Proposed Rule Making* in WT Docket 10-177 (*NPRM*). The Commission sought written comment on the proposals in the *NPRM*, including comment on the IRFA. This Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.

A. Need for, and Objectives of, the Rules

We believe it is appropriate to review our regulations relating to commercial radio operators to determine which rules can be clarified, streamlined or eliminated. In this *Report and Order*, we make miscellaneous amendments that are intended to clarify Part 13 rules, including the elimination of rules that refer to outdated services, equipment, and technology. Specifically, to reflect advancements in the radio telegraph technology, by this *Report and Order*, the Commission ceases to grant new First Class Radiotelegraph Operator's Certificates because the one-year radiotelegraph experience requirement is almost impossible to meet, and consolidates the remaining two classes of radiotelegraph operator's certificates in one. It also eliminates redundant and outdated restrictive endorsements; modifies certain procedural and recordkeeping requirements applicable to commercial operator license examination managers (COLEMs); and clarifies the rules that pertain to log-keeping requirements. In addition, this *Report and Order* makes changes to rules contained in Parts 0, 1, 80, and 87 that relate to commercial radio operator services.

B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA

There were no comments that specifically addressed the IRFA. Nonetheless, we have considered the potential impact of the rules adopted herein on small entities, and conclude that such impact would be minimal, in terms of measurable economic costs associated with compliance with the rules.

C. Description and Estimate of the Number of Small Entities to Which the Rules Will Apply

The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the rules adopted.⁹⁴ The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction."⁹⁵ In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act.⁹⁶ 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

⁹³ 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).

⁹⁴ 5 U.S.C. § 5 U.S.C. § 604(a)(4).

⁹⁵ See 5 U.S.C. § 601(6).

⁹⁶ See 5 U.S.C. § 601(3) (incorporating by reference the definition of "small business concern" in 15 U.S.C. § 632). Pursuant to the RFA, 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 which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register.

any additional criteria established by the Small Business Administration (SBA).⁹⁷

Commercial radio licenses are issued only to individuals. Individuals are not “small entities” under the RFA.

Individual licensees are tested by commercial operator license examination managers (COLEMs).⁹⁸ The Commission has not developed a definition for a small business or small organization that is applicable for COLEMs. All or almost all of the nine COLEM organizations would appear to meet the RFA definition for small business or small organization.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

COLEMs would be required to retain certain records for three years, instead of the existing one-year retention period; but would submit that information to the Commission only upon request, instead submitting it on a regular schedule as occurs presently. This would effectively eliminate the existing economic burden related to the reporting requirement, and it would not create any additional measurable economic burden in connection with the extended recordkeeping requirement. COLEMs would also be required to provide examination results to examinees within three business days, and to use electronic filing when submitting applications on behalf of examinees. Because almost all COLEMs already meet both of these requirements, this also would create no additional economic burden on COLEMs.

E. Steps Taken to Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

The RFA requires an agency to describe the steps it has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected.⁹⁹

We believe the changes adopted in this *Report and Order* will promote flexibility and more efficient use of the spectrum, without creating administrative burdens on COLEMs. Many of the adopted changes constitute clarification of existing requirements or elimination of reporting requirements and other rules that are outdated. No commenter identified any less burdensome alternatives that would be consistent with the item’s objectives and the Commission’s goals and responsibilities.

F. Report to Congress

The Commission will send a copy of the *Report and Order*, including this FRFA, in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act.¹⁰⁰ In addition, the Commission will send a copy of the *Report and Order*, including this

⁹⁷ See 5 U.S.C. § 632.

⁹⁸ See 47 C.F.R. § 13.211.

⁹⁹ 5 U.S.C. § 604(a)(6).

¹⁰⁰ See 5 U.S.C. § 801(a)(1)(A).

FRFA, to the Chief Counsel for Advocacy of the SBA. A copy of the *Report and Order* and FRFA (or summaries thereof) will also be published in the Federal Register.¹⁰¹

¹⁰¹ See 5 U.S.C. § 604(b).

APPENDIX C

Final Rules

Parts 0, 1, 13, 80, and 87 of Chapter 1 of Title 47 of the Code of Federal Regulations are 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 0.111 is amended by revising paragraph (e) to read as follows:

§ 0.111 Functions of the Bureau.

* * * * *

(e) Coordinate with and assist the Wireless Telecommunications Bureau with respect to the Commission's privatized ship radio inspection program.

* * * * *

3. Section 0.131 is amended by revising paragraph (j) and adding paragraphs (r)(1) and (r)(2) to read as follows:

§ 0.131 Functions of the Bureau.

* * * * *

(j) Administers the Commission's commercial radio operator program (part 13 of this chapter); the Commission's program for registration, construction, marking and lighting of antenna structures (part 17 of this chapter), and the Commission's privatized ship radio inspection program (part 80 of this chapter).

* * * * *

(r)(1) Extends the Communications Act Safety Radiotelephony Certificate for a period of up to 90 days beyond the specified expiration date.

(2) Grants emergency exemption requests, extensions or waivers of inspection to ships in accordance with applicable provisions of the Communications Act, the Safety Convention, the Great Lakes Agreement or the Commission's rules.

4. Section 0.314 is amended by removing paragraph (b)(1) and (b)(2), and redesignating paragraphs (c) through (j) as paragraphs (b) through (i).

5. Section 0.483 is amended by revising paragraph (b) to read as follows:

§ 0.483 Applications for amateur or commercial radio operator licenses.

* * * * *

(b) Application filing procedures for commercial radio operator licenses are set forth in part 13 of this chapter.

6. Section 0.489 is removed and reserved.

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

Authority: 15 U.S.C. 79 et seq.; 47 U.S.C. 151, 154(i), 154(j), 155, 157, 225, 303(r), and 309.

8. Section 1.85 is amended to read as follows:

§ 1.85 Suspension of operator licenses.

Whenever grounds exist for suspension of an operator license, as provided in § 303(m) of the Communications Act, the Chief of the Wireless Telecommunications Bureau, with respect to amateur and commercial radio operator licenses, may issue an order suspending the operator license. No order of suspension of any operator's license shall take effect until 15 days' notice in writing of the cause for the proposed suspension has been given to the operator licensee, who may make written application to the Commission at any time within the said 15 days for a hearing upon such order. The notice to the operator licensee shall not be effective until actually received by him, and from that time he shall have 15 days in which to mail the said application. In the event that physical conditions prevent mailing of the application before the expiration of the 15-day period, the application shall then be mailed as soon as possible thereafter, accompanied by a satisfactory explanation of the delay. Upon receipt by the Commission of such application for hearing, said order of suspension shall be designated for hearing by the Chief, Wireless Telecommunications Bureau and said suspension shall be held in abeyance until the conclusion of the hearing. Upon the conclusion of said hearing, the Commission may affirm, modify, or revoke said order of suspension. If the license is ordered suspended, the operator shall send his operator license to the Mobility Division, Wireless Telecommunications Bureau, in Washington, DC, on or before the effective date of the order, or, if the effective date has passed at the time notice is received, the license shall be sent to the Commission forthwith.

9. Section 1.913 is amended by revising paragraph (d)(1)(vi) to read as follows:

§ 1.913 Application and notification forms; electronic and manual filing.

* * * * *

(d) Manual filing. (1) * * *

(vi) Part 13 Commercial Radio Operators (individual applicants only; commercial operator license examination managers must file electronically, see section 13.13(c) of this part); and

* * * * *

10. The authority citation for Part 13 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303.

11. Section 13.5 is revised to read as follows:

§ 13.5 Licensed commercial radio operator required.

Rules that require FCC station licensees to have certain transmitter operation, maintenance, and repair duties performed by a commercial radio operator are contained in parts 80 and 87 of this chapter.

12. Section 13.7 is amended by removing paragraphs (c)(4) through (c)(6)(iv), redesignating paragraphs (b)(4)-(11) as (b)(5-12), and adding a new paragraph (b)(4) and revising paragraphs (b), (b)(1), (b)(2), (b)(3), (c), (c)(1), (c)(2), and (c)(3) to read as follows:

§ 13.7 Classification of operator licenses and endorsements.

* * * * *

(b) There are twelve types of commercial radio operator licenses, certificates and permits (licenses). The license's ITU classification, if different from its name, is given in parentheses.

(1) First Class Radiotelegraph Operator's Certificate. Beginning **[insert effective date]**, no applications for new First Class Radiotelegraph Operator's Certificates will be accepted for filing.

(2) Second Class Radiotelegraph Operator's Certificate. Beginning **[insert effective date]**, no applications for new Second Class Radiotelegraph Operator's Certificates will be accepted for filing.

(3) Third Class Radiotelegraph Operator's Certificate (radiotelegraph operator's special certificate). Beginning **[insert effective date]**, no applications for new Third Class Radiotelegraph Operator's Certificates will be accepted for filing.

(4) Radiotelegraph Operator License.

* * * * *

(c) There are three license endorsements affixed by the FCC to provide special authorizations or restrictions. Endorsements may be affixed to the license(s) indicated in parentheses.

(1) Ship Radar Endorsement (First and Second Class Radiotelegraph Operator's Certificates, Radiotelegraph Operator License, General Radiotelephone Operator License, GMDSS Radio Maintainer's License).

(2) Six Months Service Endorsement (First and Second Class Radiotelegraph Operator's Certificates, Radiotelegraph Operator License)

(3) Restrictive endorsements relating to physical disability, English language or literacy waivers, or other matters (all licenses).

* * * * *

13. Section 13.8 is amended by revising paragraphs (a), (b), (d), (e), and (f), and adding new paragraph (g), to read as follows:

§ 13.8 Authority conveyed.

* * * * *

(a) A First Class Radiotelegraph Operator's Certificate conveys all of the operating authority of the Second Class Radiotelegraph Operator's Certificate, the Third Class Radiotelegraph Operator's Certificate, the Radiotelegraph Operator License, the Restricted Radiotelephone Operator Permit, and the Marine Radio Operator Permit.

(b) A Radiotelegraph Operator License conveys all of the operating authority of the Second Class Radiotelegraph Operator's Certificate, which conveys all of the operating authority of the Third Class Radiotelegraph Operator's Certificate, the Restricted Radiotelephone Operator Permit, and the Marine Radio Operator Permit.

* * * * *

(d) A General Radiotelephone Operator License conveys all of the operating authority of the Marine Radio Operator Permit and the Restricted Radiotelephone Operator Permit.

(e) A GMDSS Radio Operator's License conveys all of the operating authority of the Marine Radio Operator Permit and the Restricted Radiotelephone Operator Permit.

(f) A GMDSS Radio Maintainer's License conveys all of the operating authority of the General Radiotelephone Operator License, the Marine Radio Operator Permit, and the Restricted Radiotelephone Operator Permit.

(g) A Marine Radio Operator Permit conveys all of the authority of the Restricted Radiotelephone Operator Permit.

14. Section 13.9 is amended by removing paragraph (b)(2), redesignating paragraph (b)(1) as (b), adding paragraph (d)(3), and revising paragraphs (b), (c), (d)(1), (d)(2), and (f)(4) to read as follows:

§ 13.9 Eligibility and application for new license or endorsement.

* * * * *

(b) Each application for a new General Radiotelephone Operator License, Marine Radio Operator Permit, Radiotelegraph Operator License, Ship Radar Endorsement, Six Months Service Endorsement, GMDSS Radio Operator's License, Restricted GMDSS Radio Operator's License, GMDSS Radio Maintainer's License, GMDSS Radio Operator/Maintainer License, Restricted Radiotelephone Operator Permit, or Restricted Radiotelephone Operator Permit—Limited Use must be filed on FCC Form 605 in accordance with § 1.913 of this chapter.

(c) Each application for a new General Radiotelephone Operator License, Marine Radio Operator Permit, Radiotelegraph Operator License, Ship Radar Endorsement, GMDSS Radio Operator's License, Restricted GMDSS Radio Operator's License, GMDSS Radio Maintainer's License, or GMDSS Radio Operator/Maintainer License must be accompanied by the required fee, if any, and submitted in accordance with § 1.913 of this chapter. The application must include an original PPC(s) from a COLEM(s) showing that the applicant has passed the necessary examination Element(s) within the previous 365 days when the applicant files the application. If a COLEM files the application on behalf of the applicant, an original PPC(s) is not required. However, the COLEM must keep the PPC(s) on file for a period of 1 year. When acting on behalf of qualified examinees, the COLEM must forward all required data to the FCC electronically.

(d) * * *

(1) An unexpired (or within the grace period) FCC-issued commercial radio operator license: Except as noted in paragraph (d)(3) of this section, the written examination and telegraphy Element(s) required to obtain the license held;

(2) An expired or unexpired FCC-issued Amateur Extra Class operator license grant granted before April 15, 2000: Telegraphy Elements 1 and 2; and

(3) An FCC-issued Third Class Radiotelegraph Operator's Certificate that was renewed as a Marine Radio Operator Permit (see § 13.13(b) of this chapter) that is unexpired (or within the grace period): Telegraphy Elements 1 and 2.

* * * * *

(f) * * *

(4) The applicant held a FCC-issued First Class Radiotelegraph Operator's Certificate, Second Class Radiotelegraph Operator's Certificate, or Radiotelegraph Operator License during this entire six month qualifying period; and

* * * * *

15. Section 13.10 is amended to read as follows:

§ 13.10 Licensee address.

In accordance with § 1.923 of this chapter, all applicants (except applicants for a Restricted Radiotelephone Operator Permit or a Restricted Radiotelephone Operator Permit–Limited Use) must specify an address where the applicant can receive mail delivery by the United States Postal Service. Suspension of the operator license may result when correspondence from the FCC is returned as undeliverable because the applicant failed to provide the correct mailing address.

16. Section 13.11 is amended by removing paragraphs (a)(1), (a)(2), and (a)(3), and revising paragraph (a) to read as follows:

§ 13.11 Holding more than one commercial radio operator license.

(a) An eligible person may hold more than one commercial operator license.

* * * * *

17. Section 13.13 is amended by revising paragraphs (a), (b), (c), (d), and (e)(1)-(3) to read as follows:

§ 13.13 Application for a renewed or modified license.

(a) Each application to renew a First Class Radiotelegraph Operator's Certificate, Second Class Radiotelegraph Operator's Certificate, Third Class Radiotelegraph Operator's Certificate, or Radiotelegraph Operator License must be made on FCC Form 605. The application must be accompanied by the appropriate fee and submitted in accordance with § 1.913 of this chapter. Beginning

[insert effective date], First and Second Class Radiotelegraph Operator's Certificates will be renewed as Radiotelegraph Operator Licenses, and Third Class Radiotelegraph Operator's Certificates will be renewed as Marine Radio Operator Permits.

(b) If a license expires, application for renewal may be made during a grace period of five years after the expiration date without having to retake the required examinations. The application must be accompanied by the required fee and submitted in accordance with § 1.913 of this chapter. During the grace period, the expired license is not valid. A license renewed during the grace period will be effective as of the date of the renewal. Licensees who fail to renew their licenses within the grace period must apply for a new license and take the required examination(s). Beginning [insert effective date], no applications for new First, Second, or Third Class Radiotelegraph Operator's Certificates will be accepted for filing.

(c) Each application involving a change in operator class must be filed on FCC Form 605. Each application for a commercial operator license involving a change in operator class must be accompanied by the required fee, if any, and submitted in accordance with § 1.913 of this chapter. The application must include an original PPC(s) from a COLEM(s) showing that the applicant has passed the necessary examination Element(s) within the previous 365 days when the applicant files the application. If a COLEM files the application on behalf of the applicant, an original PPC(s) is not required. However, the COLEM must keep the PPC(s) on file for a period of 1 year. When acting on behalf of qualified examinees, the COLEM must forward all required data to the FCC electronically.

(d) Provided that a person's commercial radio operator license was not revoked, or suspended, and is not the subject of an ongoing suspension proceeding, a person holding a General Radiotelephone Operator License, Marine Radio Operator Permit, First Class Radiotelegraph Operator's Certificate, Second Class Radiotelegraph Operator's Certificate, Third Class Radiotelegraph Operator's Certificate, Radiotelegraph Operator License, GMDSS Radio Operator's License, GMDSS Radio Maintainer's License, or GMDSS Radio Operator/Maintainer License, who has an application for another commercial radio operator license which has not yet been acted upon pending at the FCC and who holds a PPC(s) indicating that he or she passed the necessary examination(s) within the previous 365 days, is authorized to exercise the rights and privileges of the license for which the application is filed. This temporary conditional operating authority is valid for a period of 90 days from the date the application is received. This temporary conditional operating authority does not relieve the licensee of the obligation to comply with the certification requirements of the Standards of Training, Certification and Watchkeeping (STCW) Convention. The FCC, in its discretion, may cancel this temporary conditional operating authority without a hearing.

(e) * * *

(1) An unexpired (or within the grace period) FCC-issued commercial radio operator license: Except as noted in paragraph (e)(3) of this section, the written examination and telegraphy Element(s) required to obtain the license held;

(2) An expired or unexpired FCC-issued Amateur Extra Class operator license grant granted before April 15, 2000: Telegraphy Elements 1 and 2; and

(3) An FCC-issued Third Class Radiotelegraph Operator's Certificate that was renewed as a Marine Radio Operator Permit (see § 13.13(b) of this chapter) that is unexpired (or within the grace period): Telegraphy Elements 1 and 2.

18. Section 13.15 is revised to read as follows:

§ 13.15 License term.

First Class Radiotelegraph Operator's Certificates, Second Class Radiotelegraph Operator's Certificates, and Third Class Radiotelegraph Operator's Certificates are normally valid for a term of five years from the date of issuance. All other commercial radio operator licenses are normally valid for the lifetime of the holder.

19. Section 13.17 is amended by removing paragraph (d), redesignating paragraph (e) as paragraph (d), and revising paragraphs (a), (b), and (c) to read as follows:

§ 13.17 Replacement license.

(a) Each licensee or permittee whose original document is lost, mutilated, or destroyed may request a replacement. The application must be accompanied by the required fee and submitted to the address specified in part 1 of the rules.

(b) Each application for a replacement General Radiotelephone Operator License, Marine Radio Operator Permit, First Class Radiotelegraph Operator's Certificate, Second Class Radiotelegraph Operator's Certificate, Third Class Radiotelegraph Operator's Certificate, Radiotelegraph Operator Certificate, GMDSS Radio Operator's License, Restricted GMDSS Radio Operator's License, GMDSS Radio Maintainer's License, or GMDSS Radio Operator/Maintainer License must be made on FCC Form 605 and must include a written explanation as to the circumstances involved in the loss, mutilation, or destruction of the original document.

(c) Each application for a replacement Restricted Radiotelephone Operator Permit or Restricted Radiotelephone Operator Permit-Limited Use must be on FCC Form 605.

* * * * *

20. Section 13.19 is amended by revising paragraph (b)(3) to read as follows:

§ 13.19 Operator's responsibility.

* * * * *

(b) * * * * *

(3) The class, serial number, and expiration date (if applicable) of the license when the FCC has issued the operator a license; or the PPC serial number(s) and date(s) of issue when the operator is awaiting FCC action on an application.

* * * * *

21. Section 13.201 is amended by removing paragraphs (b)(1) through (b)(1)(iv) and paragraphs (b)(3) through (b)(3)(ii), redesignating paragraph (b)(2) as (b)(1) and paragraphs (b)(4)-(9) as paragraphs (b)(2)-(7), and revising redesignated paragraph (b)(2) through (b)(2)(ii) to read as follows:

§ 13.201 Qualifying for a commercial operator license or endorsement.

* * * * *

(b) * * * * *

(2) Radiotelegraph Operator License.

(i) Telegraphy Elements 1 and 2;

(ii) Written Elements 1 and 6.

* * * * *

22. Section 13.203 is amended by removing paragraphs (a)(3), (b)(3), and (b)(4), redesignating paragraphs (a)(4)-(8) as paragraphs (a)(3)-(7), and revising paragraph (a)(1) and (a)(2) to read as follows:

§ 13.203 Examination elements.

(a) * * * * *

(1) Element 1: Basic radio law and operating practice with which every maritime radio operator should be familiar. Questions concerning provisions of laws, treaties, regulations, and operating procedures and practices generally followed or required in communicating by means of radiotelephone stations.

(2) Element 3: General radiotelephone. Questions concerning electronic fundamentals and techniques required to adjust, repair, and maintain radio transmitters and receivers at stations licensed by the FCC in the aviation and maritime radio services.

23. Section 13.209 is amended by removing paragraph (e), redesignating paragraphs (f) through (j) as (e) through (i), and revising paragraphs (d), (d)(1), (d)(2), and (g) to read as follows:

§ 13.209 Examination procedures.

* * * * *

(d) Passing a telegraphy examination. Passing a telegraphy receiving examination is adequate proof of an examinee's ability to both send and receive telegraphy. The COLEM, however, may also include a sending segment in a telegraphy examination.

(1) To pass a receiving telegraphy examination, an examinee is required to receive correctly the message by ear, for a period of 1 minute without error at the rate of speed specified in § 13.203(b).

(2) To pass a sending telegraphy examination, an examinee is required to send correctly for a period of one minute at the rate of speed specified in § 13.203(b).

* * * * *

(g) No applicant who is eligible to apply for any commercial radio operator license shall, by reason of any physical disability, be denied the privilege of applying and being permitted to attempt to prove his or her qualifications (by examination if examination is required) for such commercial radio operator license in accordance with procedures established by the COLEM.

* * * * *

24. Section 13.211 is amended by revising paragraph (e) to read as follows:

§ 13.211 Commercial radio operator license examination.

* * * * *

(e) Within 3 business days of completion of the examination Element(s), the COLEM must provide the results of the examination to the examinee and the COLEM must issue a PPC to an examinee who scores a passing grade on an examination Element.

* * * * *

25. Section 13.217 is amended to read as follows:

§ 13.217 Records.

Each COLEM recovering fees from examinees must maintain records of expenses and revenues, frequency of examinations administered, and examination pass rates. Records must cover the period from January 1 to December 31 of the preceding year and must be submitted as directed by the Commission. Each COLEM must retain records for 3 years and the records must be made available to the FCC upon request.

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

Authority: Secs. 4, 303, 307(e), 309, and 332, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, 307(e), 309, and 332, 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.

27. Section 80.59 is amended by revising the note and table in paragraph (a)(1), and paragraph (b) to read as follows:

§ 80.59 Compulsory ship inspections.

(a) * * *

(1) * * *

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

	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	Radiotelegraph operator license (formerly 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	√	√	√	√
GMDSS equipped vessels subject to 47 CFR part 80, subpart W	√

* * * * *

(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, a First Class Radiotelegraph Operator's Certificate, or a Radiotelegraph Operator License. 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).

* * * * *

28. Section 80.151 is amended by redesignating paragraph (b)(3) as (b)(5), redesignating paragraphs (b)(5)-(8) as (b)(6)-(9), and adding a new paragraph (b)(4) and revising paragraphs (b)(1)-(3) and (c)(1)-(3) to read as follows:

§ 80.151 Classification of operator licenses and endorsements.

* * * * *

(b) * * *

(1) T-1. First Class Radiotelegraph Operator's Certificate. Beginning [insert effective date], no applications for new First Class Radiotelegraph Operator's Certificates will be accepted for filing.

(2) T-2. Second Class Radiotelegraph Operator's Certificate. Beginning [insert effective date], no applications for new Second Class Radiotelegraph Operator's Certificates will be accepted for filing.

(3) T-3. Third Class Radiotelegraph Operator's Certificate (radiotelegraph operator's special certificate). Beginning [insert effective date], no applications for new Third Class Radiotelegraph Operator's Certificates will be accepted for filing.

(4) T. Radiotelegraph Operator License.

* * *

(c) * * * * *

(1) Ship Radar endorsement (First Class Radiotelegraph Operator's Certificate, Second Class Radiotelegraph Operator's Certificate, Radiotelegraph Operator License, General Radiotelephone Operator License).

(2) Six Months Service endorsement (First Class Radiotelegraph Operator's Certificate, Second Class Radiotelegraph Operator's Certificate, Radiotelegraph Operator License).

(3) Restrictive endorsements; relating to physical disabilities, English language or literacy waivers, or other matters (all licenses).

29. Section 80.157 is amended to read as follows:

§ 80.157 Radio officer defined.

A *radio officer* means a person holding a First Class Radiotelegraph Operator's Certificate, Second Class Radiotelegraph Operator's Certificate, or Radiotelegraph Operator License issued by the Commission, who is employed to operate a ship radio station in compliance with Part II of Title II of the Communications Act. Such a person is also required to be licensed as a *radio officer* by the U.S. Coast Guard when employed to operate a ship radiotelegraph station.

30. Section 80.159 is amended by revising paragraphs (a) and (b) as follows:

§ 80.159 Operator requirements of Title III of the Communications Act and the Safety Convention.

(a) Each telegraphy passenger ship equipped with a radiotelegraph station in accordance with Part II of Title III of the Communications Act must carry two radio officers holding a First Class Radiotelegraph Operator's Certificate, Second Class Radiotelegraph Operator's Certificate, or Radiotelegraph Operator License.

(b) Each cargo ship equipped with a radiotelegraph station in accordance with Part II of Title II of the Communications Act and which has a radiotelegraph auto alarm must carry a radio officer holding a First Class Radiotelegraph Operator's Certificate, Second Class Radiotelegraph Operator's Certificate, or Radiotelegraph Operator License who has had at least six months service as a radio officer on board U.S. ships. If the radiotelegraph station does not have an auto alarm, a second radio officer who holds a First Class Radiotelegraph Operator's Certificate, Second Class Radiotelegraph Operator's Certificate, or Radiotelegraph Operator License must be carried.

* * * * *

31. Section 80.165 is amended by revising the table entry for "Ship Morse telegraph" to read as follows:

§ 80.165 Operator requirements for voluntary stations.

MINIMUM OPERATOR LICENSE

Ship Morse telegraph T

* * * * *

32. Section 80.167 is amended by revising the introductory text to read as follows:

§ 80.167 Limitations on operators.

The operator of maritime radio equipment other than T-1, T-2, T, or G licensees must not:

* * * * *

33. Section 80.169 is amended by revising paragraphs (a) and (b) to read as follows:

§ 80.169 Operators required to adjust transmitters or radar.

(a) All adjustments of radio transmitters in any radiotelephone station or coincident with the installation, servicing, or maintenance of such equipment which may affect the proper operation of the station, must be performed by or under the immediate supervision and responsibility of a person holding a First Class Radiotelegraph Operator’s Certificate, Second Class Radiotelegraph Operator’s Certificate, Radiotelegraph Operator License, or General Radiotelephone Operator License.

(b) Only persons holding a First Class Radiotelegraph Operator’s Certificate, Second Class Radiotelegraph Operator’s Certificate, or Radiotelegraph Operator License must perform such functions at radiotelegraph stations transmitting Morse code.

* * * * *

34. Section 80.203 is amended by revising paragraph (b)(3) to read as follows:

§ 80.203 Authorization of transmitters for licensing.

* * * * *

(b) * * * * *

(3) Except as provided in paragraph (b)(4) of this section, programming of authorized channels must be performed only by a person holding a First Class Radiotelegraph Operator’s Certificate, Second Class Radiotelegraph Operator’s Certificate, Radiotelegraph Operator License, or General Radiotelephone Operator License using any of the following procedures:

* * * * *

35. 80.401 is amended by changing the column heading in the table from “NIMA Publication 117” to “NGA Publication 117” and by revising note 5 to read as follows:

§ 80.401 Station documents requirement.

* * * * *

NOTES: * * *

5. The requirements for having the GMDSS Master Plan, NGA Publication 117, Admiralty List of Radio Signals or IMO Circ. 7 are satisfied by having any one of those four documents.

36. Section 80.409 is amended by redesignating paragraph (e)(3) as (e)(4), (e)(4) as (e)(12), (e)(5) as (e)(6), (e)(6) as (e)(7), (e)(7) as (e)(3), (e)(8) as (e)(11), (e)(9) as (e)(13), (e)(10) as (e)(8), (e)(11) as (e)(9), (e)(12) as (e)(5), and (e)(13) as (e)(10); and revising paragraphs (f), (f)(1), (f)(1)(i)(E), (f)(2), and (f)(3) to read as follows.

§ 80.409 Station logs.

* * * * *

(f) Applicable radiotelephone log entries. The log entries listed in paragraph (e) of this section are applicable as follows (vessels subject to the Global Maritime Distress and Safety System (GMDSS) should also refer to subpart W of this Part for additional guidance on maintenance of station logs):

(1) Radiotelephony stations subject to the Communications Act and/or the Safety Convention must record entries indicated by paragraphs (e)(1) through (e)(13) 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) * * *

(E) The inspector's signed and dated certification that the vessel meets the requirements of the Communications Act and, if applicable, the Safety Convention and the Bridge-to-Bridge Act contained in subparts R, S, U, or W of this part and has successfully passed the inspection.

* * *

(2) Radiotelephony stations subject to the Great Lakes Agreement and the Bridge-to-Bridge Act must record entries indicated by paragraphs (e)(1), (3), (5), (6), (7), (8), (10), (11), and (13), and 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:

* * *

(3) Radiotelephony stations subject to the Bridge-to-Bridge Act must record entries indicated by paragraphs (e)(1), (3), (5) (6), (7), (10), and (11) of this section.

37. Section 80.415 is amended by revising paragraph (b)(2) to read as follows:

§ 80.415 Publications.

* * * * *

(b) * * *

(2) U.S. NGA Publication 117 may be purchased from Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, telephone 202-512-1800.

* * * * *

38. Section 80.953 is amended by revising paragraph (b) introductory text to read as follows:

§ 80.953 Inspection and certification.

* * * * *

(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 Radiotelegraph Operator 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:

* * * * *

39. Section 80.1005 is amended to read as follows:

§ 80.1005 Inspection of station.

The bridge-to-bridge radiotelephone station will be inspected on vessels subject to regular inspections pursuant to the requirements of Parts II and III of Title II of the Communications Act, the Safety Convention or the Great Lakes Agreement at the time of the regular inspection. If after such inspection, the Commission determines that the Bridge-to-Bridge Act, the rules of the Commission and the station license are met, an endorsement will be made on the appropriate document. The validity of the endorsement will run concurrently with the period of the regular inspection. Each vessel must carry a certificate with a valid endorsement while subject to the Bridge-to-Bridge Act. All other bridge-to-bridge stations will be inspected from time to time. 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 Radiotelegraph Operator License, a Second Class Radiotelegraph Operator's Certificate, or a First Class Radiotelegraph Operator's Certificate. Additionally, the technician must not be the 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).

40. Section 80.1085 is amended by revising paragraph (b) to read as follows:

§ 80.1085 Ship radio equipment—General.

* * * * *

(b) Ships must carry either the most recent edition of the IMO publication entitled GMDSS Master Plan of Shore-Based Facilities, the U.S. NGA Publication 117, or the Admiralty List of Radio Signals Volume 5 Global Maritime Distress and Safety System. Notice of new editions will be published on the Commission's Wireless Telecommunications Bureau web page under "Marine Services" and information will be provided about obtaining the new document.

* * * * *

41. Section 80.1129 is amended by revising paragraph (b) to read as follows:

§ 80.1129 Location and homing signals.

* * * * *

(b) Homing signals are those locating signals which are transmitted by mobile units in distress, or by survival craft, for the purpose of providing searching units with a signal that can be used to determine the bearing to the transmitting stations.

* * * * *

42. The authority citation for Part 87 continues to read as follows:

Authority: 47 U.S.C. 154, 303 and 307(e), unless otherwise noted.

43. Section 87.87 is amended by redesignating paragraph (b)(3) as (b)(5), redesignating paragraphs (b)(5)-(6) as (b)(6)-(7), and adding a new paragraph (b)(4) and revising paragraphs (b)(1)-(3) to read as follows:

§ 87.87 Classification of operator licenses and endorsements.

* * * * *

(b) * * *

(1) T-1. First Class Radiotelegraph Operator's Certificate. Beginning **[insert effective date]**, no applications for new First Class Radiotelegraph Operator's Certificates will be accepted for filing.

(2) T-2. Second Class Radiotelegraph Operator's Certificate. Beginning **[insert effective date]**, no applications for new Second Class Radiotelegraph Operator's Certificates will be accepted for filing.

(3) T-3. Third Class Radiotelegraph Operator's Certificate (radiotelegraph operator's special certificate). Beginning **[insert effective date]**, no applications for new Third Class Radiotelegraph Operator's Certificates will be accepted for filing.

(4) T. Radiotelegraph Operator License.

* * * * *