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**FEDERAL COMMUNICATIONS
COMMISSION****47 CFR Parts 2, 13 and 80**

[WT Docket No. 00-48; FCC 02-102; RM-9499]

Maritime Communications**AGENCY:** Federal Communications Commission.**ACTION:** Final rule.

SUMMARY: In this document the Commission consolidates, revises and streamlines the Commission's rules governing maritime communications. These changes incorporate new international maritime requirements, improve the operational ability of all users of marine radios, and remove unnecessary or duplicative requirements from the rules.

DATES: Effective October 6, 2003. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register, as of October 6, 2003.

FOR FURTHER INFORMATION CONTACT: Jeffrey Tobias, jtobias@fcc.gov, or Ghassan Khalek, gkhalek@fcc.gov, Policy and Rules Branch, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, (202) 418-0680, or TTY (202) 418-7233.

SUPPLEMENTARY INFORMATION: This is a summary of the Federal Communications Commission's *Report and Order*, FCC 02-102, adopted on March 27, 2002, and released on April 9, 2002. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC 20554. The complete text may be purchased from the Commission's copy contractor, Qualex International, 445 12th Street, SW., Room CY-B402, Washington, DC 20554. The full text may also be downloaded at: <http://www.fcc.gov>. Alternative formats are available to persons with disabilities by contacting Brian Millin at (202) 418-7426 or TTY (202) 418-7365 or at bmillin@fcc.gov.

1. In this Report and Order, we adopt changes to part 80 of the Commission's rules that were either proposed in or suggested in response to the Notice of Proposed Rule Making ("NPRM") in this proceeding. The NPRM, released on March 24, 2000, 65 FR 21694, April 24, 2000, proposed rule changes that were

intended to consolidate, revise and streamline our rules governing maritime communications pursuant to requests from the National GMDSS

Implementation Task Force and Globe Wireless, Inc. These changes were proposed to address new international maritime requirements, improve the operational ability of all users of marine radios and remove unnecessary or duplicative requirements from our rules.

2. The significant actions taken in this Report and Order are as follows: (1) The extension of the fishing vessel exemption from Global Maritime Distress and Safety System (GMDSS) requirements until one year after the United States Coast Guard (USCG) establishes Sea Areas A1 and A2; (2) the establishment of a Restricted GMDSS Radio Operator's License; (3) the authorization of the USCG or its designee to issue a Proof of Passing Certificate that would allow operators to obtain an FCC GMDSS Radio Operator's License; (4) the modification of certain sections of our rules to implement international standards; (5) the imposition of a mandatory watch on Channel 70 for voluntary vessels; (6) the allowance of J2B and J2D transmissions on frequencies currently reserved for Morse Code transmissions; (7) the removal of certification for Class S emergency position indicating radiobeacons; and (8) the elimination of subpart Q and the streamlining of subpart R of part 80 of the Commission's rules. In addition, we today decide not to extend the fishing vessel exemption to other vessels.

I. Regulatory Matters**A. Paperwork Reduction Act**

3. This Report and Order and Further Notice of Proposed Rule Making does not contain any new or modified information collection.

B. Final Regulatory Flexibility Certification

4. The Regulatory Flexibility Act (RFA) requires that an agency prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that "the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities." The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction." In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act. A small business concern is one that: (1) Is

independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

5. The purpose of this Report and Order and Further Notice of Proposed Rule Making is to streamline and clarify our rules under Parts 13 and 80 governing maritime communications. We believe that the rules adopted in the Report and Order do not impose any additional compliance burden on small entities regulated by the Commission.

6. We have identified those small entities that could conceivably be affected by the rule changes adopted herein. Small businesses in the aviation and marine radio services use a marine very high frequency (VHF) radio, any type of emergency position indicating radio beacon (EPIRB) and/or radar, a VHF aircraft radio, and/or any type of emergency locator transmitter (ELT). The Commission has not developed a definition of small entities specifically applicable to these small businesses. For purposes of this certification, therefore, the applicable definition of small entity is the definition under the SBA rules applicable to radiotelephone (wireless) communications. This definition is that a "small entity" for purposes of public coast station licensees, a subgroup of marine radio users, is any entity employing 1,500 or fewer persons. 13 CFR 121.201, Standard Industrial Classification (SIC) Code 4812, now NAICS Code 513322. Since the size data provided by the Small Business Administration do not enable us to make a meaningful estimate of the number of marine radio service providers and users that are small businesses, we have used the 1992 Census of Transportation, Communications, and Utilities, conducted by the Bureau of the Census, which is the most recent information available. This document shows that 12 radiotelephone firms out of a total of 1,178 such firms which operated in 1992 had at least 1,000 employees.

7. The adopted rules may also affect small businesses that manufacture marine radio equipment. The Commission has not developed a definition of small entities applicable to Radio Frequency Equipment Manufacturers (RF Manufacturers). Therefore, the applicable definition of small entity is the definition under the SBA rules applicable to manufacturers of "Radio and Television Broadcasting and Communications Equipment." According to the SBA regulations, an RF manufacturer must have 750 or fewer employees in order to qualify as a small business. 13 CFR § 121.201, North American Industrial Classification