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

MAR 9 3 05 PM '93

DISPATCHED BY PR Docket No. 92-30

In the Matter of

Amendment of Part 80 of the Rules
to Add the San Francisco Port Area
to the List of U.S. Coast Guard
Vessel Traffic Service (VTS) Systems
and Designate Marine VHF Channel 14
as the San Francisco Port Area VTS
Frequency

RM-7603

REPORT AND ORDER

Adopted: February 26, 1993; Released: March 9, 1993

By the Commission:

I. INTRODUCTION

1. This *Report and Order* adopts changes to Part 80 of the Commission's Rules, 47 C.F.R. Part 80, to add the San Francisco, California port area to the United States Coast Guard (Coast Guard) designated radio protection areas for mandatory Vessel Traffic Services (VTS) and to establish marine VHF channel 14 (156.700 MHz) as the VTS frequency for the San Francisco port area.

II. BACKGROUND

2. A VTS system is used as an advisory service to coordinate vessel movement and prevent collisions in large, busy port areas. Vessels report information related to position, course, speed, and conditions affecting their ability to navigate to the Coast Guard, which then tracks the movement of these vessels. VTS systems use VHF marine radiotelephone equipment to exchange voice communications on channels dedicated to VTS operations in Coast Guard designated VTS areas.

3. The Commission amended its Rules in 1975, at the Coast Guard's request, to make frequencies available in certain designated areas exclusively for VTS communications.¹ Frequencies allotted for VTS communications are

available for assignment outside of VTS designated areas on a noninterference basis.² Currently, Section 80.383 of the Commission's Rules, 47 C.F.R. § 80.383, lists four geographic areas - Seattle, New York, New Orleans and Houston - as Coast Guard designated VTS areas.

4. In response to a request from the Coast Guard,³ we proposed in the *Notice of Proposed Rule Making (Notice)* to add the port of San Francisco to the Commission's list of Coast Guard designated radio protection areas and to allot marine VHF channel 14 exclusively for VTS communications in the port of San Francisco.⁴ There were no comments filed in response to the *Notice*.

III. DISCUSSION

5. As a result of the Oil Pollution Act of 1990,⁵ the Coast Guard has proposed rules that, if adopted, will require certain vessels to participate in a VTS system in the port of San Francisco. The San Francisco VTS system is part of a Coast Guard program designed to protect the marine environment by preventing vessel collisions and groundings. Designating San Francisco as a VTS area will allow the Coast Guard to manage vessel traffic in that area more efficiently. We are adding, therefore, San Francisco to the Commission's list of designated radio protection areas for VTS systems specified in Section 80.383 of the Rules. For the purposes of Part 80, the San Francisco port area is defined as a rectangle bounded by the coordinates 39 degrees on the north, 37 degrees on the south, 123 degrees 20 minutes on the west and 120 degrees 50 minutes on the east.

6. We are designating marine VHF channel 14 exclusively for VTS operations within the specified geographic area.⁶ This channel is already allotted for VTS communications in other ports. Additionally, we are permitting private coast stations currently authorized to operate on channel 14 within the VTS area to continue operation until the end of their current license terms.⁷ Further, the staff will work with affected licensees to find suitable alternative channels.⁸

7. In addition, we are also adopting minor editorial clarifications, unrelated to VTS operations, to Part 80 of the rules. First, Mr. J.M. McCord noted that currently the Commission's Rules do not appear to authorize ship-to-ship Narrow Band Direct Printing (NB-DP) communications.⁹ This omission in Part 80 appears to have been inadvertent. Prior to the *Report and Order*, in PR Docket No. 85-145, 51 Fed. Reg. 31206 (1986), which reorganized and revised Parts 81 and 83 of the rules into a new Part 80 governing the maritime radio services, Part 83 authorized NB-DP communications on certain non-paired frequencies for business and operational traffic between ship stations or coast stations.¹⁰ That *Report and Order*, however, was not intended to make any substantive changes to the maritime rules governing NB-DP. See *Report and Order* at paragraph

¹ See *Report and Order*, PR Docket No. 20444, 56 FCC 2d 1089 (1975).

² See e.g., 47 C.F.R. § 80.373(f) n.3.

³ See letter to Chief, Aviation and Marine Branch, Special Services Division, Private Radio Bureau, Federal Communications Commission, Washington, D.C. from Commandant, United States Coast Guard (January 8, 1991).

⁴ See *Notice of Proposed Rule Making*, 7 FCC Rcd 1776 (1992).

⁵ Oil Pollution Act of 1990, Pub. L. No. 101-380, 104 Stat. 484.

⁶ *Notice of Proposed Rule Making*, CGD 90-020, 56 Fed. Reg. 36910 (1990).

⁷ There are currently two licensed private coast stations that would be affected by this rule change.

⁸ Although this change will require some licensees within the VTS area to switch to an alternative channel, we do not believe there will be a significant adverse impact.

⁹ See letter to Chief, Aviation and Marine Branch, Special Services Division, Private Radio Bureau, Federal Communications Commission, Washington, D.C. from Mr. J.M. McCord (February 14, 1992).

¹⁰ See 47 C.F.R. § 83.330 (1985).

21. Therefore, we are amending Section 80.361 of the Commission's Rules, 47 C.F.R. § 80.361, to clarify that ship-to-ship NB-DP is authorized.

8. Second, the Coast Guard has requested that we clarify the Channel 16 (156.800 MHz) watch requirement contained in Part 80. The Coast Guard notes that certain vessels required by Coast Guard regulation to carry radio equipment, such as fishing vessels, should be required to monitor channel 16 while the vessel is underway.¹¹ Section 80.148 of the Commission's Rules, for example, requires all compulsory VHF ship stations to maintain a watch on Channel 16 "during its hours of service." The Coast Guard believes that this requirement would be clearer if it were amended to read that compulsory vessels must maintain a watch "while underway." We agree. Therefore, we are adopting this minor editorial change to clarify the watch requirements contained in Section 80.148. We are also streamlining the text of this rule to improve its clarity and adding the term "underway" to the list of definitions in Section 80.5. Finally, we are adopting a nonsubstantive correction to a footnote listed in Section 80.373(f) of the Commission's Rules, 47 C.F.R. 80.373(f).

9. Because the editorial rule amendments adopted herein are minor and noncontroversial in nature, we find that there is good cause to not comply with the notice and comment provisions the Administrative Procedure Act. See 5 U.S.C. § 553(b)(B).

IV. ORDERING CLAUSES

10. Accordingly, IT IS ORDERED that, pursuant to the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 303(r), Part 80 of the Commission's Rules IS AMENDED as set forth in the Appendix below, effective thirty days after publication in the Federal Register.

11. IT IS FURTHER ORDERED that this proceeding IS TERMINATED.

12. For further information, contact Marc S. Martin, Private Radio Bureau, Aviation and Marine Branch, (202) 632-7175.

FEDERAL COMMUNICATIONS COMMISSION

Donna R. Searcy
Donna R. Searcy
Secretary

WFE

APPENDIX

Final Rule

Part 80 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

A. Part 80 - STATIONS IN THE MARITIME SERVICES.

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

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

2. In Section 80.5, a new definition, to appear in alphabetical order, is added to read as follows:

§ 80.5 Definitions.

Underway. A vessel is underway when it is not at anchor, made fast to the shore or aground.

3. Section 80.148 is amended by revising the introductory paragraph to read as follows:

§ 80.148 Watch on 156.8 MHz (Channel 16).

At least one VHF ship station per compulsory vessel while underway must maintain a watch on 156.800 MHz whenever such station is not being used for exchanging communications. The watch is not required:

4. Section 80.361 is amended by revising paragraph (b) to read as follows:

§ 80.361 Frequencies for narrow-band direct-printing (NB-DP) and data transmissions.

(a) ***

(b) The following table describes the frequencies and Channel Series with F1B or J2B emission which are assignable to ship stations for NB-DP and data transmissions with other ship stations and public coast stations. Public coast stations may receive only on these frequencies. *****

¹¹ See letter to Chief, Aviation and Marine Branch, Special Services Division, Private Radio Bureau, Federal Communications Commission, Washington, D.C., from Chief, Frequency

Assignment Staff, U.S. Coast Guard, Washington, D.C. (July 23, 1992).

5. In Section 80.373(f), the second Footnote 14 is redesignated as Footnote 15, to read as follows:

§ 80.373(f) Private communication frequencies.

(f) * * *

14 Available only in the Puget Sound and the Strait of Juan de Fuca.

15 The frequency 156.525 MHz is to be used exclusively for distress, safety and calling using digital selective calling techniques. No other uses are permitted.

* * * * *

6. Section 80.383 is amended by revising the table in paragraph (a) to add San Francisco to the list of geographic areas for the carrier frequency 156.700 MHz, by adding a Footnote 2 below the table in paragraph (a), by revising paragraphs (b)(3) and (b)(4), and by adding new paragraph (b)(5), to read as follows:

§ 80.383 Vessel Traffic Services (VTS) system frequencies.

* * *

(a) Assigned frequencies:

VESSEL TRAFFIC CONTROL FREQUENCIES

Carrier frequencies (MHz)	Geographic areas
* * * 156.700	New York, New Orleans ¹ , Seattle, San Francisco ²

¹ * * * *

² Private coast station licenses for the use of this frequency will not be renewed beyond November 1, 1997. Continued use until expiration must be on a noninterference basis to Coast Guard VTS communications.

(b) * * *

(3) *Houston*. The rectangle between north latitudes 28 degrees 30 minutes and 30 degrees 20 minutes and west longitudes 93 degrees 30 minutes and 96 degrees;

(4) *Seattle (Puget Sound)*. The area encompassed between the United States-Canadian border and a line drawn from 49 degrees North 121 degrees West on the United States-Canadian Border, to 46 degrees 30 minutes North 121 degrees West, then to 46 degrees 30 minutes North 125 degrees West, then to 48 degrees 30 minutes North 125 degrees West, and then east to the United States-Canadian Border; and

(5) *San Francisco*. The rectangle between north latitudes 39 degrees and 37 degrees and west longitudes 120 degrees 50 minutes and 123 degrees 20 minutes.

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