recordkeeping and other compliance requirements for small entities.[363] First, we amend Section 80.225 of the Rules[364] to require that DSC equipment comply with more rigorous technical standards adopted by international bodies, ITU-R Recommendation M.493-11, ITU-R Recommendation M.541-9, and, in the case of Class D DSC radio equipment, IEC 62238.[365] This rule amendment could affect small entities that manufacture DSC equipment or that own or operate vessels required to carry DSC equipment. Second, we amend Section 80.917 of the Rules[366] to extend a pre-existing requirement for carriage of a reserve power supply[367] to (a) small passenger vessels of less than 100 gross tons that carry more than 150 passengers or have overnight accommodations for more than forty-nine persons, and (b) small passenger vessels of less than 100 gross tons that operate on the high seas or more than three miles from shore on Great Lakes voyages.[368] This extension of the reserve power supply requirement could affect small entities that own or operate small passenger vessels newly subject to the requirement.

In the IRFA accompanying the *Second Further Notice*, we specifically identified each of the above rule amendments as potentially affecting reporting, recordkeeping and other compliance requirements, and specifically requested comment on the economic impact of these changes.[369]

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

The RFA requires an agency to describe any significant alternatives that it has considered in developing its approach, which may include the following four alternatives (among others): "(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities."[370]

Although we received no comments specifically addressed to the IRFA for the *Second Further Notice*, we have considered all comments to the *Second Further Notice* addressing the impact of any proposed change on small entities and all suggestions for alternative measures that would have a less significant impact on small entities. Moreover, even where we received no comments of this nature with regard to a particular new requirement, we considered the potential impact of the requirement on small entities, and considered alternatives. As noted above, we have identified two new requirements that may affect reporting, recordkeeping and other compliance requirements for small entities. We discuss both of these new requirements adopted in the *Third Report and Order*, and relevant alternatives, below.

In determining to adopt more stringent requirements for DSC radio equipment, we carefully considered the impact of such action on small entities that manufacture or use such equipment. We ultimately concluded that we should not exempt any entities from compliance with the new DSC technical

[363] We discuss here those two rule amendments that impose new or additional requirements. The other decisions adopted in the *Third Report and Order* remove or relax existing requirements, or do not change existing requirements.

[364] 47 C.F.R. § 80.225.

[365] *See* paras. 27-29, *supra*.

[366] *See* 47 C.F.ER. § 80.917.

[367] Prior to this amendment, the reserve power supply requirement was imposed only on small passenger vessels of more than 100 gross tons.

[368] *See* para. 37, *supra*.

[369] *See Second Further Notice*, 19 FCC Rcd at 3207-08.

[370] 5 U.S.C. § 603(c)(1)-(4).

standards because indefinite reliance on equipment meeting the old standards could jeopardize the safety not only of passengers and crew on vessels using such equipment but also passengers and crew on other vessels.[371] In addition to the undisputed safety benefits of DSC equipment meeting the new standards, we took into account record evidence indicating that the cost of such equipment is not excessive. Three commenters responded to the Commission's request for information on the compliance costs of this requirement, and their consensus view is that the retail cost of DSC equipment meeting the new standards is not more than $200, which is less than what DSC equipment meeting the earlier SC101 standard was retailing for just a few years ago.[372] Moreover, we have provided affected entities with significant relief through a phase-in of the new requirements plus grandfathering protections. Specifically, the Commission will continue to accept applications for certification of non-handheld DSC equipment meeting the SC101 standard until one year after the effective date of these rule amendments.[373] In addition, the Commission will continue to accept applications for certification of handheld DSC equipment meeting the SC101 standard for a full four years after the effective date of the new rules.[374] With respect to grandfathering protection, we are permitting the continued manufacture, importation, sale and installation of non-handheld SC101 radio equipment until three years after the effective of the new rules, and the continued manufacture, importation and sale of SC101 handheld units until seven years after the effective date.[375] Finally, we are grandfathering indefinitely the use of any DSC equipment that was properly certified under the SC101 standard and placed in service prior to the expiration of the applicable three-year or seven-year grandfathering period; such equipment, therefore, may continue to be used until the end of its useful life.[376] We conclude that these measures effectively mitigate the burden on small entities of complying with the new DSC standards, reasonably further the goals of the RFA, and allow a resolution of this matter that fairly balances the public interest in maritime safety with the public interest in reducing regulatory burdens on small entities.

We also carefully considered the impact on small entities of expanding the Section 80.917 requirement to carry a reserve power supply to additional classes of small passenger vessels.[377] We have decided to expand this requirement because we believe that a reserve power supply "can make a life-or-death difference for passengers and crew on board a passenger vessel in distress."[378] We also have

[371] *See* para. 27, *supra*, discussing the enhanced safety features of equipment meeting the new standards. A vessel using equipment that does not conform to the new standards might not hear distress calls from other vessels if the receiver is in use for another call. However, the new IEC 62238 standard requires two-receiver functionality to rectify that problem. Thus, the continued use of equipment that does not comply with the new standard could endanger not only the vessel on which that equipment is used, but also other vessels. In sum, the safety of the entire maritime community would be diminished if some classes of vessels were permanently exempted from the new DSC equipment standards.

[372] *See* para. 28, *supra*.

[373] *See* para. 29, *supra*. Although other commenters, including the Coast Guard, recommended that certification of new non-handheld DSC radios terminate ninety days after the effective date of these amendments, and another commenter recommended a six-month period, we have adopted the more lenient one-year transition period advocated by NPMRC, to better ensure that manufacturers' investment in the design and manufacture of SC101 radios is not stranded and to also ease the potential compliance burden on vessel operators and owners. *Id.*

[374] *Id.* A longer transition period and a longer period of grandfathering protection is warranted for handheld equipment because of the greater design challenges involved in incorporating additional safety features in units of smaller size. *Id.*

[375] *Id.*

[376] *Id.*

[377] *See* 47 C.F.R. § 80.917; paras. 35-37, *supra*.

[378] *See* para. 35, *supra*. As explained in the *Third Report and Order*, without a reserve power supply, a small passenger vessel may be unable to communicate via radiotelephone with search and rescue personnel in an emergency, and that inability to communicate could jeopardize the safety of those on board. *Id.*

considered whether there are less costly alternatives to a reserve power supply that would be equally effective in addressing this safety concern. We conclude that no such less costly alternatives exist.[379] However, in the interest of minimizing regulatory burdens on small entities, such as small charter boat operators, that own and operate small passenger vessels, we are not expanding the requirement to *all* small passenger vessels, although we did consider that option.[380] Instead, we are expanding the reserve power supply requirement to those vessels where it will provide potentially the greatest value in terms of maritime safety – vessels with a relatively large passenger capacity and vessels that travel relatively great distances from shore – and where the costs can most readily be absorbed. Specifically we are extending the reserve power supply requirement to (a) small passenger vessels of less than 100 gross tons that carry more than 150 passengers or have overnight accommodations for more than forty-nine persons;[381] and (b) small passenger vessels of less than 100 gross tons that carry not more than 150 passengers or have overnight accommodations for not more than forty-nine persons,[382] *and* that are required to carry EPIRBs under the Coast Guard's Navigation and Vessel Inspection Circular No. 3-99, *i.e.*, that operate on the high seas or more than three miles from shore on Great Lakes voyages.[383] We believe that this rule adequately addresses the concerns of NMCA and PVA that a reserve power supply requirement not be imposed on the smallest of small passenger vessels, such as small charter fishing boats, that remain relatively close to shore and generally carry only a few passengers at a time.[384] In fact, this resolution was proposed by PVA.[385] In addition, this approach appropriately takes into account a vessel's passenger capacity and area of operation in weighing the costs and benefits of imposing the reserve power supply requirement. We are persuaded by the Coast Guard's endorsement of this approach,[386] moreover, that it gives appropriate weight to the interest in maritime safety at the same time that it furthers the goals of the RFA. Finally, to further mitigate the burden on the owners and operators of small passenger vessels newly subject to the reserve power supply requirement, we provide them with up to one year after the effective date of this rule amendment to install the requisite reserve power supply.[387]

F. Report to Congress

The Commission will send a copy of the *Third Report and Order* in WT Docket No. 00-48, including the Final Regulatory Flexibility Analysis, in a report to be sent to Congress and the Congressional Budget Office pursuant to the Congressional Review Act.[388] In addition, the Commission will send a copy of the *Third Report and Order* in WT Docket No. 00-48, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the SBA. A copy of the *Third Report and*

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[379] *Id.*

[380] *See* para. 37, *supra*. Such a result could be accomplished simply by removing the tonnage limitation that is now set forth in Section 80.917, 47 C.F.R. § 80.917(a).

[381] This is the class of vessels subject to subchapter K of the Coast Guard regulations, 46 C.F.R. §§ 114.100-122.910.

[382] This is the class of vessels subject to subchapter T of the Coast Guard regulations, 46 C.F.R. §§ 175.100-185.910.

[383] *See* Navigation and Vessel Inspection Circular No. 3-99, "Global Maritime Distress and Safety System (GMDSS) and Emergency Position Indicating Radiobeacon (EPIRB) Equipment Requirements for Commercial Vessels," Table 3, note 9 (1999) (NVIC 3-99).

[384] *See* para. 37, *supra*.

[385] *See* PVA Comments at 1-2.

[386] *See* USCG Reply Comments at 3.

[387] *See* para. 38, *supra*.

[388] *See* 5 U.S.C. § 801(a)(1)(A).

Order in WT Docket No. 00-48 and the Final Regulatory Flexibility Analysis (or summaries thereof) will also be published in the Federal Register.[389]

[389] *See id.* § 604(b).

APPENDIX D

Initial Regulatory Flexibility Analysis

(Third Further Notice of Proposed Rule Making in WT Docket No. 00-48)

As required by the Regulatory Flexibility Act (RFA),[390] the Commission has prepared this present Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities by the policies and rules proposed in the *Third Further Notice of Proposed Rule Making* in WT Docket No. 00-48 (*Third Further Notice*). Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the *Third Further Notice* as provided in paragraph 82 of the item, *supra*. The Commission will send a copy of the *Third Further Notice*, including the IRFA, to the Chief Counsel for Advocacy of the U.S. Small Business Administration.[391] In addition, the *Third Further Notice* and IRFA (or summaries thereof) will be published in the Federal Register.[392]

A. Need for, and Objectives of, the Proposed Rules

In the *Third Further Notice*, we seek comment on rule amendments that are intended to enhance maritime safety, promote the efficient use of the maritime radio spectrum, and, to the extent consistent with these first two objectives, remove unnecessary regulatory burdens. We also seek to conform the Commission's Part 80 rules with international standards where doing so will not undermine domestic regulatory objectives. In the *Third Further Notice*, we first request comment on whether we should remove Part 80 regulatory provisions providing for the certification and authorizing the use of INMARSAT-E EPIRBs in light of the planned cessation of service to such EPIRBs as of December 1, 2006.[393] Second, we invite comment on a Coast Guard recommendation to require that VHF DSC handheld radios include an integral GPS capability to ensure that distress calls include accurate location information.[394] Third, we ask commenters to consider whether small passenger vessels that do not have a reserve power supply should be required to carry at least one VHF marine radio transceiver.[395] Fourth, we request comment on whether additional frequencies should be made available for ship station facsimile use, and whether the Commission should permit the transmission of data on VHF maritime voice channels[396] Fifth, we request comment on whether we should remove certain restrictions on the assignment of frequencies to private coast stations and marine utility stations in light of the current demand for such frequencies.[397] Sixth, we solicit comment on updating the standards for ship radar equipment.[398] Finally, we request comment on the proposed addition of a rule to Subpart W of Part 80 to

[390] *See* 5 U.S.C. § 603. The RFA, *see* 5 U.S.C. §§ 601 *et seq.*, has been amended by the Contract with America Advancement Act of 1996, Pub. L. No. 104-121, 110 Stat. 847 (1996) (CWAA). Title II of the CWAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

[391] *Id.* § 603(a).

[392] *See id.*

[393] *See* para. 68, *supra*.

[394] *See* paras. 69-70, *supra*.

[395] *See* para. 71, *supra*.

[396] *See* para. 72, *supra*.

[397] *See* para. 73, *supra*.

[398] *See* para. 74, *supra*.

clarify the continued applicability of a daily radiotelephone testing requirement to GMDSS vessels subject to Subpart W.[399]

B. Legal Basis for Proposed Rules

The proposed action is authorized under 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), and 332(a)(2).

C. Description and Estimate of the Number of Small Entities To Which the Proposed 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 proposed rules, if adopted.[400] The RFA defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction."[401] In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act.[402] 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 any additional criteria established by the Small Business Administration (SBA).[403] A small organization is generally "any not-for-profit enterprise which is independently owned and operated and is not dominant in its field."[404] Nationwide, there are a total of approximately 22.4 million small businesses, according to SBA data.[405] A "small organization" is generally "any not-for-profit enterprise which is independently owned and operated and is not dominant in its field."[406] Nationwide, as of 2002, there were approximately 1.6 million small organizations.[407] The term "small governmental jurisdiction" is defined generally as "governments of cities, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand."[408] Census Bureau data for 2002 indicate that there were 87,525 local governmental jurisdictions in the United States.[409] We estimate that, of this total, 84,377 entities were "small governmental jurisdictions."[410] Thus, we estimate that most governmental jurisdictions are

[399] *See* para. 75, *supra*.

[400] 5 U.S.C. § 603(b)(3).

[401] 5 U.S.C. § 601(6).

[402] 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 of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register." 5 U.S.C. § 601(3).

[403] Small Business Act, 15 U.S.C. § 632 (1996).

[404] 5 U.S.C. § 601(4).

[405] *See* SBA, Programs and Services, SBA Pamphlet No. CO-0028, at page 40 (July 2002).

[406] 5 U.S.C. § 601(4).

[407] Independent Sector, The New Nonprofit Almanac & Desk Reference (2002).

[408] 5 U.S.C. § 601(5).

[409] U.S. Census Bureau, Statistical Abstract of the United States: 2006, Section 8, page 272, Table 415.

[410] We assume that the villages, school districts, and special districts are small, and total 48,558. *See* U.S. Census Bureau, Statistical Abstract of the United States: 2006, section 8, page 273, Table 417. For 2002, Census Bureau data indicate that the total number of county, municipal, and township governments nationwide was 38,967, of which 35,819 were small. *Id.*

small. Below, we further describe and estimate the number of small entity licensees and regulatees that may be affected by adoption of rules discussed in the *Third Further Notice*.

Small businesses in the aviation and marine radio services use a marine very high frequency (VHF), medium frequency (MF), or high frequency (HF) radio, any type of emergency position indicating *radio beacon (EPIRB) and/or radar, an 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 IRFA, therefore, the applicable definition of small entity is the definition under the SBA rules applicable to wireless telecommunications. Pursuant to this definition, a "small entity" for purposes of the ship station licensees, public coast station licensees, or other marine radio users that may be affected by these rules, is any entity employing 1,500 of fewer persons. 13 C.F.R. § 121.201 (NAICS Code 517212).

Wireless Service Providers. The SBA has developed a small business size standard for wireless firms within the two broad economic census categories of "Paging"[411] and "Cellular and Other Wireless Telecommunications."[412] Under both categories, the SBA deems a wireless business to be small if it has 1,500 or fewer employees. For the census category of Paging, Census Bureau data for 2002 show that there were 807 firms in this category that operated for the entire year.[413] Of this total, 804 firms had employment of 999 or fewer employees, and three firms had employment of 1,000 employees or more.[414] Thus, under this category and associated small business size standard, the majority of firms can be considered small. For the census category of Cellular and Other Wireless Telecommunications, Census Bureau data for 2002 show that there were 1,397 firms in this category that operated for the entire year.[415] Of this total, 1,378 firms had employment of 999 or fewer employees, and 19 firms had employment of 1,000 employees or more.[416] Thus, under this second category and size standard, the majority of firms can, again, be considered small.

VHF Public Coast Stations. Some of the rules adopted herein affect VHF public coast station licensees. The Commission has defined the term "small entity" specifically applicable to public coast station licensees as any entity employing less than 1,500 persons, based on the definition under the Small Business Administration rules applicable to radiotelephone service providers. *See* Amendment of the Commission's Rules Concerning Maritime Communications, *Third Report and Order and Memorandum Opinion and Order*, 13 FCC Rcd 19853, 19893 (1998) (citing 13 C.F.R. § 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 public coast station licensees 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 twelve radiotelephone firms out of a total of 1,178 such firms which operated in 1992 had 1,000 or more employees. Thus, we estimate that no fewer than 1,166 small entities will be affected.

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[411] 13 C.F.R. § 121.201, NAICS code 517211.

[412] 13 C.F.R. § 121.201, NAICS code 517212.

[413] U.S. Census Bureau, 2002 Economic Census, Subject Series: Information, "Establishment and Firm Size (Including Legal Form of Organization," Table 5, NAICS code 517211 (issued Nov. 2005).

[414] *Id.* The census data do not provide a more precise estimate of the number of firms that have employment of 1,500 or fewer employees; the largest category provided is for firms with "1000 employees or more."

[415] U.S. Census Bureau, 2002 Economic Census, Subject Series: Information, "Establishment and Firm Size (Including Legal Form of Organization," Table 5, NAICS code 517212 (issued Nov. 2005).

[416] *Id.* The census data do not provide a more precise estimate of the number of firms that have employment of 1,500 or fewer employees; the largest category provided is for firms with "1000 employees or more."

Marine Radio Equipment Manufacturers. Some of the rules adopted herein may also affect small businesses that manufacture marine radio equipment. The Commission has not developed a definition of small entities applicable to marine radio equipment manufacturers. Therefore, the applicable definition is that for Wireless Communications Equipment Manufacturers. The Census Bureau defines this category as follows: "This industry comprises establishments primarily engaged in manufacturing radio and television broadcast and wireless communications equipment. Examples of products made by these establishments are: transmitting and receiving antennas, cable television equipment, GPS equipment, pagers, cellular phones, mobile communications equipment, and radio and television studio and broadcasting equipment."[417] The SBA has developed a small business size standard for Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing, which is: all such firms having 750 or fewer employees.[418] According to Census Bureau data for 2002, there were a total of 1,041 establishments in this category that operated for the entire year.[419] Of this total, 1,010 had employment of under 500, and an additional 13 had employment of 500 to 999.[420] Thus, under this size standard, the majority of firms can be considered small.

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

We believe three of the possible rule changes discussed in the *Third Further Notice* may potentially have a direct, significant economic impact on a substantial number of small entities.[421] As noted, we have requested comment on whether to require GPS capability in VHF-DSC handheld radios, on whether to require that small passenger vessels carry at least one VHF handheld marine radio transceiver, and on whether to update the standards for ship radar equipment. We invite interested parties to address the economic impact of these possible rule changes on small vessel operators, small marine radio equipment manufacturers and other small businesses that may be subject to the new requirements. We seek information on whether the compliance costs may outweigh the safety benefits of these rule changes, and whether there are alternative means of securing the safety benefits of these requirements through means that are less burdensome to regulatees.

We do not believe any of the other matters discussed in the *Third Further Notice* would have a direct, significant economic impact on a substantial number of small entities. However, any commenters that disagree with that tentative conclusion are asked to explain the basis of that disagreement.

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[417] U.S. Census Bureau, 2002 NAICS Definitions, "334220 Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing"; http://www.census.gov/epcd/naics02/def/NDEF334.HTM#N3342.

[418] 13 C.F.R. § 121.201, NAICS code 334220.

[419] U.S. Census Bureau, American FactFinder, 2002 Economic Census, Industry Series, Industry Statistics by Employment Size, NAICS code 334220 (released May 26, 2005); http://factfinder.census.gov. The number of "establishments" is a less helpful indicator of small business prevalence in this context than would be the number of "firms" or "companies," because the latter take into account the concept of common ownership or control. Any single physical location for an entity is an establishment, even though that location may be owned by a different establishment. Thus, the numbers given may reflect inflated numbers of businesses in this category, including the numbers of small businesses. In this category, the Census breaks-out data for firms or companies only to give the total number of such entities for 2002, which was 929.

[420] *Id.* An additional eighteen establishments had employment of 1,000 or more.

[421] We believe the discussed rules concerning INMARSAT-E earth stations, ship station facsimile frequencies, and private coast station frequencies would not impose any new reporting, recordkeeping, or other compliance requirement on any regulated entity.

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

The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives, among others: (1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.[422]

In the *Third Further Notice*, we ask that commenters provide information on the incremental cost to manufacturers and consumers if the Commission were to adopt a requirement for GPS capability in VHF-DSC handheld units.[423] We describe here, and seek comment on, possible alternatives to imposing such a requirement that might minimize the economic impact on small entities. First, we ask commenters to consider whether it would be appropriate to exempt any class of small entities from such a requirement. Commenters advocating such an exemption should propose criteria for identifying entities that should be exempt, and should explain why they believe such an exemption represents a reasonable compromise between the goals of promoting maritime safety and minimizing compliance costs for small entities. In addition, if we do determine to impose a new requirement for GPS capability in VHF-DSC handheld radio equipment, we would consider whether we should continue to certify VHF-DSC equipment without such capability for a specified additional period of time, and/or whether we should adopt grandfathering protections to allow the continued sale and use of such non-GPS VHF-DSC handheld equipment for a specified period of time or indefinitely. Interested parties should address these alternatives. Finally, we seek comment on whether an alternative, less costly equipment requirement could adequately address the concern that distress communications include accurate coordinates for the vessel in distress.

In the *Third Further Notice*, we also seek comment on whether the Commission should require carriage of at least one VHF handheld marine radio transceiver on small passenger vessels that do not carry a reserve power supply.[424] Our understanding is that such handheld radio equipment can be purchased for under fifty dollars at retail, making it a far less expensive proposition for small vessel owners and operators than would expanding the reserve power supply requirement to all small passenger vessels, regardless of size. Notwithstanding the relative inexpensiveness of VHF handheld marine radios, and the important safety benefits that would accrue from imposing such a carriage requirement, we request that interested parties to address whether the costs of such a requirement would outweigh the safety benefits, and to suggest any alternatives, exemptions or phased-in implementation schedules that the Commission might adopt to reduce the compliance burden of such a requirement on small entities.

In the *Third Further Notice*, we also invite comment on revising the standards for ship radar equipment.[425] We seek comment on the impact of such a revision on radar equipment manufacturers and on the owners and operators of vessels required to be fitted with radar equipment. Given that we contemplate amending our rules only to reflect the most up-to-date international standards for ship radar equipment, we question whether such an amendment would impose any new compliance burden on small entities, since they may already be required to, or have decided it is prudent to, manufacture and use equipment that conforms to those international standards. To the extent such an amendment would be deemed to create a new compliance burden, we ask interested parties whether and how that burden can be eliminated or mitigated for small entities, both small manufacturers and small owners and operators of

[422] *See* 5 U.S.C. § 603(c).

[423] *See* para. 70, *supra*.

[424] *See* para. 71, *supra*.

[425] *See* para. 72, *supra*.

vessels fitted with radar equipment. Commenters should consider the possibility of retaining the existing Part 80 radar standards, incorporating by reference only some of the newer international radar standards, exempting certain entities from the requirement to comply with the newer international radar standards, and/or providing transition periods before compliance is required (so that, *e.g.*, radar equipment can still be certified based on compliance with the current standards for a specified period of time) and grandfathering protection (to permit the continued manufacture, sale, importation, and use of radar equipment certified under the old standards, either for a specified period of years or indefinitely). Commenters are also invited to suggest alternatives other than those discussed here.

F. Federal Rules that May Duplicate, Overlap, or Conflict With the Proposed Rules

None.