

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

WT Docket No. 94-153

In the Matter of

Amendment of Part 80 of the Rules
Concerning a U.S. Coast Guard Vessel
Traffic Service (VTS) System in
Prince William Sound on marine VHF
Channel 11 RM-8199

NOTICE OF PROPOSED RULE MAKING

Adopted: December 16, 1994; Released: January 3, 1995

Comment Date: February 24, 1995

Reply Comment Date: March 13, 1995

By the Commission:

I. INTRODUCTION

1. This Notice of Proposed Rule Making (NPRM) proposes to amend Part 80 of the Commission's Rules, 47 C.F.R. Part 80, to add Prince William Sound to the United States Coast Guard (Coast Guard) designated radio protection areas for mandatory Vessel Traffic Services (VTS) and establish marine VHF Channel 11 (156.550 MHz) as the VTS frequency for Prince William Sound. We are proposing these rules at the request of the Coast Guard.¹ Public Notice of the Coast Guard's petition (RM-8199) was given on March 18, 1993 (Report No. 1932). No one filed comments.

II. BACKGROUND

2. The Coast Guard uses VTS systems as an advisory communications service to coordinate vessel movement and prevent collisions in large, busy port areas. Vessels report, by voice, information related to position, navigation and conditions affecting their ability to navigate to the Coast Guard, which tracks the vessel's movements. VTS systems use VHF marine channels dedicated to VTS operations in Coast Guard designated VTS areas. Presently, the Coast Guard operates a VTS system in Prince William Sound on marine VHF Channel 13 (156.650 MHz), that, unlike the present request for Channel 11, is not dedicated for VTS nor protected from interference. Channel 13 is the

designated bridge-to-bridge channel and is also used for navigation related communications from the bridge of one ship to the bridge of another ship.

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.² Since then, we have added a number of VTS protection areas such as San Francisco.³ Currently, Section 80.383 of the Rules, 47 C.F.R. § 80.383, lists five areas - Seattle, New York, New Orleans, Houston and San Francisco - as Coast Guard designated VTS areas. Frequencies allotted for VTS communications are available for assignment outside of VTS designated areas for other purposes on a noninterference basis.⁴

III. DISCUSSION

4. As a result of the Oil Pollution Act of 1990,⁵ the Coast Guard plans to implement a mandatory Automated Dependent Surveillance (ADS) system for cargo ships, *e.g.* oil tankers, that operate in Prince William Sound. The ADS will operate as part of the proposed VTS system and is scheduled to begin operation in July 1994. An ADS system works as follows: the vessel determines its position using a highly accurate differential GPS receiver and automatically transmits its position, identification and the time of the position to the Coast Guard using digital selective calling (DSC) techniques on VHF marine Channel 70 (156.525 MHz). The Coast Guard needs Channel 11 to supplement Channel 70 ADS use and for voice VTS communications in support of vessel traffic control operations.

5. Designating Prince William Sound as a VTS area will allow the Coast Guard to manage vessel traffic in that area more efficiently and protect the marine environment by preventing vessel collisions and groundings. We are proposing, therefore, to add Prince William Sound to the Commission's list of designated radio protection areas for VTS systems specified in Section 80.383. The radio protection area will be defined as "The rectangle between North latitudes 61 degrees 17 minutes and 59 degrees 22 minutes and West longitudes 149 degrees 39 minutes and 145 degrees 36 minutes."

6. Additionally, we propose to permit private coast stations currently authorized to operate on Channel 11 within the proposed Prince William Sound VTS area to continue operation until the end of their current license terms on a noninterference basis.⁶ The staff will help affected licensees find suitable alternative channels. No fee will be charged for affected stations that apply for modification for an alternative channel before their next renewals.

¹ Letter from Philip R. Sheldon to George Dillon (March 2, 1993).

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

³ *Report and Order*, PR Docket No. 92-30, 8 FCC Rcd 1671

(1993).

⁴ *e.g.*, see footnote 3 of Section 80.373(f) of the Rules.

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

⁶ There are currently 6 licensed private coast stations within the proposed designated radio protected area that would be affected by this proposal.

IV. CONCLUSION

Regulatory Flexibility Act

7. We certify that Section 605(b) of the Regulatory Flexibility Act of 1980 (Pub. L. No. 96-354), 94 Stat. 1164, 5 U.S.C. §§ 601-612 (1981) does not apply to this rule making proceeding because, if the proposed rule amendments are promulgated, there will not be a significant economic impact on a substantial number of small business entities as defined by Section 601(3) of the Regulatory Flexibility Act. Affected licensees will be assisted to arrange alternative channels for their use. The proposed rule would promote vessel safety by adding Prince William Sound to the list of designated radio protection areas for VTS systems contained in the Commission's Rules. The Coast Guard has proposed rules requiring mandatory VTS participation in the Prince William Sound area. The Secretary shall send a copy of this *Notice of Proposed Rule Making*, including the certification, to the Chief Counsel for Advocacy for the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act. Pub. L. No. 96-354, 94 Stat. 1164, 5 U.S.C. Section 601 *et seq.* (1981).

Ex Parte Rules - Non-Restricted Proceeding

8. This is a non-restricted notice and comment rule making proceeding. *Ex Parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in Commission rules. *See generally* 47 C.F.R. §§ 1.1202, 1.1203, and 1.1206(a).

Comment Dates

9. Pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's Rules, 47 C.F.R. §§ 1.415 and 1.419, interested parties may file comments on or before **February 24, 1995**, and reply comments on or before **March 13, 1995**. To file formally in this proceeding, you must file an original and four copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments, you must file an original plus nine copies. You should send comments and reply comments to Office of the Secretary, Federal Communications Commission, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the F.C.C. Reference Center of the Federal Communications Commission, room 239, 1919 M Street, N.W., Washington, DC 20554.

Ordering Clause

10. Authority for issuance of this *Notice of Proposed Rule Making* is 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).

Contact Person

11. For further information concerning this proceeding, contact James Shaffer, Private Radio Bureau, (202) 632-7197.

FEDERAL COMMUNICATIONS COMMISSION

William F. Caton
Acting Secretary

APPENDIX

Title 47 of the Code of Federal Regulations, Part 80, is proposed to be amended as follows:

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. Section 80.383 is amended by revising the table in paragraph (a) to add Prince William Sound to the list of geographic areas for the carrier frequency 156.550 MHz; amending paragraph (b)(4) by removing the final "and"; amending paragraph (b)(5) by replacing the final "." with "; and"; and adding a new paragraph (b)(6) to read as follows:

§ 80.383 Vessel Traffic Services (VTS) system frequencies.

(a) Assigned frequencies:

VESSEL TRAFFIC CONTROL FREQUENCIES

| Carrier frequencies (MHz) | Geographic areas |
|------------------------------|---|
| ***** | |
| 156.550 | New York, New Orleans, ¹ Houston, Prince William Sound, ² |

(b)***
(6) *Prince William Sound*. The rectangle between North latitudes 61 degrees 17 minutes and 59 degrees 22 minutes and West longitudes 149 degrees 39 minutes and 145 degrees 36 minutes.

¹ * * *

² Private coast station licenses for the use of this frequency will expire five years after the adopted date of the final rule. Continued use until expiration must be on a noninterference basis to Coast Guard VTS communications.