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MEMORANDUM

From: Chief, Fishing Vessels Division (CG-CVC-3) Reply to Attn of: J.A. Kemerer 202-372-1249

To: CCGD13 and CCGD17 Commercial Fishing Vessel Safety Coordinators

Subj: Global Maritime Distress and Safety System (GMDSS) Requirements Applicable to Commercial Fishing vessels While Operating in Waters off Alaska

1. Background: The GMDSS is an internationally recognized distress and radio communication safety system for ships replacing the previous ship to ship safety system, which relied on a manual Morse code system on 500 kHz and voice radiotelephony on Channel 16 and 2182 kHz. The GMDSS is an automated ship to shore system using satellites and digital selective calling technology. The GMDSS is mandated for ships internationally by the International Maritime Organization (IMO) Safety of Life at Sea Convention (SOLAS), 1974, as amended in 1988, and carries the force of an international treaty. The procedures governing use are contained in the International Telecommunication Union recommendations and in the International Radio Regulations, and also carry the force of an International Treaty. The changes were mandated by international treaty obligations. In 1988, the International Maritime Organization (IMO), an organization of the United Nations, amended the Safety of Life at Sea (SOLAS) Convention to implement the GMDSS worldwide. The United States has been a strong advocate of the GMDSS internationally. On January 16, 1992, the FCC adopted the GMDSS regulations for U.S. compulsory vessels. Report and Order, PR Docket No. 90-480, FCC 92-19, 7 FCC Rcd 951 (1992).

2. Applicability: The GMDSS regulations are contained in 47 C.F.R. Part 80. Most of the GMDSS regulations are in Subpart W of Part 80, but Subpart W also cross-references certain other FCC rules, as follows (the cross-referencing Subpart W is listed parenthetically after the cross-referenced rule): 13.2 (80.1073(a)), 13.21 (80.1073(a)), 80.334 (80.1114), 80.335 (80.1114), 80.836 (80.1065(b)(5)(iii)), 80.933 (80.1065(b)(5)(iii)).

The international GMDSS regulations apply to "compulsory" ships that include cargo ships of 300 gross tons and over when traveling on international voyages or in the open sea, and all passenger ships carrying more than twelve passengers when traveling on international voyages or in the open sea. These are the same ships currently covered by the SOLAS Convention and Title III, Part II of the Communications Act of 1934, as amended.

Fishing vessels that are otherwise subject to the SOLAS GMDSS requirements have received a limited, temporary waiver of the requirement to carry VHF-DSC (in Sea Area A1) and MF-DSC (in Sea Area A2) equipment. (See Waiver of Certain Global Maritime Distress and Safety System (GMDSS) Rules Applicable to Fishing Vessels and Small Passenger Vessels, Order, 14 FCC Rcd 528, FCC 98-296 (1998) (pdf).) The waiver is conditioned on the requirement that these fishing vessels continue to carry a 406 MHz EPIRB, a NAVTEX receiver, and survival craft equipment including at least three portable VHF radiotelephones and two 9 GHz radar transponders (SARTs).

In addition, the waiver is available only for vessels that remain within the specified communications ranges, and that vessels that, for example, travel in Sea Area A3, outside such range and generally more than one hundred nautical miles from shore, are not permitted to avail themselves of the waiver. Such vessels, therefore, must be fitted with the full complement of required GMDSS equipment in the absence of an individual exemption.

The required equipment depends upon the intended route of the vessel. A careful review of the new regulations, 47 CFR Section 80.1105, is needed to determine the requirements applicable to each vessel. A vessel can sail in any of four sea areas, as defined below:

Sea Area A1. An area within the radiotelephone coverage of at least one VHF coast station in which continuous DSC alerting is available as defined by the International Maritime Organization. (For purposes of determining whether a fishing vessel operates within the coverage area of a VHF station, generally inspectors should determine whether or not the vessel remains within 20 nautical miles of the nearest land at all times during its voyages.)

Sea Area A2. An area, excluding sea area A1, within the radiotelephone coverage of at least one MF coast station in which continuous DSC alerting is available as defined by the International Maritime Organization. (For purposes of determining whether a fishing vessel operates within the coverage area of a MF station, generally inspectors should determine whether the vessel remains within 100 nautical miles of the nearest land at all times during its voyages.)

Sea Area A3. An area, excluding sea areas A1 and A2, within the coverage of an INMARSAT geostationary satellite in which continuous alerting is available.

Sea Area A4. An area outside sea areas A1, A2, and A3.

Generally, all GMDSS ships must carry a 406 MHz EPIRB, a VHF radio capable of transmitting and receiving DSC and radiotelephony, a NAVTEX receiver, a SART, and two-way VHF portable radios. See the FCC's GMDSS regulations, 47 CFR Sections 80.1085 through 80.1093 for exact details.

3. Requirements for Fishing Vessels: Traditionally, fishing vessels have been treated under FCC Rules as cargo vessels because the Communications Act defines "cargo ship" as "any ship not a passenger ship. Because representatives of the fishing industry asserted that fishing vessels were specifically exempted from GMDSS rules in the SOLAS Convention and should be similarly exempt from the FCC's GMDSS rules, the FCC granted a temporary waiver of the GMDSS rules for fishing vessels of 300 gross tons or more. The waiver provisions can be found in 47 CFR Part 80.1071(c)(1). The Commission extended the fishing vessel waiver until the USCG established appropriate Sea Area A1 and Sea Area 2 coast stations, after which we would require all compulsory vessels, including fishing vessels of 300 gross tons or more, to comply with all the GMDSS requirements appropriate to their area of operation.

4. Alaska Area-Specific Requirements: It has been noted that because the requisite shore-based communications equipment for Sea Areas A1 and A2 have not been established in Alaska, fishing vessels would be required to carry the more expensive Sea Area A3 or A4 equipment in order to comply with the GMDSS rules, in the absence of waiver relief. Thus, for fishing vessels in Alaska area waters, the FCC delayed requirements for fishing vessels to be fitted with GMDSS equipment, specifically VHF-DSC and MF-DSC radio equipment, on vessels which sail exclusively in Sea Areas A1 and A2, until one year after the USCG establishes such areas in Alaska. However, there are no current plans to establish Sea Areas A1 and A2 in Alaska.

Thus, fish catching, fish tender, and fish processing vessels of 300 GT and greater operating in and around Alaska, must comply with the communications and equipment requirements for sea area A3 as follows:

1. 1-EPIRB
2. 2-SARTS (vessels $\geq$ 300 GT but < 500 GT can carry 1 SART)
3. 1-VHF DSC transceiver
4. 1-HF DSC transceiver
5. 1-NAVTEX receiver
6. 1-INMARSAT transceiver
7. At least two (02) persons holding a GMDSS operator's license.

Unless: A vessel exercises the waiver allowed under 47 CFR Part 80.1071(c)(1). Under this waiver, a vessel on which the requirements apply may instead be in compliance by carrying the following:

1. 1-EPIRB
2. 2-SARTS (vessels $\geq$ 300 GT but < 500 GT can carry 1 SART)
3. 1-VHF transceiver (DSC not required)
4. 1- HF transceiver (DSC not required)
5. 1-NAVTEX receiver
6. 1-INMARSAT transceiver
7. At least two (02) persons holding a GMDSS operator's license.

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