



PUBLIC NOTICE

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WIRELESS TELECOMMUNICATIONS BUREAU CLARIFIES AND WAIVES REQUIREMENTS FOR SHIP STATION RADAR EQUIPMENT

In this *Public Notice*, we clarify and waive certain provisions of Section 80.273 of the Commission's Rules¹ regarding radar installations on board ships. Specifically, we grant a blanket waiver of the requirement in Section 80.273(b) that radar equipment on voluntary vessels² comply with International Electrotechnical Commission (IEC) standard 62252.³ In addition, we clarify that radar equipment on compulsory vessels⁴ must comply with the standards now incorporated into Section 80.273(a).

In the *Fourth Report and Order and Second Memorandum Opinion and Order* in WT Docket No. 00-48 (*Fourth Report and Order*),⁵ the Commission amended the Part 80 rules governing the maritime radio services by, among other things, updating the rules for ship radar equipment and incorporating by reference the relevant international standards for such equipment, including IEC 62252.⁶ The Commission grandfathered equipment installed prior to the effective date of the *Fourth Report and Order*, but prohibited any new installations of equipment not compliant with the new standards.⁷ The rule changes took effect on January 3, 2012.

On February 27, 2012, the Radio Technical Commission for Maritime Services (RTCM) requested that the Commission delay or suspend the requirement that voluntarily installed radar equipment comply with IEC 62252.⁸ RTCM explains that IEC 62252 has not been adopted as a radar

¹ See 47 C.F.R. § 80.273.

² *I.e.*, vessels not required by treaty or statute to be equipped with radio equipment. See 47 C.F.R. § 80.5.

³ See IEC 62252, "Maritime navigation and radiocommunication equipment and systems—Radar for craft not in compliance with IMO SOLAS Chapter V—Performance requirements, methods of test and required test results," First edition, 2004–07 (IEC 62252).

⁴ *I.e.*, vessels required by treaty or statute to be equipped with radio equipment. See 47 C.F.R. § 80.5.

⁵ See Amendment of Parts 13 and 80 of the Commission's Rules Concerning Maritime Communications, *Fourth Report and Order and Second Memorandum Opinion and Order*, WT Docket No. 00-48, 25 FCC Rcd 7781 (2010).

⁶ *Id.* at 7789-90 ¶ 16.

⁷ *Id.* at 7790 ¶ 17.

⁸ See Petition for Rulemaking (filed Feb. 27, 2012). RTCM also requests that the Commission amend Section 80.273 and other rules governing radar equipment. In this *Public Notice*, we address only RTCM's request for relief from the requirement that voluntarily installed radar equipment comply with IEC 62252. RTCM's request for rule changes will be addressed in a separate proceeding.

standard in other nations, and manufacturers have not designed and built radar equipment to that standard and will not be able to do so in the near future.⁹ As a result, recreational boaters and others who wish to install maritime radar equipment voluntarily are unable to do so in compliance with Section 80.273(b).¹⁰

Section 1.925(b)(3)(i) of the Rules provides that the Commission may grant a rule waiver if it is shown that the “underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest....”¹¹ The primary purpose of Section 80.273(b), like other Part 80 rules establishing standards for ship radio equipment, is to promote maritime safety. That purpose would be frustrated if Section 80.273(b) were to have the unintended effect of precluding mariners from installing radar equipment on their vessels on a voluntary basis.

We accordingly waive Section 80.273(b). This waiver permits the owners and operators of voluntary vessels to carry radar equipment even if it does not comply with IEC 62252,¹² and allows the FCC Lab or Telecommunications Certification Bodies to authorize radar equipment without reference to any particular standard if the equipment is intended for use solely on voluntarily equipped vessels.¹³ The Commission may revisit Section 80.273 and other rules governing ship radar equipment in an appropriate rulemaking proceeding.

In addition, we note that Section 80.273(c) currently requires compulsory vessels to carry radar equipment that meets the standards in Section 80.273(b). It is clear, however, that the Commission intended that radar installations on compulsory vessels be governed by the compulsory-vessel standards incorporated by the *Fourth Report and Order* in Section 80.273(a) rather than the standard for voluntary vessels incorporated by the *Fourth Report and Order* in Section 80.273(b). We so interpret the rule, and hereby clarify that installations that meet the standards now incorporated in Section 80.273(a) will be deemed to comply with Section 80.273(c), provided that they meet the other requirements set forth in Section 80.273(c).

For further information, contact Jeff Tobias of the Mobility Division, Wireless Telecommunications Bureau, at (202) 418-0680, TTY (202) 418-7233, or Jeff.Tobias@fcc.gov.

Action by the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau.

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⁹ *Id.* at 2.

¹⁰ *Id.*

¹¹ See 47 C.F.R. § 1.925(b)(3)(i). The Commission may grant such a waiver on its own motion or upon request. See 47 C.F.R. § 1.925(a).

¹² In order to obtain equipment authorization, radar equipment must still comply with the applicable technical rules in Part 80, such as those pertaining to power limits, bandwidth limits, and out of band emissions. See, e.g., 47 C.F.R. §§ 80.205, 80.211, 80.215.

¹³ This waiver does not relieve any mariner of the requirement to use equipment authorized under Part 80. See 47 C.F.R. § 80.203(a). Nor does it relieve manufacturers of radar equipment intended for installation on voluntarily equipped ships by persons without FCC operator licenses of the requirement that they include with their equipment authorization application a manual that provides step-by-step procedures for the installation, calibration, and operation of the radar equipment. See 47 C.F.R. §§ 80.177(d), 80.203(d).