

MEMORANDUM OF UNDERSTANDING BETWEEN THE
U. S. COAST GUARD AND THE FEDERAL COMMUNICATIONS COMMISSION

I. Authority. Title 47, United States Code, Section 381 (47 U.S.C. 381) requires any vessel of the United States carrying more than six passengers for hire, navigated in the open sea or any tidewater* within the jurisdiction of the United States adjacent to or contiguous to the open sea, to be equipped with an efficient radiotelephone in operating condition. The Federal Communications Commission (FCC) has the responsibility to make such inspections as may be necessary to ensure compliance with this radiotelephone requirement** and is authorized to delegate operational testing to the U. S. Coast Guard.***

II. Purpose. This memorandum formalizes the joint Coast Guard/FCC agreement concerning tests of radios aboard vessels which are subject to the provisions of 47 U.S.C. 381-386.

III. Applicability.

A. This memorandum applies to (1) vessels of less than 100 gross tons which are certificated by the Coast Guard to carry more than six passengers and which navigate on the open sea or on any tidewater within the jurisdiction of the United States which is adjacent or contiguous to the open sea; (2) passenger vessels of 100 gross tons or more which are certificated by the Coast Guard to operate in tidewater but are not certificated to operate in the open sea; and (3) passenger vessels of 100 gross tons or more to which the FCC has issued an exemption from other radio requirements on the condition that they comply with the radio provisions of 47 U.S.C. 381-386. (See attachment 1)

B. This memorandum does not apply to (1) vessels which are navigated solely on lakes or non-tidal rivers; (2) vessels of less than 50 gross tons which are navigated not more than 1,000 feet from the nearest land at mean low tide; and (3) vessels certificated by the Coast Guard as offshore supply vessels (OSVs) since these vessels are not, by law, passenger vessels.

IV. Coast Guard Actions. The Coast Guard will, during the inspection for certification or reinspection of a vessel covered by this memorandum, verify that the vessel has on board a valid Safety Radiotelephone Certificate issued by the FCC and that the vessel's radio equipment passes an operational test. (46 CFR 77.13 and 184.25-1 require that radio equipment meet requirements set forth in FCC regulations.) The cognizant Coast Guard Officer in Charge, Marine Inspection (OCMI) will take appropriate action to ensure that any discrepancies noted during the operational test are corrected before the vessel sails. The OCMI will notify the Engineer in Charge of the appropriate FCC facility (see attachment 2) of any unsatisfactory results of operational tests and subsequent repairs of radios aboard vessels covered by this memorandum. In addition, the OCMI should contact the Engineer in Charge of the appropriate facility if a question arises as to whether a vessel is required to have an FCC certificate.

*Waters with daily variations in water levels due to ocean tides.

**See 47 U.S.C. 385.

***See 47 U.S.C. 329.

V. FCC Actions. The FCC will conduct inspections of the radio installations aboard vessels covered by this agreement at intervals not to exceed five years. The FCC may also inspect the radio installation of any vessel which fails to correct conditions that caused the failure of an operational test during a Coast Guard inspection. Subsequent Coast Guard certification that the discrepancy has been cleared, may result in no FCC response. The FCC further agrees to notify the cognizant OCHI (see attachment 3) of any unsatisfactory results of inspections of vessels covered by this memorandum.

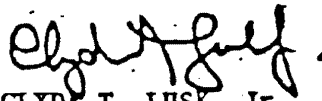
VI. Operational Tests.

A. For the purpose of this memorandum, to conduct an operational test means to observe that the radio operator is able to (1) make contact with another vessel or a coast station on VHF Marine Channel 16 (156.8 MHz); (2) move to a VHF frequency and reestablish contact with the vessel or coast station; and (3) obtain a signal report from the other vessel or coast station which indicates that communications capability exists.

B. In addition, if the vessel is certificated by the Coast Guard to operate more than 20 miles from shore, an operational test also means to observe that the radio operator is able to (1) make contact with another vessel or coast station on 2182 kHz; (2) move to a working frequency and reestablish contact with the vessel or coast station; and (3) obtain a signal report from the other vessel or coast station which indicates that communications capability exists.

VII. Implementation. This agreement becomes effective immediately. It will be reviewed by the Chief, Merchant Vessel Inspection Division, Office of Merchant Marine Safety, U. S. Coast Guard and Chief, Enforcement Division, Field Operations Bureau, FCC during the first three months of 1985. Amendments and modifications to this agreement may be agreed to by these persons at that time or any time thereafter and are effective when agreed to in writing by both parties. This agreement may be terminated at any time upon delivery of written notification of termination from either party to the other. Said written notification of termination must bear the signature of one of the original signatories or his successor.

Signed at Washington, D. C. this 10th day of July 1984.



CLYDE T. LUSK, Jr.
Rear Admiral, U. S. Coast Guard
Chief, Office of Merchant Marine Safety

Signed at Washington, D. C. this 10th day of July 1984.



Richard M. Smith
Chief, Field Operations Bureau
Federal Communications Commission

3 Attachments