

m at 3 meters based on a measurement using a peak detector, a 1 MHz resolution bandwidth and a video bandwidth no less than 1 MHz? We request comments on any changes to the interference potential of wideband part 15 devices that may occur as a result of these proposals. Technical support is requested for comments arguing interference concerns.

**7. UWB definition.** The minimum UWB bandwidth requirement could cause a manufacturer to design transmitters that occupy more bandwidth than is operationally necessary or transmitters that inject noise to increase the occupied bandwidth simply to permit operation under the UWB regulations. Such systems would place greater energy in frequency bands where operation is not necessary for the system to function. Thus, a minimum bandwidth standard can be counterproductive to reducing the potential for harmful interference. For this reason, we are proposing to eliminate the definition of an ultra-wideband transmitter in 47 CFR 15.503(d). In its place, we would permit the operation of any transmission system, regardless of its bandwidth, as long as it complies with the standards for UWB operation set forth in Subpart F of 47 CFR 15. We also propose to change the limit on peak power to the same limit we proposed above for non-UWB operation. This will ensure that excessive peak power levels are not permitted from narrowband systems. Comments are requested on this proposal. We request comments on any potential increase or decrease in interference potential to authorized radio services that could be caused by the adoption of this proposal. The comments should address the interference potential from narrowband systems operating under the UWB regulations. The comments also should address whether additional standards, such as a spectral power density limit based on a bandwidth narrower than 1 MHz, are needed. All comments should be based on a technical analysis of the interference potential.

#### Administrative Provisions

**8. Initial Regulatory Flexibility Analysis.** As required by Section 603 of the Regulatory Flexibility Act,<sup>1</sup> the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected significant economic impact on small entities by the policies and rules proposed in this Further Notice of Proposed Rule Making ("Further Notice"). Written public

comments are requested on the IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the Further Notice provided in paragraph 175 of the item. The Commission shall send a copy of this Further Notice, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act. In addition, the Further Notice and the IRFA (or summaries thereof) will be published in the **Federal Register**.<sup>2</sup>

#### A. Reason for Action

This rulemaking proposal is initiated to obtain comments regarding proposed changes to the regulations for radio frequency devices that do not require a license to operate. The Commission seeks to determine if its standards should be amended to permit the operation of vehicular radar and other low-pulse repetition frequency outdoor UWB devices in the 3.1–10.6 GHz band and to permit the operation of frequency hopping vehicular radar systems in the 22–29 GHz band under the UWB regulations. It also seeks to amend the peak power limit on non-UWB unlicensed devices.

#### B. Legal Basis

The proposed action is taken pursuant to sections 4(i), 301, 302, 303(e), 303(f), 303(r), 304 and 307 of the Communications Act 10 1934, as amended, 47 U.S.C. sections 154(i), 301, 302, 303(e), 303(f), 303(r), 304, and 307.

#### 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.<sup>3</sup> The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction."<sup>4</sup> In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act.<sup>5</sup> 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).<sup>6</sup>

A small organization is generally "any not-for-profit enterprise which is independently owned and operated and is not dominant in its field."<sup>7</sup> Nationwide, as of 1992, there were approximately 275,801 small organizations.<sup>8</sup> "Small governmental jurisdiction" generally means "governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than 50,000."<sup>10</sup> As of 1992, there were approximately 85,006 governmental entities, total, in the United States.<sup>11</sup> This number includes 38,978 cities, counties, and towns; of these, 37,566, or 96%, have populations of fewer than 50,000.<sup>12</sup> The Census Bureau estimates that this ratio is approximately accurate for all governmental entities. Thus, of the 85,006 governmental entities, we estimate that 81,600 (96%) are small entities. Nationwide, as of 1992, there were 4.44 million small business firms, according to SBA data.<sup>13</sup>

The SBA has developed a small business size standard for wireless firms within the two broad economic census categories of Paging<sup>14</sup> and Cellular and Other Wireless Telecommunications.<sup>15</sup> Under both SBA categories, a wireless business is small if it has 1,500 or fewer employees. For the census category of Paging, Census Bureau data for 1997 show that there were 1320 firms in this category, total, that operated for the entire year.<sup>16</sup> Of this total, 1303 firms

the agency and publishes such definition(s) in the **Federal Register**."

<sup>6</sup> 15 U.S.C. 632.

<sup>7</sup> 5 U.S.C. 601(4).

<sup>8</sup> U.S. Department of Commerce, Bureau of the Census, 1992 Economic Census, Table 6 (special tabulation of data under contract to the Office of Advocacy of the U.S. Small Business Administration).

<sup>9</sup> 47 CFR 1.1162.

<sup>10</sup> 5 U.S.C. 601(5).

<sup>11</sup> U.S. Department of Commerce, Bureau of the Census, 1992 Census of Governments.

<sup>12</sup> U.S. Department of Commerce, Bureau of the Census, 1992 Census of Governments.

<sup>13</sup> U.S. Department of Commerce, Bureau of the Census, 1992 Census of Transportation, Communications, and Utilities, UC 92-S-1, Subject Series, Establishment and Firm Size, Table 2D, Employment Size of Firms.

<sup>14</sup> 13 CFR 121.201, NAICS code 513321 (changed to 517211 in October 2002).

<sup>15</sup> 13 CFR 121.201, NAICS code 513322 (changed to 517212 in October 2002).

<sup>16</sup> U.S. Census Bureau, 1997 Economic Census, Subject Series: Information, "Employment Size of

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<sup>1</sup> 5 U.S.C. 603.

<sup>2</sup> 5 U.S.C. 603(a).

<sup>3</sup> 5 U.S.C. 603(b)(3).

<sup>4</sup> 5 U.S.C. 601(6).

<sup>5</sup> 5 U.S.C. 601(3) (incorporating by reference the definition of "small-business concern" in the Small Business Act, 15 U.S.C. 632). Pursuant to 5 U.S.C. 601(3), 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