

MHz PLBs by rule, require mandatory registration of 406 MHz PLB with the NOAA, and require manufacturers of 406 MHz PLBs to comply with the Radio Technical Commission for Maritime Services (RTCM) Recommended Standards for 406 MHz Satellite PLBs. The 406 MHz PLB is primarily intended to provide a distress and alerting capacity for use by the general public in life threatening situations in a remote environment after all other means of notifying SAR responders (e.g., telephone, radio) have been exhausted. In addition, we dismiss as moot requests by ACR Electronics Inc. (ACR) and McMurdo Limited (McMurdo) for waiver of the Commission's rules to permit the type certification of a new 406 MHz personal emergency position indicating radiobeacon (EPIRB), for the reason that the rule changes we adopt today appear to permit the equipment proposed by ACR and McMurdo.

I. Procedural Matters

A. Alternative Formats

2. Alternative formats (computer diskette, large print, audio cassette and Braille) of this Report and Order are available to persons with disabilities by contacting Brian Millin at (202) 418-0260, TTY (202) 418-2555, or at bmillin@fcc.gov. This Report and Order can also be downloaded at <http://www.fcc.gov/dtf/>.

II. Final Regulatory Flexibility Analysis (FRFA)

3. As required by the Regulatory Flexibility Act (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the NPRM, 65 FR 4935, February 2, 2000, prepared in this proceeding. The Commission sought written public comment on the proposals in the NPRM, including comments on the IRFA. This present FRFA conforms to the RFA.

A. Need for, and Objectives of, the Report and Order

4. In this proceeding, we amend part 95 of the Commission's rules to authorize the use of the frequency 406 MHz for personal locator beacons (PLBs) to provide individuals in remote areas a means to alert others of an emergency situation and help search and rescue personnel locate those in distress.

B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA

5. No comments were submitted specifically in response to the IRFA.

C. Description and Estimate of the Number of Small Entities to Which the Adopted Rules Will Apply

6. 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. The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction." In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act. 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). A small organization is generally "any not-for-profit enterprise which is independently owned and operated and is not dominant in its field." The adopted rules would apply to small businesses that manufacturer, design, import, sell, rent, or use radiobeacon equipment designed for distress alerting and location. PLBs will be used to provide a distress and alerting capacity for use by the general public in a life-threatening condition in a remote environment after all other means of notifying search and rescue responders have been used. These beacons will be manufactured, designed, imported and sold by companies of all sizes operating in the U.S. We concluded that these small businesses are classified in Communications Equipment, N.E.C., (Standard Identification Code 3669) as entities employing less than 750 employees as defined in 13 CFR 121.201. The size data provided by the SBA shows that 469 firms out of 498 firms in the Communications Equipment, NEC classification have less than 750 employees but did not enable us to make a meaningful estimate of the number of potential manufacturers which are small businesses. No comments were received on the number of small businesses which could be impacted by the proposed rule changes.

D. Description of Projected Reporting, Recordkeeping and Other Compliance Requirements

7. This proceeding contains a reporting requirement to require businesses renting and owners of 406 MHz Personal Locator Beacons (PLBs) to register information such as name, address, type of vessel with the National Oceanic and Atmospheric Administration (NOAA). The

information would be used by search and rescue personnel to identify the persons in distress and to select the proper rescue units and search methods.

E. Steps Taken to Minimize Significant Economic Impact on Small Entities and Significant Alternatives Considered

8. The Commission in this proceeding has considered comments on making frequency spectrum available to authorize the use of personal locator beacons. It has adopted alternatives which minimize burdens placed on small entities. The adopted rules will have a beneficial economic impact on small business entities that manufacturer, design, import, sell, or use radiobeacon equipment designed for distress alerting and location. This approach promotes technological innovations in radiobeacon equipment. This approach will allow the states to help manage its terrestrial search and rescue resources and assure that these radiobeacons will operate properly thus enhancing protection of life and property.

9. To minimize any negative impact on search and rescue responders receiving distress alerts, we have offered the option of utilizing the existing procedures. These procedures are that with prior coordination and mutual agreement, land-based alerts will be relayed by the United States Air Force Rescue Coordination Center to a point of contact designated by the state. In addition, the Commission declined to require businesses renting PLBs to the public to notify NOAA each time a beacon is rented; instead, such business must register once with NOAA and provide a 24-hour point of contact.

F. Report to Congress

10. The Commission will send a copy of the Report and Order, including this FRFA, in a report to be sent to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, see 5 U.S.C. 801(a)(1)(A). In addition, the Commission will send a copy of the Report and Order, including this FRFA to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the Report and Order and FRFA (or summaries thereof) will also be published in the **Federal Register**. See 5 U.S.C. 604(b).

III. Ordering Clauses

11. Pursuant to the authority of sections 4(i), 303(r), and 332(a)(2) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(r), 332(a)(2), parts 80, 87 and 95 of the Commission's rules, that 47 CFR parts