

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

| | |
|--|---|
| 1. Agency/Subagency originating request | 2. OMB control number b. <input type="checkbox"/> None a. _____ - _____ |
| 3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions | 4. Type of review requested (<i>check one</i>) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated |
| 7. Title | 5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 8. Agency form number(s) (<i>if applicable</i>) | 6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____ |
| 9. Keywords | 10. Abstract |
| 11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. ___ Individuals or households d. ___ Farms b. ___ Business or other for-profit e. ___ Federal Government c. ___ Not-for-profit institutions f. ___ State, Local or Tribal Government | 12. Obligation to respond (<i>check one</i>) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory |
| 13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____ | 14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____ |
| 15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. ___ Application for benefits e. ___ Program planning or management b. ___ Program evaluation f. ___ Research c. ___ General purpose statistics g. ___ Regulatory or compliance d. ___ Audit | 16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____ |
| 17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No | 18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: _____ Phone: _____ |

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator or head of MB staff for L.O.s, or of the Director of a Program or Staff Office)

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

**SUPPORTING STATEMENT
EMERGENCY BEACON REGISTRATIONS
OMB CONTROL NO. 0648-0295**

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

The United States, Canada, France and Russia operate the COSPAS/SARSAT, a satellite system with equipment that can detect and locate ships, aircraft and individuals in distress if an emergency radio beacon is being carried. This system is used to detect both analog, 121.5/243 MHZ, and digitally encoded signals in the 406.010-406.100 MHz range, coming from these emergency beacons. The 121.500/243 MHz signals are virtually indistinguishable from one beacon to the next, but the 406.010-406.100 MHz beacons transmit a unique identifier making possible the ability to combine previously collected data associated with that beacon and transmit this vital data along with the beacons position to the appropriate rescue coordination center.

Persons buying 406.010-406.100 MHz emergency radio beacons are required to register them with NOAA prior to installation. These requirements are contained in FCC regulations at 47 CFR 80.1061 and 47 CFR 87.199.

The registration data is used to facilitate a rescue and to suppress the costly consequences of false alarms, which if unsuppressed would initiate the launch of a rescue mission and thereby deplete limited resources and possibly result in the loss of lives. This is accomplished through the use of the data provided to the rescue forces from the data base maintained by the NOAA's United States Mission Control Center (USMCC) for Search and Rescue, to verify via a phone call or radio broadcast to the "distressed" element or an alternate party provided in the registration data. Other data provides rescuers with descriptive material of the element in distress. The registration information must be kept up-to-date. Vessel and aircraft owners must notify NOAA if the vessel, aircraft, or beacon changes ownership.

Four registration forms are used. The EPIRB (Emergency Position Indicating Radio Beacon) form is used for nautical beacons. The ELT (Emergency Locator Transmitter) form is used for aircraft beacons. The PLB (Personal Locator Beacon) is used to register portable beacons carried by individuals. SSAS beacons carried aboard ships, are similar to EPIRBs and are used in the event of an emergency situation such as piracy or terrorism. They are part of the Ship Security Alerting System. For SSAS beacons, a registrant may use an SSAS provisional form, and it is available at the registration web site but it is subject to change. These changes, if any, will not be substantial. As an alternative, a registrant can use the EPIRB registration form for the SSAS form if they choose.

More information on beacons is contained in attachments. The forms are essentially the same, but one form requests specific information about the type of aircraft, another about the vessel involved, and another on how the individual will use the beacon.

2. Explain how, by whom, how frequently, and for what purpose the information will be used.

The information is sought prior to the date the beacon is expected to be put in service. The information will be entered into the data base within 48 hours of receipt. Verification of the information is sought on a two (2) year recurring cycle or until the beacon is reported to have been removed from service and deactivated. All items on the registration forms are obvious to the beacon owner. Each entry is intended to provide rescue forces with information to assist them to either avoid the launch of a rescue mission, as in the case of an unintended beacon activation, sometimes referred to as a false alert, or rapidly and efficiently execute a rescue, whether it be on land or sea. In the case of the PLB, some rather specific questions are asked concerning whether the person plans to use the beacon, while hunting, fishing, or hiking. This information also helps an emergency team what to look for in an emergency - someone in the mountains hunting, hurt on a trail, near a stream or lake, etc.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

For the convenience of the registrant, faxed forms are accepted to expedite the entry of the information into the data base. The faxed forms are treated in the same manner as forms received by mail. Respondents can obtain the form electronically via the Internet at <https://beaconregistration.noaa.gov/rgdb/> , but the requirement for a signature means that paper forms must be mailed or faxed to NOAA. The signature requirement is waived when electronic (Internet) registration is used.

4. Describe efforts to identify duplication.

The beacons, for which the FCC has mandated registration with the NOAA, are essentially specialized radio transmitters. The information, as collected from the operators of these transmitters does not exist in its entirety anywhere else but in the NOAA data base maintained by the USMCC. Purchasers are not required by law to complete an owner warranty registration with the beacon manufacturer and such registrations if available therefore would not include all purchasers nor necessarily all the vital information sought in the mandated registration.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

The collection will not have a significant impact on small entities such as a small businesses, organizations, or government bodies.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

The consequences of not having the information sought could delay the rescue of individuals in danger. Rescues that are delayed could result in the loss of lives. The information provided in the registration forms allow rescue center personnel to rapidly sort out the true or most likely true emergency situations from the non-emergency activations and respond accordingly.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

This collection is consistent with OMB guidelines.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A Federal Register Notice (copy attached) solicited public comment on this renewal. No comments were received.

Meetings are held on a minium of an annual basis with the USCG and the USAF and the beacon manufacturers.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

No payments or gifts are made.

10. Describe any assurance or confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

No assurance of confidentiality is provided to respondents.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

No sensitive questions are asked.

12. Provide an estimate in hours of the burden of the collection of information.

The number of annually anticipated respondents is 20,000. The average response time per registration is 15 minutes or less. The total annual response time is 5,000 hours.

$$20,000 \text{ respondents} \times 1 \text{ response} \times .25 \text{ hrs/response} = 5,000 \text{ hours}$$

The estimate is based on the time it would take to enter readily available information such as name, address, telephone number, radio call sign, type of vessel/aircraft, etc. All information sought is readily available to the owner of these emergency transmitters. The burden estimate, 15 minutes or less, is the same for each form and will depend on the method of submission. For example in the case of an Internet submission, the degree of computer literacy the applicant possesses will be a prime factor in determining the time spent.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection.

The annualized cost to respondents is \$8,000 for postage.

14. Provide estimates of annualized cost to the Federal government.

The annualized cost to the Federal government is \$161.4k

| | |
|------------------------------|--------|
| Data entry and mail handling | 132.9k |
| Mailing envelopes | 2.9k |
| Postage | 24.5k |
| Hardware and expendables | 1.1k |

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

The public costs have been adjusted to reflect postage increases.

16. For collections whose results will be published, outline the plans for tabulation and publication.

There is no intention to publically disseminate or publish the information collected. The sole intended purpose for collecting the information is to assist rescue forces to efficiently and effectively carry out their life saving mission.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

N/A.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.

Important Notice - Please Read Before Completing Registration

The information you furnish is mandatory and is intended to assist search and rescue teams in locating you or your craft in the event of beacon activation. The information will be provided to the United States Coast Guard, United States Air Force, and other Search and Rescue (SAR) teams as appropriate in the event of beacon activation. It will also be used to conserve SAR resources by helping to eliminate false alert deployments, as an inadvertent activation can be resolved with a phone call.

Failure to register, re-register (which occurs every two years) or to notify NOAA of a change in the status for a 406 MHz beacon could result in penalties and/or fines being issued to the owner. An owner is required to notify NOAA of any changes to the registration information. Please note, due to the critical need for up-to-date registration information, NOAA will complement or update the database accordingly if a beacon owner's registration has expired and credible information is provided from SAR sources. NOAA will also seek information from other databases to update and/or complement the existing information for a beacon registration. Solicitation of this information is authorized by Parts 80, 87, and 95 of Title 47 of the U.S. Code of Federal Regulations (CFRs).

There is no charge for beacon registration. This is a service provided by the U.S. Government.

All online registrations will be entered into the National 406 MHz Beacon Registration Database on the same day of entry. Registration forms received via the postal mail service will be entered into the National 406 MHz Beacon Registration Database within 2 business days of receipt. For online registrations, a letter with an attached registration information sheet will be sent immediately via e-mail or fax (if provided), or via postal mail within two weeks. Once your registration confirmation is received, please review all information. Any changes or updates to your registration information can be done via the internet, fax, e-mail or postal mail. If you do not receive your registration confirmation from NOAA on the same day you submit it over the internet or within two weeks if you submit it by postal mail, please call NOAA toll-free at: 1-888-212-SAVE (7283) or 301-457-5678 for assistance.

After initial registration (or re-registration) you will receive a NOAA Proof of Registration Decal by postal mail. It is required that you affix the registration decal to your beacon. If for some reason you do not receive the registration decal within two weeks, please call NOAA toll-free at: 1-888-212-SAVE (7283) or 301-457-5678, for assistance. Additional registration forms can be found on the NOAA SARSAT website at: www.sarsat.noaa.gov or at: www.beaconregistration.noaa.gov.

Although the information provided will become a matter of public record, there is no intent to circulate the data furnished beyond its intended purpose, i.e., to assist SAR forces in carrying out their mission of rescue assistance and false alert abatement. Public reporting burden for the collection of this information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden should be sent to:

NOAA/SARSAT
E/SP3, FB4, Room 3320
5200 Auth Rd
Suitland, MD 20746-4304

Or call: 1-888-212-SAVE (7283) or 301-457-5678

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E/SP3, FB4, Room 3320
5200 Auth Rd
Suitland, MD 20746-4304

Or call: 1-888-212-SAVE (7283) or 301-457-5678



Official 406 MHz PLB Registration Form

PLB Information

Beacon ID (Unique Identifier Number)

| | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| | | | | | | | | | | | | | | |
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(15 digit character ID provided by PLB manufacturer)

PLB Manufacturer _____ Model No. _____

PLB Registration

- New PLB Registration Replacement of PLB Decal
- Renewal of PLB Registration Check here if this PLB is a replacement for a previously registered PLB.
- Change of PLB Information or Ownership Please enter the old PLB unique ID number _____

Owner/Operator Information

Name _____ Telephone _____
(Last, First, Middle Initial)

Mailing Address _____ () _____ Home Work Cellular Fax Other
Area Code

_____ () _____ Home Work Cellular Fax Other
Area Code

City _____ State/Province _____ () _____ Home Work Cellular Fax Other
Area Code

ZIP (Postal) Code _____ Country _____ () _____ Home Work Cellular Fax Other
Area Code

E-mail _____

General Use Data

- Usage**
- Commercial Non-commercial Government Military Government Non-military

- Specific Usage**
- Hiking Hunting Fishing Other _____

- Type**
- Land Vehicle Boat Aircraft None Other _____

Additional Data

Emergency Contact Information (Please indicate someone other than the owner)

Name of **Primary** 24-Hour Emergency Contact: _____ Name of **Alternate** 24-Hour Emergency Contact: _____

Telephone

() _____ Home Work Cellular Fax Other
Area Code

() _____ Home Work Cellular Fax Other
Area Code

() _____ Home Work Cellular Fax Other
Area Code

() _____ Home Work Cellular Fax Other
Area Code

Telephone

() _____ Home Work Cellular Fax Other
Area Code

() _____ Home Work Cellular Fax Other
Area Code

() _____ Home Work Cellular Fax Other
Area Code

() _____ Home Work Cellular Fax Other
Area Code

Signature _____ Date _____

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After initial registration (or re-registration) you will receive a NOAA Proof of Registration Decal by postal mail. It is required that you affix the registration decal to your beacon. If for some reason you do not receive the registration decal within two weeks, please call NOAA toll-free at: 1-888-212-SAVE (7283) or 301-457-5678, for assistance. Additional registration forms can be found on the NOAA SARSAT website at: www.sarsat.noaa.gov or at: www.beaconregistration.noaa.gov.

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5200 Auth Rd
Suitland, MD 20746-4304

Or call: 1-888-212-SAVE (7283) or 301-457-5678



Save Time! Register your beacon online at: www.beaconregistration.noaa.gov

Official 406 MHz Ship Security Alert System (SSAS) Beacon Registration Form

Mail or Fax to:
NOAA/SARSAT
E/SP3, Room 3320, FB-4
5200 Auth Road
Suitland, MD 20746-4304
Fax No. 301-568-8649

SSAS Information

Beacon ID (Unique Identifier Number)

| | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
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|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|

(15 digit character ID provided by SSAS manufacturer)

SSAS Manufacturer _____ Model No. _____

SSAS Registration

- New SSAS Registration
 - Replacement of SSAS Decal
 - Renewal of SSAS Registration
 - Check here if this SSAS is a replacement for a previously registered SSAS.
 - Change of SSAS Information or Ownership
- Please enter the old SSAS unique ID number _____

Owner/Operator Information

Name _____
(Last, First, Middle Initial)

Telephone

Mailing Address _____

() _____ Home Work Cellular Fax Other
Area Code

City _____ State/Province _____

() _____ Home Work Cellular Fax Other
Area Code

ZIP (Postal) Code _____ Country _____

() _____ Home Work Cellular Fax Other
Area Code

E-mail _____

() _____ Home Work Cellular Fax Other
Area Code

Vessel Information

Usage

- Commercial
- Non-commercial
- Government Military
- Government Non-military

Type

- Sail: Number of Masts _____
- Power: Fishing Tug Cargo Tanker Pleasure Craft
 Other _____
- Non-power: Life Boat Life Raft Other _____

Vessel Name _____

Vessel Color _____

Survival Craft(s) on Vessel

Life Boat _____ No. of _____
Life Raft _____ No. of _____

Radio Equipment (Check all that apply)

- VHF
- MF
- HF
- SSB
- Other _____

Vessel Telephone Numbers

Radio Call Sign _____ INMARSAT _____

Cellular _____ MMSI Number _____

Federal or State Registration Number _____

Length Overall (ft) _____ Capacity _____
Crew and Passengers

Homeport _____

Marina/Dock

City

State

Additional Data _____

Emergency Contact Information (Please indicate someone other than the owner)

Name of Primary 24-Hour Emergency Contact: _____

Name of Alternate 24-Hour Emergency Contact: _____

Telephone

() _____ Home Work Cellular Fax Other
Area Code

() _____ Home Work Cellular Fax Other
Area Code

() _____ Home Work Cellular Fax Other
Area Code

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Area Code

Telephone

() _____ Home Work Cellular Fax Other
Area Code

() _____ Home Work Cellular Fax Other
Area Code

() _____ Home Work Cellular Fax Other
Area Code

() _____ Home Work Cellular Fax Other
Area Code

Signature _____

Date _____

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NOAA/SARSAT
E/SP3, FB4, Room 3320
5200 Auth Rd
Suitland, MD 20746-4304

Or call: 1-888-212-SAVE (7283) or 301-457-5678

into water from a height of 6 meters (20 feet).

(o) The EPIRB must meet the technical standards when plunged into sea water at +20 degrees Celsius after storage at a temperature of +50 degrees Celsius.

(p) If testing of an EPIRB with Coast Guard coordination is not possible, brief operational tests are authorized provided the tests are conducted within the first five minutes of any hour for not more than 10 seconds.

(q) The EPIRB must automatically turn off after 24 hours ± 5 percent. It must be possible to restart the transmission sequence by placing the on-off switch momentarily in the off position and returning it to the on position.

(r) The EPIRB must be equipped with a visual indication of a low battery condition.

(s) The EPIRB must have a designation that indicates it is a "Class C" EPIRB.

[51 FR 31213, Sept. 2, 1986, as amended at 58 FR 33344, June 17, 1993]

§ 80.1059 Special requirements for Class S EPIRB stations.

(a) A Class S EPIRB station must be able to float or be permanently secured to a survival craft.

(b) A Class S EPIRB able to float must meet the following:

(1) Be watertight and float in calm water with at least 5 cm (2 in.) of the EPIRB out of the water and the base of the antenna at least 5 cm (2 in.) above the water, with the antenna in a vertical position completely above the water surface;

(2) Be ballasted to right itself from a position 90 degrees from its upright position in one second or less;

(3) Meet the requirements in § 80.1053 (a)(4) through (9) after free fall into water 3 times from a height of 20 meters (67 ft.).

(c) A Class S EPIRB intended to be permanently secured to a survival craft is not required to float in water.

(d) Additionally, all Class S EPIRB's must meet the following:

(1) Be capable only of manual activation by an on-off switch protected by a guard to prevent inadvertent operation;

(2) Be designed to be deployed, its controls actuated, or its antenna erected, each by a single action task which can be performed by either hand;

(3) Meet the requirements in §§ 80.1053 (a)(4) through (a)(8) and (b) through (i) of this part;

(4) Class S EPIRBs may provide either continuous or intermittent operation. If the EPIRB is designed for intermittent operation, the duty cycle must be from 50 to 60 per cent and the period two minutes plus or minus 12 seconds. In either event, the EPIRB must meet the power output characteristics described in § 80.1053(a)(8) of this part;

(5) If testing of an EPIRB with Coast Guard coordination is not possible, brief operational tests are authorized provided the tests are conducted within the first five minutes of any hour and are not longer than three audio sweeps or one second whichever is longer;

(6) Have a designation that indicates it is a "Class S" EPIRB.

(e) Applications for certification must include a letter from the manufacturer stating that the EPIRB meets the requirements in paragraphs (b) and (d), or (c) and (d) of this section.

[51 FR 31213, Sept. 2, 1986, as amended at 56 FR 11517, Mar. 19, 1991; 63 FR 36607, July 7, 1998]

§ 80.1061 Special requirements for 406.025 MHz EPIRBs.

(a) Notwithstanding the provisions in paragraph (b) of this section, 406.025 MHz EPIRBs must meet all the technical and performance standards contained in the Radio Technical Commission for Maritime Services document titled "RTCM Recommended Standards for 406 MHz Satellite Emergency Position-Indicating Radiobeacons (EPIRBs)" dated July 31, 1987, with editorial updates of December 31, 1987 (RTCM Recommended Standards). This RTCM document is incorporated by reference in accordance with 5 U.S.C. 552(a). The document is available for inspection at Commission headquarters in Washington, DC or may be obtained from the Radio Technical Commission for Maritime Services, Post Office Box 19087, Washington, DC 20036.

(b) The 406.025 MHz EPIRB must contain as an integral part a "homing"

beacon operating only on 121.500 MHz that meets all the requirements described in the RTCM Recommended Standards document described in paragraph (a) of this section. The 121.500 MHz “homing” beacon must have a continuous duty cycle that may be interrupted during the transmission of the 406.025 MHz signal only. Additionally, at least 30 percent of the total power emitted during any transmission cycle must be contained within plus or minus 30 Hz of the carrier frequency.

(c) Prior to submitting a certification application for a 406 MHz radiobeacon, the radiobeacon must be certified by a test facility recognized by one of the COSPAS/SARSAT Partners that the equipment satisfies the design characteristics associated with the measurement methods described in Appendix B of the RTCM Recommended Standards.

Additionally, the radiobeacon must be certified by a test facility recognized by the U.S. Coast Guard to certify that the equipment complies with the U.S. Coast Guard environmental and operational requirements associated with the test procedures described in Appendix A of the RTCM Recommended Standards. Information regarding the recognized test facilities may be obtained from Commandant (G-MVI), U.S. Coast Guard, 2100 2nd Street SW., Washington, DC 20593-0001.

(1) After a 406.025 MHz EPIRB has been certified by the recognized test facilities the following information must be submitted in duplicate to the Commandant (G-MVI), U.S. Coast Guard, 2100 2nd Street SW., Washington, DC 20593-0001:

(i) The name of the manufacturer or grantee and model number of the EPIRB;

(ii) Copies of the certificate and test data obtained from the test facility recognized by a COSPAS/SARSAT Partner showing that the radiobeacon complies with the COSPAS/SARSAT design characteristics associated with the measurement methods described in Appendix B of the RTCM Recommended Standards;

(iii) Copies of the test report and test data obtained from the test facility recognized by the U.S. Coast Guard showing that the radiobeacon complies

with the U.S. Coast Guard environmental and operational characteristics associated with the measurement methods described in Appendix A of the RTCM Recommended Standards; and

(iv) Instruction manuals associated with the radiobeacon, description of the test characteristics of the radiobeacon including assembly drawings, electrical schematics, description of parts list, specifications of materials and the manufacturer’s quality assurance program.

(2) After reviewing the information described in paragraph (c)(1) of this section the U.S. Coast Guard will issue a letter stating whether the radiobeacon satisfies all RTCM Recommended Standards.

(d) A certification application for a 406.025 MHz EPIRB submitted to the Commission must also contain a copy of the U.S. Coast Guard letter that states the radiobeacon satisfies all RTCM Recommended Standards, a copy of the technical test data, and the instruction manual(s).

(e) An identification code, issued by the National Oceanic and Atmospheric Administration (NOAA), the United States Program Manager for the 406.025 MHz COSPAS/SARSAT satellite system, must be programmed in each EPIRB unit to establish a unique identification for each EPIRB station. With each marketable EPIRB unit the manufacturer or grantee must include a postage pre-paid registration card printed with the EPIRB identification code addressed to: NOAA/NESDIS, SARSAT Operations Division, E/SP3, Federal Building 4, Washington, DC 20233. The registration card must request the owner’s name, address, telephone number, type of ship, alternate emergency contact and include the following statement: “WARNING—failure to register this EPIRB with NOAA before installation could result in a monetary forfeiture being issued to the owner.”

(f) To enhance protection of life and property it is mandatory that each 406.025 MHz EPIRB be registered with NOAA before installation and that information be kept up-to-date. Therefore, in addition to the identification plate or label requirements contained

in §§ 2.925, 2.926 and 2.1003 of this chapter, each 406.025 MHz EPIRB must be provided on the outside with a clearly discernible permanent plate or label containing the following statement: "The owner of this 406.025 MHz EPIRB must register the NOAA identification code contained on this label with the National Oceanic and Atmospheric Administration (NOAA) whose address is: NOAA, NOAA/SARSAT Operations Division, E/SP3, Federal Building 4, Washington, D.C. 20233." Vessel owners shall advise NOAA in writing upon change of vessel or EPIRB ownership, transfer of EPIRB to another vessel, or any other change in registration information. NOAA will provide registrants with proof of registration and change of registration postcards.

(g) For 406.025 MHz EPIRBs whose identification code can be changed after manufacture, the identification code shown on the plate or label must be easily replaceable using commonly available tools.

[53 FR 37308, Sept. 26, 1988, as amended at 56 FR 11517, Mar. 19, 1991; 59 FR 35269, July 11, 1994; 63 FR 36607, July 7, 1998]

Subpart W—Global Maritime Distress and Safety System (GMDSS)

GENERAL PROVISIONS

This subpart contains the rules applicable to the Global Maritime Distress and Safety System (GMDSS). Every ship of the United States subject to part II of title III of the Communications Act or the Safety Convention must comply with the provisions of this subpart. The rules in this subpart are to be read in conjunction with the applicable requirements contained elsewhere in this part; however, in case of conflict, the provisions of this subpart shall govern with respect to the GMDSS. For the purposes of this subpart, distress and safety communications include distress, urgency, and safety calls and messages.

SOURCE: 57 FR 9065, Mar. 16, 1992, unless otherwise noted.

NOTE: No provision of this subpart is intended to eliminate, or in anyway modify, other requirements contained in this part with respect to part II of title III of the Communications Act.

§ 80.1065 Applicability.

(a) The regulations contained in § 80.1119 apply to public coast stations and coast earth stations as of February 1, 1992.

(b) The regulations contained within this subpart apply to all passenger ships regardless of size and cargo ships of 300 tons gross tonnage and upwards as follows:

(1) Ships must comply with §§ 80.1085(a)(4) and 80.1085(a)(6) not later than August 1, 1993.

(2) Ships constructed on or after February 1, 1992, must comply with § 80.1095 as of that date. All other ships must comply with § 80.1095 as of February 1, 1995.

(3) Ships constructed on or after February 1, 1995, must comply with all requirements of this subpart.

(4) Ships constructed before February 1, 1995, must comply with all requirements of this subpart as of February 1, 1999.

(5) During the period between February 1, 1992, and February 1, 1999, all ships must comply with:

(i) The requirements of this subpart;

(ii) The requirements of chapter IV of the International Convention for the Safety of Life at Sea, 1974, in force prior to February 1, 1992 (see subparts Q and R of this part); or

(iii) The requirements of either § 80.836 or § 80.933.

(6) The expression "ships constructed" means "ships the keels of which are laid, or construction identifiable with a specific ship begins and assembly of that ship has commenced comprising at least 50 tons gross tonnage or 1% of the estimated mass of all structural material, whichever is less.

(c) The requirements of this subpart do not modify the requirements for ships navigated on the Great Lakes or small passenger boats. The requirements contained in the Agreement Between the United States of America and Canada for Promotion of Safety on the Great Lakes by Means of Radio, 1973, continue to apply (see subpart T of this part). The requirements contained in part III of title III of the Communications Act continue to apply (see subpart S of this part).

§ 87.197

(b) The frequency 243.000 MHz is an emergency and distress frequency available for use by survival craft stations, ELTs and equipment used for survival purposes which are also equipped to transmit on the frequency 121.500 MHz. Use of 243.000 MHz must be limited to transmission of signals and communications for survival purposes. In the case of ELTs use of A3E, A3X or NON emission is permitted.

[53 FR 28940, Aug. 1, 1988, as amended at 56 FR 11518, Mar. 19, 1991; 58 FR 30128, May 26, 1993]

§ 87.197 ELT test procedures.

ELT testing must avoid outside radiation. Bench and ground tests conducted outside of an RF-shielded enclosure must be conducted with the ELT terminated into a dummy load.

§ 87.199 Special requirements for 406.025 MHz ELTs.

(a) Except for the spurious emission limits specified in § 87.139(h), 406.025 MHz ELTs must meet all the technical and performance standards contained in the Radio Technical Commission for Aeronautics document titled "Minimum Operational Performance Standards 406 MHz Emergency Locator Transmitters (ELT)" Document No RTCA/DO-204 dated September 29, 1989. This RTCA document is incorporated by reference in accordance with 5 U.S.C. 552(a), and 1 CFR part 51. Copies of the document are available and may be obtained from the Radio Technical Commission of Aeronautics, One McPherson Square, 1425 K Street NW., Washington, DC, 20005. The document is available for inspection at Commission headquarters at 445 12th Street, SW., Washington, DC 20554. Copies may also be inspected at the Office of the Federal Register, 800 North Capital Street NW., suite 700, Washington, DC.

(b) The 406.025 MHz ELT must contain as an integral part a homing beacon operating only on 121.500 MHz that meets all the requirements described in the RTCA Recommended Standards document described in paragraph (a) of this section. The 121.500 MHz homing beacon must have a continuous duty cycle that may be interrupted during the transmission of the 406.025 MHz signal only.

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(c) Prior to verification of a 406.025 MHz ELT, the ELT must be certified by a test facility recognized by one of the COSPAS/SARSAT Partners that the equipment satisfies the design characteristics associated with the COSPAS/SARSAT document COSPAS/SARSAT 406 MHz Distress Beacon Type Approval Standard (C/S T.007). Additionally, an independent test facility must certify that the ELT complies with the electrical and environmental standards associated with the RTCA Recommended Standards.

(d) The procedures for verification are contained in subpart J of part 2 of this chapter.

(e) An identification code, issued by the National Oceanic and Atmospheric Administration (NOAA), the United States Program Manager for the 406.025 MHz COSPAS/SARSAT satellite system, must be programmed in each ELT unit to establish a unique identification for each ELT station. With each marketable ELT unit the manufacturer or grantee must include a postage prepaid registration card printed with the ELT identification code addressed to: NOAA/NESDIS, SARSAT Operations Division, E/SP3, Federal Building 4, Washington, DC 20233. The registration card must request the owner's name, address, telephone number, type of aircraft, alternate emergency contact and include the following statement: "WARNING—failure to register this ELT with NOAA before installation could result in a monetary forfeiture being issued to the owner."

(f) To enhance protection of life and property it is mandatory that each 406.025 MHz ELT must be registered with NOAA before installation and that information be kept up-to-date. In addition to the identification plate or label requirements contained in §§ 2.925, 2.926 and 2.1003 of this chapter, each 406.025 MHz ELT must be provided on the outside with a clearly discernable permanent plate or label containing the following statement: "The owner of this 406.025 MHz ELT must register the NOAA identification code contained on this label with the National Oceanic and Atmospheric Administration (NOAA) whose address is: NOAA, NOAA/SARSAT Operations Division, E/SP3, Federal Building 4, Washington,

Federal Communications Commission

§ 87.215

D.C. 20233.” Aircraft owners shall advise NOAA in writing upon change of aircraft or ELT ownership, or any other change in registration information. Fleet operators must notify NOAA upon transfer of ELT to another aircraft outside of the owners control, or an other change in registration information. NOAA will provide registrants with proof of registration and change of registration postcards.

(g) For 406.025 MHz ELTs whose identification code can be changed after manufacture, the identification code shown on the plant or label must be easily replaceable using commonly available tools.

[58 FR 30128, May 26, 1993, as amended at 59 FR 35269, July 11, 1994; 63 FR 36608, July 7, 1998; 65 FR 58467, Sept. 29, 2000]

Subpart G—Aeronautical Advisory Stations (Unicoms)

§ 87.213 Scope of service.

(a) An aeronautical advisory station (unicom) must provide service to any aircraft station upon request and without discrimination. A unicom must provide impartial information concerning available ground services.

(b)(1) Unicom transmissions must be limited to the necessities of safe and expeditious operation of aircraft such as condition of runways, types of fuel available, wind conditions, weather information, dispatching, or other necessary information. At any airport at which a control tower, control tower remote communications outlet station (RCO) or FAA flight service station is located, unicoms must not transmit information pertaining to the conditions of runways, wind conditions, or weather information during the hours of operation of the control tower, RCO or FAA service station.

(2) On a secondary basis, unicoms may transmit communications which pertain to the efficient portal-to-portal transit of an aircraft, such as requests for ground transportation, food or lodging.

(3) Communications between unicoms and air carrier must be limited to the necessities of safety of life and property.

(4) Unicoms may communicate with aeronautical utility stations and

ground vehicles concerning runway conditions and safety hazards on the airport when neither a control tower nor FAA flight service station is in operation.

(c) Unicoms must not be used for air traffic control (ATC) purposes other than to relay ATC information between the pilot and air traffic controller. Relaying of ATC information is limited to the following:

(1) Revisions of proposed departure time;

(2) Takeoff, arrival or flight plan cancellation time;

(3) ATC clearances, provided a letter of agreement is obtained from the FAA by the licensee of the unicom.

[53 FR 28940, Aug. 1, 1988, as amended at 55 FR 30464, July 26, 1990]

§ 87.215 Supplemental eligibility.

(a) A unicom and any associated dispatch or control points must be located on the airport to be served.

(b) Only one unicom will be authorized to operate at an airport which does not have a control tower, RCO or FAA flight service station. At an airport which has a part-time or full-time control tower, RCO or FAA flight service station, the one unicom limitation does not apply and the airport operator and all aviation services organizations may be licensed to operate a unicom on the assigned frequency.

(c) At an airport where only one unicom may be licensed, when the Commission believes that the unicom has been abandoned or has ceased operation, another unicom may be licensed on an interim basis pending final determination of the status of the original unicom. An applicant for an interim license must notify the present licensee and must comply with the notice requirements of paragraph (d) of this section.

(d) An applicant for a unicom license, renewal or modification of frequency assignment at an airport which does not have a control tower, RCO or FAA flight service station must notify in writing the owner of the airport and all aviation service organizations located at the airport. The notice must include the applicant's name and address, the name of the airport and a statement

Sec. 151. Purposes of chapter; Federal Communications Commission created

For the purpose of regulating interstate and foreign commerce in communication by wire and radio so as to make available, so far as possible, to all the people of the United States, without discrimination on the basis of race, color, religion, national origin, or sex, a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges, for the purpose of the national defense, for the purpose of promoting safety of life and property through the use of wire and radio communications, and for the purpose of securing a more effective execution of this policy by centralizing authority heretofore granted by law to several agencies and by granting additional authority with respect to interstate and foreign commerce in wire and radio communication, there is created a commission to be known as the "Federal Communications Commission", which shall be constituted as hereinafter provided, and which shall execute and enforce the provisions of this chapter.

and revision of such fishery management plans under circumstances (a) which will enable the States, the fishing industry, consumers, environmental organizations, and other interested persons to participate in the development of such plans, and (b) which take into account the social and economic needs of fishermen and dependent communities. Section 302(j) of the Act also requires that Council members disclose their financial interest in any Council fishery. These interests include harvesting, processing, or marketing activity that is being, or will be, undertaken within any fishery over which the Council concerned has jurisdiction.

The Act further provides that a member shall not vote on a Council decision that would have a significant and predictable effect on a financial interest if there is a close causal link between the Council decision and an expected and substantially disproportionate benefit to the financial interest of the affected individual relative to the financial interest of other participants in the same gear type or sector of the fishery. However, an affected individual who is declared ineligible to vote on a Council action may participate in Council deliberations relating to the decision after notifying the Council of his/her recusal and identifying the financial interest that would be affected.

II. Method of Collection

Respondents submit paper forms. With the exception of the Tribal Government nominees, Council nominees for appointment must provide and file a financial interest form as prescribed by the Secretary prior to the date of appointment. Seated Council members appointed by the Secretary, including the Tribal Government appointees, must file a financial interest form within 45 days of taking office and must file an update of their statements within 30 days of the time any such financial interest is acquired or substantially changed.

III. Data

OMB Number: 0648-0192.

Form Number: NOAA Form 88-195.

Type of Review: Regular submission.

Affected Public: Individuals or households.

Estimated Number of Respondents: 185.

Estimated Time Per Response: 35 min.

Estimated Total Annual Burden Hours: 108.

Estimated Total Annual Cost to Public: \$124.00.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: September 2, 2004.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 04-20616 Filed 9-13-04; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 090704A]

Proposed Information Collection; Comment Request; Emergency Beacon Registrations

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before November 15, 2004.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the information collection instrument and instructions should be directed to Lou Rubin, 5200 Auth Road, Suitland, MD 20746 (phone 301-457-5678 ext. 112).

SUPPLEMENTARY INFORMATION:

I. Abstract

An international system exists to use satellites to detect and locate ships, aircraft, or individuals in distress if they are equipped with an emergency radio beacon. Persons purchasing a digital distress beacon, operating with a U.S. country code and in the frequency range of 406.010 to 406.100 MHz, must register it with NOAA. The data provided by registration can assist in identifying who is in trouble and in suppressing false alarms.

II. Method of Collection

The respondents complete a paper form (also available on a website) and mail or fax the form to NOAA. On-line registration is also available thereby eliminating paperwork previously required.

III. Data

OMB Number: 0648-0295.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Individuals or households; business or other for-profit organizations; not-for-profit institutions, and state, local, or tribal government.

Estimated Number of Respondents: 20,000.

Estimated Time Per Response: 15 minutes.

Estimated Total Annual Burden Hours: 5,000.

Estimated Total Annual Cost to Public: \$8,000.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB

approval of this information collection; they also will become a matter of public record.

Dated: September 2, 2004.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 04-20617 Filed 9-13-04; 8:45 am]

BILLING CODE 3510-HR-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 073004A]

Endangered Species; File No. 1462

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Issuance of permit.

SUMMARY: Notice is hereby given that Inwater Research Group, Inc., 4160 NE Hyline Dr., Jensen Beach, FL, has been issued a permit to take loggerhead (*Caretta caretta*), green (*Chelonia mydas*), hawksbill (*Eretmochelys imbricata*), and Kemp's ridley (*Lepidochelys kempii*) sea turtles for purposes of scientific research.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following offices:

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)713-0376; and Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702-2432; phone (727)570-5301; fax (727)570-5320.

FOR FURTHER INFORMATION CONTACT: Patrick Opay or Ruth Johnson, (301)713-2289.

SUPPLEMENTARY INFORMATION: On May 18, 2004, notice was published in the **Federal Register** (69 FR 28122) that a request for a scientific research permit to take loggerhead, green, hawksbill and Kemp's ridley sea turtles had been submitted by the above-named organization. The requested permit has been issued under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226).

Researchers will capture sea turtles using a large mesh tangle net. Animals will be measured, flipper and passive

integrated transponder (PIT) tagged, weighed, blood sampled, photographed and released. Dietary samples will also be extracted from a subset of green sea turtles using a sampling technique called gastric lavage. This research will provide size frequency, disease rate, relative abundance and feeding ecology data on marine turtles utilizing the Lake Worth and the Indian River Lagoon Systems of Florida. Information collected from this study will benefit state and federal managers in the conservation of these marine turtle species. None of the activities are expected to result in mortality. The permit is valid for five years.

Issuance of this permit, as required by the ESA, was based on a finding that such permit: (1) was applied for in good faith, (2) will not operate to the disadvantage of the endangered and threatened species which are the subject of this permit, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: September 8, 2004.

Stephen L. Leathery,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 04-20698 Filed 9-13-04; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Native American Tribal Insignia Database

ACTION: Proposed collection; comment request.

SUMMARY: The United States Patent and Trademark Office (USPTO), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the continuing information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before November 15, 2004.

ADDRESSES: You may submit comments by any of the following methods:

- E-mail: *Susan.Brown@uspto.gov*. Include "0651-0048 comment" in the subject line of the message.
- Fax: 703-308-7407, marked to the attention of Susan Brown.
- Mail: Susan K. Brown, Records Officer, Office of the Chief Information Officer, Office of Data Architecture and Services, Data Administration Division,

U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information should be directed to Ari Leifman, U.S. Patent and Trademark Office, 2900 Crystal Drive, Arlington, VA 22202-3514; by telephone at 703-308-8900; or by e-mail at *Ari.Leifman@uspto.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Trademark Law Treaty Implementation Act (Pub. L. 105-330, 302, 112 Stat. 3071 (1998)) required the United States Patent and Trademark Office (USPTO) to study issues surrounding the protection of the official insignia of federally- and state-recognized Native American tribes under trademark law. The USPTO conducted the study and presented a report to the Chairman of the Committee on the Judiciary of the Senate and to the Chairman of the Committee on the Judiciary of the House of Representatives on November 30, 1999. One of the recommendations made in the report was that the USPTO create, maintain, and update an accurate and comprehensive database containing the official insignia of all federally- and state-recognized Native American tribes. In accordance with this recommendation, the Senate Committee on Appropriations directed the USPTO to create this database.

The database of official tribal insignias assists trademark attorneys in their examination of applications for trademark registration. Additionally, the database provides evidence of what a federally- or state-recognized Native American tribe considers to be its official insignia. The database serves as a reference for examining attorneys when determining the registrability of a mark that may be similar to the official insignia of a Native American tribe. The insignia database is also available to the public on the USPTO Web site.

Tribes are not required to request that their official insignia be included in the database. The entry of an official insignia into the database does not confer any rights to the tribe that submitted the insignia, and entry is not the legal equivalent of registering the insignia as a trademark under 15 U.S.C. 1051 *et seq.* The inclusion of an official tribal insignia in the database does not create any legal presumption of validity or priority, does not carry any of the benefits of Federal trademark registration, and is not a determination as to whether a particular insignia would be refused registration as a