



# PUBLIC NOTICE

**Federal Communications Commission**  
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**Washington, D.C. 20554**

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DA 01-1659  
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## **WIRELESS TELECOMMUNICATION BUREAU SEEKS COMMENT ON REQUEST FOR WAIVER BY BREITLING U.S.A., INC. FOR TYPE CERTIFICATION OF BREITLING EMERGENCY WATCH EMERGENCY LOCATOR TRANSMITTER**

**Comment Date: August 16, 2001**

**Reply Date: August 31, 2001**

On April 30, 2001, Breitling U.S.A., Inc. (Breitling), requested that the Commission extend and modify the conditional waiver of Sections 87.141(i), 87.143(d)(4), 87.147(a) & (b), and 87.193 of the Commission's Rules, 47 C.F.R. §§ 87.141(i), 87.143(d)(4), 87.147(a) & (b), and 87.193, granted on July 19, 2000, to permit equipment authorization for the Breitling Emergency Watch (the "Emergency").<sup>1</sup> The Emergency is a back-up safety device designed to supplement conventional 121.5 MHz Emergency Locator Transmitters (ELTs). Under Sections 87.131–87.147 of the Commission's Rules, 47 C.F.R. §§ 87.131–87.147, aviation ELT stations must meet certain technical requirements. Absent a waiver of these standards, Breitling's Emergency could not be certified for operation under Part 87 of the Commission's Rules.

By way of background, on July 2, 1999, Breitling requested a waiver to permit certification of the Emergency. Breitling's waiver request was coordinated with the Interdepartmental Radio Advisory Committee (IRAC), which had no objection to the FCC granting the requested waiver to Breitling, provided that certain conditions were satisfied. These conditions were, (1) that the Emergency be sold only to licensed pilots; (2) that the device be operated only in aviation emergency situations; (3) that the device be sold and operated on a one-year trial basis, with the condition that the FCC would immediately terminate the waiver at the request of the Federal Aviation Administration (FAA) because of reported interference to the National Airspace System; and (4) that Breitling keep records of all purchases, including pilot license number; and provide records every month to the FAA during the one-year test period; and make the records available to the Federal Government upon request. On July 19, 2000, Breitling's request for waiver, subject to the IRAC conditions, was granted for a one-year trial basis. It noted in the waiver that following the trial period a permanent waiver would be considered, if in the opinion of the FAA, no significant problems to the Air Traffic Control (ATC) operations occurred.

Breitling now requests a permanent waiver. It states that it is willing to continue to meet the conditions of the original waiver that require that the Emergency only be used in aviation emergency situations, and maintain purchase records and make them available to the federal government. However, Breitling asks that the pilots-only restriction of the original waiver be eliminated. Breitling believes that permitting sale of the Emergency to non-pilots will enhance aviation safety. It notes that measures taken to

<sup>1</sup> Letter to Ms. D'wana R. Terry, Chief, Public Safety and Private Wireless Division, Federal Communications Commission from Aaron M. Panner, dated April 30, 2001.

reduce the risk of misuse of the Emergency such as the design for a single use and manual activation, and a requirement for purchasers to register with Breitling and receive information about the function of and usage restriction of the device, have proven to be effective. Further, it notes that outside the United States there are no restrictions on purchasing the Emergency and there have been no misuse or problems to ATC operations reported. Breitling states that in its experience with worldwide sale of the Emergency, not only have there been no reported problems to the United States ATC operation, but there are no reports of problems with ATC or search and rescue (SAR) operations anywhere in the world.

Interested parties may file comment on the waiver request on or before August 16, 2001. Parties interested in submitting reply comments must do so on or before August 31, 2001. All comments should reference the subject Waiver Request including the DA number of this *Public Notice*, and should be filed with the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, SW, Room TW-325, Washington, D.C. 20554. A copy of each filing should be sent to 1) International Transcription Services, Inc. (ITS), 1231 20<sup>th</sup> Street, N.W., Washington, D.C. 20036, (202) 857-3800; 2) Jim Shaffer, Federal Communications Commission, Wireless Telecommunications Bureau, Public Safety and Private Wireless Division, 445 Twelfth Street, S.W., Room 4-C342, Washington, D.C. 20554; and 3) Maria Ringold, Federal Communications Commission, Consumer Information Bureau, Reference Information Center, 445 Twelfth Street, S.W., Room CY-B529, Washington, D.C. 20554.

The full text of the Waiver Request, comments and reply comments will be available for inspection and duplication during regular business hours in the Reference Information Center (RIC) of the Consumer Information Bureau (CIB), Federal Communications Commission, 445 Twelfth Street, SW, Room CY-A257. Copies may also be obtained from ITS. For further information regarding the public reference file for these waiver requests contact Maria Ringold, Chief, Wireless Branch, RIC, (202) 418-1355.

Unless otherwise provided, requests for waiver of the Commission's Rules are subject to treatment by the Commission as restricted proceedings for *ex parte* purposes under Section 1.1208 of the Commission's Rules, 47 C.F.R. § 1.1208. Because of the policy implications and potential impact of this proceeding on persons not parties to the waiver request, we believe it would be in the public interest to treat this case as a permit-but-disclose proceeding under the *ex parte* rules. See Sections 1.1200(a), 1.1206 of the Commission's Rules. 47 C.F.R. §§ 1.1200(a), 1.1206. Therefore, subsequent to the release of this *Public Notice*, *ex parte* presentations that are made with respect to the issues involved in the subject waiver requests will be allowed but must be disclosed in accordance with the requirements of Section 1.1206(b) of the Commission's Rules. 47 C.F.R. § 1.1206(b).

For further information, contact Jim Shaffer of the Public Safety and Private Wireless Division of the Wireless Telecommunications Bureau at (202) 418-0687, TTY (202) 418-7233, or via email to [jshaffer@fcc.gov](mailto:jshaffer@fcc.gov).

By the Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau.