



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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Released: September 22, 2004

OFFICE OF ENGINEERING AND TECHNOLOGY DECLARES WAVEBOUNCE REQUEST FOR A WAIVER OF PART 15 TO BE A "PERMIT-BUT-DISCLOSE" PROCEEDING FOR *EX PARTE* PURPOSES

**ET Docket No. 04-374
DA 04-3039**

Comments Due: October 22, 2004

Reply Comments Due: November 8, 2004

On July 6, 2004, Wavebounce filed a request for a waiver of Part 15 of the Commission's rules to permit the higher power operation of ultra-wideband ("UWB") non-contact horn antenna ground penetrating radars ("GPRs"). Such GPRs are pulled behind vehicles and are used to test broad or lengthy surfaces such as highways, railroad beds and runways to detect flaws in those structures.

Wavebounce states that a waiver of the regulations is necessary to permit its GPRs, which are situated at least 12 inches above the test surface, to be pulled at highway speeds. Wavebounce believes that these GPRs must operate above 960 MHz at the levels specified in Section 15.209 of the Commission's rules to be viable. Wavebounce agrees to limit production and sale within the U.S. of such GPRs to no greater than 25 units per year. It also agrees that the GPRs should be registered with the Commission, pursuant to Section 15.525, and that the GPRs should not be operated within 500 meters of a major airport without advance coordination.

The FCC's Office of Engineering and Technology (OET) is reviewing the waiver request. OET has concluded that in order to develop a complete record on the complex issues presented by this request, this proceeding will be treated, for *ex parte* purposes, as a "permit-but-disclose" proceeding, in accordance with Section 1.1200(a) of the Commission's rules, and is subject to the requirements under Section 1.1206(b) of the rules.

Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before **October 22, 2004**, and reply comments on or before **November 8, 2004**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See [Electronic Filing of Documents](#)

in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998).

Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket [**ET Docket No. 04-374**]. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address.>" A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554.

All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The full text of the waiver request is available for inspection and copying during normal business hours in Room CY-A257, 445 12th Street, SW, Washington, D.C., and may also be purchased from the Commission's duplication contractor, Best Copy and Printing, Inc., (800) 378-3160.

By the Chief, Office of Engineering and Technology
Office of Engineering and Technology contact: John A. Reed at (202) 418-2455.