



PUBLIC NOTICE

Federal Communications Commission
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DA 06-2475
December 6, 2006

**OFFICE OF ENGINEERING AND TECHNOLOGY DECLARES THE SIEMENS
MILLTRONICS PROCESS INSTRUMENTS INC., REQUEST FOR WAIVER AND
PETITION FOR RULEMAKING OF PART 15 TO BE A “PERMIT-BUT-DISCLOSE”
PROCEEDING FOR *EX PARTE* PURPOSES AND REQUESTS COMMENTS**

ET Docket No. 06-216

RM-11352

Comments Date: January 5, 2007

Reply Comments Date: January 22, 2007

On November 7, 2006, Siemens Milltronics Process Instruments Inc., (Siemens) filed a request for waiver of the spurious emissions only requirement of Part 15 of the Commission’s rules to permit certification of a tank level probing radar (TLPR). Section 15.205(a) limits emissions in the 78-79 GHz band to spurious emissions only. Siemens’ request would permit certification of a frequency modulated continuous wave RF carrier (FMCW) tank level probing radar (TLPR) in the band 78-79 GHz for use in closed metal and reinforced concrete material storage tanks under the provisions of Section 15.209(a) of the Commission’s rules. Bench testing and *in situ* measurements of emissions outside the tank would be required in order to determine compliance with the general emissions limits in Section 15.209(a).

Concurrently with this request, Siemens filed a Petition for Rulemaking requesting that the Commission establish rules in Part 15 for wideband TLPRs that would occupy the band from 77 to 81 GHz. Siemens submits that this proposal would permit TLPRs to provide enhanced accuracy and integration with existing and future industrial manufacturing processes. Siemens proposes a regulatory framework—including technical rules, bench testing and *in situ* measurements of emissions—that it claims will ensure that these systems will not be a source of interference to any radio services in the requested band or in harmonically related bands. Siemens notes that this framework will permit operation of TLPRs in multiple types of enclosures provided the required attenuation of all emissions to the -41.3 dBm/MHz level at 3 meters is met.

In order to develop a complete record on the issues presented by the waiver and petition for rulemaking the 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 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
 - For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

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

- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 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, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

The full text of the waiver request and petition for rulemaking 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: Karen Rackley at (202) 418-2431.

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