



PUBLIC NOTICE

Federal Communications Commission
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DA 10-1551
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OFFICE OF ENGINEERING AND TECHNOLOGY DECLARES THE CURTISS-WRIGHT CONTROLS, INC. REQUEST FOR A WAIVER OF PART 15 ULTRA-WIDEBAND RULES FOR A STEPPED-FREQUENCY GROUND PENETRATING RADAR SYSTEM TO BE A “PERMIT-BUT-DISCLOSE” PROCEEDING FOR *EX PARTE* PURPOSES AND REQUESTS COMMENTS

ET Docket No. 10-167

Comment Date: September 20, 2010
Reply Comment Date: October 4, 2010

On June 10, 2010, Curtiss-Wright Controls, Inc. (“CWCI”) filed a request for a waiver of Sections 15.503(d) and 15.521(d) of the Commission’s rules to permit the marketing and operation of its stepped frequency ground penetrating radar (“GPR”) system known as 3d-Radar. CWCI states that its 3d-Radar GPR system operates between 100 MHz and 3 GHz using stepped frequency modulation to achieve superior performance characteristics of deep signal penetration, high resolution imaging and fast survey speeds.

Section 15.503(d) of the Part 15 Rules requires that an ultra-wideband (UWB) transmitter have a fractional bandwidth equal or greater than .20 or have a bandwidth equal to or greater than 500 MHz. Because the 3d-Radar system transmits in discrete 2 MHz steps, a single step would appear to be the instantaneous bandwidth for the device, and since each step is less than 500 MHz, a waiver of Section 15.503(d) is requested.

Section 15.521(d) sets forth the test procedures of UWB devices. CWCI requests a waiver of this rule so that the average emission levels from 3d-Radar systems, transmitting in discrete 2 MHz frequency steps, can be measured with stepping frequency active instead of being stopped.

In its waiver request, CWCI contends that the 3d-Radar system represents a leap in GPR technology that will increase the efficiency of subsurface imaging, lower the costs of infrastructure repair and improve safety conditions both for infrastructure workers and the general public.

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 "permit-but-disclose" in accordance with Section 1.1200(a) of the Commission's rules, subject to the requirements under Section 1.1206(b).

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://fjallfoss.fcc.gov/ecfs2/> or the Federal eRulemaking Portal: <http://www.regulations.gov>.
- 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. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours 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).

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554. Parties should also send a copy of their filings to Amer Zain, Office of Engineering and Technology, Federal Communications Commission, Room 7-A110, 445 12th Street, S.W., Washington, D.C. 20554, or by e-mail to amer.zain@fcc.gov. Parties must also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

Documents are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail fcc@bcpiweb.com.

Office of Engineering and Technology contact: Amer Zain at (202) 418-2437.

By the Chief, Office of Engineering and Technology