



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 16-173
Released: February 19, 2016

**OFFICE OF ENGINEERING AND TECHNOLOGY DECLARES L-3
COMMUNICATIONS SECURITY AND DETECTION SYSTEMS, INC. REQUEST FOR
WAIVER OF PART 15 MEASUREMENT AND RESTRICTED BAND RULES TO BE A
“PERMIT-BUT-DISCLOSE” PROCEEDING FOR *EX PARTE* PURPOSES AND
REQUESTS COMMENT**

ET Docket No. 16-45

Comment Date: March 21, 2016
Reply Comment Date: April 5, 2016

On January 28, 2016, L-3 Communications Security and Detection Systems, Inc. (“L-3”) filed a request for waiver of three Commission rules so it can obtain FCC certification to market a new generation of its ProVision® screening device that is used at locations such as airports to identify metallic and non-metallic weapons or contraband on a person. L-3 seeks the same rule waivers, under the same conditions, that the Commission granted in 2006 for the first generation ProVision® device,¹ with one exception. The new scanning device would have a wider operating bandwidth, increasing the swept frequency signal range from 24.25-30 GHz to 20 to 40 GHz.

As permitted by the 2006 waiver, L-3 requests that the Commission waive Section 15.31(c) of the rules to allow radiated measurements to be performed with the device’s frequency sweep active. This rule section requires that swept frequency devices be tested with the frequency sweep stopped at the frequencies chosen for measurement. L-3 also requests that the Commission waive Section 15.35(b) to allow the peak level of radiated emissions to exceed the average emission limit by 41 dB. This rule section requires that when average radiated emissions limits are specified for a device, the peak radiated emission level may not exceed the average emission limit by more than 20 dB.

The frequency range over which the new L-3 device sweeps would cause it to transmit in a number of “restricted bands.” Section 15.205(a) of the rules permits only spurious emissions to fall within designated restricted bands. L-3 requests a waiver of this section to allow transmissions in five restricted bands: 22.01-23.12 GHz, 23.6-24 GHz, 31.2-31.8 GHz, 36.43-36.5 GHz, and 38.6-40 GHz.

¹ *SafeView, Inc., Request for Waiver of Sections 15.31 and 15.35 of the Commission’s Rules to Permit the Deployment of Security Screening Portal Devices that Operate in the 24.25-30 GHz Range*, Order, 21 FCC Rcd. 8814, ET Docket No. 04-373 (2006). L-3 acquired SafeView, Inc. in 2006.

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 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, 1.149, 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 the Commission's Electronic Comment Filing System (ECFS). 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/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy 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 and boxes 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).

Documents in ET Docket No.16-45 are available for viewing on ECFS, <http://www.fcc.gov/cgb/ecfs>, by entering the docket number, ET 16-45. These 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.

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554. Parties should also send a copy of their filings to Hugh L. Van Tuyl, Office of Engineering and Technology, Federal Communications Commission, Room 7-A132, 445 12th Street, S.W., Washington, D.C. 20554, or by e-mail to Hugh.VanTuyl@fcc.gov.

Office of Engineering and Technology contact: Hugh L. Van Tuyl at 202-418-7506.

By the Chief, Office of Engineering and Technology

-FCC-