



Federal Communications Commission  
Washington, D.C. 20554

January 17, 2018

DA 18-49

David Sheekey  
Product and Approvals Manager  
Ocean Signal  
Unit 4, Ocivan Way  
Margate, Kent CT9 4NN  
United Kingdom

RE: Ocean Signal rescueME MOB1 Marine Survivor Locating Device

Dear Mr. Sheekey:

We have before us your letter, dated December 13, 2017, requesting a waiver of section 95.2991(b) of the Commission's rules<sup>1</sup> for the Ocean Signal rescueME MOB1 Maritime Survivor Locating Device (MSLD) until March 30, 2018.<sup>2</sup> For the reasons set forth below, we grant the request.

MSLDs are intended for use by persons at risk of falling into the water such as mariners and workers on marine installations or docks, or by divers returning to the surface out of sight of their dive boats. They can be worn on or as part of a garment or life jacket, and are intended to facilitate the rescue of personnel in the vicinity of their vessel or structure so that immediate assistance can be rendered without a time-consuming and expensive search and rescue operation. Formerly, MSLDs were not authorized under the Commission's rules, because they do not meet the technical requirements for Emergency Position Indicating Radio Beacons. Because MSLDs contribute to maritime safety, however, the Wireless Telecommunications Bureau granted waivers of the part 80 rules to permit the certification and use of certain MSLDs.<sup>3</sup> Ocean Signal was granted such a waiver for the rescueME MOB1 in 2014.<sup>4</sup>

In 2016, the Commission amended its part 95 rules to authorize MSLDs that meet the technical and performance standards in RTCM Standard 11901.1.<sup>5</sup> It provided that MSLDs previously approved by waiver that do not comply with that standard could not be manufactured, imported, or sold in the United States, beginning one year after the effective date of the rules adopted in that proceeding.<sup>6</sup> Therefore,

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<sup>1</sup> 47 CFR § 95.2991(b).

<sup>2</sup> Letter dated December 13, 2017, from David Sheekey, Product and Approvals Manager, Ocean Signal to Tim Maguire, Federal Communications Commission.

<sup>3</sup> *Amendment of the Commission's Rules Regarding Maritime Radio Equipment and Related Matters, et al.*, Notice of Proposed Rulemaking, 29 FCC Rcd 2516, 2522, n.47 (2014) (listing examples).

<sup>4</sup> The FCC equipment authorization is XYEMOB1.

<sup>5</sup> *See Amendment of the Commission's Rules Regarding Maritime Radio Equipment and Related Matters, et al.*, Report and Order, 31 FCC Rcd 10300, 10308, para. 20 (2016).

<sup>6</sup> *See id.*

previously approved MSLDs that are not certified under the RTCM standard may not be manufactured, imported, or sold in the United States after January 17, 2018.<sup>7</sup>

You state that the rescueME MOB1 meets the technical and performance standards in RTCM Standard 11901.1, and was submitted for testing to an accredited test lab in 2017. Due to its workload, however, you do not expect the lab to complete its testing by January 17, 2018. Therefore, in order to provide sufficient time to obtain equipment authorization under the part 95 rules, you request a temporary waiver until March 30, 2018.

Section 1.925 of the Commission's rules provides that we may grant a waiver if it is shown that (a) the underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and grant of the requested waiver would be in the public interest; or (b) in light of unique or unusual circumstances, application of the rule(s) would be inequitable, unduly burdensome, or contrary to the public interest, or the applicant has no reasonable alternative.<sup>8</sup> We conclude that purpose of the rule and the public interest would be served by a brief waiver to avoid disrupting the availability of a device that previously was found to be in the public interest, and which is expected to be found to comply with the current rules. In addition, we are aware that the number of accredited facilities that can perform the required testing is limited, resulting in queues for compliance testing. We therefore grant the request, and waive section 95.2991(b) of the Commission's rules for the Ocean Signal rescueME MOB1 Marine Survivor Locating Device until March 30, 2018.

Accordingly, IT IS ORDERED that the waiver request of Ocean Signal, dated December 13, 2017, IS GRANTED.

This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone  
Deputy Chief, Mobility Division  
Wireless Telecommunications Bureau

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<sup>7</sup> 47 CFR § 95.2991(b). This provision initially was codified as 47 CFR § 95.1403(c), but was renumbered as part of a reorganization of the part 95 rules. *See Review of the Commission's Part 95 Personal Service Rules; Petition for Rulemaking of Garmin International, Inc.; Petition for Rulemaking of Omnitronics, L.L.C.*, Report and Order, 32 FCC Rcd 4295 (2017).

<sup>8</sup> 47 C.F.R. § 1.925(b)(3); *see also* WAIT Radio v FCC, 418 F.2d 1153, 1159 (D.C. Cir. 1969).