



PUBLIC NOTICE

Federal Communications Commission
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DA 19-227

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**OFFICE OF ENGINEERING AND TECHNOLOGY SEEKS COMMENT ON
ROHDE & SCHWARZ USA, INC. REQUEST FOR WAIVER OF PART 15 PERIODIC
OPERATION AND RESTRICTED BANDS RULES FOR A 70-80 GHZ PERSONNEL
SECURITY SCANNER SYSTEM**

ET Docket No. 19-88

Comment Date: April 29, 2019

Reply Comment Date: May 14, 2019

On December 4, 2018, Rohde & Schwarz USA, Inc. (Rohde & Schwarz) filed a request for waiver of Sections 15.205 and 15.231 of the Commission's rules, to allow Rohde & Schwarz to obtain a grant of equipment authorization for the marketing and operation of its QPS 201 Personnel Security Scanner system ("QPS 201" or "system") in the 70-80 GHz band. The QPS 201 is designed to detect the presence of concealed metallic and non-metallic threats that may be carried in or underneath the clothing of persons entering locations where the device has been deployed. Rohde & Schwarz claims that the QPS 201 will serve a valuable national security function that cannot be comparably replicated by currently available equipment.

Rohde & Schwarz seeks a waiver of Section 15.205(a) to permit operation of the QPS 201 in the 70-80 GHz band. Section 15.205(a) of the Commission's rules identifies certain frequency bands, referred to as "restricted bands," where unlicensed Part 15 devices are not allowed to intentionally radiate energy and only spurious emissions are allowed from Part 15 devices.¹ All frequencies above 38.6 GHz are classified as "restricted," except for a few bands where the Commission has permitted unlicensed operations, such as the 57-71 GHz, 75-85 GHz, and 92-95 GHz frequency bands.²

Rohde & Schwarz also seeks a waiver of Section 15.231(b) of the Commission's rules, which limits the field strength of emissions from unlicensed intentional radiators operating in frequencies above 470 MHz to 12,500 $\mu\text{V}/\text{m}$ measured at a distance of 3 meters.³ Rohde & Schwarz request a waiver to operate at 31,405 $\mu\text{V}/\text{m}$ at 3 meters (8 dB higher than the 12,500 $\mu\text{V}/\text{m}$ limit of Section 15.231(b)), to allow the QPS 201 to adequately perform its security scanning functions without increase the potential for harmful interference to authorized users.

The Office of Engineering and Technology (OET) seeks comment on this waiver request.

Rohde & Schwarz submitted its waiver request electronically through the Commission's Electronic Comment Filing System (ECFS) as a non-docketed filing in FCC INBOX-PART 15 (Petition

¹ 47 CFR § 15.205(a).

² See 47 CFR §§ 15.255, 15.256 and 15.257.

³ 47 CFR § 15.231(b).

for Waiver of Part 15). In conjunction with the opening of ET Docket 19-88, the Commission moved the filing into this docket.⁴ Parties should file all comments and reply comments in ET Docket 19-88.

OET has concluded that, to develop a complete record on the issues presented by this request, this proceeding will be treated, for *ex parte* purposes, as a “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 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://apps.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 9050 Junction Drive, Annapolis Junction, MD 20701.
- 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).

Parties should also send a copy of their filings to Anh Wride, Office of Engineering and Technology, Federal Communications Commission, Room 7-A363, 445 12th Street, SW, Washington, DC 20554, or by e-mail to anh.wride@fcc.gov.

⁴ Rhode & Schwarz requested confidential treatment of certain exhibits included in its application. The public version filed in ECFS and included in the docket notes those places where information has been provided to the Commission under separate cover.

Documents are available for viewing on ECFS, <http://www/fcc/gov/cgb/ecfs>, by entering the docket number. These documents are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC 20554.

By the Chief, Office of Engineering and Technology

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