

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
SAAB TRANSPONDERTECH)
)
Request for Waiver of Part 80 Rules to Permit)
Equipment Authorization of the Saab R60 AIS)
AtoN Station)

ORDER

Adopted: April 30, 2024

Released: April 30, 2024

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

1. On December 13, 2022, Saab TransponderTech (Saab), filed an expedited request for waiver of the Commission’s part 80 rules as necessary to permit a grant of equipment authorization to Saab’s R60 Automatic Identification System (AIS) Aids to Navigation (AtoN) station (Saab Waiver Request).¹ For the reasons discussed below, we grant the Saab Waiver Request.

2. AIS is a maritime navigation safety communications system standardized by the International Telecommunication Union for use in collision avoidance and vessel monitoring and tracking.² It employs on-board transponders, electronic charts, Differential Global Positioning System technology, and a technique called Self-Organizing Time Division Multiple Access to provide a VHF ship-to-ship and ship-to-shore radio service in which vessels and designated shore stations broadcast a unique identifier, coupled with safety-related data on, for example, ship positions, routes, dimensions, and navigational status.³ An AtoN is “any device external to a vessel or aircraft intended to assist a navigator to determine position or safe course, or to warn of dangers or obstructions to navigation.”⁴

3. Saab states that it has developed various types of AIS products for more than twenty years and has previously obtained Commission authorization for several of its AIS Class A systems.⁵ Recently, Saab developed an AIS AtoN station based on its “latest generation AIS hardware for fixed installations, R60.”⁶ Specifically, the R60 AtoN station will transmit AIS messages showing the position of wind turbines within a vessel’s range and will be installed either on shore or at a central location at an

¹ Waiver – Expedited Action Requested: Request for waiver of rules governing equipment authorization – Saab R60 AIS AtoN Station (filed Dec. 13, 2022) <https://www.fcc.gov/ecfs/document/121384853908/13> (Saab Waiver Request). Saab’s supporting documentation is available on the Commission’s Electronic Comment Filing System (ECFS), <https://www.fcc.gov/ecfs/search/search-filings/filing/121384853908> (last visited on Mar. 13, 2024).

² See *Amendment of the Commission's Rules Regarding Maritime Automatic Identification Systems et al.*, WT Docket No. 04-344, Memorandum Opinion and Order and Notice of Proposed Rule Making, 19 FCC Rcd 20071, 20074, para. 5 (WTB 2004).

³ *Id.*

⁴ See 33 CFR § 62.3(a).

⁵ Saab Waiver Request at 1.

⁶ *Id.*

offshore wind farm.⁷ Saab explains that it needs a waiver of the part 80 rules as a prerequisite to obtaining equipment authorization for its R60 AIS AtoN station because AIS AtoN equipment is not referenced in part 80.⁸

4. In support of the requested waiver, Saab notes, in pertinent part, that an accredited laboratory and certification body has confirmed that the R60 AIS AtoN station is in full compliance with the international AIS AtoN standard (International Electrotechnical Commission (IEC) 62320-2),⁹ and “has been selected as the preferred AIS AtoN equipment for several offshore windfarm projects outside the US East Coast”¹⁰ Saab further notes that the deployment of AIS AtoN technology at offshore windfarm projects will enhance maritime safety by transmitting AIS messages alerting nearby vessels of the position of individual wind turbines.¹¹

5. On January 10, 2024, the United States Coast Guard (USCG) issued Saab a Letter of Compliance, confirming that the R60 AIS AtoN meets the technical requirements of IEC 62320-2.¹²

6. Section 1.925(b)(3) of the Commission’s Rules provides that we may grant a waiver if it is shown that (i) the underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest; or (ii) in view 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.¹³ We conclude that Saab has demonstrated that the requested waiver is warranted under the first prong of the waiver standard. Specifically, we find that it is in the public interest to allow the use of these AIS AtoN devices to notify vessels of the location of wind turbines facilities, thereby increasing the safety of maritime vessels in furtherance of core purpose of the Commission’s part 80 rules.

7. Although the Commission’s part 80 rules currently do not provide for the authorization of AIS AtoN equipment, we find that authorizing this AIS AtoN serves the paramount goal of part 80 by promoting maritime safety through the use of radio technology.¹⁴ We find that granting the Saab Waiver Request would further rather than frustrate the purpose of the rules governing the equipment authorization process for marine radio equipment and would be in the public interest, allowing the well-recognized benefits of AIS technology to be integrated with AtoN functionality to better protect vessels from collisions with offshore wind turbines and other potential obstacles. We observe, in this regard, that the Wireless Telecommunications Bureau has previously granted waiver requests by manufacturers to permit the certification and use of AIS AtoNs.¹⁵ In addition, we attach substantial weight to the USCG’s

⁷ *Id.* at 2.

⁸ *Id.* at 1.

⁹ *Id.*; IEC 62320: Maritime navigation and radiocommunication equipment and systems – Automatic identification system (AIS) – Part 2: AIS AtoN Stations – Operational and performance requirements, methods of testing and required test results (Oct. 31, 2016), <https://webstore.iec.ch/publication/26139>.

¹⁰ *Id.*

¹¹ *Id.* at 2.

¹² Letter from Commander F.A. Strom, Chief, U.S. Coast Guard, Office of Design and Engineering Standards, to Saab TransponderTech (Jan. 10, 2024) (on file in <https://www.fcc.gov/ecfs/document/1011259799778/1>).

¹³ 47 CFR § 1.925(b)(3).

¹⁴ *See, e.g., Iridium Communications, Inc., Petition for Waiver to Permit Use of Iridium Service to Meet GMDSS Requirements*, WT Docket No. 19-280, Order, 34 FCC Rcd 13029 (WTB 2019) (granting waiver of the part 80 rules to permit use of ship station equipment not recognized under part 80 because use of the equipment would promote maritime safety).

¹⁵ To date, there have been approximately 10 FCC approvals for AIS AtoN equipment. For example, Vesper Marine Ltd. (Vesper Marine) filed an expedited waiver request for its AIS AtoN in 2015. *Wireless Telecommunications Bureau Seeks Comment on Vesper Marine Ltd. Request for Waiver to Permit Certification and Use of Automatic*

(continued....)

determination, in its Letter of Compliance, that the Saab R60 AIS AtoN station meets the technical requirements of IEC 62320-2.¹⁶

8. Saab submitted various documents in support of its waiver request, including specification sheets, technical and test reports, a Telecommunication Certification Body grant of equipment authorization (from TÜV SÜD BABT Unlimited (Fareham, United Kingdom)), photos, and spurious emission measurement results. We view this documentation as an integral component of the waiver request, and require that Saab submit these same documents along with a copy of this *Order* in any application to the FCC Lab for certification of its R60 AIS AtoN station.

9. Accordingly, **IT IS ORDERED** that pursuant to section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and section 1.925 of the Commission's rules, 47 CFR § 1.925, the Waiver Request filed by Saab TransponderTech on December 13, 2022, **IS GRANTED**.

10. This action is taken under delegated authority pursuant to sections 0.131 and 0.331 of the Commission's rules, 47 CFR §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Thomas Derenge
Deputy Chief
Mobility Division
Wireless Telecommunications Bureau

Identification System Virtual Aid to Navigation, WT Docket No. 16-6, Public Notice, 31 FCC Rcd 73 (WTB 2016). The FCC granted Vesper Marine's request on May 10, 2016.

¹⁶ See *supra* note 13.