



PUBLIC NOTICE

Federal Communications Commission
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DA 01-2662

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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON REQUEST FOR WAIVER BY BRIAR TEK INCORPORATED FOR TYPE CERTIFICATION OF PERSONAL 121.5 MHz EMERGENCY POSITION INDICATING RADIO BEACON (EPIRB)

Comment Date: November 26, 2001

Reply Date: December 3, 2001

On October 31, 2001, Briar Tek Incorporated (Briar Tek) filed a request for waiver of Section 80.1055(a)(3) of the Commission's Rules¹ to permit the type certification for a new 121.5 MHz Personal EPIRB.² Section 80.1055 of the Commission's Rules requires that 121.5 MHz EPIRBs must meet certain technical and performance standards.

EPIRBs are battery-powered transmitters generally used to send a distress signal when a ship is in danger. The distress signal is used both as an alarm to alert others that a ship is in distress and as a beacon to aid in its location by search and rescue personnel. Because safety of life is involved and ships travel world-wide, the Commission's Rules specify minimum operational performance standards. See 47 C.F.R. § 80.1055. The technical and performance requirements that must be met include, but are not limited to, (1) use of A3X emission on a mandatory basis and A3E and NON emissions on an optional basis; (2) transmission of A3E or NON emission must not exceed 90 seconds and must be followed by a transmission of at least three minutes of A3X emission; each transmission of a synthesized and/or pre-recorded voice message must be preceded by the words "this is a recording"; (3) effective radiated power must not be less than 75 milliwatts after 48 hours of continuous operation and without replacement or recharge of batteries; (4) mandatory A3X emission must be amplitude modulated with an audio signal swept downward between 1600 and 300 Hz; and (5) the device must be powered by a battery contained within the transmitter case or in a battery holder that is rigidly attached to the transmitter case. The battery connector must be corrosion-resistant and positive in action and must not rely for contact upon spring force alone. The useful life of the battery is the length of time that the battery can be stored under marine environmental conditions without the EPIRB transmitter peak effective radiated power falling below 75 milliwatts prior to 48 hours of continuous operation. The month and year of the battery's manufacture must be permanently marked on the battery and the month and year upon which 50 percent of its useful life will have expired must be permanently marked on both the battery and the outside of the transmitter. The batteries must be replaced if 50 percent of their useful life has expired or if the transmitter has been used in an emergency situation.

Briar Tek's description of its 121.5 MHz Personal EPIRB generally meets that of a Class B

¹ 47 C.F.R. § 80.1055(a)(3).

² Letter to Ms. D'wana R. Terry, Chief, Public Safety and Private Wireless Division, Federal Communications Commission from Wayne V. Black, counsel for Briar Tek, dated October 24, 2001.

EPIRB station. However, Briar Tek's 121.5 MHz Personal EPIRB is designed to be small, lightweight and be worn on one's person as a personal EPIRB for use when all other means of self-rescue are exhausted. Absent a waiver of the standards set forth above, Briar Tek's 121.5 MHz Personal EPIRB could not be certified for operation under Part 80 of the Commission's Rules.³

Interested parties may file comment on the waiver request on or before November 26, 2001. Parties interested in submitting reply comments must do so on or before December 3, 2001. All comments should reference the subject Waiver Request including the DA number of this *Public Notice*, and should be filed with the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, SW, TW-325, Washington, D.C. 20554. A copy of each filing should be sent to 1) Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington, DC, 20554, telephone 202-863-2893; 2) Jim Shaffer, Federal Communications Commission, Wireless Telecommunications Bureau, Public Safety and Private Wireless Division, 445 Twelfth Street, S.W., Room 4-C342, Washington, D.C. 20554; and 3) Maria Ringold, Federal Communications Commission, Consumer Information Bureau, Reference Information Center, 445 Twelfth Street, S.W., Room CY-B529, Washington, D.C. 20554.⁴

The full text of the Waiver Request, comments and reply comments will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail qualexint@aol.com. For further information regarding the public reference file for these waiver requests contact Maria Ringold, Chief, Wireless Branch, RIC, (202) 418-1355.

Unless otherwise provided, requests for waiver of the Commission's Rules are subject to treatment by the Commission as restricted proceedings for *ex parte* purposes under Section 1.1208 of the Commission's Rules, 47 C.F.R. § 1.1208. Because of the policy implications and potential impact of this proceeding on persons not parties to the waiver request, we believe it would be in the public interest to treat this case as a permit-but-disclose proceeding under the *ex parte* rules. *See* Sections 1.1200(a), 1.1206 of the Commission's Rules, 47 C.F.R. §§ 1.1200(a), 1.1206. Therefore, subsequent to the release of this *Public Notice*, *ex parte* presentations that are made with respect to the issues involved in the subject waiver requests will be allowed but must be disclosed in accordance with the requirements of Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206(b).

For further information, contact Mr. Jim Shaffer of the Public Safety and Private Wireless Division of the Wireless Telecommunications Bureau at (202) 418-0687, TTY (202) 418-7233 or via email to jshaffer@fcc.gov.

By the Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau.

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³ Briar Tek's seeks waiver of emission and power standards, and battery requirements (*see* 47 C.F.R. §§ 80.1053(a)(4) – (7), 80.1053(a)(14)(e)) to allow for certification of a personal EPRIB for personnel that have fallen overboard from a vessel. The device is water-activated and signals a receiver installed on the vessel's bridge to allow local search and rescue to be initiated.

⁴ The address for FCC locations should be used only for documents filed by United States Postal Service. Documents delivered by Federal Express or any other express mail service should be addressed to the relevant person or office at the Federal Communications Commission, 445 Twelfth Street, S.W., Washington, D.C. 20024. Hand-delivered or messenger-delivered documents are accepted only at our Capitol Heights facility located at 9300 East Hampton Drive, Capitol Heights, MD 20743. *See* Clarification On FCC's Announce Changes in Filing Procedures, *Public Notice*, DA 01-2451 (rel. Oct. 18, 2001); FCC Announces Change in Filing Location for Paper Documents, *Public Notice*, DA 01-2436 (rel. Oct. 17, 2001).