



PUBLIC NOTICE

Federal Communications Commission
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DA 02-173
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WIRELESS TELECOMMUNICATION BUREAU SEEKS COMMENT ON REQUEST FOR WAIVER BY ACR ELECTRONICS INC. FOR TYPE CERTIFICATION OF PERSONAL 406 MHz EMERGENCY POSITION INDICATING RADIO BEACON (EPIRB)

Comment Date: February 8, 2002

Reply Date: February 15, 2002

On January 10, 2001, ACR Electronics Inc. (ACR) filed a request for waiver of Section 80.1061 of the Commission's Rules¹ to permit the type certification for a new 406 MHz Personal EPIRB.² 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 worldwide, the Commission's Rules specify minimum operational performance standards. Specifically, Section 80.1061 of the Commission's Rules requires that 406 MHz EPIRBs meet all the technical and performance standards contained in the Radio Technical Commission for Maritime Services document titled "RTCM Recommended Standards for 406 MHz Satellite Emergency Position-Indicating Radiobeacons (EPIRBs)" dated July 31, 1987, with editorial updates of December 31, 1987 (RTCM Recommended Standards).

ACR's description of its 406 MHz Personal EPIRB generally meets that of a 406 MHz EPIRB station. See 47 C.F.R. § 80.1061. The technical and performance requirements that must be met in the RTCM Recommended Standards include, but are not limited to, (1) a battery operating life for the beacon of 48 hours; (2) the device must survive a 20 meter drop into water; (3) the device should float to avoid loss in the marine environment, and float upright with antenna in vertical operational position; (3) the device must work immersed in up to 10 meter depth for 5 minutes; and (5) the device must have strobe light to aid search and rescue. ACR's 406 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. While ACR's 406 MHz Personal EPIRB is similar to a 406 MHz EPIRB station, it does not meet the RTCM Recommended Standards in the following areas: strobe light, stability & buoyancy requirements, operating life of the battery, leakage and immersion requirements and survivability of a twenty meter drop into water.³ Absent a waiver of these standards, ACR's 406 MHz Personal EPIRB could not be certified for operation under Part 80 of the Commission's Rules.

¹ 47 C.F.R. § 80.1061.

² Letter to Mr. James Shaffer, Public Safety and Private Wireless Division, Federal Communications Commission from John Flood, Vice President/Engineering, ACR Electronics Inc., dated January 10, 2001.

³ *Id.* at 1 – 2.

Interested parties may file comment on the waiver request on or before February 8, 2002. Parties interested in submitting reply comments must do so on or before February 15, 2002. 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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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 new location at 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002. *See* FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, DA 01-2919 (rel. Dec. 14, 2001).