



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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Released: September 22, 2004

OFFICE OF ENGINEERING AND TECHNOLOGY DECLARES SAFEVIEW REQUEST FOR A WAIVER OF PART 15 TO BE A "PERMIT-BUT-DISCLOSE" PROCEEDING FOR *EX PARTE* PURPOSES

**ET Docket No. 04-373
DA 04-3038**

Comments Due: October 22, 2004

Reply Comments Due: November 8, 2004

On August 18, 2004, SafeView, Inc. filed a request for a waiver of Part 15 of the Commission's rules to permit the operation of a swept frequency radar that would be used at locations with secured entrances, such as airports, to identify weapons or contraband on a person.

The SafeView radar consists of two vertical masts containing 192 transmit antennas. Each antenna element in turn sweeps from 24.25 GHz through 30 GHz, taking 6 microseconds per sweep. The masts rotate around a subject over a 2 second interval. SafeView requests a waiver of Section 15.31(c) which requires swept frequency systems to be measured with the emission sweep stopped. When measured in this fashion, SafeView indicates that the equipment will comply with the average emission limits in Section 15.209. Safeview also requests a waiver of the peak emission limit in Section 15.35(b).

The FCC's Office of Engineering and Technology (OET) is reviewing the waiver request. OET has concluded that in order to develop a complete record on the complex issues presented by this request, this proceeding will be treated, for *ex parte* purposes, as a "permit-but-disclose" proceeding, in accordance with Section 1.1200(a) of the Commission's rules, and is subject to the requirements under Section 1.1206(b) of the rules.

Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before **October 22, 2004**, and reply comments on or before **November 8, 2004**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See [Electronic Filing of Documents in Rulemaking Proceedings](#), 63 Fed. Reg. 24121 (1998).

Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket [**ET Docket No. 04-373**]. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address.>" A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes 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 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554.

All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The full text of the waiver request is available for inspection and copying during normal business hours in Room CY-A257, 445 12th Street, SW, Washington, D.C., and may also be purchased from the Commission's duplication contractor, Best Copy and Printing, Inc., (800) 378-3160.

By the Chief, Office of Engineering and Technology
Office of Engineering and Technology contact: John A. Reed at (202) 418-2455.