Federal Communications Commission
Washington, D.C. 20554

August 20, 2012

Randall W. Sifers
Kelley, Drye & Warren LLP
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3050 K Street, NW
Washington, D.C. 20007-5108

Dear Mr. Sifers:

This letter responds to your July 9, 2012 request, as supplemented on August 9, 2012,[1] on behalf of Trex Enterprises Corporation (Trex), for clarification of the waiver granted to permit certification and use of Trex's Foreign Object Debris (FOD) detection radar equipment.[2] We grant the request to the extent indicated below.

On December 20, 2011, the Commission granted a waiver to Trex to permit certification and use of its FOD detection radar in the 78-81 GHz band. The *Order* specified technical parameters that were based on information in Trex's waiver request.[3] One of those parameters was a 3 dB transmit beamwidth of 1 deg (el) x 0.2 deg (az).[4] In prior presentations to Commission staff, however, Trex had indicated that its FOD detection radar equipment operated with a 3 dB transmit beamwidth of 1 deg (el) x 0.*4* deg (az). Trex now indicates that its equipment cannot meet a specification of a 3 dB transmit beamwidth of 1 deg (el) x 0.2 deg (az) in conjunction with the other technical parameters set forth in the *Order*. In the instant request, Trex seeks either a) clarification that that the technical specification for transmit azimuthal beamwidth may be interpreted as a typical or minimum value rather than an absolute value or that beamwidth is not a value that needs to be specified for FOD detection radar operations at airports, or b) that the beamwidth parameter for its waiver be specified as a 3 dB transmit beamwidth of 1 deg (el) x 0.4 deg (az) rather than 0.2 deg (az).

The Commission's intent in the *Order* was to authorize the certification and use of Trex's FOD detection radar pending the resolution of the rulemaking proceeding because a waiver would serve the public interest.[5] Requiring adherence to an erroneous specification that differs from information previously provided by Trex and does not reflect the equipment's actual technical characteristics would frustrate that intent. In addition, as noted by the Commission, the public interest will be served by authorizing the certification and use of Trex's FOD detection radar pending the resolution of the

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[1] Letter dated July 9, 2012 from Randall W. Sifers to Marlene H. Dortch, Secretary, Federal Communications Commission; Letter dated August 9, 2012 from Randall W. Sifers to Marlene H. Dortch, Secretary, Federal Communications Commission.

[2] Amendment of the Commission's Rules to Permit Radiolocation Operations in the 78-81 GHz Band; Request by Trex Enterprises Corporation for Waiver of Section 90.103(b) of the Commission's Rules, *Notice of Proposed Rule Making and Order*, WT Docket No. 11-202, 26 FCC Rcd 17476 (2011).

[3] *See id.* at 17481 ¶ 18.

[4] *See id.*

[5] *See id.* at 17481 ¶ 16.

rulemaking proceeding. We also note that license applications for FOD detection radar use at airports will be coordinated with the National Telecommunications and Information Administration (NTIA).[6] Thus, NTIA, with guidance from the Federal Aviation Administration, will review all applications for FOD detection radar operations at airports. We therefore conclude that it is appropriate to grant Trex a waiver of the technical parameters in the *Order* to permit it to meet a specification of a 3 dB transmit beamwidth of 1 deg (el) x 0.4 deg (az).[7]

Accordingly, IT IS ORDERED that the request of Trex Enterprises Corporation, dated July 9, 2012, and supplemented August 9, 2012, for clarification of the waiver granted in WT Docket 11-202 on December 20, 2011, IS GRANTED to the extent indicated above.

This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

[6] *See id.* at 17481-82 ¶ 18.

[7] *See* 47 C.F.R. § 1.925(b)(3)(i).