

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Request by Nuclear Energy Institute and)	WT Docket No. 09-176
Utilities Telecom Council for Waiver To)	ET Docket 05-345
Permit the Use of Part 74 Two-Way)	
Wireless Headsets and Intercom Devices)	
Inside Nuclear Power Plants)	
)	
To: The Commission		

Reply Comments of EIBASS

Engineers for the Integrity of Broadcast Auxiliary Services Spectrum (EIBASS), hereby respectfully submits its reply comments in the above-captioned Request for Comment relating to allowing Part 74-ineligible nuclear power plant (NPP) operators to use Part 74 Subpart H Low Power Auxiliary (LPA) radios and frequencies.

I. EIBASS Agrees with Verizon Opposition

1. In its opposition comments, Verizon Wireless (Verizon) objected to NPP operators using Telex headsets on UHF TV channels 52–69 for the same reason that EIBASS objected to NPP using Telex headsets on UHF TV Channels 14–51: potential interference. Verizon properly noted that should an “event” occur at a NPP, public safety first responders might well receive interference from, or cause interference to, NPP operators using Telex headsets on former TV Channels 52–69, and especially on the four Upper 700 MHz band public safety channels assigned to former TV Channels 63, 64, 68 and 69. That is, at the very time NPP operators would most urgently need reliable communications, those communications could be hindered or lost due to interference with local public safety personnel using the Upper 700 MHz band public safety band, or the Lower 700 MHz band frequencies (former TV Channels 52–59) used by other commercial mobile radio service (CMRS) entities or by other data providers.

2. The Verizon opposition only reinforces the point made in the EIBASS comments: Continued use by NPP operators of Part 74-only Telex headsets, widely used by broadcast and network entity news crews when covering breaking news stories, would also be the time when those same UHF TV channels could be in use by electronic news gathering (ENG) personnel responding to NPP’s to tell the public what they need to know to protect themselves.

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**II. NPP Operators Are Trying to Justify Their Unwise Investment In Radio
Equipment for Which They Hold No Eligibility To Obtain a License**

3. Telex makes high-quality wireless headset systems. For that reason these systems are widely used by Part 74-eligible ENG crews. There are other, rule-compliant duplex radio communication systems that EIBASS believes NPP operators are eligible to use, should they truly want to. Instead, it appears that NPP operators, and the Nuclear Energy Institute (NEI), are trying to justify their investment in radio equipment that is only licensable as a Part 74, Subpart H, Low Power Auxiliary (LPA) station. Use of these channels requires eligibility to obtain a Broadcast Auxiliary Services (BAS) license. NPP operators clearly lack such eligibility.

4. It also appears that NEI and NPP operators may not have been dealing in good faith with NAB, MSTV, and SBE when they entered into the 2005 Consent Agreement, which was intended to give NPP operators time to gracefully terminate their use of LPA-only wireless headsets, and abandon the authority for such use based on sham “experimental” licensing. Instead, NPP operators now want the Commission to permanently allow such use. EIBASS objects.

III. Containment-Vessel Only Use Is Not Credible

5. EIBASS continues to question the premise that no frequency coordination would be needed because the use of the Telex headsets would allegedly always be confined to the interior of an NPP’s containment vessel. The containment vessel door(s) must be opened regularly for refueling operations every 18 to 24 months, and that the refueling process typically takes an entire month. EIBASS does not find it credible that at the very time communications between workers are highly critical that workers will suddenly forgo their use of headset communications as soon as transport vehicles bringing new nuclear fuel into the containment vessel, or taking spent nuclear fuel out of the containment vessel, are no longer inside the containment vessel. And, even if not, EIBASS doubts if an open containment vessel door is likely to guarantee that no UHF headset signals will propagate beyond the containment vessel. Further, under emergency conditions, claims assuring containment of RF within the NPP containment vessel similarly hold no water.

IV. Summary

6. Logistics for safe handling of nuclear materials by NPP operators depends on a radio system that they initially operated without the required license as they held no eligibility to obtain a license. Then, when caught with their hand in the BAS spectrum “cookie jar,” they

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resorted to sham experimental licenses to temporarily make that use legal. Rather than use the time generously allowed by the Consent Agreement to gracefully transition to radio equipment that would either be licensable by a NPP operator, or Part 15 equipment that would not require a license. NPP operators instead continued their use of Part 74-only Telex headsets, and indeed appear to be in the process of upgrading to digital versions of such headsets now offered by Telex. EIBASS can only hope that the Commission will not reward such action by granting an unjustified, and dangerous, rule waiver to allow NPP operators to obtain Part 74 LPA licenses.

Respectfully submitted,

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