



# PUBLIC NOTICE

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August 24, 2010

**OFFICE OF ENGINEERING AND TECHNOLOGY DECLARES THE  
ANSYS INC. REQUEST FOR WAIVER OF RULE SECTION 1.1307 (B)(2) TO BE A "PERMIT-  
BUT-DISCLOSE" PROCEEDING FOR *EX PARTE* PURPOSES AND REQUESTS COMMENTS**

**ET Docket No. 10-166**

**Comment Date: September 23, 2010**

**Reply Comment Date: October 8, 2010**

ANSYS Inc. (ANSYS) has filed a Request for Waiver of Section 1.1307 (b)(2) of the Commission's Rules to permit routine environmental evaluation for radio frequency (RF) exposure of medical implant or body-worn transmitters authorized for use in the Medical Device Radiocommunication (MedRadio) Service by finite element method (FEM) computational modeling.<sup>1</sup> ANSYS is the developer and marketer of High Frequency Structure Simulator (HFSS), a FEM-based software tool for simulation testing used by engineers, designers, and researchers in various industries.

Section 1.1307 (b)(2) requires routine environmental evaluation for radio frequency (RF) exposure from equipment transmitting in the MedRadio Service prior to equipment certification, as specified in Section 2.1093 by laboratory measurement techniques or finite difference time domain (FDTD) computational modeling. ANSYS submits that FEM-based software is capable of simulating fundamental physics on an equal basis with FDTD-based software, and thus should be permitted for evaluating medical implant or body-worn transmitter compliance with the Commission's RF exposure rules. ANSYS notes that the IEEE International Committee for Electromagnetic Safety Technical Committee 34 is developing recommended practices for using both FDTD and FEM for evaluating RF safety of wireless communication devices, which will eventually be submitted to the IEEE Standards Committee for consideration. Thus, ANSYS argues that waiving our rule to permit FEM-based computational modeling to stimulate the specific absorption rate (SAR) of MedRadio devices would expand the availability of engineering testing methodologies for medical device manufacturers, thereby enabling manufacturers and researchers to negotiate lower costs for product development.

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

<sup>1</sup> See ANSYS Inc., Request for Waiver of 47 C.F.R. § 1.1307 (b)(2), filed August 2, 2010. The MedRadio Service is governed by Part 95 of the Commission's Rules.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://fallfoss.fcc.gov/ecfs2/> or the Federal eRulemaking Portal: <http://www.regulations.gov>.
- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> St., SW, Room TW-A325, Washington, DC 20554. The filing hours 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, Express, and Priority mail must be addressed to 445 12<sup>th</sup> Street, SW, Washington DC 20554.

**People with Disabilities:** To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554. Parties should also send a copy of their filings to Robert Weller, Office of Engineering and Technology, Federal Communications Commission, Room 7-A134, 445 12th Street, S.W., Washington, D.C. 20554, or by e-mail to [Robert.Weller@fcc.gov](mailto:Robert.Weller@fcc.gov). Parties must also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (202) 488-5300, or via e-mail to [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com).

Documents are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. The documents may also be purchased from BCPI (telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com)).

Office of Engineering and Technology contact: Robert Weller at (202) 418-7397.

By the Chief, Office of Engineering and Technology.

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