



HARRY F. COLE
ANNE GOODWIN CRUMP
PAUL J. FELDMAN
CHRISTINE GOEPP
KEVIN M. GOLDBERG
FRANK R. JAZZO
M. SCOTT JOHNSON
DANIEL A. KIRKPATRICK
MITCHELL LAZARUS
STEPHEN T. LOVELADY
SUSAN A. MARSHALL
HARRY C. MARTIN
MICHELLE A. McCCLURE
MATTHEW H. McCORMICK
FRANCISCO R. MONTERO
LEE G. PETRO*
RAYMOND J. QUIANZON
JAMES P. RILEY
DAVINA SASHKIN
PETER TANNENWALD
KATHLEEN VICTORY
HOWARD M. WEISS

1300 NORTH 17th STREET, 11th FLOOR
ARLINGTON, VIRGINIA 22209

OFFICE: (703) 812-0400
FAX: (703) 812-0486
www.fhhlaw.com
www.commlawblog.com

RETIRED MEMBERS
VINCENT J. CURTIS, JR.
RICHARD HILDRETH
GEORGE PETRUTSAS

OF COUNSEL
ALAN C. CAMPBELL
THOMAS J. DOUGHERTY, JR.
DONALD J. EVANS
ROBERT M. GURSS*
ROBERT J. SCHILL
RICHARD F. SWIFT

May 11, 2011

MITCHELL LAZARUS
(703) 812-0440
LAZARUS@FHHLAW.COM

* NOT ADMITTED IN VIRGINIA

Mr. Julius P. Knapp
Chief, Office of Engineering and Technology
Federal Communications Commission
445 12th Street SW
Washington DC 20554

**Re: Request for Permanent Renewal of, and Changes to Conditions in,
Waiver Granted to SafeView, Inc. in ET Docket No. 04-373**

Dear Mr. Knapp:

I am writing on behalf of L-3 Communications Security & Detection Systems¹ (“L-3”) to request a permanent renewal of the waiver under which the company certifies its ProVision body-scanning security product, and the elimination of limits in the waiver on the numbers of units marketed. These actions are needed to meet homeland security and public safety needs, particularly in addressing threats to aviation safety.

¹ The company was formerly known as L-3 Communications SafeView, Inc., and before that, prior to an acquisition, as SafeView, Inc.

Mr. Julius P. Knapp

May 11, 2011

Page 2

REGULATORY BACKGROUND

On August 3, 2006, the Office of Engineering and Technology granted a waiver to the predecessor of L-3.² Among other conditions, the grant limited the number of systems installed to 100 during the first year, and 200 during the second year.³ By its terms, the waiver was renewable after two years.⁴

On August 1, 2008, L-3 requested renewal for an additional two years, or for such longer time as the Commission might deem appropriate, and asked for authority to continue installing at a maximum rate of 200 installations per year. On September 2, 2009, the Commission renewed the waiver for two years from the original expiration date, through August 3, 2010,⁵ and allowed the sale of a total of 300 units under the original waiver and the extension combined.⁶

On February 5, 2010, in response to L-3 requests dated January 14 and January 29, 2010, the Commission renewed the waiver through August 3, 2011, and allowed the sale of a total of 500 units through that date.⁷

CURRENT DEPLOYMENTS

As every air traveler knows, the L-3 ProVision device has become a mainstay at U.S. airports. The company has installed approximately 300 units.⁸ The company—one of only two vendors certified by the

² *SafeView, Inc., Request for Waiver of Sections 15.31 and 15.35 of the Commission's Rules*, 21 FCC Rcd 8814 (2006) (“*Waiver Order*”).

³ *Id.* at ¶ 29(3).

⁴ *Id.* at ¶ 27.

⁵ *SafeView, Inc., Request for Waiver of Sections 15.31 and 15.35 of the Commission's Rules*, 24 FCC Rcd 11550 (2009) (“*First Renewal Order*”).

⁶ *Id.* at ¶ 8.

⁷ Letter from Julius Knapp, Chief, Office of Engineering and Technology, to Mitchell Lazarus, 25 FCC Rcd 1269 (2010).

⁸ As required under the waiver, L-3 maintains records of installations of all waived devices, including the identity of the customer, type of location, and street address and/or coordinates. *Waiver Order* at ¶ 29(5). From these records, the company can always provide an exact count of units in place.

Mr. Julius P. Knapp

May 11, 2011

Page 3

Transportation Security Administration—also expects a major procurement by the TSA later in 2011 that will increase these numbers.

REQUEST FOR RENEWAL AND MODIFICATION

In order to meet the needs of aviation security, along with those of L-3's other customers, L-3 makes the following requests:

- permanent renewal of the waiver; *i.e.*, with no expiration date that requires further renewals; and
- elimination of the limits on numbers of units that can be sold under the waiver.

L-3 will continue to comply with all other waiver conditions.⁹

The Commission originally imposed the limited waiver duration and numerical restrictions on units sold in order to help control harmful interference,¹⁰ notwithstanding its belief that the interference risk is very low.¹¹ The five years since then have borne out the Commission's confidence: L-3 has not received any reports of interference. We submit that the numerical and time controls are no longer needed. The company remains committed to swiftly resolving any interference incidents that do arise.

* * * *

⁹ These include stated technical requirements, indoor-only use, records of installations, and notification to purchasers that resale to third parties is prohibited without appropriate arrangements to meet all waiver conditions. *See Waiver Order* at ¶ 29

¹⁰ *First Renewal Order* at ¶ 4 (“The Commission stated that the limit on the number of devices and their gradual deployment was a cautious approach, so that harmful interference issues can easily be addressed should they occur.”)

¹¹ *Waiver Order* at ¶ 22 (“Based on our analysis of the record, we conclude that the SafeScout [now called ProVision] poses very little potential of harmful interference to authorized operations.”)

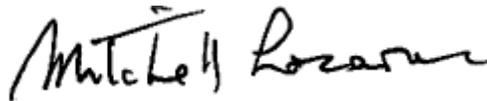
Mr. Julius P. Knapp

May 11, 2011

Page 4

Please do not hesitate to contact me with any questions.

Respectfully submitted,



Mitchell Lazarus
Counsel for L-3 Communications Security
& Detection Systems

cc: Karen Ansari
Geraldine Matise
Bruce Romano
Mark Settle
Anh Wride
ET Docket No. 04-373 (by electronic filing)