

ATTACHMENT A

1601-0 FCC

Federal Communications Commission

1270 Fairfield Road
Gettysburg, PA 17325-7245

JAN 1 2 1995

In Reply Refer To:
7110-162

John Joseph McVeigh
Multinational Legal Services, P.C.
11 Dupont Circle
Washington, D.C. 20036

Dear Mr. McVeigh:

This is in response to the request on behalf of TN Technologies, who manufacturers microwave swept-frequency fluid-level gauges for use in industrial applications, for a waiver of Rule 90.159(b) to permit conditional operation of those gauges by its customers.

TN Technologies manufactures microwave swept-frequency fluid-level gauges which are used to measure fluid levels in sealed industrial tanks. The devices permit the structural integrity of industrial tanks to be maintained and minimize the possibility of accidental spills of petroleum and other highly toxic chemicals. TN Technologies states that its fluid-level gauges utilize operating principals similar to those manufactured by Krohne America, Inc., one of its competitors. TN Technologies references the favorable action taken by the Commission on Krohne's request for waiver of Rule 90.159(b). TN Technologies argues that it is deserving of comparable regulatory treatment and therefore requests a waiver of Rule 90.159(b) for its products as described in Attachment A of its November 3, 1994 letter with conditions analogous to those set forth in the Commission's October 8, 1992 letter granting Krohne's request. 9500-10000

Because the fluid-level gauges utilize bands which are shared with the Federal Government, TN Technologies requested "blanket" clearance for operation of the devices in a letter to the Interdepartment Radio Advisory Committee (IRAC) on August 22, 1994. TN Technologies indicates that the devices pose little risk of interference because they operate at relatively low power levels and with narrow radiation beams. Based upon the information provided, IRAC granted clearance for the devices under the same conditions as approved for Krohne's request; specifically, that the locations of each device would need to be provided as part of the licensing process and that landing radar operation in the 8.9-9.5 GHz band retain their current primary status. Docket # 28673 9300-10500 (TN)

TN Technologies' request for waiver of Rule 90.159(b), if granted, would allow new users of its devices to begin operating under conditional licensing authority as soon as they complete an application for licensing¹ and the conditional licensing form (FCC Form 572C).

¹ Although the FCC Form 574 can be used until April 2, 1995, FCC Form 600 will replace the FCC Form 574 and must be used thereafter. See Third Report and Order in GN Docket 93-252 and Public Notice DA 94-1442 dated December 13, 1994.

The Commission is hereby granting TN Technologies' request for waiver of Rule 90.159(b) to provide for use of the conditional authorization for operation of its device. Waiving this rule will enable users of TN Technologies' fluid-level gauges to use the FCC Form 572C and conditional licensing even though the device operates in the 9.3-10.65 GHz band and those requests may include a requirement for waiver of the Commission's rules. Additionally, the Commission is granting a waiver of Rule 90.137(b) to allow those users to license the stations as temporary stations, define their operating area in terms of geographical coordinates and a radius about those coordinates, and to remain at any location within that operating area indefinitely without specifying and licensing each individual location. Based upon IRAC's clearance of TN Technologies' request, the Commission will permit users of its devices to use the FCC Form 572C and certify that the provisions of paragraph 11 of Part 3 of the Form have been met. TN Technologies' request is granted contingent on the following conditions:

*opn @
temp station*

- 1) The device must only be operated inside sealed tanks.
- 2) Users must obtain a separate license for operation of the device at each of its facilities, file all necessary forms, and pay all necessary fees for the application processing including waiver fees if the applicant needs or desires conditional operation authority while the application is being processed and/or wishes to take advantage of licensing the stations as temporary without specifying geographical coordinates for each fixed station.
- 3) Before a new user commences operation under conditional authority, the appropriate application form (FCC Form 574 or FCC Form 600) must be completed as well as the FCC Form 572C. Each user must have a copy of this letter to document the exceptions to the FCC 572C to permit conditional operation. Please note that "The conditional authority to operate is accepted with the express understanding that such authority may be modified or canceled by the Commission at any time without hearing if, in the Commission's discretion, the need for such action arises."

These procedures are necessary to prevent harmful interference to the primary users of the frequency band. Any questions regarding this action, the authority granted herein, and licensing procedures to be followed by users of TN Technologies' devices, should be directed to the Licensing Division's Technical Section at 717-337-1411.

I trust this responds to your requests.

Sincerely,

Michael P. Ryan

for Terry L. Fishel
Chief, Land Mobile Branch



March 20, 1996

Carl Huie
Federal Communications Commission
Experimental Radio Services
P.O. Box 358320
Pittsburgh, PA 15251-5320

Reference: 5025-EX-PL95

Dear Mr. Huie:

XeTel Corporation wishes to amend the cover letter to our submission of FCC Form 442 as listed above to change the following statement:

From:

Because these units are ultimately intended for unlicensed operation under Part 15 or Part 18 of the Rules, XeTel has omitted specific means for station identification.

To:

Because these units are ultimately licensed as a non-broadcast transmitters under Part 90.103 (File Number: 3010/EQU17.9), XeTel has omitted specific means for station identification.

If there are any questions, please do not hesitate to call. (512) 834-4625.

Sincerely,

A handwritten signature in cursive script that reads "Ruben Castillo".

Ruben Castillo
Safety & Environmental Coordinator
XeTel Corporation

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20564

GRANT OF EQUIPMENT AUTHORIZATION

Type Acceptance

TN Technologies
PO Box 800
Round Rock, TX 78680

Date of Grant: December 8, 1995

File No.: 31010/EQU 17.9

Application dated: August 30, 1995

Attention: Michael Detlefsen, Certification Mgr.

NOT TRANSFERABLE

EQUIPMENT AUTHORIZATION is hereby issued to the named GRANTEE, and is VALID ONLY for
the equipment identified hereon for use under the Commission's Rules and Regulations listed below.

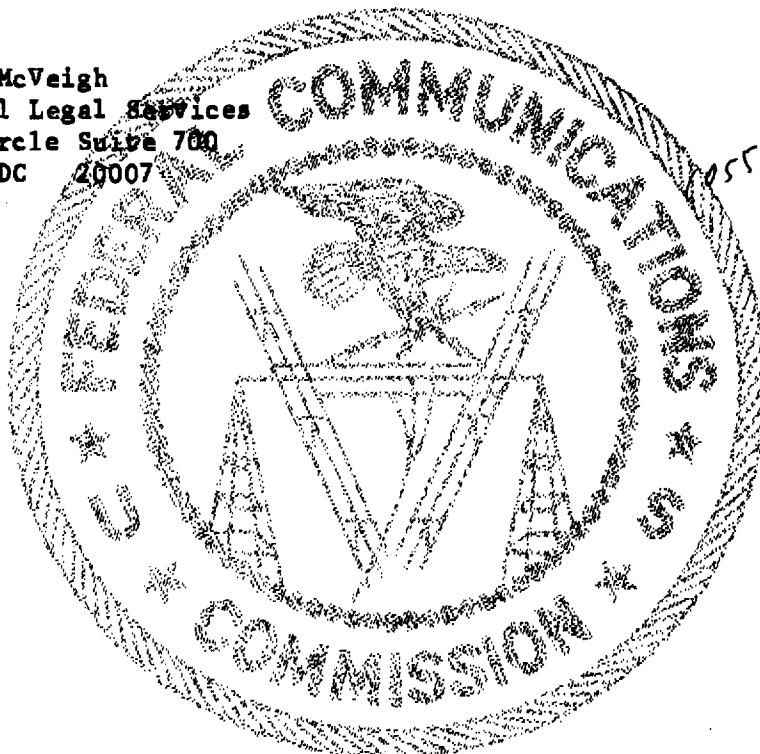
FCC IDENTIFIER
MCO1430

Name of Grantee
TN Technologies

Equipment Class : Non-Broadcast Transmitter

<u>Note(s)</u>	<u>Rule Part(s)</u>	<u>Frequency Range (MHz)</u>	<u>Output Watts</u>	<u>Frequency Tolerance</u>	<u>Emission</u>
-	90.103	9400-10700	1	-	1G00NXN

Mail to:
John Joseph McVeigh
Multinational Legal Services
11 Dupont Circle Suite 700
Washington, DC 20007



10.5-10.68 (2) 10.555
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No RS
10.5-10.55 speed gun only



March 26, 1996

Carl Huie
Federal Communications Commission
Experimental Radio Services
P.O. Box 358320
Pittsburgh, PA 15251-5320

Reference: 5025-EX-PL95

Dear Mr. Huie:

XeTel Corporation wishes to amend the cover letter to our submission of FCC Form 442 as listed above to change the following statement:

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Because these units are ultimately intended for unlicensed operation under Part 15 or Part 18 of the Rules, XeTel has omitted specific means for station identification.

To:

Because these units are ultimately licensed as a non-broadcast transmitters under Part 90.103 (File Number: 3010/EQU17.9), XeTel has omitted specific means for station identification.

In addition, frequency bandwidth in section 4 on page 2 of the application needs to be amended to read 9300 MHz - 10500 MHz.

If there are any questions, please do not hesitate to call. (512) 834-4625.

Sincerely,

Ruben Castillo
Safety & Environmental Coordinator
XeTel Corporation