

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
ODF Optronics, Ltd.)
)
Request for Waiver of Section 15.247 of the)
Commission's Rules)

ORDER

Adopted: April 23, 2008

Released: April 23, 2008

By the Chief, Office of Engineering and Technology:

I. INTRODUCTION

1. By this action, we are granting the Request for Waiver filed on March 6, 2008, by ODF Optronics, Ltd. (ODF) to permit the recertification and continued marketing and operation of the Eyeball R1 transmitter. A waiver for the manufacture and marketing of this device was previously granted to Remington Arms Company, Inc., Law Enforcement Technologies Division;¹ however, Remington no longer markets the Eyeball R1 and has ceased all involvement with the product. ODF, which manufactured the Eyeball R1 for Remington, seeks to take over servicing of the device to Remington's current customers and to market the device in the United States. ODF will make no changes to the device and proposes to continue to observe the certification, marketing and use conditions which were included with the original waiver.

2. Specifically, ODF requests that we continue to waive Section 15.247 of our regulations (47 C.F.R. § 15.247) which requires the use of digital modulation techniques and limits the power spectral density for digital modulated systems operating in the 2400-2483.5 MHz band. We find that a grant of this waiver would continue to allow the operation of devices that would provide law enforcement agencies with new technology for investigating hostile situations without endangering police personnel. We will continue to limit the marketing of these devices to law enforcement agencies to reduce the potential for interference from Eyeball R1 transmitters to other unlicensed devices operating in the 2400-2483.5 MHz band.

3. The Eyeball R1 is a video and audio imaging device used by law enforcement entities to conduct video and audio surveillance in locations that otherwise could not be observed directly. It is designed to be placed into small, hazardous or confined areas, such as buildings, caves, tunnels and alleys, to gather surveillance information necessary for law enforcement operations. Approximately the size of a baseball, it can be thrown, rolled or lowered to a remote location from a place of safety, reducing the risk of injury or loss of life in counter-terrorism and law enforcement operations in urban terrain applications as well as in police activities requiring observation and surveillance.

4. The technical parameters and bases for the grant of a waiver to Remington are well explained in the Order granting that waiver.² We have no reason to reexamine the findings in that Order.

¹ Order in ET Docket No. 05-183 (Remington Arms Company), 20 FCC Rcd 18724 (2005).

² *Id.*

We do note that in support of our expectation that there was negligible risk of interference, ODF observes that more than 600 Eyeball R1 units have been repeatedly deployed since the waiver was granted over two years ago, with no reports of any harmful interference.

5. In granting the waiver, the Commission observed that the public interest would be served in that law enforcement would have access to a potentially lifesaving device which will benefit not only public safety officials but also members of the public. We continue to believe this to be the case.

6. Accordingly, IT IS ORDERED that the Request for Waiver filed by ODF Optronics, Ltd. IS GRANTED, pursuant to Sections 4(i), 302, 303(e), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§154(i), 302, 303(e), and 303(r) and Sections 0.31 and 0.241 of the Commission's rules (47 C.F.R. §§ 0.31, 0.241), subject to the following conditions:

- The Eyeball transmitters shall be certified by the Commission, demonstrating compliance with the technical standards applicable to operation under 47 C.F.R. § 15.247. However, compliance need not be demonstrated with the requirement in 47 C.F.R. § 15.247 to employ digital modulation or with the power spectral density limit in 47 C.F.R. § 15.247(e).
- The Eyeball transmitters shall be marketed by ODF only directly to law enforcement organizations that are eligible for licensing under the provisions of Section 90.20 of our regulations.³ Any offer for sale or lease of the device must include the following statement: "This device has been authorized by the Federal Communications Commission for sale only directly to law enforcement organizations that are eligible for licensing under the provisions of Section 90.20 of the Commission's rules. This device has not been authorized and may not be offered for sale or lease, or sold or leased, to any other entities."
- The Eyeball transmitters shall be used only by law enforcement agencies for emergencies involving safety-of-life and for training purposes. The transmitters shall not be used for permanent or fixed operations. These operating restrictions shall be clearly and conspicuously noted by ODF in all instructions and training materials included or otherwise made available with its Eyeball transmitters. Such instructions and training materials shall also contain a clear and conspicuous warning that failure to comply with these operating restrictions could result in harmful interference to other spectrum users.
- This waiver shall apply only to the ODF Eyeball R1; however, the waiver shall also apply to any subsequent models that have the same emission characteristics, *i.e.*, analog modulation, transmitter power, bandwidth, etc.

FEDERAL COMMUNICATIONS COMMISSION

Julius P. Knapp, Chief
Office of Engineering and Technology

³ The equipment may, however, be marketed under the statutory exceptions listed in 47 C.F.R. § 2.807, *e.g.*, radio frequency devices for use by the Government of the United States or any agency thereof.