

Nuclear Power Plant (NPP) Operators Using Part 74 Wireless Mic Frequencies

This rulemaking involves after-the-fact authorization for approximately sixty nuclear power plant operators to continue using wireless intercoms on frequencies reserved for broadcasters. These nuclear power plant operators purchased wireless headsets manufactured by Telex Communications. However, no licenses for their use were obtained, and for good reason: nuclear power plant operators are not eligible for broadcast-use-only licenses.

When this unlicensed use was questioned by an SBE frequency coordinator, damage control was initiated by Telex, by obtaining an experimental license. However, this was a stop gap measure, to temporarily legalize the operation; in reality, there was nothing "experimental" about the use of wireless headsets by nuclear power plant operators. After FCC refused to renew the Telex experimental license (one of the issues was that Telex had no control over how nuclear power plant operators used the headsets, and therefore Telex could not enforce its promise that the headsets would be used only inside the shielded containment vessel of a nuclear power plant), another organization, the Nuclear Energy Institute, came to the rescue by applying for a replacement and essentially identical experimental license. However, this experimental authority suffered from the same defects as the Telex experimental license, and the FCC again balked at renewing the experimental license.

Then the Nuclear Energy Institute petitioned the Office of Engineering and Technology (not the Wireless Telecommunications Bureau or the Media Bureau) to make nuclear power plant operators eligible for permanent broadcast-use-only licenses. In response, the FCC commenced a rulemaking.

The Society of Broadcast Engineers, the National Association of Broadcasters and the Association for Maximum Service Television filed in opposition, on the grounds that nuclear power plant operators are not eligible for broadcaster-only licenses, and that wireless mic frequencies on UHF TV channels have already become a scarce commodity due to the use of TV channels by Digital TV, Class A TV, Low Power TV, TV Translator stations, and, of course, full-service analog TV stations, all of which constitute higher-priority use. Also, nuclear power plant operators already have many other frequencies available to them.

The Society of Broadcast Engineers, the National Association of Broadcasters and the Association for Maximum Service Television are currently in negotiations with the Nuclear Energy Institute to reach a "consent" agreement that would allow nuclear power plant operators to temporary continue operation using their Telex headsets, with protocols to ensure no interference to the direct, over-the-air reception of TV signals, and on a secondary basis to wireless mic use by broadcast-use-only licensees.

