Appendix J To Part 74 [Removed]

10. 10. Appendix J is removed.

[FR Doc. 97–20402 Filed 8–1–97; 8:45 am]
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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 15

[ET Docket 95–19; FCC 97–240]

Equipment Authorization for Digital Devices

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: By this *Memorandum Opinion and Order,* the Commission responds to three Petitions for Reconsideration filed by the Information Technology Industry Council (ITI), Hewlett-Packard Company (HP), and Intel Corporation (Intel) regarding the Declaration of Conformity (DoC) procedure for the authorization of digital devices. This action is intended to clarify and improve the DoC process.

DATES: Effective September 17, 1997.

FOR FURTHER INFORMATION CONTACT: Office of Engineering and Technology, Anthony Serafini at (202) 418–2456 or Neal McNeil (202) 418–2408.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Memorandum Opinion and Order,* ET Docket 95–19, FCC 97–240, adopted July 3, 1997 and released July 18, 1997. The full text of this decision is available for inspection and copying during regular business hours in the FCC Reference Center, Room 239, 1919 M Street, NW., Washington, DC. The complete text of this decision also may be purchased from the Commission's duplication contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

1. In the *Report and Order,* of this proceeding, 61 FR 31044, June 19, 1996, the Commission adopted rules to streamline the equipment authorization requirements for personal computers and personal computer peripherals. Specifically, the Commission established the DoC procedure which allows digital devices to be authorized based on a manufacturer's or supplier's declaration that the device complies with the FCC requirements for controlling radio frequency interference. The DoC procedure requires laboratories performing compliance testing to be accredited under the National Voluntary Laboratory Accreditation Program (NVLAP) developed by the National Institute of Standards and Technology (NIST) or by the American Association for Laboratory Accreditation (A2LA). In the *Report and Order,* the Commission delegated to the Chief of the Office of Engineering and Technology authority to recognize additional accrediting organizations and to make determinations regarding the continued acceptability of individual accrediting organizations and accredited laboratories. Further, in the interest of fair trade the rules specify that laboratories located outside of the United States or its possessions will be accredited only if there is a mutual recognition agreement (MRA) between that country and the United States that permits similar accreditation of U.S. facilities to perform testing for products marketed in that country.

2. The *Report and Order* also adopted rules to permit the marketing, without further testing, of personal computers assembled from separate components that have themselves been authorized under a DoC. The Commission found that this approach would provide both flexibility for manufacturers and system integrators and adequate assurance that such modular computers will comply with the FCC technical standards. Testing procedures were adopted for CPU boards and power supplies. However, due to the difficulties associated with determining the shielding effectiveness of enclosures, the Commission did not adopt rules to authorize enclosures. To ensure that systems assembled from modular components would comply with the technical standards, the Commission adopted a two step test procedure for authorizing CPU boards. The CPU board must first be tested installed in a typical enclosure but with the enclosure's cover removed so that the internal circuitry is exposed at the top and at least two sides. Additional components, including a power supply, peripheral devices, and subassemblies, shall be added, as needed, to result in a complete personal computer system. Under this test, radiated emissions from the system under test may be no more than 3 dB above the limits specified in section 15.109 of this chapter. If the initial test demonstrates that the system is within 3 dB of the limits, a second test is performed using the same configuration but with the cover installed on the enclosure. Under the latter test conditions, the system under test shall not exceed the radiated emission limits specified in section 15.109 of this chapter. If, however, the initial test demonstrates compliance with the radiated emission standards in section 15.109 of this chapter, the second test is not required to be performed. The system must also be tested to comply with the AC power line conducted limits specified in section 15.107 of this chapter in accordance with the procedures specified in section 15.31 of this chapter.

3. On July 16, 1996, the Commission's Office of Engineering and Technology (OET) issued a Public Notice taking steps to encourage the use of the new DoC procedure. The Public Notice addressed concerns that use of the DoC procedure would be hindered by the ability of NVLAP and A2LA to timely process the initial demand for accreditation by adopting a provisional transition period of one year for obtaining such accreditation. The Public Notice also addressed issues concerning the recognition of accreditors located outside of the United States. A laboratory would be permitted to submit documentation to OET's Equipment Authorization Division stating that it has filed an application for accreditation with an approved laboratory accreditation body and provide evidence that it meets all aspects of ISO/IEC Guide 25. Such labs will be provisionally accepted by the FCC for a period of one year, until August 19, 1997, or until the application for accreditation has been acted upon, whichever is sooner. A laboratory that is denied accreditation by an approved accreditation body will lose its provisional acceptance. However, any DoCs that were issued will remain valid.

4. Petitions for Reconsideration were filed on July 19, 1996, by the ITI, HP, and Intel. ITI requests reconsideration of the laboratory accreditation requirement for manufacturers' and foreign test laboratories to use the new DoC procedure. ITI feels that manufacturers' laboratories should not be required to be accredited before using the DoC process. Additionally, ITI argues that the accreditation requirement should not apply to foreign trading partners in countries that currently do not have similar accreditation requirements. The Commission believes that laboratory accreditation is a vital component of the DoC procedure and denies the ITI Petition for Reconsideration. HP requests reconsideration or clarification of the rules regarding use of the DoC procedure by laboratories outside the United States. HP feels that the mutual recognition agreement (MRA) requirement unreasonably discriminates against test labs located in foreign countries. The Commission finds that the rules do not adequately address the requirements for foreign laboratories

and grants the HP Petition by clarifying the requirements and incorporating into the rules the July 16, 1996, public notice entitled, ''OET Takes Steps to Encourage Self-Declaration for Computer Compliance'' (public notice). Intel requests reconsideration of the testing procedure for the authorization of CPU boards to either take into account the shielding effectiveness of enclosures or to disregard emissions from peripheral devices. The Commission agrees that emissions from peripheral devices should not adversely impact the testing of CPU boards and grants, in part, the Intel Petition for Reconsideration. Finally, the Commission amends the rules in several respects on its own motion.

5. Accordingly, *It is ordered* that the petition for reconsideration filed by Information Technology Industry Council is denied. The petition for reconsideration filed by Hewlett-Packard Company is granted. The petition for reconsideration filed by Intel Corporation is granted as described above and denied in all other respects. Finally, it is ordered that part 15 of the Commission's rules and regulations is amended as specified below effective September 17, 1997. This action is taken pursuant to the authority contained in Sections 4(i), 301, 302, 303(e), 303(f), 303(r), 304, 307 and 405 of the Communications Act of 1934 as amended, 47 U.S.C. Sections 154(i), 301, 302, 303(e), 303(f), 303(r), 304, 307 and 405.

Final Regulatory Flexibility Certification

6. As required by Section 603 of the Regulatory Flexibility Act (RFA), 5 U.S.C. § 603, an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the Notice of Proposed Rulemaking (NPRM) in ET 95–19, FCC No. 95–46, 60 FR 15116, March 22, 1995. The Commission sought written comments on the proposals in the *NPRM* including the IRFA. No commenting parties raised issues specifically in response to the IRFA and a Final Regulatory Flexibility Analysis (FRFA) was included in the *Report and Order* in this proceeding. The rules adopted in this *Memorandum Opinion and Order* (MO&O) provide clarification and further relaxation of the computer authorization process requirements adopted in the *Report and Order.* We therefore certify pursuant to section 605(b) of the RFA that the rules adopted in this *MO&O* do not have a significant economic impact on a substantial number of small entities.

7. The Commission will send a copy of this final certification, along with *MO&O,* in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. § 801(a)(1)(A), and to the Chief Counsel for Advocacy of the Small Business Administration, 5 U.S.C. § 605(b).

List of Subjects

47 CFR Part 2

Reporting and recordkeeping requirements.

47 CFR Part 15

Computer technology.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Amendatory Text

Title 47 of the Code of Federal Regulations, Parts 2 and 15 are amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. The authority citation for Part 2 continues to read as follows:

Authority: Sec. 4, 302, 303, and 307 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154, 302, 303, and 307, unless otherwise noted.

1. Section 2.909 is amended by redesignating paragraph (c)(3) to (c)(4) and by adding a new paragraph (c)(3), to read as follows:

§ 2.909 Responsible party.

* * * * *

(c) * * *

(3) Retailers or original equipment manufacturers may enter into an agreement with the responsible party designated in paragraph (c)(1) or (c)(2) of this section to assume the responsibilities to ensure compliance of equipment and become the new responsible party.

* * * * *

2. Section 2.948 is amended by removing the note at the end of paragraph (d) and by adding paragraphs (d)(1), (d)(2) and (d)(3) to read as follows:

§ 2.948 Description of measurement facilities.

* * * * *

(d) * * *

(1) In addition to meeting the above requirements, the accreditations of laboratories located outside of the United States or its possessions will be acceptable only under one of the following conditions:

(i) If there is a mutual recognition agreement between that country and the United States and that laboratory is covered by the agreement;

(ii) If there is an agreement between accrediting bodies that permits similar accreditation of U.S. facilities to perform testing for products marketed in that country; or

(iii) If the country already accepts the accreditation of U.S. laboratories.

(2) Organizations outside of the United States that seek to become accreditors may seek agreements with approved United States accrediting bodies to mutually recognize the accreditation of laboratories. The Commission will review such agreements and will consult with the Office of the United States Trade Representative and other Executive Branch agencies before accepting them for purposes of the DoC procedure in order to ensure that the respective foreign countries accept United States accreditations and do not impose additional barriers upon United States companies. Accrediting bodies located outside of the United States will only be permitted to accredit laboratories within their own country for DoC testing.

(3) To facilitate use of the DoC procedure, the FCC will accept a laboratory that submits documentation to OET's Equipment Authorization Division stating that it has filed an application for accreditation with an approved laboratory accreditation body and provides evidence that it meets all aspects of ISO/IEC Guide 25. Such labs will be provisionally accepted by the FCC for a period of one year (until August 19, 1997) or until the application for accreditation has been acted upon, whichever is sooner. A laboratory that is denied accreditation by an approved accreditation body will lose its provisional acceptance. However, any DoCs that were issued will remain valid.

3. Section 2.1077 is amended by redesignating paragraphs (b)(1), (b)(2), (b)(3), and (b)(4) to (b)(2), (b)(3), (b)(4), and (b)(5) respectively and by adding a new paragraph (b)(1) to read as follows:

2.1077 Compliance information.

* * * * *

(b) * * *

(1) Identification of the assembled product, e.g., name and model number.

* * * * *

PART 15—RADIO FREQUENCY DEVICES

1. The authority citation for Part 15 continues to read as follows:

Authority: Sec. 4, 302, 303, 304, and 307 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154, 302, 303, 304, and 307.

1. Section 15.19 is amended by revising paragraph (b)(1)(ii) to read as follows, redesignating paragraphs (b)(2) and (b)(3) to (b)(3) and (b)(4) respectively and adding a new paragraph (b)(2) to read as follows:

§ 15.19 Labelling requirements.

* * * * *

(b) * * *

(1) * * *

(ii) If a personal computer is authorized based on assembly using separately authorized components, in accordance with § 15.101(c)(2) or (c)(3), and the resulting product is not separately tested:

* * * * *

(2) Label text and information should be in a size of type large enough to be readily legible, consistent with the dimensions of the equipment and the label. However, the type size for the text is not required to be larger than eight point.

* * * * *

2. Section 15.31 is amended by revising the first sentence of paragraph (a)(6) and paragraph (b), to read as follows:

§ 15.31 Measurement standards.

(a) * * *

* * * * *

(6) Digital devices authorized by verification, Declaration of Conformity, or for which an application for equipment authorization is filed on or after May 1, 1994, and intentional and other unintentional radiators for which verification is obtained, or for which an application for equipment authorization is filed on or after June 1, 1995 are to be measured for compliance using the following procedure excluding section 5.7, section 9 and section 14: American National Standards Institute (ANSI) C63.4–1992, entitled ''Methods of Measurement of Radio-Noise Emissions from Low-Voltage Electrical and Electronic Equipment in the Range of 9 kHz to 40 GHz,'' published by the Institute of Electrical and Electronic Engineers, Inc. on July 17, 1992 as document number SH15180. * * *

* * * * *

(b) All parties making compliance measurements on equipment subject to the requirements of this part are urged to use these measurement procedures. Any party using other procedures should ensure that such other procedures can be relied on to produce measurement results compatible with the FCC measurement procedures. The description of the measurement procedure used in testing the equipment for compliance and a list of the test equipment actually employed shall be made part of an application for certification or included with the data required to be retained by the party responsible for devices authorized pursuant to a Declaration of Conformity or devices subject to notification or verification.

* * * * *

3. Section 15.32 is amended by revising paragraphs (a)(1) and (a)(2) to read as follows:

§ 15.32 Test procedures for CPU boards and computer power supplies.

* * * * *

(a) * * *

(1) Testing for radiated emissions shall be performed with the CPU board installed in a typical enclosure but with the enclosure's cover removed so that the internal circuitry is exposed at the top and on at least two sides. Additional components, including a power supply, peripheral devices, and subassemblies, shall be added, as needed, to result in a complete personal computer system. If the oscillator and the microprocessor circuits are contained on separate circuit boards, both boards, typical of the combination that would normally be employed, must be used in the test. Testing shall be in accordance with the procedures specified in § 15.31.

(i) Under these test conditions, the system under test shall not exceed the radiated emission limits specified in § 15.109 by more than 6 dB. Emissions greater than 6 dB that can be identified and documented to originate from a component(s) other than the CPU board being tested, may be dismissed.

(ii) Unless the test in paragraph (a)(1)(i) of this section demonstrates compliance with the limits in § 15.109, a second test shall be performed using the same configuration described above but with the cover installed on the enclosure. Testing shall be in accordance with the procedures specified in § 15.31. Under these test conditions, the system under test shall not exceed the radiated emission limits specified in § 15.109.

(2) In lieu of the procedure in (a)(1) of this section, CPU boards may be tested to demonstrate compliance with the limits in § 15.109 using a specified enclosure with the cover installed. Testing for radiated emissions shall be performed with the CPU board installed in a typical system configuration. Additional components, including a power supply, peripheral devices, and subassemblies, shall be added, as needed, to result in a complete personal computer system. If the oscillator and the microprocessor circuits are contained on separate circuit boards, both boards, typical of the combination that would normally be employed, must be used in the test. Testing shall be in accordance with the procedures specified in § 15.31. Under this procedure, CPU boards that comply with the limits in § 15.109 must be marketed together with the specific enclosure used for the test.

* * * * *

4. Section 15.101 is amended by revising the table in paragraph (a) to read as follows:

§ 15.101 Equipment authorization of unintentional radiators.

(a) * * *

Type of device	Equipment authorization required
TV broadcast receiver	Verification.
FM broadcast receiver	Verification.
CB receiver	Certification.
Superregenerative receiver	Certification.
Scanning receiver	Certification.
All other receivers subject to Part 15	Notification.
TV interface device	Certification.
Cable system terminal device	Notification.
Stand-alone cable input selector switch	Verification.
Class B personal computers and peripherals	Declaration of Conformity or Cerification.
CPU boards and internal power supplies used with Class B personal computers	Declaration of Conformity or Certification.
Class B personal computers assembled using authorized CPU boards or power supplies	Declaration of Conformity.
Class B external switching power supplies	Verification

Type of device	Equipment authorization required
Other Class B digital devices & peripherals	Verification.
Class A digital devices, peripherals & external switching power supplies	Verification.
All other devices	Verification.

* * * * *

[FR Doc. 97–20398 Filed 8–1–97; 8:45 am]
BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 544

[Docket No. 96–130; Notice 03]

RIN 2127–AG56

Insurer Reporting Requirements; List of Insurers Required To File Reports; Correction

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Correction to final regulation.

SUMMARY: This document contains corrections to the final regulation [Docket No. 96–130; Notice 03], which was published Monday, June 23, 1997, (62 FR 33754). The regulation related to the information reporting requirements for passenger motor vehicle insurers that are required to file reports on their motor vehicle theft loss experiences, pursuant to 49 U.S.C. 33112.

EFFECTIVE DATE: June 23, 1997.

FOR FURTHER INFORMATION CONTACT: Ms. Rosalind Proctor (202) 366–0846.

SUPPLEMENTARY INFORMATION:

Correction of Publication

Accordingly, the publication on June 23, 1997, (62 FR 33754) of this final regulation [Docket No. 96–130; Notice 03], which were the subject of FR Doc. 97–16334, is corrected as follows:

PART 544—CORRECTED

Paragraph 1. On page 33756, in the first column, in the words of issuance, remove the words ''proposed to be''.

Paragraph 1. On page 33756, in amendatory instruction 1, the words ''would be revised to read as follows'' are corrected to read ''continues to read as follows''.

Paragraph 2. On page 33756, in the amendatory instructions 2, 3, 4, 6, and 7, the words ''would be revised to read as follows'' are corrected to read ''is revised to read as follows''.

Dated as signed: July 29, 1997.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 97–20478 Filed 8–1–97; 8:45 am]
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