

Federal Communications Commission

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to the Commission's laboratory and return shall be borne by the responsible party.

[61 FR 31046, June 19, 1996]

§ 2.946 Penalty for failure to provide test samples and data.

(a) Any responsible party, as defined in § 2.909, or any party who markets equipment subject to the provisions of this chapter, shall provide test sample(s) or data upon request by the Commission. Failure to comply with such a request within 14 days may be cause for forfeiture, pursuant to § 1.80 of this chapter, or other administrative sanctions such as suspending action on any applications for equipment authorization submitted by such party while the matter is being resolved.

(b) The Commission may consider extensions of time upon submission of a showing of good cause.

[63 FR 36599, July 7, 1998]

§ 2.947 Measurement procedure.

(a) The Commission will accept data which have been measured in accordance with the following standards or measurement procedures:

(1) Those set forth in bulletins or reports prepared by the Commission's Office of Engineering and Technology. These will be issued as required, and specified in the particular part of the rules where applicable.

(2) Those acceptable to the Commission and published by national engineering societies such as the Electronic Industries Association, the Institute of Electrical and Electronic Engineers, Inc., and the American National Standards Institute.

(3) Any measurement procedure acceptable to the Commission may be used to prepare data demonstrating compliance with the requirements of this chapter.

(b) Information submitted pursuant to paragraph (a) of this section shall completely identify the specific standard or measurement procedure used.

(c) In the case of equipment requiring measurement procedures not specified in the references set forth in paragraphs (a) (1) and (2) of this section, the applicant shall submit a detailed de-

scription of the measurement procedures actually used.

(d) A listing of the test equipment used shall be submitted.

(e) If deemed necessary, the Commission may require additional information concerning the measurement procedures employed in obtaining the data submitted for equipment authorization purposes.

[42 FR 44987, Sept. 8, 1977, as amended at 44 FR 39181, July 5, 1979; 51 FR 12616, Apr. 14, 1986]

§ 2.948 Description of measurement facilities.

(a) Each party making measurements of equipment that is subject to an equipment authorization under part 15 or part 18 of this chapter, regardless of whether the measurements are filed with the Commission or kept on file by the party responsible for compliance of equipment marketed within the U.S. or its possessions, shall compile a description of the measurement facilities employed.

(1) If the measured equipment is subject to the verification procedure, the description of the measurement facilities shall be retained by the party responsible for verification of the equipment.

(i) If the equipment is verified through measurements performed by an independent laboratory, it is acceptable for the party responsible for verification of the equipment to rely upon the description of the measurement facilities retained by or placed on file with the Commission by that laboratory. In this situation, the party responsible for verification of the equipment is not required to retain a duplicate copy of the description of the measurement facilities.

(ii) If the equipment is verified based on measurements performed at the installation site of the equipment, no specific site calibration data is required. It is acceptable to retain the description of the measurement facilities at the site at which the measurements were performed.

(2) If the equipment is to be authorized by the Commission under the certification procedure, the description of the measurement facilities shall be

filed with the Commission's Laboratory in Columbia, Maryland. The data describing the measurement facilities need only be filed once but must be updated as changes are made to the measurement facilities or as otherwise described in this section. At least every three years, the organization responsible for filing the data with the Commission shall certify that the data on file is current.

(3) If the equipment is to be authorized under a Declaration of Conformity, the description of the measurement facilities shall be retained by the party performing the measurements.

(b) The description shall contain the following information:

(1) Location of the test site.

(2) Physical description of the test site accompanied by photographs of size A4 (21 cm × 29.7 cm) or 8×10 inches (20.3 cm × 25.4 cm). Smaller photographs may be used if they clearly show the details of the test site and are mounted on full size sheets of paper.

(3) A drawing showing the dimensions of the site, physical layout of all supporting structures, and all structures within 5 times the distance between the measuring antenna and the device being measured.

(4) Description of structures used to support the device being measured and the test instrumentation.

(5) List of measuring equipment used.

(6) Information concerning the calibration of the measuring equipment, i.e., the date the equipment was last calibrated and how often the equipment is calibrated.

(7) If desired, a statement as to whether the test site is available to do measurement services for the public on a fee basis.

(8) A plot of site attenuation data.

(i) For a measurement facility that will be used for testing radiated emissions from a digital device on or after May 1, 1994, or for testing intentional and other unintentional radiators authorized under part 15 of the rules on or after June 1, 1995, the site attenuation data shall be taken pursuant to the procedures contained in Sections 5.4.6 through 5.5 of the following procedure: 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 Electronics Engineers, Inc. on July 17, 1992 as document number SH15180. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of ANSI C63.4–1992 may be obtained from: IEEE Standards Department, 455 Hoes Lane, P.O. Box 1331, Piscataway, NJ 08855–1331, telephone 1–800–678–4333. Copies of ANSI C63.4–1992 may be inspected at the following locations:

(A) Federal Communications Commission, 445 12th Street, SW., Office of Engineering and Technology, Washington, DC 20554,

(B) Federal Communications Commission Laboratory, 7435 Oakland Mills Road, Columbia, MD 21046, or

(C) Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(ii) For a measurement facility that will be used for testing radiated emissions from a digital device prior to May 1, 1994, or from intentional and other unintentional radiators authorized under part 15 prior to June 1, 1995, or from devices authorized under part 18 of the rules, the site attenuation data shall be taken pursuant to either ANSI C63.4–1992, Sections 5.4.6 through 5.5, or FCC/OET Bulletin 55.

(iii) This requirement does not apply to equipment that is not measured on an open field test site.

(9) A description of the types of equipment intended to be measured or other information regarding the types of measurements that would be performed at the test facility.

(c) The Commission will publish a list of those parties who have filed the information required by this section, provided they indicate that they wish to perform measurement services for the public on a fee basis. However, it should be noted that the Commission does not endorse or approve any facility on this list.

(d) If the equipment is to be authorized under a Declaration of Conformity, the party performing the measurements shall be accredited for

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performing such measurements by an authorized accreditation body based on the International Organization for Standardization/International Electrotechnical Commission (ISO/IEC) Guide 25, "General Requirements for the Competence of Calibration and Testing Laboratories." Accreditation bodies must be approved by the FCC's Office of Engineering and Technology, as indicated in § 0.241 of this chapter, to perform such accreditation based on ISO/IEC 58, "Calibration and Testing Laboratory Accreditation Systems—General Requirements for Operation and Recognition." The frequency for revalidation of the test site and the information required to be filed or retained by the testing party shall comply with the requirements established by the accrediting organization.

(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.

[54 FR 17712, Apr. 25, 1989, as amended at 57 FR 24990, June 12, 1992; 58 FR 37430, July 12, 1993; 58 FR 44893, Aug. 25, 1993; 61 FR 31046, June 19, 1996; 62 FR 41880, Aug. 4, 1997; 63 FR 36599, July 7, 1998; 65 FR 58466, Sept. 29, 2000]

VERIFICATION

AUTHORITY: Sections 2.951 through 2.957 are issued under secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.

SOURCE: Sections 2.951 through 2.957 appear at 46 FR 23249, Apr. 24, 1981, unless otherwise noted.

§ 2.951 Cross reference.

The provisions of § 2.901, *et seq.*, shall apply to equipment subject to verification.

§ 2.952 Limitation on verification.

(a) Verification signifies that the manufacturer or importer has determined that the equipment has been shown to be capable of compliance with the applicable technical standards if no unauthorized change is made in the equipment and if the equipment is properly maintained and operated. Compliance with these standards shall not be construed to be a finding by the manufacturer or importer with respect to matters not encompassed by the Commission's rules.

(b) Verification of the equipment by the manufacturer or importer is effective until a termination date is otherwise established by the Commission.

(c) No person shall, in any advertising matter, brochure, etc., use or