



PUBLIC NOTICE

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News Media Information 202 / 418-0500
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DA: 16-1139
Released: October 5, 2016

**OFFICE OF ENGINEERING AND TECHNOLOGY SEEKS COMMENT ON APPLICATION
BY THE NATIONAL VOLUNTARY LABORATORY ACCREDITATION PROGRAM (NVLAP)
FOR EXPANDED SCOPE RECOGNITION AS A LABORATORY ACCREDITATION BODY
FOR AUTHORITY TO ACCREDIT LABORATORIES IN ADDITIONAL COUNTRIES**

ET Docket No. 16-313

Comments Due: October 26, 2016
Reply Comments Due: November 2, 2016

National Voluntary Laboratory Accreditation Program (NVLAP) has submitted a request with the Office of Engineering and Technology (OET) to expand its scope of recognition by the Commission as an accreditation body that performs accreditation of test laboratories under the Commission's rules.¹ NVLAP has been recognized by the Commission to accredit testing laboratories located in the United States. It now seeks to be an accreditation body for laboratories located China, Indonesia, India, Philippines, Russia, Switzerland, Thailand, and Ukraine for testing equipment for authorization under the Commission's Declaration of Conformity (DoC) and certification programs of the Commission's rules.²

OET invites comment on the qualifications and capabilities of NVLAP to accredit test laboratories that perform testing for EMC, radio, and telecommunications requirements under the Commission's rules, and whether NVLAP meets the minimum set of requirements as we describe below.

To perform compliance testing that is acceptable under our DOC and certification programs, a laboratory must be accredited by a body that the Commission has recognized as meeting our requirements for performing the accreditation of testing laboratories.³ There are two ways that we recognize the accreditation of laboratories. A laboratory can be accredited by a body under the terms of an MRA,⁴ or it can be designated for FCC recognition by an accreditation body recognized pursuant to Section 2.949 of

¹ On July 6, 2016 National Voluntary Laboratory Accreditation Program (NVLAP) submitted documentation in support of their request with the OET. Information provided by NVLAP in support of its request has been included in this docket file.

² See 47 CFR § 0.241(f) (delegating authority to the Chief, OET to make determinations regarding the acceptability of individual accrediting organizations and to enter into agreements with them to perform accreditation of test laboratories under the rules).

³ 47 CFR § 2.948(e).

⁴ 47 CFR § 2.948(f)(1).

our rules.⁵ NVLAP is seeking recognition under the second path, as the countries it has identified are ones for which the United States does not have a telecom Mutual Recognition Agreement (MRA).

Section 2.949 of the Commission's rules sets forth the requirements for the recognition of laboratory accreditation bodies.⁶ An entity seeking to be recognized by the Commission as an accreditation body for test laboratories must demonstrate that it complies with applicable International Organization for Standardization (ISO) and International Electrotechnical Commission (IEC) standards for recognizing such bodies and that it is competent in assessing test laboratories to perform measurements in support of the applicable FCC technical regulations. The ISO/IEC standard used for recognizing accreditation bodies is ISO/IEC 17011, *Conformity assessment — General requirements for accreditation bodies accrediting conformity assessment bodies*. Accreditation of test laboratories is to be based on ISO/IEC standard 17025, *General requirements for the competence of testing and calibration laboratories*, and on the FCC requirements.⁷ It is the responsibility of the accreditation body to review the qualifications of a test laboratory's personnel, management systems, record keeping and reporting practices; to send recognized experts to observe testing at the laboratory; and to verify the testing laboratory's competence to perform tests in accordance with FCC-related measurement procedures.

OET has provided additional guidance on the type of information that an applicant who desires to be recognized by the Commission as a laboratory accreditation body should provide in support of its application.⁸

The accreditation body provides general information about its organization, including:

- (a) Contact information.
- (b) A general description of the organization.
- (c) Description of the scope of work for which it is seeking recognition.
- (d) The specific country in which the accreditation body is seeking to perform laboratory accreditations for the FCC rules.
- (e) Evidence that the accreditation body is authorized by the government in each country it plans to accredit testing laboratories, to test to the FCC requirements, to operate and perform accreditation services. This must include an explanation of any legal constraints with regards to the accrediting body's authorization to operate in the specific country in which it plans to perform accreditations (e.g., whether it has the required licenses and approvals necessary to operate a business).
- (f) Evidence of ability to perform assessments in each country it plans to accredit testing laboratories. The accreditation body must describe the process it will use to address

⁵ 47 CFR § 2.948(f)(2).

⁶ 47 CFR § 2.949.

⁷ See 47 CFR § 2.948(e).

⁸ See *Amendment of Parts 0, 1, 2, and 15 of the Commission's Rules regarding Authorization of Radiofrequency Equipment*, ET Docket 13-44, Memorandum Opinion and Order and Order on Reconsideration, 31 FCC Rcd 7426 (2016) and KDB Publication 974614 D02 (accessible via <https://apps.fcc.gov/oetcf/kdb/index.cfm>). The accreditation body seeking recognition to accredit testing laboratories in non-MRA countries to perform testing to the FCC requirements is required to submit general administration information and evidence of its technical capabilities in support of its request, as specified in the KDB Publication.

laboratory performance issues, including the withdrawal or suspension of the accreditation of a testing laboratory.

To demonstrate its credentials and qualifications to perform accreditation of laboratories that test equipment to Commission requirements, an applicant shall provide, at a minimum, evidence of:

- (a) Successful completion of an ISO/IEC 17011:2004, “*Conformity assessment – General requirements for accreditation bodies accrediting conformity assessment bodies*” peer review, such as being a signatory to an accreditation agreement that is acceptable to the Commission. The accreditation body must describe the procedures it has in place to ensure the impartiality and objectivity of its activities as required by 4.3 of ISO/IEC 17011 (for example, the accreditation body shall not offer or provide conformity assessment services that CABs perform, consultancy activities, or any other service that would affect its impartiality).
- (b) Experience with the accreditation of electromagnetic compatibility (EMC), radio and telecommunications testing laboratories to ISO/IEC 17025:2005, “*General Requirements for the Competence of Testing and Calibration Laboratories.*” This will be verified by having OET staff participate in a witness audit of an EMC/Radio/Telecom testing laboratory.
- (c) Accreditation personnel/assessors with specific technical experience on the Commission equipment authorization rules and requirements.
- (d) Procedures and policies developed for the accreditation and designation of testing laboratories for FCC equipment authorization programs. If the accreditation body is requesting that OET recognize the accreditation body for accrediting testing laboratories located outside of the United States in countries that do not have an MRA with the United States, the information provided to OET must set forth specific procedures and policies for the accreditation of foreign testing laboratories for FCC equipment authorization programs. These procedures need to address any considerations when operating in a foreign country (e.g., any laws governing the acceptance of foreign accreditation bodies), language, experience with FCC regulations, selection of assessors, methods used to maintain competency in the FCC regulations, etc.

Information provided by NVLAP in support of its request has been included in the docket file. Additional information regarding NVLAP may be found on its website or by contacting it directly.

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OET invites comment on NVLAP’s application to be recognized as an accreditation body of test laboratories under the Commission’s rules. Interested parties may file comments no later than October 26, 2016. Reply comments are due no later than November 2, 2016. All filings should be made in ET Docket No. 16-313 and specifically state that they pertain to NVLAP’s July 6, 2016 request.

Pursuant to sections 1.415 and 1.419 of the Commission’s rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this

document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

For more information or questions pertaining to this document, please contact George Tannahill at (301) 362-3026, george.tannahill@fcc.gov.

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