



# PUBLIC NOTICE

Federal Communications Commission  
45 L Street NE  
Washington, DC 20554

News Media Information 202-418-0500  
Internet: [www.fcc.gov](http://www.fcc.gov)  
TTY: 888-835-5322

DA 26-505  
Released: May 20, 2026

## OET SEEKS COMMENT ON REVISIONS TO POST-MARKET SURVEILLANCE PROCEDURES

ET Docket No. 26-118

**Comment Date: June 19, 2026**  
**Reply Comment Date: July 6, 2026**

In the *Second Report and Order and Second Further Notice of Proposed Rulemaking (Second EA Integrity R&O)*, the Federal Communications Commission (Commission) agreed to update its post-market surveillance procedures in effort to properly consider the rapidly evolving national security threat landscape and the new risks to our equipment authorization program.<sup>1</sup> Accordingly, the Commission directed the Office of Engineering and Technology (OET) to seek comment on updated information that should be included in the revised post-market surveillance procedures.

### **Background**

Currently, the Commission's rules impose obligations on Telecommunications Certification Bodies (TCBs) to perform post-market surveillance based on "type testing a certain number of samples of the total number of product types" that the TCB has certified.<sup>2</sup> In addition, a TCB must perform post-market surveillance activities in accordance with ISO/IEC 17065.<sup>3</sup> OET also provides specific benchmarks designating which device samples TCBs must test and checklists to help TCBs streamline their surveillance reporting.<sup>4</sup> TCBs are obligated to ensure that communication equipment on the FCC's Covered List, specifically determined to pose an "unacceptable risk to the national security of the United States or the safety and security of United States persons,"<sup>5</sup> do not receive equipment authorization.<sup>6</sup> In this manner, TCBs have historically played a critical role in the protection of American national security.<sup>7</sup>

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<sup>1</sup> *Promoting the Integrity and Security of Telecommunications Certification Bodies, Measurement Facilities, and the Equipment Authorization Program*. ET Docket 24-136. Second Report and Order, Order on Reconsideration, and Second Further Notice of Proposed Rulemaking, FCC 26-28, 91 FR 27843 (2026) (*Second EA Integrity R&O*).

<sup>2</sup> 47 CFR §§ 2.962(g)(1).

<sup>3</sup> 47 CFR §§ 2.962(i); 2.910 (incorporating by reference ISO/IEC 17065:2012(E)).

<sup>4</sup> *TCB Post-Market Surveillance Requirements*, FCC OET KDB Publication 610077 (Apr. 26, 2022), <https://apps.fcc.gov/oetcf/kdb/forms/FTSsearchResultPage.cfm?switch=P&id=20540>.

<sup>5</sup> See 47 USC § 1601(b), (c); 47 CFR § 1.50000 *et seq.* List of the Equipment and Services Covered by Section 2 of the Secure Networks Act, <https://www.fcc.gov/supplychain/coveredlist>.

<sup>6</sup> Secure and Trusted Communications Networks Act of 2019, Pub. L. No. 116-124, 133 Stat.158 (2020) (codified as amended at 47 U.S.C. §§ 1601–1609).

<sup>7</sup> *Second EA Integrity R&O* at ¶ 6.

## Request for Comment

OET seeks general comment on potential revisions to the post-market surveillance procedures. Specifically, OET seeks input on the following questions:

- What percentage of certification grants should TCBs be required to sample in a calendar? How should that quota be calculated? Should it be calculated within the same calendar year? Are there alternatives the Commission should consider?
- How should TCBs be required to explain their reasoning behind the sample selection and tests carried out for surveillance? Also, would it make sense for a percentage of surveillance devices to be required to be tested by the TCB's internal test lab? Most devices that go through TCB post-market surveillance are tested at the same lab the device received certification from. Is there benefit in requiring some post market surveillance testing to be done in a different test lab than the one that was used for certification?
- Would it be beneficial for some surveillance devices to be tested "out of the box," meaning surveillance is conducted organically to activate the EUT, rather than relying solely on test mode from the manufacturer?
- How can OET strengthen the existing voucher program in section 2.945(b)(1) to allow for more real-world testing of devices in the marketplace?
- What methods for escalation should be utilized when a TCB needs to raise concerns, such as when grantees are uncooperative in providing required samples for surveillance testing or when they believe other TCBs are out of compliance with procedural standards?
- Are there certain types of devices/equipment classes that should have required testing performed during surveillance testing?
- Should we also look at selecting devices for surveillance based on their power listed on the grant of certification? For example, devices that are closest to the regulatory limits might be more appropriate candidates for surveillance testing.
- How can we make post market surveillance testing more beneficial to the public?
- Are there any alternative approaches and additional considerations related to post-market surveillance procedures not explicitly listed in this Public Notice?

## Procedural Matters

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.149, interested parties may file comments in ET Docket No. 26-118 on or before the date indicated on the first page of this document and should reference this public notice. 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: <https://apps.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.
  - Filings can be sent by hand or messenger delivery, by commercial courier, or by the 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 are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. 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 courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L St. NE, 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](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

We set deadlines for filing comments and reply comments at 30 and 45 days, respectively, from the date of this Public Notice's release. Accordingly, comments must be filed on or before June 19, 2026, and reply comments must be filed on or before July 06, 2026.<sup>8</sup>

For further information, please contact Katherine Nevitt, Attorney Advisor, Office of Engineering and Technology, by email at [katherine.nevitt@fcc.gov](mailto:katherine.nevitt@fcc.gov) or by phone at (301) 362-3017.

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<sup>8</sup> See 47 CFR § 1.4(j).