



PUBLIC NOTICE

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OFFICE OF ENGINEERING AND TECHNOLOGY ANNOUNCES WAIVER OF PROHIBITIONS ON CERTAIN CLASS I AND CLASS II PERMISSIVE CHANGES TO COVERED FOREIGN-PRODUCED ADVANCED ROBOTIC DEVICES AND COVERED FOREIGN-PRODUCED POWER INVERTERS

ET Docket No. 21-232

The Federal Communications Commission’s Office of Engineering and Technology (OET) announces that certain prohibitions contained in 47 CFR §§ 2.932(b) and 2.1043(b) will not apply for now to certain foreign-produced advanced robotic devices and power inverters. All advanced robotic devices and power inverters authorized for use in the United States may continue to receive software and firmware updates that mitigate harm to U.S. consumers at least until January 1, 2029. These include all software and firmware updates to ensure the continued functionality of the devices, such as those that patch vulnerabilities and facilitate compatibility with different operating systems.

Background: On July 28, 2026, the FCC added to the Covered List “foreign-produced power inverters, except those which have been granted a Conditional Approval by DoW or DHS,” (Covered Power Inverters) and “foreign-produced advanced robotic devices, except those which have been granted a Conditional Approval by DoW” (Covered Advanced Robotic Devices).¹

On October 28, 2025, the Commission adopted revisions to its rules at 47 CFR §§ 2.932(b) and 2.1043(b), which went into effect in December 2025.² These revisions exclude “equipment prohibited from authorization pursuant to § 2.903”—equipment on the Covered List—from equipment certification procedures allowing for permissive changes to authorized equipment.³ Such changes include Class I permissive changes, which generally do not require a

¹ For the current version of the Covered List and Conditional Approvals, see Federal Communications Commission, *List of Equipment and Services Covered By Section 2 of The Secure Networks Act*, <https://www.fcc.gov/supplychain/coveredlist> (last updated July 28, 2026).

² *Protecting Against National Security Threats to the Communications Supply Chain Through the Equipment Authorization Program*, 90 Fed. Reg. 53227 (Nov. 25, 2025).

³ 47 CFR §§ 2.932(b), 2.1043(b).

filing with the Commission and may include software, firmware, and security updates to mitigate harm to U.S. consumers.⁴

On January 21, 2026, OET announced a waiver of certain prohibitions contained in 47 CFR §§ 2.932(b) and 2.1043(b) for uncrewed aircraft systems (UAS) and UAS critical components produced in a foreign country, which were added to the Covered List on December 22, 2025. The waiver permitted all UAS and UAS critical components authorized for use in the United States to continue to receive software and firmware updates that mitigate harm to U.S. consumers at least until January 1, 2027.⁵ On March 23, 2026, OET announced a similar waiver of these prohibitions for Covered Routers added to the Covered List that same day.⁶ On May 8, 2026, OET extended the relief granted in the UAS Waiver and Routers Waiver Public Notices until at least until January 1, 2029 and expanded the applicability to include Class II permissive changes.⁷

As noted above, applying the revised 47 CFR §§ 2.932(b) and 2.1043(b) to the newly added Covered Power Inverters and Covered Advanced Robotic Devices would have the effect of prohibiting permissive changes to these devices even if they were authorized prior to the July 28, 2026, Covered List addition. This prohibition would be in effect even for both Class I and Class II permissive changes, which include software and firmware security updates that mitigate harm to U.S. consumers, because previously-authorized advanced robotic devices and power inverters are now covered equipment.

Legal Analysis: OET, under delegated authority,⁸ waives the applicability of the prohibitions against Class I and Class II permissive changes under 47 CFR §§ 2.932(b) and 2.1043(b) to software and firmware updates that mitigate harm to U.S. consumers for Covered Power Inverters and Covered Advanced Robotic Devices authorized prior to the July 28, 2026, Covered List additions. These include all software and firmware updates to ensure the continued functionality of the devices, such as those that patch vulnerabilities and facilitate compatibility with different operating systems. OET finds that special circumstances warrant a deviation from the general rules and the public interest would be better served by waiving prohibitions on these Class I and Class II permissive changes in these circumstances.⁹

⁴ See 47 CFR § 2.1043(b)(1) (“A Class I permissive change includes those modifications in the equipment which do not degrade the characteristics reported by the manufacturer and accepted by the Commission when certification is granted.”).

⁵ Office of Engineering and Technology and Technology Announces Waiver of Prohibitions on Certain Class I Permissive Changes to Covered UAS and UAS Critical Components, *Public Notice*, DA 26-69 (Jan. 21, 2026) (UAS Waiver).

⁶ Office of Engineering and Technology and Technology Announces Waiver of Prohibitions on Certain Class I Permissive Changes to Covered Routers, *Public Notice*, DA 26-286 (Mar. 23, 2026) (Routers Waiver).

⁷ Office of Engineering and Technology and Technology Announces Extension and Expansion of Waiver of Prohibitions on Certain Software and Firmware Permissive Changes to Covered UAS, UAS Critical Components, and Routers, *Public Notice*, DA 26-454 (May 8, 2026) (Extension and Expansion Waiver).

⁸ 47 CFR § 0.241(b).

⁹ See 47 CFR § 1.3; see also *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969) (finding that the Commission may decide in some instances that waiver serves the public interest if it will not undermine the policy served by the rule).

OET believes that analogous concerns regarding the continued safe operation of existing models of UAS, UAS critical components, and routers that OET described in the prior UAS Waiver and Router Waiver also apply equally to foreign-produced power inverters and advanced robotic devices. Therefore, OET concludes that waiving our prohibitions with regard to software and firmware Class I and II permissive changes that mitigate harm to U.S. consumers for Covered Power Inverters and Covered Advanced Robotic Devices through at least January 1, 2029, is warranted and in the public interest.

We clarify that this waiver only applies to the *prohibitions* on Class I or Class II permissive changes for already-authorized devices. Grantees whose devices are subject to this waiver must still comply with other relevant FCC rules. These include, for example, the Class II permissive change requirements to provide complete information and tests results regarding such changes, to comply with minimum performance requirements of the applicable rules, not to market modified equipment prior to acknowledgement that the Class II permissive change is acceptable, and to certify as to whether the device is prohibited from receiving equipment authorization as covered equipment.¹⁰

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¹⁰ 47 CFR § 2.1043(b)(1), (2).