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July 22, 1998

Office of the Secretary  
Federal Communications Commission  
1919 M Street N.W.  
Washington, DC 20554

Subject: Comment to General Document No 98-68

Dear Sir:

The following comments are based on experience, thoughts and considerations of D.L.S. Electronic Systems, Inc. (D.L.S.)

#### D.L.S. Electronic Systems, Inc. Background

D.L.S. is a 15-year-old EMC testing laboratory specializing in EMC testing for FCC, European Community, Japan, Canada, Australia, New Zealand and the U.S. military. It has a number of accreditations including NVLAP, TUV, Ace mark, VCCI and others, in order to provide the confidence of data submitted to its customers as well as agencies and Competent Bodies in the EU.

#### Overview

Testing organizations have been anxiously awaiting Mutual Recognition (MR) between the United States and countries throughout the world. In the past testing organizations have been burdened with both redundant assessments along with a lack of reciprocity between world agencies. Both issues cause a burden in the form of additional cost in both time and money for our customers and ourselves.

We have looked forward to the day when work done in the United States could have the same status and recognition as work done in any home country requiring a test.

Our goal for Mutual Recognition has been that:

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#### EMC

1. EMC testing and decisions made in documents such as Technical Construction Files for the European Union (EU) would have equal status whether done by a U.S. testing organization or a competent body in the EU. This would require Mutual Recognition of what is called Competent Bodies (in Europe). It has always been the goal of USCEL that this be part of MR. This Notice of Proposed Rule Making (NPRM) does not "seem" to address the Technical Construction File/Competent Body issue. Some believe it is implied through Paragraph 26-30 of the NPRM. Please expand on this in the final report and order.

## Radio Transmitters and Telephones

2. "Certification Bodies" or "TCB's" of some type would be established for radio transmitters and telephone interface devices. This NPRM addresses the telephone interface device but does not go into much detail on radio transmitters except GMPCS. It has always been USCEL's understanding that "Certification Bodies" would be established for radio transmitters in the U.S., EU and all other parts of the world. This would enable U.S. Certification Bodies to grant authorization for radio transmitters anywhere in the world and vice versa.
3. Certification Bodies for product safety. This is expected to be covered by OSHA.
4. Certification Bodies for medical equipment. This is expected to be covered by the FDA.

I would like to now expand on EMC and radio transmitters as these "seem" to lack substance in the NPRM.

## EMC and Radio Transmitters

The concept of competent body (CB) or some such title should be considered. The Europeans appear to have a very realistic approach to a very real problem with their competent bodies. Their problem was, what could a manufacturer do in order to meet the EMC Directive when the path needed was not in place. For instance, how do you perform a test on a product which is too large, standards have not been written or the standard that covers the product is unrealistic. To fill this need, the EU developed the concept of competent bodies as one of the possible ways to meet the EMC Directive. At first glance this seems totally logical. If there is not a defined process, let someone knowledgeable develop a process and then require someone who has shown competence in the field review the process and give it their blessing. We believe the concept is still valid. Where the EU concept seemed to fall short was lack of control and checks and balances needed for any system to function smoothly.

USCEL would suggest a process be developed for EMC and radio transmitters allowing for:

1. An assessment program, similar to that proposed for TCB's in the NPRM, be developed. The FCC should be involved to ensure that competent bodies are truly competent. ISO Guide 65 probably is not necessary but a thorough understanding of the process, phenomena and standards certainly is.
2. Develop training programs with various industrial groups for assessors, laboratories and manufacturers on how to assess, develop testing methods and a program on systematic interpretation of the rules and standards. This would have as its goal, developing methods to systematically do a test which had never been done before and everyone would have confidence that radio communication throughout the world would not be interfered with. Also the products would function properly in those countries, throughout the world, requiring immunity in their design.
3. Continue to develop a method where interpretations would be generated.
4. Interpretation would be published to help ensure these are available to all and used uniformly.
5. Provide a process for complaints from the public to be resolved.
6. A peer recovery process would be implemented where test reports, technical construction files and interpretations would be reviewed and if found inappropriate, would be updated and corrected.
7. Present guidance to the assessing bodies to assure the process truly works. This would have as its goal that all involved would have confidence in the program.

It is our belief at this time that competent bodies (or whatever they will be called) would be required to meet the following criteria:

1. The CB must have the required facility and equipment to perform EMC testing. This would have, as a minimum requirement in order to perform any test as a CB, adequate equipment, standards and the knowledge to understand the test.
2. The laboratory organization would have experience in the field of EMC and would be required to demonstrate technical competence through a formal certification process requiring ISO Guide 25.
3. Independent of judgments, financial responsibility, confidentiality and professional integrity must be demonstrated in a manner to be determined. This, along with a formal quality program, must be implemented.
4. Available personnel and their proficiency must be documented.

Membership in USCEL could become a two tiered membership with Competent Bodies (CB) and non-Competent Bodies (nCB). Both would be involved in EMC testing.

1. CB's would be given one vote per organization for determining policy.
2. nCB's would be non-voting.
3. FCC would be on the executive committee.
4. USCEL would continue to have as its goal, consensus opinions by its members.

In the future, with the help of the FCC, USCEL would like to represent the EMC community in the United States as a world organization. We would consist of competent bodies/laboratories interested in preserving the integrity of the EMC environment, by the work they perform in the United States. We would represent the interest of the FCC, laboratories, manufacturers and consumers.

#### Radio Transmitters

Certification Bodies similar to your TCB's should be designated for "all" radio transmitters. As the FCC is expected to require assistance in the certification process, this is a logical step. The TCB's can issue grants for a large variety of transmitters here in the U.S. With Mutual Recognition, it can be expanded to include other countries worldwide.

This logical development would allow the FCC to spend more time overseeing the process, monitoring and sampling products and educating those involved. This would have the advantage of reducing the overload at the commission while reducing the time and cost to market for the manufacturer. It would also add sampling far beyond that what is being done today!

The following are specific thoughts concerning the various paragraphs the FCC has requested comments on:

Paragraph 11; USCEL is encouraged by the simplification of the certification process for manufacturers. The time to market is critical today. We also understand that some oversight must be kept to protect the public well being through a continued certification process. We are confident that if the commission deregulates without enforcement, the public's well being would be compromised. You have proposed TCB's which we encourage for both radio transmitters and telephones. The TCB's should automatically be allowed to do TCF's as described earlier under EMC.

Paragraph 12; USCEL understands that qualification criteria is important and feel that ISO Guide 65 goes a long way toward meeting many of the necessary qualifications. We support Guide 65 as a basis for qualification.

Paragraph 13; USCEL members feel Guide 25 is also necessary to demonstrate proficiency in testing. This will go a long way in demonstrating technical competence as well.

Paragraph 14; We agree that NIST/NAVCAS would be appropriate as this procedure begins. As time develops, other organizations should be considered to increase competition. This, of course, would require FCC agreement to add additional organizations.

Paragraph 15; USCEL agrees the TCB's should be designated for the area where they show competence. We agree there may be a time where it may be necessary to consider suspending a TCB. This should be done through a fair due process system.

Paragraph 17; USCEL agrees with the proposed policies and guidelines. We do feel that "all" testing must be done by a laboratory that meets ISO Guide 25. This would include the TCB's, manufacturers, laboratories or any subcontractor involved in the process. This is absolutely necessary in order to assure reliable and consistent data. Also this would avoid the problem seen in the EU where Competent Bodies require their own approval for laboratories submitting data. This has added redundant costs to many laboratories involved.

Paragraph 18; USCEL would encourage the FCC to give the TCB's much of the authority now being performed by the commission. This would allow the commission to devote its time to the review of the process and enforcement.

Paragraph 20; It seems a great waste of effort to have the FCC issuing grants in parallel with other organizations. This would have the effect of leaving doubts in the public eye as to whether an FCC grant meant more than the XYZ's grant. Either you have confidence in the process or you don't. The certificate from TCB's should be equivalent to those previously issued by the commission.

Paragraph 21; We agree.

Paragraph 22; Their activities should be the same as the FCC previously performed.

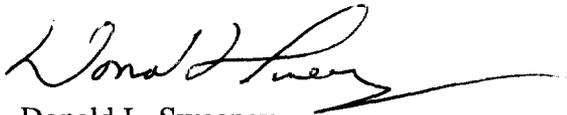
Paragraph 30; We agree that the commission should make its expertise in testing and measurement available as needed to resolve matters not necessarily involving the FCC but related to the MRA.

Paragraph 31; USCEL would like to be part of the Joint Secretarial Committee (JSC). USECL can offer our expertise in testing, measurements and dealing with areas of EMC the FCC is not familiar with. We offer the combined experience of over 50 U.S. testing organizations.

Conclusion

USCEL is very encouraged by the proposals made by the Federal Communications Commission. We feel the public, manufacturers and the world in general will be better served due to the implementation of the MRA's. We feel strongly that the commission must oversee the process on an ongoing basis, monitoring the process and enforcing those who bypass the rules. The commission should undertake a true sampling program to compliment enforcement. We feel if all aspects are covered, the process will work and the public will be well served.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Donald L. Sweeney", with a long horizontal flourish extending to the right.

Donald L. Sweeney  
President, D.L.S. Electronic Systems, Inc.  
EMC-001209-NE  
EMC-001210-NT

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