



United States
General Accounting Office
Washington, D.C. 20548

Office of the General Counsel

B-280163

June 8, 1998

The Honorable John McCain
Chairman
The Honorable Ernest F. Hollings
Ranking Minority Member
Committee on Commerce, Science, and Transportation
United States Senate

The Honorable Thomas J. Bliley, Jr.
Chairman
The Honorable John D. Dingell
Ranking Minority Member
Committee on Commerce
House of Representatives

Subject: Federal Communications Commission: Equipment Authorization for
Digital Devices

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Federal Communications Commission (FCC), entitled "Equipment Authorization for Digital Devices" (ET Docket 95-19; FCC 97-240). We received the rule on May 27, 1998. It was published in the Federal Register as a final rule on August 4, 1997. 62 Fed. Reg. 41879.

This final rule was issued in response to petitions for reconsideration filed in connection with a prior FCC rule (Amendment of Parts 2 and 15 of the Commission's Rules to Deregulate the Equipment Authorization Requirement for Digital Devices, ET Docket 95-19; FCC 96-208) which was the subject of our Office's major rule report GAO/OGC-96-21, July 2, 1996. The instant rule clarifies and further relaxes the computer authorization process requirements previously adopted. The rule was only recently forwarded to our Office and the Congress by the FCC.

Enclosed is our assessment of the FCC's compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. Our review indicates that the FCC complied with the applicable requirements.

If you have any questions about this report, please contact James Vickers, Assistant General Counsel, at (202) 512-8210. The official responsible for GAO evaluation work relating to the Federal Communications Commission is Judy England-Joseph, Director for Housing and Community Development Issues. Ms. England-Joseph can be reached at (202) 512-7631.

Robert P. Murphy
General Counsel

Enclosure

cc: Ms. Kathleen Fagan
AMD-Performance Evaluation and
Records Management
Federal Communications Commission

ENCLOSURE

ANALYSIS UNDER 5 U.S.C. § 801(a)(1)(B)(i)-(iv) OF A MAJOR RULE
ISSUED BY
THE FEDERAL COMMUNICATIONS COMMISSION
ENTITLED
"EQUIPMENT AUTHORIZATION FOR DIGITAL DEVICES"
(ET Docket 95-19; FCC 97-240)

(i) Cost-benefit analysis

The FCC, in its report to our Office, states that it was not required to prepare and did not prepare a cost-benefit analysis of the final rule.

(ii) Agency actions relevant to the Regulatory Flexibility Act, 5 U.S.C. §§ 603-605, 607, and 609

The FCC has certified that the final rule will not have a significant economic impact on a substantial number of small entities.

(iii) Agency actions relevant to sections 202-205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532-1535

As an independent regulatory agency, the FCC is not subject to title II of the Unfunded Mandates Act of 1995.

(iv) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 et seq.

The final rule was not issued pursuant to the notice and comment procedures contained in 5 U.S.C. § 553 but under the FCC's rulemaking authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 303(r).

Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520

The final rule does not contain any information collections which are subject to review by the Office of Management and Budget under the Paperwork Reduction Act.

Statutory authorization for the rule

The final rule was issued pursuant to the authority of sections 4(i), 301, 302, 303(e), 303(f), 303(r) 304, 307, and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 301, 302, 303(e), 303(f), 303(r), 304, 307, and 405.

Executive Order No. 12866

The rule, promulgated by an independent regulatory agency, is not subject to the review requirements of Executive Order No. 12866.