

Wireless Roundup (September 2021)

August 31, 2021

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Key Wireless Deadlines

NIST Seeks Comment on Zero Trust Architecture White Paper: The National Institute of Standards and Technology (NIST) requests comment on a draft white paper titled *Planning for a Zero Trust Architecture: A Starting Guide for Administrators*. The draft white paper builds on the zero trust concepts established in NIST Special Publication (SP) 800-207, *Zero Trust Architecture*, to describe how NIST SP 800-37 Rev. 2—NIST’s Risk Management Framework—can be used to support the implementation of a zero trust architecture. Comments are due by September 3.

FCC Requests Comment on the Operation of Devices Capable of Marking Fishing Equipment on AIS Channels: The Federal Communications Commission (FCC or Commission) seeks reply comments by September 7 on a Notice of Proposed Rulemaking (NPRM) on whether to permit devices capable of marking fishing equipment to operate on channels currently assigned for Automatic Identification System (AIS) without undermining the core purpose of AIS to prevent maritime accidents. Section 8416 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (2021 NDAA) mandated that the Commission initiate a rulemaking proceeding by June 30, 2021 to consider whether to

authorize devices used to mark fishing equipment in radio frequencies assigned for AIS. The initial comment period closed on August 6.

FCC Seeks Comment on Commercial Space Launch Operations: The Commission requests reply comments by September 10 on a Report and Order and Further Notice of Proposed Rulemaking (FNPRM) intended to provide regulatory certainty and improved efficiency to promote innovation and investment in the commercial space launch industry. The FNPRM proposes to, among other things, add a non-Federal allocation in the 2025-2110 MHz band to support commercial space launch operations and adopt a licensing framework and technical rules to govern space launch operations services in the 2200-2290 MHz band. The initial comment period closed August 11.

NIST Seeks Comment on AI Bias Draft Publication: NIST requests comment on the first draft of SP 1270, titled *A Proposal for Identifying and Managing Bias in Artificial Intelligence*. This draft publication forms part of the agency's broader effort to support the development of trustworthy and responsible artificial intelligence (AI). The approach proposed for managing bias in AI involves a conscientious effort to identify and manage bias at different points in an AI system's lifecycle, from initial conception to design to release. Comments are due by September 10.

FCC Requests Comment on Combating Contraband Wireless Device Use in Correctional Facilities: The Commission seeks comment on additional methods of combatting contraband wireless device use in correctional facilities via a Second Report and Order and Second FNPRM. This item adopted a framework requiring the disabling of contraband wireless devices detected in correctional facilities upon satisfaction of certain criteria. However, the Commission seeks further comment on the relative effectiveness, viability, and cost of additional technological solutions to combat contraband phone use in these facilities previously identified in the record. Comments are due by September 13.

NIST Seeks Comment on AI Risk Management Framework: NIST requests comment, via a Request for Information (RFI), on the AI Risk Management Framework (AI RMF) that the 2021 NDAA directed the agency to develop. Specifically, the RFI seeks information to help inform, refine, and guide the development of the AI RMF. Comments are due by September 15, 2021.

FCC Requests Comment on Equipment Authorization and Spectrum Auction Certifications: The FCC seeks comment on an NPRM and Notice of Inquiry (NOI) proposing significant changes to the FCC's equipment authorization regime and spectrum auction certifications. The NPRM: (1) proposes prohibiting the authorization of any communications equipment on the list of covered equipment and services that the Commission maintains pursuant to the Secure and Trusted Communications Networks Act of 2019; (2) seeks comment on whether and under what circumstances the FCC should revoke any existing authorizations of such "covered" communications equipment; and (3) invites comment on whether the FCC should require additional certifications relating to national security from applicants who wish to participate in Commission auctions. The NOI seeks comment on other actions the Commission should consider taking to create incentives in its equipment authorization processes for improved trust through the adoption of cybersecurity best practices in consumer devices. Comments are due by September 20.

FCC Seeks Comment on Rules Governing Short Range Radar Operations in the 60 GHz Band: The Commission requests comment on an NPRM that proposes to provide expanded operational flexibility to unlicensed field disturbance sensor (FDS) devices that operate in the 57-64 GHz band (60 GHz band) under section 15.255 of the Commission's rules. Specifically, the Commission proposes to: (1) permit up to 20 dBm average EIRP, 10 dBm peak transmitter conducted output power, 13 dBm/MHz average EIRP power spectral density and 10% duty cycle in every 33 milliseconds (ms) interval for all FDS devices operating in the 57-64 GHz band; investigate the potential for mobile FDS devices to operate in the 61.0-61.5 GHz band at the same 40 dBm EIRP at which fixed FDS devices currently are permitted to operate; and ask whether the FCC could permit radar devices that incorporate listen-before-talk, spectrum sensing, or other methods of coexistence to operate across the entire 57-71 GHz band at the same power level (i.e., 40 dBm EIRP) as currently is permitted for 60 GHz communication devices. Comments are due by September 20.

FCC Requests Comment on Proposed Eligible Services List for the E-Rate Program: The Commission seeks comment via Public Notice on a draft eligible services list (ESL) for the schools and libraries universal service support mechanism (the E-Rate program) for funding year (FY) 2022. The Commission noted two changes that have been made between the FY 2021 ESL and the proposed FY 2022 ESL: (1) a new note was added to "Eligible Broadband Internal Connections" for supporting software; and (2) a note was added under the "Eligibility Explanations for Certain Category One and Category Two Services" section guiding applicants to a list of covered equipment and services that may not be purchased, rented, leased or otherwise obtained with E-Rate support. Comments are due by September 27.

Upcoming Meetings and Events

FirstNet South Dakota Webinar Series: The FirstNet Authority (FirstNet) will host a webinar focused on FirstNet updates in South Dakota on September 1. Additional information, including registration, is available [here](#).

IWG-3 Space Services Meeting: The 2023 World Radiocommunication Conference 2023 Advisory Committee's (WAC23) Informal Working Group 3 (IWG-3) on space services will hold its eighth meeting on September 1. Additional information is available [here](#).

IWG-4 Regulatory Issues Meeting: WAC23's Informal Working Group 4 (IWG-4) on regulatory issues will hold its seventh meeting on September 1. Additional information is available [here](#).

IWG-1 Maritime, Aeronautical and Radar Services Meeting: WAC23's Informal Working Group 1 (IWG-1) on maritime, aeronautical and radar services will hold its fifth meeting on September 2. Additional information is available [here](#).

Disability Advisory Committee Meeting: The next meeting of the FCC's Disability Advisory Committee will be held on September 9. Additional information is available [here](#).

Consumer Advisory Committee Meeting: The next meeting of the FCC's Consumer Advisory Committee will be held on September 10. The Public Notice for this event, which contains additional information about this meeting, is available [here](#).

Virtual Seattle KnowledgeNet: Dylan Gilbert, NIST Privacy Policy Advisor, will join this local chapter meeting on September 10 to discuss the NIST Privacy Framework's origins and benefits, as well as NIST's future plans for the framework. Additional information for this meeting is available [here](#).

Federal Cybersecurity & Privacy Professionals Forum Meeting: The Federal Cybersecurity and Privacy Professionals Forum will hold its next meeting on September 14. Additional information, including registration, is available [here](#).

Precision Ag Connectivity Task Force Meeting: The next meeting of the Task Force for Reviewing the Connectivity and Technology Needs of Precision Agriculture in the United States (Precision Ag Connectivity Task Force) will be held on September 14. Additional information is available [here](#).

NIST Workshop on Cybersecurity Labeling Programs for Consumers—IoT Devices and Software: NIST will host a virtual public workshop on challenges and practical approaches to initiating cybersecurity labeling efforts for Internet of Things (IoT) devices and consumer software on September 14-15. Additional information, including registration, is available [here](#).

9-1-1 Strike Force Meeting: The third meeting of the FCC's Ending 9-1-1 Fee Diversion Now Strike Force will be held on September 17. The Federal Register Entry for this event, which contains additional information about the meeting, is available [here](#).

NTIA 2021 Spectrum Policy Symposium: The National Telecommunications and Information Administration's (NTIA) 2021 Spectrum Policy Symposium will be held virtually on September 21. Additional information is available [here](#).

NIST ISPAB September 2021 Meeting: NIST's Information Security and Privacy Advisory Board (ISPAB) will hold its next meeting on September 28. Additional information is available [here](#).

WAC Meeting: The World Radiocommunication Conference Advisory Committee (WAC) will hold its fourth meeting on September 28. The Public Notice for this event, containing the meeting's agenda, is available [here](#).

FCC Open Meeting: The next FCC Open Meeting is scheduled for September 30. When available, the agenda will be posted [here](#).

NCCoE Learning Series Fireside Chat—Federal Government Perspectives on Managing Supply Chain Cybersecurity Risks to Computing Devices: On September 30, NIST's National Cybersecurity Center of Excellence (NCCoE) will co-host a fireside chat on how and why attackers are targeting computing device supply chains and how organizations can manage this complex challenge. Additional information, including registration, is available [here](#).

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31 Wiley attorneys were recognized across 17 practice areas in the 2022 edition of *The Best Lawyers in America*®, including some of our TMT attorneys. Read more here.

Law360 reported that TMT attorneys Josh Turner, Scott Delacourt, and Sara Baxenberg are representing transportation groups that filed petitions consolidated by the United States Court of Appeals for the District of Columbia Circuit challenging the FCC's decision to open up the 5.9 GHz band to unlicensed wireless devices in support of automotive safety. Read the article here.

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Roundup Disclaimer: Information in the Wireless Roundup is current as of August 31, 2021. This document is for informational purposes only and does not intend to be a comprehensive review of all proceedings and deadlines. Deadlines and dates are subject to change. Please contact your relevant Wiley attorney for further information on the content of this document.