

## SUPPORTING STATEMENT

### **A. Justification:**

The Commission is seeking an extension (no change in reporting, recordkeeping and/or third party disclosure requirements) in order to obtain the full three year clearance from the OMB. There is no change in the estimated hourly burden or the annual cost burden.

1. Commission Rules, 47 CFR Parts 15 and 18, require manufacturers of radio frequency (RF) equipment devices to gather and retain technical data on their equipment to verify compliance with established technical standards for each device operated under the applicable Rule part.

Testing and verification aid in controlling potential interference to radio communications.

The Commission will use these data, as necessary, to investigate complaints of harmful interference or to verify the manufacturer's compliance with these FCC regulations.

Section 2.955 describes for each equipment device subject to verification, the responsible party, as shown in 47 CFR 2.909 shall maintain the records listed as follows:

- (1) A record of the original design drawings and specifications and all changes that have been made that may affect compliance with the requirements of §2.953.
- (2) A record of the procedures used for production inspection and testing (if tests were performed) to insure the conformance required by §2.953. (Statistical production line emission testing is not required.)
- (3) A record of the measurements made on an appropriate test site that demonstrates compliance with the applicable regulations in this chapter. The record shall:
  - (i) Indicate the actual date all testing was performed;
  - (ii) State the name of the test laboratory, company, or individual performing the verification testing. The Commission may request additional information regarding the test site, the test equipment or the qualifications of the company or individual performing the verification tests;
  - (iii) Contain a description of how the device was actually tested, identifying the measurement procedure and test equipment that was used;
  - (iv) Contain a description of the equipment under test (EUT) and support equipment connected to, or installed within, the EUT;
  - (v) Identify the EUT and support equipment by trade name and model number and, if appropriate, by FCC Identifier and serial number;
  - (vi) Indicate the types and lengths of connecting cables used and how they were arranged or moved during testing;
  - (vii) Contain at least two drawings or photographs showing the test set-up for the highest line conducted emission and showing the test set-up for the highest radiated emission. These drawings or photographs must show enough detail to confirm other information contained in the test report. Any photographs used must be focused originals without glare or dark spots and must clearly show the test configuration used;

(viii) List all modifications, if any, made to the EUT by the testing company or individual to achieve compliance with the regulations in this chapter;

(ix) Include all of the data required to show compliance with the appropriate regulations in this chapter; and

(x) Contain, on the test report, the signature of the individual responsible for testing the product along with the name and signature of an official of the responsible party, as designated in §2.909.

(4) For equipment subject to the provisions in part 15 of this chapter, the records shall indicate if the equipment was verified pursuant to the transition provisions contained in §15.37 of this chapter.

(b) The records listed in paragraph (a) of this section shall be retained for two years after the manufacture of said equipment item has been permanently discontinued, or until the conclusion of an investigation or a proceeding if the manufacturer or importer is officially notified that an investigation or any other administrative proceeding involving his equipment has been instituted.

As noted on the OMB Form 83-I, this information collection does not affect individuals or households—respondents are limited to RF equipment and device manufacturers. Thus, there are no impacts under the Privacy Act and a Privacy Impact Assessment is not required.

Statutory authority for this collection of information is contained in Sections 4(i), 302, 303(g) and (303)(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 302 and 303(r).

2. The Commission requires, under FCC Rules at 47 CFR Parts 15 and 18, that RF equipment manufacturers (respondents) “self determine” their responsibility for adherence to these rules, as guided by the following criteria:

(a) Whether the RF equipment device that is being marketed complies with the applicable Commission Rules; and

(b) If the operation of the equipment is consistent with the initially documented test results, as reported to the Commission.

The information collection is essential to controlling potential interference to radio communications.

(a) Companies that manufacture RF equipment are the anticipated respondents to this information collection.

(b) This respondent “public” generally remains the same, although the types of equipment devices that they manufacture may change in response to changing technologies and to new spectrum allocations made by the Commission.

(c) In addition, the Commission may establish new technical operating standards in response to these changing technologies and in allocating spectrum, which these RF equipment manufacturers must meet to receive their equipment authorization from the FCC.

(d) However, the process that RF equipment manufacturers must follow to verify their compliance, as mandated by 47 CFR Section 2.955 of FCC Rules, will not change despite new technical standards established for specific equipment.

This information collection, therefore, applies to a variety of equipment, which is currently manufactured, may be manufactured in the future, and that operates under varying technical standards.

3. This information collection includes both recordkeeping and reporting requirements, although the Commission generally requests that only a small number of verification reports (less than 10 on an average) be filed with the FCC annually.

Therefore, the Commission believes that a program to accept electronic submittal of the information to the Commission is not considered feasible since it is rare for the Commission to ask for these reports; the Office of Engineering and Technology, FCC, believes that it is not cost beneficial for the FCC to develop a process for electronic submittal.

4. No other organization or federal agency is believed to require or possess the subject information.
5. The verification procedure on the respondents is believed to require or possess the subject information. The verification procedure requires an average of 6 hours per respondent less than other equipment authorization procedures; therefore, the burden on small businesses has been minimized.
6. RF equipment manufacturers must verify their compliance with the Commission's Rules by demonstrating that their equipment/devices:

- (a) Will cause minimal risk of interference to other services using the RF spectrum; and

- (b) Will make maximum use of the RF spectrum.

If FCC Rules did not require RF equipment manufacturers to perform testing and maintain these records or require the one-time filing, then there would be the potential for manufacturers of RF equipment to relax their manufacturing standards in contravention of Commission technical regulations.

- (a) This information collection has a "one time" filing requirement, unless the RF manufacturer makes revisions to the equipment/device, which requires retesting and retention of test results and information specific to the modified device.

- (b) FCC Rules require that the information be retained by the equipment manufacturer for two years after manufacture of the product ceases or two years after completion of an investigation of violation relating to the product ("recordkeeping requirements").

- (c) The retention period, therefore, generally varies from approximately 2.5 years to 15 years, with an average retention period of 8 years.

7. There is a one time filing requirement. However, 47 CFR § 2.955 requires that the information be retained by the equipment manufacturer for two years after manufacture of the product ceases or two years after completion of an investigation of violation relating to the product.
8. The views of industry and the general public were solicited when the Commission published the Notice in the *Federal Register* on October 16, 2008 (73 FR 61418). The Commission has received no comments in response to the Notice in the *Federal Register*. The notice is referenced in the submission to the OMB. In addition, the Commission maintains dialogue with manufacturers and

other members of the telecommunications industry to ensure that Commission staff remains abreast of new technologies and practices that might affect this information collection.

9. No payments or gifts are given to respondents.
10. Commission rules require equipment testing to determine performance and compliance with FCC standards. This testing is typically done by independent testing laboratories whose measurement facility has been reviewed by the Commission, or by an accrediting organization recognized by the Commission.

The Commission also requires RF equipment manufacturers to submit their equipment/devices to the FCC for testing.

The Commission believes that the independent testing laboratories and accrediting organizations endeavor to protect any propriety, patents and/or trade secrets related to the RF equipment they test. The Commission, itself, may also provide a guarantee of confidentiality for information collected, if the request for confidentiality meets the requirements of 47 CFR § 0.457(d) and a request for confidentiality is submitted in accordance with § 0.457.

No other state or Federal agencies must be contacted or consulted in the course of the Commission's evaluation of this information.

11. Information of a sensitive nature is not required for these collections, and the requirement is for recordkeeping, therefore assurance of confidentiality is not necessary.
12. Companies that manufacture RF equipment are the anticipated respondents to this information collection.

The Commission estimates that there are **5,655** RF equipment manufacturers (respondents).

**Total Number of Respondents: 5,655.**

The Commission estimates the total annual recordkeeping, reporting and third party disclosure requirements as follows:

- (a) The time to maintain these compliance records and/or to submit the "one-time" verification reports ranges from 12 to 24 hours, with the average being 18 hours.
- (b) Each respondent must compile only one report during the "life" of the equipment, unless the manufacturer makes modifications, at which time new testing is required to establish compliance with the Commission's Rules. The Commission may on occasion require submittal of this report verifying compliance with the Rules.

**Total Number of Responses Annually: 5,655.**

**Total Burden Hours:** 5,655 respondents x 18 hours/response = **101,790 burden hours.**

13. (a) Capital and start-up costs: None.
  - (i) Overhead and maintenance costs include the cost for preparation of a test report demonstrating compliance of equipment proposed for marketing with the Commission's technical standards.

- (ii) Testing of equipment to determine performance and compliance with Commission standards is typically done by independent testing laboratories whose measurement facility has been reviewed by the Commission, or by an accrediting organization recognized by the Commission.
- (iii) The total cost of the service is on an average approximately \$4,000, however the majority of the cost is for performance testing.
- (iv) Approximately 5% of the outside cost (or \$200 per respondent) is estimated to be attributable to the information collection.

(b) O&M Annual Cost:  $\$200 \times 5,655$  respondents: **\$1,131,000.**

(c) Total Annual Cost to Respondents: **\$1,131,000.**

14. Cost to the Federal Government:

- (a) Currently, the Commission generally requests that only a small number of verification reports (less than 10 on an average) must be filed with the FCC annually to verify that the RF equipment device manufacturers are complying with FCC rules.
- (b) In these instances, the Commission will use these data, as necessary, to investigate complaints of harmful interference or to verify the manufacturer's compliance with FCC regulations.

The Commission's staff engineers at the GS-14 level (\$53.42) do the review of these submissions.

The Commission estimates that it requires a staff engineer approximately 5 hours to complete a review of these data.

$9 \text{ verification reports/annum} \times 5 \text{ hours/report} \times \$53.42/\text{hour}/\text{engineering staff} = \$2,403.90$

30 % Overhead = \$721.17

**Total Annual Cost to Federal Government: \$3,125.07.**

15. We are reporting no adjustments or program changes.

16. The data that the manufacturers of radio frequency (RF) equipment devices are required to gather and record are used to verify compliance of equipment with applicable Commission technical standards and rules.

The FCC does not compile, publish, or otherwise report any information about these data to the public.

17. This information collection is contained in FCC rules therefore display of the OMB expiration date is not applicable. However, the Commission publishes a list of OMB-approved information collections in which the Commission "displays" the OMB control numbers, titles, and OMB expiration dates.

18. There are no exceptions to the certification statement identified in Item 19 of the OMB Form 83-I.

**B. Collection of Information Employing Statistical Methods:**

This collection of information does not employ statistical methods.