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SUPPORTING STATEMENT

A. Justification:

1. The Declaration of Conformity (DoC) procedure was established in a Report and Order in FCC Docket No. 96-208, *In the Matter of Amendment of Parts 2 and 15 of the Commission's Rules to Deregulate the Equipment Authorization Requirements for Digital Devices*.

- (a) The Declaration of Conformity equipment authorization procedure, 47 CFR § 2.1071 and 2.1075, requires that a manufacturer or equipment supplier test a product to ensure compliance with technical standards that limit radio frequency emissions.
- (b) Additionally, the manufacturer or supplier must also include a DoC (with the standards) in the literature furnished with the equipment, and the equipment manufacturer or supplier must also make this statement of conformity and supporting technical data available to the FCC, at the Commission's request.
- (c) The DoC procedure represents a simplified filing and reporting procedure for authorizing equipment for marketing.
- (d) Finally, testing and documentation of compliance are needed to control potential interference to radio communications. The data gathered are necessary for investigating complaints of harmful interference or for verifying the manufacturer's compliance with FCC Rules.

This information collection does not affect individuals or households. The Commission rules apply to equipment imported and marketed in the U.S. Individuals do not market equipment. Therefore, the Commission is not required to do a Privacy Impact Assessment.

The Commission rules that affect this collection are 2.906, 2.909, 2.1071, 2.1075, 2.1076 and 15.37. Statutory authority for this information collection is contained in 47 U.S.C. sections 154(i), 301, 302, 303(e), 303(f), 303(r), 304 and 307.

2. The information will be used by the Commission to determine if the equipment marketed:
- (a) complies with the applicable Commission Rules, and
 - (b) operates and is consistent with the initially documented test results.

The Commission may request the documentation of test results and other information required under the FCC Rules to support investigations of non-compliance or interference, or as part of a routine sampling of marketed equipment using the RF spectrum. The information collected is essential to controlling potential interference to radio communications.

3. The Declaration of Conformity equipment authorization procedure does not require the equipment manufacturer or supplier to file a written application with the Commission.

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The party responsible for retaining the records may use any available media, including electronic media, for storage of test results and compliance information.

4. No other federal agency is believed to require or possess the subject information. No similar information is available.
5. The DoC procedure lessens the public burden by not requiring a formal application for equipment authorization and the routine submission of the accompanying test results to the Commission. The procedure requires an average of 5 fewer hours per respondent than other equipment authorization procedures. The burden on small businesses has therefore been minimized.
6. Testing, maintenance of test records, and filing of information with the Commission upon request, is necessary to ensure that marketed devices comply with the Commission's technical standards that limit the potential for interference of equipment to radio communications.

The frequency of information collection requirements are:

- (a) "Recordkeeping requirement(s)" to maintain the test records for possible FCC inspection(s), as explained in Question No. 7 below; and
 - (b) "One time" filing requirement, for original equipment or for equipment that is electrically modified. In each of these instances testing and documentation of compliance with Commission standards, and retention of records is required.
7. FCC Rules for equipment authorization generally require that each equipment manufacturer or supplier must retain testing and compliance information for two years after manufacture of a product ceases, or two years after completion of an investigation of violation relating to a product.
 - (a) This same standard is applied to the DoC equipment authorization procedure.
 - (b) The retention period therefore would generally vary from approximately 2.5 years to 15 years, with an average retention period for devices authorized under a DoC of 4 years.
 - (c) Consequently, we are requesting that OMB waive the recordkeeping requirements under 5 CFR Section 1320.5(d)(2)(iv) of the PRA.
 8. The views of industry and the general public were solicited when the Commission published Notice in the *Federal Register* on February 6, 2009 74 FR 6289. The Commission has received no comments in response to the Notice in the *Federal Register*.

Furthermore, the Commission regularly interfaces with various national and international standard groups, in order to keep abreast of new technology, and to provide the industry with the

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opportunity to comment on the effect(s) that Commission requirements have on the marketing of RF equipment.

9. No payments or gifts are given to respondents.

10. Minimal exemption from the Freedom of Information Act (Title 5, USC 552 (b)(4), FCC Rules 47 CFR Section 0.457(d)) is granted for trade secrets which may be submitted to the Commission as part of the documentation of test results. No other assurances of confidentiality are provided to respondents.

11. Information of a sensitive nature is not required for this information collection.

12. Companies that manufacture or supply the equipment are the anticipated respondents for this information collection.

The Commission estimates that there are **4,000** respondents subject to these recordkeeping and reporting requirements.

Total Number of Respondents: 4,000 manufacturers or suppliers.

The Commission believes that the manufacturers/suppliers (respondents) are subject to these recordkeeping and reporting requirements:

(a) 4,000 manufacturers/suppliers are all subject to the annual recordkeeping requirement

4,000 respondents x 1 hour per recordkeeping requirement/annum = 4,000 responses.

(b) Equipment produced by manufacturers/suppliers must be tested, and test results showing compliance with Commission standards must be documented. There is a "one-time" filing requirement for original equipment or for equipment that is modified electrically. The Declaration of Conformity (DoC) equipment authorization reporting requirement therefore applies to 4,000 respondents:

4,000 respondents x 1 hour per reporting requirement/annum = 4,000 responses.

Total Number of Responses Annually: 4,000 + 4,000 = 8,000 hours.

The Commission makes these estimates on the hour burdens:

(a) respondents will spend approximately one hour annually on recordkeeping:

4,000 respondents x 1 recordkeeping requirement/annum x 1 hour = 4,000 hours

(b) respondents will spend from 12 to 24 hours, or an **average of 18 hours** to prepare and document test results to support the Declaration or Conformity (DoC) authorization.

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4,000 respondents submitting a “one time” DoC x 18 hours/submission = **72,000 hours**.

Total Burden Hours: 4,000 + 72,000 = **76,000 hours**.

This burden is imposed only once in the life of the equipment, unless it is modified electrically at which time new testing is required to establish compliance with the Commission’s Rules. The annual cost following initial verification of compliance is considered insignificant.

13. Cost to the Respondent:

(a) Total annualized capital/startup costs: None

(b) Total annual costs (O&M): \$12,000,000.

(c) Total annualized cost requested: **\$12,000,000**

4,000 “one time” DoC test submissions x \$3,000 per test = \$12,000,000

Total Cost = \$12,000,000.

14. Cost to the Federal Government is considered insignificant, since this is a primarily a recordkeeping requirement.

Manufacturers and suppliers are required to submit information to the Commission only on an occasional basis, *i.e.* when the Commission is trying to determine if a marketed device complies with FCC technical standards, or if the information is requested as part of a routine sampling of marketed equipment using the RF spectrum.

15. There are no changes in the estimated burden hours or annual costs.

16. The information is gathered and recorded only to determine compliance with applicable Commission technical standards and rules. The data are not compiled, published, or otherwise reported to the public.

17. There is no form; therefore, “display” of the OMB expiration date requirement is not applicable. The Commission publishes a list of all OMB-approved information collections and displays their OMB control number, title and OMB expiration date in 47 CFR 0.408.

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.