

## SUPPORTING STATEMENT

**A. Justification:**

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

Commission Rules permit the operation of field disturbance sensors in the low VHF region of the spectrum.

- (a) Such systems have the potential, for interfering with television broadcasting and other radio communication signals.
- (b) The Commission requires a unique procedure for on-site testing and compliance verification of these systems to ensure that suitable safeguards are in place for the operation of these devices in the VHF range of the spectrum.

The Commission is now requesting an extension (no change to the reporting and recordkeeping requirements) in order to obtain the full three year clearance from the OMB. The Commission's estimated number of respondents/responses has been reduced to 100; the total annual burden hours has been reduced to 1,800; and the total annual cost has been reduced by \$20,000.

This collection of information is authorized under Sections 4(i), 301, 302, 303(e), 303(f), 303(r), 303(s), 304 and 307 of the Communications Act of 1934, as amended.

As noted on the OMB 83-I, this information collection does not affect individuals or households; thus there are no impacts under the Privacy Act.

- 2. Indicate how, by whom and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

Prior to marketing of any field disturbance sensor operating in the frequency bands allocated to television broadcast stations:

- (a) The Commission allows the manufacturer to verify through an "in house" review that the equipment complies with the appropriate technical standards.
  - (1) FCC Rules require the holder of the equipment authorization to test each system "in house" upon installation to ensure that technical standards are met at the installation site.
  - (2) The manufacturer must then maintain a list of all installations and records of the testing and measurements that are made.
- (b) The information is used, as necessary, to determine that the equipment and the operation of the equipment complies with the applicable technical requirements of the FCC Rules.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

(a) The information collection requirements include:

(1) A “recordkeeping requirement” for documenting test results.

(2) An “on occasion reporting requirement.” The Commission may request submission of the information is part of the FCC’s responsibilities to monitor equipment authorization verification process, although in general this is a self-verification of compliance with technical standards.

(a) The manufacturer must have the equipment tested and retain the records of the test results.

(b) No filing of the test results is required. On occasion, a request will be made by the Commission for the applicant to submit the test data.

(c) The Commission has found that, in recent years, respondents have been required to submit a small number of reports (less than 10 on an average) to the FCC annually.

(b) Due to the few submissions, the FCC has determined that any program to accept electronic submittal of the information is not considered feasible at this time.

**4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in item 2 above.**

No other organization or federal agency is believed to require or possess the subject information. No similar information is available elsewhere.

**5. If the collection of information impacts small businesses or other small entities (item 5 of OMB Form 83-I), describe any methods used to minimize burden.**

(a) The information collection requirements include both a recordkeeping requirement for documentation of test results and “on occasion” reporting requirements.

(b) The Commission requires both large and small manufacturers of the specified equipment to submit this information.

(c) In addition, the systems in questions are expensive and not likely to be manufactured by any small business or organization.

**6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

The Commission requires that the subject equipment be installed before it can be tested, since installation minimizes the risk of interference to other services using the spectrum and maximizes the use of the spectrum.

(a) There is a recordkeeping requirement:

- (1) The equipment manufacturer must retain the information for two years after the manufacture of the product ceases, or two years after completion of an investigation of violation relating to the product.
- (2) The recordkeeping retention period generally varies from approximately 2.5 years to 10 years, with an average retention period of 6 years.

(b) There is an “on occasion” reporting requirement:

- (1) If the Commission wishes to verify that the test data collected by the applicant in its self-certification of compliance is correct, or if there is reason to require the information in support of a Commission enforcement action.
- (2) On average, this reporting requirement has been applied to less than 10 manufacturers.

**7. Explain any special circumstances that cause an information collection to be conducted in a manner: requiring respondents to report information to the agency more often than quarterly; requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; requiring respondents to submit more than an original and two copies of any document; requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information’s confidentiality to the extent permitted by law.**

The information collection requirements include:

(a) A “recordkeeping requirement:”

- (1) The information must 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.
- (2) We estimate the average recordkeeping retention period for the collected test data to be six years.

(b) An “on occasion reporting requirement:” The Commission permits manufacturers to perform a “self-verification” of compliance. Sometimes, the Commission may request that the manufacturer submit the testing information for review, although there are usually fewer than 10 such submittals requested annually.

**8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information prior to submission to OMB.**

**-Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

The Commission published a Notice in the *Federal Register* on May 14, 2009 (74 FR 22742), soliciting public comments on this information collection. The Commission received no comments in response to the publication of the *Notice* in the *Federal Register*.

The Commission also maintains, dialogue with manufacturers and other members of the telecommunications industry, to ensure that the Commission staff remains abreast of new technologies and practices that might affect this information collection.

**9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

No payments or gifts are given to respondents.

**10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation or agency policy.**

(a) The Commission will provide minimal exemption from the Freedom of Information Act (Title 5, USC 552 (b)(4)) under FCC Rules 0.457(d).

(b) This exemption is granted for trade secrets which may be included in the required test reports. Exemption may be granted upon verification of the applicability of CFR 0.457(d), on the rare occasion that a test report is requested.

(c) There is no reason to believe that confidentiality will ever become an issue for manufacturers subject to these information collection requirements.

**11. Provide additional justification for any questions of a sensitive nature.**

No questions of a sensitive nature are part of the subject requirements.

**12. Provide estimates of the hour burden of the collection of information. The statement should: indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance.**

The Commission has calculated the estimated burden for 100 respondents as follows:

The range of burden hours is estimated to require between 12 and 24 hours, with the average being 18 hours for each equipment manufacturer to perform the "self-verification" of compliance.

**Total Number of Respondents: 100.**

**Total Number of Responses Annually:** 100 respondents x 1 response/yr = **100 responses.**

**Total Number of Responses:** 100 respondents x 18 hours average burden per response = **1,800 hours.**

**13. Provide estimate for the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in items 12 and 14).**

(a) Total annualized capital and start-up costs: **\$0.00**

(b) Total annual cost (O&M): **\$20,000.00**

Overhead and maintenance include the cost for preparation of a test report demonstrating compliance of the equipment at the installation site.

The average cost to the respondent for a test report is estimated to be \$4,000.

The majority of the cost is for performance testing.

Approximately 5% of the cost (or \$200 per respondent) is estimated to be attributable to the information collection.

O&M Annual Cost: \$200 per submission x 100 respondents = \$20,000.00

(c) Total annualized cost requested: **\$20,000.00**

**14. Provide estimates of annualized costs to the Federal government. Also provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expenses that would not have been incurred without this collection of information.**

The cost to the Federal Government is considered insignificant:

(a) There may be an "on occasion" reporting requirement; however, the Commission receives fewer than 10 test results annually; and

(b) Respondents are required to maintain their records for two years after manufacturing ceases, as mandated by the recordkeeping requirement.

**15. Explain the reasons for any program changes or adjustments reported in items 13 or 14 of the OMB Form 83-I.**

We are reporting an adjustment in the reporting / recordkeeping burdens to reflect a decrease in the number of respondents/responses authorized for this type of equipment (100 fewer respondents since the 2006 submission to the OMB). Therefore, the estimated total annual burden hours has been adjusted to 1,800 hours and \$20,000 in annual costs.

In addition, upon re-evaluation of the one-time reporting requirement, we have determined that this is not applicable to this collection and have deleted references to “one-time” reporting on the OMB Form 83-I, since this is essentially a “self-verification” of compliance, and infrequently, the Commission will request that the manufacturer submit their records for FCC review.

**16. For collections of information whose results will be published, outline plans for tabulation and publication.**

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

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

There is no form; therefore, the expiration date requirement is not applicable.

**18. Explain any exceptions to the Certification Statement identified in Item 19, “Certification of Paper Work Reduction Act Submissions,” of OMB Form 83-I.**

The Commission has determined that there is no “one-time” reporting requirement. There are exceptions to the certification statement identified in Item 19 of the OMB Form 83-I. When the Commission published the 60 day notice we used the 2006 burden estimates. With the submission to the OMB, we are reporting more accurate estimates.

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

Collection of information does not employ statistical methods.