

SUPPORTING STATEMENT

A. Justification:

1. The Commission has established rules for the marketing and authorization of radiofrequency (RF) devices under guidelines in 47 CFR Part 2, Section 2.803. The general guidelines in Section 2.803 prohibit the marketing or sale of such devices prior to receipt of an FCC grant of equipment authorization in the case of a device subject to certification, or prior to a demonstration of compliance with the applicable equipment authorization and technical requirements in the case of a device subject to verification or Declaration of Conformity.

The following are the general guidelines for third party notifications:

- (a) A RF device may be advertised and displayed at a trade show or exhibition prior to a demonstration of compliance with the applicable technical standards and compliance with the applicable equipment authorization procedure provided the advertising and display is accompanied by a conspicuous notice specified in Section 2.803(c);
- (b) An offer for sale solely to business, commercial, industrial, scientific, or medical users of an RF device in the conceptual, developmental, design or pre-production stage prior to demonstration of compliance with the equipment authorization regulations may be permitted provided that the prospective buyer is advised in writing at the time of the offer for sale that the equipment is subject to the FCC rules and that the equipment will comply with the appropriate rules before delivery to the buyer or centers of distribution.
- (c) There are no FCC requirements for how this notice of compliance is to be phrased.

The Commission is requesting an extension (no change in the reporting and/or third party disclosure requirements) in order to obtain the full three year clearance from the OMB. There is no change in the Commission's burden estimates.

This information collection does not affect individuals nor do respondents have to provide any personally identifiable information (PII). Thus, a Privacy Impact Assessment is not required.

The Commission has authority for this information collection pursuant to Sections 4, 302, 303, and 307 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), 302, 303, 303(r), and 307.

2. (a) The FCC Rules in 47 CFR Part 2, Section 2.803 that require information be disclosed about marketing of the RF device, are intended:
 - (1) To ensure the compliance of the proposed equipment with Commission's Rules, and
 - (2) To assist industry efforts to introduce new products to the marketplace more promptly.
- (b) The information disclosure applies to a variety of RF equipment that:
 - (1) is pending equipment authorization or verification of compliance,

- (2) may be manufactured in the future, and
 - (3) operates under varying technical standards.
 - (c) The information disclosed is essential to ensuring that interference to radio communications is controlled.
3. This information collection does not involve the use of any automated, electronic, mechanical, or other technological collection techniques.
 4. The Commission believes that no other agency or entity requires this type of disclosure.
 5. Small businesses that manufacture radio communications devices generally request authorization for marketing of devices regulated under 47 CFR Part 15 of the Commission's Rules. The Commission believes that disclosure of information required under these rules represents a minimal burden to both large and small entities.
 6. This is a one time reporting requirement. The information that respondents disclose is necessary to ensure an understanding by the public that the subject RF equipment must comply with Commission regulations prior to sale and/or operation.
 7. No special circumstances exist for the collection of the information.
 8. The Commission published a notice in the *Federal Register* on September 28, 2009 (74 FR 49378). No comments were received in response to the notification.
 9. No payments or gifts are given to respondents.
 10. The Commission is not making any request that respondents provide information that would require an assurance of confidentiality, nor are there any instances where confidentiality is requested due to patents, trade secrets, etc.
 11. There are no issues of a sensitive nature.
 12. The estimated burden is calculated for 6,000 respondents, at an average 0.5 hours per response. This burden is imposed only once in the life of the equipment. Should the device be modified a new application submittal is required, and the requirement would exist for the display or advertisement of the device prior to authorization.

Total Number of Respondents: 6,000 RF manufacturers.

Total Number of Responses Annually: 6,000 devices from RF manufacturers.

Total Number of Responses Annually: 6,000 responses.

6,000 respondents X one ("one time") reporting requirement per device from RF manufacturer = 6,000 responses.

Total Annual Hourly Burden: 6,000 X 0.5 hours/response = **3,000 hours**. This burden is solely for disclosure to a third party that equipment displayed or advertised is not available for sale or operation.

The Commission estimates that the respondents use “in house” staff equivalent to Federal employees to prepare the notice that must be displayed conspicuously, or the written notice to all third parties,

stating that the referenced equipment is subject to, and must comply with, the FCC rules prior to marketing, sale, importation or delivery.

- (a) Senior clerk in the GS-9/Step 5 salary level (\$27.37/hour) to do all the preparation for printing the advisory notice. The Commission estimates that the senior clerk will spend approximately 2 hours to complete this task.

6,000 respondents X 1 senior clerk X 2 hours X \$27.37 / hour = \$328,440

Total “In House” Costs: \$328,440

Furthermore, the Commission believes that because this is a “one-time” reporting requirement, RF equipment manufacturers (respondents) consider this disclosure requirement a regular part of their business costs.

- 13. Annual reporting and recordkeeping costs:
 - (a) Total annual capital/startup costs: **None.**
 - (b) Total annual costs (O&M): **None.**
 - (c) Total annualized cost requested: **None.**
- 14. There are no costs to the Federal Government because this collection involves labeling or notification requirements performed by RF manufacturers.
- 15. There is no change in the burden estimates.
- 16. The information disclosed is intended to ensure compliance of equipment with applicable Commission technical standards and rules. The data is not compiled, published, or otherwise reported to the public.
- 17. Since this information collection does not include any FCC forms, we are not seeking approval to not display the OMB expiration date for this information collection. The Commission publishes a list of OMB-approved information collections in 47 CFR 0.408 of the Commission’s rules. Thereby, satisfying OMB’s requirement to “display” the OMB control number and expiration date.
- 18. There are no exceptions to the Certification Statement identified in Item 19 of the Form 83-I.

B. Collection of Information Employing Statistical Methods:

This information collection does not employ statistical methods.