

SUPPORTING STATEMENT

A. Justification:

1. The Commission established uniform technical standards for various non-licensed equipment operating under the guidelines established in 47 CFR Parts 2 and 15 of FCC Rules, which include personal computers, garage door openers, baby monitors, microwave ovens, *etc.*

In order to ensure that technical standards are applied uniformly to non-licensed equipment, the Commission requires manufacturers to follow standardized measurement procedures and practices:

- (a) 47 CFR Part 2 of the Commission's Rules requires each Electro-Magnetic Compatibility (EMC) testing facility that performs equipment testing in support of any request for equipment authorization to file a test site description, either with the Commission or with a Commission approved accrediting body.
- (b) The test site description and the supporting information documents that the EMC testing facility complies with the testing standards used to make the measurements that support any request for equipment authorization.
- (c) On September 14, 2009, the Office of Engineering and Technology (OET) identified and requested comment on certain types of information that an applicant should provide to be considered as an accreditation body of test laboratories under the Commission's rules, *see* DA 09-2049. 47 CFR Section 2.948(d) of the Commission's rules sets forth the requirements for accreditation bodies seeking recognition from the FCC as a laboratory accreditation body. Accreditation bodies seeking such recognition from the Commission must file a report of their qualifications with the Office of Engineering and Technology (OET). Based on the comments filed in response to the September 14, 2009 Public Notice as well as its experience with the equipment authorization program and the test laboratory accreditation process, OET is providing guidance on the type of information that an applicant who desires to be recognized by the Commission as a laboratory accreditation body should provide in support of its application. Applicants are only required to file this information once. The Commission currently has two recognized accreditation bodies, and is about to recognize a third. Additional accreditation bodies may be recognized.
- (d) In addition, the referenced 47 CFR Part 15 rules require that equipment manufacturers insert in their files a statement explaining the basis on which it relies to ensure that at least 97.5% of all production units of the test sample that are manufactured have a noise figure of no greater than 14 dB.

This information collection does not affect individuals or households. Respondents in this information collection are limited to accreditation bodies, EMC testing facilities and

equipment manufacturers. Thus, there are no impacts under the Privacy Act and a Privacy Impact Assessment is not required.

The Commission is now requesting a program change and an adjustment of this information collection. The reporting requirements for accreditation bodies as described in 1(c) is being added, and the number of testing facilities filing a test site description is being increased. The latter increase is necessary to reflect the significant number of laboratories filing test site descriptions. This increase has been observed in the recent past, and is in large part due to Mutual Recognition Agreements (MRAs) signed with various foreign economic entities that allow for the testing of equipment in these MRA partner economies, by testing facilities filing site descriptions under Section 2.948, prior to submittal of equipment for authorization. A change in the Commission's burden estimates is therefore included in this submission.

Statutory authority for this information collection is Sections 4(i), 302, 303(c), 303(f), 303(g) 303(r), and 309(a) of the Communications Act of 1934.

2. The Commission or the accrediting body, use the information from these test sites and the supporting documentation, which accompany all requests for equipment authorization:
 - (a) to ensure that the data are valid and that proper testing procedures are used;
 - (b) to ensure that potential interference to radio communications is controlled; and
 - (c) to investigate complaints of harmful interference or to verify the manufacturer's compliance with 47 CFR §§ 2.948 and 15.117(g)(2) of FCC Rules.
3. This information collection includes reporting, recordkeeping and third party disclosure requirements. The party(s) responsible for reporting the information may use any available media, including electronic filing of the required information.
4. No similar information is available from other sources.
5. The measurement techniques and standards are consistent with good engineering practice(s) and established standards, *e.g.*, ensuring calibration of equipment, ground plane viability, repeatability of results, *etc.* As such, the burden that the information collection requirements impose on both small and large businesses are minimal and consist solely of the time respondents require to document the standardized procedures and practices used in equipment testing, and defined in 47 CFR § 2.948.
6. The collection of information documenting conformance with 47 CFR § 2.948 is required:
 - (a) to minimize the potential risk of interference to other services using the RF spectrum and to maximize the use of this spectrum; and

- (b) to ensure that the non-licensed operation of equipment authorized under 47 CFR Parts 15 and 18 does not cause harmful interference to any other services.

If the information is not collected, there is potential for manufacturers of RF equipment to relax the quality control standards by which compliance with Commission technical regulations is measured.

The information collection requirements include:

- (a) A **one time filing requirement**: the Commission requires test site respondents (see 1(a) and 1(b) above) to submit their test results once (unless there are modifications, as noted in (c) below). Respondents are required to submit information only once to receive recognition from (OET) as an accreditation body (as described in 1(c) above).
- (b) A **three year filing requirement**: the Commission, however, does require that the testing facility certify at least every three years that their equipment and test set-up have not changed, and at that time a renewal period of three years is granted.
- (c) On **occasion filing requirement**: respondents must re-submit their test results, if the EMC testing facility makes modifications to the testing equipment or to the test set-up.
- (d) A **recordkeeping requirement**: respondents must retain the test results and supporting data for as long as the EMC testing facility authorized under 47 CFR § 2.948 continues to perform testing, or as long as any equipment authorized under 47 CFR §15.117 is manufactured.

7. 47 CFR § 2.948 require respondents:

- (a) To file a description of the EMC testing facility making measurements of equipment subject to an equipment authorization.
- (b) To certify that the data on file are current, at least every three years or more often at the discretion of the accrediting body.
- (c) To provide documentation that the requirements for accreditation bodies established by the International Organization for Standardization (ISO) and International Electrotechnical Commission (IEC) have been met (further clarified in Public Notice (DA 09-2049, September 14, 2009)).
- (d) To maintain an updated record of their facility and to inform the Commission of subsequent changes to their equipment or testing set-up for testing facilities that may remain in business longer than three years.

8. A notice soliciting comment by the public was published in the *Federal Register* on May 18, 2010 (75 FR 27778). No comments were received in response to the *Federal Register* notification.

Furthermore, the Commission regularly interfaces with various national and international standards groups to keep abreast of new technology and to provide the industry with the opportunity to comment on the effect(s) that the Commission's requirements may have on the marketing of the RF equipment.

9. No payments or gifts are given to respondents.
10. There is a minimal exemption from the Freedom of Information Act (FOIA) 5 U.S.C. 552 (b) (4), 47 CFR § 0.459(d) of the Commission's rules, that is granted for trade secrets, which may be submitted to the Commission as part of the documentation of the test results. No other assurances of confidentiality are provided to respondents.
11. This information collection does not include any requests for information of a sensitive nature; thus, there is no need for the Commission to provide any assurance of confidentiality.
12. The Commission estimates that there are 700 equipment manufacturers or testing laboratories (respondents) which will perform equipment testing for measurement standards and companies that manufacture or supply the equipment.
 - (a) 47 CFR § 2.948 – Each testing laboratory (respondent) making measurements of equipment that is subject to an equipment authorization under Part 15 or Part 18 must file a description of their measurement facility. The respondents must file the measurement data with the Commission or with a Commission approved accrediting body if the EMC testing facility performs testing in support of an equipment authorization

Annual Hour Burden:

700 respondent testing facilities x 30 hours/test results description = **21,000 hours**

- (b) 47 C.F.R. § 2.948(d); *and also* 47 C.F.R. § 0.241(f) (delegating authority to the Chief of OET to enter into agreements with the National Institute of Standards and Technology and other accreditation bodies to perform accreditation of test laboratories pursuant to section 2.948(d)). Respondents are required to submit information required by the Commission only once, and to continue to maintain the standards of operation under which they were approved.

Annual Hour Burden:

5 respondent accreditation bodies x 12 hours/accreditation body = **60 hours**

- (b) 47 CFR § 15.117(g)(2) – The noise figure for any television channel 14 to 69, inclusive, shall not exceed 14 dB. To ensure compliance with this requirement, the manufacturer of TV receivers (respondents) must insert in company files a statement explaining the statistical methodology used to ensure that at least 97.5% of all production units of the test samples, which are manufactured, have a noise figure within the standard.

Annual Hour Burden:

20 respondent record keepers x 5 hours/test results analyses/yr = **100 hours**

The average burden per respondent or record keeper is 29.1862 hours.

Total Number of Respondents: 700 + 5 + 20 = **725 respondents**

Total Number of Responses Annually:

700 test results + 5 accreditation body documentations + 20 recordkeeping requirements =
725 responses

Total Annual Hourly Burden: 21,000 + 60 + 100 = **21,160 hours**

13. There are no direct costs associated with the information collection.
- (a) The testing laboratories must purchase testing equipment in order to measure the performance of prototype (or “untested”) RF devices prior to equipment authorization.
 - (1) The cost for establishing a testing laboratory would exist regardless of any FCC requirement, since manufacturers use testing laboratories to confirm the operation of their equipment.
 - (2) The equipment referred to in this supporting statement is required for equipment authorization testing, and would be required regardless of any information collection requirement.
 - (3) Furthermore, the cost of the actual equipment authorization testing is included in the information collection for the Form 731 (OMB 3060-0057).
 - (b) The accuracy of the measurements done by the testing laboratories is essential to advising testing laboratory clients of the performance of equipment proposed for authorization.
 - (1) It is, therefore, good business practice to ensure that the testing laboratories meet the standards set by the Commission for test site performance.
 - (2) The information collected under the requirements as described in Section 2.948 describes the measurement facility, used to perform equipment authorization testing, and includes:
 - (i) a physical description of the test site including photographs,
 - (ii) the test instrumentation used,
 - (iii) a list of the measurement equipment used,
 - (iv) information concerning the calibration of the measuring equipment, and

(v) other information critical to establishing a testing laboratory as meeting the requirements for testing for authorization of equipment.

(c) The information required for approval as an accreditation body is established by the International Organization for Standardization (ISO) and International Electrotechnical Commission (IEC)

14. The Commission estimates that the cost to the Federal Government includes:

3 hours per measurement facility evaluated, at an average salary level of \$45 per hour.

3 hours x 300 test site descriptions (annually) x \$45 = **\$40,500.**

10 hours per accreditation body evaluated, at an average salary level of \$70 per hour.

10 hours x 5 accreditation bodies x \$70 = **\$3,500.**

Total = **\$44,000.**

15. A program change of 60 hours is being reported to reflect new policies initially considered in DA 09-249 (issued September 14, 2009), which identified and requested comment on information that an applicant should provide to be considered as an accreditation body of test laboratories by the OET. 47 CFR Section 2.948(d) of the Commission's rules sets forth the requirements for accreditation bodies seeking recognition from the FCC as a laboratory accreditation body. Accreditation bodies seeking such recognition from the Commission must file a report of their qualifications with the Office of Engineering and Technology (OET). Based on the comments filed in response to the September 14, 2009 Public Notice as well as its experience with the equipment authorization program and the test laboratory accreditation process, OET is preparing to issue a Public Notice providing guidance on the type of information that an applicant who desires to be recognized by the Commission as a laboratory accreditation body should provide in support of its application. The information is only required to be filed once.

In addition, an adjustment of 12,000 hours for the number of test laboratories filing with the Commission has been made to reflect the significant number of laboratories filing test site descriptions. This increase has been observed in the recent past, and is in large part due to Mutual Recognition Agreements (MRAs) signed with various foreign economic entities that allow for the testing of equipment in these MRA partner economies, by testing facilities filing site descriptions under Section 2.948, prior to submittal of equipment for authorization.

16. The information collected is used to determine compliance with specific measurement standards. The data are not compiled, published, or otherwise reported to the public.

17. The Commission is not seeking OMB approval to not display the OMB expiration date for these requirements. The Commission publishes a list of OMB-approved information

collections by OMB control number, title and OMB expiration date in 47 CFR 0.408 of the Commission's rules.

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:

Collection of information does not employ statistical methods.