

## SUPPORTING STATEMENT

**A. Justification:*****Information Collection Requirements:***

1. The Commission is seeking a revision of the Equipment Authorization information collection because of a redesign of the electronic system that collects the information (Equipment Authorization System) that streamlines the processes for filing the information associated with applications for equipment Certification pursuant to subpart J of part 2 of the Commission rules. The new electronic system also allows the Commission to consolidate and combine information that is currently authorized separately.<sup>1</sup> The system is designed to process all data collection electronically and will eliminate repetitive information collection within applications and will permit parties to reference previously submitted information at the time of equipment authorization application. The justification has been revised to represent the updated information collected from different parties, to note that previously submitted information can be referenced in individual applications and to project the updated costs associated with testing the more complex devices that predominate the current environment.

The Commission rules require manufacturers of certain radio frequency (RF) equipment<sup>2</sup> to obtain equipment authorization approval prior to marketing their equipment. Manufacturers may then market their RF equipment based on a showing of compliance with the applicable technical standards. The Commission typically adopts or modifies its technical standards in response to new technologies and in conjunction with changes to spectrum allocations. Under the equipment authorization rules there are two types of authorization processes: Certification and Suppliers Declaration of Conformity. The technical rules for the services in which the equipment is proposed to operate will specify which type of equipment authorization must be obtained before the equipment can be marketed. This information collection is specific for equipment subject to Certification. Appendix A of this statement provides the current list of rules that require Certification. Applications for Certification are submitted on FCC Form 731.<sup>3</sup>

Accordingly, this information collection applies to RF equipment that:

- i. is currently manufactured, or may be manufactured in the future, and
- ii. operates under varying technical standards.

A party (e.g. an RF equipment manufacturer) seeking device Certification pursuant to § 2.911 must first obtain a grantee code. This is a one-time application, as the party may use the same grantee code in all of

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<sup>1</sup> The revised collection will include the information collection previously authorized under OMB 3060-0398 (§§. 2.948, 2.949 except for §15.117(g)(2)).

<sup>2</sup> See Section 2.803 (47 CFR § 2.803). The kinds of equipment that are being marketed include devices such as cellular telephones, tablets, remote control devices and scanning devices. However, the types of equipment that are manufactured may change in response to changing technologies and new spectrum allocations made by the Commission.

<sup>3</sup> The information collection for Suppliers Declaration for conformity is authorized under OMB 3060-0636.

its subsequent equipment authorization applications. The party provides its contact information and the FCC Registration Number (FRN) to obtain the grantee code on the Grantee Code Application webpage of FCC Form 731.<sup>4</sup> A grantee code is assigned pursuant to § 2.926(c) of the Commission rules, and any information changes (as described in § 2.929) must be updated on the electronic system.

A party seeking device Certification is required to submit its application to an FCC recognized Telecommunications Certification Body (TCB). The FCC recognizes TCBs pursuant to §§ 2.960 and 2.962. TCBs must be designated by appropriate designating authorities in the United States or through a mutual recognition agreement (MRA) for foreign countries where an MRA is in place, pursuant to § 2.960. A TCB's designation is only recognized when it is supported by an accrediting organization meeting the requirements specified in § 2.960(c). Information about the TCBs including their scope of responsibilities pursuant to § 2.962, the TCB accrediting body (TCBA) and the TCB designating authority (TDA) is submitted by the parties on the specific webpages of FCC Form 731. The information about a TCB, TCBA or TDA is only collected when a new entity is added or there is change in the scope of the entity responsibilities. The information is used for verification and validation when a TCB submits information indicating approval of the application for grant of Certification.

TCBs have flexibility in the format they use to collect information for application for equipment Certification – e.g. they may require applicants to submit the required information in a format that mirrors FCC Form 731, or they may opt to use a customized format. In all cases, the information required is governed by the procedural rules in Part 2 and a showing of compliance with the FCC technical standards for the specific type of equipment that is the subject of the application.

TCBs process application as follows:

- (i) The TCB receives and reviews the information submitted by the party seeking Certification of an RF device.
- (ii) The TCB enters the information on the appropriate FCC Form 731 webpage. The TCB submits the final recommendation on the disposal of the application. If the recommendation is to authorize the grant, a grant of certification is published through the system. If the recommendation is not to approve, this decision is noted in the system.

All applications for Certification require the product to be tested for rules compliance by measurement test firms (TF) accredited by test firm accreditation bodies (TFAB) that have been recognized by the FCC (see §§ 2.948 and 2.949, respectively). TF and TFAB information is submitted through FCC Form 731 webpages for such information for verification and validation when the TCB reviews the application. The information collection for TF and TFAB is currently approved under OMB 3060-0398, but is being included in this revision.

An application for Certification must contain the following data, as is specified in § 2.1033:

- Information about the Grantee or their agents submitting the application on the Grantee's behalf.
- Information specific to the equipment including FCC Identifier, equipment class, technical

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<sup>4</sup> Information collection for FCC Registration Number is authorized under OMB 3060-0917.

specifications, etc.

- Attachments that demonstrate compliance with FCC rules may include any combination of the following based on the applicable FCC rule parts for the equipment for which authorization is requested:
  - Identification of equipment (§ 2.925);
  - Attestation statements that may be required for specific equipment;
  - External photos;
  - Block diagram of the device;
  - Schematics;
  - Test Report;
  - Test Setup Photos;
  - User's Manual;
  - Internal Photos;
  - Parts List / Tune Up Information;
  - RF Exposure Information;
  - Operational Description;
  - Cover Letters;
  - Software Defined Radio / Cognitive Radio Files;
  - Pre-approval guidance correspondence with TCB; and
  - Pre-approval inquiry correspondence with applicant

Applications for devices subject to multiple rule parts or to different requirements within the same rule part can be included in a single submission that provides whatever additional relevant information is necessary to show compliance with additional requirements. Applications subject to pre-approval guidance pursuant to § 2.964 must include the guidance correspondence.

Applications for devices operating under certain service rules (as specified in § 2.1033) must also include information specified in the rule parts.<sup>5</sup> This documentation, as well as any other information that demonstrates conformance with FCC Rules, may range from 100 to 1,000 pages, and is essential to control potential interference to radio communications. The FCC may use this information to investigate complaints of harmful interference.

The decision on the grant of application is made on the Equipment Authorization System electronically pursuant to §§ 2.915, 2.917 or 2.919. A Certification is subject to the limitations under § 2.927 and the grantee is responsible for ongoing compliance including record retention pursuant to §§ 2.931, 2.937 and 2.938.

The grantee is responsible to ensure that the device continues to comply with the rules. Device changes will require a new application for Certification pursuant to §§ 2.932 and 2.933, unless they can be classified as permissive changes under the rules for Class II or III permissive changes, as specified in § 2.1043(b). For a permissive change, the grantee is required to file supplementary information explaining

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<sup>5</sup> See 47 CFR Sections 2.1033(b)(9)-(14), 2.1033(c)(13)-(21) and 2.1033(d).

the changes and must provide updated test information to a TCB for review. The TCB will then submit the data on the FCC Form 731 webpages for permissive changes. The only data required is that which supports the compliance of the changed functions. For changes which are considered Class I under §§ 2.1043(b) or 2.924 no further submissions are necessary although the applicant is responsible for keeping records of the changes.

Information on the procedures for equipment authorization applications can be obtained from the Internet at: <https://www.fcc.gov/engineering-technology/laboratory-division/general/equipment-authorization>.

This collection of information is authorized under Sections 4(i), 301, 302, 303(e), 303(f), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), 301, 302, 303(e), 303(f), and 303(r).

Most of the information collected in this collection will come from companies planning to commercialize the RF devices subject to the Commission rules. However, it is possible that a very small number of individuals may also submit information. Thus, the Commission has prepared a Privacy Impact Assessment statement published at <https://www.fcc.gov/general/privacy-act-information>.

2. The Commission will use the information gathered on the FCC Form 731 to determine compliance of the proposed equipment with the Commission's rules. Following authorization of the equipment for marketing, the information may also be used to determine:

- (a) Whether the operation of the equipment is consistent with the information supplied at the time of authorization;
- (b) Whether the equipment marketed complies with the terms of the equipment authorization;
- (c) Whether the test data prepared by the TF complies with the technical requirements;
- (d) Whether the TCB has reviewed the data properly prior to submitting the information for Certification; and
- (e) Whether the TF, TCB, TFAB, TCBA, or TDA continue to meet the quality and standards set forth in the FCC rules.

A TCB or the FCC may conduct post-market surveillance by requesting test samples from the applicant for further testing. Pursuant to § 2.945 the FCC may request a sample or a voucher for the equipment to be obtained from the marketplace to determine the extent to which production of such equipment continues to comply with the data provided by the applicant and TCB.

3. Since April 1998, the Commission has offered electronic submittal to the Commission of the FCC Form 731 and attachments. By rulemaking on July 8, 2004, the Commission started requiring electronic filing of this information.<sup>6</sup> The FCC has determined that electronic submission of applications is the

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<sup>6</sup> *Modification of Parts 2 and 15 of the Commission's Rules for Unlicensed Devices and Equipment Approval*, Report and Order, ET Docket No. 03-201, FCC 04-165.

most efficient means of facilitating application entry, corresponding with an applicant, providing information on application status, and providing information on authorized equipment to the public. All the information required in this collection is filed on FCC Form 731 at <https://apps.fcc.gov/eas>.

The Commission believes that because equipment authorization applications are submitted by TCBs, who must be on the cutting edge of technology to perform their work. The Commission believes that they are therefore well equipped to make maximum use of electronic media and the Internet to file an application with the Commission. Thus, we believe that electronic filing does not impose an undue burden on such applicants.

4. No other entity is believed to require or to possess the subject information.
5. Small businesses that become involved in the manufacture of radio communications devices generally request authorization for marketing devices regulated under Part 15 of the FCC's rules. Many devices regulated under Part 15 are subject to Supplier's Declaration of Conformity.<sup>7</sup> These equipment authorizations are the least burdensome of all of the equipment authorization procedures; for example, authorizations for such devices are not required to be submitted on FCC Form 731. This minimizes the burden on small businesses. Further, the measurement techniques and standards associated with our data collection requirements are consistent with the good engineering practices that we would expect of all applicants.
6. The information collected is necessary to determine the interference potential of equipment prior to marketing. By minimizing the detrimental effects of interfering devices on the radio spectrum, use of the radio spectrum can be maximized.

Applicants for Certification must submit application information to a TCB who will review and file the application information with the FCC for final disposition of the application. For the applicant, this represents a "one-time filing requirement." The applicants are required to obtain a grantee code prior to any equipment authorization application only once for all their devices. They are required to retain the test results and supporting data for as long as the products are marketed.

In addition, the TFAB and TCBA are required to submit their qualification information once, when they apply to receive recognition from OET as an accreditation body. The TFs and TCBs are required to submit for accreditation to the appropriate accreditation bodies to demonstrate competency. The TFs and TCBs are required to submit information to their respective accreditation bodies about the test sites and support facilities that they use for compliance or surveillance testing to ensure that they meet the Commission standards. Further, the rules require TFs and TCBs should be reassessed by the accreditation body at least every two years to verify that the testing facility's equipment and test set-up have not changed. Accreditation bodies must provide the Commission any updates to this information.

7. No special circumstances exist.
8. The FCC published a 60-day *Federal Register* Notice on October 10, 2018 (83 FR 50923) to solicit public comment on this information collection. A copy is included with this submission. The Notice

<sup>7</sup> Sections 2.1071 – 2.1077 (47 CFR §§ 2.1071 – 2.1077).

generated no public comments.

In addition, the Commission maintains dialogue with manufacturers and other members of the telecommunications industry, including NIST and other Federal agencies that oversee technological issues to ensure that the 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. Minimal exemption from the Freedom of Information Act (5 U.S.C. 552(b)(4) and FCC Rules under § 0.457(d)) is granted for trade secrets which may be submitted as attachments to the application Form 731. No other assurances of confidentiality are provided to respondents.

11. No questions of a sensitive nature are included on the Form 731.

12. The Commission has calculated the estimated burden for 24,851 responses from 11,291 respondents annually as follows:

- (a) 3,000 parties who obtain a new grantee code to file new applications for Certification in the future.
- (b) 40 TCBs to review the RF equipment authorization requests on behalf of the FCC.
- (c) One TF Accreditation Body or TCB Accreditation Body updating their information.
- (d) 50 new TFs requesting recognition.
- (e) 200 TFs updating their information.
- (f) 7,000 RF equipment and device manufacturers or importer who submit applications only to the TCBs for review and approval.
- (g) 1,000 parties submitting inquiries for guidance on the equipment authorization requirements (including Certification) or request for help with applications for Certification.

**Total Number of Respondents: 3,000 + 40 + 1 + 50 + 200 + 7,000 + 1,000 = 11,291.**

The respondents file several responses and applications for Certification.

- (a) 3,000 new grantee code filings.
- (b) 16,500 applications for Certification filed by TCBs on behalf of grantees and reviewed by the TCBs for determination.
- (c) 250 applications from TFs for renewal or new applications.

- (d) 1,000 surveillance reviews and reports maintained by TCBs.
- (e) 1 TF Accreditation Body or TCB Accreditation Body
- (f) 100 market surveillance requests by the FCC.
- (g) 4,000 inquiries submitted by parties seeking guidance on measurement procedures.

**Total Number of Responses: 3,000 + 16,500 + 250 + 1,000 + 1 + 100 + 4,000 = 24,851**

The Commission estimates the total annual hourly burden ranges from a few minutes for application for grantee codes to more than 100 hours for testing a complex device subject to multiple rule parts due to the range of complexity of the required measurement test reports.

The Commission estimates the following burden based on the type of information collected:

- (a) The amount of time a grantee is required for initially registering with the Commission for a grantee code as 0.1 hours resulting in a total time of 300 hours of annual burden for 3,000 new applicants;
- (b) The amount of time that the RF equipment manufacturers will require to complete an application including testing is estimated to be 10 hours averaged over all types of applications resulting in annual burden of 165,000 hours for 16,500 applications;
- (c) The TFs and TCBs charge for their services to equipment manufacturers for testing the devices and reviewing the applications. The TFs and TCBs have to maintain their records for accreditation purposes. The Commission estimates that this record keeping will result in average burden of 40 hours for 250 TFs, 40 TCBs and 1 TF Accreditation Body or TCB Accreditation Body for a total of 11,640 hours;
- (d) The amount of time to submit an inquiry to the Commission and responding to any follow-up is estimated as 0.5 hours for a total of 2,000 hours of annual burden for the 4,000 inquirers;
- (e) The time spent by TCB to perform market surveillance is estimated as 20 hours on average for a device resulting in an annual burden of 20,000 hours for 1,000-surveillance reviews and reports; and,
- (f) The time spent by TCBs and Test Firms to maintain and update their accreditation is estimated as 10 hours per renewal for a total burden of 2,510 hours for 251 entities.

**Total Annual Hour Burden: 300 + 165,000 + 11,640 + 2,000 + 20,000 + 2,510 = 201,450 hours**

13. The Commission rules require that all applications for certification must be tested for compliance by a TF and the application should be reviewed by TCBs for submission to the Commission for final disposal. These companies charge the applicants for their services and recover the costs incurred in performing the

functions.

- a) Capital and start-up costs include the cost for hardware and software for providing the information to the Commission. The Commission estimates that all the entities in their routine business operation maintain systems that will support the information collection. The TFs and TCBs are expected to be in the business of conducting tests and invest in equipment to support testing of equipment. The grantees are required to maintain the information associated with their products and may store information in any format they choose.

The TCBs are required to collect the information specifically required by this information collection may collect the information in any form they choose. However, it is expected that they will likely invest in systems to make their process efficient. The Commission expects that the average cost attributable to information collection to be about \$ 10,000 per TCB for a total cost of \$ 400,000 for 40 TCBs.

- b) 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:
  - (i) A new grantee is required to pay \$ 70 fee to obtain a new grantee code. The Commission estimates 3000 new applicants annually. This fee is only required the first time an applicant requests a grantee code. The cost for grantees is:

$$\mathbf{3,000 \text{ applications} \times \$ 70 \text{ per application} = \$ 210,000}$$

- (ii) The amount charged by a TF for testing a device depends on the complexity of tests involved. It is estimated that this cost may vary from \$ 500 for a very simple device to \$ 50,000 for a complex device. Based on the review of past applications the Commission estimates that on average TFs will charge \$ 2,000 per certification application for testing for compliance related to information collection for certification. Therefore, the total annual cost for applicants for testing is estimated to be:

$$\mathbf{16,500 \text{ applications} \times \$ 2,000/\text{per application} = \$ 33,000,000}$$

- (iii) Additional cost to an applicant include the cost of filing with a TCB. The cost for a TCB review can vary based on the device complexity. The Commission estimates the average cost per application as \$ 1,000:

$$\mathbf{16,500 \text{ applications} \times \$ 1,000/\text{per application} = \$ 16,500,000}$$

Total Annual costs for grantee code and certification applications:

$$\mathbf{\$ 210,000 + 33,000,000 + \$ 16,500,000 = \$ 49,710,000}$$

- (c) **Total Annual and overhead Costs:** \$ 400,000 + \$ 49,710,000 = \$ 50,110,000



14. The Commission expects that of the 24,850 filed:

(a) Approximately 7,350 applications will be filed with the Commission consisting of 3,000 new grantee applications, 250 TF related applications, 4,000 inquiries and 100 surveillance related applications.

The Commission estimates that two groups of Commission staff will be involved in processing or review of parts of the application or surveillance.

(i) GS-7, Step 8 - Applications Examiners, who earn \$27.17 per hour, and

(ii) GS-14, Step 7 - Electronics Engineer, who earn \$ 65.89 per hour.

Of the 7,350 applications filed with the Commission, 3,000 applications for grantee code applications will be processed by the electronic system and will not require any staff processing time.

The 250 applications filed by the TFs will require an administrative review by GS-7 staff. It is estimated that each submission will require on average one hour per application review for a total of 250 hours of review. The total cost for staff review of TFs is expected to be:

**250 applications x one hour per application x \$ 27.17 per hour = \$ 6,792.50**

The remaining 4,100 applications and reviews will be processed by GS-14 staff. It is expected that on average this review will require on average 3 hours per application for a total of 12,300 hours of review. The total cost for processing the application is expected to be:

**4,100 applications x 3 hours/review x \$ 65.89 per hour = \$ 810,447**

The cost to Federal Government for staff time: **\$ 6,792.50 + \$ 810,447 = \$ 817,239.50**

(b) Approximately 17,500 applications consisting of 16,500 applications for certification and 1,000 surveillance requests will be filed with the 40 TCBs, acting on behalf of the Commission. These applications will be processed by the electronic system. The Commission estimates that the cost to the Federal Government for software and hardware to maintain these records is approximately \$100 per application:

The system cost to the Federal Government: **17,500 applications x \$ 100 = \$ 1,750,000**

**Total Cost to Federal Government: \$ 817,239.50 + \$ 1,750,000 = \$ 2,567,239.50**

15. The Commission is reporting program changes increases and decreases to this information collection. As the Commission notes above, FCC Form 731 and related webpages, the total number of respondents, total number of responses annually, the total annual hourly burden, and the total annual costs have been updated because of the continuing growth in applications for Certification, streamlining of the application

information and combining of different information collection requests. With the rule requirement that the applicant for certification must submit their devices for tests by TFs, the burden hours for the applicants have decreased from 778,750 hours to 201,450 hours. This reduction is also the result of redesign of the system to reduce duplication. However, the manufacturers must pay the TFs and TCBs for their services. With the increase in complexities of the devices, the annual costs have increased from \$ 34,465,000 to \$ 50,110,000.

No adjustments are being reported to this collection.

16. The information that is submitted on FCC Form 731 is used to determine the compliance of equipment with applicable Commission technical standards and rules.

- (a) Some of the information submitted in the filings is held confidential and not published.
- (b) The non-confidential application information is available on the FCC website through various search mechanisms.
- (c) The searches may be viewed by accessing <https://apps.fcc.gov/eas>.

17. The Commission is requesting continued OMB approval to waive the requirement that we display the OMB expiration date on FCC Form 731 and related webpages. Granting this waiver will allow the Commission to continue using the electronic version of the form and webpages without update, upon re-approval of the form. An edition date will be used in lieu of the OMB expiration date. Finally, the Commission publishes a list of all OMB-approved information collections in § 0.408 of the Commission's rules.

18. There are no exceptions to the Certification Statement.

**B. Collections of Information Employing Statistical Methods.**

This information collection does not employ statistical methods.

**Appendix A****Rule Parts Referencing Equipment Certification**

<b>Rule Sections (47 CFR)</b>	<b>Reference</b>
2.911, 2.1033	Applications
11.34	EAS Equipment acceptability for filing
15.201	Equipment Authorization Requirements
18.203	Equipment Authorization
20.19(b)	HAC Requirements
20.21(e)(2)	Signal Boosters
22.377	Certification of transmitters
24.51	Equipment Authorization (including 24.52 RF Hazards)
25.129	Equipment Authorization for portable earth-station transceivers
27.51	Equipment Authorization (including 27.52 RF Safety)
30.201	Equipment Authorization (30.201(c) refers to verification)
74.451	Certification of equipment - remote pickup
74.750	Low Power TV (type notified)
74.851	Certification of equipment - LPAS
80.203	Authorization of transmitters - maritime services (special manual or other type approval requirements)
87.147	Authorization of equipment - Aviation
90.203	Certification required - Private land mobile radio
95.335	Operation of non-certified transmitters prohibited - Personal Radio Service
95.361	Transmitter Certification - Personal Radio Service
95.561	FRS transmitter certification
95.761	RCRS transmitter certification
95.961	CBRS transmitter certification
95.1761	GMRS transmitter certification
95.1951	Certification - 200 MHz
95.2161	LPRS transmitter certification
95.2361	WMTS transmitter certification
95.2561	MedRadio transmitter certification
95.2761	MURS transmitter certification
95.2961	PLB and MSLD transmitter certification
95.3161	OBU transmitter certification

**Application for Equipment Authorization, FCC Form 731**

**3060-0057  
December 2018**

95.3361	Certification - 76-81GHz Radar service
96.49	Equipment Authorization CBRS
97.315	Certification of external RF power amplifiers - Amateur Radio