

August 2021

SUPPORTING STATEMENT

A. Justification:

Information Collection Requirements:

The Commission is seeking a revision of OMB Control Number 3060-0057, the Equipment Authorization information collection, to obtain the full three-year clearance from the Office of Management and Budget (OMB).

1. On June 17, 2021, the Commission adopted a Notice of Proposed Rulemaking and Notice of Inquiry in ET Docket No. 21-232 and EA Docket No. 21-233, FCC 21-73, “*Protecting Against National Security Threats to the Communications Supply Chain through the Equipment Authorization Program.*” Among other proposed rules intended to secure our nation’s telecommunications networks, the Commission proposes to amend the 47 CFR Part 2 rules related to equipment authorization to prohibit the authorization of communications equipment if the Commission determines that such equipment or service poses an unacceptable risk to the national security of the United States or the security and safety of United States persons. Accordingly, the Commission proposes to add 47 CFR 2.911(d)(5) as follows:

§ 2.911 Application requirements.

* * * * *

(d) ***

(5) The applicant shall provide a written and signed certification that, as of the date of the filing of the application, the equipment for which the applicant seeks equipment authorization through certification is not “covered” equipment on the Covered List established pursuant to § 1.50002 of this chapter.

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The statutory authority for this collection of information is authorized under sections 4(i), 301, 302, 303, 309(j), 312, and 316 of the Communications Act of 1934, as amended, 47 U.S.C. sections 154(i), 301, 302, 303, 309(j), 312, and 316.

The information submitted in this collection will come from the manufacturer of the device, the applicant for certification and/or the responsible party providing a written and signed certification 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 rules require manufacturers of certain radio frequency (RF) equipment¹ to obtain equipment authorization approval prior to marketing their equipment. Information on the procedures for equipment authorization applications can be obtained from the Internet at:

¹ See 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.

<https://www.fcc.gov/engineering-technology/laboratory-division/general/equipment-authorization> and Appendix A of this statement provides the current list of Commission rule parts referencing equipment certification. Under the equipment authorization rules, there are two types of authorization processes: Certification and Suppliers Declaration of Conformity (SDoC). This information collection is specific for equipment subject to Certification.² Applications for Certification are submitted on FCC Form 731. The Commission uses the information gathered on the FCC Form 731 to determine compliance of the proposed equipment with the Commission's rules.

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.³ The FCC has determined that electronic submission of applications is the 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, the Internet to file an application ,and provide written and signed certification information with the Commission.

The Commission proposes to modify OMB Control Number 3060-0057, which most recently received OMB approval after the Commission released the *Spectrum Horizons First Report and Order*.⁴ In the proposed modification, the applicant shall provide a written and signed certification that, as of the date of the filing of the application, the equipment for which the applicant seeks equipment authorization through certification is not “covered” equipment on the Covered List that has been established pursuant to section 1.50002 of the Commission’s rules. The Commission’s Public Safety and Homeland Security Bureau maintains the Covered List at <https://www.fcc.gov/supplychain/coveredlist>. Thus, we believe that written and 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. The Commission believes that equipment authorization applications submitted by small entities are on the cutting edge of technology to perform their work. Therefore, the Commission believes that they are well equipped to make maximum use of electronic media, the Internet to file an application, and provide written and signed certification information with the Commission. Thus, we believe that written and electronic filing does not impose an undue burden on such applicants.

6. The information collected is necessary to determine equipment posing unacceptable risk to the national security of the United States or the security and safety of the United States persons. Therefore, for final disposition of an equipment authorization application, an applicant will be required to submit a

² The Commission proposed that any equipment produced or provided by any of the entities (or their respective subsidiaries or affiliates) that produce or provide “covered” equipment, as specified on the Covered List, can no longer be authorized pursuant to the Commission’s SDoC processes, and the equipment of any of these entities would have to be processed pursuant to the Commission’s certification rules and processes.

³ *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.

⁴ *Spectrum Horizons*, ET Docket No. 18-2, First Report and Order, 34 FCC Rcd 1605 (2019).

written statement that the equipment for which it seeks equipment authorization through certification is not “covered” equipment on the Covered List. For the applicant, this represents a “one-time filing requirement.”

7. No special circumstances exist.

8. The Commission published a *Federal Register* Notice on August 19, 2021 (86 FR 46644) seeking comments from the public on the information collection requirements contained in this supporting statement. To date, no comments have been received.

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 sensitive information is required for this collection.

12. For the modified OMB Control Number 3060-0057, the Commission has calculated the estimated burden for 24,873 responses from 11,305 respondents annually as follows:

- (a) 3,002 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) 7,010 RF equipment and device manufacturers or importer who submit applications only to the TCBs for review and approval.
- (g) 1,002 parties submitting inquiries for guidance on the equipment authorization requirements (including Certification) or request for help with applications for Certification.

Total Number of Respondents: 3,002 + 40 + 1 + 50 + 200 + 7,010 + 1,002 = 11,305

The respondents file several responses and applications for Certification.

- (a) 3,002 new grantee code filings.
- (b) 16,515 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) 4,005 inquiries submitted by parties seeking guidance on measurement procedures.

Total Number of Responses: $3,002 + 16,515 + 250 + 1,000 + 1 + 100 + 4,005 = 24,873$

The Commission estimates the total annual hourly burden will increase by 15 minutes for applicants to provide a written statement that the equipment for which it seeks equipment authorization through certification is not “covered” equipment on the Covered List.

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

- (a) The amount of time required to initially register with the Commission for a grantee code is 0.1 hours, resulting in a total time of 300 hours of annual burden for 3,002 new applicants;
- (b) The amount of time required for an equipment authorization grantee to assure compliance of the equipment with the applicable standards is 0.1 hours, resulting in a total time of 1,130.5 hours of annual burden for 11,305 applicants;
- (c) The amount of time that the RF equipment manufacturers will require to complete an application including testing is estimated to be 10.25 hours averaged over all types of applications resulting in annual burden of 169,279 hours for 16,515 applications;
- (d) 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;
- (e) 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 2,003 hours of annual burden for the 4,005 inquirers;
- (f) 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,
- (g) 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: $300 + 1,131 + 169,279 + 11,640 + 2,003 + 20,000 + 2,510 = 206,863$

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, and may collect the information in any form they choose. However, it is expected that they likely will 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 3,002 new applicants annually. This fee is only required the first time an applicant requests a grantee code. The cost for grantees is:

$$\mathbf{3,002 \text{ applications} \times \$ 70 \text{ per application} = \$ 210,140}$$

- (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:

$$\mathbf{16,515 \text{ applications} \times \$ 2,000/\text{per application} = \$ 33,030,000}$$

- (iii) Additional cost to an applicant includes 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:

$$\mathbf{16,515 \text{ applications} \times \$ 1,000/\text{per application} = \$ 16,515,000}$$

Total Annual costs for grantee code and certification applications:

$$\text{\$ 210,140} + \text{\$ 33,030,000} + \text{\$ 16,515,000} = \text{\$ 49,755,140}$$

(c) **Total Annual and Overhead Costs:** $\text{\$ 400,000} + \text{\$ 49,755,140} = \text{\$ 50,155,140}$

14. The Commission expects that of the 24,873 applications filed:

(a) Approximately 7,357 applications will be filed with the Commission consisting of 3,002 new grantee applications, 250 TF related applications, 4,005 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 \$ 29.05 per hour, and

(ii) GS-14, Step 7 - Electronics Engineer, who earn \$ 70.45 per hour.

Of the 7,357 applications filed with the Commission, 3,002 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:

$$\text{250 applications} \times \text{one hour per application} \times \text{\$ 29.05 per hour} = \text{\$ 7,263}$$

The remaining 4,105 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 12,315 hours of review. The total cost for processing the application is expected to be:

$$\text{4,105 applications} \times \text{3 hours/review} \times \text{\$ 70.45 per hour} = \text{\$ 867,592}$$

The cost to Federal Government for staff time: $\text{\$ 7,263} + \text{\$ 867,592} = \text{\$ 874,855}$

(b) Approximately 17,515 applications consisting of 16,515 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:

$$\text{The system cost to the Federal Government: } \text{17,515 applications} \times \text{\$ 100} = \text{\$ 1,751,500}$$

$$\text{Total Cost to Federal Government: } \text{\$ 874,855} + \text{\$ 1,751,500} = \text{\$ 2,626,355}$$

15. If the Commission adopts the new information collection requirements under section 2.911, in a final rulemaking, the increase in the total annual hours of +5,260 will be add to OMB's Active Inventory.

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

Rule Sections (47 CFR)	Reference
2.911,(rev) 2.1033	Applications
11.34	EAS Equipment acceptability for filing
15.201	Equipment Authorization Requirements
15.258	Operation in the bands 116-123 GHz, 174.8-182 GHz, 185-190 GHz and 244-246 GHz
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
95.3361	Certification - 76-81GHz Radar service

96.49	Equipment Authorization CBRS
97.315	Certification of external RF power amplifiers - Amateur Radio