

SUPPORTING STATEMENT

A. Justification

1. The Commission is requesting Office of Management and Budget (OMB) approval for a revision of an information collection. The 2022 Report and Order and Further Notice of Proposed Rulemaking, ET Docket No. 21-232 and EA Docket No. 21-233, FCC 22-84, included amendments to rule sections 2.906 and 2.909. The information collection is being revised to increase the number of respondents and reduce the estimated cost for a test report. Specifically, the number of respondents is adjusted upward to account for continued growth in the use of the SDoC process, while also limiting the amount of upward adjustment to recognize that the rule amendments eliminated the eligibility of some parties to obtain an SDoC. Additionally, based on the agency’s experience in administering its rules, we recognize that the costs associated with producing test reports in actual practice is less than we had previously estimated.

In amendment to rule sections set below, the Supplier’s Declaration of Conformity (SDoC) procedure was revised in a Report and Order, *Amendment of Part 2 of the Commission’s Rules regarding Frequency Allocations and Radio Treaty Matters; General Rules and Regulations*.

§ 2.906 Supplier’s Declaration of Conformity.

- (a) Supplier’s Declaration of Conformity (SDoC) is a procedure where the responsible party, as defined in § 2.909, makes measurements or completes other procedures found acceptable to the Commission to ensure that the equipment complies with the appropriate technical standards and other applicable requirements. Submittal to the Commission of a sample unit or representative data demonstrating compliance is not required unless specifically requested pursuant to § 2.945.
- (b) Supplier’s Declaration of Conformity is applicable to all items subsequently marketed by the manufacturer, importer, or the responsible party that are identical, as defined in § 2.908, to the sample tested and found acceptable by the manufacturer.
- (c) The responsible party may, if it desires, apply for Certification of a device subject to the Supplier’s Declaration of Conformity. In such cases, all rules governing certification will apply to that device.
- (d) Notwithstanding other parts of this section, equipment otherwise subject to the Supplier’s Declaration of Conformity process that is produced by any entity identified on the Covered List, established pursuant to § 1.50002 of this chapter, as producing covered communications equipment is prohibited from obtaining equipment authorization through that process. The rules governing certification apply to authorization of such equipment.

§ 2.909 Responsible Party.

- (a) In the case of equipment that requires the issuance of a grant of certification, the party to whom that grant of certification is issued is responsible for the compliance of the equipment with the applicable technical and other requirements. If any party other than the grantee modifies the radio frequency equipment and that party is not working under the authorization of the grantee pursuant to § 2.929(b), the party performing the modification is responsible for compliance of the product with the applicable administrative and technical provisions in this chapter.

(b) For equipment subject to Supplier’s Declaration of Conformity the party responsible for the compliance of the equipment with the applicable standards, who must be located in the United States (see § 2.1077), is set forth as follows:

(1) The manufacturer or, if the equipment is assembled from individual component parts and the resulting system is subject to authorization under Supplier’s Declaration of Conformity, the assembler.

(2) If the equipment by itself, or, a system is assembled from individual parts and the resulting system is subject to Supplier’s Declaration of Conformity and that equipment or system is imported, the importer.

(3) Retailers or original equipment manufacturers may enter into an agreement with the responsible party designated in paragraph (b)(1) or (b)(2) of this section to assume the responsibilities to ensure compliance of equipment and become the new responsible party.

(4) If the radio frequency equipment is modified by any party not working under the authority of the responsible party, the party performing the modifications, if located within the U.S., or the importer, if the equipment is imported subsequent to the modifications, becomes the new responsible party.

(c) If the end product or equipment is subject to both certification and Supplier’s Declaration of Conformity (*i.e.*, composite system), all the requirements of paragraphs (a) and (b) apply.

(d) If, because of modifications performed subsequent to authorization, a new party becomes responsible for ensuring that a product complies with the technical standards and the new party does not obtain a new equipment authorization, the equipment shall be labeled, following the specifications in § 2.925(d), with the following: “This product has been modified by [insert name, address and telephone number or internet contact information of the party performing the modifications].”

(e) In the case of transfer of control of equipment, as in the case of sale or merger of the responsible party, the new entity shall bear the responsibility of continued compliance of the equipment.

Previously approved rule sections.

§ 2.1071 Cross reference.

The general provisions of this subpart shall apply to equipment subject to Supplier’s Declaration of Conformity.

§ 2.1074 Identification.

(a) Devices subject only to Supplier’s Declaration of Conformity shall be uniquely identified by the party responsible for marketing or importing the equipment within the United States. However, the identification shall not be of a format which could be confused with the FCC Identifier required on certified equipment. The responsible party shall maintain adequate identification records to facilitate positive identification for each device.

(b) Devices subject to authorization under Supplier’s Declaration of Conformity may be labeled with the following logo on a voluntary basis as a visual indication that the product complies with the applicable FCC requirements. The use of the logo on the device does not alleviate the requirement to provide the compliance information required by § 2.1077 of this subpart.

§ 2.1077 Compliance information.

(a) If a product must be tested and authorized under Supplier’s Declaration of Conformity, a compliance information statement shall be supplied with the product at the time of marketing or importation, containing the following information:

(1) Identification of the product, *e.g.*, name and model number;

(2) A compliance statement as applicable, *e.g.*, for devices subject to part 15 of this chapter as specified in § 15.19(a)(3), that the product complies with the rules; and

(3) The identification, by name, address and telephone number or internet contact information, of the responsible party, as defined in § 2.909. The responsible party for Supplier’s Declaration of Conformity must be located within the United States.

(b) If a product is assembled from modular components (*e.g.*, enclosures, power supplies and CPU boards) that, by themselves, are authorized under a Supplier’s Declaration of Conformity and/or a grant of certification, and the assembled product is also subject to authorization under Supplier’s Declaration of Conformity but, in accordance with the applicable regulations, does not require additional testing, the product shall be supplied, at the time of marketing or importation, with a compliance information statement containing the following information:

(1) Identification of the assembled product, *e.g.*, name and model number.

(2) Identification of the modular components used in the assembly. A modular component authorized under Supplier’s Declaration of Conformity shall be identified as specified in paragraph (a)(1) of this section. A modular component authorized under a grant of certification shall be identified by name and model number (if applicable) along with the FCC Identifier number.

(3) A statement that the product complies with part 15 of this chapter.

(4) The identification, by name, address and telephone number or internet contact information, of the responsible party who assembled the product from modular components, as defined in § 2.909. The responsible party for Supplier’s Declaration of Conformity must be located within the United States.

(5) Copies of the compliance information statements for each modular component used in the system that is authorized under Supplier’s Declaration of Conformity.

(c) The compliance information statement shall be included in the user's manual or as a separate sheet. In cases where the manual is provided only in a form other than paper, such as on a computer disk or over the Internet, the information required by this section may be included in the manual in that alternative form, provided the user can reasonably be expected to have the

capability to access information in that form. The information may be provided electronically as permitted in § 2.935.

§ 15.37 Transition provisions for compliance with the rules.

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(c) All radio frequency devices that are authorized on or after July 12, 2004 under the certification, or Supplier’s Declaration of Conformity procedures (or the prior verification or declaration of conformity procedures, as applicable) shall comply with the conducted limits specified in § 15.107 or § 15.207 as appropriate. All radio frequency devices that are manufactured or imported on or after July 11, 2005 shall comply with the conducted limits specified in § 15.107 or §15.207, as appropriate. Equipment authorized, imported or manufactured prior to these dates shall comply with the conducted limits specified in § 15.107 or § 15.207, as appropriate, or with the conducted limits that were in effect immediately prior to September 9, 2002.

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This information collection does not affect individuals or households. The Commission rules apply to equipment manufactured, assembled or imported and marketed in the U.S. Individuals do not market equipment. Therefore, the Commission is not required to do a Privacy Impact Assessment.

This collection of information is authorized under Sections 4(i), 301, 302, 303, 309(j), 312, 403, and 503 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 301, 302a, 303, 309(j), 312, 403, 503, and the Secure Equipment Act of 2021, Pub. L. 117-55, 135 Stat. 423.

2. The information will be used by the Commission to determine if the equipment marketed:
 - (a) complies with the applicable Commission Rules, and
 - (b) operates and is consistent with the initially documented test results.

The Commission may request the documentation of test results and other information required under the FCC Rules to support investigations of non-compliance or interference, or as part of a routine sampling of marketed equipment using the RF spectrum. The information collected is essential to controlling potential interference to radio communications.

3. The Supplier’s Declaration of Conformity equipment authorization procedure does not require the equipment manufacturer or supplier to file a written application with the Commission.

The party responsible for retaining the records may use any available media, including electronic media, for storage of test results and compliance information.

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

5. The SDoC procedure lessens the public burden by not requiring a formal application for equipment authorization and the routine submission of the accompanying test results to the Commission. The procedure requires an average of 5 fewer hours per respondent than other equipment authorization procedures like certification. The burden on small businesses has therefore been minimized.

6. Testing, maintenance of test records, and filing of information with the Commission upon request, is necessary to ensure that marketed devices comply with the Commission’s technical standards that limit the potential for interference of equipment to radio communications.

The frequency of information collection requirements are:

(a) “Recordkeeping requirement(s)” to maintain the test records for possible FCC inspection(s), as explained in Question No. 7 below; and

(b) “One-time” filing requirement, for original equipment or for equipment that is electrically modified. In each of these instances testing and documentation of compliance with Commission standards, and retention of records is required.

7. FCC Rules for equipment authorization generally require that each equipment manufacturer or supplier must retain testing and compliance information for two years after manufacture of a product ceases, or two years after completion of an investigation of violation relating to a product.

(a) This same standard is applied to the SDoC equipment authorization procedure.

(b) The retention period therefore would generally vary from approximately 2.5 years to 15 years, with an average retention period for devices authorized under a SDoC of 4 years.

(c) Consequently, we are requesting that OMB waive the recordkeeping requirements under 5 CFR Section 1320.5(d)(2)(iv) of the PRA.

8. The views of industry and the general public were solicited when the Commission published Notice in the *Federal Register* on April 30, 2024, 89 FR 34242. The Commission has received no comments in response to the Notice in the *Federal Register*.

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

9. No payments or gifts are given to respondents.

10. Minimal exemption from the Freedom of Information Act (Title 5, USC 552 (b)(4), FCC Rules 47 CFR Section 0.457(d)) is granted for trade secrets which may be submitted to the Commission as part of the documentation of test results. No other assurances of confidentiality are provided to respondents.

11. Information of a sensitive nature is not required for this information collection.

12. Companies that manufacture or supply the equipment are the anticipated respondents for this information collection.

The Commission estimates that there are 8,500 respondents subject to these recordkeeping and reporting requirements.

Total Number of Respondents: 8,500 manufacturers or suppliers

The Commission believes that the manufacturers/suppliers (respondents) are subject to these recordkeeping and reporting requirements:

(a) 8,500 manufacturers/suppliers are all subject to the annual recordkeeping requirement

$$8,500 \text{ respondents} \times 1 \text{ recordkeeping requirement/annum} = 8,500 \text{ responses.}$$

(b) Equipment produced by manufacturers/suppliers must be tested, and test results showing compliance with Commission standards must be documented. There is a “one-time” record keeping requirement for original equipment or for equipment that is modified electrically. The Supplier’s Declaration of Conformity (SDoC) equipment authorization reporting requirement therefore applies to 8,500 respondents:

$$8,500 \text{ respondents} \times 1 \text{ reporting requirement/annum} = 8,500 \text{ responses.}$$

Total Number of Responses Annually: 8,500 + 8,500 = 17,000 Responses

The Commission makes these estimates on the hour burdens:

(a) respondents will spend approximately one hour annually on recordkeeping:

$$8,500 \text{ respondents} \times 1 \text{ recordkeeping requirement/annum} \times 1 \text{ hour} = 8,500 \text{ hours}$$

(b) respondents will spend from 12 to 24 hours, or an average of 18 hours to prepare and document test results to support the Supplier’s Declaration or Conformity (SDoC) authorization.

$$8,500 \text{ respondents submitting a “one-time” SDoC} \times 18 \text{ hours/submission} = \mathbf{153,000 \text{ hours}}$$

Total Burden Hours: 8,500 + 153,000 = 161,500 hours

13. The cost to a respondent is estimated to be approximately \$2,000 for a test report.

This burden is imposed only once in the life of the equipment, unless it is modified electrically at which time new testing is required to establish compliance with the Commission’s Rules. The annual cost following initial verification of compliance is considered insignificant.

- (a) Total annualized capital/startup costs: None
- (b) Total annual costs (O&M): None
- (c) Total annualized cost requested: **\$17,000,000**

8,500 “one-time” SDoC test submission x 2,000/test = \$17,000,000

Total Cost = **\$17,000,000**

14. Cost to the Federal Government is considered insignificant, since this is a primarily a recordkeeping requirement.

Manufacturers and suppliers are required to submit information to the Commission only on an occasional basis, *i.e.* when the Commission is trying to determine if a marketed device complies with FCC technical standards, or if the information is requested as part of a routine sampling of marketed equipment using the RF spectrum.

15. This collection involves a Supplier’s Declaration of Conformity procedure change after the adoption of FCC 22-84. This is a revision to the information collection request resulting in a program/adjustment change. The program change (effect of the rules) is that the eligibility restrictions will result in 167 fewer applicants resulting in a decrease to the total respondents from 8,338 to 8,171 (-167). However, continued growth in participation in the program will result in a re-adjustment of 496 new applicants reflecting an increase to the total respondents from 8,171 to 8,500 (+496), total responses 16,675 to 17,000 (+325), and total annual burden hours from 158,422 to 161,500 (+3,078).

An adjustment was made to the annual cost due to the widespread availability of testing entities, competitive nature of these services, and testing scenarios that are less complex, on average, than had been originally estimated by the Commission. The cost estimate is being reduced by \$ 2,000 from \$4,000 per application (-\$ 2,000) resulting in a decrease total annual cost of \$ 33,352,000 to \$17,000,000 (-\$16,352,000).

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

17. There is no form; therefore, the expiration date requirement is not applicable. All data collected should be comparable to data collected for the Form 731, which is approved under information collection 3060-0057.

18. There are no exceptions to the Certification Statement.

B. Collection of Information Employing Statistical Methods.

Collection of information does not employ statistical methods.