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## SUPPORTING STATEMENT

**A. Justification:**

1. On April 15, 2004, the Commission adopted a *Third Report and Order*, Review of Part 15 and Other Parts of the Commission's Rules, ET Docket No. 01-278, FCC 04-98, which adopted regulations to allow for operation of improved radio frequency identification (RFID) systems in the 433.5-434.5 MHz (433 MHz).

RFID systems use radio signals to track and identify items such as shipping containers and merchandise in stores. A system typically consists of a tag mounted on the item to be identified, and a transmitter/receiver unit that interrogates the tag and receives identification data back from the tag. The tag may be a self-powered transmitter, or it may receive power from the interrogating transmitter and re-radiate an RF signal to the receiver.

The improved RFID systems could benefit commercial shippers and have significant homeland security benefits by enabling the entire contents of shipping containers to be easily and immediately identified, and by allowing a determination of whether tampering with their contents has occurred during shipping.

Grantees of Certification for 433 MHz RFID equipment are required to register the location of the devices it markets with the Commission. The information the grantee must supply to the Commission when registering the devices includes the following:

- (a) the name, address, and other pertinent contact information of users,
- (b) the address and geographic coordinates of the operating location, and
- (c) the FCC identification number(s) of the equipment.

The users are responsible for submitting updated information in the event the operating location or other information changes after the initial registration. The registration information must be submitted to the Commission's Office of Engineering and Technology (OET), which disseminates the information to the Federal Government through via the National Telecommunications and Information Administration (NTIA), ~~and to other Federal agencies.~~

The Commission has authority for this information collection pursuant to § 4(i), 301, 302, 303(e), 303(f) and 303(r) of the Communications Act of 1934, as amended, 47 USC § 154(i), 301, 302, 303(e), 303(f) and 303(r).

As noted on the OMB Form 83-I, this information collection does not affect individuals or household; thus, there are no impacts under the Privacy Act.

2. The Commission requires the grantee to obtain equipment authorization pursuant to the certification procedure in Part 2 of the Commission's rules, 47 CFR Part 2. The Part 2 certification procedure requires submission of FCC Form 731, "Application for Equipment Authorization." This collection of information is approved under OMB Control Number 3060-0057.

The grantee of an equipment authorization for a 433 MHz RFID is also required to inform purchasers of the locations where the devices may and may not be used. The systems will be limited to commercial and

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industrial areas such as ports, rail terminals and warehouses, and they may not be used within 40 kilometers of the five Federal Government radar sites specified in Section 15.240 of the Commission's rules, 47 CFR § 15.240.

Furthermore, operations under Section 15.240 of the Commission's rules will be restricted to devices that use radio frequency energy to identify the contents of commercial shipping containers. Two way operations will be permitted to interrogate and to load data into devices. Devices operated pursuant to the provisions of this section of the rules shall not be used for voice communications.

3. The FCC Form 731 and exhibits are submitted electronically to the Commission or on paper if the respondent requests a special waiver. Respondents at their discretion, submit requests for equipment authorization to the Telecommunication Certification Body (TCB) which allows private sector and foreign approval of equipment for marketing.

Electronic submission of applications to the Commission has been determined to be the most efficient means of facilitating data base information, corresponding with a TCB and the applicant, if required, and providing information on authorized equipment to the general public.

The "Radio Frequency Identification Equipment" information may be filed as an informal application, normally by the Grantee, and shall contain the following information:

- (a) name, address and other pertinent contact information of users,
  - (b) the address and geographic coordinates of the operating location, and
  - (c) the FCC identification number(s) of the equipment, as specified in Section 15.240 of the Commission's rules.
4. The FCC is the only agency that authorizes RFID equipment, therefore no duplication of effort exists.
5. The collection of information may or may not have a significant impact on small businesses or other small entities. Because the rules are intended to minimize the potential for interference to authorized services in the 433 MHz band, it is not possible to exempt small entities from complying with any requirements without increasing the risk of harmful interference.

6. Respondents will file FCC Form 731 "on occasion, as necessary." There is ~~also an~~ no third party filing requirement, ~~since Grantees of Certification for 433 MHz RFID equipment will file with the Commission, which will then disseminate the information through the National Telecommunications and Information Administration (NTIA) and to other Federal agencies.~~

The collection of information is necessary to ensure that a data base of information for all 433 MHz RFID (system of records?) equipment is kept on file. Furthermore, the data are required to improve homeland security and inventory control at commercial facilities, and prevent harmful interference to Federal Government radar sites.

7. The collection of information will not be conducted in any manner known to be inconsistent with the guidelines stipulated in 5 CFR §1320.6.

8. The Commission ~~placed~~ published a Notice in the *Federal Register* pursuant to 5 CFR § 1320.8 on December 20, 2007 (72 FR 72356), ~~a copy of which is attached~~. The Commission did not receive any

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comments following publication of the Notice. A copy of the notice is included in this submission to the OMB.

9. The Commission will not provide any payment or gift to respondents.

10. Information on the users and locations of radio frequency identification systems will be submitted to the Commission pursuant to 47 CFR §15.240 and will be made available to other Federal Government agencies but will not otherwise be made available for inspection. This information is automatically afforded confidential treatment pursuant to 47 CFR § 0.457(d)(1)(vii).  
~~If the respondent wishes confidential treatment of their information, they may request that The regulations are established under 47 CFR §0.459 of the Commission's rules.~~

11. No questions of a sensitive nature are applicable.

12. The burden is calculated for 10 respondents.

The burden is imposed only once, when the RFID equipment is registered. The data necessary for registering the device are generally known by the respondent.

The time required is for the respondent to provide the following information: name, address and other pertinent contact information of users, the address and geographic coordinates of the operating location, and the FCC identification number(s) of the equipment.

The time estimated to provide the above information is estimated to be 2 hours on average. The information shall be submitted to the following address:

Experimental Licensing Branch  
 Office of Engineering and Technology  
 Federal Communications Commission  
 445 12<sup>th</sup> Street, S.W.  
 Washington, DC 20554  
 Attn: RFID Registration

Registration Information

10 respondents x 1 hour per response = 10 hours

~~Application for Equipment Authorization (FCC Form 731)~~

~~10 respondents x 1 hour per response = 10 hours~~

**Total Number of Respondents: 10 respondents.**

**Total Number of Responses Annually: 20 responses.**

10 respondents x 2 hours per response ~~responses~~ (registration information ~~and FCC Form 731~~) = **20 responses.**

**Total Annual Hourly Burden: 10 respondents x 20 hours = 200 hours.**

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**13. Total Annual Costs:**

- (a) Total annualized capital/startup costs: None.
- (b) Total annual costs (O&M): None.
- (c) Total annualized cost requested: **None.**

14. The cost to the federal government is estimated on the registration information. The registration information will be completed in-house by an Information Technician at an approximate grade of GS-07 step 5 at approximately \$30 per hour.

The Information Technician will spend approximately 100 hours of work time per year on the information collection.

$$\begin{array}{r} 100 \text{ annual hours} \times \$30 \text{ per hour} = \$3,000 \\ 30 \% \text{ Overhead} = \underline{\$900} \end{array}$$

**Total Cost to the Federal Government: \$3,900**

15. ~~This is an extension of a currently approved information collection.~~—The 2004 supporting statement and this supporting statement correctly reflects the number of responses. However, 200 responses were reported in 2004 on the OMB 83i. It should have been 20 responses. With this submission, the Commission is reporting more accurate estimates.

16. The information and data will not be published or otherwise reported to the public.

17. ~~Registration information will be filed as informal requests, therefore no form is required.~~—This information collection is contained in FCC rules, therefore, the Commission is not seeking a waiver to not display the OMB expiration date. The Commission publishes a comprehensive list of OMB-approved information collections in 47 CFR 0.408.

18. There are ~~no~~ exceptions to the certification statement identified in Item 19 of the OMB Form 83-I. When the Commission published the 60 day notice, we incorrectly reported 200 responses rather than 20 responses. With this submission, we are reporting more accurate estimates.

**B. Collection of Information Employing Statistical Methods:**

This collection of information does not employ statistical methods.