

§ 2.904 Notification.

(a) Notification is an equipment authorization issued by the Commission whereby the applicant makes measurements to determine that the equipment complies with the appropriate technical standards and reports that such measurements have been made and demonstrate the necessary compliance. Submittal of a sample unit or representative data to the Commission demonstrating compliance is not required unless specifically requested by the Commission pursuant to § 2.936, § 2.943 or § 2.945.

(b) Notification attaches to all items subsequently marketed by the grantee which are identical, as defined in § 2.908, to the sample(s) tested and found acceptable by the grantee.

(c) Permissive changes or other variations authorized by the Commission to equipment under the notification procedure shall be made in accordance with the restrictions contained in § 2.977.

(d) For equipment which requires a grant of notification, authorization under type acceptance, type approval, or certification shall be deemed to constitute authorization of the equipment under notification.

[48 FR 3621, Jan. 26, 1983, as amended at 49 FR 3996, Feb. 1, 1984]

§ 2.905 Type acceptance.

(a) Type acceptance is an equipment authorization issued by the Commission for equipment to be used pursuant to a station authorization. Type acceptance is based on representations and test data submitted by the applicant.

(b) Type acceptance attaches to all units subsequently marketed by the grantee which are identical (See § 2.908) to the sample tested except for permissive changes or other variations authorized by the Commission pursuant to § 2.1001.

[39 FR 5919, Feb. 15, 1974; 39 FR 8617, Mar. 6, 1974, as amended at 39 FR 27802, Aug. 1, 1974]

§ 2.906 Declaration of Conformity.

(a) A Declaration of Conformity is a procedure where the responsible party, as defined in § 2.909, makes measurements or takes other necessary steps

to ensure that the equipment complies with the appropriate technical standards. Submittal of a sample unit or representative data to the Commission demonstrating compliance is not required unless specifically requested pursuant to § 2.1076.

(b) The Declaration of Conformity attaches to all items subsequently marketed by the responsible party which are identical, as defined in § 2.908, to the sample tested and found acceptable by the responsible party.

[61 FR 31045, June 19, 1996]

§ 2.907 Certification.

(a) Certification is an equipment authorization issued by the Commission for equipment designed to be operated without individual license under Parts 15 and 18 of its rules, based on representations and test data submitted by the applicant.

(b) Certification attaches to all units subsequently marketed by the grantee which are identical (see § 2.908) to the sample tested except for permissive changes or other variations authorized by the Commission pursuant to § 2.1043.

[39 FR 5919, Feb. 15, 1974, as amended at 39 FR 27802, Aug. 1, 1974]

§ 2.908 Identical defined.

As used in this subpart, the term *identical* means identical within the variation that can be expected to arise as a result of quantity production techniques.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[46 FR 23249, Apr. 24, 1981]

§ 2.909 Responsible party.

The following parties are responsible for the compliance of radio frequency equipment with the applicable standards:

(a) In the case of equipment which requires the issuance by the Commission of a grant of equipment authorization, the party to whom that grant of authorization is issued (the grantee) If the radio frequency equipment is modified by any party other than the grantee 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) In the case of equipment subject to authorization under the verification procedure, the manufacturer or, in the case of imported equipment, the importer. If subsequent to manufacture and importation, the radio frequency equipment is modified by any party not working under the authority of the responsible party, the party performing the modification becomes the new responsible party.

(c) In the case of equipment subject to authorization under the Declaration of Conformity procedure:

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

(2) If the equipment, by itself, is subject to a Declaration of Conformity and that equipment is imported, the importer.

(3) Retailers or original equipment manufacturers may enter into an agreement with the responsible party designated in paragraph (c)(1) or (c)(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.

(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 labelled, following the specifications in § 2.925(d), with the following: "This product has been modified by [insert name, address and telephone number of

the party performing the modifications]."

[54 FR 17712, Apr. 25, 1989, as amended at 61 FR 31045, June 19, 1996; 62 FR 10470, Mar. 7, 1997; 62 FR 41880, Aug. 4, 1997]

APPLICATION PROCEDURES FOR EQUIPMENT AUTHORIZATIONS

§ 2.911 Written application required.

(a) An application for equipment authorization shall be filed on a form prescribed by the Commission.

(b) Each application shall be accompanied by all information required by this subpart and by those parts of the rules governing operation of the equipment, and by requisite test data, diagrams, etc., as specified in this subpart and in those sections of rules whereunder the equipment is to be operated.

(c) Each application including amendments thereto, and related statements of fact required by the Commission, shall be personally signed by the applicant if the applicant is an individual; by one of the partners if the applicant is a partnership; by an officer, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association: *Provided, however,* That the application may be signed by the applicant's authorized representative who shall indicate his title, such as plant manager, project engineer, etc.

(d) Technical test data shall be signed by the person who performed or supervised the tests. The person signing the test data shall attest to the accuracy of such data. The Commission may require such person to submit a statement showing that he is qualified to make or supervise the required measurements.

(e) The signatures of the applicant and the person certifying the test data shall be made personally by those persons on the original application; copies of such documents may be conformed. Signatures and certifications need not be made under oath.