



Federal Communications Commission
Washington, D.C. 20554

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DA 13-787

Small Entity Compliance Guide

Part 15 Operations in the 76-77 GHz Band

Report and Order
FCC 12-72
ET Docket No. 11-90 and 10-28
RM-11555
Released: July 5, 2012

This Guide is prepared in accordance with the requirements of Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It is intended to help small entities—small businesses, small organizations (non-profits), and small governmental jurisdictions—comply with the new rules adopted in the above-referenced FCC rulemaking docket(s). This Guide is not intended to replace the rules and, therefore, final authority rests solely with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small entities, the coverage may not be exhaustive. This Guide may, perhaps, not apply in a particular situation based upon the circumstances, and the FCC retains the discretion to adopt approaches on a case-by-case basis that may differ from this Guide, where appropriate. Any decisions regarding a particular small entity will be based on the statute and regulations.

In any civil or administrative action against a small entity for a violation of rules, the content of the Small Entity Compliance Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. Interested parties are free to file comments regarding this Guide and the appropriateness of its application to a particular situation; the FCC will consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The FCC may decide to revise this Guide without public notice to reflect changes in the FCC's approach to implementing a rule, or to clarify or update the text of the Guide. Direct your comments and recommendations, or calls for further assistance, to the FCC's Consumer Center:

**1-888-CALL-FCC (1-888-225-5322)
TTY: 1-888-TELL-FCC (1-888-835-5322)
Fax: 1-866-418-0232
fccinfo@fcc.gov**

Part 15 Operations in the 76-77 GHz Band **Compliance Requirements**

1. Objectives of the Proceeding

In the *Report and Order* in this proceeding, the FCC adopts rule modifications for vehicular radar operations in the 76-77 GHz band. Also in this *Report and Order*, the Commission adopts rules that allow fixed radar applications in the 76-77 GHz band at airport locations. The FCC takes these actions in response to petitions for rulemaking filed by Toyota Motor Corporation and Era Systems Corporation. The FCC actions in this proceeding will provide more efficient use of spectrum, and enable the automotive and aviation industries to develop enhanced safety measures for drivers and the general public. These actions provide opportunities for small businesses to develop new types of communication devices and services. The rules adopted include many safeguards to prevent harmful interference to incumbent communications services. Moreover, the FCC will closely oversee the development and introduction of these devices to the market and will take whatever actions may be necessary to avoid, and if necessary correct, any interference that may occur. Further, the FCC will consider in the future any changes to the rules that may be appropriate to provide greater flexibility for development of this technology and better protect against harmful interference to incumbent communications services.

2. General Information

Part 15 of the FCC rules contains the technical requirements for radio frequency (RF) devices that may be operated without an individual license. All Part 15 devices are required to accept harmful interference from other authorized operations, and are prohibited from causing harmful interference to other authorized operations. 47 C.F.R. § 15.1(b). The requirements in Part 15 also include radiated and power line conducted emission limits for intentional and unintentional radiators.

Intentional radiators are devices that intentionally generate and emit RF energy, *i.e.*, transmitters. Examples of Part 15 intentional radiators include cordless telephones, remote control transmitters, remote utility meter readers, and wireless local area networking equipment. Part 15 intentional radiators must be certified by the FCC or a designated Telecommunication Certification Body (TCB) before they can be imported into or marketed within the United States.

Unintentional radiators are devices that intentionally generate, but do not intentionally emit, RF energy. Examples of Part 15 unintentional radiators include radio receivers, computers and TV interface devices such as DVD players, cable and satellite boxes. Most unintentional radiators can be authorized through a self-approval process in which the manufacturer has the equipment tested to ensure it complies with the Part 15 rules, but does not have to obtain certification through the FCC or a TCB. However, scanning receivers and radar detectors are required to be certified before they can be imported into or marketed within the United States.

3. What are the compliance requirements that apply to all Part 15 operations in the 76-77 GHz band radars?

- The devices operating under these provisions must comply with the RF safety requirements specified in §§ 1.1307(b), 2.1091 and 2.1093.
- In-band power must comply with the limits in § 15.253(d).
- Out-of-band emissions must comply with the limits in § 15.253(e).
- The devices operating under these provisions must be labeled with an FCC identification number as required by § 2.925 and the statement required by § 15.19(a)(3) indicating that the device complies with Part 15 of the rules, may not cause harmful interference and must accept any interference received.
- The devices operating under these provisions must provide information to the user as specified in § 15.21.
- Applications for equipment authorization of devices operating under these provisions must contain a statement confirming compliance with these requirements for both fundamental emissions and unwanted emissions. *See* § 15.253(g).

4. What are additional compliance requirements that apply to fixed Part 15 operations in the 76-77 GHz band?

- Fixed radar operation is limited to airport locations only.
- The fixed radar devices operating under these provisions should not illuminate any public vehicle access areas.

5. What are the certification approval requirements for devices operating under these provisions?

All devices operating under these provisions must be certified by the FCC before they can be imported into or marketed within the United States. Please refer to 47 C.F.R. § 2.901, for information on the equipment certification procedures.

6. What are the penalties for non-compliance with the rules?

- Willful or repeated violations of the FCC's equipment authorization, importation and marketing rules, including but not limited to operation of communications equipment that does not comply with one or more of those rules, can result in forfeitures of up to \$16,000 for each violation or each day of continuing violation, up to a maximum of \$112,500. *See* § 1.80 of the FCC rules. Individuals or organizations may also be subject to criminal penalties under Title 18 of the U.S. Code. FCC field personnel, working in conjunction with the Attorney General of the United States, may seize illegal equipment. *See* 47 U.S.C § 510(b).

7. What if I have further questions on the rules for Part 15 operations in 76-77 GHz band?

The FCC maintains a web-based system that is used to submit inquiries to its Laboratory, as well as to search for previous rule interpretations and frequently asked questions. This system, called the OET Knowledge DataBase (KDB), can be accessed at www.fcc.gov/labhelp.

8. Where can I find the Part 15 rules and information for the 76-77 GHz band?

Part 15 rules: 47 C.F.R. Part 15.

FCC order adopting the Part 15 rules for operation in 76-77 GHz band: *Report and Order* in ET Docket No. 10-28 and 11-90, RM-11555, FCC 12-72, released July 5, 2012, 27 FCC Rcd 7880 (2012).

http://fjallfoss.fcc.gov/edocs_public/attachmatch/FCC-12-72A1.doc (Word)

http://fjallfoss.fcc.gov/edocs_public/attachmatch/FCC-12-72A1.pdf (Acrobat)

http://fjallfoss.fcc.gov/edocs_public/attachmatch/FCC-12-72A1.txt (Text)

Equipment authorization information:

<http://www.fcc.gov/oet/ea/>