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emissions, and is not binding on the Commission or any interested party.

(4) For purposes of analyzing portable transmitting devices under the occupational/controlled criteria, the time-averaging provisions of the MPE guidelines identified in § 1.1310 of this chapter can be used in conjunction with typical maximum duty factors to determine maximum likely exposure levels.

(5) Time-averaging provisions of the MPE guidelines identified in § 1.1310 of this chapter may not be used in determining typical exposure levels for portable devices intended for use by consumers, such as hand-held cellular telephones, that are considered to operate in general population/uncontrolled environments as defined above. However, “source-based” time-averaging based on an inherent property or duty-cycle of a device is allowed. An example of this would be the determination of exposure from a device that uses digital technology such as a time-division multiple-access (TDMA) scheme for transmission of a signal. In general, maximum average power levels must be used to determine compliance.


Subpart K—Importation of Devices Capable of Causing Harmful Interference

§ 2.1202 Exclusions.

The provisions of this section do not apply to the importation of:

(a) Cameras, musical greeting cards, quartz watches and clocks, modules of quartz watches and clocks, hand-held calculators and electronic games, and other similar unintentional radiators which utilize low level battery power and which do not contain provisions for operation while connected to AC power lines.

(b) Unintentional radiators which are exempted from technical standards and other requirements as specified in § 15.103 of this chapter.

(c) Radio frequency devices manufactured and assembled in the U.S.A. that meet applicable FCC technical standards and which have not been modified or received further assembly.

(d) Radio frequency devices previously properly imported that have been exported for repair and re-imported for use.

(e) Subassemblies, parts, or components of radio frequency devices unless they constitute an essentially completed device which requires only the addition of cabinets, knobs, speakers, or similar minor attachments before

marketing or use. Form 740 information will be required to be submitted for computer circuit boards that are actually peripheral devices as defined in §15.3(r) of this chapter and all devices that, by themselves, are subject to FCC marketing rules.  

§ 2.1203 General requirement for entry into the U.S.A.  

(a) No radio frequency device may be imported into the Customs territory of the United States unless the importer or ultimate consignee, or their designated customs broker, declares that the device meets one of the conditions for entry set out in this section.  

(b) A separate declaration shall be used for each line item in the entry or entry summary containing an RF device, or for each different radio frequency device within a line item when the elements of the declaration are not identical.  

(c) Failure to properly declare the importation category for an entry of radio frequency devices may result in refused entry, refused withdrawal for consumption, required redelivery to the Customs port, and other administrative, civil and criminal remedies provided by law.  

(d) Whoever makes a declaration pursuant to §2.1203(a) must provide, upon request made within one year of the date of entry, documentation on how an imported radio frequency device was determined to be in compliance with Commission requirements.  

§ 2.1204 Import conditions.  

(a) Radio frequency devices may be imported only if one or more of these conditions are met:  

(1) The radio frequency device has been issued an equipment authorization by the FCC.  

(2) The radio frequency device is not required to have an equipment authorization and the device complies with FCC technical administrative regulations.  

(3) The radio frequency device is being imported in quantities of 4,000 or fewer units for testing and evaluation to determine compliance with the FCC Rules and Regulations, product development, or suitability for marketing. The devices will not be offered for sale or marketed.  

(i) Prior to importation of a greater number of units than shown in paragraph (a)(3) of this section, written approval must be obtained from the Chief, Office of Engineering and Technology, FCC; and  

(ii) Distinctly different models of a device and separate generations of a particular model under development are considered to be separate devices.  

(4) The radio frequency device is being imported in limited quantities for demonstration at industry trade shows and the device will not be offered for sale or marketed. The phrase “limited quantities,” in this context means:  

(i) 200 or fewer units, provided the product is designed solely for operation within one of the Commission’s authorized radio services for which an operating license is required to be issued by the Commission; or  

(ii) 10 or fewer units for all other products.  

(iii) Prior to importation of a greater number of units than shown above, written approval must be obtained from the Chief, Office of Engineering and Technology, FCC.  

(iv) Distinctly different models of a product and separate generations of a particular model under development are considered to be separate devices.  

(5) The radio frequency device is being imported solely for export. The device will not be marketed or offered for sale in the U.S., except:  

(i) If the device is a foreign standard cellular phone solely capable of functioning outside the U.S.  

(ii) If the device is a multi-mode wireless handset that has been certified under the Commission’s rules and a component (or components) of the handset is a foreign standard cellular phone solely capable of functioning outside the U.S.  

(6) The radio frequency device is being imported for use exclusively by the U.S. Government.