

**Title: Broadcast Station Annual Employment Report,
FCC Form 395-B**

SUPPORTING STATEMENT

A. Justification:

1. FCC Form 395-B, the “Broadcast Station Annual Employment Report,” is a data collection device used by the Commission to assess industry employment trends and provide reports to Congress. By the form, broadcast licensees and permittees identify employees by gender and race/ethnicity in nine specified major job categories.

In Review of the Commission's Broadcast and Cable Equal Employment Opportunity Rules and Policies, MM Docket No. 98- 204, Third Report and Order and Fourth Notice of Proposed Rulemaking, 19 FCC Rcd 9773 (2004), the Commission adopted the subject form. A copy of the Order is attached.

The Commission is requesting an extension of this information collection in order to receive the full three year approval/clearance by OMB.

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

Statutory authority for this collection of information is contained in Section 154(i) of the Communications Act of 1934, as amended.

2. The FCC staff use these data to assess broadcast industry employment trends and to report to Congress.

3. The Commission formerly created the capability of filing the Form 395-B electronically, and plans to create the same capability for any new versions of this form and make electronic filing mandatory. Paper-filed copies of the form will be accepted only if accompanied by an appropriate request for waiver of the electronic filing requirement. Waivers are not routinely granted, and filers must plead with particularity the facts and circumstances warranting grant of the waiver.

4. Similar employee profile data are collected by the Joint Reporting Committee of the EEOC from most firms with 100 or more employees (EEO-1).

5. The Commission has minimized the burden on small businesses by not requiring that broadcast licensees and permittees of stations in units with fewer than five full-time employees file Form 395-B; but, if they voluntarily choose to file, to fill out only the identification and certification portions of the form.

6. This information is collected on an annual basis, to monitor the broadcast industry's employment trends.

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7. Broadcasters are required to file FCC Form 395-B once per annum with the FCC. There is no records retention requirement for this form.
8. The Commission published a Notice in the Federal Register on October 25, 2007 (72 FR 60668). No comments were generated as a result of the Notice.
9. No payment or gift was provided to the respondents.
10. Whether the form will be confidential will be determined in a pending Commission rulemaking.
11. No collection of information in the subject areas specified by OMB.
12. We estimate that 14,000 broadcast licensees and permittees will each file FCC Form 395-B. The average burden on a licensee or permittee is 53 minutes (0.88 hours) per report. This estimate is based on FCC staff's knowledge and familiarity with the availability of the data required.

Total number of annual respondents: 14,000 broadcast licensees and permittees

Total number of annual responses: 14,000 FCC Form 395-B filings

Total annual burden hours:

14,000 FCC Form 395-B filings x 0.88 hours/filing = **12,320 hours**

Annual "In-house costs:" We assume that the broadcast licensees and permittees would each have a human resources employee who would fill out the FCC Form 395-B. This human resources employee is estimated to have an average salary of \$ 22.71 per hour.

Total "In house" costs: 14,000 filings x 0.88 hours/filing x \$ 22.71/hour = **\$279,787.20**

13. Annualized Hour Cost to the Respondents:

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

14. Cost to the Federal Government: We estimate 4,200 Forms 395-B will be filed from licenses and permittees of stations in units with fewer than 5 full-time employees, with an average

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processing time of 10 minutes (0.166 hours). In addition, we estimate 9,800 Forms 395-B will be filed by licensees and permittees of stations in units with 5 or more full-time employees, with an average processing time of one hour. Staff at the GS-9 step 5 (\$26.13/hour) will process these applications.

4,200 applications x 0.166 hour/application x \$26.13/hour	= \$ 18,217.84
9,800 applications x 1 hour x \$26.13/hour	= <u>\$256,074.00</u>
Total Cost to the Government:	\$274,291.84

15. There are no program changes or adjustments to this information collection.

16. Once each year, a final report will be published by the FCC with broadcast data showing compilations and a brief summary for the report year.

17. The Commission requests an extension of the waiver not to publish the expiration date on this form. OMB approval of the expiration date of the information collection will be displayed at 47 CFR § 0.408.

18. There are no exceptions to the Certification Statement in Item 19 of OMB Form 83-I.

B. Collections of Information Employing Statistical Methods:

This information collection does not employ any statistical methods.