

SUPPORTING STATEMENT

A. Justification:

1. The Federal Communications Commission ("Commission") is requesting a three-year extension of the information collection titled, "Mitigation of Orbital Debris," under OMB Control No. 3060-1013. The Commission has adjusted the burden hours due to an error on the OMB 83i when this submission was approved in 2005. See item 15 for full explanation.

General Information:

Orbital debris consists of artificial objects orbiting the Earth that are not functional spacecraft. It consists of a wide range of non-functioning man-made objects that have been placed in the Earth's orbit, both accidentally and on purpose. Orbital debris consists of small objects such as paint flakes, discarded lens caps, ejected bolts and pieces of debris from exploded spacecraft and rocket bodies. Since human activity in space began, there has been a steady growth in the number and total mass of orbital debris. Once created, debris remains in orbit indefinitely, absent other forces. Growth in the orbital debris population may limit the usefulness of space for communications and other uses in the future by raising the costs and lowering the reliability of space based systems. Furthermore, the effects of collisions involving orbital debris can be catastrophic and may cause significant damage to functional spacecraft or to persons or property on the surface of the Earth, if the debris re-enters the Earth's atmosphere in an uncontrolled manner.

Rulemaking:

In April 2005, the Commission received OMB approval of the information collection requirements in the Second Report and Order as summarized below. This Supporting Statement does not contain any new or modified information collection requirements.

In order to reduce the creation of orbital debris, the Federal Communications Commission ("Commission") released a Second Report and Order, "In the Matter of Mitigation of Orbital Debris," IB Docket Number 02-54, FCC 04-130 on June 21, 2004. As part of the Second Report and Order, a satellite system operator requesting FCC space station authorization, or an entity requesting a Commission ruling for access to a non-U.S.-licensed space station under the Commission's satellite market access procedures, must submit an orbital debris mitigation plan to the Commission regarding spacecraft design and operation as part of its request. For commercial operators, this requirement is added to the technical information that is already required under Section 25.114 of the Commission's rules in support of an application for space station authorization. For applications for authority for experimental and amateur space stations, information about the space station's orbital debris mitigation plans is added to the information already required under Section 5.63. [Experimental] and Section 97.202(g) [Amateur] of the Commission's rules.

The Second Report and Order reduced information collection requirements for all licensees,

including small businesses, by amending FCC rules to provide automatic authorization for certain satellite maneuvers, such as qualifying orbit-raising maneuvers or end-of-life disposal maneuvers that previously required licensees to apply for prior FCC authorization.

Commercial remote sensing satellites are subject to regulation by both National Oceanic and Atmospheric Administration (NOAA) and the FCC. Because NOAA already examines the post-mission disposal of remote sensing satellites pursuant to the Land Remote Sensing Policy Act of 1992 (Remote Sensing Act), the Second Report and Order does not require submission of the post-mission disposal plans of commercial remote sensing satellite applicants. Nonetheless, with respect to elements of debris mitigation other than post-mission disposal for which NOAA has not received information necessary for review and approval, the Second Report and Order requires remote sensing satellite applicants to submit such information as part of an application for Commission authority. The Commission will review any such aspects of a remote sensing applicant's debris mitigation plans that are outside the scope of NOAA review. The notification and filing requirements accounted for in this collection for non-NOAA licensed spacecraft are not duplicated elsewhere. Similar information for non-NOAA licensed satellites is not available elsewhere.

As noted on the OMB Form 83-1, this information collection does not affect individuals or households; thus, there are no impacts under the Privacy Act.

Information collected during the Commission's authorization process will be used by Commission staff in carrying out the agency's duties concerning satellite communications, pursuant to Sections 1.4(i), 301, 303, 308, 309 and 310 of the Communications Act, 47 U.S.C. Sections 151,154(i), 301, 303, 308, 309, and 310.

2. Disclosure of debris mitigation plans as part of requests for FCC authorization will help preserve the United States' continued affordable access to space, the continued provision of reliable U.S. space-based services, including communications and remote sensing satellite services, for U.S. commercial, government, and homeland security purposes as well as the continued safety of persons and property in space and on the surface of the Earth. Disclosure of debris mitigation plans will allow the Commission and potentially affected third parties to evaluate satellite operators' debris mitigation plans prior to the issuance of an FCC approval for communications activities in space. Disclosure may also aid in the wider dissemination of information concerning debris mitigation techniques and may provide a base-line of information that will aid in analyzing and refining those techniques. Without disclosure of orbital debris mitigation plans as part of applications for FCC authority, the Commission would be denied any opportunity to ascertain whether satellite operators are in fact considering and adopting reasonable debris mitigation practices, which could result in an increase in orbital debris and a decrease in the utility of space for communications and other uses.

3. Licensees disclosing orbital debris mitigation plans as part of their space station applications under 47 C.F.R. Part 25 may use the Commission's International Bureau Filing System (IBFS), a user-friendly, Internet-based electronic filing system. Applicants seeking experimental space station licenses under Part 5 may do so using the Experimental Licensing Branch Electronic Filing System, an Internet-based electronic filing system. Amateur applicants under Part 97 can submit information to the Commission for review via E-mail. In all cases, orbital debris mitigation plans can be included as part of the applicant's electronic filing through commercially

available software such as Microsoft Word or Excel, or Adobe Acrobat. As a result, we expect that 100 percent of all information collections under the Second Report and Order will be submitted electronically.

4. Commercial remote sensing satellites are subject to regulation by both National Oceanic and Atmospheric Administration (NOAA) and the FCC. Because NOAA already examines the post-mission disposal of remote sensing satellites pursuant to the Land Remote Sensing Policy Act of 1992 (Remote Sensing Act), the Second Report and Order does not require submission of the post-mission disposal plans of commercial remote sensing satellite applicants. Nonetheless, with respect to elements of debris mitigation other than post-mission disposal for which NOAA has not received information necessary for review and approval, the Second Report and Order requires remote sensing satellite applicants to submit such information as part of an application for Commission authority. The Commission will review any such aspects of a remote sensing applicant's debris mitigation plans that are outside the scope of NOAA review. The notification and filing requirements accounted for in this collection for non-NOAA licensed spacecraft are not duplicated elsewhere. Similar information for non-NOAA licensed satellites is not available elsewhere.

In addition, the Commission does not intend to review the debris mitigation plans of space stations that certify that their plans in this matter are subject to direct and effective regulatory control by another U.S. government entity, such as the Federal Aviation Administration (FAA) or the National Aeronautical and Space Administration (NASA), or by another country's national licensing authority.

5. The Second Report and Order affected satellite operators. The Commission has not developed a definition of small entities applicable to satellite operators. Therefore, the application definition of small entity is generally the definition under the Small Business Act (SBA) rules applicable to satellite telecommunications. This definition provides that a small entity is expressed as one with \$12.5 million or less in annual receipts. 1997 Census Bureau data indicate that, for 1997, 273 firms had receipt for that year of \$10 million to \$24,999,990. Commission records also reveal that there are approximately 240 space station operators licensed by this Commission. The Commission does not request or collect annual revenue information, and thus is unable to estimate the number of licensees that would constitute a small business under the SBA definition. Small businesses may not have the financial ability to become space station licensees because of the high implementation costs associated with satellite systems and services.

The Commission concluded that the costs of disclosure are not unduly burdensome when balanced against the public interest benefits of preserving safe and affordable access to space. It is expected that small entities, including businesses with fewer than 25 employees, will have the resources to prepare and disclose orbital debris mitigation plans because the preparation and disclosure of the plans utilizes engineering and legal resources similar to those currently used in the space station licensing process. All parties requesting FCC authorization to operate a space station or a ruling to access a non-U.S.-license space station must already demonstrate under existing FCC rules that they have the technical and legal ability to conduct such operations as a prerequisite to obtaining an FCC authorization. As a result, it is expected that all parties - including small entities - will have resources available to prepare and disclose orbital debris mitigation plans. Many software tools useful in preparing orbital debris mitigation plans are available for free via the Internet such as via the orbital debris mitigation website of NASA's

Johnson Space Center (www.orbitaldebris.isc.nasa.gov).

Given the high implementation costs associated with satellite systems and services, the manufacturer or operator of the space station may not be a small business, even if the applicant requesting FCC authorization is a small business. In such a case, the manufacturer or operator of the space station will have the technical and financial means to assist applicants that are small businesses in preparing debris mitigation disclosures. Small businesses that are earth station operators have the ability, under existing streamlined FCC rules, to access space stations that are designated "ALSAT" (in the case of U.S. licensed space stations that are on the Permitted Space Station List, such as non-U.S.-licensed space stations) without the need to prepare an orbital debris mitigation disclosure. In these instances, it is the space station operator - not the earth station applicant - that supplies the technical information about the space station, including orbital debris mitigation plans.

Most elements of the orbital debris mitigation plans are reviewed on a case-by-case basis for all parties, including small entities. Under circumstances in which the Commission adopts rules in lieu of a case-by-case review, parties are permitted under existing FCC rules to seek waivers of such requirements for specific good cause shown. In addition, the Second Report and Order exempts, or "grandfathers," all in-orbit geostationary Earth orbit (GEO) satellites that were launched prior to the release of the Orbital Debris NPRM on March 18, 2002, from the minimum post-mission disposal altitude requirement that was adopted by the Commission. Comments indicated that the financial impact of the post-mission disposal rules for GEO spacecraft could be significant for this class of satellites in the absence of grandfathering.

Disclosure of orbital debris mitigation plans occurs as part of an application for FCC space station authorization or as part of a request for a Commission ruling for access to a non-U.S.-licensed space station. The timing of the filing of such an application is controlled by the applicant. Disclosure of debris mitigation plans is not an annual or otherwise periodic, reporting requirement,

The Second Report and Order reduced information collection requirements for all licensees, including small businesses, by amending FCC rules to provide automatic authorization for certain satellite maneuvers, such as qualifying orbit-raising maneuvers or end-of-life disposal maneuvers that previously required licensees to apply for prior FCC authorization.

6. The information collection requirements accounted for in this collection are necessary to mitigate the potential harmful effects of orbital debris accumulation. Without such information collection requirements, the growth in the orbital debris population may limit the usefulness of space for communications and other uses in the future by raising the costs and lowering the reliability of space-based systems. Furthermore, the effects of collisions involving orbital debris can be catastrophic and may cause significant damage to functional spacecraft or to persons or property on the surface of the Earth, if the debris re-enters the Earth's atmosphere in an uncontrolled manner.

Disclosure of orbital debris mitigation plans is not a frequent information collection. It occurs as part of an application for FCC space station authorization or as part of a request for a Commission ruling for access to a non-U.S.-licensed space station. Disclosure of debris mitigation plans is an on occasion (not an annual or otherwise periodic) reporting requirement.

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

8. On December 10, 2007, the Commission published a 60-day notice (FR cite: 72 FR 69682) in the Federal Register to solicit comments from the public. The comment period ended on February 8, 2008. No comments were received from the public with regard to the notice. A copy of the notice is referenced in this submission to the OMB.

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

10. We foresee no need for confidentiality of information contained in the applications filed with the Commission. However, respondents may opt to request for confidentiality of the information pursuant to 47 CFR Section 0.459 of the Commission's rules.

11. This collection of information does not contain questions of a sensitive nature.

12. Commission records indicate that there are approximately 240 space station operators licensed by this Commission. Based on actual filings, the Commission has received over the last three years, there are approximately 25 space station authorization applications filed per year. This number is an average and the actual number of applications may be substantially greater or less in any given year. In our experience, almost all satellite operators rely on outside legal and engineering assistance to prepare information collection requirements for the Commission. We estimate that the additional average burden on an operator to hire such outside assistance and to review disclosures of orbital debris mitigation plans as part of their space station applications will be 3 hours.

In-house burden to respondents: As discussed above, based on our experience, almost all satellite operators rely on outside legal and engineering assistance to prepare information collection requirements for the Commission. Labor hours performed by outside assistance are not considered paperwork burden hours and are instead accounted for in item #13 as costs to respondents. Labor hours performed by in-house staff to hire outside legal and engineering assistance, and to review their work product are considered paperwork burden hours and the burden for these hours is as follows:

25 applications per year for U.S. space station authorization under Part 25 x 3 hours per disclosure = **75 hours per year**

8 applications per year to add non-U.S.-licensed space station to Permitted List x 3 hours per disclosure = **24 hours per year**

10 applications per year from U.S. earth station to communicate with non-U.S.-licensed space stations that are not on Permitted List x 3 hours per disclosure = **30 hours per year**

5 applications per year for experimental space station authorization under Part 5 x 3 hours per disclosure = **15 hours per year**

5 notifications per year of amateur space station operations under Part 97 x 3 hours per disclosure = **15 hours per year**

We estimate that the loaded hourly rate for respondents' in-house staff to complete the, information collection requirements contained in this collection is \$40 per hour. Accordingly,

159 hours per year x \$40 per hour = \$6,360.

Total annual responses for this collection: 53 responses (25 + 8 + 10 + 5 + 5)

Total annual paperwork burden for this collection: 159 hours (75 + 24 + 30 + 15 +15)

13(a). **Total capital and start up costs:**

None. We do not believe that the collection requirements in the Second Report & Order will impose significant additional capital and start up costs on respondents. The collection of information regarding each applicant's orbital debris mitigation plan will not require the purchasing of additional computers, software, or other equipment because the debris mitigation plans can be prepared using computers and software already used in satellite system design and in preparing existing applications for space station authorization. In addition, many software tools useful in preparing orbital debris mitigation plans are available for free via the Internet, such as via the orbital debris mitigation website of NASA's Johnson Space Center (www.orbitaldebris.isc.nasa.gov).

(b). Total operation and maintenance and purchase of services component:

Commission records indicate that there are approximately 240 space station operators licensed by the Commission. Approximately 25 space station authorization applications are filed with the Commission annually. Almost all satellite operators rely on outside legal and engineering assistance to prepare information collection requirements for the Commission. We estimate that the hourly rate for outside legal and engineering assistance is \$200 per hour.

We estimate that the additional burden on outside assistance to prepare disclosures of orbital debris mitigation plans as part of their space station applications will be 7 hours.

Accordingly, the additional annual cost burden to respondents resulting from the collection of information is as follows:

25 applications per year for U.S. space station authorization under Part 25 x 7 hours per disclosure = **175 hours per year;**

8 applications per year to add non-U.S.-licensed space station to Permitted List x 7 hours per disclosure = **56 hours per year;**

10 applications per year from U.S. earth station to communicate with non-U.S.-licensed space stations that are not on the Permitted List x 7 hours per disclosure = **70 hours per year;**

5 applications per year for experimental space station authorization under Part 5 x 7 hours per disclosure = **35 hours per year;** and

5 notifications per year of amateur space station operations under Part 97 x 7 hours per disclosure = **35 hours per year.**

We estimate that the hourly rate for outside legal and engineering assistance is \$200 per hour. This figure is based on a small survey of local firms in the D.C. area and is considered a conservative estimate.

53 respondents x 7 hours per response X \$200 per hour = \$74,200 total annual cost to

respondent (rounded down to \$74,000)

14. Annualized costs for work activities performed by Commission staff are expected to be minimal. Costs include the time of Commission staff, including attorneys and engineers, to review information collected from respondents and to consider possible comments on these plans from other potentially interested parties. No additional overhead or support staff will be required that would not have been already incurred without this collection of information. Minimal additional printing and publication expenses will be required to provide public notice of the collected information, where appropriate.

The core Commission staff consists of one Attorney Advisor (GS-11 to GS-14) and one Engineer (GS 11 - GS 14) at an average rate of \$40 per hour. We anticipate that any additional information collected from respondents will be reviewed by at least one GS 11- GS 14 Attorney for 1.5 hours and one GS 11 — GS 14 Engineer for 2.0 hours. The time of review is an estimate of the average number of hours of review, and may be substantially greater or less depending on the particular collection.

We estimate our costs as follows: Submissions per year = 53. Number of average hours per submission = 3.5. Total number of hours = 185.5 hours per year. Average hourly rate = \$40.

Total annual costs = 185.5 hours x \$40 per hour = \$7,420.

15. There is an adjustment to the total annual burden hours. When the Commission submitted this IC in 2005, we had an error on the OMB 83i (however, the supporting statement was correct). With this submission, the Commission is reporting a +212 hour burden adjustment.

16. The results of this collection of information will not be published for statistical use.

17. We do not seek approval to not display the expiration date for OMB approval of the information collection.

18. The exceptions to the certification statement are referenced in item 15 above.

B. Collections of Information Employing Statistical Methods:

This information collection does not anticipate the use of statistical methods.