

SUPPORTING STATEMENT

A. Justification:

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

The Commission is requesting that current submarine cable landing licensees voluntarily provide information regarding the system status and service restoration activities for the submarine cable systems and cable landing stations and information about the physical location, assets, and restoration plans for the submarine cable systems. There are currently 50 authorized submarine cable systems, many having multiple entities on the cable landing license. (There are four pending cable landing license applications, and we anticipate conditioning grant of those licenses on compliance with this information request.) We expect to request this information from approximately 25 different entities because, in many cases, the same entity is a licensee for more than one submarine cable system. We plan to contact the cable landing licensees as soon as we receive emergency PRA approval for this information request from OMB and will request that the licensees respond, at least on a preliminary basis, by May 1, 2008.

This information is needed in order to support Federal government national security and emergency preparedness communications programs, for the purposes of providing situational awareness of submarine cable system performance as well as a greater understanding of potential physical threats to the submarine cable systems. We have been working with Mark E. LeBlanc, Assistant Director for National Security and Emergency Preparedness, at the Office of Science and Technology Policy (OSTP) on this information collection on behalf of other Executive Branch agencies, at the direction of the President.

We have been in contact with AT&T and Verizon, two of the largest submarine cable operators, regarding this information request. See 5 C.F.R. § 1320.13(c). Based on our discussions, we believe the submarine cable operators already have much of this information, and will not be required to generate new information in order to comply with this request. Specifically, we request that the cable landing licensees commit to providing the following information regarding the submarine cable systems:

- a. System Status and Restoration Messages: We understand that the owner/operator of an submarine cable generates and receives messages related to the technical performance of its system. These include messages sometimes normally referred to as “international restoration” messages (though they are also done for domestic cables that traverse great distances). We need the following fields of data typically found in system status and restoration messages:
 - i. Indications of potential problems (alarms, forward error correction and frame or packet loss, changes in latency, fiber degradation);
 - ii. Potential traffic impacting/hazardous conditions/impairments (electrical and optical faults such as shunt and power conductor faults, fiber break, undersea and terrestrial component failures, terminal equipment failures, card failures, circuit pack problems, faulty switches, planned maintenance or construction, other maritime hazards);
 - iii. Impact information (affected circuits, service impact, outage duration);
 - iv. Restoration activity (ring switches, auto span switches, traffic restoration to other systems);

- v. Repair activity (fault localization, repair plans, progress, vessel activity, power reconfiguration);
- vi. Test activity - Optical time domain reflectometry (OTDR), coherent OTDR (COTDR), and other technical measurement activity for fault localization; link tests; terminal equipment tests;
- vii. Event/activity/message date/time - restoration messages produced in as near real time as possible;
- viii. Addressees - the identity of commercial or governmental recipients of each message.

We request that cable landing licensees commit to provide available information/messages to a designated and secure FCC computer system interface at the time the information is generated.

- b. Terrestrial Route Map: We request that the cable landing licensees provide after-installation information on the terrestrial route (in map form) of its cable(s) from the shore landing to the beach manhole (BMH) and from the BMH to the cable landing station, indicating the type of protection provided to the cable on the route (*e.g.*, steel pipe, concrete conduit, etc.).
- c. Undersea Location Spreadsheet: We request that cable landing licensees provide after-installation information in the form of an electronic spreadsheet of its associated route position list (RPL), detailing the position of all system components – including repeaters, joints, branching units, repair splices, burial positions, burial depth and whether the cable is armored or unarmored.
- d. Restoration Capability: We request that cable landing licensees provide information on its system restoration capability (internal and external), indicating whether the system has a Universal Restoration Manual, what type of catastrophic restoration plans (or similar plans for extreme circumstances) are in place and which other cable systems might be used for restoration.

The Commission has authority over the licensing of submarine cable landing licenses pursuant to the Act Relating to the Landing and Operation of Submarine Cables in the United States, 47 U.S.C. §§ 34-39 (Cable Landing License Act), Exec. Ord. No. 10530 reprinted as amended in 3 U.S.C. § 301, and section 1.767 of the Commission's rules, 47 C.F.R. § 1.767. *See also* Sections 1, 4i, 4j, 303r and 403 of the Communications Act of 1934, as amended (47 U.S.C. §§ 151, 154(i), 154(j), 303(r) and 403) (among other sections of the 1934 Act) providing the Commission general authority over international communications that may be carried over submarine cables. *See also* 47 C.F.R. § 1.767(g)(3) (licensees must “at all times comply with any requirements of United States government authorities regarding the location and concealment of the cable facilities, buildings, an apparatus for the purpose of protecting and safeguarding the cables from injury or destruction by enemies of the United States”).

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

2. Indicate how, by whom, and for what purpose the information is to be used.

While the Commission will be the collection point for this information, we will share it with the Departments and agencies that have direct responsibility for national and homeland security. This information is needed in order to support Federal government national security and emergency preparedness communications programs, for the purposes of providing situational awareness of submarine cable system performance as well as a greater understanding of potential physical threats to the submarine cable systems.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

All of the information to be collected will be filed electronically with a designated and secure FCC computer system interface similar to the Network Outage Reporting System (NORS) or the Disaster Information Reporting System (DIRS). NORS and DIRS are Internet-based systems that the Commission has found valuable in reducing the burdens of filing reports of, respectively, telecommunication service disruptions and collecting the information needed to determine the status of communications services affected by a major disaster. This information will only be available to authorized personnel within the Commission and the Departments and agencies that have direct responsibility for national and homeland security via electronic means. Each respondent may update its information in the database as needed using the web-based forms, but will not have access to view the entire database nor any data input by other respondents.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

This agency does not impose a similar information collection on the respondents, nor is this information otherwise available to the Federal government. The information is not available from other sources.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

The respondents are not small business or small entities.

6. Describe the consequence to federal programs or policy activities if the collection is not conducted or is conducted less frequently.

This information is needed in order to support Federal government national security and emergency preparedness communications programs, for the purposes of providing situational awareness of submarine cable system performance as well as a greater understanding of potential physical threats to the submarine cable systems. This information will provide situational awareness regarding the operational status of submarine cable systems to the Federal government, and allow the Executive Branch to assess potential risks and threats to these critical communications systems in the context of other available information.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- a) requiring respondents to report information to the agency more often than quarterly;**
- b) requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- c) requiring respondents to submit more than an original and two copies of any document;**
- d) requiring respondents to retain records for more than three years;**
- e) in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**

f) requiring the use of statistical data classification that has not been reviewed and approved by OMB;

g) that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or

h) requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

The requested information is needed in order to support Federal government national security and emergency preparedness communications programs, for the purposes of providing situational awareness of submarine cable system performance as well as a greater understanding of potential physical threats to these critical communications systems. The operational status of the submarine cable systems changes constantly and thus the information needs to be provided on a real time basis.

The information collection requests that the current submarine cable licensees first inform the Commission (in less than 30 days) whether they voluntarily commit to providing the requested information and the time frame in which they will be able to provide the information. The importance of this information to national security and emergency preparedness communications programs requires that we collect this information as soon as possible. Further, we need to know as soon as possible if a respondent will voluntarily provide the information so as to ascertain expeditiously whether a voluntary information from the current submarine cable licensees collection will provide sufficient information or if we need to consider initiating a proceeding to consider mandatory compliance with the information collection. (We anticipate conditioning the grant of the four pending and all future cable landing lincex applications on compliance with this information request.)

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format, and on data elements to be recorded, disclosed, or reported.

Given the national security considerations associated with this information request, and the time sensitivity, pursuant to 5 CFR § 1320.13(d) we requested and OMB has waived the requirement to publish notices of this information collection request in the Federal Register pursuant to 5 C.F.R. § 1320.5(a)(1)(iv). The Commission will provide the public with an opportunity to comment on this information collection request after the emergency request is approved by OMB. The Federal Register notice will be published when the Commission seeks three-year approval for this information collection from OMB.

9. Explain any decision to provide any payment or gift to respondents.

No payment or gift will be provided.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

Information provided pursuant to this request will be viewed as presumptively confidential upon submission because the information would reflect reports on weaknesses in or damage to national communications infrastructure, and the release of this sensitive information to the public could potentially facilitate terrorist targeting of critical infrastructure and key resources. The submissions also may contain internal confidential information that constitutes trade secrets and commercial/financial information that the respondent does not routinely make public and public release of the submitted information could cause competitive harm by revealing information about the types and deployment of cable equipment and the traffic that flows across the system. For these reasons, the information requested in (b) (Terrestrial Route Map) and (c) (Undersea Location Spreadsheet) above is presumptively exempt from public disclosure under Freedom of Information Act (FOIA) Exemption 3, 5 U.S.C. § 552(b)(3), and section 4(j) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(j), as implemented in 47 C.F.R. § 0.457(c)(1)(i) (exempting disclosure of “maps showing the exact location of submarine cables”). The information requested in (a) (System Status and Restoration Messages) and (d) (Restoration Capability) described above will be considered exempt under Exemption 4 of the Freedom of Information Act (FOIA), 5 U.S.C. § 552(b)(4). If a FOIA request is filed for information submitted in response to this request, the respondent whose records are the subject of the request will be notified of the FOIA request and given the opportunity to oppose release of the records. See 47 C.F.R. § 0.461(d)(3). We note that the information provided in response to this request will be shared with the Department of Homeland Security’s National Communications System (NCS) and relevant Executive Branch agencies on a confidential basis. See 44 U.S.C. § 3510.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

This collection of information does not address any private matters of a sensitive nature.

12. Provide an estimate of the hour burden of the collection of information. The statement should indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Provide estimates of annualized costs to respondents for the hour burdens for collections of information. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead this cost should be included in Item 13.

The Commission has estimated the hourly and in-house costs in the attached spreadsheet.

TOTAL NUMBER OF ANNUAL RESPONDENTS: 25

TOTAL NUMBER OF ANNUAL RESPONSES: 50 responses x 550 hours average burden per response = 27,500 total annual burden hours. See the attached spreadsheet for a breakdown of the estimated hourly burden.

TOTAL NUMBER OF ANNUAL BURDEN HOURS: 27,500 HOURS

The Commission estimates that all of the respondents would use in-house staff to perform the requirements of this IC. See the attached spreadsheet for a breakdown of the estimated in-house costs. TOTAL ANNUAL “IN-HOUSE” COST: \$1,375,000

13. Provide an estimate of the total annual cost burden to respondents resulting from the collection of information. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Do not include the cost of any hour burden shown in Item 12.

(a) Total annualized capital/startup costs: **None.**

(b) Total annual costs (O&M): **None.**

(c) Total annualized cost requested: **None, there are no outside contracting costs.**

14. Provide estimates of costs to the federal government. Provide a description of the method used to estimate costs, which should include quantification of hours, operational expenses such as equipment, overhead, printing, and support staff.

There are no costs to the Commission or other Federal government agencies beyond what we consider to be part of their normal operating costs.

15. Unless this a new collection of information, explain the reasons for any program changes or adjustments.

This is a new information collection in which the Commission is seeking emergency OMB approval resulting in +27,500 total annual burden hours.

16. For collections of information whose results will be published, outline plans for tabulation, and publication.

The data will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

OMB approval of the expiration of the information collection will be displayed.

18. Explain each exception to the certification statement identified in Item 19 "Certification for Paperwork Reduction Act Submissions" of OMB Form 83-I.

The Commission has obtained OMB approval of a waiver of the Federal Register notice requirement due to the emergency nature of this request. See item 8 of this supporting statement.

B. Collections of Information Employing Statistical Methods:

This information collection does not employ any statistical methods.