

SUPPORTING STATEMENT

A. Justification:

Part 11 contains rules and regulations addressing the nation's Emergency Alert System (EAS). The EAS provides the President with the capability to provide immediate communications and information to the general public at the national, state and local area level during periods of national emergency. The EAS also provides state and local governments and the National Weather Service with the capability to provide immediate communications and information to the general public concerning emergency situations posing a threat to life and property.

This information collection is being submitted as a revision because, in the *Second Report and Order and Further Notice of Proposed Rulemaking* in EB Docket No. 04-296, FCC 07-109, the Commission adopts rules that require states to file new EAS plans with the Commission under certain circumstances, expand the number of private entities covered by EAS, and impose new obligations on private entities. These new rules may impact currently existing paperwork collection requirements as discussed below.

In the *Second Report and Order*, the Commission adopts a rule obligating entities required to participate in EAS (EAS Participants) to accept a message using a common EAS messaging protocol, the Common Alerting Protocol v1.1 (CAP), no later than 180 days after FEMA publicly publishes its adoption of such standard; requires EAS Participants to adopt Next Generation EAS delivery systems no later than 180 days after FEMA publicly releases standards for those systems; expands the number of EAS participants by including wireline common carriers providing video programming ("wireline video systems"); and requires EAS Participants to transmit state and local EAS alerts that are originated by governors or their designees no later than 180 days after FEMA publishes its adoption of the CAP standard, provided that the state has a Commission-approved EAS state plan that provides for delivery of such alerts.

The following information collections contained in Part 11 may be impacted by these new rule amendments:

Section 11.15 requires a copy of the EAS operating handbook to be located at normal duty positions or EAS equipment locations when an operator is required to be on duty. The handbook must be immediately available to staff responsible for authenticating messages and initiating actions. Copies of the handbook are posted on the Commission's website and can be obtained at www.fcc.gov/pshs/eas/. After FEMA adopts a CAP standard, handbooks may need to be revised.

Section 11.21 requires that state and local EAS plans be reviewed and approved by the Chief, Public Safety and Homeland Security, prior to implementation to ensure that they are consistent with national plans, FCC regulations, and EAS operation. After FEMA adopts a CAP standard, EAS plans may need to be revised.

Section 11.34 requires manufacturers to include instructions and information on how to install, operate and program an EAS Encoder, EAS Decoder, or combined unit and a list of all State and county FIPS numbers with each unit sold or marketed in the U.S. This requirement would be done in the normal course of doing business. After FEMA adopts a CAP standard, instructions may need to be revised.

All EAS Participants are responsible for ensuring that EAS Encoders/Decoders and Attention Signal generating and receiving equipment used as part of the EAS are installed so that the monitoring and transmitting functions are available during the times the stations/systems are in operation. EAS Participants must determine the cause of any failure to receive the required tests or activations. When the EAS is not operating properly, section 11.35 requires appropriate entries be made in the station/system logs indicating why any tests were not received for all broadcast streams and cable systems. All other EAS Participants must also keep record indicating reasons why any tests were not received and these records must be retained for two years, maintained at the EAS Participant's headquarters, and made available for public inspection upon reasonable request.

Section 11.35 also requires that entries be made in the station/system logs, and records of other EAS Participants, when the EAS Encoder/Decoder becomes defective showing the date and time the equipment was removed and restored to service. If replacement of defective equipment is not completed within 60 days, an informal request shall be submitted to the District Director of the FCC field office. For DBS and SDARS providers, this informal request shall be submitted to the District Director of the FCC field office serving the area where their headquarters is located. This request must explain what steps have been taken to repair or replace the defective equipment, the alternative procedures being used while the defective equipment is out of service and when the defective equipment will be repaired or replaced.

Section 11.41 allows all EAS Participants to submit a written request to the FCC asking to be a Non-Participating National source. In addition, a Non-Participating National source that wants to become a Participating National source must submit a written request to the FCC.

Section 11.42 allows a communications common carrier to participate in the national level EAS, without charge. A communications common carrier rendering free service is required to file with the FCC, on or before July 31st and January 31st of each year, reports covering the six months ending on June 30th and December 31st respectively. These reports shall state what free service was rendered under this rule and the charges in dollars which would have accrued to the carrier for this service if charges had been collected at the published tariff rates if such carriers are required to file tariffs.

Section 11.43 allows entities to voluntarily participate in the national level EAS after submission of a written request to the Chief, Public Safety and Homeland Security Bureau.

Section 11.51 requires that EAS equipment be operational, ready to monitor, transmit and receive EAS electronic signals. Cable and wireless cable systems, both analog and digital, can elect not to interrupt EAS messages from broadcast stations based upon a written agreement

between all concerned. Furthermore, cable and wireless cable systems, both analog and digital, can elect not to interrupt the programming of a broadcast station carrying news or weather related emergency information with state and local EAS messages based upon a written agreement between all concerned. These written agreements are contained in state and local franchise agreements.

Section 11.51 also requires all actions to be logged when manual interruption of programming and transmission of EAS messages is used. Estimates for testing are included in the estimate for section 11.61.

Section 11.52 requires all EAS Participants to monitor two EAS sources. If the required EAS sources cannot be received, alternate arrangements or a waiver may be obtained by written request to the FCC's EAS office. In an emergency, a waiver may be issued over the telephone with a follow-up letter to confirm temporary or permanent reassignment. In addition, EAS Participants are required to interrupt normal programming either automatically or manually when they receive an EAS message in which the header code contains the event codes for emergency action notification, emergency action termination and required monthly test for their state or state/county location.

Section 11.54 requires EAS Participants to enter into their logs/records the time of receipt of an emergency alert notice and an emergency action termination messages during a national level emergency.

Section 11.55 requires EAS participants to monitor their emergency alert system upon receipt of a state or local area EAS message. Stations/systems must also enter into their logs/records the time of receipt of an emergency alert message. If an SDARS licensee or DBS provider is unable to receive and transmit state and local EAS messages, it must inform its subscribers, on its website, and in writing on an annual basis of which channels are and are not capable of supplying state and local EAS messages.

Section 11.61 requires EAS Participants to conduct periodic EAS tests. Tests of the EAS header codes, attention signal, test script and EOM code are required to be performed monthly. Tests of the EAS header codes and end of message codes are made at least once a week. National primary sources shall participate in tests as appropriate. DBS providers, Class D non-commercial educational FM stations and low power TV stations are not required to transmit this test but must log receipt of the test. The FCC may request a report of the tests of the national primary sources. In addition, entries must be made in stations/systems logs/records as previously stated.

Statutory authority for this collection of information is contained in sections 154(i) and 606 of the Communications Act of 1934, as amended.

This information collection does not affect individuals or households; thus, there are no impacts under the Privacy Act.

2. This information is used by FCC staff as part of routine inspections of EAS Participants.

Accurate recordkeeping of this data is vital in determining the location and nature of possible equipment failure on the part of the transmitting or receiving entity. Furthermore, since the national level EAS is solely for the President's use, its proper operation must be assured.

3. Automated logging devices are used by entities to record entries in the station log. In addition, EAS alerts are received electronically via advanced digital signaling equipment.
4. This agency does not impose a similar information collection on the respondents. There is no similar data available.
5. Part 11 was designed to minimize the burden for all respondents regardless of size.
6. The EAS requirements are designed to benefit the EAS Participants and the people of their community, not the federal government. Any reduction in the frequency of this activity would result in a proportional loss of benefit and would cause a delay in the detection of equipment failures that would cause the loss of national, state and local emergency messages to the public and could cause loss of life and property.
7. This collection of information is consistent with the guidelines in 5 CFR 1320.5(d)(2).
8. The Commission published a notice in the Federal Register with the release of the *First Report and Order and Further Notice of Propose Rulemaking* in EB Docket No. 04-296 on November 25, 2005 (70 FR 71072). All comments were addressed in the *Second Report and Order*. In addition, a notice inviting public comment on this information collection was published in the Federal Register on October 4, 2007 (72 FR 56759). No comments were received in response to that notice.
9. No payment or gift was provided to the respondents.
10. There is no need for confidentiality.
11. This section does not address any private matters of a sensitive nature.
12. The following is provided for burden estimates. These estimates are based on FCC staff's knowledge and familiarity with the availability of the data required. Except for the required participation of wireline video providers in the EAS, the new rules take effect only after FEMA takes certain actions; thus, these estimates reflect a potential increase in information collection requirements in the first year after FEMA takes action. In subsequent years after FEMA takes action there will be a decrease in the burden of some collections.

	<u># of Respondents</u>	<u># of Responses per Respondent</u>	<u>Total Responses</u>	<u>Burden per Response</u>	<u>Total Burden</u>	<u>Est. Hourly Wage of Respondent</u>	<u>Total Est. Cost to Respondent</u>
Section 11.15	63,000	1	63,000	0.1 hour	6,300 hours	\$38	\$239,400
Section 11.21	50 (states)	1	50	20 hours	1,000 hours	\$25	\$25,000
Section 11.34	10 (manufacturers)	1	10	20 hours	200 hours	\$25	\$5,000
Section 11.35	400	1	400	0.017 hour	7 hours	\$38	\$266
Section 11.35	300	1	300	0.5 hour	150 hours	\$38	\$5,700
Section 11.41	10	1	10	0.5 hour	5 hours	\$38	\$190
Section 11.42	10 (common carriers)	1	10	1.0 hour	10 hours	\$38	\$380
Section 11.43	10 (voluntary entities)	1	10	0.5 hour	5 hours	\$38	\$190
Section 11.51	4,373	1	4,373	0.17 hour	743 hours	\$38	\$28,234
Section 11.51	63,000	1	63,000	0.017	1,071 hours	\$38	\$40,698
Section 11.52	20	1	20	0.5 hour	10 hours	\$38	\$380
Section 11.52	5	1	5	1.0 hour	5 hours	\$38	\$190
Section 11.54	63,000	1	63,000	0.017 hour	1,071 hours	\$38	\$40,698
Section 11.55	63,000	1	63,000	0.017 hour	1,071 hours	\$38	\$40,698
Section 11.55	8	1	8	3 hours	24 hours	\$25	\$600
Section 11.61	63,000	40	2,520,000	0.017 hour	42,840 hours	\$38	\$1,627,920
Section 11.61	63,000	12	756,000	0.034 hour	25,704 hours	\$38	\$976,752
Totals	63,080		3,533,196		80,216 hours		\$3,032,296

We assume that an engineer at the station/system would be responsible for these requirements. We estimate that this engineer would have an average salary of \$38/hour.

We assume that an information officer would develop and post the notice on the web site and provide it in writing for SDARS and DBS licensees who are not capable of receiving and transmitting state and local EAS messages. We assume that the information officer would write the new state manuals and the equipment instruction manuals. We estimate that this information officer would have an average salary of \$25/hour.

13. Annual Cost Burden to the Respondent. The Commission does not anticipate that respondents will need to incur capital or start-up costs, or operation and maintenance and purchase of services costs to respond to these information collections.

14. Cost to the Federal Government: The Commission will use GS-13's (\$51.68/ hour) to process the information submitted to the Commission in connection with sections 11.21, 11.35, 11.41, 11.43, and 11.52.

50 x 6 hours x \$51.68 = \$15,504.00
300 x 0.5 hours x \$51.68 = \$7,752.00
10 x 0.5 hours x \$51.68 = \$258.40
10 x 1.0 hours x \$51.68 = \$516.80
20 x 0.5 hours x \$51.68 = \$516.80
5 x 1.0 hours x \$51.68 = \$258.40

Total Cost to the Federal Government = **\$24,806.40**

15. The program change increases in burden are due to a rule change that goes into effect once FEMA takes action, and to the required participation of wireline video providers in EAS. We estimate that the burden hour increase dependent on FEMA action will take place primarily in the first year after FEMA takes action. For example, the recordkeeping burden of maintaining the EAS operating handbook will increase slightly since EAS participants will likely need to download a revised handbook and replace the old handbook with the new (estimated program change increase of 1,008 hours); to transmit CAP-formatted EAS messages, the states must file a plan with the Commission (estimated program change increase of 800 hours); and vendors that manufacture EAS equipment must create instructions for new EAS equipment that conforms to CAP (estimated program change increase of 200 hours). We estimate that these will be one-time events for both the states and the vendors. We estimate that the number of new state plans and vendor instructions will decrease in subsequent years. With the participation of an estimated 3 wireline video providers in EAS we project a nominal increase of several hours in the total annual recordkeeping burden.

16. The data will not be published.

17. The expiration date for this collection will be displayed in a notice published in the Federal Register after OMB approves this revision.

18. When the Commission published its 60 day notice, it used the existing estimates. With this submission, we have updated and re-estimated the total number of respondents and burden hours.

B. Collections of Information Employing Statistical Methods:

No statistical methods are employed.