

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 sought and obtained emergency clearance for this information collection on April 16, 2008. The Federal Communications Commission (Commission or FCC) now requests a revision in order to obtain the full three year clearance from the Office of Management and Budget (OMB).

The Commission requests that operators of submarine cable systems whose cable landing license was granted prior to April 16, 2008 – the date of OMB approval of the Emergency PRA -- 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. In addition, the Commission requests that operators of submarine cable systems whose cable landing license was granted after April 16, 2008 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 as a condition of their cable landing license. There are currently 53 authorized submarine cable systems, many having multiple entities on the cable landing license. For the 50 submarine cable systems licensed prior to April 16, 2008, we request voluntary compliance with this information request. For the 3 submarine cable systems licensed subsequent to April 16, 2008 and any submarine cable systems licensed in the future, the Commission has conditioned or will condition grant of the license on compliance with this information request. We request this information from approximately 28 different entities because, in many cases, the same entity is a licensee for more than one submarine cable system.

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 initially contacted with AT&T and Verizon, two of the largest submarine cable operators, regarding this information request. See 5 C.F.R. § 1320.13(c). Subsequently, the Commission provided the submarine cable operators an opportunity to comment on this information collection request by having informal discussions with them and by inviting them to a meeting held at the Commission's headquarters on May 13, 2008. Based on our discussions, we believe the submarine cable operators already have much of this information, and we amended the information request to clarify that the operators would not be required to generate new information in order to comply with this request but should supply the information to the extent it is generated in the normal course of business. We, therefore, are not asking for the operator to provide information not already generated in the operation of the submarine cable systems or in possession of the operator. In addition, there were no comments filed on the Federal Register notice regarding this information collection (73 FR 2360, April 30, 2008).

Format, content, thresholds, frequency, and timeliness: We recognize that operator-generated information covering system status and restoration data in item (1) below (and all subparts) varies widely in format, content, threshold, and volume. Some may not generate all fields of data. Some may have a low threshold for generating a report and others may have a higher threshold. Whatever the case may be, our view is that if the company feels it is important enough that it generates the information for itself or for another owner/operator, then that threshold is acceptable. Because of these great differences, and to minimize the burden on licensees, we do not request that a formal report be produced. At the same time, we recognize that operators will need to apply discretion in determining what is the appropriate data for sharing with the Federal Government. Original information suffices and is actually preferred at the time of its generation with full recognition that such information is, like all developing information, subject to change as a given situation is clarified.

Specifically, we request that the cable landing licensees provide the following information regarding the submarine cable systems:

- a. System status and restoration: We understand that every owner/operator of a submarine cable generates and receives varying forms of email and other data or documents related to the technical performance of its system and developments that may have an impact on its operation or security. This information, which provides owner/operators with situational awareness on an ongoing basis for their submarine cables includes, but is not limited to, email messages, frequently referred to as "international restoration" messages (for consortia systems), "trouble tickets," and so forth. While we recognize that the form and content of such communications can vary widely depending on the company producing them, the arrangements which generate them, and the reasons for which they are being produced, we desire the following fields of data for systems landing on U.S. sovereign soil (to the extent they are generated in the normal course of business):
 - i. Indications of potential problems (alarms, safety and security concerns, changes in latency, fiber degradation and any other concerns you may have);
 - 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 facilities as well as outage and return to normalization times);
 - iv. Restoration activity (ring switches, auto span switches, facility restoration status pursuant to approved restoration plans);
 - v. Repair activity (fault localization, repair plans, progress, vessel activity, power reconfiguration);
 - vi. Periods of test activity - Optical time domain reflectometry (OTDR), coherent OTDR (COTDR), and other technical measurement activity for fault localization; link tests; terminal equipment tests (we do not request the actual test measurements);
 - vii. Event/activity/message date/time – the information is to be provided when generated in the normal course of business as part of commercial communications processes; and
 - viii. Addressees – Email addresses for any foreign owner/operators also receiving the information at the time of generation are also requested. Email addresses for specific individuals are not requested but are an acceptable substitute if they identify companies receiving the email.

- b. Terrestrial Route Map: We request that each operator provide after-installation information on the terrestrial route (in map and/or Excel spreadsheet form) of its cable(s) from the shore landing to the beach manhole (BMH) and from the BMH to the cable landing station. Please indicate, to the extent records are available, the type of protection provided to the cable on the route (e.g., steel pipe, concrete conduit, etc.). We request that the operator report annually to update this information if there are any changes to the routing.
- c. Undersea Location Spreadsheet: We request that each operator provide after-installation information in the form of an electronic spreadsheet of its associated route position list (RPL). Please detail 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. We request that the operator report annually to update this information if there any changes to the routing.
- d. Restoration Capability: We request that each operator provide information on its submarine cable system restoration capability (internal and external). Please indicate 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. We request that the operator provide a copy of any existing Restoration Manual, and report annually to update this information.

With this revision, there are some differences between this information collection request and the one for which emergency approval was granted on April 16, 2008. First, it recognizes that operator-generated information covering system status and restoration data in item (1) varies widely in format, content, threshold, and volume. Some may not generate all fields of data. Further it clarifies that operators are not be required to generate new information in order to comply with this request but should supply the information to the extent it is generated in the normal course of business. Second, it allows operators to provide a terrestrial route map as either a map or and Excel spreadsheet. Third, it clarifies that operators should annually update information related to items (2), (3), and (4) – the terrestrial route map, the undersea location spreadsheet, and restoration capability.

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.

To simplify operators' compliance with this request, we will allow them to provide the information using alternative methods as shown below. For system status and restoration data, operators will be able to provide information using a document management system established by the FCC (which will provide authentication processes). In particular, the operators may file the information 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. As a second method for filing the information, the operators may provide the information using carbon copies to a designated FCC email address. For cable mapping and restoration capability data, operators will be able to provide information to the FCC using the secure electronic information system described above.

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 continues the previous collection for submarine cable licenses granted prior to April 16, 2008 where the operator has informed the Commission that it voluntarily commits to providing some or all of the requested information. The importance of this information to national security and emergency preparedness communications programs requires that we collect this information as soon as possible. For the submarine cable systems licensed subsequent to April 16, 2008 and any submarine cable systems licensed in the future, the Commission has conditioned or will condition grant of the license 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.

The Federal Register notice was published on April 30, 2008 (73 FR 23460). No comments were received in response to the Federal Register notice. **(On August 22, 2008, a subcable operator accidentally filed its information in response to the information collection through the FCC PRA email address. We treated it as a submission in response to the information collection, and not a comment on the PRA.)** In addition, the Commission provided the submarine cable operators an opportunity to comment on this information collection request by having informal discussions with them

and by inviting them to a meeting held at the Commission's headquarters on May 13, 2008. The Commission has used their input to draft the revised information collection request.

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: 28.

TOTAL NUMBER OF ANNUAL RESPONSES: 53 responses x 190 hours average burden per response = 10,070 total annual burden hours. See the attached spreadsheet for a breakdown of the estimated hourly burden.

TOTAL NUMBER OF ANNUAL BURDEN HOURS: 10,070 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: \$503,500**

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 information collection includes an adjustment of the burden hours based on discussions with the industry and initial submissions by submarine cable operators. As a result, the burden hours for each respondent have been reduced from 550 to 190 hours average burden per respondent resulting in a -17,430 burden hour adjustment.

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.

The Commission is seeking OMB approval to not display the OMB expiration date. This will alleviate updating the OMB expiration date on electronic systems each time this IC is submitted to OMB for approval. A PRA burden statement displaying the OMB control number appears on the attached email that is sent to each operator.

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 does have an exception to Item 19 in that the Commission published incorrect respondents/responses, the estimated time per response and burden hours in the 60 day notice. We have corrected those estimates in the 30 day notice that was published on October 3, 2008 (73 FR 57623).

B. Collections of Information Employing Statistical Methods:

This information collection does not employ any statistical methods.

	Burden Per Licensee					Licensees	Cost for All Licensees	
	Burden Hours		Hourly Cost	Cost			One-Time	Annual
	One-Time	Annual		One-Time	Annual			
Restoration/Trouble Report	0	40	\$50	\$0	\$2,000	53	\$0	\$106,000
Terrestrial Infrastructure	25	20	\$50	\$1,250	\$1,000	53	\$66,250	\$53,000
Undersea Infrastructure	40	20	\$50	\$2,000	\$1,000	53	\$106,000	\$53,000
Restoration Capability	25	20	\$50	\$1,250	\$1,000	53	\$66,250	\$53,000
Total – In House Costs				\$4,500	\$5,000		\$238,500	\$265,000