

## SUPPORTING STATEMENT

### **A. Justification:**

1. The record keeping requirement in Section 97.311 is necessary to document all spread spectrum transmissions by amateur radio operators. This requirement is necessary so that quick resolution of any harmful interference problems can be achieved and to ensure that the station is operating in accordance with the Communications Act of 1934, as amended.

The Commission has a System of Records, FCC/WTB-1, "Wireless Services Licensing Records," which covers the personally identifiable information (PII) that individual applicants may include in their submissions for licenses or grants of equipment authorization. At such times as the Commission revises this System of Records Notice (SORN), the Commission will conduct a Privacy Impact Assessment (PIA) and publish the revised SORN in the *Federal Register*. In addition, the Commission has posted a copy of both the PIA and the SORN on the FCC's Privacy webpage. See website address in item 11 of this supporting statement.

Going forward, if the FCC makes substantive change to the Wireless Services Licensing Records, the Commission will conduct a full Privacy Impact Assessment of the SORN covered by FCC/WTB-1, update this SORN, publish a Notice in the Federal Register, and post these two documents on the FCC webpage, as required by OMB Memorandum, M-03-22 (September 22, 2003).

The Commission is requesting an extension (no change in the recordkeeping requirement) in order to obtain the full three-year clearance from the OMB. There is no change in the estimated number of respondents/responses and burden hours.

Statutory authority for this collection of information is contained in Sections 47 U.S.C. §§ 154, 303; 47 U.S.C. §§ 151–155, and 301–609, unless otherwise noted.

2. The information is used by FCC's Enforcement Bureau personnel during inspections and investigations to ensure compliance with applicable rules, statutes and treaties. In the absence of this recordkeeping requirement, field inspections and investigations related to the solution of cases initiated by causes of harmful interference would be severely hampered and needlessly prolonged due to the inability to quickly obtain vital information used to demodulate spread spectrum transmissions.

3. Prior to finalizing rule makings the Wireless Telecommunications Bureau conducts an analysis to insure that improved information technology is used to reduce the burden on the public. This analysis considers the possibility of obtaining and/or computer-generating the required data from existing data bases in the Commission or other Federal agencies.

4. This agency does not impose a similar information collection on the respondents. There are no similar data available.

5. In conformance with the Paperwork Reduction Act of 1995, the Commission is making an effort to minimize the burden on all respondents, regardless of size. The Commission has limited the information requirements to those absolutely necessary for evaluating and processing

each application and to deter against possible abuses of the processes.

6. If the required information was not retained, FCC Enforcement Bureau personnel would be unable to efficiently carry out inspections and the solution of cases of harmful interference would be needlessly delayed.

7. Current data collection is consistent with 5 CFR 1320.6.

8. The Commission initiated a 60-day public comment period which appeared in the Federal Register on August 21, 2008 (73 FR 49459) in compliance with 5 CFR 1320.8(d). No comments were received as a result of the Notice. A copy of the Federal Register Notice is referenced in this submission to the OMB.

9. Respondents will not receive any payments.

10. There is need for confidentiality with respect to all Private Land Mobile Radio service filers in this collection. Pursuant to § 208(b) of the E-Government Act of 2002, 44 U.S.C.A. § 3501, in conformance with the Privacy Act of 1974, 5 U.S.C. 552(a), the Wireless Telecommunications Bureau (Bureau) instructs licensees to use the FCC's ULS, ASR, Commission Registrations System (CORES) and related systems and subsystems to submit information.<sup>1</sup> CORES is used to receive an FCC Registration Number (FRN) and password, after which one must register all current call sign and Antenna Structure Registration (ASR) numbers associated with a FRN within the Bureau's system of records (ULS database). Although ULS stores all information pertaining to the individual license via the FRN, confidential information is accessible only by persons or entities that hold the password for each account, and the Bureau's Licensing Division staff. Upon the request of a FRN, the individual licensee is consenting to make publicly available, via the ULS database, all information that is not confidential in nature.

Information on the private land mobile radio licensees is maintained in the Commission's system of records, FCC/WTB-1, "Wireless Services Licensing Records." The licensee records will be publicly available and routinely used in accordance with subsection (b) of the Privacy Act. TIN Numbers and material which is afforded confidential treatment pursuant to a request made under 47 C.F.R. § 0.459 will not be available for Public inspection. Any personally identifiable information (PII) that individual applicants provide is covered by a system of records, FCC/WTB-1, "Wireless Services Licensing Records," and these and all other records may be disclosed pursuant to the Routine Uses as stated in this system of records notice.

This does not address any private matters of a sensitive nature with the exception of the personally identifiable information (PII) that individuals are required to maintain, as noted elsewhere in this supporting statement

11. The Commission believes that this information collection will not raise any questions of a sensitive nature for respondents. In instances where consumers provide personally identifiable

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<sup>1</sup> These instructions have been approved by the Office of Management and Budget (OMB) under Control Number 3060-1042.

information (PII), the FCC has a System of Records Notice (SORN), FCC/WTB-1, "Wireless Services Licensing Records." A full explanation of the privacy safeguards may be found in the Privacy Impact Assessment that the FCC completed on June 28, 2007 and that may be viewed at: [http://www.fcc.gov/omd/privacyact/Privacy\\_Impact\\_Assessment.html](http://www.fcc.gov/omd/privacyact/Privacy_Impact_Assessment.html).

12. Approximately 10 amateur radio operators engage in spread spectrum transmissions. Informal consultation with the amateur community was used to arrive at the estimate of 6 seconds per response for a total yearly burden of 1 minute (rounded to **1 hour** as a placeholder in OMB's system).

13. Estimated annual cost to respondents: There is no annualized cost to the respondents for this recordkeeping requirement. Any amateur radio operator would, even in the absence of any Federal regulation of radio have to maintain technical descriptions, pertinent parameters, etc. to design and troubleshoot their equipment and their computer would generate a file when the spread spectrum transmission is made.

14. Estimated annual cost to the Federal Government: None.

15. There is no change in burden.

16. The data will not be published for statistical use.

17. No expiration date will be displayed.

18. There are no exceptions to Item 19.

**B. Collections of Information Employing Statistical Methods:**

No statistical methods are employed.