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SUPPORTING STATEMENT

A. Justification:

1. The Federal Communications Commission (“Commission”) is requesting that the Office of Management and Budget (OMB) approve as a revision information collection titled “Part 73, Subpart F International Broadcast Stations” under OMB Control No. 3060-1035. This information collection is being revised to receive OMB approval for information collection requirements that were not previously included in this collection and should have been included, and to clearly state and clarify the existing rule sections and information collection requirements which are contained in this information collection.

FCC Forms 309, 310 and 311, which are approved under OMB control number 3060-1035, are currently shared between the Media Bureau and the International Bureau. The forms are used by the Media Bureau for experimental broadcast licenses and by the International Bureau for international broadcast stations.

The full title and purpose of each application are summarized below:

1. Application for Authority to Construct or Make Changes in an International, Experimental Television, Experimental Facsimile, or a Developmental Broadcast Station (FCC Form 309) - The FCC Form 309 is filed on occasion when the applicant is requesting authority to construct or make modifications to the international broadcast station.
2. Application for an International, Experimental Television, Experimental Facsimile, or a Developmental Broadcast Station License (FCC Form 310) - The FCC Form 310 is filed on occasion when the applicant is submitting an application for a new international broadcast station.
3. Application for Renewal an International or Experimental Broadcast Station License (FCC Form 311) – The FCC Form 311 is filed by applicants who are requesting renewal of their international broadcast station licenses.

In addition to the FCC Forms 309, 310 and 311, this information collection includes the following collections of information:

1. **47 CFR 73.702(a)** states that six months prior to the start of each season, licensees and permittees shall by informal written request, submitted to the Commission in triplicate, indicate for the season the frequency or frequencies desired for transmission to each zone or area of reception specified in the license or permit, the specific hours during which it

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- desires to transmit to such zones or areas on each frequency, and the power, antenna gain, and antenna bearing it desires to use. Requests will be honored to the extent that interference and propagation conditions permit and that they are otherwise in accordance with the provisions of section 47 CFR 73.702(a).
2. **47 CFR 73.702(b)** states that two months before the start of each season, the licensee or permittee must inform the Commission in writing as to whether it plans to operate in accordance with the Commission's authorization or operate in another manner.
 3. **47 CFR 73.702(c)** permits entities to file requests for changes to their original request for assignment and use of frequencies if they are able to show good cause. Because international broadcasters are assigned frequencies on a seasonal basis, as opposed to the full term of their eight-year license authorization, requests for changes need to be filed by entities on occasion.
 4. **47 CFR 73.702 (note)** states that permittees who during the process of construction wish to engage in equipment tests shall by informal written request, submitted to the Commission in triplicate not less than 30 days before they desire to begin such testing, indicate the frequencies they desire to use for testing and the hours they desire to use those frequencies.
 5. **47 CFR 73.702(e)** states within 14 days after the end of each season, each licensee or permittee must file a report with the Commission stating whether the licensee or permittee has operated the number of frequency hours authorized by the seasonal schedule to each of the zones or areas of reception specified in the schedule.
 6. **47 CFR 73.782** requires that licensees retain logs of international broadcast stations for two years. If it involves communications incident to a disaster, logs should be retained as long as required by the Commission.
 7. **47 CFR 73.759(d)** states that the licensee or permittee must keep records of the time and results of each auxiliary transmitter test performed at least weekly.
 8. **47 CFR 73.762(b)** requires that licensees notify the Commission in writing of any limitation or discontinuance of operation of not more than 10 days.
 9. **47 CFR 73.762(c)** states that the licensee or permittee must request and receive specific authority from the Commission to discontinue operations for more than 10 days under extenuating circumstances.
 10. **47 CFR 1.1301-1.1319** cover certifications of compliance with the National Environmental Policy Act and how the public will be protected from radio frequency radiation hazards.

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History:

On March 3, 2003, the Commission released the Report and Order (R&O), "In the Matter of Amendments of Parts 2, 73, 80, 90, and 87 of the Commission's Rules to Implement Decisions from World Radiocommunication Conferences Concerning Frequency Bands Below 28000 kHz," ET Docket No. 02-16 (FCC 03-39). This Supporting Statement continues to reflect the decision made in this rulemaking to reduce the number of seasonal schedule changes for international broadcast stations from four per year to two per year.

On June 26, 2003, the Commission's International Bureau published a notice in the Federal Register (68 FR 38041) to propose creation of three new forms: (1) Application for Authority to Construct or Make Changes in an International Broadcast Station (FCC Form 420-IB) approved by OMB under 3060-1057, (2) Application for an International Broadcast Station License (FCC Form 421-IB) approved by OMB under 3060-1056 and (3) Application for Renewal of an International Broadcast Station License (FCC Form 422-IB) approved by OMB under 3060-1054.

The International Bureau proposed that after the new applications were developed, international broadcasters would file the FCC Form 420-IB in lieu of the FCC Form 309. Furthermore, international broadcasters would file the FCC Form 421-IB in lieu of the FCC Form 310. Additionally, international broadcasters would file the FCC Form 422-IB in lieu of the FCC Form 311. Experimental broadcasters would continue to file the FCC Forms 309, 310 and 311 with the Commission. However, the development of the proposed new applications 420-IB, 421-IB and 422-IB has been postponed indefinitely due to lack of agency funding. International broadcasters will continue to file the FCC Forms 309, 310 and 311 with the Commission until further notice. After the new applications have been developed by the International Bureau, the Commission will seek OMB approval of the applications. After the Commission receives OMB approval of the applications, the agency will issue a Public Notice announcing the availability of the new applications to the public.

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.

The statutory authority for this information collection is contained in 47 U.S.C. 154, 303, 307, 334, 336 and 554.

2. The information collected pursuant to the rules set forth in 47 CFR Part 73 Subpart F is used by the Commission to assign frequencies for use by international broadcast stations, to grant authority to operate such stations, and to determine if interference or adverse propagation conditions exists that may impact the operation of such stations.

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3. Presently, all information collection requirements contained in Part 73 Subpart F of the Commission's rules, including the three standardized FCC Forms 309, 310 and 311, are filed on paper. Additionally, the "Frequency Assignment and Coordination" consists of informal written requests made by international broadcast stations to the Commission to assign and coordinate frequencies during two seasons in a year. Due to budgetary constraints, it is not financially feasible to automate the forms at this time. However, the Commission has long-term plans to revise and automate the forms for electronic filing in the International Bureau Filing System ("MyIBFS"). Therefore, this information collection reflects that zero (0) percent of responses are collected electronically.
4. These information collection requirements are not duplicated elsewhere in the Commission's rules.
5. These information collection requirements do not have a significant impact on a substantial number of small entities or businesses.
6. If the Commission did not collect this information, it would not be in a position to effectively coordinate spectrum for international broadcasters or to act for entities in times of frequency interference or adverse propagation conditions. The orderly nature of the provision of international broadcast service would be in jeopardy without the Commission's involvement.
7. This collection of information is consistent with the guidelines in 5 C.F.R. Section 1320.6.
8. A 60-day notice was published in the Federal Register (73 FR 59627) to solicit public comments on this information collection. The 60-day comment period began on October 9, 2008 and ended on December 8, 2008. No comments were received from the public in response to the notice.
9. The Commission does not provide any payment or gift to respondents.
10. There is no need for confidentiality pertaining to the information collection requirements in this collection.
11. This collection does not contain questions of a sensitive nature.

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12. The estimate of annual burden hours of the 225 respondents for international broadcasters and experimental broadcast licenses are as follows:

| Information Collection Requirements | Responses/ Applications | Hours | Seasons (If applicable) | Total Hours |
|--|----------------------------|-------|----------------------------|----------------|
| 47 CFR 73.761 FCC Form 309 | 17 | 6 | | 102 |
| 47 CFR 73.3536 FCC Form 310 | 7 | 6 | | 42 |
| 47 CFR 73.731 FCC Form 311 | 5 | 2 | | 10 |
| 47 CFR 73.702(a) states that six months prior to the start of each season, licensees and permittees shall by informal written request, submitted to the Commission in triplicate, indicate for the season the frequency or frequencies desired for transmission to each zone or area of reception specified in the license or permit, the specific hours during which it desires to transmit to such zones or areas on each frequency, and the power, antenna gain, and antenna bearing it desires to use. Requests will be honored to the extent that interference and propagation conditions permit and that they are | 25 | 4 | 2 | 200 |

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| otherwise in accordance with the provisions of section 47 CFR 73.702(a). | | | | |
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| Information Collection Requirements | Responses/ Applications | Hours | Seasons (If applicable) | Total Hours |
|--|----------------------------|-------|----------------------------|----------------|
| 47 CFR 73.702(b) Two months before the start of each season, the licensee or permittee must inform the Commission in writing as to whether it plans to operate in accordance with the Commission's authorization or operate in another manner. | 25 | 2 | 2 | 100 |
| 47 CFR 73.702(c) permits entities to file requests for changes to their original request for assignment and use of frequencies if they are able to show good cause. | 25 | 2 | 2 | 100 |
| 47 CFR 73.702 (note) states that permittees who during the process of construction wish to engage in equipment tests shall by informal written request, submitted to the Commission in triplicate not less than 30 days before they desire to begin such testing, indicate the frequencies they desire to use for testing and the hours they desire to use those frequencies. | 25 | 2 | 2 | 100 |
| 47 CFR 73.702(e) Within 14 days after the end of each season, each licensee or permittee must file a report with the Commission stating whether the licensee or permittee has operated the number of frequency hours | 25 | 4 | 2 | 200 |

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| authorized by the seasonal schedule to each of the zones or areas of reception specified in the schedule. | | | | |
|--|----------------------------|---|----------------------------|----------------|
| Information Collection Requirements | Responses/ Applications | Hours | Seasons (If applicable) | Total Hours |
| 47 CFR 73.782 Recordkeeping Requirement – Licensees must retain logs of international broadcast stations for two years. If it involves communications incident to a disaster, logs should be retained as long as required by the Commission. | 25 | 2 hours per day x 360 days per year | | 18,000 |
| 47 CFR 73.759(d) Licensee or permittee must keep records of the time and results of each auxiliary transmitter test performed at least weekly | 25 | 48 (4 times per month x 12 months) | | 1,200 |
| 47 CFR 73.762(b) Licensees are required to notify the Commission in writing of any limitation or discontinuance of operation of not more than 10 days | 7 | 2 | | 14 |
| 47 CFR 73.762(c) The licensee or permittee must request and receive specific authority from the Commission to discontinue operations for more than 10 days under extenuating circumstances | 7 | 2 | | 14 |
| 47 CFR 1.1301-1.1319¹ Certifications of compliance with the National Environmental Policy Act (NEPA) and how the public will be protected from radio frequency (RF) radiation | 7 | 2 | | 14 |

¹ There is true burden that is attached to the certification of compliance documents.

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| hazards | | | | |
| | 225 Responses/ Applications | | | 20,096 Annual Burden Hours |

Annual “In-House Cost”: The hourly rate for in-house staff is estimated at \$45 per hour.

$$20,096 \times \$45/\text{hour for in-house staff} = \$904,320.$$

13. Annual Cost Burden:

(a). The capital or start-up costs associated with this collection: None.

(b). The operation and maintenance costs associated with this collection:

The applicants use outside legal or engineering assistance for 30% (68) of the responses.² The hourly rate for outside legal and engineering assistance is \$200 per hour.

$$68 \text{ responses} \times \$200 \text{ per hour} \times 2 \text{ hours per submission} = \$27,200.$$

Estimate of Filing Fees

| Information Collection Requirement | Responses/ Applications | Seasons (If applicable) | Filing Fees | Cost of Filing Fees |
|------------------------------------|-------------------------|-------------------------|-------------|---------------------|
| FCC Form 309 | 17 | | \$2,405 | \$40,885 |
| FCC Form 310 | 7 | | \$545 | \$3,815 |
| FCC Form 311 | 5 | | \$135 | \$675 |
| | | | | \$45,375 |

(c). **Total Annual Cost Burden:**

The total of for outside engineering/legal assistance \$27,200 + \$45,375 in annual application fees = **\$72,575.**

² The respondent will require outside legal assistance for 30% of the responses after the respondent has completed his/her part with the responses as accounted for under question number 12. The respondent will also complete 70% of the responses without outside assistance as stated under question 12.

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14. Federal Government Costs: One GS-14/Step 10 Electronics Engineer (International Bureau) reviews the international-related applications and requests. A GS-15/Step 5 Engineer (Media Bureau) reviews experimental applications. Please see Chart A for a list of information collection requirements reviewed by Federal government staff.

Chart B provides Federal Government Costs that are calculated as follows:

The total number of annual burden hours for the FCC Forms 309, 310 and 311 were divided in half – 8,740 annual burden hours divided by 2 = 4,370 annual burden hours. The GS-15 Engineer reviews 50% of the applications or 4,370 annual burden hours. The GS-14 Engineer reviews 50% of the applications or 4,370 annual burden hours. Additionally, the GS-14 Engineer reviews additional international-related requests that total 756 hours. The 4,370 hours + 756 hours = 5,126 annual burden hours. The annual burden hours are multiplied by the staff’s hourly salary rates (see Chart B for details).

Chart A – Information Collection Requirements Reviewed by Federal Government Staff

| Information Collection Requirements ³ | Responses/ Applications | Hours | Seasons (If applicable) | Total Hours |
|--|----------------------------|-------|----------------------------|-------------|
| FCC Form 309 | 17 | 360 | | 6,120 |
| FCC Form 310 | 7 | 360 | | 2,520 |
| FCC Form 311 | 5 | 20 | | 100 |
| 47 CFR 73.702(a) Review assignment of frequency requests | 25 | 4 | 2 | 200 |
| 47 CFR 73.702(c) Review requests for changes to licensees’ original requests | 7 | 4 | 2 | 56 |
| 47 CFR 73.702 (note) Review requests to engage in equipment tests | 7 | 2 | 2 | 28 |
| 47 CFR 73.702(e) Review operational reports | 25 | 4 | 2 | 200 |
| 47 CFR 73.782 Review logs as necessary | 8 | 2 | 2 | 32 |
| 47 CFR 73.762(c) | 5 | 4 | 2 | 40 |

³ There is no burden attached to 47 CFR Sections 73.702(b), 73.759(d) or 73.762(b) for the Federal Government.

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| Review requests for authority to discontinue operations for more than 10 days under extenuating circumstances | | | | |
| 47 CFR 1.1301-1.1319 Review certifications of compliance with NEPA and how the public will be protected from RF hazards | 25 | 4 | 2 | 200 |
| | 131 | 764 | | 9,496 |

| Federal Government Employee | Hourly Rate | Annual Hours | Federal Government Costs |
|--|-------------|--------------|---|
| GS-14/Step 10 Electronics Engineer (International-related applications/requests) | \$61.06 | 5,126 | \$312,993.56 |
| GS-15/Step 5 Electronics Engineer (Experimental-related applications/requests) | \$62.62 | 4,370 | \$273,649.40 |
| | | 9,496 | \$586,642.96 Total Federal Government Costs |

15. The Commission grossly miscalculated the total annual cost burden in this previous submission to OMB. This miscalculation resulted in an adjustment of -\$1,178,600 to the annual cost burden with this submission.

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

17. We are seeking approval to not display the expiration date for OMB approval of this information collection. The Commission will use an edition date in lieu of the OMB expiration date. Additionally, the OMB expiration date and OMB control number are “displayed” in 47 CFR 0.408.

18. We revised this Supporting Statement to reflect more accurate burden estimates and include rule sections that were missing for the collection. In the 60-day notice (*see* 73 FR 59627), the Commission stated that the annual burden hours are 334 hours, the total annual costs are

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\$194,275, the total number of annual respondents are 54, the annual number of responses are 79, and the estimated time per response is 2 – 6 hours. However, after a careful review of the information collection requirements, we determined that the current annual burden hours are 20,096 hours, the total annual costs are \$72,575, the total number of respondents and responses are 225, and the estimated time per response is 2 – 720 hours per response. Also, the information collection is a revision instead of a delegated extension as stated in the notice. Weekly reporting requirement is also a requirement to this collection. It was inadvertently omitted from the 60-day notice. There are no other exceptions to the Certification Statement.

Part B. Collections of Information Employing Statistical Methods:

Not applicable. This information collection does not employ statistical methods.