

FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

March 29, 2012

Alex Hunt
Chief, Information Policy Branch
Office of Information and Regulatory Affairs
Office of Management and Budget
Washington, D. C. 20503

Dear Mr. Hunt:

The Federal Communications Commission (FCC) requests OMB approval to submit the information collection described herein under the “emergency processing” provisions of the Paperwork Reduction Act (PRA) of 1995 (5 CFR 1320.13). The FCC is requesting clearance for a new information collection entitled: Part 11 - Emergency Alert System (EAS), Fifth Report and Order, FCC 12-7. We respectfully request OMB approval for this collection by April 16, 2012.

In 2007, the FCC adopted the *Second Report and Order* in EB Docket No. 04-296, FCC 07-109, which, among other things, obliged regulated entities required to participate in the EAS to deploy equipment capable of processing alert messages formatted pursuant to the Common Alerting Protocol (CAP). The deadline for this mandate, set forth at 47 CFR §11.56, occurs on June 30, 2012.

On January 10, 2012, the FCC released the *Fifth Report and Order* in EB Docket No. 04-296, FCC 12-7, which amends the FCC's Part 11 rules governing the EAS to expand upon and thus more fully codify within Part 11 the aforementioned obligation to process CAP-formatted alert messages adopted in the *Second Report and Order*.

Among other things, the *Fifth Report and Order* sets forth specific procedures that EAS device manufacturers must follow to comply with the FCC's existing equipment authorization rules, including procedures for updating existing device certifications and obtaining new certifications. These procedures generally involve the submission of test data and other materials to the FCC. Requiring such device testing and the submission of the test data is necessary for the Commission to ensure that EAS equipment – which performs critical functions for public safety in times of emergency – is not marketed unless and until it meets the various technical requirements set forth in the Part 11 (and Part 15) rules. Completing such required testing takes time to arrange and perform, and it takes time for the FCC to process and review this data along with the other equipment authorization materials.

Although it is impossible for the FCC to gauge with precision the exact amount of time involved to complete these processes, a three-four month time period would not be unusual or unreasonable. Accordingly, because the overall deadline for CAP compliance is June 30, 2012,

and EAS equipment manufacturers can be expected to require three-four months to complete the regulatory requirements adopted in the *Fifth Report and Order*, the agency cannot wait 120 days to notify the public and potential applicants of its intent to collect the information and requests emergency processing and approval by April 16, 2012. Further, due to the emergency nature of this request, the FCC is seeking a waiver of the requirement of a notice and comment period in the Federal Register. The FCC will conduct all the necessary regular submission requirements under the PRA after approval of this emergency request.

FCC staff is ready to work with your PRA Desk Officer to immediately provide any additional information needed to assure OMB's approval of this emergency request by April 16, 2012.

Sincerely,



Mindy Ginsburg
Deputy Managing Director
Office of Managing Director
Federal Communications Commission