

SUPPORTING STATEMENT

A. Justification:

1. The Commission is requesting Office of Management and Budget (OMB) approval for an extension of this information collection. The Commission has adjusted the total number of respondents/responses, the total annual hourly burden, and the total annual cost to respondents from the previous estimates, based on licensing data for calendar year 2016.

The National Environmental Policy Act (NEPA) of 1969 requires agencies of the Federal Government to evaluate the effects of their actions on the quality of the human environment. To meet its responsibilities under NEPA, the Commission adopted RF exposure guidelines for the purpose of evaluating the potential environmental effects of RF radiation from FCC-regulated facilities. These guidelines reflect scientific studies of the biological effects of RF radiation and the use of these guidelines would ensure that the FCC's applicants are evaluating their facilities with the prevailing standards for RF exposure.

The Commission requires some applicants to submit limited information during the licensing and authorization process. In many services, the Commission simply requires licensees to provide reliable service to specific geographic areas, but does not require licensees to file site-specific information. It does not appear that the FCC's present geographic licensing methods can provide public notification of site-specific information without imposing new and significant additional burden to the Commission's applicants. However, we note that applicants with the greatest potential to exceed the Commission's exposure limits are required to routinely perform an environmental evaluation as part of the licensing and authorization process. We advise concerned members of the public, seeking site-specific information, to contact the Commission for contact information for the service providers in the concerned party's area. The Commission encourages all service providers to provide site-specific, technical information and environmental evaluation documentation upon public request. In addition, we note alternative sources of information may be state and local governments, which may collect some site-specific information as part of the zoning process.

This collection of information is authorized under Sections 4, 302, 303 and 307 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154, 302, 303 and 307.

This information collection affects individual consumers or households. Pertinent information that results from environmental evaluations is typically only collected from applicants for licenses or grants of equipment authorization (reported separately under OMB 3060-0057), not from individuals or households.

The Commission has Systems of Records, FCC/MB-1, "Ownership Report for Commercial

Broadcast Stations,” FCC/OET-1, “Experimental Radio Station License Files,” and FCC/WTB-1, “Wireless Services Licensing Records,” which cover the personally identifiable information (PII) that individual applicants may include in their submissions for licenses or grants of equipment authorization.¹ At such time 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 will post a copy of both the PIA and the SORN on the FCC’s Privacy webpage.

2. The information collected is needed, because the Commission requires applicants to perform an environmental evaluation with respect to radio frequency electromagnetic fields. Applicants are required to consider contributions from other transmitters within the vicinity of their facility in order to assess the additive exposure. Accordingly, to correctly determine compliance with the Commission’s exposure limits, an applicant must locate, determine ownership, and gather technical information for all contributing transmitters.

Applicants are generally required, as part of the authorization and licensing process, to indicate compliance with the Commission’s environmental rules. Supporting information may be requested and reviewed by the Commission’s engineers, attorneys, and paraprofessional staff to determine whether the environmental evaluation is sufficiently complete and in accordance with the Commission’s Rules.

3. The information collection almost always involves the use of electronic techniques. The Commission estimates that the use of information technology to reduce the burden may be feasible in 99% of cases.

4. The Commission recognizes the possibility of duplication of effort in the preparation and submission of environmental information and has provided in Section 1.1311(e) that: “An Environmental Assessment (EA) need not be submitted to the Commission if another agency of the Federal Government has assumed responsibility for determining whether the facilities in question will have significant effect on the quality of the human environment and, if it will, for invoking the environmental impact statement process.”

Section 1.1311(d) provides: “to the extent that such information is submitted in another part of the application, it need not be duplicated in an EA, but adequate cross-reference to such information shall be supplied.”

The Commission’s rules do not require multiple submissions of the same environmental information for different purposes.

¹ The system of records notice (SORN) for FCC/WTB-1, “Wireless Services Licensing Records,” was published in the *Federal Register* on April 5, 2006, see 71 FR 17234, 17269. The SORN may also be viewed at <http://www.fcc.gov/omd/privacyact/records-systems.html>

5. In conformance with the Paperwork Reduction Act of 1995, the Commission has limited the information collection requirements to those services, which pose the highest potential for exceeding RF radiation limits. Efforts have been made to categorically exclude from routine information collection facilities, commonly used by smaller businesses and entities, which appear to have little potential for causing exposures in excess of the guidelines. In situations where a service cannot be categorically excluded in its entirety, some transmitters within such a service may be excluded if meeting specific power and antenna height criteria.

In addition, the Commission has minimized environmental evaluation considerations by providing technical documentation and analysis techniques in the form of OET Bulletin 65, *Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields* and worksheets in Media Bureau Form 301, *General Environmental Worksheet and RF Worksheets 1, 1A, 2, and 2A*. It is estimated that 90% of the affected parties will use these documents to determine compliance.

6. If the information were not collected, the Commission could not ensure compliance with the National Environmental Policy Act (NEPA), specifically, to minimize the potential environmental effects of RF radiation from FCC-regulated facilities.

7. Applicants would generally perform an environmental evaluation only when submitting an initial application for authorization or license, modification of the authorization or license, or renewal of the authorization or license. In most situations, we expect that an applicant is only required to indicate compliance with the Commission's environmental rules. However, under 47 CFR §§ 1.1307(c) and (d), the Commission may require the collection of additional information if it determines that a significant environmental effect may exist. Further, if the Commission deems it necessary, it may require applicants previously excluded from performing an environmental evaluation to submit environmental information.

8. The Commission solicited the views of industry and the general public by *Federal Register* on May 16, 2017 (82 FR 22544) regarding the information collection requirements that are contained in this collection.

9. No payment or gift will be made to the respondent.

10. There is a minimal exemption from the Freedom of Information Act, Title 5, U.S.C. 552(b) (4), and FCC Rules 47 CFR § 0.459(d), that is granted for trade secrets, which may be submitted to the Commission as part of the documentation of test results. No other assurances of confidentiality are provided to respondents.

11. No sensitive information is requested. As noted above in Question 1, this information

collection may affect individuals or households. Any personally identifiable information that is submitted by individuals is covered by a SORN, FCC/MB-1, "Ownership Report for Commercial Broadcast Stations," FCC/OET-1, "Experimental Radio Station License Files," or FCC/WTB-1, "Wireless Services Licensing Records,"

12. Based on data for calendar year 2016 supplied by its licensing bureaus, the Commission estimates that entities will conduct 284,332 RF evaluations annually.

Because the number of applications that the Commission receives varies each year, the burden calculated for this submission is more than the previous submission. From time to time, the Commission auctions new licenses, which result in a large number of applications being filed afterward, and certain program changes (including prohibitions on certain types of applications) result in changes in the number of applications filed in comparison with the previous submission.

There is considerable variation in the range of hour burden for respondents. For purposes of estimating burden, three general categories of burden are used depending upon the amount of time and resources required: (1) categorically excluded, (2) simple calculation required, (3) detailed modeling or measurement required.

The Commission estimates that 257,609 respondents fall under categorical exclusion and will require approximately 5 minutes (0.0833 hours) per response to make this determination, for a total annual burden of $257,609 \text{ responses} \times 0.0833 \text{ hours/response} = 21,459 \text{ hours}$. The Commission estimates that in all cases in-house staff will complete the requirement without outside assistance.

Respondents that are unable to claim categorical exclusion will have to complete worksheets or perform simple calculations described in OET Bulletin No. 65 to determine compliance with the environmental rules concerning RF exposure. It is estimated that 18,408 respondents will fall into this category. The Commission estimates that half of the respondents will complete the requirement without outside assistance (9,204) and the remaining respondents will require outside assistance to complete the requirement (9,204). The estimated amount of time required for most simple calculations would be three hours for in-house staff giving a total of about $9,204 \text{ responses} \times 3 \text{ hours/response} = 27,612 \text{ hours}$.

We estimate that 5,516 amateur radio operators will spend an average of one hour evaluating their own hobby operations giving a total of $5,516 \text{ evaluations} \times 1 \text{ hour/evaluation} = 5,516 \text{ hours}$. Amateur radio operators are hobbyists who are expected to complete the requirement without outside assistance.

For respondents having commingled RF sources, high-powered sources, or otherwise having

authorizations requiring detailed evaluation by calculation and/or measurement, the amount of time required is estimated to range from 4 to 20 hours, depending upon the level of detail of the analysis and the information required to conduct it. The Commission estimates that in-house staff will complete 10% of the responses without outside assistance (280) and the remaining 90% of responses (2,799) will require outside assistance to complete them for a total of 2,799 responses. The total number of responses completed in-house and requiring detailed or complex evaluations is estimated to be 280, representing a total of 4,278 hours. The burden breakdown for in-house staff is as follows:

<u>Reporting Time</u>	<u>Radio Service(s)</u>	<u>Number of Responses</u>	<u>Total Hours</u>
4 hours	Amateur	61	244
6 hours	various ²	24	144
10 hours	Experimental	1	10
20 hours	Broadcast	<u>194</u>	<u>3,880</u>
	Grand total	280	4,278

The total burden hours are the sum of the above amounts: 21,459 + 27,612 + 5,516 + 4,278= **58,865 hours.**

Total Number of Respondents: 257,609 + 18,408 + 5,516 + 2,799 = 284,332.

Total Number of Responses: 257,609 + 18,408 + 5,516 + 2,799 = 284,332.

In-House Cost: The Commission estimates that in-house staff will be paid roughly \$158/hour to fulfill the requirements. Therefore, the in-house cost is as follows: 58,865 hours x \$158/hour = **\$9,300,670.**

13. The Commission estimates that respondents will incur an annual cost of **\$5,449,750** in collecting the required information. This amount was determined as described below.

The Commission estimates that there are no external costs associated with the determinations of categorical exclusion.

Applications for facilities, which are not categorically excluded, but requiring simple calculations, are assumed to require review by persons having specialized skills at a billing rate of \$250 per hour. Half of the responses (9,204) will require outside assistance/review. The Commission has estimated those time requirements and costs as \$250/hour x 9,204 responses x 1

² Includes Satellite, Cellular, Paging, PCS, Broadband, and SMR.

hour/response = \$2,301,000.

The Commission estimates that there are no external costs associated with amateur radio operators evaluating their own hobby operations.

Applications for facilities, which require detailed evaluation by calculation and/or measurement are assumed to require review by persons having specialized skills at a billing rate of \$250 per hour. The Commission estimates that 90% of responses (2,519) will require outside assistance/review to complete them. The Commission has estimated those time requirements and costs as $\$250/\text{hour} \times 2519 \text{ responses} \times 5 \text{ hour/response} = \$3,148,750$.

The total annual cost is as follows: $\$2,301,000 + \$3,148,750 = \mathbf{\$5,449,750}$.

14. It is estimated that a GS-855-11, Step 5 electronics engineer (\$36.12 per hour) spends approximately 5 minutes (0.0833 hours) considering each of the estimated 257,609 claims of categorical exclusion or routine compliance (requires examining a “yes/no” entry on a form) to determine if an applicant has sufficiently demonstrated compliance. The total annualized cost to the Federal government for these reviews is $(\$36.12/\text{hour} \times 257,609 \text{ responses} \times 0.0833 \text{ hours}) = \$775,093$.

The Commission collects and reviews some worksheets or simple calculation documents from respondents that are unable to claim categorical exclusion. It is estimated that a GS-855-11, Step 5 electronic engineer (\$36.12 per hour) spends approximately 5 minutes (0.0833 hours) collecting and reviewing the 18,408 responses. The total annualized cost to the Federal Government for this documents is $(\$36.12/\text{hour} \times 18,408 \text{ responses} \times 0.0833 \text{ hours}) = \$55,386$.

There are no costs to the Federal Government for the requirement for amateur radio operators evaluating their own hobby operations.

The Commission currently collects and analyzes additional supporting information for approximately 9% of the 2,799 detailed evaluations performed by the respondents, for a total of 252 reviews. Review of this information requires a higher grade level engineer and requires more time. For this purpose, it is estimated that a GS-855-13, Step 5, electronics engineer (\$51.48 per hour) spends approximately three hours in reviewing the detailed compliance demonstrations in each of these cases. The total annualized cost to the Federal government for these reviews is $(\$51.48/\text{hour} \times 252 \text{ responses} \times 3 \text{ hours}) = \$38,919$.

The total annualized cost to the Federal Government is the sum of the above amounts $(\$775,093 + \$55,386 + \$38,919) = \mathbf{\$869,398}$.

15. The Commission is reporting adjustments/decreases and increases to this collection since the last submission to OMB. The total number of respondents/responses decreased from 305,612 to 284,332 (-21,280). These decreases are based on the most current available data to the Commission.

Also, the Commission is reporting increases to the total annual burden hours from 50,065 to 58,865 (+8,880) and the total annual cost to respondents from \$1,396,150 to \$5,449,750 (+4,053,600). Due to the Commission re-evaluating its previous burden estimates, this resulted in an increase in the total annual burden hours. From the last submission to OMB, there was an increase in the salary per hour of the consultant from \$150 to \$250 which resulted in an increase to the total annual cost.

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

17. The Commission is not requesting a waiver of displaying the OMB expiration date for the reporting requirements contained in rule sections. The Commission does display the OMB Control Number, expiration date and title of each OMB-approved IC in 47 CFR 0.408.

18. There are no exceptions to the Certification Statement.

B. Collection of Information Employing Statistical Methods:

This collection of information does not employ statistical methods.