

NON-SUBSTANTIVE CHANGE REQUEST JUSTIFICATION
OMB CONTROL NUMBER 3060-0113

Form 2100, Schedule 396 – Broadcast Equal Employment Opportunity Program Report¹

The Commission is submitting this non-substantive change request to the Office of Management and Budget (OMB) for approval of minor non-substantive changes made to (current) FCC Form 396, Broadcast Equal Employment Opportunity Report (FCC Form 396). FCC Form 396 is a reporting form that is used to evaluate a broadcaster's Equal Employment Opportunity (EEO) program to ensure that satisfactory efforts are being made to comply with FCC EEO requirements. FCC Form 396 is required to be filed at the time of renewal of license by all AM, FM, TV, and Low Power TV stations² in the current Media Bureau database system, the "Consolidated Database System" (CDBS). The Media Bureau is transitioning to a new on-line (electronic) licensing database system called the "Licensing Management System" (LMS) in which all Media Bureau broadcast applications and reporting forms will eventually be filed. In effect, the database transition requires a corresponding design conversion of all existing CDBS forms. The Media Bureau is currently developing electronic, LMS-compatible versions of various broadcast station application and reporting forms, such as this Form 2100, Schedule 396 – Broadcast Equal Employment Opportunity Program Report (LMS EEO Report) as part of the database transition.

In general, the new LMS EEO Report will replicate the FCC Form 396. The form sections and substance of the individual questions essentially remain the same. As with the (current) FCC Form 396, the LMS EEO Report requires applicants to certify compliance with statutory and regulatory requirements. The application is presented primarily in a "Yes/No" certification format and contains places for submitting explanatory exhibits where appropriate.

In the initial phase of the LMS roll-out, the LMS EEO Report is replacing FCC Form 396 only for the LMS EEO Reports filed in conjunction with radio station license renewal applications in LMS (e.g., AM, FM, FM translator, Low Power FM). The Commission will subsequently roll-out the use of the LMS EEO Report in other contexts (i.e., after the filing of a construction permit application, or an assignment or transfer application) and in conjunction with TV broadcast station (and other services) license renewal applications at a later date.³

The respondents, burden hours and costs of this Information Collection are not impacted by the minor non-substantive changes to the FCC Form 396, which will now be a part of the LMS EEO Report. The minor non-substantive change is highlighted below:

Change #1 – To accommodate the Media Bureau's database transition from CDBS to LMS, FCC Form 396 will be replaced by an LMS-compatible LMS EEO Report. The certification-based questions and explanatory exhibit format remains the same. The substance, respondents, burden hours, and costs of Information Collection OMB Control No. 3060-0113 are not impacted.

Also, the Supporting Statement for OMB Control No. 3060-0113 has been updated accordingly.

¹Pursuant to this non-substantive change, CDBS-based FCC Form 396 will be renamed "Form 2100, Schedule 396 – Broadcast Equal Employment Opportunity Program Report" and encompassed within the new on-line (electronic) licensing database system called the Licensing Modernization System. Accordingly, the title of this Information Collection is also being changed.

² FCC Form 396 is also used by International Stations and Licensees in the Satellite Digital Audio Radio Service.

³ The Commission will subsequently roll-out the use of a new LMS EEO Report for all other services at a later date. Until that time, FCC Form 396 will continue to be used for all other services required to file FCC Form 396.