

## SUPPORTING STATEMENT

### **A. Justification:**

1. On January 8, 2013, the Federal Communications Commission, in effort to clarify, streamline, or eliminate its rules in order to reduce administrative burdens in the telecommunications industry, adopted a Report and Order in WT Docket No. 10-177; FCC No. 13-4, amending its rules concerning Commercial Radio Operator licensees for maritime and aviation radio stations. Of those rules adopted, some have recordkeeping and/or reporting requirements for holders of commercial radio licenses, as well as for Commercial Operator License Examination Managers (COLEM(s)) that administer commercial radio operator license examinations across the United States.

Applicants for a Commercial Radio Operator license must apply using the FCC Form 605. Along with the Form 605, applicants for the maritime and aviation radio stations license must submit the following:

#### Reporting/Recordkeeping Requirements for which continued OMB approval is sought:

Pursuant to Section 13.9(c), the Commission requires that each application for a new General Radiotelephone Operator License, Marine Radio Operator Permit, Radiotelegraph Operator License, Ship Radar Endorsement, GMDSS Radio Operator's License, Restricted GMDSS Radio Operator's License, GMDSS Radio Maintainer's License, or GMDSS Radio Operator/Maintainer License must be accompanied by the required fee, if any, and submitted in accordance with § 1.913 of Chapter 1 of Title 47. The application must include an original Proof-of-Passing Certificate (PPC(s)) from a COLEM(s) showing that the applicant has passed the necessary examination Element(s) within the previous 365 days when the applicant files the application. If a COLEM files the application on behalf of the applicant, an original PPC(s) is not required. However, the COLEM must keep the PPC(s) on file for a period of 1 year. When acting on behalf of qualified examinees, the COLEM must forward all required data to the FCC electronically.

Section 13.13(c) requires that each application involving a change in operator class must be filed on FCC Form 605. Each application for a commercial operator license involving a change in operator class must be accompanied by the required fee, if any, and submitted in accordance with § 1.913 of Chapter 1 of Title 47. The application must include an original PPC(s) from a COLEM(s) showing that the applicant has passed the necessary examination Element(s) within the previous 365 days when the applicant files the application. If a COLEM files the application on behalf of the applicant, an original PPC(s) is not required. However, the COLEM must keep the PPC(s) on file for a period of 1 year. When acting on behalf of qualified examinees, the COLEM must forward all required data to the FCC electronically.

Section 13.17(b) requires that each application for a replacement General Radiotelephone Operator License, Marine Radio Operator Permit, First Class Radiotelegraph Operator's Certificate, Second Class Radiotelegraph Operator's Certificate, Third Class Radiotelegraph Operator's Certificate, Radiotelegraph Operator Certificate, GMDSS Radio Operator's License, Restricted GMDSS Radio Operator's License, GMDSS Radio Maintainer's License, or GMDSS

Radio Operator/Maintainer License must be made on FCC Form 605 and must include a written explanation as to the circumstances involved in the loss, mutilation, or destruction of the original document.

Section 13.211(e) requires that within 3 business days of completion of the examination Element(s), the COLEM must provide the results of the examination to the examinee and the COLEM must issue a PPC to an examinee that scores a passing grade on an examination Element.

Section 13.217 requires that each Commercial Operator License Examination Manager (COLEM) recovering fees from examinees who took the Commercial Operator Examination must maintain records of expenses and revenues, frequency of examinations administered, and examination pass rates. These records must cover the period from January 1 to December 31 of the preceding year, be maintained for one year, and be made available to the Commission upon request. This record-keeping requirement is in place in order to ensure that fees charged are reasonable, and to assist the Commission in detecting any wrongdoing within the commercial operator examination program.

With this submission, the Commission is seeking OMB approval for a revision of this information collection in order to obtain the full three year clearance from OMB.

The statutory authorization for this collection of information is contained in Sections 4, 303, 48 Stat. 1066, 1082 as amended; 47 U.S.C. §§154 and 303.

This information collection does minimally affect individuals or households, and the FCC has in place the requisite requirements to address these impacts, as required by the Privacy Act of 1974, as amended, and OMB regulations.

The FCC has a Privacy Policy that covers those who access the FCC's webpages, at: <http://www.fcc.gov/fccprivacypolicy.html>. There is also a system of records, FCC/OMD-20, "Inter-office and Remote Access Internet E-mail Systems," which was published in the Federal Register on April 5, 2006 (65 FR 17234, 17265) and a Privacy Impact Assessment at: [http://www.fcc.gov/omd/privacyact/System\\_of\\_records/pia-email.pdf](http://www.fcc.gov/omd/privacyact/System_of_records/pia-email.pdf) to cover the collection of IP addresses of those who access FCC webpages.

2. In the Report and Order in this proceeding, the Commission adopted rules regarding radiotelegraph operator's certificates, restrictive endorsements, question pools, and procedural and recordkeeping requirements applicable to COLEMs by: (1) consolidating the three classes of radiotelegraph operator's certificates; (2) eliminating redundant and outdated restrictive endorsements; (3) modifying certain procedural and recordkeeping requirements applicable to commercial operator license examination managers (COLEMs); and (4) clarifying the rules that pertain to log-keeping requirements.

COLEMs would be required to retain certain records for three years, instead of the existing one-year retention period; but would submit that information to the Commission only upon request, instead submitting it on a regular schedule as occurs presently. This would effectively eliminate the existing economic burden related to the reporting requirement, and it would not create any additional measurable economic burden in connection with the extended recordkeeping requirement. COLEMs would also be required to provide examination results to examinees within three business days, and to use electronic filing when submitting applications on behalf of examinees.

The records are journal entries showing revenues collected and expenses incurred. The records may be inspected by FCC field investigators. The records will provide a vehicle for the FCC to cancel the designation of a person or organization as an examination manager. If the information were not maintained, it is conceivable that fraud and abuse could occur in the commercial operator examination program.

3. Prior to finalizing rule makings, the Wireless Telecommunications Bureau conducts an analysis to insure that improved information technology can be 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. No other Federal agency collects this data.
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 that absolutely necessary to deter against possible abuses.
6. If the information collection requirements were not kept or fulfilled it is conceivable that examinees could be overcharged and that fraud and deceit could be used for unjust enrichment of the examiners.
7. There are no special circumstances which would require collections to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.5.
8. The Commission published a 60-day Notice soliciting public comment as required by 5 CFR § 1320.8(d), via publication of the Notice in the Federal Register on February 11, 2019 (84 FR 3167). No PRA comments were received as a result of the Notice.
9. Respondents will not receive any payments.
10. There is no need for confidentiality with this collection.
11. This does not address any private matters of a sensitive nature.
12. There are approximately 9 Commercial Operator Managers (COLEM) that are required to maintain records of examinees revenues and expenses, frequency of exams, and exam pass rates. Approximately 7,500 individuals take the various Element examinations annually.
  - a. **Section 13.13** Approximately 250 of examinees seek to change their operator class, and take only the examinations for the missing Elements. Of the 250 respondents, about 200 such examinees file applications to modify their licenses via COLEM, while the remaining 50 do so by filing applications on their own. We estimate they each would devote 0.44 hours to filling out FCC Form 605.  
$$200 \text{ (examinees via COLEM respondents)} + 50 \text{ (respondents)} \times 0.44 \text{ hours (change in operator class, FCC Form 605)} = 110 \text{ hours.}$$
  - b. **Section 13.217** We estimate that each COLEM would devote 30 hours a year to record-keeping. Collectively, the 9 COLEMs would devote 270 hours per year to record-keeping.

9 (COLEM respondents) x 30 hours (record-keeping) = 270 Hours

c. **Section 13.9 and 13.211** COLEMs are also required to issue a Proof-of-Passing Certificates (PPC(s)) to all examinees who passed the requisite exams successfully. We estimate that each respondent would devote 30 hours per week (30 x 52 = 1,560 hours annually) to PPC issuance.

9 (COLEM respondents) x 1,560 hours (issuance of PPCs) = 14,040 hours.

d. **Section 13.17** Approximately 400 commercial operator license holders apply for a license replacement annually, and we estimate they would devote 0.5 hours to preparation of a written explanation, and 0.44 hours to filling out FCC Form 605.

400 (commercial operator respondents) x 0.94 hours (application for replacement, FCC Form 605) = 376 hours.

**Total Annual Burden: 110+ 270 + 14,040 + 376 = 14,796 hours**

**Total Number of Respondents: 250 + 9+ 400 = 659**

**Total Number of Annual Responses: 659<sup>1</sup>**

**Total “In-house cost”:** We estimate that each COLEM will employ staff at the GS 7/5 level, at a salary of \$24.96 per hour to fulfill the various information collection requirements.

14,796 x 24.96 per hour (clerical cost) = **\$36,930,816**

13. There are no external or contracting cost for this collection.
14. Estimated annual cost to the Federal Government: None.
15. There are no program changes or adjustments to this collection.
16. The data will not be published for statistical use.
17. We do not seek approval to not display the expiration date for OMB approval of the information collection. The Commission displays the OMB control numbers, titles, and OMB expiration dates in 47 CFR 0.408 of the Commission’s rules.
18. There are no exceptions to the certification statement.

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

No statistical methods are employed.

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<sup>1</sup> It is difficult for the Commission to quantify the number of responses because the burden calculations are calculations based on the respondents as a whole instead of the responses.