

SUPPORTING STATEMENT

A. Justification:

Part 11 contains rules and regulations addressing the nation's Emergency Alert System (EAS). The EAS provides the President with the capability to provide immediate communications and information to the general public at the national, state and local area level during periods of national emergency. The EAS also provides state and local governments and the National Weather Service with the capability to provide immediate communications and information to the general public concerning emergency situations posing a threat to life and property. State and local use of the EAS, alert processing requirements, and monitoring assignments covering the distribution of EAS alerts within the state, among other things, are required to be described in State EAS Plans that are administered by State Emergency Communications Committees (SECC) and electronically submitted to the FCC via the Alert Reporting System (ARS) annually for approval.

Revisions to Information Collection Requirements Which Require OMB Approval

The FCC is submitting this information collection to the Office of Management and Budget (OMB) as a revision of the above-referenced, approved information collection covering State EAS Plans and other EAS rules in Part 11 of the FCC rules. Specifically, pursuant to Section 9201 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, Pub. L. 116-283, 134 Stat. 3388, § 9201 (NDAA21), the Commission amends the Part 11 EAS rules and seeks to revise this information collection to specify modifications to the State EAS Plans submission and approval process to (i) require the Public Safety and Homeland Security Bureau (Bureau) to establish a State EAS Plan Content Checklist composed of the content set forth in section 11.21 of the Commission's rules, (47 CFR § 11.21), post the checklist on the FCC's website, and incorporate it as an appendix in ARS user manual; (ii) amend the State EAS Plan requirements in section 11.21 of the Commission's rules to ensure plans are updated annually, require a certification by the SECC Chairperson or Vice-Chairperson that the SECC met (in person, via teleconference, or via other methods of conducting virtual meetings) at least once in the twelve months prior to submitting the annual updated plan, and require that the Bureau approve or reject State EAS Plans submitted for approval within 60 days of receipt; and (iii) require the Bureau to list the approval dates of State EAS Plans submitted on ARS on the Commission's website, and in the event a final decision is made to deny a plan, directly notify the chief executive of the State to which the plan applies of that determination and the reasons for such denial within 30 days of such decision. The order also amends section 11.45 of the Part 11 rules to enable voluntary reporting to the Commission by the FEMA Administrator and Tribal, State, local or territorial governments of false EAS alerts.

The State EAS Plan Content Checklist is composed of the content requirements set forth in section 11.21, with which SECCs already are required to comply, and which were approved by

OMB on June 17, 2019.¹ Accordingly, the Checklist does not modify the existing burden estimate.

The amendment to the State EAS Plan requirements to ensure plans are updated annually already was contained in section 11.21 of the Commission's rules, but has been moved to a subparagraph to emphasize and make its required status clearer. Because the annual State EAS Plan update burden (including the filing of such plans via ARS) already is covered under the currently approved information collection covering State EAS Plans and other EAS rules in Part 11 of the Commission's rules, there is no change in the burden estimate.²

The requirement for the SECC Chairperson or Vice-Chairperson to certify in their State EAS Plan that the SECC met (in person, via teleconference, or via other methods of conducting virtual meetings) at least once in the twelve months to review and update their State EAS Plan prior to submission represents a new element of an information collection. For purposes of estimating the annual cost burden for the annual meeting requirement, we assume an average of six members per SECC will meet for two hours, on average, to review the information in their plans. Based on these figures, we estimate a collective burden to the 54 SECCs of 648 hours. We therefore estimate that the total annual "in-house" costs for the SECCs to meet annually would be \$28,188.³ We note that OMB has already approved the SECCs of filing State EAS Plan information via ARS and estimate that the act of clicking on a check-box in ARS to certify that the meeting took place only imposes de minimis costs.⁴ We observe that many SECCs are likely already conducting these meetings as part of administering an alerting plan covering the entire state and that these meetings may be quite brief.

The rule amendment specifying how the FEMA Administrator and Tribal, State, local or territorial governments may file reports of false EAS alerts represents a new element of this information collection. Based upon the Commission's experience in working with EAS stakeholders on false alert matters, we expect that alert originators will voluntarily report an average of 15 false alert reports per year.⁵ The Commission estimates the total annual "in-house" costs burden to FEMA and Tribal, State, local or territorial governments for filing false alert reports to be \$837.⁶

¹ See Federal Communications Commission, "Emergency Alert System; Wireless Emergency Alerts," 84 Fed. Reg. 35334 (July 23, 2019).

² See *id.*

³ This figure is based on an assessment of 2 hours of internal meetings per 6 members each at 54 SECCs at a quantified hourly rate of \$43.50 per hour (2 (hours) x \$43.50 per hour x 324 (54 SECCs x 6 members each)), using the compensation and benefits rates for broadcast engineers recently approved by OMB for preparing and filing State EAS Plans via ARS. See Federal Communications Commission, "Emergency Alert System; Wireless Emergency Alerts," 84 Fed. Reg. 35334 (July 23, 2019).

⁴ See *id.*

⁵ We note that the filing of a report does not necessarily indicate the existence of an actual false alert and multiple reports may be submitted for the same event.

⁶ To estimate the hourly wage of full-time employees who will be submitting reports, we use the 2022 salary table for GS 10 Step 5 in locality pay area of Washington-Baltimore-Arlington, DC-MD-VA-WV-PA, or \$77,313 per year, which at 2,080 average hours worked is \$37.17 per hour. We add 50% of this wage, or \$18.58 for benefits, for a compensation estimate of \$55.75 per hour. We conservatively estimate that it will take on average an hour or less to prepare and email each false EAS alert report. Based on these figures, the total estimated annual "in-house" cost is \$836.25 (15 reports annually x 1 hour per report x an hourly wage of \$55.75 per hour), which we round up to the

Regarding notifying State Governors' offices of State EAS Plans that may be rejected, we expect that these notifications will not themselves place a burden on those offices. Accordingly, we do not change the estimated burden to reflect this rule change.

Current Information Collection Requirements Previously Approved by OMB:

In May 2021, the Commission requested, and OMB granted, approval for non-substantial changes to the forms associated with ARS. The modified forms provide detailed instructions on how to complete each screen of the online State EAS plan filing form. The Bureau concluded that this approach will improve the user experience by giving filers clear, context-specific instructions on how to complete the page without needing to unnecessarily click on an extra button. This update to the collection caused no changes in the information collection's burden estimates or reporting and record keeping requirements.

In the *SiriusXM Order on Reconsideration*,⁷ the Commission revised the Part 11 EAS rules to (i) eliminate requiring Satellite Digital Audio Radio Service (SDARS) providers to transmit weekly tests in favor of requiring them to only log receipt of the weekly test, and (ii) eliminate the requirement that SDARS providers transmit monthly test on all channels in favor of requiring them to transmit the monthly test on 10% of all of their channels, with channels tested varying from month to month, so that over the course of a given year, 100% of all of its channels are tested. The Commission observed that the burden for conducting weekly tests had been established at 0.017 hours per week, for 40 weeks (weekly tests are not required for the week in which a monthly test is conducted); thus, the annual burden for SDARS providers to conduct weekly tests was 0.68 hours, at an estimated annual cost of \$26 ((0.68) x (\$38 per hour)). The Commission further observed that, while it seemed likely that this annual cost would be lessened under the modified weekly testing requirement – to some figure between \$0 and \$26 – given that there is only one SDARS provider, that amount would be de minimis relative to the total estimated in-house cost to all respondents (then approved at 42,840 hours at an aggregate cost of \$1,627,920). Accordingly, the Commission did not change the burden inventory contained in the current information collection.

In the *Alerting Reliability Order*,⁸ the Commission amended the Part 11 EAS rules to, among other things, (i) require EAS Participants to notify the Commission (via email to the FCC Ops Center at FCCOPS@fcc.gov) within twenty-four (24) hours of the EAS Participant's discovery that it has transmitted or otherwise sent a false alert to the public, and (ii) include "Live Code Tests" of the EAS as a separate category of alerting exercise that EAS Participants may undertake voluntarily, provided such live code tests are conducted in accordance with specific parameters.

The Commission concluded that the annual cost burden of reporting false alerts will be \$11,600 per year. This figure is based upon following costs: (1/4 hour) x (\$80 hourly salary) x (an

nearest dollar amount to \$837.

⁷ *Review of the Emergency Alert System*, EB Docket 04-296, PS Docket No. 15-94, Order on Reconsideration, 34 FCC Rcd 5382 (2019) (*SiriusXM Order on Reconsideration*).

⁸ *Amendment of Part 11 of the Commission's Rules Regarding the Emergency Alert System; Wireless Emergency Alerts*, PS Docket Nos. 15-94, 15-91, Report and Order and Further Notice of Proposed Rulemaking, 33 FCC Rcd 7086 (2018) (*Alerting Reliability Order*).

estimated 2 incidents per year based on receiving reports of two false alerts in 2013, and one in 2014 and in 2015) x (290 entities estimated to file, which is based on the results of a widely reported false alert in which 290 entities would have been required to file a report, assuming all 290 entities had actual knowledge they had transmitted a false alert) = \$11,600. The Commission concluded that the codification of “Live Code Tests” of the EAS as a separate category of alerting exercise that EAS Participants may undertake voluntarily, in accordance with the codified parameters, does not impose any new costs. Rather, this rule change codified requirements that were previously imposed on waivers granted by the Commission, thus, eliminating any legal or administrative costs that were associated with filing waiver requests.

In the *State EAS Plan Order*,⁹ the Commission revised the information required to be reported in State EAS Plans, and required that SECCs file the State EAS Plans online in the Alert Reporting System (ARS). The Commission concluded that producing State EAS Plans consistent with the rules will result in approximately \$235,000 as a one-time recordkeeping cost. This figure was based on an assessment of 100 hours per 54 SECCs to prepare their plans from scratch, at a quantified hourly rate of \$43.50 ((100 hours) x (\$43.50 per hour) x (54 SECCs)). The Commission also concluded that SECC representatives will incur a one-time estimated \$1,000 reporting cost to file their revised State EAS Plans in the ARS. This figure was based on an estimated time burden of one hour, for each of the 54 SECCs at an hourly cost estimate of approximately \$19 per hour ((1 hour) x (\$19 per hour) x (54 SECCs)).

In the *Third Report and Order*, the FCC adopted rules establishing a regulatory structure for a national test of the EAS.¹⁰ In order for the FCC to determine the extent to which the test, and by extension the EAS, was successful, the FCC adopted rules requiring EAS Participants, within forty five (45) days of the date of the first national EAS test, to record and submit to the FCC the following test-related diagnostic information for each alert received from each message source monitored at the time of the national test:

- Whether they received the alert message during the designated test;
- Whether they retransmitted the alert;
- If they were not able to receive and/or transmit the alert, their ‘best effort’ diagnostic analysis regarding the cause(s) for such failure;
- A description of their station identification and level of designation (PEP, LP-1, etc.);
- The date/time of receipt of the EAN message by all stations; the date/time of PEP station acknowledgement of receipt of the EAN message to FOC;
- The date/time of initiation of actual broadcast of the Presidential message;
- The date/time of receipt of the EAT message by all stations;
- Who they were monitoring at the time of the test, and the make and
- Model number of the EAS equipment that they utilized.

The *Third Report and Order* indicated that the national tests of EAS, and related information

⁹ *Amendment of Part 11 of the Commission’s Rules Regarding the Emergency Alert System*, PS Docket No. 15-94, Report and Order, 33 FCC Rcd 3627 (2018) (*State EAS Plan Order*).

¹⁰ *Review of the Emergency Alert System*, EB Docket No. 04-296, Third Report and Order, 26 FCC Rcd 1460 (2011) (*Third Report and Order*).

collections will likely be carried out on an annual basis. On March 10, 2010, OMB approved the collection as indicated by the related Notice of Office of Management and Budget Action notification.

In the *Second Report and Order*, the FCC adopted rules that require states to file new EAS plans with the FCC under certain circumstances, expand the number of private entities covered by EAS, and impose new obligations on private entities.¹¹ These rules may impact currently existing paperwork collection requirements as discussed below.

In the *Second Report and Order*, the FCC adopted a rule obligating EAS Participants to accept a message using a common EAS messaging protocol, the Common Alerting Protocol v1.1 (CAP), no later than 180 days after FEMA publicly publishes its adoption of such standard; requires EAS Participants to adopt Next Generation EAS delivery systems no later than 180 days after FEMA publicly releases standards for those systems; expands the number of EAS Participants by including wireline common carriers providing video programming (“wireline video systems”); and requires EAS Participants to transmit state and local EAS alerts that are originated by governors or their designees no later than 180 days after FEMA publishes its adoption of the CAP standard, provided that the state has a FCC-approved EAS state plan that provides for delivery of such alerts.

The following information collection elements contained in Part 11 may be impacted by these rule amendments:

Section 11.21 contains State EAS Plan requirements for SECCs as well as television broadcast stations, cable systems, SDARS providers, DBS providers and other regulated service providers subject to the EAS rules.

Section 11.45 contains false alert reporting requirements and procedures that apply to television broadcast stations, cable systems, SDARS providers, DBS providers and other regulated service providers subject to the EAS rules.

Statutory authority for the modification of this collection of information is contained in 47 U.S.C. sections 154(i), section 606(c) of the Communications Act of 1934, as amended, and Section 9201 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, Pub. L. 116-283, 134 Stat. 3388, § 9201.

This information collection does not affect individuals or households; thus, there are no impacts under the Privacy Act.

2. State EAS Plans are necessary to ensure that the President can issue a Presidential EAS alert that reaches the public in times of national emergencies. State EAS Plans are reviewed and approved by the Chief of the Commission’s Public Safety and Homeland Security Bureau prior to implementation, which enables the Commission to ensure that EAS operations in each state

¹¹ *Review of the Emergency Alert System; Independent Spanish Broadcasters Association, the Office of Communication of the United Church of Christ, Inc., and the Minority Media and Telecommunications Council, Petition for Immediate Relief*, EB Docket No. 04-296, Second Report and Order and Further Notice of Proposed Rulemaking, 22 FCC Rcd 13275 (2007) (*Second Report and Order*).

are consistent with national plans, FCC regulations, and proper EAS operation. Annual State EAS Plan submission and certification requirements, including the review and approval process, all serve the fundamental purpose of keeping State EAS Plans – and by extension, State and local usage of the EAS – in proper functioning order, which protects lives and property, and broadly serves the public interest.

False alert reporting by alert originators is essential to providing the Commission, FEMA, and other affected stakeholders with the information necessary to ensure EAS reliability by identifying and mitigating problems with the EAS. The false alert reporting rules also can provide a significant public safety benefit by allowing the Commission to detect whether there are trends and patterns in false alerts that may indicate weaknesses that require further Commission study and action to strengthen the alerting system.

3. Automated logging devices are used by EAS Participants to record entries in their station logs. In addition, EAS alerts are received electronically via advanced digital signaling equipment. State EAS Plans are filed using the ARS, an online electronic database that makes reporting, reviewing and notifying SECCs of approvals and required corrections less burdensome than filing paper copies of such plans. False alerts are reported to the Commission by email, which lessens the burdens for filing such reports.

4. This agency does not impose a similar information collection on the respondents. There is no similar data available. To the extent that information on false alerts are received from other sources such as EAS Participants, we note that the submission of false alert reports by alert originators is voluntary and can greatly aid the Commission in verifying the accuracy of other reports and providing additional details about the causes and effects of false alerts that may not be available from other sources.

5. Part 11 was designed to minimize the burden for all respondents regardless of size. We note that the ability for alert originators to report false alerts is voluntary, which can help minimize the burden on some smaller jurisdictions.

6. The EAS requirements are designed to benefit the EAS Participants and the people of their community, not the federal government. Any reduction in the frequency of this activity would result in a proportional loss of benefit and would cause a delay in the detection of equipment failures that would cause the loss of national, state and local emergency messages to the public and could cause loss of life and property.

7. This collection of information is consistent with the guidelines in 5 CFR 1320.5(d)(2).

8. The Commison published a 60-day notice in the Federal Register on December 22, 2021 (**86 FR 72598**). No comments were received.

9. No payment or gift was provided to the respondents.

10. The Commission shares aggregated and individual State EAS Plan data on a confidential basis with other federal agencies and state governmental emergency management agencies that

have confidentiality protection at least equal to that provided by the Freedom of Information Act.

11. This collection of information does not address any private matters of a sensitive nature.

12. The following is provided for burden estimates.

	<u># of Respondents</u>	<u># of Responses per Respondent</u>	<u>Total Responses</u>	<u>Burden per Response</u>	<u>Total Burden</u>	<u>Est. Hourly Wage of Respondent</u>	<u>Total Est. In-House Cost to Respondent</u>
Section 11.15	63,000	1	63,000	0.1 hours	6,300 hours	\$38	\$239,400
Section 11.21	50 (states)	1	50	20 hours	1,000 hours	\$25	\$25,000
Section 11.21	54 (SECCs)	1	54	112 hours	6,048 hours	\$43.50	\$263,088
Section 11.21	54 (SECCs)	1	54	1 hour	54 hours	\$19	\$1,026
Section 11.21	27,468	1	27,468	1 hour	27,468 hours	\$38	\$1,043,784
Section 11.34	10 (manufacturers)	1	10	20 hours	200 hours	\$25	\$5,000
Section 11.35	400	1	400	0.017 hours	7 hours	\$38	\$266
Section 11.35	300	1	300	0.5 hours	150 hours	\$38	\$5,700
Section 11.41	10	1	10	0.5 hours	5 hours	\$38	\$190
Section 11.42	10 (common carriers)	1	10	1 hour	10 hours	\$38	\$380
Section 11.43	10 (voluntary entities)	1	10	0.5 hours	5 hours	\$38	\$190
Section 11.45	290	2	580	0.25 hours	145 hours	\$80	\$11,600
Section 11.45	15	1	15	1 hour	15 hours	\$55.75	\$837
Section 11.51	4,373	1	4,373	0.17 hours	743 hours	\$38	\$28,234
Section 11.51	63,000	1	63,000	0.017 hours	1,071 hours	\$38	\$40,698
Section 11.52	20	1	20	0.5 hours	10 hours	\$38	\$380
Section 11.52	5	1	5	1.0 hour	5 hours	\$38	\$190

Section 11.54	63,000	1	63,000	0.017 hours	1,071 hours	\$38	\$40,698
Section 11.55	63,000	1	63,000	0.017 hours	1,071 hours	\$38	\$40,698
Section 11.55	8	1	8	3 hours	24 hours	\$25	\$600
Section 11.61	63,000	40	2,520,000	0.017 hours	42,840 hours	\$38	\$1,627,920
Section 11.61	63,000	12	756,000	0.034 hours	25,704 hours	\$38	\$976,752
Section 11.61*	27, 468	1	27, 468	1 hour	27,468 hours	\$38	\$1,043,784
Section 11.61	10	1	10	0	0	0	0
Totals	63,084		3,588,845		141,414 hours		\$5,396,415

13. Annual Cost Burden to the Respondent. The FCC does not anticipate that respondents will need to incur capital or start-up costs, or operation and maintenance and purchase of services costs to respond to these information collections.

14. Cost to the Federal Government: The rule amendments adopted in the Order, PS Docket Nos. 15-91 and 15-94, FCC 21-77, will slightly increase the current total cost to the Federal Government in OMB's burden inventory for the 3060-0207 information collection. The Commission uses GS-13, Step 5, locality adjusted for the pay area of Washington-Baltimore-Arlington, DC-MD-VA-WV-PA in 2022 (\$58.01/hour) to process the information submitted to the Commission in connection with sections 11.21, 11.35, 11.41, 11.43, 11.45 and 11.52.

50 x 6 hours x \$58.01 = \$17,403
 300 x 0.5 hours x \$58.01 = \$8,701.50
 10 x 0.5 hours x \$58.01 = \$290.05
 10 x 1 hour x \$58.01 = \$580.01
 20 x 0.5 hours x \$58.01 = \$580.01
 5 x 1 hour x \$58.01 = \$290.05
 580 x 0.5 hours x \$58.01 = \$16,822.90
 54 x 1 hour x \$58.01 = \$3,132.54

Current Total Cost to the Federal Government: \$47,800.06

15. There are only minor program changes/increases to this information collection. As a result of the reporting requirements adopted in the Order, the total number of respondents remain the same, the total annual responses increased by +15 and the total annual burden hours increased by +663 hours. These changes were mandated by legislation (NDAA21), and the methodology used to calculate the burdens are quantified above.

There are no adjustments.

16. The results of this collection are publicly available, except, as indicated in the response to question 10, for the State EAS Plan contents in ARS.

17. The Commission is requesting a waiver of displaying the OMB control number on the on-line application screens because that would require updating each time this collection was submitted to OMB for review and approval. The Commission displays the OMB expiration date, title and OMB control number 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.