

SUPPORTING STATEMENT

A. Justification:

1. Under Congressional directive, Commission staff reviews the Equal Employment Opportunity (EEO) practices of broadcast television stations in station employment units with five or more full-time employees, and radio stations in employment units with eleven or more full-time employees, around the midpoint of broadcasters' eight-year license terms.¹ To facilitate this review, the Commission previously required licensees to file with the Commission the Broadcast Mid-Term Report (FCC Form 397) four months prior to that date.

However, on February 15, 2019, the Commission released a Report and Order (Order), MB Docket No. 18-23, FCC 19-10; *In the Matter of Elimination of Obligation to File Broadcast Mid-Term Report (Form 397) Under Section 73.2080(f)(2)* eliminating the provision of Section 73.2080(f)(2) which required stations to file Form 397 and replacing it with a technological approach designed to be more efficient and less burdensome to licensees. As announced via Public Notice on May 11, 2023², when uploading their annual EEO public file reports to the Commission's Online Public Inspection File (OPIF), broadcast radio and Satellite Digital Audio Radio Services (SDARS)³ stations are now required to answer "Yes" or "No" to indicate whether they have eleven or more full-time employees at the mid-point of their license term (once every eight years), which is the threshold number of employees triggering a mid-term review for radio and SDARS employment units. All television stations uploading an EEO public file report to the OPIF are necessarily subject to a mid-term review because the requisite staff size for both obligations is five full-time employees for television employment units. Thus, the very act of posting the report to the OPIF will be sufficient to identify television stations subject to a mid-term review.

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

Statutory authority for this collection of information is contained in Sections 1. 4(i), 4(j) and 334 of the Communications Act of 1934, as amended.

¹ Pursuant to Section 73.2080(e)(2), a station employment unit is a station or group of commonly owned stations in the same market that share at least one employee.

² See *Broadcast Equal Employment Opportunity Mid-Term Review Cycle Commences June 1, 2023*, Public Notice, DA 23-381, 2023 WL 3476411 (EB May 11, 2023).

³ Satellite Radio (also referred to as "Satellite Digital Audio Radio Services" or "SDARS") licensees are required to comply with the Commission's EEO broadcast rules and policies. They must engage in the same recruitment, outreach, public file, website posting, record-keeping, reporting, and self-assessment obligations required of broadcast licensees, and are subject to the same EEO policies. See *Applications for Consent to the Transfer of Control of Licenses, XM Satellite Radio Holdings Inc., Transferor, to Sirius Satellite Radio Inc., Transferee*, 23 FCC Rcd 12348, 12426, ¶ 174, and note 551 (2008). See also *Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310-2360 MHz Frequency Band*, 12 FCC Rcd 5754, 5791-92, ¶¶ 91-92 (1997), FCC 97-70.

2. **Agency Use of Information:** This information will be used by FCC staff and interested parties to monitor licensee compliance with the Commission's EEO requirements at the midpoint of the license term.
3. **Consideration Given to Information Technology:** The information will be filed electronically.
4. **Effort to Identify Duplication and Similar Information:** The agency does not impose similar information collection requirements on the respondents. There are no similar data available.
5. **Effort to Reduce Small Business Burden:** This program considers the needs of small stations by applying the requirement only to television stations that are part of an employment unit with five or more full-time employees and radio stations that are part of an employment unit with more than ten full-time employees. The information must be supplied only once every eight years at the mid-point of a license term. In this information collection, the burdens for all TV stations are eliminated. The burden for subject radio stations are significantly reduced.
6. **Less Frequent Data Collections:** If the information was not collected, the Commission would be unable to perform its statutorily required mid-term review of radio station EEO practices in contravention of Section 334(b) of the Communication Act of 1934, as amended.
7. **Information Collection Circumstances:** This collection of information requires that records be retained for one license term. Pursuant to Section 73.2080⁴ this retention period is necessary to provide the FCC and the public with information to evaluate the station's EEO program compliance during its entire license term.
8. **Public Comment Period:** The Commission published a 60-day notice in the *Federal Register* (89 FR 16566) on March 7, 2024, seeking comments on the information collection requirements contained in this supporting statement. No comments were received from the public.
9. **Payment of Gift:** There are no gifts or payments given to respondents for complying with this information collection requirement.
10. **Confidentiality of Information:** There is no need for confidentiality with this collection of information.

⁴ See OMB Control Number 3060-0349 for the recordkeeping requirement and burden associated with the requirement. The recordkeeping requirement for all EEO forms is maintained under collection 3060-0349 pursuant to Section 73.2080. The burden and requirement contained in this supporting statement, 3060-0922, deal with the filing of the actual FCC Form 397, only.

11. Justification for Sensitive Questions: This collection of information does not address any private matters of a sensitive nature.

12. Estimate of Burden and Burden House Cost: As noted above, this information is required at the mid-point of the subject license term, which is generally only once every eight years. However, to provide an average annual burden figure as required by OMB, we estimate that 9339 radio broadcast stations and one SDARS licensee will respond to this information collection every eight years and the below number of designated “annual” estimates reflects that time period. The average burden on respondents is 0.02 hours. This estimate is based on the staff’s knowledge and familiarity with the availability of the data required.

Total Number of Annual Respondents: 1,167 Broadcast Stations + 1 SDARS licensee⁵ = 1,168 respondents

Total Number of Annual Responses: 1,168 Responses

Total Annual Burden Hours:

1,168 Responses x 0.02 hours/response = **23 hours (rounded)**

Annual “In-house” Cost: We assume that the respondent would have its human resources person respond to this “Yes” or “No” question at a salary of \$25/hour.

1,168 Responses x 0.02 hours/response x \$25/hour = \$584

Total Annual “In-house” Cost: \$584

13. Annual Cost Burden:

- (a) Total annualized capital/startup costs: None
- (b) Total annual costs (O&M): None
- (c) Total annualized cost requested: None

14. Cost to the Federal Government. The Commission will use an EEO Specialist at the GS-12, step 5 level (\$53.87/hour) to review and process the information received at the Commission.

⁵ This respondent makes up the majority of its universe of respondents. Therefore, OMB approval is needed for this respondent.

1,168 Filings x .08/response x \$53.87/hour = \$5,033.61

Total Cost to the Federal Government = \$5,033.61

15. Changes in Burden or Cost: The Commission is reporting adjustments/decreases to this information collection. Based on the most currently available data, the total number of respondents/annual responses decreased by -12,015 and the total annual burden hours decreased by -241.

There are no program changes.

16. Plans for Publication: The data will not be published for statistical use.

17. Display of OMB Approval Date: We do not seek approval to not display the expiration date for OMB approval of the information collection.

18. Exceptions to the Certification Statement: There are no exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods

No statistical methods are employed.