

collection(s). Comments are requested concerning (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. An agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a valid OMB control number.

**DATES:** Written PRA comments should be submitted on or before November 21, 2008. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

**ADDRESSES:** Submit your comments to Nicholas A. Fraser, Office of Management and Budget (e-mail address: [nfraser@omb.eop.gov](mailto:nfraser@omb.eop.gov)), and to the Federal Communications Commission's PRA mailbox (e-mail address: [PRA@fcc.gov](mailto:PRA@fcc.gov)). Include in the emails the OMB control number of the collection as shown in the

**SUPPLEMENTARY INFORMATION** section below or, if there is no OMB control number, the Title as shown in the **SUPPLEMENTARY INFORMATION** section. If you are unable to submit your comments by email contact the person listed below to make alternate arrangements.

**FOR FURTHER INFORMATION CONTACT:** For additional information contact Jerry Cowden via e-mail at [PRA@fcc.gov](mailto:PRA@fcc.gov) or at 202-418-0447. To view or obtain a copy of an information collection request (ICR) submitted to OMB: (1) Go to this OMB/GSA Web page: <http://www.reginfo.gov/public/do/PRAMain>, (2) look for the section of the Web page called "Currently Under Review," (3) click on the downward-pointing arrow in the "Select Agency" box below the "Currently Under Review" heading, (4) select "Federal Communications Commission" from the list of agencies presented in the "Select Agency" box, (5) click the "Submit" button to the right of the "Select Agency" box, and (6) when the list of FCC ICRs currently under review appears, look for the OMB

control number of the ICR you want to view (or its title if there is no OMB control number) and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 3060-0204.

*Title:* Special Eligibility Showings for Authorizations in the Public Safety Pool (47 CFR 90.20(a)(2)(v) and 90.20(a)(2)(xi)).

*Form Number:* Not applicable.

*Type of Review:* Revision of a currently approved collection.

*Respondents:* Individuals and businesses.

*Number of Respondents and Responses:* 220 respondents; 220 responses.

*Estimated Time per Response:* 0.686 hour (range of 3 minutes to 45 minutes).

*Frequency of Response:* One-time reporting requirement.

*Obligation to Respond:* Required to obtain or retain benefits.

*Total Annual Burden:* 151 hours.

*Total Annual Cost:* None.

*Privacy Act Impact Assessment:* The information collection in 47 CFR 90.20(a)(2)(v) affects individuals, and there is a system of records that covers it (FCC/WTB-1, Wireless Services Licensing Records).

*Nature and Extent of Confidentiality:* Requests to withhold information submitted to the Commission from public inspection will be treated in accordance with section 0.459 of the Commission's rules.

*Needs and Uses:* The Commission collects this information to ensure that certain non-governmental applicants applying for the use of frequencies in the Public Safety Pool meet the eligibility criteria set forth in the Commission's rules. The collection is being revised to consolidate under one OMB control number two information collections that were previously under separate OMB control numbers.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. E8-25188 Filed 10-21-08; 8:45 am]

**BILLING CODE 6712-01-P**

**FEDERAL COMMUNICATIONS COMMISSION**

**Notice of Public Information Collections Approved by the Office of Management and Budget (OMB)**

October 15, 2008.

**SUMMARY:** The Federal Communications Commission (FCC) has received Office

of Management and Budget (OMB) approval for the following public information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). An agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number, and no person is required to respond to a collection of information unless it displays a currently valid OMB control number. Comments concerning the accuracy of the burden estimates and any suggestions for reducing the burden should be directed to the person listed in the **FOR FURTHER INFORMATION CONTACT** section below.

**FOR FURTHER INFORMATION CONTACT:** For additional information contact Cathy Williams, via the Internet at [PRA@fcc.gov](mailto:PRA@fcc.gov) or on (202) 418-2918.

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 3060-0095.

*OMB Approval Date:* October 8, 2008.

*Expiration Date:* October 31, 2011.

*Title:* Multi-Channel Video

Programming Distributors Annual Employment Report.

*Form Number:* FCC Form 395-A.

*Number of Respondents/Responses:* 2,500.

*Estimated Time per Response:* 1 hour.

*Total Annual Burden:* 2,500 hours.

*Total Annual Cost:* None.

*Obligation to Respond:* Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections 154(i) and 634 of the Communications Act of 1934, as amended.

*Nature and Extent of Confidentiality:* Whether the Form is confidential will be determined in a pending Commission rulemaking. Although the Form has received OMB approval, the requirement to file the Form, which has been suspended since January 2001, remains suspended until the Commission decides the issue of confidentiality.

*Needs and Uses:* FCC Form 395-A, "The Multi-Channel Video Programming Distributor Annual Employment Report," is a data collection device used by the Commission to assess industry employment trends and provide reports to Congress. By the Report, multichannel video programming distributors ("MVPDs") identify employees by gender and race/ethnicity in sixteen specified job categories. FCC Form 395-A contains a grid which collects data on full and part-time employees combined and requests a list of employees by job title, indicating the job category. MVPDs, including cable operators, with six or more full-time

employees (but Satellite Master Antenna Television ("SMATV") operators only if they also serve 50 or more subscribers) must complete Form 395-A in its entirety and file it by September 30 each year. MVPDs with five or fewer full-time employees are not required to file but, if they do, they need to complete and file only Sections I, II and V of the FCC Form 395-A, but not the portions requiring workforce information, and thereafter need not file again unless their employment increases to more than five full-time employees.

In *Review of the Commission's Broadcast and Cable Equal Employment Opportunity Rules and Policies*, MM Docket No. 98-204, Third Report and Order and Fourth Notice of Proposed Rulemaking, 69 FR 34950, June 23, 2004, 19 FCC Rcd 9773 (2004) ("2004 Order"), the Commission considered issues relating to the Annual Employment Report forms, including Form 395-A. In the 3rd R&O, the Commission adopted revised rules requiring broadcasters and multichannel video programming distributors (MVPDs) to file annual employment reports, which cable and other MVPDs will use to file annual employment reports. The intent of the 3rd R&O was to update rules for MVPDs to file Form 395-A consistent with new rules adopted in the 2nd R&O. The intent of the Fourth Notice of Proposed Rulemaking, which remains pending, is to provide time for cable and other MVPDs and the public to address the issue of whether the Commission should keep these forms confidential after they are filed. Upon the effective date of the rulemaking deciding the confidentiality issue, MVPDs and broadcasters must start keeping records of their employees so they can prepare their annual employment reports due to be filed on the next due date thereafter.

In its 2004 Order, the Commission stated that Form 395-A conformed to the racial and employment categories contained in the then-existing Form EEO-1 Employer Information Report issued by the Equal Employment Opportunity Commission ("EEOC"), 2004 Order, at 9977-78. The Order noted that the EEOC had proposed to revise its EEO-1 form to incorporate new racial and employment categories approved by OMB. It also noted that, when the revised EEO-1 form was released, the Commission would review its Form 395-A to see what changes were needed to comply with the new OMB standards, and whether it could conform Form 395-A to those standards consistent with Section 634 of the Communications Act of 1934, as amended (the "Act"). 47 U.S.C. 554; see

2004 Order at 9978. With the EEOC's release of the EEO-1 incorporating revised racial and employment categories, the Bureau sought public comment ("Media Bureau Seeks Comment on Possible Changes to FCC Forms 395-A and 395-B," Public Notice DA 08-752, released April 11, 2008; 73 FR 21346, April 21, 2008) (the "Public Notice") on whether to incorporate the EEOC's revised categories and whether such changes would be consistent with Section 634 of the Act. The public comment period ended on June 6, 2008, and the Commission completed its review of all the comments and reply comments. The Commission did not receive any comments opposing the incorporation of the EEOC's revised categories in the FCC's annual employment reports.

The Commission concluded that the proposed changes to FCC Form 395-A are consistent with the racial and job category data required by Section 634 of the Act because the revisions simply reflect different terminology for the same categories and more detailed sub-categories. 47 U.S.C. 554.

*OMB Control Number:* 3060-0390.

*OMB Approval Date:* October 8, 2008.

*Expiration Date:* October 31, 2011.

*Title:* Broadcast Station Annual Employment Report.

*Form Number:* FCC Form 395-B.

*Number of Respondents/Responses:* 14,000.

*Estimated Time per Response:* 1 hour.

*Total Annual Burden:* 14,000 hours.

*Total Annual Cost:* None.

*Obligation to Respond:* Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections 154(i) and 334 of the Communications Act of 1934, as amended.

*Nature and Extent of Confidentiality:* Whether the Form is confidential will be determined in a pending Commission rulemaking. Although the Form has received OMB approval, the requirement to file the Form, which has been suspended since January 2001, remains suspended until the Commission decides the issue of confidentiality.

*Needs and Uses:* FCC Form 395-B, "The Broadcast Station Annual Employment Report," is a data collection device used by the Commission to assess industry employment trends and provide reports to Congress. By the Report, broadcast licensees and permittees identify employees by gender and race/ethnicity in ten specified job categories. FCC Form 395-B contains two grids, which collect information of full and part-time employees, respectively, and requests

lists of employees by job title, indicating the job category of the position. The Report, which is a data collection device used to compile statistics on the broadcast workforce, identifies each staff member by gender and race/ethnicity. Broadcast licensees or permittees with five or more full-time employees are required to file Form 395-B on or before September 30th of each year. Although licensees or permittees with fewer than five full-time employees are not required to file, if they do, they need to complete and file only Sections I, II and IV of the FCC Form 395-B, but not the portions requiring workforce information, and thereafter need not file again unless their employment increases to five or more full-time employees.

In *Review of the Commission's Broadcast and Cable Equal Employment Opportunity Rules and Policies*, MM Docket No. 98-204, Third Report and Order and Fourth Notice of Proposed Rulemaking, 69 FR 34950, June 23, 2004, 19 FCC Rcd 9773 (2004) ("2004 Order"), the Commission considered issues relating to the Annual Employment Report forms, including Form 395-B. In the 3rd R&O, the Commission adopted revised rules requiring broadcasters and multichannel video programming distributors (MVPDs) to file annual employment reports. Radio and television broadcasters will use Form 395-B to file annual employment reports. The intent of the 3rd R&O is to reinstate and update requirements for broadcasters and MVPDs to file annual employment reports. The intent of the Fourth Notice of Proposed Rulemaking, which remains pending, was to provide time for MVPDs, broadcast licensees, and the public to address the issue of whether the Commission should keep these forms confidential after they are filed. With the effective date of the rulemaking deciding the confidentiality issue, MVPDs and broadcasters must start keeping records of their employees so they can prepare their annual employment reports due to be filed on the first due date thereafter.

In its 2004 Order, the Commission stated that Form 395-B conformed to the racial and employment categories contained in the then-existing Form EEO-1 Employer Information Report issued by the Equal Employment Opportunity Commission ("EEOC"). 2004 Order, at 9977-78. The Order noted that the EEOC had proposed to revise its EEO-1 form to incorporate new racial and employment categories approved by OMB. It also noted that, when the revised EEO-1 form was released, the Commission would review

its Form 395-B to determine what changes were needed to comply with the new OMB standards, and whether it could conform Form 395-B to those standards consistent with Section 334 of the Communications Act of 1934, as amended (the "Act"). 47 U.S.C. 334; see 2004 Order at 9978.

With the EEOC's release of the EEO-1 incorporating revised racial and employment categories, the FCC's Media Bureau sought public comment ("Media Bureau Seeks Comment on Possible Changes to FCC Forms 395-A and 395-B," Public Notice DA 08-752, released April 11, 2008; 73 FR 21346, April 21, 2008) ("Public Notice") on whether to incorporate the EEOC's revised categories and whether such changes would be consistent with Section 334 of the Act. The public comment period ended on June 6, 2008, and the Commission completed its review of all the comments and reply comments. The Commission did not receive any comments opposing the incorporation of the EEOC's revised categories in the FCC's annual employment reports.

The Commission concluded that the proposed changes to FCC Form 395-B are consistent with Section 334 of the Act, which allows the FCC to make non-substantive technical or clerical revisions to annual employment reports in order to reflect changes in, *inter alia*, terminology. Because these changes do not subtract any information requested on the form, but rather seek more detail on race identification and official/manager occupations, with minor changes in terminology, we concluded that they are consistent with Section 334. 47 U.S.C. 334.

Federal Communications Commission.

**Marlene H. Dortch,**  
Secretary.

[FR Doc. E8-25189 Filed 10-21-08; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### Notice of Public Information Collection(s) Being Submitted for Review to the Office of Management and Budget

October 17, 2008.

**SUMMARY:** The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden, invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3501-3520.

An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

**DATES:** Written Paperwork Reduction Act (PRA) comments should be submitted on or before November 21, 2008. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

**ADDRESSES:** Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget, (202) 395-5887, or via fax at 202-395-5167 or via internet at [Nicholas.A.Fraser@omb.eop.gov](mailto:Nicholas.A.Fraser@omb.eop.gov) and to [Judith.B.Herman@fcc.gov](mailto:Judith.B.Herman@fcc.gov), Federal Communications Commission, or an e-mail to [PRA@fcc.gov](mailto:PRA@fcc.gov). To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page <http://reginfo.gov/public/do/PRAMain>, (2) look for the section of the Web page called "Currently Under Review", (3) click on the downward-pointing arrow in the "Select Agency" box below the "Currently Under Review" heading, (4) select "Federal Communications Commission" from the list of agencies presented in the "Select Agency" box, (5) click the "Submit" button to the right of the "Select Agency" box, and (6) when the list of FCC ICRs currently under review appears, look for the title of this ICR (or its OMB Control Number, if there is one) and then click on the ICR Reference Number to view detailed information about this ICR.

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collection(s), contact Judith B. Herman at 202-418-0214 or via the Internet at [Judith.B.Herman@fcc.gov](mailto:Judith.B.Herman@fcc.gov).

**SUPPLEMENTARY INFORMATION:**

OMB Control Number: 3060-0511.

**Title:** ARMIS Access Report.  
**Report No.:** FCC Report 43-04.  
**Type of Review:** Extension of a currently approved collection.

**Respondents:** Business or other for-profit.

**Number of Respondents:** 76 respondents; 76 responses.

**Estimated Time per Response:** 153 hours.

**Frequency of Response:** Annual reporting requirement.

**Obligation to Respond:** Mandatory. Statutory authority for this information collection is contained in 47 U.S.C. 161, 219(b) and 220 of the Communications Act of 1934, as amended.

**Total Annual Burden:** 11,628 hours.

**Total Annual Cost:** N/A.

**Privacy Act Impact Assessment:** N/A.

**Nature and Extent of Confidentiality:**

Ordinarily, questions of a sensitive nature are not involved in the ARMIS 43-04 Access Report. The Commission contends that areas in which detailed information is required are fully subject to regulation and the issue of data being regarded as sensitive will arise on special circumstances only. In such circumstances, the Commission instructs the respondent on the appropriate procedures to follow to safeguard sensitive data. Respondents may request confidential treatment of their documents under 47 CFR 0.459 of the Commission's rules.

**Needs and Uses:** The Federal Communications Commission is submitting this information collection (IC) to the OMB as an extension during this comment period to obtain the full three-year clearance from them. The Commission is reporting a -918 burden hour reduction (adjustment). This adjustment is due to fewer respondents (from 82 to 76 from the last time this information collection was submitted to the OMB). Therefore, the total annual burden hours are now estimated at 11,628 hours.

The Automated Reporting Management Information System (ARMIS), Report 43-04, Access Report provides jurisdictional separations and access charge data by Part 36 category of the Commission's rules and regulations. The ARMIS Report 43-04 monitors revenue requirements, joint cost allocations, jurisdictional separations and access charges.

**Note:** The Commission in its Memorandum Opinion and Order, WC Docket Nos. 07-21 and 05-342, 23 FCC Rcd 7302, released April 24, 2008, granted AT&T's petition for forbearance, finding conditionally that AT&T, as a price cap carrier generally not subject to rate-of-return regulation, has demonstrated that forbearance from enforcing the Cost Assignment Rules satisfies the