

old; electronic records will be backed up and deleted twelve (12) years after the registration is no longer valid.

**Needs and Uses:** The Commission is seeking OMB approval for a revision of this information collection in order to obtain the full three year approval from OMB. There is no change to the Commission's previous burden estimates.

The purpose of the FCC Form 854 is to register antenna structures (radio towers) that are used for wire or radio communication services which are regulated by the Commission; to make changes to existing registered antenna structures or pending applications for registration; or to notify the Commission of the completion of construction or dismantlement of such structures, as required by Title 47 of the Code of Federal Regulations (CFR), Chapter 1, Sections 1.923, 1.1307, 1.1311, 17.1, 17.2, 17.4, 17.5, 17.6, 17.7, 17.57 and 17.58.

On December 9, 2011, the Commission adopted and released the Migratory Bird Order on Remand (*Remand Order*), WTB Docket Nos. 08–61 and 03–187, FCC 11–181, in response to the decision of the Court of Appeals for the District of Columbia Circuit in *American Bird Conservancy v. FCC*, 516 F.3d 1027 (D.C. Cir. 2008). The Court held that the Commission's current Antenna Structure Registration (ASR) procedures do not offer members of the public a meaningful opportunity to request an Environmental Assessment for proposed towers the Commission considers categorically excluded from review under the National Environment Policy Act (NEPA). To address the court's holding, the *Remand Order* adds a pre-application notification process to the ASR procedures so that members of the public will have a meaningful opportunity to comment on the environmental effects of proposed antenna structures that require registration with the Commission. The *Remand Order* also adopts an interim requirement to prepare Environmental Assessments for antenna structures that are over 450 feet in height.

The Commission is revising the FCC Form 854 to comply with the *Remand Order* by adding questions that will facilitate the pre-application notification process. In addition, FCC Form 854 is being revised to include several administrative-related questions that will enable the Commission to more efficiently process antenna structure registration. The additional questions relate to replacement towers; requirements to post local and national notice so that the public may have a meaningful opportunity to comment on

the environmental effects of a proposed structure that requires registration; determining if the structure is located on Federal land; allowing the applicant to select the type of painting and/or lighting it will utilize on the structure being registered; and collecting additional administrative information such as the type of entity that owns the structure, fax number, and count and ZIP code in which the structure is located.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary, Office of the Secretary, Office of Managing Director.*

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## FEDERAL COMMUNICATIONS COMMISSION

### Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Federal Communications Commission (FCC), as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act (PRA) of 1995. 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; (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; and (e) ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC 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 PRA that does not display a valid Office of Management and Budget (OMB) control number.

**DATES:** Written PRA comments should be submitted on or before March 9, 2012. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all PRA comments to the Federal Communications Commission via email to [PRA@fcc.gov](mailto:PRA@fcc.gov) and [Cathy.Williams@fcc.gov](mailto:Cathy.Williams@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

### SUPPLEMENTARY INFORMATION:

*OMB Control Number:* 3060–0922.

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

*Title:* Broadcast Mid-Term Report, FCC Form 397.

*Form Number:* FCC Form 397.

*Respondents:* Business or other for-profit entities; Not-for-profit institutions.

*Number of Respondents and Responses:* 1,180 respondents and 1,180 responses.

*Estimated Time per Response:* 0.5 hours.

*Frequency of Response:* Mid-point reporting requirement.

*Total Annual Burden:* 590 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 303 of the Communications Act of 1934, as amended.

*Nature and Extent of Confidentiality:* There is no need for confidentiality with this collection of information.

*Privacy Impact Assessment(s):* No impact(s).

*Needs and Uses:* The Broadcast Mid-Term Report (FCC Form 397) is required to be filed by each broadcast television station that is part of an employment unit with five or more full-time employees and each broadcast radio station that is part of an employment unit with more than ten full-time employees. It is a data collection device used to assess broadcast compliance with EEO outreach requirements in the middle of license terms that are eight years in duration.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary, Office of the Secretary, Office of Managing Director.*

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