

### **Exhibit 36**

#### NIER Calculations

OST Bulletin 65 Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields (Edition 97-01) states in part that:

“When performing an evaluation for compliance with the FCC’s RF guidelines all significant contributors to the ambient RF environment should be considered... For purposes of such consideration, significance can be taken to mean any transmitter producing more than 5% of the applicable exposure limit (in terms of Power density or the square of the electric or magnetic field strength) at accessible locations.”

As will be demonstrated below, the proposed operation of KCWC-DT will produce no more than 5% of the applicable exposure limit for controlled environments such as this one. Thus, the proposed facility is categorically excluded from the requirement of further study. Therefore, pursuant to § 1.1307(b)(3) of the Commission’s Rules no calculations are required for the other FM and TV facilities in the vicinity, and precise calculations are made only with regard to the levels from this proposal.

The formula described in OST-65 for television transmitting antennas is based on NTSC transmission standards, where average power is normally much less than peak power. For DTV facilities, the peak to average ratio is different from the NTSC ratio. The 60kW ERP figure herein refers to the average power level. Therefore, equation 10 on page 23 should yield an accurate estimate of power density in the vicinity of the antenna.

It should be noted from reviewing the vertical radiation pattern under exhibit 33D, that in no case is the relative field greater than .2 beneath the main beam. Therefore, the formula represented below represents the highest levels to anticipated at ground level

$$S = \frac{33.4 (.2)^2 (60,000)}{(54)^2}$$

$$S = 27.5 \mu\text{W}/\text{cm}^2$$

or 2.75% MPE for a controlled environment

Section 1.1307 (b)(3) of the Commission’s Rules exclude applications for new facilities or modifications to existing facilities from the requirement of preparing an environmental assessment when the calculated emissions from the applicants proposed facility are predicated to be 5% or less of the applicable ANSI exposure limit for controlled environments such as this one. Therefore, the proposed facility is in compliance with section 1.301.

The tower site is located in remote and rugged terrain far from any population centers and the antenna tower is posted with warning signs. Pursuant to OST Bulletin No. 65, all station personnel and contractors are required to follow appropriate safety procedures before any work is commenced on the antenna tower, including reduction in power or discontinuance of operation before any maintenance work is undertaken.

The licensee is the sole user of this site and has a policy to reduce power or cease operation of any and all transmitters as necessary to protect persons having access to the site, tower or antenna from radiofrequency radiation in excess of FCC guidelines.