

INFORMATION COLLECTION SUPPORTING STATEMENT

Objects Affecting Navigable Airspace

Notice of Proposed Rulemaking

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

49 U.S.C. § 44718 states, “By regulation or by order when necessary, the Secretary of Transportation shall require a person to give adequate public notice, in the form and way the Secretary prescribes, of the construction, alteration, establishment, or expansion, of a structure or sanitary landfill when public notice will promote:

- 1 (1) safety in air commerce; and
- (2) the efficient use and preservation of the navigable airspace and of airport traffic capacity at public-use airports”

The Federal Aviation Administration (FAA) implements the requirement for notification by Title 14 Code of Federal Regulation part 77 (part 77).

In addition, on December 30, 1987, the Airport and Airway Safety and Capacity Expansion Act of 1987 (P. L. 100-223), was signed into law. P. L. 100-223 amended former section 1101 of the Federal Aviation Act of 1958, now recodified at 49 U.S.C. 44718, with three major provisions. The major provisions concerned notice of construction, aeronautical studies, and coordination.

The FAA is proposing to amend the requirements for notice criteria contained in part 77. Specifically, with regard to the notice requirements, the FAA is proposing two additions. In response to P. L. 100-223, the FAA is proposing to require notice for transmitters potentially creating electromagnetic interference (EMI), thereby allowing the FAA to study the effect to the navigable airspace of EMI upon essential aviation communication and navigation facilities. Many telecommunication companies have been submitting notice voluntarily for many years. This proposal merely codifies this practice, and is not expected to significantly increase the number of notices submitted to the FAA.

Also in response to P. L. 100-223, the FAA is proposing to add private-use airports with FAA instrument approved approaches to the list of airports to which the notice criteria would apply. Prior to this amendment, private-use airport owners, and those proposing construction adjacent to private-use airports, were exempt from notifying the FAA of construction on their airports. However, in order to maintain the integrity and safety of approaches conducted under instrument meteorological conditions, the FAA is proposing to amend notice criteria which adds private-use airports to the list of airports to which obstruction evaluation criteria applies.

This collection of information complies with the Department of Transportation Strategic plan on Safety.

2. Indicate how, by whom, and for what purpose the information is to be used.

FAA Form 7460-1, Notice of Proposed Construction or Alteration

The FAA uses the information collected to determine the effect the proposed construction or alteration would have on air navigation by analyzing the physical and/or electromagnetic effect that the structure would have on air navigation procedures, air navigation and /or communication facilities. The following factors are considered:

- The impact on arrival, departure, and en route procedures for aircraft visual and instrument flight rules.
- The impact on existing and planned public-use airports and aeronautical facilities.
- The cumulative impact resulting from the proposed construction or alteration of a structure when combined with the impact of other existing or proposed structures.

Without collection of this information, safety of air navigation cannot be ensured.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

In September of 2003, the FAA began testing an electronic filing process of FAA Form 7460-1 on the Internet. The Internet site has seen a dramatic increase of users and requests to file electronically. The FAA had solicited and communicates with over 100 of the largest filers involved in the electronic test phase. In September 2004 the FAA opened the site to all filers, and has the ability to collect one hundred per cent of required notices.

Currently, the FAA receives 23% of all 7460-1 submissions electronically over the Internet. It is expected that this number will increase to over 80% in the next year when the site is available to the public on demand. Internal FAA paperwork processes inherent with the collection of form 7460-1 are being revised and eliminated at considerable savings.

Electronic filing has reduced the time the FAA receives the submission and issues a final determination by over half. Participants in the test phase have drastically altered their internal processes for communicating with the FAA. An electronic filer is provided instant acknowledgement that the FAA has received the submission and is beginning the aeronautical study process. Likewise, electronic filers have a single source where they can track all their FAA submissions. Final determination and general correspondence are also transmitted electronically to e-file users. This process notifies the user immediately after the FAA has reached a determination.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purpose(s) described in Item 2 above.**

FAA is the only Federal Agency with this statutory requirement, and to our knowledge, there is no known duplicate reporting.

- 5. If the collection of information has a significant impact on a substantial number of small businesses or other small entities (item 15 of the Paperwork Reduction Act submission form), describe the methods used to minimize burden.**

Individual as well as small businesses and large corporations may be required to file these forms. The information collected has been designed to minimize the burden on all respondents by limiting the amount of information required and by providing clear and concise instructions.

- 6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

Notification is required “on occasion” of the construction event. Thus, the frequency is determined by the filers and not by the FAA.

If the collection of information is not conducted, the FAA would be in violation of legislation, and more importantly, would be severely limited in its ability to preserve the safety of the navigable airspace from physical obstructions or EMI.

- 7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with the general information collection guidelines in 5 CFR 1320.5(d)(2).**

This information is collected in a manner consistent with the above stated guidelines.

- 8. Describe efforts to consult persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

An NPRM to amend some of the notice criteria required in part 77 is was published on June 13, 2006, vol. 71, no. 113, pgs. 34028-34045. Comments from the public are solicited in the NPRM, and will be considered prior to publication and implementation of the Final Rule.

- 9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

No payments or gifts will be provided.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

We offer no assurance of confidentiality.

11. Provide additional justification for any questions of sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

There are no sensitive questions.

12. Provide estimates of hour burden of the collection of information.

The FAA estimates that 3,824 Form 7460-1's would be filed annually. It is estimated to take 19 minutes, or 0.32 hours, to fill out each form. Hence, the estimated hour burden is:

$$0.32 \text{ hours} \times 3,824 = 1,233.68 \text{ hours}$$

The average cost for a firm to prepare the form themselves is approximately \$10 per form, which includes the \$4 cost of a USGS 7.5 minute Quadrangle map. It is estimated that 20% of the forms filed would be filed this way. Thus, the estimated average annual reporting burden for companies to process this form in-house would be:

$$\text{FAA Form 7460-1} \quad \$10 \times 765 = \$7,650$$

The average cost for a company to outsource this function to a contractor is approximately \$445 per report. It is estimated that 80% of the forms filed would be filed this way. Thus, the estimated average annual reporting burden for companies to outsource this function is:

$$\text{FAA Form 7460-1} \quad \$445 \times 3,059 = \$1,361,255$$

Hence, the total annual cost to filling out FAA Form 7460-1 is \$1,368,905.

The FAA also estimated the time burden attributable to P.L. 100-223. P.L. 100-223 should generate about 22,970 additional notices per year. The FAA estimates that it will also take 19 minutes to fill out this form for a total time burden of:

$$0.32 \text{ hours} \times 22,970 = 7,350.40$$

The average cost for a firm to prepare the form themselves is approximately \$10 per form, which includes the \$4 cost of a USGS 7.5 minute Quadrangle map. It is estimated that 40% of the forms filed will be filed this way. Thus, the estimated average annual reporting burden for companies to process this form in-house is:

Comply with P.L. 100-223 $\$10 \times 9,188 = \$91,880$

The average cost for a company to outsource this function to a contractor is approximately \$445 per report. It is estimated that 60% of the forms filed will be filed this way. Thus, the estimated average annual reporting burden for companies to outsource this function is:

Comply with P.L. 100-223 $\$445 \times 13,782 = \$6,132,990$

Hence, the total cost attributable to P.L. 100-223 is \$6,224,870.

The following table summarizes the total time and cost burden:

Requirement	Forms to be filled out	Time (hours)	Cost
FAA Form 7460-1	3,824	1,223.68	\$1,368,905
P.L. 100-223	22,970	7,350.40	\$6,224,870
Total	26,794	8,574.08	7,593,775

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information.

There are no additional costs not already included in question 12.

14. Provide estimates of annualized cost to the Federal Government.

A “Process and Cost Analyses” study estimated it cost the FAA an average of \$520 (adjusted for inflation) to process a single case. Given that the FAA would process 3,824 cases a year, the annual cost to the FAA would be:

FAA processing cost (3,824 cases x \$520) = \$1,988,480

The aforementioned study shows that it takes the FAA approximately 1.41 hours to process each case. Therefore, the annual hour burden to the FAA to process these cases is estimated to be:

$1.41 \text{ hours per notice} \times 3,824 \text{ cases} = 5,391.84 \text{ hours}$

The cost estimates for processing form 7460-1 were again used to calculate the costs to the FAA for processing the additional 22,970 OE notices that would be filed annually. At a processing cost of \$520 per notice the annual cost to the FAA, attributable to P.L. 100-223 is:

$\$520 \text{ per notice} \times 22,970 \text{ notices a year} = \$11,944,400$

The FAA also estimated the time burden attributable to P.L. 100-223. P.L. 100-23 should generate about 22,970 notices per year. The FAA estimates that it would also take 1.41 hours to process this form for a total time burden of:

$$1.41 \text{ hours} \times 22,970 = 32,387.70$$

The following table summarizes the total time and cost burden:

Requirement	Forms to be filled out	Time (hours)	Cost
FAA Form 7460-1	3,824	5,391.84	\$1,988,480
P.L. 100-223	22,970	32,387.70	\$11,944,400
Total	26,794	37,779.54	\$13,932,880

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-1.

There are no changes or adjustments.

16. For collections of information whose results will be published, outline plans for tabulation and publication.

A portion of the information collected is published in the National Flight Data Digest on a biweekly basis and included in a Digital Obstacle File that is available to the public on disk. When applicable, the data is published on aeronautical charts and approach plates. In addition, the FAA publishes determination of aeronautical study information on the web site (<http://oeaaa.faa.gov>)

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

We are not seeking such approval.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork reduction Act Submissions," of OMB Form 83-1.

There are no exceptions.

Attachments List:

1. Supporting Statement

2. NPRM
3. 49 USC 44718
4. 49 USC 47101-47131
5. FAA Form 7460-1

