

SUPPORTING STATEMENT

Request for Approval of a Collection of Information Under
the Paperwork Reduction Act and 5 CFR 1320
for Airport Noise Compatibility Planning (14 CFR Part 150)

Justification:

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

This information collection supports the Department of Transportation's (DOT) strategic goal on Human and Natural Environment. This goal is to protect and enhance communities and the natural environment affected by transportation. It also supports the Federal Aviation Administration's Flight Plan capacity goal by improving the noise environment around airports so that capacity at our nation's airports may continue to improve along with public good will.

Congress directed the DOT (Federal Aviation Administration) to implement a regulation (49 U.S.C. 47502) for airport operators to be able to submit noise exposure maps and noise compatibility programs to the FAA after consultation as directed in the statute (49 U.S.C. 47503(a) and 47504(a)). Forty-nine U.S.C. 47503(b) requires the operator of an airport which has submitted a noise exposure map to the FAA to revise and resubmit the noise exposure map if any change in the operation of the airport would create any substantial new noncompatible use in any area surrounding the airport or if there is a significant reduction in noise generated at the airport. 14 CFR Part 150 is the principal means of implementing these statutory requirements and further details and clarifies their intent.

Forty-nine U.S.C. 47504(b)(1)(c) requires that any submitted noise compatibility program approved by the FAA must provide for (its own) revision (when) made necessary by any revised noise exposure map submitted under 49 U.S.C. 47503(b).

Forty-nine U.S.C. 47504(c) authorizes the FAA to incur obligations to make grants under 49 U.S.C. 48103 for any project to carry out a noise compatibility program. Forty-nine U.S.C. 47117(e)(1)(A) sets aside a percentage of the discretionary funds available each year for this purpose under 49 U.S.C. 47115. Airports not having FAA approved noise compatibility programs are not eligible to receive funds from this discretionary fund set aside, with limited exceptions. Sections 150.21 and 150.23 of Part 150 implement 49 U.S.C. 47503(a) and (b), and 47504(a), (b), and (c).

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

The voluntarily submitted information from the current Part 150 Collection Control No. 2120-0517, e.g., airport noise exposure maps and airport noise compatibility programs, or their revisions, is used by the FAA to conduct reviews of the submissions to determine if an airport sponsor's noise compatibility program is eligible for Federal grant funds.

If airport operators did not voluntarily submit noise exposure maps and noise compatibility programs for FAA review and approval, the airport operator would not be eligible for the set aside of discretionary grant funds. If airport operators did not submit required updates or revisions of FAA approved maps or programs, those maps or programs could lose their eligibility for the set aside grant funds if the noise at the airport has either significantly increased or significantly decreased.

The net consequence of either of these actions would be to block statutory purpose and intent, which is to make Federal funds available to airport sponsor so that they can reduce or prevent airport noise impacts.

The FAA frequently responds to requests for statistical information and information about noise mitigation programs at specific airports that are available from submittals under this program. These requests come

from Congress, aviation industry groups, college students and professors, and other special interest groups. The FAA also provides statistical information in its annual reports to Congress and posts the information on its Internet web sites. The FAA performs the data gathering and posting functions for interested parties. The FAA believes that continuing the present information collection process is valuable because this information would not be available apart from the present, minimal reporting burden on airport operators.

The individual submittals are public domain, but are not collected in any one place, except at the FAA. In 2006, by Congressional direction, the FAA also made available on its website links to airport noise and land use information that airports across the Nation have posted on their own websites. This additional service helps the general public make informed decisions when purchasing property near airports.

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, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

The Integrated Noise Model (INM) for airports and the Heliport Noise Model (HNM) for heliports are the primary tools for determining which land areas are/will be subjected to the various levels of airport noise. These noise models are available to airport/heliport operators and their consultants for use on IBM compatible personal computers. Use of these models has the net effect of significantly reducing the costs to prepare noise exposure maps and its functions permit airport operators to explore various alternatives to reduce noise when they develop noise compatibility programs.

At this time, in accordance with the Government Paperwork Elimination Act, it is not practicable to incorporate electronic signatures, or to electronically post the complex graphics that are a key component of part 150 submissions. This is because there are limitations

inherent with the requirement for the Federal government to comply with section 508 of the Rehabilitation Act, allowing only text and simple graphics to be readily distributed for use by persons with certain disabilities.

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

The information collection requirement is required by Federal law (49 U.S.C. 47501-47510). The FAA permits the Part 150 noise analyses and much of the public consultation to be used for other parallel planning processes, such as master planning or environmental analyses. Often, airport sponsors will conduct these studies at the same time, taking advantage of the opportunity to combine similar requirements of separate Federal programs. The regulation allows airport sponsors to pick the same time frame in the part 150 program as local planning processes underway. Previously, the regulation limited the airport sponsor's noise exposure map time frames to a current year noise environment and a forecast year that was 5-years into the future. Thus Part 150 noise contour information can be used in other documents for the same timeframe, saving airport sponsors and the FAA money by eliminating duplication.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-1), describe any methods used to minimize burden.

The FAA has determined that this program will not have a significant economic impact on a substantial number of small businesses or other small entities.

6. Describe the consequences 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.

This information is collected only when airport sponsors voluntarily submit noise studies. Congress provided a special noise set-aside of AIP grant funds so that airport sponsors could reduce or prevent noise impacts in their noise environment. The legislation (49 U.S.C. 47501-47510) established the reporting requirements for airport sponsors so that they could be eligible for Federal grants. The basic information is required to be

collected only once, and even then only if the airport operator elects to voluntarily enter the program.

Thereafter, information is required to be collected only when there is sufficient change in the operation of the airport to create a "substantial new noncompatible use" or a "significant reduction" in the noise generated by the airport in an area depicted on the noise exposure map. These events would trigger a required revision of the map and possibly a revision of the noise compatibility program. If not collected -- if the maps or program are not revised when required -- the airport operator could lose its eligibility for grants and other benefits derivable from having approved maps/programs, e.g., protection from landowner suits and eligibility for funds from the set aside of AIP discretionary grant funds.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.5(d)(2)(i)-(viii).

This information collection is conducted in a manner consistent with the guidelines in 5 CFR 1320.5(d)(2)(i)-(viii).

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

A notice requesting comments on the renewal of the current airport noise exposure maps and airport noise compatibility programs (Part 150) Collection Control No. 2120-0517 was published in the *Federal Register* on December 6, 2007, vol. 72, no. 234, page 68948. No comments were received.

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

There is no payment or gift to respondents.

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

Respondents are given no assurance of confidentiality; in fact, wide public distribution is required by statute (49 U.S.C. 47503(a) and 47504(a)) and is intended to provide the affected public and aviation industry an opportunity to comment on the accuracy of the data contained in the study. The statute (49 U.S.C. 47504) also requires that the airport sponsor make the documentation publicly available, and publish a notice and the opportunity for a public hearing on the proposed noise compatibility program, before its submission to the FAA. Publication of the information also provides the airport sponsor some measure of protection from lawsuits deriving from airport-generated noise (49 U.S.C. 47506).

11. Provide additional justification for any questions of a sensitive nature.

There are no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

a) Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated.

In the 2004 timeframe, the FAA conducted interviews with airport consultants that are experienced in the field of preparing part 150 noise exposure maps and noise compatibility programs. In the years since the interviews, we note that the FAA receives basically the same amount of Part 150 noise study submissions each year. However, we also note that more of the Part 150 noise study submissions have become controversial or have encountered delays due to greater public involvement, due to changes in the national fleet mix, and because some of the busier of the nation's airports are conducting study updates. Based on the information from these sources, a review of FAA records and the Paperwork Reduction Act submission at OMB Control No. 2120-

0517, and assuming a 2080 hour person-year (PY), we estimate the following:

For programs that are highly controversial or contain an airport noise or access restriction, we estimate that each program will require 4 person years (PY) over a two-year period of consultant time (or 2PY/year). In addition, the airport sponsor will contribute another 1 PY each year, over the two-year time frame. We estimate that up to two programs a year will fall into this category (between one half to two, depending on the airports that have implemented the Part 150 study that particular year). Thus, we estimate a total of 6 PY per year for highly controversial program at 2080 hours per person year or 12,480 PH each year.

We estimate that 2 to 3 programs per year, while not highly controversial, may encounter unusual or unforeseen issues during the study process. The consultants we polled indicated that a project along these lines would take approximately 1½ PY and that the airport sponsor would contribute approximately ½ PY during the 1-year time frame. We estimate a total of 6 PY for this type of project (3*2 PY *1) or 12,480 total PH. Therefore each of these 3 programs, per year, would cost 4,160 PH.

A third category, the simple, no controversy, noise compatibility program, and those that are in an update phase, would take approximately 1 PY of the consultant's time and another ½ PY of the airport sponsor's staff time or 1.5 PY. Approximately 10 programs, of the total 15 the FAA receives per year, fall into this category. Thus, the PH costs in any single year for this third category of airport study would be 10 * 1.5 PY or 31,200 PH per year.

The total number estimated hours per year for this collection is - 56,160.

- b) Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories.

The cost to respondents cannot be accurately determined since salaries vary widely. If the hourly average wage is \$50, slightly above the FG-14 Step 5 rate in FY 2008 dollars, the annual cost for 15 programs and total hourly collection of 56160 as described above is about \$2,808,000. Of this annual cost, the airport sponsor is eligible for Federal aid to cover at least 80%, and up to 95%, of these costs. Thus, we estimate that airport sponsors' 20 percent share of annual program costs would be \$561,600.

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

Of the annual costs broken down by category in section 13, the airport sponsor is eligible for Federal aid to cover at least 80%, and up to 95%, of the costs of consultant fees.

The average cost of a study has not changed significantly since the last reporting period.

The first category of controversial program responses involves 2 PY per program, and includes approximately 2 programs per year. This totals 4 PY of consultant time, at \$50/hour, or \$416,000.

The second category of non-controversial programs with unforeseen difficulties involves 1 ½ PY of consultant time, and includes approximately 3 programs per year. This totals to 4.5 PY of consultant time, at \$50/hour, or \$468,000.

The third category of non-controversial and simple programs involves 1 PY of consultant time, and includes approximately 10 programs per year. This totals to 10 PY of consultant time, at \$50/hour, or \$1,040,000.

The total estimated annual cost for consultant fees is \$1,924,000.

Of this annual cost, the airport sponsor is eligible for Federal aid to cover at least 80%, and up to 95%, of the costs of consultant fees. Thus, we estimate that airport sponsors' 20% share is \$384,800

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses, and any other expense that would not have been incurred without this collection of information.

FAA estimated in 2004 that costs for FAA staff to collect, analyze, and process the information received would be approximately \$697,500 per year based on an FG-14 Step 5 salary without locality adjustment and reviewing 2 large and 13 small programs. Salary was estimated for the 2004 timeframe.

The 2 per year controversial program is expected to take about 400 PH per project for regional office participation (800 regional PH), and about the same amount for headquarters' participation, plus a contingency of another 100 PH for potentially unforeseen issues that may be difficult to resolve. Total FAA PH for controversial projects is 1700 person hours. Calendar year 2007 FG-14 Step 5 salary without locality adjustment is \$44.04/hour. (\$74,868)

The 3 per year programs that are more involved and could generate additional FAA workload are estimated to cost our regional office about 200 PH per project, headquarters at 80 PH per project, and a contingency of 168 PH, as previously projected in our 2004 reporting. (\$44,040).

All remaining routine projects (delegated in 2006 for detailed review and decision action to regional offices, so Washington Headquarters' involvement would be minimal) would cost a total of 1,440 PH, 100 PH for regional staff and 20 PH for headquarters staff, with a 20 percent (240 PH) contingency. (\$63,418)

Total estimated costs for FAA action on these projects are \$182,326.

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

The studies received by the FAA in the past couple of years have reflected more public interest in the documentation and in some cases more controversy. We have adjusted the number of total hours due to a shift in the number of studies that have increased public involvement or controversy. The number of person years was shifted to 2080 per year which also is reflected in a slight shift in the numbers. The number of studies received per year has leveled, and approximately 15 per year are being received on average.

The FAA delegated approval authority of routine Part 150 noise compatibility programs to the FAA regions in 2006. This reduces Washington Headquarters' involvement, and provides a quicker turnaround for FAA

approvals to airport sponsors. In addition, more of the Part 150 projects are becoming complex and/or controversial, so this was accounted for in re-estimating the number of controversial or complex projects versus the routine Part 150 studies.

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

FAA posts information on costs of programs, approval dates, and total costs to implement these programs. The FAA posts the information in table form, and updates it annually on the FAA web site, at http://www.faa.gov/airports_airtraffic/airports/environmental/airport_noise/. Individual airports' Records of Approval, developed by the FAA as part of its routine decision making process on these programs, are posted in text form on the same Internet site.

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 this type of 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.