

INFORMATION COLLECTION CLEARANCE

THE SUPPORTING STATEMENT

Washington, DC Metropolitan Area Special Flight Rules Area

Introduction: This information collection request is for the “Washington, DC Metropolitan Area Special Flight Rules Area” final rule. This action codifies special flight rules and airspace and flight restrictions for certain aircraft operations in the Washington, DC Metropolitan Area.

- 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. (Annotate the CFR parts/sections affected).**

After September 11, 2001, terrorist attacks, the FAA immediately curtailed all aircraft operations within the National Airspace System, except certain military, law enforcement and emergency related aircraft operations.

While many aspects of the initial flight restrictions were cancelled, in the Washington, DC Metropolitan Area, the FAA continued to impose several temporary flight restrictions at the request of the Departments of Homeland Security (DHS) and Defense (DOD) to assist them in their counter-terrorism mission.

The collection of flight plan information is necessary to identify the aircraft, pilots, and intentions of pilots who operate in the Washington DC Metropolitan Area.

The DOT Strategic Goal connected with this rulemaking is national security.

Regulations requiring this collection will be contained in 14 CFR part 93, subpart V (copy attached).

- 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.**

This is a new collection. Flight plans will be submitted to the FAA through the established process. They will be used by the FAA and other government agencies to identify aircraft, pilots, and their intentions, thereby enhancing ground security measures in the Washington DC Metropolitan area.

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. [Effective 03/22/01, your response must SPECIFICALLY reference the Government Paperwork Elimination Act (GPEA), which addresses electronic filing and recordkeeping, and what you are doing to adhere to it. You must explain how you will provide a fully electronic reporting option by October 2003, or an explanation of why this is not practicable.]***

Flight plans currently may be submitted via telephone, or electronically via the Direct User Access Control (DUATS) system.

However, for security reasons, pilots operating out of the Maryland Three Airports must file flight plans via telephone with the Washington Hub Automated Flight Service Station. A toll-free number has been established for this purpose. Because submission via telephone is not considered to be electronic, 0% of the information on pilots operating out of the Maryland Three Airports can be collected electronically under GPEA.

We are unable to estimate the percentage of flight plans of pilots operating at airports other than then Maryland Three that are filed electronically by DUATS under the Government Paperwork Elimination Act (GPEA).

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.***

Filing flight plans is not a new requirement for aircraft operating under instrument flight rules (IFR). However, pilots operating under visual flight rules (VFR) have the option whether to file a flight plan. Under this rule, all pilots operating within the airspace designated as the Washington DC Metropolitan Area Special Flight Rules area (DC SFRA) must file a flight plan. There is no duplication. This requirement is necessary because VFR pilots currently are not required to file flight plans.

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

Although the rule impacts small businesses and small entities for other reasons, this information collection will be required only of individual pilots intending to operate in the Washington, DC Special Flight Rules Area.

In an effort to minimize the burden, the FAA has dedicated phone lines at the Washington Hub Flight Service Station to serve pilots operating into and out of the Maryland Three Airports.

In addition, the FAA now requires that all pilots operating within 60 nautical miles of Washington, DC take free online “Special Awareness Training” (see 73 FR 46797; Aug. 12, 2008). That training provides information on how to file a flight plan for pilots who have never filed one before.

Most importantly, the size of the DC SFRA was reduced in August 2007. This has resulted in fewer operations requiring flight plans.

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.

The intent of this rule is to assist law enforcement agencies in protecting the National Capital Region. If the FAA did not conduct this information collection, the government would not be able to discern the identities of the pilots and their intentions.

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).

There are no special circumstances that require this collection to be conducted in a manner inconsistent with the general information collection guidelines of 5 CFR 1320.5(d)(2).

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. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d) soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

The FAA published a Notice of Proposed Rulemaking (NPRM) in the Federal Register of August 4, 2005 (70 FR 45250). In addition, the FAA held four public meetings in January 2006 to solicit comments from those most impacted by these restrictions.

Essentially all of the commenters and all of the speakers at the public meetings were opposed to making the ADIZ permanent by codifying it. Many commenters acknowledged that some special security measures, such as the Flight Restricted Zone (FRZ) (the “inner ring”), are appropriate to protect the nation’s capital. In addition, commenters stated that the rule would have a severe economic impact on the public. Issues raised by commenters included:

- Minimal security benefits;
- Even though threat levels have gone down since 9/11, restrictions around DC have not been eased;
- Lost revenue for businesses located at airports within the ADIZ, as well as for local businesses that use general aviation;

- Individuals canceling plans to fly into or through the DC area because of difficulties with such things as-- filing flight plans by telephone; obtaining the necessary discrete transponder code; and establishing and maintaining contact with ATC;
- Increased demand for air traffic services;
- Added burden on pilots who must fly greater distances to avoid the ADIZ;
- Degradation in safety due to such things as having to circle in congested airspace or fly in congested airspace next to mountains;
- General aviation aircraft are lightweight and slow and should not be subject to current ADIZ restrictions;
- General aviation aircraft have not been used in any terrorist attack; and
- To date, no ADIZ violation has been found to be terrorist-related.

As explained in Question 5 of this Supporting Statement, the FAA has reduced the size of the DC SFRA and taken other measures to ease the burden on pilots.

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

This question is not applicable to this information collection requirement.

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

There is no assurance of confidentiality regarding the information submitted if the nation's security were at risk.

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.

This information collection does not require respondents to answer questions of a sensitive nature, or on matters of a sexual behavior, sexual attitudes, religious beliefs, and other sensitive, private matters.

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

Note: On Form 83-I, the FAA estimates the answer in Line 13a to be approximately 17,097 respondents. The FAA made this estimation by dividing the annual number of operations, 256,461 by 15, signifying 15 operations per pilot annually. The FAA has identified approximately 208 airports and heliports in the DC SFRA that would be impacted by this rule, most of which do not keep operations records. So while the FAA believes that it has reliable data on the number of operations within the DC SFRA, it does not know how many pilots will file flight plans to access the SFRA on an annual basis.

Cost of Phone Calls— this corresponds to section B.3. in the full Regulatory Evaluation and deals with phone calls from pilots to air traffic controllers to obtain a discrete transponder code.

Number of respondents = 17,097
 Number of flight plans filed by each respondent annually = 15
 Annual number of flight plans = 256,461
 Time needed to activate flight plan = 0.05 hour
 Value of time: Pilot = \$37.20/hr

Annual cost = $(256,461) \times (37.20) \times (0.05) = \$477,017$
 Annual time = $256,461 / 20 = 12,823.05$ hours

Pilot filing flight plan – this deals with both section C.1.1. and Table A-5 in Appendix A

Number of respondents = 17,097
 Number of flight plans = 256,461
 Amount of time for pilots to file DC SFRA flight plan (including wait time) = .137 hrs
 Value of time: Pilot = \$37.20/hr
 Percent of pilots needing to refile a DC SFRA flight plan = 3.6%

Annual cost = $(256,461) \times (0.137) \times (37.20) \times (1 + .036) = \$1,354,081$
 Annual time = $(256,461) \times (0.137) \times (1 + .036) = 36,400.02$ hours

Annual Cost and Time of Private Sector Paperwork-related Activities

Category	Cost	Time
Phone Calls to Activate Flight Plan	\$477,017	12,823.05
Pilot filing flight plan	\$1,354,081	36,400.02
Total	\$1,831,098	49,223.07

Ten Years

Cost = \$18,310,980
 Time = 492,230.70 hours

13. Provide an estimate of the total annual cost burden to respondents or record keepers 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. Also, provide a description of the method used to estimate cost, and other expenses that would not have been incurred without this collection of information.

Filing the flight plan - this corresponds to section B.5. and can be seen in Table 6 of the full Regulatory Evaluation.

Annual number of flight plans filed = 256,461
 Cost of flight service station specialist = \$67.09/hr
 Time to file flight plan = 12.5 minutes

Annual cost = $(256,461) * (67.09) * (12.5/60) = \$3,584,577$
 Annual time = $(256,461) * (12.5/60) = 53,429.38$ hours

Activating the flight plan - this corresponds to section B.5. and can be seen in Table 6.

Annual number of flight plans requiring activation = 256,461

Cost of controller = \$128.47/hr

Time to activate flight plan = 3 minutes

Annual cost = $(256,461) * (128.47) * (3/60) = \$1,647,377$

Annual time = $(256,461) * (3/60) = 12,823.05$ hours

Annual Cost and Time of Public Sector Paperwork-related Activities

Category	Cost	Time
Filing the flight plan	\$3,584,577	53,429.38
Activating the flight plan	\$1,647,377	12,823.05
Total	\$5,231,954	66,252.43

Ten Years

Cost = \$52,319,540

Time = 662,524.30 hours

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

This is a new collection. Therefore it is a program change.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

N/A--No results will be published.

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.

N/A

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

N/A