

INFORMATION COLLECTION SUPPORTING STATEMENT

Objects Affecting Navigable Airspace

Final Rule 2120-XXXX

- 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 amending 14 CFR part 77 (part 77) to require notification to the FAA for proposed construction or alteration of structures on or near private use airports that have an instrument approach procedure (IAP). Accordingly, if a private use airport has an FAA-approved IAP, then a construction sponsor is required to notify the FAA of a proposed construction or alteration that exceeds the notice criteria in part 77 (§ 77.17). Prior to this change, a construction sponsor proposing construction on or near private use airports were exempt from notifying the FAA of the construction. However, to maintain the integrity and safety of approaches conducted under instrument meteorological conditions, the FAA is adopting notice criteria that 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 and 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 (e-file) process of FAA Form 7460-1 on the Internet. The Internet site has seen a dramatic increase of users and requests to e-file. The FAA solicited and communicated with over 100 of the largest filers involved in the electronic test phase. In September 2004 the FAA opened the site to all filers, which enabled the agency to collect 100 percent of required notices over the Internet.

Currently, the FAA receives approximately 90 percent of all 7460-1 submissions via the Internet. Internal FAA paperwork processes related to the collection of form 7460-1 are being revised and some are being eliminated at considerable savings. The electronic system has well over 9,500 registered users that e-file Form 7460-1.

E-filing has reduced the time in which 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 e-filer is provided instant acknowledgement that the FAA has received the submission and is beginning the aeronautical study process. Likewise, e-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 also provides users with immediate notification that 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 the FAA is not aware of any 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.

Individuals, 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, providing clear and concise instructions, and providing a process for e-filing over the Internet.

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 the 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’s ability to ensure that instrument approach procedures at private use airports are clear of obstacles would be severely limited.

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 was published on June 13, 2006 (71 FR 34028), that proposed amending the notice criteria requirements in part 77. In the NPRM, the FAA specifically requested comments on the paperwork requirements. Several commenters filed such comments, which the FAA responded to in the final rule. Below is a summary of the FAA’s response to the comments.

Comment: Several commenters stated that the FAA underestimated the costs, in terms of time and paperwork, associated with preparing a Form 7460-1, as well as the costs of filing an OE notice, so the FAA should revise its estimates. One commenter surveyed its members and the survey indicated that the cost of processing a Form 7460-1 in-house was \$406 and took about 1.6 hours per form. Further, the average hourly labor cost was found to be \$36 per hour. The commenter also stated that in addition to maps, a site survey is needed to complete Form 7460-1, which ensures the accuracy of the location and costs an average of \$768. Another commenter supported the notion of including the cost of a site survey in the cost estimation for filing a Form 7460-1. Another commenter suggested that the FAA increase its estimate for processing a Form 7460-1 in-house to \$40.

Response: The FAA omitted the cost of a site survey in the preliminary analysis because a site survey is not required to complete a Form 7460-1. However, a site survey must be completed if it is requested by the FAA’s Flight Procedure Office. The agency has revised the cost analysis to reflect the wider range of costs as supplied by the commenters. The FAA also revised its cost and paperwork analyses to include the cost of filing a form in-house, as well as the costs of a site survey.

Comment: A few commenters claimed that the FAA underestimated the time and paperwork costs associated with filing additional notices. Another commenter believed that the FAA underestimated the paperwork burden that will be placed on radio spectrum users.

Response: The FAA completed a paperwork reduction package for the proposed rule, which did show the estimated paperwork costs. The paperwork costs were also shown in the initial regulatory evaluation and were available for review in the docket. However, the FAA has elected not to adopt the radio frequency notice requirements in this final rule. As a result, there will be no additional paperwork burden placed on radio spectrum users at this time.

Comment: A commenter stated that requiring applicants to provide notice to the FAA 60 days in advance could also increase the number of filings because of the rule change. Another commenter stated that extending the notice period for all proposed projects will cause undue delay in securing FAA approval and will delay the ability of utilities to develop new sites.

Response: About the added delay the commenter may experience due to increasing the filing time frame to 60 days from 30 days, the FAA has reduced the filing time period from 60 days to 45 days. This should mitigate the delay expected by the commenters and allow them to continue their operations without much change. Thus, the FAA does not expect any delays in construction or operational deficiencies resulting from 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 on average, 3,325 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 hours X 3,325 = 1,064 hours

The average cost for a firm to prepare the form themselves is approximately \$40 per form. 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:

$$\text{FAA Form 7460-1} \quad \$40 \times 665 = \$26,600$$

The average cost for a company to outsource this function to a contractor is approximately \$480 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:

$$\text{FAA Form 7460-1} \quad \$480 \times 2,660 = \$1,276,800$$

It is estimated that roughly 30 percent of firms filing FAA Form 7460-1 will need to perform a site survey in order to complete the form. The cost of a site survey is \$790. Thus, the estimated annual reporting burden for companies who require a site survey would be:

$$\text{FAA Form 7460-1} \quad \$790 \times 998 = \$788,420$$

Hence, the total annual cost to firms that fill out FAA Form 7460-1 is \$2,091,820.

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 \$563 (adjusted for inflation) to process a single case. Given that the FAA would process 3,325 cases a year, the annual cost to the FAA would be:

$$\text{FAA processing cost (3,325 cases} \times \$563) = \$1,871,975.$$

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:

$$1.41 \text{ hours per notice} \times 3,325 \text{ cases} = 4,688 \text{ hours.}$$

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

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.

The FAA publishes information regarding aeronautical studies 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. Final rule
3. 49 USC 44718
4. FAA Form 7460-1

