

New collection: Part 17 Construction, Marking, and Lighting of Antenna Structures.

SUPPORTING STATEMENT

A. Justification:

1. The Commission has adopted a Notice of Proposed Rulemaking (NPRM) in WT Docket No. 10-88, FCC 10-53 which seeks comment on revisions to the Commission's rules governing the construction, marking and lighting of antenna structures. The Commission initiated this proceeding to update and modernize the Commission's rules.

The Commission is requesting OMB approval for disclosure, reporting, and record keeping requirements pertaining to Part 17 of the Commission's rules. In order to clarify the obligations of antenna structure owners and conform the Commission's regulations to Commission and FAA practice, the Commission proposes changes to certain sections of the Commission's Part 17 rules. These proposed changes are intended both to promote aircraft navigation safety and to ease regulatory burdens by streamlining regulations and reducing confusion. The new information collection requirements contained in the proposed Part 17 amendments are necessary to implement a uniform registration process as well as safe and effective lighting procedures for owners of antenna structures. The following are the new information collection requirements:

- 17.4(j) - Antenna structure owners must display the Antenna Structure Registration (ASR) number so that it would be visible to a member of the general public who reaches the closest publicly accessible location near each point of access to the antenna structure.

- 17.48 - Antenna structure owners must provide continuously active notice to the FAA of antenna structure lighting outages;

- 17.49 - Antenna structure owners must maintain a record of observed or otherwise known extinguishments or improper functioning of structure lights for two years and provide the records to the Commission upon request.

The Commission tentatively concludes that these collections are necessary to effectuate the above rule changes that clarify the obligations of antenna structure owners, ensure aircraft navigation safety when lighting is observed to be malfunctioning or extinguished, and eliminate unnecessary postings.

Statutory authority for this collection of information is contained in sections 4(i), 4(j), 11 and 303(q) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) through (j), 161, and 303(q).

As noted on the Form OMB 83-I, this collection of information does not affect individuals or households; thus, there are no impacts under the Privacy Act.

2. The information is used by the Commission during investigations related to air safety or radio frequency interference, as well as by the Commission, the FAA, and members of the public to ensure aircraft navigation safety when lighting is observed to be malfunctioning or extinguished. A registration number is issued to identify antenna structure owners in order to enforce Congressionally mandated provisions related to the owners.

3. These are disclosure, notification, and record keeping requirements. The use of information technology is feasible for notification and record keeping in this situation.

4. This agency does not impose a similar information collection on the respondents. There are no similar data available.

5. In conformance with the Paperwork Reduction Act of 1995, the Commission is making an effort to minimize the burden on all respondents, regardless of size. The Commission has limited the information requirements to those absolutely necessary to preserve aircraft navigation safety, while reducing the burden on small entities. The Commission believes whatever burdens small entities may incur in complying with these requirements are warranted by the overall benefit to the public from increased aircraft navigation safety as well as to antenna structure owners by overall streamlining of regulations.

6. The information is collected only when structure lights function improperly and when Antenna Structure Registration numbers are assigned. Less frequent submissions are not possible.

7. There are no special circumstances associated with this collection of information. Current data collection is consistent with 5 CFR 1320.6.

8. The Notice of Proposed Rulemaking soliciting public comments on this collection was published in the *Federal Register* as required under 5 CFR 1320.8(d) on May 21, 2010 (75 FR 98). At the time of submission to the OMB, no comments have been received.

9. Respondents will not receive any payments.

10. There is no need for confidentiality.

11. None of the reporting burdens address any private matters or questions of a sensitive nature.

12. There are three (3) parts to this collection: Part A covers the ASR number display; Part B covers the continuous outage notice; and Part C covers the two-year record retention.

Part A: 17.4(j) - ASR Number Display.

We estimate that there are currently approximately 22,000 tower owners that own 103,500 constructed towers and approximately 13,500 licensed unconstructed towers. Therefore, there would be approximately 22,000 tower owners and 117,000 towers that would be subject to this collection.

(Note: This would be a one time cost for all the current owners. After the initial compliance, the number of respondents would only be new tower owners per year which would be a significantly smaller number.)

Total Number of Annual Respondents: 22,000

22,000 Tower Owners = 22,000 Annual Respondents.

Total Number of Annual Responses: 128,700

117,000 towers + 11,700 (10% of total towers that would require postings at additional locations) x 1 display each = 128,700 Annual Responses.

Total Annual Burden Hours: 25,740 hrs.

128,700 Responses x 1 display each x .2 hrs/response = 25,740 Annual Burden Hours.

Total Annual "In-House" Cost for Part A: \$514,800

We assume that the tower owners will post the display(s) using in-house staff technician at \$20 an hour.

128,700 Responses x 1 display each x .2 hrs/response x \$20.00/hr.=\$514,800

Part B: 17.48 - Continuous Outage Notice.

We estimate that there are currently approximately 22,000 tower owners that own 103,500 constructed towers and approximately 13,500 licensed unconstructed towers. Therefore, there would be approximately 117,000 towers that would be subject to this collection. We estimate that 10% of the towers will have malfunctioning lights that would require continuous notification and we estimate that 1% of the towers will have malfunctioning lights that would require multiple notifications. Therefore, we estimate that there will be 12,870 responses for this collection. We also estimate that reporting will require 0.1 hours for each occurrence.

Total Number of Annual Respondents: 2,200

22,000 tower owners x .10 (percentage of the towers that will have malfunctioning lights that would require continuous notification) = 2,200 Annual Respondents.

Total Number of Annual Responses: 12,870

117,000 towers x .10 (percentage of the towers that will have malfunctioning lights that would require continuous notification) + (117,000 towers x .01 (percentage of the towers that will have malfunctioning lights that would require multiple notifications)) = (11,700+1,170) = 12,870 Annual Responses.

Total Annual Burden Hours: 1,287 hrs.

12,870 Responses x 0.1 hr./response = 1,287 Annual Burden Hours.

Total Annual “In-House” Cost for Part B: \$12,870

We assume that the tower owners will send the notification(s) using in-house staff secretary at \$10 an hour.

12,870 Responses x 0.1 hr./response x \$10.00/hr.= \$12,870

Part C: 17.49 – Two Year Record Retention.

We estimate that there are currently approximately 22,000 tower owners that own 103,500 constructed towers and approximately 13,500 licensed unconstructed towers. Therefore, there would be approximately 22,000 tower owners that would be subject to this collection. We also estimate that ensuring record retention compliance will require 3 hours per year per tower.

Total Number of Annual Respondents: 22,000

22,000 tower owners.

Total Number of Annual Responses: 117,000

117,000 towers x 1 annual record per tower = 117,000 Annual Responses.

Total Annual Burden Hours: 351,000 hrs.

117,000 towers x 1 annual record x 3 hrs./year = 351,000 Annual Burden Hours.

Total Annual “In-House” Cost for Part C: \$3,510,000

We assume that the tower owner will ensure record retention compliance retailer by using in-house staff secretary at \$10 an hour.

117,000 towers x 1 annual record x 3 hrs./year x \$10.00/hr.= \$3,510,000

Total Number of Annual Respondents for the entire collection: 22,000 (Note: The respondents for each particular part of the collection are merely subsets of the same 22,000 tower owners.)

Total Number of Annual Responses for the entire collection: Part A (128,700) + Part B (12,870) + Part C (117,000) = 258,570

Total Number of Annual Burden Hours for the entire collection: Part A (25,740) + Part B (1,287) + Part C (351,000) = 378,027

Total Annual “In-House” Cost for the entire collection: Part A (\$514,800) + Part B (\$12,870) + Part C (\$3,510,000) = \$4,037,670

13. Part A:17.4(j) - ASR Number Display.

(a) Total Annualized Capital/Startup Cost: \$1,287,000

Annual Capital/Startup Cost: (117,000 Towers + 11,700 (10% of total towers that would have to post at additional locations)) = 128,700 Annual Responses x 1 display each x \$10/display frame and hardware to post = \$1,287,000

(Note: This would be a one time cost for all the current owners. After the initial compliance, the number of respondents would only be new tower owners per year which would be a significantly smaller number.)

(b) Total annual costs (O&M): None

(c) Total annualized cost requested: \$1,287,000

Part B: 17.48 - Continuous Outage Notice.

(a) Total Annualized Capital/Startup Cost: None

(b) Total annual costs (O&M): None

(c) Total annualized cost requested: None

There will be no annualized costs incurred by the respondents from part B of the collection.

Part C: 17.49 – Two Year Record Retention.

- (a) Total Annualized Capital/Startup Cost: None
- (b) Total annual costs (O&M): None
- (c) Total annualized cost requested: None

There will be no annualized costs incurred by the respondents from part C of the collection.

Total Number of Annualized Capital/Startup Costs Requested for the entire collection: Part A (\$1,287,000) + Part B (\$0) + Part C (\$0) = \$1,287,000

Total Number of Annual Costs (O&M) Requested for the entire collection: Part A (\$0) + Part B (\$0) + Part C (\$0) = \$0

Total Number of Annualized Cost Requested for the entire collection: Part A (\$1,287,000) + Part B (\$0) + Part C (\$0) = \$1,287,000.

14. There are no costs to the Federal Government because: (1) posting the registration number near the antenna structure is done by the antenna structure owner and involves no federal cost; (2) notification of lighting outages to the FAA is done by the antenna structure owner and results in FAA, not FCC, action; and (3) reporting lighting outages in the antenna structure owner's records in and of itself requires no federal action. Disclosures will not be actively monitored in the absence of consumer complaints.

15. This is a new collection. This new collection results in a program change increase of 378,027 hours and \$1,278,000 in annual costs. This is due to three new rule sections that have PRA requirements.

16. The data will not be published for statistical use.

17. OMB approval of the expiration of the information collection will be displayed at 47 CFR 0.408.

18. There are no exceptions to the "Certification Statement" in Item 19.

B. Collections of Information Employing Statistical Methods:

No statistical methods are employed.