

Supporting Statement

Advisory Circular (AC): Reporting of Laser Illumination of Aircraft

2120-0698

A. 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 and authorizing the collection of information.

The Federal Aviation Administration (FAA) has been and continues to take steps to address the unauthorized illumination of all aircraft operating within the National Airspace System (NAS) by lasers. The Advisory Circular (AC) provides guidance to aircrews on the reporting of laser illumination incidents and recommended mitigation actions to be taken in order to ensure continued safe and orderly flight operations.

The FAA has the authority to regulate the safe and efficient use of navigable airspace (Title 49 U.S.C., Section 40103, Sovereignty and Use of Airspace, and the Public Right of Transit), and also has the authority to protect the flight of civil aircraft in air commerce (Title 49 U.S.C., Section 44701(a)(5)). Accordingly, the FAA specifically prohibits interference with crewmembers under 14 CFR, section 91.11. Federal criminal law also prohibits the interference with pilots of an aircraft under 18 USC, section 1993.

The FAA has promulgated the AC in response to the steady increase of unauthorized illumination of all aircraft NAS by lasers, as well as the proliferation and increasing sophistication of laser devices available to the general public and other parties. The FAA and studies from other governmental entities indicate that the exposure of aircrews to laser illumination may cause hazardous effects, which could adversely affect the ability of aircrews to carry out their responsibilities.

This collection activity supports the Department of Transportation strategic goal of safety.

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 information will be collected from pilots and aircrews that are affected by an unauthorized illumination by lasers. The requested reporting involves an immediate broadcast notification to Air Traffic Control (ATC) when the incident occurs, as well as a broadcast warning of the incident if the aircrew is flying in uncontrolled airspace. ATC will notify the Domestic Events Network (DEN) with the reported laser information, and the DEN will ensure the local law enforcement authorities are contacted immediately for a rapid response to apprehend potential

perpetrator(s). In addition, this AC requests that the aircrew supply a written report of the incident and send it by fax to the Washington Operations Control Complex (WOCC) or e-mail Laserreports@faa.gov as soon as possible.

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.

In compliance with the Government Paperwork Elimination Act (GPEA) the FAA is working to allow for the 100% electronic dissemination and collection of the required form via the Internet and email.

4. Describe efforts to identify duplication. Show specifically why any similar information already available can be used for the purpose described in Item 2 above.

There is no duplication of the collected information. Systems Operations Security is the FAA's official unauthorized illumination of aircraft by lasers information collecting organization.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

There is no significant impact on small businesses.

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 information is collected in order to minimize the impact of unauthorized laser illumination of aircraft. Without this information, the immediate warning and caution to other nearby aircraft would be impossible, as would the long-term study and mitigation of the problem.

Based on various reports and feedback from pilots, lasers appear to remain a serious threat to flight safety. Evidence shows most laser illuminations occur during critical phases of flight including departure and arrival into an airport. The illumination of aircraft by lasers present a dangerous and unnecessary distract that must be closely monitored and mitigated at all times.

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

There are no special circumstances that would cause the collection to be inconsistent with 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, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any) and on data elements to be recorded, disclosed, or reported.

In order to inform the public of the importance of this collection activity, the Advisory Circular covering this collection was published in the Federal Register on January 19, 2005, and a televised press conference by The Secretary of Transportation was given on January 12, 2005.

The Secretary of Transportation and the FAA Administrator delivered a joint statement to the public on May 31, 2011, which they announced that the FAA will take actions against anyone who threatens the safety of passengers, pilots and the air transportation system FAA with fines up to \$11,000 per violation.

The FAA has conducted outreach initiatives to include distributing pamphlets, making publication changes, leveraging communication channels with major airlines safety offices, providing laser information for national news articles, public service announcements, FAA blog sites, and public social networks.

A notice was published in the Federal Register soliciting public comment on June 21, 2011, vol. 76, no. 119, pages 36169-36170. 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, gift, or compensation to the respondents.

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

Confidentiality is neither guaranteed nor required.

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

The information distributed by Systems Operations Security is controlled under 49 C.F.R. part 1520 (a) part 15. Information will be on a “need to know” as defined in 49 C.F.R. part 1520 (a) part 15, except with the written permission of the Administrator of the Transportation Security Administration or the Secretary of Transportation.

12. Provide estimates of hour burden of the collection information. This information should: Provide number of respondents, frequency of response, annual burden, and an explanation of how the burden was estimated.

We estimate that the time required for the initial and cautionary broadcasts is a total of 10 minutes. At an estimated average per year of over 1,100 responses per year, the total is 183 hours annually.

We estimate that the time required for the submission of the written report after the flight is a total of 10 minutes. At an estimated 1,100 responses per year, the total is 183 hours annually.

The total estimated hourly burden per year is 183 hours.

The cost associated with the written portion of the submission, at approximately \$35 per hour, times 183 hours, is \$6,405 per year.

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

There are no costs not already covered in item #12.

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

We estimate that the required time for receipt and finalization of documents to be 15 minutes. Anticipate an average of 1,100 reports per year.

The estimated annualized cost to the Federal Government is \$5,500 per year at \$20 per hour, times 275 hours.

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

The reasons for the changes from the previous submission are that the total number of reports has increased from 400 to an average of 1,100, and the estimated time to complete a response has been lowered from 15 minutes to 10 minutes.

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.

The results may be published by organizations, offices and agencies outside of System Operations Security. There are no complex analytical techniques used by System Operations Security.

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.

Approval is not requested to not display the expiration date on the form.

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.