

Notice of Proposed Construction or Alteration, Notice of Actual Construction or
Alteration, Project Status Report
2120-0001

SUMMARY OF CHANGES: This submission includes an additional annual burden for filing form 7460-1 due to the new final rule 2120-AH31 - Safe, Efficient Use and Preservation of the Navigable Airspace.

A. Justification:

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. Section 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) safety in air commerce; and
- (2) the efficient use and preservation of the navigable airspace and of airport traffic capacity at public-use airports.”

New to this submission for clearance, with the new final rule 2120-AH31 - Safe, Efficient Use and Preservation of the Navigable Airspace, 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. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

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 and the National Airspace System (NAS) by analyzing the physical and/or electromagnetic effect that the structure would have on air navigation procedures, air navigation, and/or communications facilities. The following factors are considered:

- o The impact on arrival, departure, and en route procedures for aircraft visual and instrument flight rules.
- o The impact on existing and planned public-use airports and aeronautical facilities.
- o 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 and the NAS cannot be ensured.

FAA Form 7460-2, Notice of Actual Construction or Alteration

This form is used to collect information on the progress of actual construction. The submission of this information is required on a case-by-case basis following issuance of a determination of no hazard resulting from an aeronautical study based on information contained on FAA Form 7460-1. The information collected relates to construction start and end dates, final height or abandonment of the proposal.

The information is used to update aeronautical charts, issuance of notice to airmen, and adjust aeronautical procedures.

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 technology.

In September of 2003, the FAA began testing an electronic filing process of FAA Form 7460-1 on the Internet. In September 2004, the FAA officially opened the site for filing to the public.

Currently, the FAA receives over 98% of all 7460-1 submissions for OE cases electronically through the system. Internal FAA paperwork processes inherent with the collection of form 7460-1 have been revised and eliminated at considerable savings. The system has approximately 26,000 registered users filing the FAA 7460-1 Form electronically.

Electronic filing has reduced the time the FAA receives the submission and issues a final determination by over half. An electronic filer is provided instant acknowledgement that the FAA has received the submission and is beginning the aeronautical study process. Likewise, electronic 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 notifies the user immediately after the FAA has reached a determination.

The FAA began testing an electronic form 7460-2 in 2005 and opened the process to all users in 2006. By creating the electronic 7460-2 process has saved the FAA considerable time and costs with processing the 7460-2 Form. Currently, the FAA receives over 98% of all 7460-2 submissions electronically.

Additionally, in 2007 the FAA opened the system up to the public for electronic filing of 7460-1 for the NRA process. Currently, the FAA receives over 78% of all 7460-1 submissions for NRA cases electronically through the system.

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

FAA is the only Federal agency with this statutory requirement and to our knowledge, there is no known duplicate reporting.

Information contained on FAA form 7460-1 that is also collected by the FCC is electronically submitted on a daily basis to the FCC.

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

Individuals as well as small businesses and large corporations may file these forms. The information collected has been designed to minimize the burden on all respondents by limiting the amount of information required, the format in which it is submitted (electronic or paper) and by providing clear and concise instructions.

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 reduce burden.

Notification is required “on occasion” of the construction events. Thus, the frequency is determined by the filers not by the FAA.

There are no specific technical or legal obstacles to reducing the reporting burden.

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).

The information is collected in a manner consistent with the guidelines in 5 CFR 1320.5(d)(2).

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 record keeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A notice was published in the Federal Register on December 22, 2011, vol. 76, no. 246, page 79752. No comments were received.

Frequent filers of these forms and the FCC are regularly consulted for comments regarding the modification and electronic filing of FAA Form 7460-1.

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 and the basis for the assurance in statute, regulation, or agency policy.

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 a sensitive nature.

There are no sensitive questions.

12. Provide estimates of the hour burden of collection of information. Provide estimates of annualized cost to respondents for the hour burdens for collection of information.

The number of notices filed annually is approximately:

2011 (estimated)

FAA Form 7460-1: 98,325 (1,000 paper 97,325 e-file)
 FAA Form 7460-2: 12,000 (120 paper 11,880 e-file)
 Total: 110,325

99% electronically filed (estimated) – 7460-1

99% electronically filed (estimated) – 7460-2

The estimated hour burden is (determined through consultation with frequent filers) is:

2011 FAA Form (paper) 7460-1	.32 hours x 1,000	= 320 hr. (estimated)
2011 FAA Form (e-file) 7460-1	.20 hours x 97,325	= 19,465 hr. (estimated)
2011 FAA Form 7460-2	.22 hours x 12,000	= 2,640 hr. (estimated)
Total Filings 2011		22,425 hr. (estimated)

While the FAA still requires that a USGS 7.5 minute Quadrangle map must be included when filing FAA Form 7460-1, (estimated cost of map is \$4.00) maps are abundantly available on the internet at no cost to the user. The FAA has seen the submission of purchased Quadrangle maps drop to a current level of less than 5% of all cases. Therefore, we do not include this cost in our estimates. Also, the FAA provides electronic quadrangle maps free of charge on the e-file site.

The average hourly wage of those filing the forms (estimated through consultation with frequent filers) is \$19.75/hour. Thus, the estimated average annual reporting burden is as follows:

2011 FAA Form (paper) 7460-1	\$19.75 p/hr x .32 x 1,000	=	\$ 6,320
2011 FAA Form (e-file) 7460-1	\$19.75 p/hr x .20 x 98,325	=	\$ 388,383.75
2011 FAA Form 7460-2	\$19.75 p/hr x .22 x 12,000	=	\$ 52,140
Total 2011 (estimated)			\$ 446,843.75

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

No capitol or maintenance costs are required to report this information.

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

The annual cost to the Federal Government for these 2 forms is combined because work on a single case may involve both forms. A “Process and Cost Analyses” study estimated it cost the FAA an average of \$443.00 to process a single case. However, with automation enhancements and a reduction in personnel, this cost estimate could be lower.

FAA processing time (40,000 cases x \$443.00) = \$17.7 M

15. Explain reasons for any program changes or adjustments.

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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 <https://oeaaa.faa.gov>.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reason that display would be inappropriate.

We are not seeking this approval.

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

There are no exceptions.