

Supporting Statement
Advisory Circular (AC): Reporting of Laser Illumination of Aircraft
OMB #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. FAA studies show aircrew exposure to laser illumination may cause hazards, which could compromise flight safety by adversely interfering with aircrews. 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. The FAA can also seek a maximum civil penalty of \$11,000 per violation for aiming a laser at an aircraft in violation of 14 CFR 91.11. Federal criminal law also prohibits the interference with pilots of an aircraft under 18 U.S.C, section 1993. Finally, the FAA Modernization and Reform Act of 2012 created U.S.C title 18, Chapter 2, section 39A, which states, whoever knowingly aims the beam of a laser pointer at an aircraft in the special jurisdiction of the United States or at the flight path of such an aircraft shall be fined under this title or imprisoned not more than 5 years or both.

The FAA has disseminated the AC in response to the steady increase of unauthorized illumination of all aircraft within the 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 could adversely affect the ability of aircrews to carry out their responsibilities especially during critical phases of flight.

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 who 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 with an attempt to apprehend potential perpetrator(s). In addition, this AC requests that the aircrew supply a written report of the incident via the FAA Laser Safety Initiative website (<http://www.faa.gov/about/initiatives/lasers/>). The aircrew can send a report 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 information on the laser questionnaire form via the Internet and email. Currently it is estimated that 50% of responses are received electronically. The FAA Laser Beam Exposure Questionnaire is available online at <http://www.faa.gov/aircraft/safety/report/laserinfo/>, and a fully electronic fillable/fileable mobile submission form is available at <http://www.faa.gov/mobile/?event=laser>.

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 laser information collecting organization for unauthorized illumination of aircraft by lasers.

Previously, OMB had recommended a consolidation of this collection activity with the Laser Operations in Navigable Airspace collection activity. FAA does not recommend combining collections of laser strikes on pilots and applications to use lasers in the outdoors. This is because they collect two types of information. The first, made by pilots, is meant to collect an eyewitness report from pilots about the circumstances in which they were illuminated by a laser. This information is useful to law enforcement agencies in pursuing the people doing the illuminating, as it is a serious federal crime. The other collection is for people to get permission to use lasers for legitimate commercial purposes, such as laser light shows, laser range finding for space operations, et cetera. In this form, parties seek to gain FAA agreement that their activity will not pose a hazard to aviation. Therefore, these forms should not be combined as they collect different information from different parties, in support of different government functions.

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 with the purpose of minimizing the impact of unauthorized laser illumination of aircraft. Without this crucial 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 distraction 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 revised February 8, 2013. Also, 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 join 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 a website with laser illumination information and statistics, 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, public social networks

and developing an FAA Laser Incident Tracking System (FLITS) to increase the ability to efficiently acquire, track, report, and manage laser data.

A notice was published in the Federal Register soliciting public comment on September 9, 2014, vol. 79, no. 174, page 53509. 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 maximum. 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 \$37 per hour, times 183 hours, is \$6,771 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 maximum. Anticipate an average of 1,100 reports per year.

The estimated annualized cost to the Federal Government is \$5,775 per year at \$21 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 annual cost burden has been adjusted for inflation.

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.