

Supporting Statement A
Notice of Proposed Construction or Alteration, Notice of Actual Construction or Alteration

2120-0001

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

Title 49 U.S.C. Section 44718 empowers and requires the Secretary of Transportation by regulation or by order when necessary, to 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.

Also, Title 49 U.S.C., Section 44701 empowers and requires the Administrator of the Federal Aviation Administration (FAA) to prescribe standards applicable to the accomplishment of the mission of the FAA.

The Federal Aviation Administration (FAA) implements the requirement for notification by means of part 77 of Title 14 of the Code of Federal Regulations (part 77) to promote the safe, efficient use, and preservation of the navigable airspace.

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.

Sponsors, anyone planning any construction or alteration project described in 14 CFR 77.9, are required to provide adequate notice (as specified in 14 CFR 77.7) to the FAA of that construction or alteration on FAA Form 7460-1, Notice of Proposed Construction or Alteration. The reporting of this information is mandatory on occasion of each construction or alteration. The FAA uses the information collected to evaluate the effect of the proposed construction or alteration on safety in air commerce and the efficient use and preservation of the navigable airspace and airport traffic capacity at public use airports; determine whether the effect or proposed construction or alteration is a hazard to air navigation; determine appropriate marking and lighting recommendations, using FAA Advisory Circular 70/7460-1, Obstruction Marking and Lighting; determine other appropriate measures to be applied for continued safety of air navigation. The FAA will determine when sponsors are required to report construction or alteration project status including construction start and estimated end dates, as well as, reporting the date the structure reaches its greatest height on FAA Form 7460-2. The FAA uses the information collected to notify the aviation community of the construction or alteration of objects that affect the navigable airspace, including the revision of charts when necessary.

Any sponsor that abandons a construction or alteration proposal that has been previously reported to the FAA must submit notice to the FAA on Form 7460-2 within 5 days after the project is abandoned.

Additionally, any sponsor that dismantles or destroys a constructed structure previously reported to the FAA must submit notice to the FAA on Form 7460-2 within 5 days after the construction or alteration is dismantled or destroyed.

Without collection of this information, safety of air navigation and the National Airspace System 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.

In accordance with the Government Paper Elimination Act (GPEA) and the Paperwork Reduction Act of 1995, the FAA allows and encourages electronic submission of all 7460-1 and 7460-2. The FAA has the capability of accepting submissions 100% electronically. The FAA continues to offer an e-filing system via the Internet that has adequate provisions for security i.e. respondents must register for an account and login with unique user name and password authentication so that 7460-1 and 7460-2 submissions may not be altered after acceptance by the FAA. There are currently more than 80,000 users of this e-filing system (<https://oeaaa.faa.gov>) and the FAA System application used to process the collections is compatible with other systems and applications used by the FAA and other government agencies. Today, the FAA accepts over 98% of 7460-1 and 7460-2 forms electronically and encourages the use of automation and electronic media to gather, store, review and transmit all submissions and supporting requests, reviews, reports, agency determinations and other supporting information required by this rule via the Internet based Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) System.

Electronic filing continues to reduced the time that it takes to collect and process 7460-1 and 7460-2 collections and the OE/AAA application provides a single source to process, track and store all aeronautical studies processed in accordance with this collection.

The FAA continues to make Forms 7460-1 and 7460-2 available via the Internet (<https://www.faa.gov/forms/>) in pdf fill & sign format.

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

FAA is the only Federal agency with this statutory requirement and is the lead agency for collecting this data. There is no known duplicate reporting.

Information obtained on FAA form 7460-1 that is also subject to the licensing authority of the Federal Communications Commission (FCC) is electronically transmitted by the FAA OE/AAA System on a daily basis to the FCC's Antenna Structure Registration (ASR) System to prevent duplicative collection.

5. If the collection of information involves small businesses 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 reducing burden.

The frequency of information collection for the purposes of part 77 are to ensure the safe and efficient use and preservation of the navigable airspace. Notification is required "on occasion" for construction events that meet the requirements to notify the FAA as specified in this rule. Thus, the frequency is determined by the sponsors, not by the FAA. If the collection is not conducted or is conducted less frequently, the FAA would not be able to meet their primary mission goals to promote air safety and the efficient use of the navigable airspace by aircraft.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- requiring respondents to report information to the agency more often than quarterly;
- requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- requiring respondents to submit more than an original and two copies of any document; requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;
- in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- Requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

There are no special circumstances.

8. Provide information on the PRA Federal Register Notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the 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 the data elements to be recorded, disclosed, or reported.

A Federal Register Notice was published on April 22, 2019 (84 FR 16758) allowing 60 days for public comment. No comments were received.

9. Explain any decisions to provide payments or gifts 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 assurance in statute, regulation, or agency policy.

FAA offers no assurance of confidentiality.

11. Provide additional justification for any questions of a 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 the hour burden of the collection of information.

The estimates for hours are broken down by sections of the rule below. For reporting purposes, the FAA based estimates on calendar year (CY) 2018, which was the highest total number of 7460-1 and 7460-2 submissions received and processed by the FAA since the last renewal of OMB Approved Collection No. 2120-0001.

§77.7 Form and time of notice.

This section describes the form that must be used to file notice with the FAA and the timeframes for submitting this information for aeronautical study and advises sponsors of the availability of forms at FAA regional offices and on the Internet. Respondents may either download the form or register for an e-filing account to submit the information collection in accordance with this 14 CFR 77. Each sponsor required to file notice of proposed construction or alteration is expected to spend 19 minutes filling out paper forms and 15 minutes registering and submitting their forms electronically.

1. The FAA offers downloadable fillable pdf versions of the form 7460-1 at no cost and accepts them electronically via e-mail. Additionally, the FAA offers an e-filing System via the Internet and requires no special software or computer equipment to use. The annualized burden is calculated based on the individual respondents time spent completing their submission.

The total number of 7460-1 forms received and processed by the FAA in CY 2018 was 202,162. See Table 1 and the Summary at the end of this section for calculations.

§77.11 Supplemental notice requirements.

This section describes the form that must be used to file supplemental notice and report construction project status to the FAA and the timelines and requirements for this type of notification to the FAA. Respondents may either download the form or use their registered e-filing account to submit supplemental notice and report project status when requested by the FAA. Each sponsor required to provide supplemental notice of actual construction or alteration is expected to spend 15 minutes filling out paper forms and 6 minutes using their registered e-filing account to submit their forms electronically.

1. The FAA offers downloadable fillable pdf versions of form 7460-2 at no cost and accepts them electronically via e-mail. Additionally, the FAA offers an e-filing System via the Internet and requires no special software or computer equipment to use. The annualized burden is calculated based on the individual respondents time spent completing their submission.

The total number of 7460-2 forms received and processed by the FAA in CY 2018 was 78,136. See Table 2 and the Summary at the end of this section for calculations.

§77.35 Extensions, terminations, revisions and corrections.

In accordance with §77.33 Effective period of determinations, the FAA will assign an effective date on certain determinations and specify an expiration date in the letter. §77.35 describes how respondents may petition the FAA official that issued the determination letter for an extension of the expiration date. This section describes how the FAA will process and disseminate the results of an aeronautical study conducted based on a 7460-1 submission. The FAA issues a letter upon completion of the aeronautical study and makes this determination and report of findings available via the Internet, therefore there is no cost to the respondent.

1. Respondents must either write a letter to the FAA requesting an extension and mail or email it to the FAA official that issued the determination or use their registered e-filing account to submit a supplemental notice electronically to request an extension. Since the electronic submission is submitted using the 7460-2 e-filing interface the sponsor is expected to spend the same amount of time as stated above. The total number of written requests for extension is negligible. The total number of extension requests submitted electronically to the FAA via e-filing is included in the total calculations in Table 2.

Table 1 - IC #1 FAA Form 7460-1 for CY18

IC Instrument used by Respondent	7460-1s Received/Processed	Total Annualized Hours
Paper Form 7460-1	5,428	1,736.96
e-Filed 7460-1	196,734	49,183.50
Total 7460-1s	202,162	50,920.46

The total estimated annual burden for 7460-1 submission to the FAA is calculated to be 50,921 hours. This is calculated by summing all of the one-time annual Form 7460-1 information collected by the FAA during CY 2018 and as described in the preceding sections. Paper submissions are calculated based on an estimated 19 minutes spent filling out the form. Electronic submissions are calculated based on an estimated 15 minutes spent registering for an e-filing account and submit notice electronically. Once an e-filing account has been registered, the respondent may re-use their account to submit additional 7460-1 forms, however, for the purpose of determining the annual hour burden, the FAA did not consider multiple filings by a single respondent and instead assumed each submission to be from a unique individual. This hour burden estimate was determined based on previous consultations with frequent respondents to this collection and used in previous FAA requests for OMB approval to renew 2120-0001.

IC 1: Notice of Proposed Construction or Alteration - Electronic			
Summary (Annual numbers)	Reporting	Recordkeepin g	Disclosure
# of Respondents	198,119	0	0
# of Responses per respondent	1	0	0
Time per Response	15 min	0	0
Total # of responses	198,119	0	0
Total burden (hours)	49,529.75 Hrs	0	0

IC 2: Notice of Proposed Construction or Alteration - Paper			
Summary (Annual numbers)	Reporting	Recordkeepin g	Disclosure
# of Respondents	4,043	0	0
# of Responses per respondent	1	0	0
Time per Response	19 min	0	0
Total # of	4,043	0	0

responses			
Total burden (hours)	1,280.28	0	0

Table 2 - IC #2 FAA Form 7460-2 for CY18

IC Instrument Used by Respondent	7460-2s Received/Processed	Total Annualized Hours
Paper form 7460-2	15	3.75
e-Filed 7460-2	78,121	7,812.10
Total 7460-2s	78,136	7,815.85

The total estimated annual burden for 7460-2 submission to the FAA is calculated to be 7,816 hours. This is calculated by summing all of the one-time annual Form 7460-2 information collected by the FAA during CY 2018 and as described in the preceding sections. Paper submissions are calculated based on an estimated 15 minutes spent filling out the form and 6 minutes spent using a registered e-filing account to submit notice electronically. This hour burden estimate was determined based on previous consultation with frequent respondents to this collection and used in previous FAA requests for OMB approval to renew 2120-0001.

IC 3: Notice of Actual Construction or Alteration - Electronic			
Summary (Annual numbers)	Reporting	Recordkeepin g	Disclosure
# of Respondents	76,573	0	0
# of Responses per respondent	1	0	0
Time per Response	6 min	0	0
Total # of responses	76,573	0	0
Total burden (hours)	7,657.3 Hrs	0	0

IC 4: Notice of Actual Construction or Alteration - Paper			
Summary (Annual numbers)	Reporting	Recordkeepin g	Disclosure
# of Respondents	1,563	0	0
# of Responses per respondent	1	0	0
Time per Response	15 min	0	0

Total # of responses	1,563	0	0
Total burden (hours)	390.75 Hrs.	0	0

IC 5: Web Based Frequency Coordination Request (WEBFCR).- See Note in Question 15			
Summary (Annual numbers)	Reporting	Recordkeeping	Disclosure
# of Respondents	0	0	0
# of Responses per respondent	0	0	0
Time per Response	0	0	0
Total # of responses	0	0	0
Total burden (hours)	0	0	0

Table 3 - Summary of Reporting, Recordkeeping, and Disclosure

Summary (Annual numbers)	Reporting	Recordkeeping ¹	Disclosure
# of Respondents	280,298 ²	0	0
# of Responses per respondent	1	0	0
Time per Response	.23 hrs. (avg)	0	0
Total # of responses	280,298	0	0
Total Burden (Hours)	58,858.08	0	0
Labor Cost x Hours	\$2,133,302.78	0	0

¹ There are no recordkeeping requirements for the public because of how the FAA will process and disseminates the results of aeronautical studies conducted based on a 7460-1 submission. The FAA issues a letter upon completion of the aeronautical study and makes this determination and report of findings publically available via the Internet, therefore there is no record keeping cost to the respondent or the public in general.

² Total paper and electronic 7460-1 and 7460-2 respondents. Because there is no direct correlation between the number of 7460-1 and 7460-2 respondents, each response is considered an independent action.

In our attempt to convert hours to labor costs, we recognize that many or most respondents will not be associated with actual cost. Rather, this is in recognition that there is a value to time. Bureau of Labor Statistics reported for March 2018 that the average employer cost for employee compensation was \$36.32. This included \$24.77 per hour wages and salaries and \$11.55 per hour for benefits. ³

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

There is no additional cost for electronic submissions other than that which is in question 12.

Although the FAA form states that a USGS 7.5 minute Topographical Quad map must be included when filing a paper FAA Form 7460-1, these maps are abundantly available on the Internet at no cost to the public and the FAA e-Filing system provides maps to meet this requirement for the respondent. Therefore, FAA no longer considers maps as a cost when determining the annual cost burden to respondents.

Additionally, since the introduction of the FAA's Internet based e-Filing System in 2004, which requires no special software or computer equipment to use, and its continued increased usage by respondents to this collection as is evident in more than 98% of submissions received in CY18 via e-filing the FAA considers there to be no cost to respondents for e-filing.

The remaining 2% that may be sent using the Forms are accepted by the FAA via email. This makes it difficult for the FAA to determine any exact annual cost burden. As a result, for the purpose of estimating an annual cost burden to respondents that opt to mail in the form the FAA considered 2018 postage rates for first-class mail letter (1 oz.) to be \$0.55 times the total number of paper filings received without distinguishing those that were emailed and determined the approximate annualized cost of standard postage rates and supplies to be approximately \$3,084.

IC 2: Notice of Proposed Construction or Alteration - Paper	
Summary (Annual numbers)	Reporting
# of Respondents	4,043
# of Responses per respondent	1
Cost per Response	\$0.55
Total # of responses	4,043
Total cost	\$2,223.65

³ Bureau of Labor Statistics News Release, USDL-18-0944, dated June 8, 2018, *Employer Costs for Employee Compensation*.

IC 4: Notice of Actual Construction or Alteration - Paper	
Summary (Annual numbers)	Reporting
# of Respondents	1,563
# of Responses per respondent	1
Cost per Response	\$0.55
Total # of responses	1,563
Total burden (hours)	\$859.65

14. Provide estimates of annualized costs to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

All submissions for this collection are processed by the government through the automated OE/AAA System application. A previous "Process and Cost Analyses" study estimated it takes a government employee approximately 15 minutes per collection to complete their contribution using the OE/AAA System Application for processing. The average government labor rate for this job category varies slightly. See Table 4 and the Summary below for calculations.

Table 4 - 2120-0001 Collections Processed in CY18

Federal government Employee by general labor category description	Avg. Approx. Wage Rate/hour	Process time per/hour for each IC	IC #1 Total 7460-1s Processed	IC #2 Total 7460-2s Processed	Total Processing hours for ICs #1&2	Approximate Annualized cost to the Government
Technician/Analyst	\$78.88	0.25	202,162	107,352	77,378.50	\$1,525,904.02
Division Responder ⁴	\$89.56	0.25	191,854	0	527,598.50	\$11,812,930.42
Specialist	\$96.44	0.25	140,080	0	35,020	\$844,332.20

⁴ There are 11 government employee responders ranging from Pay Band I to J that utilize the OE/AAA System application to submit their contributions to the aeronautical studies conducted by the FAA to support this information collection. The FAA used the 2018 mean hourly wage rate for these two bands combined with no locality rate adjustment applied. The processing time per hour for an individual is 0.25 hours so the FAA multiplied the IC#1 processed by $0.25 * 11 = 2.75$ to calculate the total processing hours and then multiplied that by 0.25 of the average mean salary to determine the approximate annualized cost to the government for the Division Responder role.

Reviewer	\$96.44	0.25	0	104,055	26,013.75	\$627,191.51
Total						\$14,810,358.15

The 2018 mean hourly wage rates of Federal employees at FAA was estimated using the midpoints for Pay Band I (Technician/Analyst) and Pay Band J (Division Responder, Specialist, Reviewer) of the Core Compensation Pay Plan with no locality rate adjustment applied⁵. The FAA then multiplied the hourly wage rate by 2 to account for a fringe benefits rate of 69⁶ percent and an overhead rate of 31⁷ percent.

In addition to the labor costs associated with processing this Information Collection during CY18, the FAA invested funds totaling \$2,244,628.40 that same year to maintain and enhance the automated OE/AAA System application. The FAA anticipates investing the same amount per year over the next three years.

Therefore the total annualized cost to **the government is approximately \$17.1M annually.**

15. Explain the reasons for any program changes or adjustments.

The adjustments between the last collection and this collection are the result of a steady annual increase in public response since the beginning of this collection and the continued use of e-filing while the total cost burden has all but been eliminated for respondents. The FAA expects the number of submissions to continuously increase at a steady rate for both required and voluntary submissions to the FAA through the e-Filing System.

Note: The burden does not include 2,400 responses that were previously included in the 2016 renewal that incorrectly included Web Based Frequency Coordination Request (WEBFCR). This renewal removes a previously listed collector of information for this form, WEBFCR, an application used by FAA Frequency Management. This recipient does not collect information from this form, and per their stated intent in the previous renewal, has filed for their own form and OMB number (Website for Frequency Coordination Request). This renewal removes and corrects usage and burden information referring to WEBFCR.

⁵ Source: FAA Pay & Benefits Core Compensation Plan (FV) Salary Table
https://www.faa.gov/jobs/working_here/benefits/

⁶ Source: Congressional Budget Office, “Comparing the Compensation of Federal and Private-Sector Employees, 2011 to 2015” (April 2017), <https://www.cbo.gov/publication/52637>. The wages of Federal workers averaged \$38.30 per hour over the study period, while the benefits averaged \$26.50 per hour, which is a benefits rate of 69 percent.

⁷ Source: U.S. Department of Health and Human Services, “Guidelines for Regulatory Impact Analysis” (2016), https://aspe.hhs.gov/system/files/pdf/242926/HHS_RIAGuidance.pdf. On page 30, HHS states, “As an interim default, while HHS conducts more research, analysts should assume overhead costs (including benefits) are equal to 100 percent of pretax wages....” To isolate the overhead rate, the Department subtracted the benefits rate of 69 percent from the recommended rate of 100 percent

The agency has separated collection activity into appropriate information collections, there has not been additional forms or applications added.

The terms "Project Status Report" have been removed from the title. Previously, "Project Status Report" was incorrectly included in the collection title.

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. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

The FAA makes aeronautical study results available 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 reasons why display would be inappropriate.

FAA is seeking approval to not display the expiration date for OMB approval because these forms are stocked and reprinted automatically for continued use. It is not cost beneficial to discard unused dated stock. Even with compliance with the Government Paperwork Elimination Act allowing for respondents to submit information electronically, FAA is still dependent on paper stock in order to accommodate those respondents who are unable or choose not to do so. Printing the expiration date on the paper forms will result in an undue cost burden and waste.

18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

There are no exceptions.