

SUPPORTING STATEMENT
OMB-2120-0593

Part 119- Certification: Air Carriers And Commercial Operators

Justification

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 44702, empowers the Administrator of the Federal Aviation Administration to issue air carrier operating certificates and to establish minimum safety standards for the operation of the air carrier to whom such certificates are issued. This collection supports the DOT strategic goal of safety.

2. Indicate how, by whom, and for what purpose the information is to be used.

This request for clearance reflects requirements necessary under parts 135, 121, and 125 to comply with part 119. The FAA will use the information it collects and reviews to insure compliance and adherence to regulations and, if necessary, take enforcement action on violators of the regulations.

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 compliance with the Government Paperwork Elimination Act (GPEA), the FAA has encouraged the use of automation to reduce recordkeeping burdens. Each carrier is required to have appropriate Standard Operations Specifications. They are now automated (including non-standard paragraphs) and issued by FAA. FAA Headquarters maintains the database. All FAA field offices are connected to the FAA database and are able to submit their information 100% electronically. They have the necessary equipment and the staff has been trained. Some carriers use automation exclusively but they are not required to by FAA. The FAA is able to work with the level of automation the carrier desires to use.

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

We have reviewed our other FAA public-use reports and find no duplication. Also, we know of no other agency collecting the same information. The information collected is only available from the applicant. The information is not available from any other source.

5. If the collection of information has a significant impact on a substantial number of small businesses or other small entities (item 5 of OMB Form 83-I), describe the methods used to minimize burden.

Applicants, whether small or large businesses, are guided through the administrative requirements of the regulations by the local district office assigned certificate responsibilities. The actual operations specifications are automated and the paragraphs issued are only those appropriate to a specific carrier's operation. (See question 3.) For other reporting or recordkeeping burden listed in question 12, the smaller operators have burdens in proportion to the size of their operation. The FAA only asks for information needed to oversee the industry.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently.

The frequency of information collection for purposes of the part 119 burden is for original certification only. If the applicant does not apply originally, certification will not occur. The applicant makes the decision to apply.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with 5 CFR 1320.5(d)(2)(i)-(viii)

This collection of information is conducted in a manner consistent with the guidelines in 5 CFR 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 the data elements to be recorded, disclosed, or reported.

A notice soliciting public comment on this collection was published in the *Federal Register* on October 29, 2007, vol. 72, no. 208, pg. 61200. One comment was received from the American Association for Justice (AAJ). The comments from AAJ were not considered because they pertained to the FAA's certification of airframes, engines, and aircraft parts produced or used by aircraft manufacturers and were not pertinent to Form 8400-6 or its use. A copy of the Federal Register notice is attached.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

There are no monetary considerations for this collection of information.

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

Respondents have been given no assurance of confidentiality. The FAA Privacy officer and the Part 119 subject matter experts completed an initial privacy identification assessing whether Part 119 Certification Procedures requires a Privacy Impact Assessment (PIA). As an existing system with no changes that affect privacy, Part 119 Certification Procedures does not require a PIA.

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. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information.

Employee salaries are based on:

A technical specialist earning **\$51.39 per technical hour**. A clerical specialist earning **\$16.65 per clerical hour**.

Section 119.9 (b). Use of business name

A paperwork burden for this regulation is a stretch. It is common for each operator to have the name or certificate number painted on the fuselage of the aircraft. The only time this regulation would come into play is if the aircraft were being used temporarily by another operator. In that case compliance could be met by writing the information on a piece of paper and putting it in the windshield so that an FAA inspector standing on the ground near the aircraft could read it. There is no requirement during flight. This does not need to be done by a technical person but that would likely be the only person around to do it.

10 estimated occurrences per year x .1 technical hour x \$51.39
Total = 1 hour, \$51.39.

Section 119.33(c). Proving Test plan

A proving test is a test in which the operator proves to the FAA that they are able to safely conduct the authorizations asked for. The commuters who moved from part 135 to part 121 had to comply with this rule. That transition is now complete and the burden was addressed in our original report. Now this regulation would come into play only for new applicants and any existing applicant who for business reasons decides to operate in a way not previously proven to FAA. The burden is not for the test but for the plan. The proving test plan would be one or two typewritten pieces of paper. There is no part 125 in

this subpart C. There are an average of 15 new part 121 entrants per year and 60 new part 135 entrants that are required to conduct proving flight per year. There are an average of 15 plans for existing operators adding aircraft that require additional proving flights per year.

90 x estimated 2 technical hours and 1 clerical hour per occurrence.

$90 \times 2 \times \$ 51.39 = 180 \text{ hours, } \$ 9,250.20$

$90 \times 1 \times \$16.65 = 90 \text{ hours, } \$ 1,498.50$

Total = 270 hours, \$ 10,748.70

Section 119.35, Certificate Application Requirements For All Operators

The paperwork burden for original certification is shown under this Part 119. Revisions including additions or deletions of equipment and employees is shown in other appropriate paperwork burdens (either 121 or 135). Original certification is the highest burden and includes manuals (operations, training, airplane flight manuals, and distribution/availability of manuals); any flight following system; cockpit checklists; list of required inspection personnel; description of emergency and emergency evacuation duties; records showing completion of training; list of who has responsibility for operational control; initial application for inertial navigation system if applicable; plan to use Advanced Simulation if applicable. The requirements are not equal for each part and each air carrier applicant would be different in size, types of aircraft used, types of authorizations requested, and amount of FAA oversight needed. A manual could require several volumes or 20 pages depending on the complexity of the applicant. The process of making copies of the manual and distributing it would again depend on how many employees there were to distribute it to. The training record could be one sheet per employee with a one line entry following each training session. The list for operational control would likely be one page. A Preapplication Statement Of Intent, FAA Form 8400-6, (Figure 2.2.1.1. from Air Transportation Handbook) is attached. Also attached is a one page sample Formal Application Letter (Figure 2.2.1.5). Many operators have all of their manuals and training files maintained electronically. No part 125 in this subpart C. There are an average of 15 new part 121 entrants per year and 60 new part 135 entrants per year.

75 new entrants per year with estimated 300 pages each, which would take approximately 80 technical hours and 16 clerical hours to complete per

$75 \times 80 \text{ technical hours} \times \$51.39 = 6,000 \text{ hours, } \$ 308,340$

$75 \times 16 \times \$16.65 = 1,200 \text{ hours, } \$ 19,980$

Total = 7,200 hours, \$ 328,320

119.36, Additional Certificate Application Requirements For Commercial Operators

This is original issuance only. No part 125 in this subpart C. There are zero Commercial Operators currently in part 121. There are 210 Commercial Operators in part 135 with an average of 20 new entrants per year. These Commercial Operators are counted in 119.35 above. In addition to 119.35 they have to submit financial information under 119.36.

20 estimated occurrences per year x 2 technical hours x \$51.39 = 40 hours, \$ 2055.60

20 estimated occurrences per year x 4 clerical hours x \$16.65 = 80 hours, \$ 1,332.00

Total = 120 hours, \$ 3387.60

119.41, Amending A Certificate

Under 119.41 (c) the certificate holder may apply for an amendment to a previously issued certificate. This would normally only happen with change of ownership. The application is the same as in 119.35 above. No part 125 in this subpart C.

30 estimated amendment applications per year x .5 technical hour and .1 clerical hour

30 x .5 x \$51.39 = 15 hours, \$ 770.85

30 x .1 x \$16.65 = 3 hours, \$ 49.95

Total = 18 hours, \$ 820.80

Under 119.41 (d) the certificate holder may ask for reconsideration of a FAA decision concerning the certificate. There is no mandatory format. No part 125 in this subpart C.

30 estimated reconsiderations per year x 10 technical hours and x 2 clerical hours

30 x 10 x \$51.39 = 300 hours, \$ 15,417

30 x 2 x \$16.65 = 60 hours, \$ 999.00

Total = 360 hours, \$ 16,416.00

Total for 119.41 combined = 378 hours, \$ 17,236.80

119.43, Operations Specifications

Now automated and issued by FAA. No burden. See also question 3 above.

119.47 Maintaining A Principal Base Of Operations, Main Operations Base, And Main Maintenance Base; Change Of Address

Under (b) the certificate holder must notify FAA in writing of any changes in bases. No part 125 in this subpart C.

10 estimated occurrences per year x .5 technical hour and .5clerical hour per

10 x .5 x \$51.39 = 5 hours, \$ 256.95

10 x .5 x \$16.65 = 5 hours, \$ 83.25

Total = 10 hours, \$ 340.20

119.49, Contents Of Operations Specifications

Same comments as in 119.43 above.

119.51, Amending Operations Specifications

Same comments as in 119.43 above except for the following:

Under (b)(2) the certificate holder “may” present written argument as to amendment. Not required.

Under (b)(4)(ii) and (d) the certificate holder “may” petition for reconsideration of FAA initiated amendment. Not required.

Under (c) the certificate holder “must” apply for an amendment under certain conditions.

50 estimated occurrences per year x .2 technical hours

$50 \times .2 \times \$51.39 = 10 \text{ hours, } \513.90

Total = 10 hours, \$513.90

Section 119.53, Wet Leasing Report

The FAA receives a copy of each aircraft lease contract. Leasing is optional. No carrier has to do it. No part 125 in this subpart C.

Estimated 1,200 occurrences per year x estimated .5 clerical hour

$1,200 \times .5 \times \$16.65 = 600 \text{ hours, } \$9,990$

Total = 600 hours, \$ 9,990

Section 119.55, Deviation for Military Contracts

This applies to those operators who fly military contracts. The applicant must apply for a FAA deviation if they will be using their aircraft for military purposes. The applicant sends the application directly to the military, not FAA. The one application covers one or more aircraft. If the military concurs they send that concurrence to the FAA. If the FAA concurs we issue the applicant an operations specification which allows flight in the areas the military designates. The aircraft may be retrofitted for carrying troops and/or cargo. These aircraft are referred to as the Civil Reserve Aircraft Fleet or CRAF. From about 1980 to 1991 there weren't any deviations. In 1991 during the Gulf War there were about 30 carriers involved. With the military build up and execution of the Iraq war starting in 2002 about 25 carriers have been involved in CRAF missions. Currently approximately 6 carriers hold operation specifications for CRAF operations although few are conducting flight under this deviation. Approximately 1 technical hour and 1 administrative hour is required for each deviation request. . There is currently no burden with no way for us to estimate future national need.

(Averaged over three year period)

8 estimated occurrences per year x 1 technical hour and 1clerical hour per deviation.

$8 \times 1 \times \$51.39 = 8 \text{ hours, } \$ 411.12$

$8 \times 1 \times \$16.65 = 8 \text{ hours, } \$ 133.20$

Total = 16 hours, \$ 544.32

Section 119.57, Obtaining Deviation Authority To Perform An Emergency Operation

An emergency might involve a hurricane where airplanes need to be moved, a national emergency, or humanitarian efforts. We estimate that there would be no more than six

occurrences in any given year and probably less. The applicant would simply call the FAA. If time is a factor, and it usually is, the FAA issues an Operations Specification and the applicant documents later. The documentation would likely be one page. No part 125 in this subpart C.

6 x 1 technical hour x \$51.39 = 6 hours, \$308.34
6 x .5 clerical hour x \$16.65 = 3 hours, \$49.95
Total = 9 hours, \$358.29

Section 119.63 Recency of Operation

If a particular kind of operation (as authorized on Operations Specifications) has not been conducted in the last 30 days, the air carrier/commercial operator involved “must” notify the FAA five days prior to resuming operations. This may be done by telephone, voice mail, postal mail, fax, etc. No part 125 in this subpart C.

Estimated 130 occurrences per year (5% of all air carriers; 110 part 121; 2,500 part 135)

Estimated time to accomplish = .1 clerical hour per = 13 hours x \$16.65 = \$216.45
Total = 13 hours, \$ 216.45

Section 119.65 (e)(3), Management Personnel Required, Part 121

The air carrier “must” notify the FAA within 10 days of any changes. This doesn’t have to be in writing but usually is.

20 estimated occurrences x estimated .5 clerical hour = .5 x 20 x \$16.65
Total = 10 hours, \$ 166.50

Section 119.67(e), Management Personnel Qualifications, Part 121

The air carrier may apply for a deviation if the person they want to designate does not meet the minimum qualification.

5 estimated occurrences per year x estimated 1 technical hour and .5 clerical hour per

5 x 1 x \$ 51.39 = 5 hours, \$ 256.95
5 x .5 x \$16.65 = 2.5 hours, \$ 41.63
Total = 7.5 hours, \$ 298.58

Section 119.69(e)(3), Management Personnel Required, Part 135

The air carrier “must” notify the FAA within 10 days of any changes. This doesn’t have to be in writing but usually is.

120 estimated occurrences per year x estimated 1 technical hour and .5 clerical hour per

120 x 1 x \$51.39 = 120 hours, \$ 6,166.80

120 x .5 x \$16.65 = 60 hours, \$ 999.00

Total = 180 hours, \$ 7,165.80

Section 119.71 (f), Management Personnel Qualifications, Part 135

The air carrier may apply for a deviation if the person they want to designate does not meet the minimum qualification.

30 estimated occurrences per year x estimated 1 technical hour and .5 clerical hour per

30 x 1 x \$51.39 = 30 hours, \$ 1,541.70

30 x .5 x \$16.65 = 15 hours, \$ 249.75

Total = 45 hours, \$ 1,791.45

Grand Total: 8,869.5 hours per year and \$ 381,129.98 per year

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

There are no additional costs not already included in question #12 above.

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

The FAA anticipates that the part 119 rule will not impose an additional cost burden on the Federal Government for two reasons: (1) No additional personnel (namely FAA inspectors) will be hired to address administrative and operational demands and (2) All of the work demands of the rule will fall within the routine administrative, regulatory, and operational functions of the FAA.

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

The FAA’s first OMB report concerning new part 119 (12/95) was completed based on the estimated number of carriers that would transition from part 135 to part 121. The reporting requirements are similar but different between parts 121 and 135. Only the additional burden associated with part 135 carriers transitioning to part 121 standards was

reported. Now that the transition is complete, we have three reporting packages (part 121 [OMB Report 2120-0008], part 135 [OMB Report 2120-0039], and part 119 [OMB Report 2120-0593]) instead of the traditional two packages (part 121 and part 135). The packages for part 121 and 135 have been updated separately. This report is for part 119 only. The number of carriers and commercial operators in each part changes constantly. This is a snapshot in time. The man hours and dollar vales remain the same as 3 years ago because of a trend for stagnation or reduction in salaries within the aviation industry. The number of air carriers and commercial operators changes constantly and salaries used to establish the costs have remained relatively stable.

16. For collections of information whose results are planned to 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.

There is no publication plan.

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.

The FAA is 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 to Item 19.