

Justification Statement
Reservations for Unscheduled Operations at Capacity Coordinated Airports
2120-0694

A. Justification

1. Circumstances that make the collection necessary.

This Justification Statement is for the revision of the currently approved collection “SFAR No. 105 Operating Limitations for Unscheduled Arrivals at Chicago’s O’Hare International Airport,” OMB Control Number 2120–0694. The FAA is revising this collection to add similar reporting and recordkeeping burden for unscheduled instrument flight rule (IFR) operations at New York John F. Kennedy International Airport (“Kennedy”) and Newark Liberty International Airport (“Newark”). The FAA is updating the title of the collection and requests an expiration date three years from the approval date for Kennedy, Newark and O’Hare.

The FAA considers this collection necessary to maintain a reservation system to manage demand for unscheduled operations at peak hours. Any operator seeking to conduct certain unscheduled IFR operations at Kennedy, Newark, or O’Hare during peak hours must submit information to obtain a reservation from the FAA. The FAA will monitor the allocation of these reservations to meet operational targets.

In November 2006, the FAA issued a rule extending the expiration date of Special Federal Aviation Regulation (SFAR) No. 105 through October 31, 2008 (71 FR 64112). This SFAR provides the reservation requirements for unscheduled arrivals at O’Hare International Airport. The regulation adopts a reservation system to limit the number of unscheduled arrivals, including public charter arrivals, to no more than four per hour during peak hours at that airport. For more information about reservations at O’Hare, see the final rule “Reservation System for Unscheduled Arrivals at Chicago’s O’Hare International Airport” (70 FR 39610). The FAA anticipates issuing additional actions to extend the SFAR for O’Hare. The FAA requests an extension of the currently approved collection to maintain the reservation system for O’Hare.

In spring 2008, the FAA will propose a similar SFAR establishing a reservation system to limit unscheduled operations at Kennedy and Newark. The proposal would require a collection of the same information, from the same type of respondents, and use the same methods of collection. The FAA anticipates limiting the number of total unscheduled operations to no more than four arrivals and departures per hour during peak hours at each airport. The FAA may adjust this limit and the associated reservations as the rulemaking develops and will revise this collection if necessary.

This collection supports the Department of Transportation’s strategic goal of mobility for shaping an accessible and reliable transportation system for all people, goods and regions.

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

The information is reported to the FAA by any person or entity seeking to conduct an unscheduled operation at Kennedy, Newark, or O'Hare during the peak hours. The information is used to allocate reservations. The FAA would use this information daily to facilitate the allocation process and to manage operation targets.

3. Consideration of the use of improved information technology.

The information reported to the FAA is information that operators or pilots already have concerning their proposed operations at Kennedy, Newark, or O'Hare. Reservations can be obtained one of three ways: (1) the internet; (2) calling the FAA's interactive computer system via touch-tone telephone; or (3) by the calling the FAA directly. The FAA expects operators will be able to submit 100% of the reporting information electronically and receive 99% of the reservations electronically. This is consistent with the requirement of the Government Paperwork Elimination Act.

4. Duplication and why similar information cannot be used or modified

In absence of the SFARs for Kennedy, Newark, or O'Hare, operators of unscheduled flights are not required to obtain a reservation for these airports. There is no duplication associated with the requirements of current and proposed regulations.

5. Minimizing the burden on small businesses.

Some operators may be classified by DOT as small business. Reservations may be obtained one of three ways as described above. The FAA expects that the three reporting mechanisms provided would facilitate this process for all entities subject to this rule, including small entities, and at minimal burden and cost.

6. Consequences of not conducting or less frequent data collections.

If unscheduled operations were not limited and the associated reservation system consequently implemented, then unscheduled operations have the potential to grow at these airports. The affected airports are already operating at capacity and in some hours exceeded capacity. This collection assists with limiting the operations and tracking compliance with current and proposed regulations.

7. Consistency of information collections with guidelines in 5 CFR § 1320.5(d)(2).

This information collection is consistent with the guidelines in 5 CFR § 1320.5(d)(2) with one exception. Since affected operators would need to get a reservation for unscheduled operations at Kennedy, Newark, and O'Hare, the information collection must be for each individual flight. Therefore, the information is collected more than quarterly.

8. Solicitation of comments and outside consultation.

The FAA published a notice with request for comments for the O'Hare SFAR in the Federal Register on October 20, 2004 (69 FR 61707). Comments from interested parties were considered prior to final rulemaking action. In spring 2008, the FAA anticipates publishing a notice for the proposed SFAR affecting Kennedy and Newark with request for comments. The FAA plans to consider all comments from interested parties for this SFAR as well.

9. Payments of gifts provided to respondents.

The FAA does not provide any payment or gift to the respondents associated with this collection.

10. Assurances of confidentiality.

The current and proposed regulations do not require operators seeking reservations to disclose confidential or sensitive information either to the FAA or to the public. Therefore, no assurances of confidentiality are required to be given.

11. Questions of sensitive nature.

There are no questions dealing with matters of a sensitive nature in this collection of information.

12. Estimates of the hour burden of the collection of information.

Based on peak hourly and seasonal data from the FAA's Enhanced Traffic Management System (ETMS), the FAA estimated the number of unique operators that conduct unscheduled operations at Kennedy, Newark, and O'Hare to be 61, 54, and 67, respectively.¹ Therefore, we anticipate there are potentially 182 respondents affected by this collection.

Annual Responses

The current regulation for O'Hare permits four unscheduled arrival reservations per hour over the 14 peak hours from 7 a.m. through 8:59 p.m. Monday through Friday and nine peak hours from 12 p.m. through 8:59 p.m. Sunday. The total annual number of reservations (reporting responses) for unscheduled arrivals at O'Hare is 16,488.² The FAA anticipates publishing an SFAR rule for Kennedy and Newark that would permit no

¹ Source: FAA Enhanced Traffic Management System (ETMS). The FAA used data for the high congestion period from June 1, 2007 through August 31, 2007. The data contains actual ("wheels off/on") arrival and departure data for scheduled and unscheduled operations by operator.

² Sample calculation: 16,488 Annual Unscheduled Arrival Reservations for O'Hare = 4 arrival reservations/hour x (14 peak hours x 261 weekdays) + (9 peak hours x 52 Sundays). The estimate of total annual arrival reservations is based on a 365-day year. The current regulation for unscheduled operations at O'Hare does not apply to departures or Saturday operations.

more than four unscheduled arrival and departure reservations per hour over the 17 peak hours from 6:00 a.m. through 10:59 p.m. Saturday through Sunday.³ The FAA may adjust this limit as the rulemaking develops and will revise this collection as necessary. The total number of reservations for unscheduled arrivals and departures would be 24,820 each for Kennedy and Newark.⁴ Therefore, the FAA estimates the total annual responses for this collection of information is 66,128.

Annual Burden Hours

The FAA provides annual estimates of burden for this justification statement. The FAA estimates it takes an average of two minutes to obtain an arrival reservation. The FAA estimates the annual reporting burden for the unscheduled arrival reservations at O’Hare is 32,976 minutes, or approximately 550 hours.⁵ The FAA estimates the annual reporting burden for unscheduled arrival and departure reservations at Kennedy and Newark is 49,640 minutes for each airport, or approximately 827 hours for each airport.⁶ Table 1 summarizes the annual reporting burden for affected operators by each airport.

Table 1: Annual Reporting Burden

Airport	Number of Reservations/Year	Minutes/Year	Hours/Year
O’Hare	16,488	32,976	550
Kennedy	24,820	49,640	827
Newark	24,820	49,640	827
<i>Total</i>	66,128	132,256	2,204

Costs

The FAA does not expect the unscheduled reservations to require new capital or equipment. The FAA anticipates that operators use basic phone and computer equipment in daily business operations. The reservation system used by the FAA is already in place as a part of Special Traffic Management Programs and the O’Hare Arrival Reservation Program. Therefore, the FAA does not anticipate any capital or startup cost burden from this collection of information.

The FAA developed a cost estimate for this reporting burden that consider the additional labor cost for operators to place reservations for unscheduled operations. Based on information from industry experts, the FAA found that this reporting function would be most likely performed by existing operator personnel with administrative and operation experience. For this justification statement, the FAA used a price-adjusted burdened labor rate of about \$62 per hour based on average national wage estimates for operations

³ Kennedy and Newark would have the same limits and number of annual reservations.
⁴ Sample calculation: 24,820 Annual Unscheduled Operations Reservations = 4 reservations/hour x 17 peak hours x 365 days. The estimate of the total annual reservations is based on a 365-day year.
⁵ Sample calculations: 32,976 minutes/year = 2 minutes/reservation x 16,488 unscheduled arrival reservations for O’Hare; 550 hours/year = 32,976 minutes/year ÷ 60 minutes.
⁶ Sample calculations: 49,640 minutes/year = 2 minutes/reservation x 24,820 unscheduled arrival and departure reservations for Kennedy and Newark each; 827 hours/year = 49,640 minutes/year ÷ 60 minutes.

managers in unscheduled air transportation.⁷ Using this average wage and the estimated annual burden hours, the FAA estimates the total annual cost burden of this collection is \$136,648. Table 2 presents the costs annually and for each airport. FAA believes these costs will be a minimal burden to the respondents or record keepers making the reservations for unscheduled flights.

Table 2: Burden Costs

Item	Hours/Year	Annual Costs
O'Hare	550	\$34,100
Kennedy	827	\$51,274
Newark	827	\$51,274
<i>Total</i>	2,204	\$136,648

13. Total annual cost burden to respondents from the collection of information.

There are no additional costs that are not included in question 12.

14. Cost to the Federal Government.

The FAA estimates it would take two minutes per reservation at a burdened cost of a GS-13, Step 10-level employee to assist the public in maintaining the reservation system for unscheduled operations at Kennedy, Newark, and O'Hare.⁸ The FAA estimates the annual government cost to process reservations is about \$154,280. This estimate does not include startup or capital costs, since this collection requires no new resources or infrastructure.

15. Changes or adjustment in burden.

This justification statement is for the revision of the currently approved collection "SFAR No. 105 Operating Limitations for Unscheduled Arrivals at Chicago's O'Hare International Airport," OMB Control Number 2120-0694. The FAA is revising this collection to add similar reporting and recordkeeping burden for unscheduled operations at Kennedy and Newark. The new burden estimates are presented under question 12. Total annual burden hours requested increased from 340 hours to 2,204 hours—a difference of 1,864 hours. The increase is primarily due to the addition of unscheduled reservations at Kennedy and Newark.

16. Publication of information collections.

⁷ Source: Bureau of Labor Statistics' Occupational Employment Statistics, May 2006; National Industry-Specific Occupational Employment and Wages Estimates; Nonscheduled Air Transportation series (latest data as of 02/27/2008).

⁸ The FAA used the Office of Personnel Management's Locality Pay Tables for New York for this calculation, which incorporates a 2.50% General Schedule increase and a locality payment of 26.36% for the area including New York and Chicago. The burdened rate was about \$70/hour. See <http://www.opm.gov/oca/08tables/locdef.asp> for definitions of locality pay areas.

The collected information will not be published but will be used by the FAA to allocate reservations.

17. Seeking approval to not display the expiration date of OMB approval.

The FAA is not seeking approval to not display the expiration date for OMB approval of the information collection.

18. Exceptions to the Certification Statement.

There are no exceptions to the Certification Statement.