

Supporting Statement
2120-0737
Aircraft Noise Certification Documents for International
Operations (FINAL RULE)

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.

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to comply with International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has reviewed the corresponding ICAO Standards and Recommended Practices and is proposing this regulation as a means of compliance with Annex 16 regarding noise documentation carried on board aircraft that leave the United States.

ICAO adopted Amendment 8 of Annex 16, Volume 1 on February 23, 2005, and it became effective on November 24, 2005. Section 1.4 of Annex 16 now requires that "documents attesting noise certification shall be approved by the State of Registry and required by that State to be carried on the aircraft."

This supports the Department of Transportation Strategic Goal 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.

The proposed rule would require operators of U.S. registered civil aircraft flying outside the United States to carry aircraft noise certification information on board. This proposed rule is needed to ensure consistent compliance with the ICAO, Annex 16, Volume 1, Amendment 8 that requires certain noise information be carried on board the aircraft.

The proposed rule would require that this information be easily accessible to the flight crew and presentable upon request to the appropriate foreign officials.

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.

The minimal information requirement does not warrant improved information technology.

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.

Current U.S. regulations require that all U.S. aircraft comply with the noise certification requirements of 14 CFR Part 36. Part of that certification includes the noise levels that were obtained during certification testing. Section 36.1501 requires that these certification noise levels be included in the Airplane Flight Manual (AFM) or Rotorcraft Flight Manual (RFM). These manuals must be approved by the FAA. Part 36 also contains two sections (36.1581 and 36.1583) that describe the specific noise certification data to be included in an FAA-approved AFM/RFM. However, there is no specific requirement for the entire FAA-approved AFM to be carried on board an aircraft.

Operators may comply with the proposed rule by transferring the data from the Airplane Flight Manual to the Aircraft Noise Certification Form included in this rulemaking. Operators may also choose to include the required information in a different format. In any case, the proposed rule would require that this information be easily accessible to the flight crew and presentable upon request to the appropriate official.

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

The information identified on the proposed recommended form is not new, and is in each operator's FAA-approved flight manual for each aircraft. Each operator carries the burden of a one-time correct transfer of the information for each of its aircraft. Alternatively, an operator may choose to use the appropriate flight manual pages that contain the required noise data as its means of compliance with the documentation requirements of Annex 16.

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.

Before Amendment 8 was adopted in 2005, the noise documentation section of Annex 16 was contained in a note and considered advisory material.

Several years ago, the FAA became aware of instances in which U.S. aircraft were detained at foreign airports when the noise status of the airplane was questioned. In many cases, the flight crew had not been able to provide relevant information either because the AOM/FCOM did not contain such information, or because the information was not aggregated in one location in the on-board manual. Some foreign authorities have asked U.S. flight crews to either produce a noise certificate or show the noise status of the airplane from on-board documents.

To address the difficulties that U.S. carriers had experienced, the FAA published a draft Advisory Circular in October 2005 (70 FR 60127, October 14, 2005). That AC included an optional form on which operators leaving the United States could compile the noise certification data envisioned by the working group.

With the adoption of Amendment 8 and the new paragraph 1.4, noise documentation must now be carried on board all aircraft operating outside the United States in order to comply with ICAO, Annex 16, Volume I. We have determined that a regulatory change to require the carriage of noise certification documents is necessary.

We have chosen to propose this as an operating requirement rather than a certification requirement, because the information already exists in operators' manuals and does not affect the

certification basis of an airplane. As an operating rule, it will not affect operators who do not leave the United States.

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.

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.

On October 23, 2008, the FAA published Notice No. 08-12, Aircraft Noise Certification Documents for International Operations (73 FR 63098). Notice No. 08-12 contains a new paragraph in Section 91.703 that requires operators that fly outside the United States, using aircraft subject to ICAO, Annex 16, Volume 1, to carry aircraft noise certification information on board the aircraft. As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the FAA submitted a copy of the proposed rule to the Office of Management and Budget (OMB) for its review.

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

There are no circumstances which involve payments or gifts to respondents.

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

There will be no proprietary information submitted, and therefore, no reason to provide confidentiality.

11. Provide additional justification for any questions of a sensitive nature.

There are no questions of a sensitive nature.

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.

The FAA was unable to determine the exact number of U.S. registered aircraft that would be subject to this proposed rule. Therefore, the FAA used (an overestimate number) the total number of passenger jet and cargo jet aircraft registered to U.S. mainline carriers in its cost computations. Based on the FAA Aerospace Forecast, there are a total of 5,066 aircraft currently registered to U.S. mainline air carriers (1,034 cargo aircraft¹ and 4,032 passenger jet aircraft²).

We assume that operators would choose to comply with the proposed rule by utilizing the Aircraft Noise Certification Form provided. This form would be completed one time for each aircraft. We estimate that completion of the form would require 15 minutes of a technical writer's time and 10 minutes of a chief pilot's or chief engineer's time.

Total number of respondents: 5,066
Frequency of response: one-time initial response for each aircraft currently owned by the operator, then once per new aircraft acquired or modified by an operator

Total hour burden: $5,066 \times 0.42 \text{ hr} = 2,111$ hours in the first year; 0.42 hours for each additional airplane acquired or modified that is affected by this rulemaking

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

We estimate that 5,066 airplanes would be initially affected. A technical writer would be required to complete one form for each

¹ Table 21, U.S. Mainline Air Carriers, Cargo Jet Aircraft, FAA Aerospace Forecast, FY 2008 - 2025

² Table 20, U.S. Mainline Air Carriers, Cargo Jet Aircraft, FAA Aerospace Forecast, FY 2008 - 2025

airplane. The average wage rate for a technical writer is \$29.95 per hour³ after accounting for fringe benefits. The average wage rate for a chief pilot or chief engineer is estimated at \$79.48 per hour⁴ after accounting for fringe benefits. The cost of the proposed rule per affected airplane was derived by multiplying the technical writer's wage rate of \$29.95 per hour by 0.25 hours required to complete the form, and adding to that the chief pilot's wage rate of \$79.48 per hour multiplied by 0.17 hours required to review and sign the form. Thus, compliance with this regulation would result in a per-airplane cost of \$21.

Cost per plane:	\$21 per plane
Total Annual Cost burden, Year 1:	\$21 x 5,066 planes affected = \$106,386
Subsequent Annual Cost burden:	\$21 for each additional airplane acquired or modified that is affected by this rulemaking

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

The Federal government would incur minimal, if any, costs as a result of this proposed rule.

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

This is a new collection, therefore it is a program change. There has been no change to the reported burden since the NPRM stage of the rulemaking.

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.

³ FAA, APO-310, N & O Rule Regulatory Evaluation

⁴ Hourly wage derived by taking median salary of \$133,916 for a chief pilot, dividing by 2080 hours per year, and multiplying by the fringe benefit factor of 1.2345. Salary source:

http://swz.salary.com/salarywizard/layouthtmls/swzl_compresult_national_TR20000019.html, last accessed June 30, 2008

The results will not be published and there is no statistical analysis. The collection of information does not employ statistical methods.

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.

No approval is sought.

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 identified in Item 19 of OMB Form 83-1.