

Supporting Statement

Certification and Operations: Airplanes with Seating Capacity of 20 or More Passenger Seats or Maximum Payload of 6,000 Pounds or More--FAR Part 125

OMB 2120-0085

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 or authorizing the collection of information.

Title 49, United States Code, Section 44701 (formerly the Federal Aviation Act of 1958, Section 601) authorizes the Secretary of Transportation to provide for reasonable rules and regulations necessary to provide for minimum safety. FAR Part 125 prescribes requirements for issuing operating certificates and for appropriate operating rules. In addition to the statutory basis, the collection of this information is necessary to:

- * Issue, reissue, or amend applicant's operating certificate.
- * Issue, reissue, or amend applicant's operations specifications.

The information collection directly supports the Department of Transportation's strategic goal on safety. Specifically, the goal is to promote public health and safety by working toward the elimination of transportation-related deaths, injuries, and property damage.

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.

A letter of application and related documents which set forth an applicant's ability to conduct operations in compliance with the provisions of FAR Part 125 are submitted to the appropriate Flight Standards District Office (FSDO). Inspectors in FAA FSDO's review the submitted information to determine certificate eligibility. If the letter of application, related documents, and inspection shows that the applicant satisfactorily meets acceptable safety standards, an operating certificate and operations specifications will be issued. If the information was not collected, the FAA could not discharge its responsibilities directed to the safety of large airplane operators during such operations.

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, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.

In accordance with the Government Paperwork Elimination Act (GPEA), the collection of this information does not lend itself to sophisticated collection techniques or other forms of collection. The Preapplication Statement of Intent (PASI), Form 8400-6, is available electronically. A potential applicant submits a PASI after reviewing the information contained in the 14 applicable chapters of the Aviation Safety Inspector's (ASI) Handbook, appropriate regulations and advisory material, and considering the personnel, facility, equipment, aircraft, and document requirements for certification and operation. The regulations, advisory material and the ASI Handbook are available electronically, and constitutes approximately 80 % of the information necessary to make application to the FAA. The remainder of the application/certification process for a Part 125 Certificate is completed on a one-on-one, case-by-case interaction with a Flight Standards Inspector Team and does not lend itself to large scale electronic transmission of information.

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.

We have reviewed our directives and guidance material to insure that no duplication exists. To our knowledge, no other agency is responsible for collecting information on FAR Part 125 operators. The collection of information required by FAR 125 can only be supplied by large airplane operators requesting certification. Similar information is not available from any other sources other than in Paragraph 2 above.

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

Applicants for operating certificates, whether small business or large, are guided through the administrative requirements of FAR Part 125 by the local FSDO responsible for certification. The workload is proportionate to the total number or aircraft operations.

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 operators are only asked pertinent safety information necessary to make a factual determination that the proposed aviation activity would not be detrimental to public safety. All records and information is gathered for the accomplishment of a specific regulatory requirement necessary to maintain a high degree of safety in aviation. These requirements were carefully thought out prior to implementation and to delay the collection and documentation of this information might well create possible hazards in the airspace system.

The frequency of this information collection is not set by the FAA, it is established as needed by the applicant, who seeks certification under FAR 125.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with 1320.5(d)(2).

This information collection is consistent with the guidelines in 5 CFR 1320.5(d)(2).

8. Describe efforts made 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 the data elements to be recorded, disclosed, or reported.

A notice for comment was published in the Federal Register on March 8, 2010, vol. 75, no. 44, page 10550. No comments were received. A copy is attached for your convenience. There have been no significant changes to Part 125 since the last submission to OMB that impacts public reporting. Each time the package is submitted for OMB approval, it is published in the Federal Register to allow for public comment.

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

No payments or gifts are made to respondents.

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

We cannot assure confidentiality to respondents.

11. Provide 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 questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. This statement should: Provide number of respondents, frequency of response, annual burden, and an explanation of how the burden was estimated.

We estimate that FAR Part 125 will require a total annual reporting and recordkeeping burden of **61,388 hours**, 18,427 hours constitute public reporting and 42,961 hours constitute public recordkeeping. There are currently **150 certificated** Part 125 operators and we estimate approximately **13 new applicants**, making a total of **163 operators**.

The specific FAR Part 125 reporting requirements are prescribed by the following:

Section 125.21 - Application for Operating Certificate. Requires applicants for an operating certificate to submit a letter of application to the FSDO office that has jurisdiction over the area in which the applicant's principal operation base is located. A detailed description of

how the applicant will comply with each individual section of the FAR will be included. Once a certificate is obtained, it remains in effect until surrendered, suspended, or revoked.

Approximately 13 applications per year at 60 hour rate = 780 hours

Section 125.35 - Amendment of Operations Specifications. Requires the certificate holder to request a desired change to operations specifications from the appropriate FSDO 15 days before the proposed effective date of the change.

Estimated Number of Changes Per Year	73
Average Hours Per Application	<u>x2</u>
Estimated Annual Burden	146 hours

Section 125.37 - Duty Period Limitations. Requires that each flight crewmember and flight attendant be relieved from all duty for at least 8 consecutive hours during any 24 hour period. Due to the extremely small number of flight crewmembers and flight attendants, this burden is addressed in Section 125.401, Crewmember Records. The records required to be available for inspection will enable the Federal Aviation Administration to verify whether a certificate holder is in compliance with the regulation.

Section 125.53 - Flight Locating Requirements. Each applicant for a Part 125 certificate must file a flight plan or establish and submit procedures for locating each flight for which an FAA flight plan is not filed. Two hundred forty five airplanes (1.5 airplanes x 163 operators) x 300 operations = 73,350 operations.

Estimated Flight Plans/Flight Locating Reports	73,350
Average Hours Per Procedure	<u>x.2</u>
Estimated Annual Burden	14,670 hours

Section 125.71 - Manual Preparation. Each applicant for a Part 125 certificate must prepare and keep current a manual of procedures and policies that meets the minimum standards of the FAR. FAA is responsible for determining if a manual is acceptable; to ensure that manual's contents are not contrary to the rules and are adequate for the operations the applicant proposes to conduct.

Manuals are submitted only once and amendments are submitted only when the operator desires to expand or change operations.

Estimated Number of Manuals Submitted	13
Average Hours Per Manual	<u>x 80</u>
Estimated Annual Burden	1,040 hours

Manuals must be kept current through revision. The present 150 certificated operators and those who will be certificated result in the following:

Estimated Annual Number of Revisions to Operator's Manual (5 per operator)	750
Average Hours Per Revision	<u>x 2.5</u>
Estimated Annual Burden for Revisions	1,875 hours

Section 125.249 - Maintenance Manual Requirements. Each certificate holder's manual must include a description of its maintenance organization and procedures. This burden is covered under 125.71, Manual Preparation.

Section 125.295 - Check Pilot Authorization. Each certificate holder desiring to have a company employee designated as a check pilot shall submit a request in writing to the FAA.

Estimated Annual Number of Requests	50
Average Hours Per Request	<u>x .5</u>
Estimated Annual Burden for Requests	25 hours

Section 125.319 - Emergency Operations. Requires each person to send a written report of any deviation from the rules of Part 125 to the FAA FSDO charged with the overall inspection of the certificate holder within 10 days after the occurrence.

Estimated Annual Written Reports	25
Average Hours Per Report	<u>x 1.5</u>
Estimated Annual Burden	37 hours

Section 125.323 - Reporting Mechanical Irregularities. Requires that the pilot in command enter all mechanical irregularities occurring during flight in the maintenance log of the aircraft. An estimated two hundred forty five airplanes (1.5 airplanes x 163 operators) x 300 operations = 73,350 operations; with 40 percent mechanical irregularities = 29,340.

Estimated Annual Recordkeeping Entries	29,340
Average Hours Per Entry	<u>x .2</u>
Estimated Annual Burden	5,868 hours

Section 125.383 - Load Manifest. Each certificate holder is responsible for preparing a load manifest before each takeoff. (Recordkeeping)

Estimated Annual Manifest Entries	73,350
Average Hours Per Entry	<u>x .25</u>
Estimated Annual Burden	18,337 hours

Section 125.401 - Crewmember Records. Each certificate holder shall maintain current records of each crewmember. In computing the total number of crewmembers a base figure of 2.2 per airplane allows for the third required crewmember (flight engineer) on certain airplanes. This recordkeeping requirement includes proficiency checks, physical examination, flight time records, and any other action taken concerning employment or professional and physical qualifications of crewmembers.

245 Airplanes x Average 2.2 Crewmembers	539
Estimated Hours Per Record	<u>x 4.0</u>
Estimated Annual Burden for Recordkeeping	2,156 hours

Section 125.403 - Flight Release Form. Certain essential information must be maintained by each certificate holder concerning each flight. The flight release may be in any form as long as it contains the required information.

245 Aircraft x 300 Operations	73,350
Estimated Hours Per Release	<u>x .1</u>
Estimated Annual Burden for Recordkeeping	7,335 hours

Section 125.407 - Maintenance Log Entries. The entry requirements of this section are a reiteration of an existing requirement of Part 43 and do not impose an additional reporting burden. However, these entries must be made available to the flightcrew which is an additional recordkeeping burden as follows:

Estimated Number of Aircraft	245
Estimated Annual Burden Per Aircraft	<u>x 12</u>
Estimated Annual Burden for Recordkeeping	2,940 hours

Section 125.409 - Reports of Defects or Unairworthy Conditions. Each certificate holder shall report the occurrence of detection of each failure, malfunction, or defect to the FAA district office.

Estimated Annual Report Submissions	23,560
Estimated Hours Per Report	<u>x .2</u>
Estimated Annual Burden for Reports	4,712 hours

Section 125.411 - Airworthiness Release. Not every flight will require a maintenance release. We estimate that of 73,350 operations, 20 percent will require a maintenance release.

Estimated Annual Releases x 20 percent	14,670
Estimated Hours Per Record	<u>x .1</u>
Estimated Annual Burden for Recordkeeping	1,467 hours

The reporting and recordkeeping burden and total annual responses are summarized as follows:

	<u>Reporting Hours</u>	<u>Recordkeeping Hours</u>	<u>Annual Responses</u>
<u>Section 125.21, Application for Operating Certificate</u>	780		
<u>Section 125.35, Amendment of Operating Specifications</u>		146	73
<u>Section 125.53, Flight Locating Requirements</u>	14,670		34,200
<u>Section 125.71, Manual Preparation/Manual Revisions</u>	1,040 1,875		13 220
<u>Section 125.295, Check Pilot Authorization</u>	25		34
<u>Section 123.319, Emergency Operations</u>	37		16
<u>Section 125.323, Reporting Mechanical Irregularities</u>		5,868	13,680
<u>Section 125.383, Load Manifest</u>		18,337	11,430
<u>Section 125.401, Crewmember Records</u>		2,156	
<u>Section 125.403, Flight Release Form</u>		7,335	
<u>Section 125.407, Maintenance Log Entries</u>		2,940	
<u>Section 125.409, Reports of Defects or Unairworthy Conditions</u>		4,712	
<u>Airworthiness Release</u>		<u>1,468</u>	
	<u>18,427</u>	<u>42,961</u>	
Subtotal			
 TOTAL		 <u>61,388</u>	 <u>45,986</u>

We estimate 13 applications for original operating certificates annually with an applicant's average preparation time of 140.0 hours each at \$30.00 per hour an applicant would cost the respondents \$54,600 per year. (This includes manual preparation time of 80 hours).

We estimate that 5,675 amendments are submitted to obtain the appropriate benefit at an average cost of 1.0 hour each at \$30.00 per hour per applicant, and would cost the applicants \$170,250 annually. (These amendments include changes, flight plans, revisions to manuals and emergency operations.)

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 number 12 of this narrative.

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

The total estimated annual cost to the Federal Government is **\$324,440**.

This cost was determined based on the FAA inspectors' time required to review and process original applications for original certificate, operations specifications, and requests for amendments.

We estimate 13 applications for original operating certificates and 32 hours of manual review and approval for an average of 62.6 hours of inspectors' time at \$50.00 per hour (average inspector's pay per hour) would cost the Government **\$40,690**.

We estimate 5,675 amendments are submitted to obtain the appropriate benefit at an average cost of 1.0 hour of inspectors' time at \$50.00 per hour and would cost the Government **\$283,750**. (These amendments include changes, flight plans, revisions to manuals, and emergency operations).

15. Explain reasons for changes in burden, including the need for any increase.

Since the last submission, there has been no change in reported burden. Costs previously included in the ROCIS burden table were determined to be reflected in the hourly burden estimates and have been removed in this submission.

16. For collection of information whose results will be published, outline plans for tabulation, and publication.

There are no plans for publication of this information.

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.

We are not seeking an exemption.

18. Explain each exception to the certification statement identified in Item 19, "Certification of the Paperwork Reduction Act Submissions" of OMB Form 83-1.

There are no exceptions.

Attachments:

1. Supporting Statement
2. 30 Day Notice
3. 60 Day Notice
4. 49 USC 44701