

## **INFORMATION COLLECTION SUPPORTING STATEMENT**

### **Flight and Duty Limitations and Rest Requirements: Flightcrew Members**

#### **Notice of Proposed Rulemaking**

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

The FAA is proposing data collection from air carriers certificated under Title 14 Code of Federal Aviation Regulations (14 CFR) part 121 as prescribed in 14 CFR part 117, Flight and Duty Limitations and Rest Requirements: Flightcrew Members, authorized by 49 USC 44701(a)(5). Two sections in the proposal drive this requirement, 14 CFR part 117, §§ 117.7 Schedule Reliability and 117.31 Operations in Unsafe Areas. In accordance with these two sections, each air carrier is required to submit a report to the FAA detailing:

- Schedule reliability for each air carrier ongoing reportable of two-month intervals,
- For those air carriers conducting operations under contract for the United States Government, ongoing reportable periods of two-month intervals, and
- For those air carriers conducting operations not under contract for the United States Government, within fourteen days of the occurrence, the air carrier relied on the relief granted under § 117.31 to reposition the aircraft to a safe region.

Maintaining schedule reliability is a critical element to fatigue mitigation. Air carriers build flight schedules projected to meet the constraints of individual FDP. If, however, actual flight time exceeds the projected (scheduled) flight time, the validity of the air carrier's scheduling process may come into question. This proposal places accountability upon each air carrier with regard to their scheduling practices and provides a means for the FAA to oversee the reliability of air carrier's scheduling process relative to the flightcrew members actual FDP as opposed to the flightcrew member's scheduled FDP.

The proposal defines a flight duty period as a period that begins when a flightcrew member is required to report for duty that includes a flight, a series of flights, or positioning flights, and ends when the aircraft is parked after the last flight and there is no intention for further aircraft movement by the same flightcrew member. If the air carrier's system-wide actual FDPs exceed the scheduled flight by more than five (5) percent or any actual FDP that exceeds the pairing-specific schedule by more than twenty (20) percent, the air carrier will be required to make adjustments to their schedule factoring in the actual time exceeded in order to reflect a more realistic schedule based upon actual data. Per the proposal, each air carrier must make scheduling reliability adjustments to their schedule within 60 days any time the aforementioned limitations have been exceeded. Additionally, each air carrier must submit an ongoing report on two-month intervals detailing their overall schedule reliability and pairing-specific reliability.

This proposal provides relief for air carriers conducting operations into unsafe areas and reposition the aircraft to another region for safety or a safe location where another crew can relieve the current crew from duty. As a result, these circumstances may result in a flightcrew member's FDP being exceeded for the day. The proposed section grants the air carrier authority to operate beyond the limits of the flightcrew's FDP to the extent of reaching a safe location where the crew must be relieved and/or go into required rest. However, by exercising such relief, the air carrier must report the occurrence to the FAA. The reporting requirements are different for air carriers operating under a contract with the United States Government and those who are not.

Air carriers under contract with the United States Government must submit a report every sixty (60) days detailing the number of times during the reporting period the air carrier relied on this relief, and for each occurrence, the reason for exceeding the FDP, the extent the FDP was exceeded and the reason the operation could not be completed consistent with part 117. If the air carrier is not under contract with the United States Government must submit a report within fourteen (14) days of each occurrence detailing the reason the FDP was exceeded, the extent the FDP was exceeded and the reason the operation could not be completed consistent with part 117.

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

For schedule reliability issues, this is an ongoing requirement with reporting required on two-month intervals. The air carrier is responsible for making schedule reliability adjustments as a result of greater than five (5) percent of the time; the system-wide actual FDPs exceed the scheduled FDPs or if any scheduled FDP is shown to actually exceed the schedule twenty (20) percent of the time. The required report must contain the following information:

- The air carrier's entire crew pairing schedule for the previous two-month period, including the total anticipated length of each set of crew pairings and the regulatory limit of such pairings,
- The actual length of each set of crew pairings, and
- The percentage of discrepancy between the two data sets on both a cumulative, and a pairing-specific basis.

For operations in unsafe areas, relief to exceed a FDP is granted only to the extent to reposition the aircraft to another region to be relieved by another crew and/or going into required rest. In the event a flightcrew is operating into an unsafe area, the air carrier may exercise the relief granted in the proposed section to reposition the aircraft to a safe location where the flightcrew may be relieved or obtain the require rest. If the air carrier is conducting the operation under contract for the United States Government, the air carrier must submit a report to the FAA every sixty (60) days. If the air carrier is not conducting the operation under contract for the United States Government, the air carrier must submit a report to the FAA within fourteen (14) days of the occurrence detailing the following information:

- The reasons for exceeding the applicable FDP
- The extent to which the applicable FDP was exceeded, and
- The reasons why the operation could not be completed consistent with the requirements of part 117.

All of the information will be used strictly for FAA oversight in an effort to determine compliance with the applicable sections of 14 CFR part 117.

**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.***

The majority of all data collection and reporting will be accomplished by use of computerized recordkeeping systems and information technology. Air carriers conducting operations under 14 CFR part 121 are required to have some form of a recordkeeping system. According to our latest inquiry in the Op Specs database approximately 94% of the Part 121 air carriers are using some form of computerized recordkeeping systems. The remaining 6% are very small air carriers with one to five aircraft primarily operating within the Alaska region.

Most air carriers utilize computerized recordkeeping systems to assign flightcrews and dispatch aircraft on a daily basis. This enables the operator to efficiently track pilot time and aircraft times along with required inspection items to ensure the aircraft inspections are met for airworthiness requirements. Specifically, such recordkeeping requirements include the use of flightcrew scheduling and aircraft dispatch records, maintenance records, training program records, AQP program records, flight releases, flightcrew scheduling software and scheduling software systems.

Flightcrew tracking systems come with a variety of options available to the customer to track their individual requirements. An abbreviated list of such vendors include: Sabre, Aerotrack, AIMS, Thunder Bay Aviation Systems, and Logbook Organizer to name a few. Most of these systems are designed to be modular in that they have the capacity to be expanded to meet the customer's needs.

With the number of air carriers using computerized recordkeeping and information technology to meet the requirements of the proposed rule, overwhelming most of the air carriers will continue to use computerized recordkeeping and information technology to meet reporting requirements. However, air carriers may be faced with upgrades and/or modifications of their systems to meet these reporting requirements.

- 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 Item 2 above.***

The FAA does not currently have a system developed to collect and analyze the data required for this rule proposal.

- 5. *If the collection of information has a significant impact on a substantial number of small businesses or other small entities (item 15 of the Paperwork Reduction Act submission form), describe the methods used to minimize burden.***

Computerized recordkeeping and information technology is currently being used throughout the part 121 industry. The use of these systems has already lessened the burden for air carriers who have elected to use these systems.

- 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.***

Collecting data less frequently or not conducting collection is a major obstacle and will not support this proposed rule. This data collection is imperative for determining the air carrier's compliance with the proposed rules as it relates to the air carrier publishing and scheduling realistic schedules and ensuring the air carrier meets specific limitations imposed by the FAA. With regard to ongoing schedule reporting, the FAA has determined that reporting less restrictive than a 2-month interval would not be productive, and that the 2-month interval provides for a more precise method for data analysis. Thus, noncompliance is determined earlier resulting in a more proactive corrective structure for the air carrier.

At present we do not forecast any technical or legal obstacles creating a potential burden.

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

This information is collected in a manner consistent with the above stated guidelines.

- 8. *Describe efforts to consult 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.***

Comments from the public have been solicited in the NPRM which was published in the Federal Register on September 14, 2010, vol. 75, no. 177, pages 55852-55889. All

comments received will be considered prior to publication and implementation of the Final Rule.

**9. Explain any decision to provide any payment or gift 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 the assurance in statute, regulation, or agency policy.**

We offer no assurance of confidentiality.

**11. Provide additional justification for any questions of 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 hour burden of the collection of information. This information should indicate the number of respondents, frequency of response, annual burden, and an explanation of how the burden was estimated.**

This NPRM imposes requirements on **92** air carriers that will require them to change the way they schedule duty time for their pilots and will require the air carriers to report the reliability of their pilot scheduling practices.

Each air carrier will send a report to the FAA once every two months to report the number of times pilot flight duty periods exceeded the limitations imposed by this rule. Each air carrier will submit **6** reports each year, resulting in **552** reports to the FAA each year.

The FAA assumes that each report would require **8 hours** for **one employee** to complete. The total annual burden on the 92 air carriers would amount to **4,416 hours**.

The annual cost to the air carriers is estimated to be **\$482,000**.

**13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hourly burden shown in item 12 or 14.)**

Each air carrier will be required to provide training on fatigue risk management to their pilots, flight engineers, dispatchers, and any managers who exercise any authority over pilots and flight engineers. The annual cost to 92 air carriers is estimated to be **\$47.7 million**. This cost will recur each year.

The scheduling and schedule reliability reporting requirement will impose a one-time, start-up cost of **\$108,000** during the first year. The annualized cost is estimated to be **\$15.4 million**.

The NPRM will also allow each air carrier to develop a Fatigue Risk Management System (FRMS) if they wish. An estimate 35 air carriers are expected to do so. The estimated one-time cost could range between **\$787,000** to **\$10.0 million** for each air carrier. The total cost to these 35 air carriers is estimated to be **\$205.7 million over 10 years**. The annualized cost is estimated to be **\$20.6 million**.

Fatigue risk management training	\$47,700,000
One-time scheduling reliability reporting start-up	\$108,000
Fatigue Risk Management System development	\$20,600,000
<b>TOTAL</b>	<b>\$68,408,000</b>

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

The FAA estimates that reviewing, analyzing, and approving the schedule reliability reports submitted by the 92 air carriers would impose an annual cost of **\$326,000**. Over ten years this would come to **\$3.3 million (\$2.3 million, present value using a 7% discount rate)**. The annualized costs come to **\$326,000**.

**15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-1.**

This is a new collection, therefore it constitutes a program change.

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

The data collected will not be published for public consumption.

**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 such approval.

**18. Explain each exception to the certification statement identified in Item 19, “Certification for Paperwork reduction Act Submissions,” of OMB Form 83-1.**

There are no exceptions.