

Supporting Statement

Operations Specifications, Part 129 Application 2120-XXXX

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.

14 CFR part 129 prescribes rules governing foreign air carrier operations within the United States and the operations of U.S.-registered aircraft outside the United States in common carriage. In order to meet international standards and the changing aviation environment, it is necessary to revise part 129.

The application process for foreign air carriers is presently defined in §129.11(b) and Appendix A of part 129. It contains outdated requirements no longer relevant to FAA's safety oversight needs.¹ Also, unlike the process for domestic air carrier applicants, which allows more cooperation between the applicant and the FAA, current Appendix A of part 129 requires a foreign applicant to provide very specific information in a particular format. Requiring this degree of detail in form and content does not advance aviation safety and may limit the flexibility necessary to ensure the safety of the flying public. The FAA proposes to remove Appendix A and place general requirements in the new section 129.7(a). Additionally, the FAA proposes to include provisions to specifically address amendment, suspension or termination of foreign operations specifications.

This proposed rule is issued under the authority described in Title 49 of the United States Code, Subtitle VII, Part A, Subpart III, Section 44701(a)(5). Under that section, the Administrator is charged with promoting safe flight of civil aircraft in air commerce by prescribing regulations and minimum standards for

¹ An example of an outdated requirement is a listing of the type and class of certificate held by each flight crewmember employed in the proposed operation within the United States. This requirement does not provide the FAA with any useful safety information and represents an unnecessary burden on the foreign carrier.

practices, methods, and procedures the Administrator finds necessary to ensure safety in air commerce.

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.

This information will be used to evaluate whether air carriers requesting authority to operate in the United States will be able to conduct their operations safely within the National Airspace System (NAS) and in compliance with international obligations. Operators meeting those standards will be issued operations specifications authorizing them to operate in the United States. Consistent with current practices, FAA proposes to include a regulatory standard for issuing maintenance operations specifications to persons operating U.S.-registered aircraft outside the United States in common carriage.

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 information collection process will predominantly be in electronic version for submitters having that capability. The proposed submission is consistent with Government Paperwork Elimination Act and averages approximately five application/submissions per year per International Field Office (IFO). Approximately 98% of submitters have capabilities to submit requested information in an electronic format.

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.

The information required by the proposed rule is not retroactive and will only apply to new applicants. We do not require an agent for service for 129.14; however, the requested information

is provided by the operator or foreign persons. There is no duplication.

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

Not applicable. The proposed collection of information will be reduced and streamlined, effectively reducing the burden on all applicants proportionally.

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 FAA would not have adequate or appropriate information to conduct safety oversight of foreign operators or conduct oversight of the maintenance of U.S.-registered aircraft operated outside the United States in common carriage. FAA must conduct adequate safety oversight of such foreign air carriers, and the airworthiness of U.S.-registered aircraft in common carriage outside the United States in accordance with FAA's statutory obligation and international obligations.

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).

The collection of information is inconsistent with section (iv) requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years.

The FAA currently requires all foreign operators who fly into the US NAS to maintain and keep current operations specifications.

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.

FAA has discussed revisions to part 129 with industry representatives during the Advisory Rulemaking Committee (ARC) process. Industry is in general agreement with the need to revise Appendix A. FAA is reviewing the ARC report as part of a larger rulemaking project to revise all of part 129.

A notice of proposed rulemaking was published on May 7, 2010, vol. 75, no. 88, pages 25127-25137. Any comments on the burden received will be incorporated into the PRA submission for the Final Rule.

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

Not applicable.

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

The proposed rule does not contain any assurance of confidentiality.

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

This proposed rulemaking does not require a type of information that is not currently provided during the application process. There is no requirement for submission of sensitive information.

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.

Under current regulations and procedures, applicants provide the type of information requested in this proposed rule; there is no additional paperwork burden. This rulemaking would streamline the application process and clarify the process for application, amendment, suspension, and termination of operations specifications issued to foreign air carriers and foreign persons operating U.S.-registered aircraft.

The FAA expects to receive twenty-five applications annually, which corresponds to the number of applications for foreign operations specifications the agency receives each year. The application is completed only once and may be amended from time to time at the request of the applicant, or by the FAA. Amendments do not require resubmission of all information submitted in the initial application. Based on information obtained from International Field Offices and International Field Units, the FAA estimates that each application requires approximately three hours preparation time; therefore the total reporting burden is 75 hours (25X3).

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

The proposed rule will apply prospectively; therefore, there is no additional cost to applications who currently hold FAA-issued foreign operations specifications. The FAA estimates the annual cost burden of each new respondent at \$5,000. This figure is based on the submission of one application for operations specifications by each respondent. This cost will vary depending on labor rates in different foreign countries.

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

Each application requires approximately three hours review and processing time at the rate of \$50 per hour. Therefore, the total annualized cost to the Federal government based on twenty-five (25) applications is three Thousand Seven Hundred and Fifty dollars (\$3,750.00). This cost estimate approximates the agency's annual cost for processing current applications.

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.

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.

The information collected will not be published.

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.

FAA is not seeking approval to not display the expiration date.

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 in Item 19 OMB Form 83-1.