

OMB-2120-0593
SUPPORTING STATEMENT
FOR PAPERWORK REDUCTION ACT SUBMISSIONS

Federal Aviation Regulation part 119 – Certification: Air Carriers and Commercial Operators

Justification:

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

Title 49 U.S.C., Section 44702 empowers the Administrator of the Federal Aviation Administration (FAA) to issue air carrier operating certificates and to establish minimum safety standards for the operation of the air carrier to who such certificates are issued. This collection of information supports the Department of Transportation overall strategic safety goals.

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

The request for clearance reflects requirements necessary under parts 135, 121, and 125 to comply with part 119. The FAA will use the information it collects and reviews to ensure compliance and adherence to regulations and, if necessary, to take enforcement action on violators of the regulations.

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.

In compliance with the Government Paperwork Elimination Act (GPEA) the FAA encourages the use of automation to reduce recordkeeping burdens. Each air carrier is required to have appropriate Standard Operations Specifications They are now automated (including non-standard paragraphs) and is issued by the FAA. The database is maintained at the FAA headquarters. In addition, all FAA field offices are connected to the FAA database and are able to submit their information 100% electronically. Many air carriers use automation exclusively however, this is not a requirement imposed by the FAA. The FAA is capable of working with any level of automation used by the air carriers. The FAA estimates that nearly 100% of the air carriers impacted by part 119 use automation to communicate with the FAA.

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 2 above.

A review of other FAA public-use reports does not show or find any duplication. The FAA is not aware of any other agency collecting the same or similar information. The information collected is only available from the applicant and not from any other source.

5. If the collection of information has a significant impact on a substantial number of small businesses or other small entities (Item-5 of OMB Form 83-I), describe the methods used to minimize burden.

Applicants, whether large or small businesses are guided through the administrative requirements of the regulations by the local FAA district offices assigned certificate responsibilities. The actual operation specifications are automated and the paragraphs issued are only those appropriate to a specific air carrier's operation (see question 3). For other reporting or recordkeeping burdens listed in question 12 the smaller operators have burdens in proportion to the size of their operation. The FAA only asks for information needed to oversee the industry.

6. Describe the consequence to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

The frequency of information collection for purposes of the part 119 burden is for original certification only. If the applicant does not apply originally, certification will not occur. The applicant makes the decision to apply.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with 5 C.F.R. 1320.5(d)(2)(i)-(viii).

This collection of information is conducted in a manner consistent with the guidelines in 5 C.F.R. 1320.5(d)(2)(i)-(viii).

8. Describe efforts to consult with persons outside the agency to obtain their views on 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.

A notice soliciting public comment on this collection was published in the *Federal Register* on September 22, 2010, vol. 75, no. 183, pg. 57829. No comments were received.

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

There are no monetary considerations for this collection of information.

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

Respondents have been given no assurance of confidentiality. The FAA privacy officer and the part 119 subject matter experts completed an initial privacy identification assessing whether part 119 certification procedures require a Privacy Impact Assessment (PIA). As an existing system with no changes that affect privacy, part 119 certification procedures do not require a PIA.

11. Provide additional justification for any questions of a sensitive nature such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature.

12. Provide estimates of hour burden of the collection of information.

Burden Estimates for Collection of Information – part 119

Employee salaries are based on hourly earnings. All earnings data are adjusted for inflation from 2007 estimates using the 2009 *Statistical Abstracts of the United States*.

	2007 Employee Salary per Hour	2009 Adjustment Estimates
Technical Specialist	\$51.39	\$53.13
Clerical Specialist	\$16.65	\$17.21

Section 119.9(b): Use of Business Name

The paperwork burden for this regulation is not considered an encumbrance. Operators commonly paint the name and certificate numbers on the fuselage of their aircraft. This regulation would be active only if the aircraft were being used temporarily by another operator. In the event that would occur, compliance could be met by writing the information on a piece of paper and placing that paper on the aircraft windshield so that an FAA inspector, standing on the ground near the aircraft, could clearly read the information. There is no requirement during flight. A technical specialist is not required however, there is little likelihood a clerical specialist will be available.

	Employee Salary per Hour	Estimate Burden per Occurrence	Total
Technical Specialist	\$53.13	10 (.1) = 1 hour (53.13)	\$53.13
Clerical Specialist	NA	NA	NA
Total	1 Hours	Total Σ	\$53.13

Section 119.33(c): Proving Test Plan

A ‘proving test’ is defined to as an assessment in which the operator proves to the FAA they are able to safely conduct the authorization being asked. The commuter carriers who transitioned from part 135 to part 121 had to comply with this rule. That transition is complete and the burden was addressed in the original report. This regulation would only come into play for new applicants and any existing applicant who, for business reasons, decides to operate in a way not previously proven to the FAA. The burden is not for the test but for the plan. The proving plan

would be one or two typewritten pieces of paper. There is no part 125 in subpart C. There are an average of 15 new part 121 entrants per year and 60 new part 135 entrants that are required to conduct proving flights per year. There is an average of 15 plans for existing operators adding aircraft that require additional proving flights per year. 90 x estimated 2 technical hours and 1 clerical hour per occurrence.

	Employee Salary per Hour	Estimated Burden per Occurrence	Total
Technical Specialist	\$53.13	90 (2) = 180 hours (53.13)	\$ 9,563.40
Clerical Specialist	\$17.21	90 (1) = 90 hours (17.21)	\$ 1,548.90
Total	270 Hours	Total Σ	\$11,112.30

Section 119.35: Certificate Application Requirements for all Operators.

The paperwork burden for original certification is shown under this part 119. Revisions, including additions or deletions of equipment and employees; is shown in other appropriate paperwork burdens (either 121 or 135). Original certification is the highest burden and includes manuals (operations, training, airplane flight manuals, and distribution / availability of manuals; any flight following system; cockpit checklists; list of required inspection personnel; description of emergency and emergency evacuation duties; records showing completion of training; list of who has responsibility for operational control; initial application for inertial navigation systems, if applicable; and, a plan to use Advanced Simulation, if applicable. The requirements are not equal for each part and each air carrier applicant would be different in size, types of aircraft used, types of authorizations requested, and amount of FAA oversight needed. A manual could require several volumes or 20 pages depending on the complexity of the applicant. The process of making copies of the manual and distributing it would again depend on how many are distributed to employees. The training record could be one sheet per employee with a one-line entry following each training session. The list for operational control would likely be one page. A pre-application Statement of Intent, FAA Form 8400-6, is attached. Many operators have all of their manuals and training files maintained electronically. There is no part 125 in this subpart C. There is an average of 15 new part 121 entrants per year and 60 new part 135 entrants per year.

75 new entrants per year with estimated 300 pages each, which would take approximately 80 technical hours and 16 clerical hours to complete.

	Employee Salary per Hour	Estimated Burden per Occurrence	Total
Technical Specialist	\$53.13	75 (80) = 6,000 hours (53.13)	\$318,780.00
Clerical	\$17.21	75 (16) = 1,200 hours(17.21)	\$20,652.00

Specialist			
Total	7,200 Hours	Total Σ	\$339,432.00

119.36: Additional Certification Application requirements for Commercial Operators.

This is original issuance only. No part 125 in this subpart C. There are zero Commercial Operators currently in part 121. There are approximately 210 Commercial Operators in part 135 with an average of 20 new entrants per year. These Commercial Operators are counted in 119.35 above. In addition to 119.35 they have to submit financial information under 119.36. 20 estimated occurrences per year x 2 technical hours x 53.13. 20 estimated occurrence per year x 4 clerical hours x 17.21.

	Employee Salary Per Hour	Estimated Burden per Occurrence	Total
Technical Specialist	\$53.13	20 (2) = 40 hours (53.13)	\$2,152.20
Clerical Specialist	\$17.21	20 (4) = 80 hours (17.21)	\$1,376.80
Total	120 Hours	Total Σ	\$3,529.00

119.41: Amending a Certificate

Under 119.41(c) the certificate holder may apply for an amendment to a previously issued certificate. This would normally happen with change of ownership. The application is the same as in 119.35 above. No part 125 in this subpart C. 30 estimated amendment applications per year x .5 technical hours and .1 clerical hours.

	Employee Salary Per Hour	Estimated Burden per Occurrence	Total
Technical Specialist	\$53.13	30 (.5) = 15 hours (53.13)	\$796.95
Clerical Specialist	\$17.21	30 (.1) = 3 hours (17.21)	\$ 51.63
Total	18 Hours	Total Σ	\$848.58

Under 119.41(d) the certificate holder may ask for reconsideration of an FAA decision concerning the certificate. There is no mandatory format. No part 125 in this subpart C. 30 estimated reconsiderations per year x 10 technical hours and x 2 clerical hours.

	Employee Salary Per Hour	Estimated Burden per Occurrence	Total
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Technical Specialist	\$53.13	30 (10) = 300 hours (53.13)	\$15,939.00
Clerical Specialist	\$17.21	30 (2) = 60 hours (17.21)	\$ 1,032.60
Total	360 Hours	Total Σ	\$16,971.60

Total for 119.41 combined = 378 hours, \$17,820.18

119.43: Operations Specifications

Now automated and issued by FAA. No burden. Also see question 3 above.

119.47: Maintaining a Principal Base of Operations, Main Operations Base and Main Maintenance Base; Change of Address

Under (b) the certificate holder must notify FAA in writing of any changes in bases. No part 125 in this subpart C. 10 estimated occurrences per year x .5 technical hours and .5 clerical hours.

	Employee Salary Per Hour	Estimated Burden per Occurrence	Total
Technical Specialist	\$53.13	10 (.5) = 5 hours (53.13)	\$265.65
Clerical Specialist	\$17.21	10 (.5) = 5 hours (17.21)	\$ 86.05
Total	10 Hours	Total Σ	\$351.70

119.49: Contents of Operations Specifications

Same comments as in 119.43 above.

119.51: Amending Operations Specifications

Same comments as in 119.43 above, except for the following:

Under(b)(2) the certificate holder “may” present written arguments as to amendment. Not required.

Under (b)(4)(ii) and (d) the certificate holder “may” petition for reconsideration of FAA initiated amendment. Not required.

Under (c) the certificate holder “must” apply for an amendment under certain conditions. 50 estimated occurrences per year x .2 technical hours.

	Employee Salary Per	Estimated Burden per Occurrence	Total
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	Hour		
Technical Specialist	\$53.13	50 (.2) = 10 hours (53.13)	\$531.30
Clerical Specialist	NA	NA	NA
Total	10 Hours	Total Σ	\$531.30

Section 119.53: Wet Leasing Report

The FAA receives a copy of each aircraft lease contract. Leasing is optional. No carrier is required to lease. No part 125 in this subpart C. Estimated 1,200 occurrences per years x estimated .5 clerical hour.

	Employee Salary Per Hour	Estimated Burden per Occurrence	Total
Technical Specialist	NA	NA	NA
Clerical Specialist	\$17.21	1,200 (.5) = 600 hours (17.21)	\$10,326.00
Total	600 Hours	Total Σ	\$10,326.00

Section 119.55: Deviation for Military Contracts

This applies to those operators who fly military contracts. The applicant must apply for an FAA deviation if they will be using their aircraft for military purposes. The applicant sends the application directly to the military, not the FAA. The one application covers one or more aircraft. If the military concurs they send that concurrence to the FAA. If the FAA concurs the applicant is issued an operation specification, which allows flight in the areas the military designates. The aircraft may be retrofitted for carrying troops and/or cargo. These aircraft are referred to as the Civil Reserve Aircraft Fleet (CRAF). From about 1980 to 1991 there were no deviations. In 1991, during the Gulf War, there were approximately 30 carriers involved. With the military build-up and execution of the Iraq War starting in 2002, approximately 25 carriers were involved in CRAF missions. Currently, approximately 6 carriers hold operations specifications for CRAF operations although few are conducting flights under this deviation. With two wars going on the future requirements could change rapidly. We estimate e8 deviations per year x 1 technical hour and 1 clerical hour per deviation.

	Employee Salary Per Hour	Estimated Burden per Occurrence	Total
Technical Specialist	\$53.13	8 (1) = 8 hours (53.13)	\$425.04
Clerical Specialist	\$17.21	8 (1) = 8 hours (17.21)	\$137.68
Totals	16 Hours	Total Σ	\$562.72

Section 119.57: Obtaining Deviation Authority to Perform an Emergency Operation

An emergency might involve a hurricane where airplanes need to be moved, a national emergency or humanitarian effort. The FAA estimates there would be no more than six occurrences in any given year and probably less. The applicant would simply call the FAA. If time is a factor the FAA issues an Operations Specification and the applicant documents later. The documentation would likely be one page. No part 125 in this subpart C. Estimated 6 x 1 tech hour and .5 clerical hour.

	Employee Salary Per Hour	Estimated Burden per Occurrence	Total
Technical Specialist	\$53.13	6 (1) = 6 hours (53.13)	\$318.78
Clerical Specialist	\$17.21	6 (.5) = 3 hours (17.21)	\$ 51.63
Total	9 Hours	Total Σ	\$370.41

Section 119.63: Recovery of Operation

If a particular kind of operation (as authorized on Operations Specifications) has not been conducted in the last 30 days the air carrier / commercial operator involved “must” notify the FAA five days prior to resuming operations. This may be done by telephone, voice mail, postal mail facsimile, etc. No part 125 in this subpart C. Estimated 13 occurrences per year (5% of all air carriers; 110 part 121; 2,500 part 135). Estimated time to accomplish = .1 clerical hour per 13 hours x \$17.21.

	Employee Salary Per Hour	Estimated Burden per Occurrence	Total
Technical Specialist	NA	NA	NA
Clerical Specialist	\$17.21	13 (.1) (17.21)	\$223.73
Total	13 Hours	Total Σ	\$223.73

Section 119.65(e)(3): Management Personnel Required, Part 121

The air carrier “must” notify the FAA within 10 days of any changes. This does not have to be in writing but usually is. 20 estimated occurrences x estimated .5 clerical hour.

	Employee Salary Per Hour	Estimated Burden per Occurrence	Total
Technical Specialist	NA	NA	NA
Clerical Specialist	\$17.21	20 (.5) (17.21)	\$172.10
Total	10 Hours	Total Σ	\$172.10

Section 119.67(e): Management Personnel Qualifications, Part 121

The air carrier may apply for a deviation if the person they want to designate does not meet the minimum qualification. Five (5) estimated occurrences per year x estimated 1 technical hour and .5 clerical hour.

	Employee Salary Per Hour	Estimated Burden per Occurrence	Total
Technical Specialist	\$53.13	5 (1) = 5 hours (53.13)	\$265.65
Clerical Specialist	\$17.21	5 (.5) = 2.5 hours (17.21)	43.03
Total	7.5 Hours	Total Σ	\$308.68

Section 119.69(e)(3): Management Personnel Required, Part 135

The air carrier “must” notify the FAA within 10 days of any changes. This does not have to be in writing but usually is. 120 estimated occurrences per year x estimated 1 technical hour and .5 clerical hour.

	Employee Salary Per Hour	Estimated Burden per Occurrence	Total
Technical Specialist	\$53.13	120 (1) = 120 hours (53.13)	\$6,375.60
Clerical Specialist	\$17.21	120 (.5) = 60 hours (17.21)	\$1,032.60
Total	180 Hours	Total Σ	\$7,408.20

Section 119.71(f): Management Personnel Qualifications, Part 135

The air carrier may apply for a deviation if the person they want to designate does not meet the minimum qualifications. 30 estimated occurrences per year x estimated 1 technical hour and .5 clerical hour.

	Employee Salary Per Hour	Estimated Burden per Occurrences	Total
Technical Specialist	\$53.13	30 (1) = 30 hours (53.13)	\$1,593.90
Clerical Specialist	\$17.21	30 (.5) = 15 hours (17.21)	\$ 258.15
Total	45 Hours	Total Σ	\$1,852.05

GRAND TOTAL: HOURS = 8,869.5 Total Σ of SALARIES = \$394,053.50

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 question #12 above.

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

The FAA anticipates Part 119 rule will not impose an additional cost burden on the Federal government. Although the FAA hired more personnel in the last 3 years, all work demands of this rule will fall within the routine administrative, regulatory and operational functions of the FAA.

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

There have been no changes to the estimated hourly burden. The only adjustment is to the salary figures in question #12.

16. For collections of information whose results are planned to be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates and other actions.

There are no publication plans.

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.

The FAA is not seeking this approval.

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 to Item 19.