

**Department of Transportation
Federal Aviation Administration**

**SUPPORTING STATEMENT
Pilot Records Improvement Act of 1996
2120-0607**

INTRODUCTION

This information collection is submitted to the Office of Management and Budget (OMB) to request a revision and three-year approval clearance for the information collection entitled Pilot Records Improvement Act of 1996.

Part A. Justification

1. Circumstances that make collection of information necessary.

a. Title 49 United States Code (49 U.S.C.) § 44703(h): Records of Employment of Pilot Applicants, which was established by the Pilot Records Improvement Act of 1996 (PRIA), mandates that air carriers who have been issued a part 119 air carrier certificate and are authorized to conduct operations under Title 14 of the Code of Federal Regulations (14 CFR) part 121 or part 135 as well as part 125 and 135 operators, request and receive FAA records, air carrier and other operator records, and the National Driver Register records before allowing an individual to begin service as a pilot. Additionally, fractional ownerships operating in accordance with subpart K of part 91 are required to complete a pilot safety background check before allowing an individual to begin service as a pilot (reference § 91.1051). Furthermore, air tour operators operating in accordance with § 91.147 are required to obtain an individual's previous drug and/or alcohol testing records before allowing an individual to begin service as a pilot. All requestors are heretofore referred to as "air carriers."

b. Title 49 U.S.C. § 44703(h)(8) also requires the Administrator to promulgate standard forms for use by the air carrier in order to: request the records; inform the individual who is the subject of the request; obtain the individual's written consent; and, inform the individual of the individual right of that individual to receive a copy of any records furnished in response to the request. A summary of the PRIA form numbers, titles, and purpose is provided in Table 1.

Table 1: Summary of PRIA Forms

FAA Form Number	FAA Form Title	Purpose
8060-10*	FAA Records Request	A hiring air carrier requests to receive a copy of an individual's records maintained by the FAA.
8060-11*	Air Carrier and Other Records	A hiring air carrier requests to

	Request	
		receive a copy of the current and/or previous employer's records on the consenting individual's performance as a pilot.
8060-11A	Airman Notice and Right to Receive Copy – Air Carrier and Other Records	An airman requests to receive a copy of the records provided by current and/or previous employer's to a hiring air carrier in response to FAA Form 8060-11.
8060-12*	Authorization for Release of DOT Drug and Alcohol Testing Records Under PRIA and Maintained Under Title 49 of the Code of Federal Regulations (49 CFR) Part 40	A hiring air carrier requests to receive a copy of the current and/or previous employer's records on the consenting individual's drug and alcohol testing.
8060-13*	National Driver Register Records Request (PRIA)	A hiring air carrier requests the National Driver Register to search state driving records on a consenting individual.

*Required form to be completed by the hiring air carrier before allowing an individual to begin service as a pilot.

Section 203 of the Airline Safety and Federal Aviation Administration Extension Act of 2010 (Pub. L. 111-216, 124 Stat. 2348) (the Act), codified at 49 United States Code 44703(i) requires the FAA to establish an electronic pilot records database. The Act requires air carriers to access the database and evaluate any relevant records maintained therein pertaining to an individual before allowing that individual to begin service as a pilot. In addition, the database must be populated with records maintained by the FAA as well as records maintained by air carriers and other employers of pilots. At a minimum, air carriers and operators employing pilots must report “records that are generated by the air carrier or other person after [August 1, 2010]” as well as “records that the air carrier or other person [was] maintaining, on [August 1, 2010],” pursuant to §44703(h)(4). In order to meet this mandate, the FAA developed a phased approach to implementing the PRD. The FAA records portion of the database that will be deployed in December 2016 is the initial phase.

The FAA Extension, Safety, and Security Act of 2016 (Public Law 114-190), Section 2101 requires the FAA to establish the Pilot Records Database no later than April 30, 2017. Therefore, a subsequent phase of PRD will be expedited and deployed prior to April 30, 2017 that will include several enhancements and permit proxies to access the application on behalf of an air carrier. The final phase of PRD, the air carrier portion of the database, can only be completed after FAA rulemaking has been accomplished. Based on the mandated rulemaking process, the air carrier portion of the database is the only element that cannot be completed by April 2017. A notice of proposed rulemaking (NPRM) is expected to be published by March 2017 and a final rule published by late 2018. The final rule will provide requirements for the FAA and air carriers to phase-out PRIA.

The FAA is also deploying a web-based online application called the Pilot Records Database (PRD) in December 2016 that is expected to benefit hiring air carriers, operators, and pilots required to comply with PRIA. This application automates the current PRIA process and

provides an air carrier with immediate access to a consenting pilot's FAA records. An air carrier would receive the following information that an individual has viewed and provided the FAA an electronic consent to release:

- previous employers that the individual served as a pilot;
- current airman certificates, associated ratings, and any limitations to the certificate or ratings;
- date and certificate grade sought for any failed attempt to pass a practical test required to obtain a certificate or type rating under part 61 of Title 14, Code of Federal Regulations (since August 2010);
- current medical certificate including its class and any limitations;
- closed enforcement information; and
- accident and/or incident.

A hiring air carrier would then be required to obtain records from current and/or previous employers, as well as the National Drivers Register using the consent to release records form provided by the PRD.

FAA's externally facing applications require access control through MyAccess. Members of the public will authenticate via an externally-facing registration web page; MyAccess. The MyAccess externally-facing registration web page allows a member of the public desiring access to an application to choose between entering a Driver's License or Social Security Number to establish the proof of identity needed for authentication.

2. How, by whom, and for what purpose is the information used.

An air carrier utilizes these forms to request the applicable records of all applicants for the position of pilot with their company. The information collected on these forms will be used only to facilitate search and retrieval of the requested records. Air carriers then "may use such records only to assess the qualification of the individual in deciding whether or not to hire the individual as a pilot." (49 U.S.C. § 44703(h)(11)).

Members of the aviation public will create a MyAccess registration and authenticate to the PRD.

3. Extent of automated information collection.

The PRIA forms are available for downloading from the FAA's website for use by an air carrier and pilot. These forms are accepted through the United States postal service, mail carriers, facsimile, and electronic mail to receive requests from air carrier and third party customers. Once the FAA processes the forms, replies are returned to the requestor in the same manner as the request was received unless otherwise noted.

The FAA records portion of the database that will be deployed in December 2016 is the initial phase. A subsequent phase of PRD will be expedited and deployed prior to April 30, 2017 that will include several enhancements and permit proxies to access the application on behalf of an air carrier. The final phase of PRD, the air carrier portion of the database, can only be completed after FAA rulemaking has been accomplished. Based on the mandated rulemaking process, the air carrier portion of the database is the only element that cannot be completed by

April 2017. A notice of proposed rulemaking (NPRM) is expected to be published by March 2017 and a final rule published by late 2018. The final rule will provide requirements for the FAA and air carriers to phase-out PRIA.

4. Efforts to identify duplication.

No other Federal agency has similar requirements, thus there is no duplication.

5. Efforts to minimize the burden on small businesses.

This collection could impact small businesses; however, the burden is reduced by a provision at 49 U.S.C. § 44703(h)(14)(A) PILOTS OF CERTAIN SMALL AIRCRAFT allowing a pilot to be placed into immediate service and then have 90 days to complete the PRIA request process.

6. Impact of less frequent collection of information.

Implementation of the information collection process, as facilitated by the PRIA forms, is statutorily mandated. Failure to collect and use the information collected may have a significant impact on air safety. Consequently, several NTSB recommendations related to air carrier accidents were issued to the FAA to facilitate the sharing of pilot records among air carriers and operators. This information collection responds to those NTSB recommendations.

7. Special circumstances

Title 49 U.S.C. § 44703(h)(4) requires the Administrator and air carriers to maintain pilot records described in 49 U.S.C. § 44704(h)(1)(A)(B) and (C) for at least 5 years. Therefore, air carriers may only fulfill a request for a pilot's records within 30 days if the records are maintained for 5 years or more.

Additionally, 49 United States Code 44703(i) requires the FAA to establish an electronic pilot records database containing "records that are generated by the air carrier or other person after [August 1, 2010]" as well as "records that the air carrier or other person [was] maintaining, on [August 1, 2010]," pursuant to §44703(h)(4). In order to meet this mandate, air carriers and operators are currently maintaining pilot records dating from August 1, 2005 until the FAA completes rulemaking. These records are not provided in response to a PRIA request.

8. Compliance with 5 CFR 1320.8.

A Federal Register Notice was published on October 13, 2016 (81FR70736) requesting public comment of this revision, no comments were received.

9. Payments or gifts to respondents.

No gifts or payments are provided for the reporting of records or access for purposes of evaluation of records through PRIA or in the PRD.

10. Assurance of confidentiality.

Title 49 U.S.C. § 44703(h)(11) provides that an air carrier may use such records only to assess the qualifications of the individual in deciding whether or not to hire the individual as a pilot. The air carrier is directed to take such actions as may be necessary to protect the privacy of the pilot and the confidentiality of the records. This holds true with the one exception of the FAA inspectors who, during the course of their normal duties for the FAA, cannot be denied access to the PRIA-related records of any air carrier for the purpose of surveillance or inspection.

11. Justification for collection of sensitive information.

This information collection does not collect information of a sensitive nature.

12. Estimate of burden hours for information requested.

a. **Number of active air carriers, operators, and fractional ownerships.** The following information was obtained from the National Vital Information System (NVIS) on September 15, 2016 and represents the total number of air carriers and operators required to comply with PRIA.

Table 2: Entities Required to Comply with PRIA

Part 121	69
Part 135	2,059
Part 121/135	10
Part 125	77
Part 91K	7
Part 91.147	1,101
Total	3,323

Table 3: Annual Estimated Cost Hiring Entity and Pilot to Fill Out PRIA Forms

FAA Form	Number of Forms Completed Annually	Minutes to Complete Form			Hourly Wage		Cost Savings		
		Airman	HRM - Hiring Entity	HRM - Current and/or Previous Employer	Airman	HRM	Airman	HRM	Total
8060-10	15,075	10	10	N/A	\$45.26	\$64.21	\$113,716	\$161,328	\$275,043
8060-11	24,120	7	7	N/A			\$127,362	\$180,687	\$308,049
8060-11A	24,120	10	10	N/A			\$181,945	\$258,124	\$440,069
8060-12	24,120	6	6	17			\$109,167	\$593,686	\$702,853
8060-13	24,120	10	N/A	N/A			\$181,945		
							\$714,135	\$1,193,824	\$1,907,959

Totals may not add due to rounding.

	Total Registrants (one time registration)	Time per Registrant	Total Hours
MyAccess Registration	250,000	15 minutes	62,500

Collection of information is a one-time occurrence

13. Estimate of total annual costs to respondents.

There are no additional costs not already included in question 12.

14. Estimate of cost to the Federal government.

Table 4: Federal Government Financial Burden

ANNUAL FEDERAL GOVERNMENT FINANCIAL BURDEN					
Description Of Action	Cost Per Hour	# Hours Per Employee Per Year	Number Employees	% Of Time	Total Cost
Receiving and Sorting	\$24.61	2,080	2	25%	\$25,594
Examine and Processing	\$24.61	2,080	2	25%	\$25,594
Printing and Mailing	\$24.61	2,080	2	25%	\$25,594
Filing and Archiving	\$24.61	2,080	2	25%	\$25,594
Program Management	\$37.46	2,080	1	50%	\$39,094
Program Plans and Policy	\$37.46	2,080	1	50%	\$39,094
TOTAL					\$180,564

The externally facing registration page cost \$125,000 to build. A standard maintenance and operations cost calculation is 20% of development cost. Therefore, the externally facing registration page is expected to cost the FAA \$25,000 annually to operate and maintain.

15. Explanation of program changes or adjustments.

This is a revision to an existing information collection under OMB control number 2120-0607. The revision includes information on the deployment of the Pilot Records Database and MyAccess registration web portal. PRD completed the System Characterization E-Authentication Risk Analysis which resulted in a determination of a privacy level of assurance of level 2 for e-authentication. While PRD provides only existing FAA pilot records that can be obtained by a Freedom Of Information Act (FOIA) Request through the legacy hard copy process the fact that those records would be automated led to the determination. The PRD team then determined that a robust verification application would be needed. PRD team selected the same verification application tool that is used for the bulk of FAA programs such as for time and attendance. MyAccess is the current tool for FAA employee to use with their PIV cards and was adopted to be used for non FAA users for verification. The MyAccess team in conjunction with the well-known Lexisnexis verification subscription service developed the non PIV verification method adopted by PRD. In order to provide full disclosure the OMB 2120-0607 was amended to include this verification tool.

16. Publication of results of data collection.

The results of this information collection will be provided to hiring air carriers with the consent of the individual seeking employment.

17. Approval for not displaying the expiration date of OMB approval.

The FAA is not seeking approval not to display the date of expiration of this information collection.

18. Exceptions to certification statement.

There are no exceptions.