

Supporting Statement
Agricultural Aircraft Operations
OMB 2120-0049

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 each statute and regulation mandating or authorizing the collection of information.

The reporting and recordkeeping requirements of Title 14 Code of Federal Regulations (14 CFR) part 137, Agricultural Aircraft Operations, is authorized by part A of Subtitle VII of the Revised Title 49 United States Code. 14 CFR part 137 prescribes requirements for issuing agricultural aircraft operator certificates and for appropriate operating rules.

This collection of information supports the Department of Transportation's strategic goal on safety.

In addition to the statutory basis, the collection of this information is necessary to:

- Issue, reissue, or amend applicant's agricultural aircraft operator certificates.
- Approve operator's plan of operation over congested areas.
- Conduct knowledge and skill tests and issue letters of competency.

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.

The information on FAA Form 8710-3, Agricultural Aircraft Operator Certificate Application, is mandated from applicants who wish to be issued a commercial or private agricultural aircraft operator certificate. Aviation Safety Inspectors in FAA Flight Standards District Offices (FSDO) review the submitted information to determine certificate eligibility. If the information were not collected, the FAA could not discharge its responsibilities directed to the safety of agricultural aircraft operations and the dispensing of materials 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, e.g. permitting electronic submission of responses and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

Currently, the submissions are 0% electronic. However, applicants may electronically download the application form in Adobe PDF format from the FAA web site. The form may be completed electronically, signed, and either submitted by e-mail or in paper format to the FAA Flight

Standards District Office. The form is used to authorize individuals or groups to conduct agricultural aircraft operations if the Administrator finds that the operations can be safely conducted in accordance with certification requirements of section 137.19. The United States cannot risk having unknown people conducting airborne spray operations within its critical infrastructure.

The FAA is reviewing new capabilities where an applicant could digitally sign the application form and submit it in an electronic format. However, digital signature capability typically costs approximately \$30 per year. This added cost could deter applicants from using a completely electronic submission process. Because this form is only completed once by the applicant, it would only be economical to obtain a digital signature if the applicant planned to use it for other documents in the future.

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 collection involves unique requests and duplication is unlikely. In addition, we have reviewed our other public reports to insure that no duplication exists. To our knowledge, no other agency is responsible for collecting information on agricultural aircraft operators.

We have checked other FAA public reports and to our knowledge, no similar information is available. The reporting information required by the FAA can only be supplied by those agricultural aircraft operators requesting certification. Individuals or small entities may receive, upon request, specific assistance from FAA Aviation Safety Inspectors located in district offices around the country.

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

Required information is collected using FAA Form 8710-3, which was designed to be short and easy to complete by those not familiar with it. 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. The burdens are minimized because only those who wish to pursue aviation agricultural operations are required to submit the minimum information to determine a safety equivalency. 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 entire form, except signature, can now be completed electronically via Adobe PDF format. This significantly reduces the time burden and allows the applicant to maintain an electronic record of their submission.

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.

All records and information, whether gathered on a scheduled basis, on demand, or as required by regulation, is 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.

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 guidelines specified in CFR 1320.5(d)(2)(i)-(viii) are being complied with in the collection of information required by 14 CFR part 137.

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 for public comments was published in the Federal Register on February 8, 2018 (83 FR 5675). No comments were received.

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

No payments or gifts are made to respondents.

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

The information collected on FAA Form 8710-3 will become part of the DOT/FAA Privacy Act Systems of Records DOT/FAA 847, General Air Transportation Records on Individuals. The information will be handled under the provisions of the Privacy Act.

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

There are no sensitive questions in this collection of information.

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.

A section by section breakdown of the applicable sections of 14 CFR part 137 is listed below, showing frequency of response, number of respondents, annual burden, and how the burden has been estimated.

Section 137.1, Applicability - Prescribes procedures for requesting exemptions from the operating rules of this part.

Estimated number of annual petitions for exemption	100
<u>Estimated average hours per submission</u>	.5
Estimated annual reporting burden	50 hours

*Wage rate includes compensation of \$17.11 per hour, plus an estimate of 15 percent for overhead.

Section 137.15, Application for Certificate - Applicants for an Agricultural Aircraft Operator Certificate are required to submit an application to the FAA FSDO having jurisdiction over the applicant's home base of operations. FAA Form 8710-3, Agricultural Aircraft Operator Certificate Application, is used for that purpose. The front side of the form is used by the applicant to provide information required by the 14 CFR for issuance and amendment of operating certificates. The reverse side is used by FAA to record inspection of the applicant for certification. Operating certificates are effective until surrendered, suspended, or revoked.

Estimated annual applications	100
<u>Estimated average hours per request</u>	.5
Estimated annual reporting burden	50 hours

Section 137.17, Amendment of Certificate - Operators may amend their certificate by submitting FAA Form 8710-3 to their nearest FSDO.

Estimated annual applications for amendment	100
<u>Estimated average hours per request</u>	.5
Estimated annual reporting burden	50 hours

Section 137.51, Operation over Congested Areas - Paragraph (a)(3) requires a plan for operation over congested areas must be submitted to the FAA for approval.

Estimated annual congested area plans	350
<u>Estimated average hours per request</u>	.5
Estimated annual reporting burden	175 hours

Section 137.71, Records: Commercial Agricultural Aircraft Operator - Requires each operator to maintain specific records for a minimum of 12 months. We estimate there is an annual average of 2,000 certificated operators. (Approximately 50 operators are certificated annually, and approximately 50 certificates are surrendered, suspended, or revoked.)

Estimated certificate holders maintaining annual records	2000
<u>Estimated average hours per certificate holder</u>	4.5
Estimated annual recordkeeping burden	9000 hours

We estimate that 14 CFR part 137 will require a total annual reporting and recordkeeping burden of 9,325 hours, of which 325 hours constitute public reporting and 9,000 hours constitute public recordkeeping. A summary of the burden is below:

<u>Reporting Burden</u>	
Section 137.1	50 hours (100x.5)
Section 137.15	50 hours (100x.5)
Section 137.17	50 hours (100x.5)
Section 137.51	<u>175 hours</u> (350x.5)
=====	
<u>Total Reporting Burden</u>	325 hours
<u>Total Record Keeping Burden</u>	
Section 137.71	9,000 hours (2000x 4.5)
<u>Total Reporting and Recordkeeping Burden</u>	<u>9,325 hours</u>

The annualized cost to the public is estimated to be **\$183,482**.

This cost is determined by estimating the applicants' time required to complete and submit new applications, amendments, deviations, etc.

We estimate 325 forms and letters submitted for approval, at an average preparation time of .5 hours each at a wage rate of \$17.11 per hour per applicant, based on the Bureau of Labor Statistics Occupational Employment and Wages data, May 2017, for Secretaries and Administrative Assistants, would cost the applicants \$5,560 a year. We also estimate the total recordkeeping requirement would be 9,000 hours at \$17.11 per hour, at a cost to the applicant of \$153,990.

$$\begin{aligned} 325 \text{ forms} \times .5 \text{ forms/hr} \times \$17.11/\text{hr} &= \$5,560 \\ 9,000 \text{ forms} \times 1 \text{ form/hr} \times \$17.11/\text{hr} &= \$153,990 \\ \text{Total hourly costs: } 153,990 + 5,560 &= \$159,550 \end{aligned}$$

We also estimate overhead to be 15 percent of hourly wage costs:
 $159,550 * 0.15 = \$23,932$

Total (Hourly wages plus overhead) **\$183,482**

13. Provide estimates 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 twelve.

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

The annualized cost to the Federal Government is estimated to be \$166,911. That figure was determined by the following method:

<u>Hours by Regulation</u>		<u>Hours</u>
137.1	100 letters @ 3 hours	300
137.15	100 applications @ 10 hours	1000
137.17	100 amendments @ 3 hours	300
137.51	350 letters @ 4 hours	<u>1,400</u>
		3,000

Approximately 80 percent of the total cost is government labor done by technical specialists at \$51 per hour, and 20 percent is by clerical labor at \$42 per hour. Other expenses such as general and administrative costs, overhead costs, and other indirect costs are estimated to amount to approximately 15 percent of the direct labor cost. Based on the above, the annualized cost to the Federal Government is as follows:

Estimated total annual labor burden	3,000 hours
Technical Labor (3000 x .8 x 51/hr)	\$122,400
Clerical Labor (3000 x .2 x 42/hr)	<u>\$25,200</u>
	\$147,600
Other Expenses (\$147,600 x .15)	<u>\$22,140</u>
TOTAL	\$169,740

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

There has been an increase in petitions for exemption from part 137, as well as applications for part 137 certificates. This is due to the publication of part 107, which permits the civil operation of small unmanned aircraft systems. Many such unmanned vehicles are used for aerial spraying, and such operations require a part 137 operating certificate and, often, an exemption from certain provisions of part 137. This is why the FAA estimates an annual rate of 100 petitions for exemption, and a doubling of certificate applications.

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.

There is no requirement for any of the information collected pursuant to 14 CFR part 137 to be published for statistical use.

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 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 83-1.

There appear to be no exceptions.