

Supporting Statement A
Operations Specifications, Part 129 Application
2120-0749

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

14 CFR part 129 was revised in 2012, and prescribes rules governing foreign air carrier operations within the United States (U.S.) and the operations of U.S.-registered aircraft outside the U.S. in common carriage. 14 CFR section 129.7 governs the application process.

This renewal 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 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.

The purpose of the collection of information is used to evaluate whether foreign air carriers requesting new authority or with existing authority to operate in the U.S. will be able to conduct their operations safely within the National Airspace System (NAS) and in compliance with international obligations. Operators meeting those standards are issued operations specifications (OpSpecs) authorizing them to operate in the U.S. Consistent with previous practices, FAA includes a regulatory standard for issuing maintenance OpSpecs to persons operating U.S.-registered aircraft outside the U.S. in common carriage. Operators are required to respond, as needed, to the collection to obtain or retain a benefit (OpSpecs).

OpSpecs are issued to the operator applying. OpSpecs are not available for viewing to the general public. OpSpecs are available for viewing to FAA offices for the purpose of safety oversight of the operators. FAA occasionally shares OpSpecs information, as needed, with other agencies such as Transportation Security Administration (TSA), Department of Transportation (DOT) or to answer questions from U.S. congress.

The FAA requires foreign operators applying for the issuance or amendment of OpSpecs to submit supporting documentation. The type of documentation that a foreign operator needs to provide to the FAA is identified in FAA Order 8900.1 volume 12, which is publicly available¹. The information is helpful to new applicants as well as existing operators.

¹ Link to FAA Order 8900.1 volume 12 in Flight Standards Information Management System, FSIMS: <http://fsims.faa.gov/PICResults.aspx?mode=EBookContents&restricttocategory=all~menu>

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.

The information collection process is predominantly electronic. FAA estimates over 95% of the information collection is done via e-mail, fax, Web-based Operations Safety System (WebOPSS) or combination thereof. This is based on applicant's capability and choice. The FAA estimates less than 5% of the information collection is done by mail. The submission is consistent with Government Paperwork Elimination Act.

The FAA issues and maintains OpSpecs issued to each foreign operator in WebOPSS. Approximately 50% of foreign air carriers have access to WebOPSS. To gain access foreign air carriers need to learn the WebOPSS system. The FAA offers foreign air carriers two ways of learning about the system. One is via a free orientation, hosted by an IFO or taking formal training in Oklahoma City. Majority of foreign air carriers who chose to learn the system chose to do so via the free orientation.

WebOPSS access allows foreign air carriers to draft, view, and (for those who have purchased a secure digital signature) to digitally sign OpSpecs. It expedites OpSpecs issuance.

Approximately 50% foreign air carriers choose not to learn the system and as such do not have access to WebOPSS. Those foreign air carriers rely on the FAA to draft the OpSpec for them.

Foreign air carriers who have not purchased a secure digital signature must manually sign, and then return (signed) OpSpecs to the FAA. This is normally done via email.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

There is no duplication. There is one responsible office assigned to each operator based on geographical area and services². The responsible office issues OpSpec to their assigned operators via WebOPSS. What has been issued is transparent to other offices within FAA who may have the need for the information. OpSpecs are issued as a set of authorizations working together, not independent authorizations.

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

The burden for the collection of information affects all applicants proportionally. Each foreign air carrier is issued a minimum set of OpSpecs. The actual number of OpSpecs and content

² Link to IFOs https://www.faa.gov/about/office_org/field_offices/ifo/

needed to be issued is then tailored to each foreign air carrier's operation. A small foreign air carrier will need less OpSpecs and have less content within OpSpecs issued than a large foreign air carrier. The more OpSpecs and content needed to be issued the more documentation required from the foreign air carrier. Complexity of operation also increase the collection of information.

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.

Without the collection, 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 U.S. 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 U.S. in accordance with FAA's statutory obligation and international obligations. To issue OpSpecs without collection of information could lead to an accident. The collection is in the public interest, helps to ensure passengers boarding foreign air carriers or U.S. registered aircraft arrive safely at their destination. Likewise the collection helps to ensure safe transportation of cargo by air.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- *requiring respondents to report information to the agency more often than quarterly;*
- *requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;*
- *requiring respondents to submit more than an original and two copies of any document; requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;*
- *in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;*
- *requiring the use of a statistical data classification that has not been reviewed and approved by OMB;*
- *that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or*

- ***requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.***

The FAA currently requires all foreign operators who fly into the U.S. NAS or operate U.S. registered aircraft outside the U.S. in common carriage to maintain and keep current FAA issued OpSpecs until suspended, terminated or voluntarily surrendered. Information on suspension, and termination is publicly available in Flight Standards Information Management System (FSIMS), FAA Order 8900.1 volume 12, chapter 4 section 12, compliance and enforcement.³

8. Provide information on the PRA Federal Register Notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the 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 the data elements to be recorded, disclosed, or reported.

The FAA published notices for public comment in the Federal Register on April 3, 2019 (84 FR 13095) and on October 11, 2019 (84 FR 54943). No comments were received.

The FAA solicited feedback from a new and existing applicant to see if the cost and burden the FAA estimated was accurate and reasonable, the information collected useful and FAAs instructions clear.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

Payments or gifts are not provided to respondents.

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

Assurance of confidentiality is not provided to respondents.

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.

There are no questions of a sensitive nature.

³ Link to FAA Order 8900.1 volume 12 in Flight Standards Information Management System, FSIMS: <http://fsims.faa.gov/PICResults.aspx?mode=EBookContents&restricttocategory=all~menu>

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

International Field Offices (IFOs) review new applications for OpSpecs issuance under 14 CFR part 129. Then, from time to time, IFOs amend existing operators OpSpecs. Amendments to existing operators OpSpecs are initiated either at the request of the applicant, or initiated by the FAA. In 2019, the FAA conducted an analysis of OpSpecs issued which showed there were:

- 467 foreign operators.
- 4597 OpSpecs issued/reissued annually.
- foreign operators came from 79 foreign countries.

WebOPSS was the source data used for this analysis. The labor burden to the operator varies with each foreign country.

The FAA is not aware of the existence of a single global wage calculation that could be used to conduct an accurate analysis. English is not the native language of the majority of foreign countries. Additionally, not all foreign countries publish wages. Finally, there is variation in cost of living worldwide.

Summary (Annual numbers)	Reportin g	Recordkeepin g
New applicants		
# of Respondents	28	
# of Responses per respondent	1	
Time per Response	10	
Existing operators		
# of Respondents	467	
# of Responses per respondent	9	
Average Time per Response	5	

New applicants.

The FAA expects to receive 28 new applications for 14 CFR part 129 OpSpecs annually. This number corresponds to the annual average number of applications for foreign OpSpecs the agency received based on the last three years. The source data used was FAAs Safety Performance Analysis System (SPAS). Specifically, Program Tracking and Reporting Subsystem (PTRS) work activity codes required for inspectors to enter when issuing an initial set

of OpSpecs to new operators. The number of OpSpecs issued to an operator varies. This is due to many factors such as: the operator’s size, complexity of operation, will the operator operate U.S. registered aircraft to the U.S. or solely outside the U.S. etc.

The FAA estimates one response per operator. This one response is equivalent to ten OpSpecs issued to a new operator. This number is also an estimate. The FAA further estimates that each new application requires approximately 10 hours total preparation time by the operator (for the initial set of (ten) OpSpecs).

Summary (Annual numbers)	Reporting	Recordkeeping	Disclosure
# of Respondents	28		
# of Responses per respondent	1		
Time per Response	10 hrs.		
Total # of responses	28		
Total burden (hours)	280 hrs.		

Existing Operators.

The FAA estimated the total annual average number of foreign OpSpecs issued to existing foreign operators to be 4317. The FAA came up with this estimate by taking the total average OpSpecs issued (4597) and subtracting from it the estimated average OpSpecs issued to new applicants (280). [4597 -280= 4317].

The FAA estimated the average number of responses per respondent as follows. Average number of OpSpecs issued to existing operators (4317) divided by the number of foreign operators (467). Then, sum total rounded down to the closest number (9). [4317/467 =9].

WebOPSS was the source data used by the FAA for this data analysis.

The FAA estimated that the time per response for existing operators was variable, between 1-10 hours. This estimate was based on feedback from an existing operator that the FAA consulted via email. As such the FAA took the average (5hrs) to calculate total hourly burden [4317x5=21,585].

Summary (Annual numbers)	Reporting	Recordkeeping	Disclosure
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# of Respondents	467		
# of Responses per respondent rounded down	9		
Time per Response	5		
Total # of responses	4317*		
Total burden (hours)	21,585*		

*Numbers do not match ROCIS exactly due to rounding.

13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information.

The FAA consulted with an existing operator. This foreign air carrier had access to WebOPSS and a secure digital signature. They reported their annual cost to be \$29.50 for one WebOPSS secure digital signature plus the indirect cost of having to maintain no standard internet browser for the company. The secure digital signature is an optional cost.

The FAA does not place a record keeping requirement on foreign air carriers.

14. Provide estimates of annualized costs to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

To estimate cost to the FAA the FAA requested feedback from each IFO. Specifically, for hourly time estimates it took each IFO to process:

- a new applicant; and
- an OpSpec change for an existing applicant.

For inspector hourly rate the FAA used the inspector per hour rate of \$190 published in latest edition of AC 187 fees.⁴ The formula and methodology for the hourly inspector rate in the AC is contained in 14 CFR part 187, Appendix A. Although OpSpecs are issued to foreign operators domestically and the FAA does not collect a fee for their issuance/reissuance the FAA used the calculations for fee collection in the above-mentioned AC for the purpose of this calculation. This is because FAA inspectors spend a significant amount of time in indirect work such as training, review of policy and guidance documents associated with each OpSpec authorization, as well as time on various administrative functions such as PTRS and WebOPSS entries for which the AC accounts for in its fee calculation. When the foreign operator operates U.S.

⁴ Link to FAA AC 187-1N http://www.faa.gov/regulations_policies/advisory_circulars/index.cfm/go/document.information/documentID/1036770

registered aircraft there is also the additional indirect cost of issuing Special Purpose Pilot Authorizations (SPPAs). Recordkeeping is another indirect cost associated with the collection.

Advanced technology requires a high level of expertise and specialized training for both operators and FAA. Differences in manufacturing technical standards for avionics equipment and airplane flight manuals all add to the challenge. In the last three years, there were 47 various types of OpSpecs issued by IFOs to foreign operators, some of which authorized for the use of advanced technology requiring a high level of knowledge and expertise, which takes time to acquire. More operators have also been applying for more complex OpSpecs such as OpSpecs authorizing required navigation performance authorization required, (RNP-AR), and OpSpecs authorizing special procedures or lower landing minimums.

Air traffic control (ATC) has published new policy in the FR stating that effective Jan 2nd 2020 unless otherwise authorized by ATC all aircraft operating in airspace identified in §91.225 must comply with Automatic Dependent Surveillance-Broadcast ADS-B Out equipage and performance requirements. All of the above increase the level of indirect and direct inspector work, cost to the federal government. A more thorough safety review is required by FAA inspectors to insure the aircraft and crew meet the requirements of the U.S. National Air Space; to mitigate operational risk and maintain a high level of safety, a core function of the FAA’s mission, entrusted by and in support of the flying public.

The table below shows that the FAA spends between 20-60 hours, an average of 40 hours to issue OpSpecs to a new operator. This is costing to the agency \$212,800 using \$190 per hour rate discussed above to issue 28 new sets of OpSpecs. The actual time to process an OpSpec change varies with the type of change needed. On average the time it takes to process an OpSpec change for an existing operator is 3 hrs. costing the agency a total of \$2,460,690. [4317 OpSpec changes per year times 3 hrs. times \$190.]

Summary (Annual Numbers)	Reporting	Recordkeeping
New Operators		
# of Respondents	28	28
Time per response	40	
Labor \$	212,800	
Existing Operators		
# of Respondents	4317	4317
Time per response	3	
Labor \$	2,460,690	

15. Explain the reasons for any program changes or adjustments.

The adjustment in costs are due to additional data analysis conducted by the FAA. Also inclusion of indirect costs, using FAA AC 187. New technologies, larger and more sophisticated aircraft, an evolving operational environment required amendments in content, limitations and provisions of certain OpSpecs. These amendments to OpSpecs influenced collection and burden. For example, since the last collection renewal:

- One OpSpec has undergone two changes for advancements in technology that allowed operators to communicate with Air traffic Control (ATC) electronically instead of regular radio-voice communications. The first change allowed operators to pick up ATC departure clearance via controller pilot data link communications (CPDLC). The second change, extended this type of communication (data link as opposed to voice communication), to the en route phase of flight while in U.S. airspace. The significance of this type of electronic communication is that it brings improved efficiency and safety through the reduction of operational errors associated with voice communications. In addition to the safety aspect, use of data communications carries a significant cost savings to taxpayers and operators which is why this OpSpec change was so important to make.

-The FAA has amended OpSpecs for area navigation visual flight procedures previously issued via Letter of Authorization stored at IFOs desk drawers. The inclusion of these procedures in OpSpecs added transparency and improved oversight of foreign air carriers, critical when participating operators need to be quickly notified of procedural changes or suspensions to these procedures occur.

-The FAA has also combined OpSpecs for category II and III landing minimums. This helped to cut down the volume of OpSpecs operators need to be issued/reissued.

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. 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.

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 why display would be inappropriate.

Not applicable.

18. Explain each exception to the topics of the certification statement identified in “Certification for Paperwork Reduction Act Submissions.”

There are no exceptions.