

**Department of Transportation
Federal Aviation Administration**

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

INTRODUCTION

This information collection is submitted to the Office of Management and Budget (OMB) to request a three-year approval clearance for the information collection entitled Pilot Records Improvement Act of 1996/Pilot Records Database (OMB Control No. 2120-0607). This is a revision to an existing information collection (OMB Control No. 2120-0607).

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/PRD form numbers, titles, and purpose is provided in Table 1.

c. Title 49 U.S.C. § 44703(i) amends the Pilot Records Improvement Act (PRIA) by requiring the FAA to create a pilot records database (PRD) that contains various types of pilot records. The PRD provides an alternate method for obtaining certain airman records.

Table 1: Summary of PRIA/PRD 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.
8060-10A	Airman Notice and Right to Receive Copy-FAA Records	An airman request to receive a copy of their records maintained by the FAA.
8060-11*	Air Carrier and Other Records Request	A hiring air carrier requests to 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.
8060-XX (TBD)	Pilot Consent/Revocation for Air Carrier Access to Pilot Records Database	In cases where a pilot cannot access the Pilot Record Database themselves, the pilot may use this form to release their records to an air carrier via the PRD.

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

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

With the exception of Form 8060-XX, an air carrier utilizes these forms to report a request for the applicable records of all applicants for the position of pilot with their company as needed. The information collected on these forms will be used only to facilitate search and retrieval of the requested records and submission is mandatory. 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)). Form 8060-XX is used by pilots who cannot

access the PRD themselves in order to release records to an air carrier and its use is voluntary until the FAA issues the PRD final rule. While the FAA expects most pilots will access the PRD web-based application themselves and release records to air carriers for review, there will be cases when pilots cannot access the PRD application. In those cases, the pilot will complete the Form 8060-XX and submit to the FAA. The form instructs the FAA to access the PRD on behalf of the pilot and release the records to the specified air carrier(s). The form may also be used to revoke consent to the records if needed. The information is collected on an as needed basis. Information may also be reported by members of the aviation public to create a MyAccess registration and authenticate into 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 deployed a web-based online application called the Pilot Records Database (PRD) in December 2016 which benefits 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 is still required to obtain records from current and/or previous employers, as well as the National Drivers Register using the consent to release records forms from Table 1.

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 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 was expedited and deployed prior to April 30, 2017 that included several enhancements and permits proxies to access the application on behalf of an air carrier. Finally, the final phase of PRD, the air carrier portion of the database, can only be completed after FAA rulemaking has been accomplished. A notice of proposed rulemaking (NPRM) is expected to be published by March 2020 and a final rule published in 2021. The final rule will provide requirements for the FAA and air carriers to phase-out PRIA.

The MyAccess registration and authentication process is performed via the internet using only electronic forms.

4. Efforts to identify duplication.

The collection of certain pilot records is within the purview of the FAA. Title 49, United States Code, 44703(h) requires the FAA to establish 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. Additionally, Title 49, United States Code, 44703(i) requires the FAA to establish an electronic Pilot Records Database and phase-out PRIA. 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/PRD 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.

Comments have not been received since a notice of intent to request renewal of the forms was published on pages 71067 and 71068 of the Federal Register, December 26, 2019, Vol 84 #247 (84 FR 71067).

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

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. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of responses, calculation for the individual burdens and for the total annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hour for customary and usual business practices**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in item 13 of OMB form 83-I.**

Provide estimates of annualized cost to respondents for the hourly burdens for collections of information, identifying and using appropriate wage rate categories. The cost of

contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in item 14.

The following wage assumptions apply to the analysis. These are based on the approved Regulatory Impact Analysis for the aforementioned proposed rulemaking that will publish in March 2020.

- Employee benefit factors
 - Private sector: 31.80% ¹
- Calculations will use the following wage rates.
 - Human Resource Manager ²
 - Wage rate: \$57.79
 - Fully-burdened wage rate : \$84.74
 - Pilot (non-flying) ³
 - Wage rate: \$30.46
 - Fully-burdened wage rate: \$44.66

Number of active air carriers, operators, and fractional ownerships. The following information was obtained from the National Vital Information System (NVIS) 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	70
Part 135	2,011
Part 121/135	10
Part 125	71
Part 91K	8
Part 91.147	1,111
Total	3,281

Table 3a: Estimated Burden Hours and Costs for Hiring Entity and Pilot for PRIA Forms

FAA	Number of	Minutes to Complete Form	Hourly Wage	Burden Hours	Costs
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¹ Based on the percent of employer cost for total employee compensation that is related to benefits (not wages and salaries). This amounts to 31.80% in 2016 based on the Bureau of Labor Statistics, Employer Costs for Employee Compensation (<https://www.bls.gov/news.release/pdf/ecec.pdf>; data provided in news release that vary slightly by month).

² Occupational Employment and Wages, May 2016, 11-3121 Human Resources Managers, Bureau of Labor Statistics, Mean Hourly Wage Rate. <https://www.bls.gov/oes/2016/may/oes113121.htm>.

³ The FAA used a ground Instructor hourly wage rate to represent the pilot non-flying wage rate. Unburdened wage based on Bureau of Labor Statistics (BLS) Occupational Employment Statistics for Air Transportation Industry. (<https://www.bls.gov/oes/2016/may/oes131151.htm>): Training and Development Specialists (13-1151).

Form	Forms Completed Annually	Airman	HRM - Hiring Entity	HRM - Current and/or Previous Employer	Airman	HRM	Airman	HRM	Total Hours	Airman	HRM	Total Costs
8060-10	12,060	10	10	N/A	\$44.66	\$84.74	2,010	2,010	4,020	\$89,767	\$170,327	\$260,094
8060-10A	12,060	10	10	N/A			2,010	2,010	4,020	\$89,767	\$170,327	\$260,094
8060-11	24,120	7	7	N/A			2,814	2,814	5,628	\$125,673	\$238,458	\$364,132
8060-11A	24,120	10	10	N/A			4,020	4,020	8,040	\$179,533	\$340,655	\$520,188
8060-12	24,120	6	6	17			2,412	9,246	11,658	\$107,720	\$783,506	\$891,226
8060-13	24,120	10	N/A	N/A			4,020	N/A	4,020	\$179,533	N/A	\$179,533
8060-XX	3,015	10	10	N/A			503	503	1,005	\$22,442	\$42,582	\$65,024
Total	123,615						17,789	20,603	38,391	\$794,434	\$1,745,856	\$2,540,290

Totals may not add due to rounding.

Table 3b: Estimated Burden Hours and Costs for MyAccess Registration

	Total Registrants (one time registration)	Time per Registrant	Total Hours	Costs
MyAccess Registration	250,000	15 minutes	62,500	\$2,791,250

Collection of information is a one-time occurrence

Table 3c: Summary of Associated Information Collections

Title	Response	Time (Hours)	Costs
Pilot Records Improvement Act of 1996	111,555	34,371	\$2,280,196
MyAccess Registration Portal (One time*)	250,000	62,500	\$2,791,250
Total*	361,555	96,871	\$5,071,446

These numbers may appear different than what will be publically displayed on Reginfo.gov (<https://www.reginfo.gov/public/do/PRAMain>) due to system rounding. The following table provides the estimates with system rounding.

Table 3d: Summary of Estimates with System Rounding

Form No.	Responses	Hours	Costs
8060-XX	3,015	1,005	\$65,003
MyAccess	250,000	62,500	\$2,790,000
8060-10	12,060	4,020	\$260,134
8060-10A	12,060	4,020	\$260,134

Form No.	Responses	Hours	Costs
8060-11	24,120	5,628	\$363,971
8060-11A	24,120	8,040	\$520,027
8060-12	24,120	11,658	\$891,234
8060-13	24,120	4,020	\$179,453
Total	373,615	100,891	\$5,329,956

13. Estimate of total annual costs to respondents. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the costs of any hour burden shown in items 12 and 14).

- **Include a breakdown for total capital/start-up costs and operation/maintenance. The cost estimates should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

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

14. Estimate of cost to the Federal government. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate costs, 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. Agencies also may aggregate cost estimates from items 12, 13, and 14 in a single table.

Table 4: Federal Government Financial Burden⁴

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

15. Explanation of program changes or adjustments. Explain the reasons for any program changes or adjustments reported.

Labor costs had been incorrectly entered into ROCIS on previous submissions. However, this submission adjusts for that mistake. Since there are no material costs, this submission shows zero for respondent costs. 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 the use of a new Form 8060-XX. Form 8060-XX is an alternative to using the Form 8060-10. The revision also includes information on the 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.

⁴ Based on 2016 FAA Core Compensation E and G pay bands hourly wages adjusted for benefits as a percentage of basic pay by a factor of 36.25% per OMB Guidance (<https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2008/m08-13.pdf>).

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 to the certification statement for this information collection.

Attachments:

1. Supporting Statement
2. 30 Day Notice
3. 60 Day Notice
4. Form 8060-10
5. Form 8060-10A
6. Form 8060-11
7. Form 8060-11A
8. Form 8060-12
9. Form 8060-13
10. Form 8060-XX
11. MyAccess Registration Forms (screen captures)