

SUPPORTING STATEMENT

General Operating and Flight Rules - FAR 91 and FAR 107
OMB 2120-0005

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

This paperwork burden directly supports the Department of Transportation Strategic Goal on Safety. Specifically, the goal is to promote the public health and safety by working toward the elimination of transportation related deaths, injuries, and property damage.

The reporting and recordkeeping requirements of Federal Aviation Regulation (FAR) Part 91, General Operating and Flight Rules, are authorized by Part A of Subtitle VII of the Revised Title 49 United States Code. FAR Part 91 prescribes rules governing the operation of aircraft (other than moored balloons, kites, rockets and unmanned free balloons) within the United States. The reporting and recordkeeping requirements prescribed by various sections of FAR Part 91 are necessary for FAA to assure compliance with these provisions.

This information collection also reflects the reporting requirements related to exercise of emergency powers by remote pilots in command pursuant to 14 CFR 107.21. That section states that in an in-flight emergency requiring immediate action, the remote pilot in command may deviate from any rule of part 107 to the extent necessary to meet that emergency. Each remote pilot in command who deviates from a rule in an in-flight emergency must, upon request of the Administrator, send a written report of that deviation to the Administrator.

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 is reported and recorded by airmen and operators who fly under the rules of 14 CFR part 91, which prescribes general operating requirements for general aviation and many commercial aircraft operations. The information collected becomes a part of FAA's official records and is used only by the FAA for certification, compliance and enforcement, and when accidents, incidents, reports of noncompliance, safety programs, or other circumstances require reference to records. The requirements include reporting and recordkeeping.

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.

The information is collected without the use of paper (i.e., by email) to the greatest extent possible. Because of part 91 operators' different capabilities and equipment, and the different types of information collected, the collection of this information does not lend itself to sophisticated collection techniques or other forms of collection such as online portals. However, the FAA does not require that any information be disclosed, reported, or kept non-electronically, and makes electronic means of reporting available to all who desire them.

4. Describe efforts to identify duplication. Show specifically why any similar information already available can used for the purpose described in Item 2 above.

All records and information gathered are compiled for a specific reason, from a specific source. The information collected only relates to a unique and specific requirement and situation. Our other public information collection methods do not contain the required information.

The requirements of Title 49 United States Code and the correspondent Federal Aviation Regulations of Title 14 mandate the collection of certain information which is available only from within the aviation community. These records and other information cannot be obtained from any other source.

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

The collection of information is obtained only when necessary to fulfill the requirements of the Federal Aviation Regulations. For the most part, written entries require only minutes to make a log entry or provide notification of a deviation or show compliance. Individuals or small entities may receive, upon request, specific assistance from FAA's Aviation Safety Inspectors located in district offices around the country. This assistance can greatly reduce the amount of time needed for regulated entities to study and understand their information requirements.

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 done so 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 create possible hazards in the airspace system. Specifically, failure to impose these information requirements, or to impose less frequent reporting or recordkeeping, would hamper the FAA's ongoing responsibilities of surveillance, safety analysis, enforcement, and other activities essential to the safety of the National Airspace System.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with 5 CFR 1320.5(d)(2)(i)-(viii).

There are no special circumstances.

8. Describe 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.

A Federal Register notice requesting comments on this extension was published on March 31, 2020 (85 FR 17941). 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 any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

No assurances given.

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

There are no questions of a sensitive nature.

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

The FAA estimates the total number of respondents to be approximately 21,200. Since most respondents are individual members of the aviation public from all walks of life, we are not using a particular occupation or title to determine the economic cost of their time. Instead, the FAA is using a general private sector wage, including benefits, of **\$34.72** per hour, provided by the Bureau of Labor Statistics.¹ In addition, the FAA uses a 17 percent estimate for overhead costs such as rent, equipment and utilities.² $\$34.72 \times 1.17 = \mathbf{\$40.62}$ for a fully loaded wage rate. The total estimated annual cost burden is **\$9,324,971**.

Sections and Associated Burdens

Section 91.3, Responsibility and Authority of the Pilot in Command. Each pilot in command who, during an emergency requiring immediate action, deviates from any rule in Part 91 shall, upon request of the Administrator, send a written report of that deviation to the Administrator.

¹ <https://www.bls.gov/news.release/ecec.nr0.htm>; "Private industry employers spent an average of \$34.72 per hour worked for total employee compensation in December 2019, the U.S. Bureau of Labor Statistics reported today. Wages and salaries averaged \$24.36 per hour worked and accounted for 70.1 percent of these costs, while benefit costs averaged \$10.37 and accounted for the remaining 29.9 percent."

² <https://www.regulations.gov/document?D=EPA-HQ-OPPT-2014-0650-0005>

Estimated annual reports of deviations	800
Average hours per report	<u>0.3</u>
Estimated annual burden hours	240

Section 91.9, Civil Aircraft Operating Limitations and Marking Requirements. Operating limitations for aircraft are prescribed by the manufacturer and approved by the Administrator. The limitations are based on the fact that all cabin doors are in place and closed during flight. Sport parachuting and skydiving require the removal of one cabin door before the aircraft leaves the ground. This change in design imposes additional operating limitations on the authorization with operating limitations (use of the aircraft for parachuting and skydiving).

Estimated annual applications	730
Average hours per application	<u>.25</u>
Estimated annual burden	183

Section 91.23, Truth-In-Leasing Requirement in Leases and Conditional Sales Contracts. Lessors or conditional buyers are required to prepare and include in their lease agreement the Truth-In-Leasing requirements of this section. Lessors or conditional buyers are also required to mail a copy of the lease agreement to FAA, Oklahoma City, Oklahoma, within 24 hours of the inception. Lastly, a copy of the lease or agreement must be carried in the involved aircraft and be available for inspection by the Administrator.

Estimated truth-in-leasing	4000
Average hours per response	<u>1.1</u>
Estimated annual burden	4,400

Section 91.123, Compliance with ATC Clearances and Instructions. Each pilot in command who deviates from an Air Traffic Control clearance or who is given a priority clearance by Air Traffic Control in an emergency is required to file a report of the deviation to Air Traffic Control as soon as possible. If priority clearance is given due to an emergency, the pilot in command must submit a detailed report if requested by the Air Traffic Center Manager within 48 hours.

Estimated annual reports of deviations	1,100
Average hours per report	<u>.3</u>
Estimated annual burden hours	330

Section 91.133(a), Restricted and prohibited areas. No person may operate an aircraft within a restricted area (designated in Part 73) contrary to the restrictions imposed, or within a prohibited area, unless he has the permission of the using or controlling agency, as appropriate. This application for permission could be a formal letter or an informal phone call.

Estimated annual number of applications	272
Average hours per request	<u>.6</u>
Estimated annual burden/hours	163

Section 91.135(c), Positive Control Areas and Route Segments.

A person who desires to operate an aircraft in positive controlled airspace without a transponder is required to request authorization from the Air Traffic Control Center having jurisdiction over the area.

Estimated annual requests for authorization	1,887
Average hours per request	<u>.4</u>
Estimated annual burden hours	755

Section 91.137, Temporary flight restrictions in the vicinity of disaster/hazard areas. Prior to conducting operations in an area that has a temporary flight restriction, the operator of that aircraft carrying properly accredited news representatives, or persons on official business concerning the incident or event which generated the issuance of the Notice to Airman, must file with the Air Traffic Service facility specified in the Notice to Airmen a flight plan that includes five specific areas of information.

Estimated annual number of filings	100
Average hours per request	<u>.4</u>
Estimated annual burden/hour	40

Section 91.153 & 91.169. Flight Plan; information required - Reporting burden approved under OMB 2120-0026.

Section 91.171(d), VOR Equipment Check Required for IFR Operations. Each person who makes a VOR operational check is required to record the results of that check in the aircraft log or other permanent record (recordkeeping).

Estimated annual record entries	1,526,560
Hours per entry	<u>.05</u>
Estimated annual burden hours	76,328

Section 91.203(a)(1), Civil Aircraft, certifications required.

A revised airworthiness certificate having on it an assigned special identification number that has been affixed to an aircraft, may only be obtained upon application to an FAA Flight Standards District Office.

Estimated Annual number of applications	230
Average hours per request	<u>.50</u>
Estimated annual burden/hours	115

Section 91.215, ATC Transponder and Altitude Reporting Equipment Section 91.215(a), All Airspace: U.S.-Registered Civil Aircraft. Aircraft owners or operators are required to submit data to the Administrator to obtain approvals to use certain transponder equipment manufactured prior to revised Technical Standards Orders (TSO's).

Estimated annual requests for approval	54
Average hours per request	<u>.25</u>
Estimated annual burden hours	14

Section 91.215(d)(2),(3), ATC Authorized Deviations. Each person who has reason to operate an aircraft in certain controlled airspace on a continuing basis without an operable coded radar beacon transponder must submit a request to the appropriate air traffic facility for a deviation from the rule.

Estimated annual requests for deviations	4,150
Average hours per request	<u>.1</u>
Estimated annual burden hours	415

Section 91.309(a)(4) Towing: Gliders Before conducting any towing operations within a control zone, or before making each towing flight within a control zone required by Air Traffic Control (ATC), the pilot in command notifies the control tower if one is in operation in that control zone. If such a control tower is not in operation, he must notify the FAA flight service station serving the control zone before conducting any towing operations in that control zone.

Estimated annual number of notifications	2650
Average hours per request	<u>.1</u>
Estimated annual burden/hours	265

Section 91.311 Towing: Other Than Gliders. The reporting burden of this section is approved under OMB 2120-0027, Application for a Certificate of Waiver or Authorization.

Section 91.313, Restricted Category Civil Aircraft; Operating Limitations. Reporting burden of this section is approved under OMB 2120-0027, Application for a Certificate of Waiver of Authorization.

Section 91.317, Provisionally Certificated Civil aircraft; Operating Limitations. A person who desires to operate a provisionally certificated aircraft beyond the limitations of this section is required to make application to the Administrator for authorization to do so.

Estimated annual applications	87
Average hours per application	<u>.5</u>
Estimated annual burden hours	44

Section 91.319, Aircraft Having Experimental Certificates; Operating Limitations. Operating Limitations. A person who desires to operate an experimentally certificated aircraft beyond the limitations of this section is required to make application for special operating limitations.

Estimated annual applications	1,030
Average hours per application	<u>.5</u>
Estimated annual burden	515

Section 91.409(d) Progressive Inspection. Progressive Inspection. Each aircraft owner or operator who desires to use the progressive inspection rather than the annual inspection system

must submit a written request to the Flight Standards District Office having jurisdiction over the area. The request must include the data required by this section. Should the owner or operator desire to return to the annual inspection system, the local district office must be advised.

Estimated annual written requests	2,130
Average hours per request	<u>.5</u>
Estimated annual burden	1,065

Section 91.409(f) Inspection Program. The registered owner or operator of an aircraft to which this section is applicable, must select one of four optional inspections systems and identify the program selected in the aircraft maintenance record. The name of the person responsible for scheduling the inspections must be contained in the program selected.

Estimated number of record entries	4,500
Average hours per entry	<u>.1</u>
Total recordkeeping	450

Section 91.417, Maintenance Records. Owners or operators of active U.S.-registered aircraft must retain records of all maintenance, repairs, alterations, and inspections performed on their aircraft. The records must be kept for the time specified by this section, and they must be available for inspection by the Administrator or any designated representative. The actual recordkeeping entries are made by certificated aviation mechanics, repairmen, and designated inspectors at the time each action takes place (cleared by OMB 2120-0020). Approximately 214,733 aircraft owners and operators will spend about .63 hours annually to retain such records (recordkeeping).

Estimated annual records retained	214,733
Average annual hours per record	<u>.63</u>
Estimated annual recordkeeping hours	135,282

Section 91.706, Operations within airspace designed as Reduced Vertical Separation Minimum Airspace. Unless otherwise authorized by the Administrator, no person may operate a civil aircraft of U.S. registry in airspace designated as Reduced Vertical Separation Minimum (RVSM) airspace unless the operator, and the operator's aircraft, comply with the requirements of Appendix G to this part. This now includes flight within the continental United States.

Estimated annual number of requests for approval	3000
Average hours per request	<u>2.5</u>
Estimated annual burden/hours	7500

Section 91.709, Operating To, or Over, Cuba. A person, other than a scheduled air carrier, who proposes to conduct a flight from the United States to Cuba is required to file a visual or instrument flight plan, and in addition, file a written statement to the Office of Immigration and Naturalization Service (or its modern-day counterpart), which includes the flight plan data and other information required in that section.

Estimated annual written statements	2,150
Average hours per report	<u>.1</u>
Estimated annual burden hours	215

Section 91.715(a), Special Flight Authorizations for Foreign Civil Aircraft. Owners and operators of foreign civil aircraft, in which there is no airworthiness certificate, are required to request a special flight authorization from the regional director of the region in which the applicant is located. The applicant must show that operating limitations have been established and certify that aircraft will be operated within those limitations. This is to assure safety of operations in U.S. airspace.

Estimated annual special flight requests	690
Average hours per request	<u>1.5</u>
Estimated annual burden hours	1,035

Section 91.903, Waivers. Reporting burden of this section is approved under OMB 2120-0027, Application for a Certificate of Waiver or Authorization.

Appendix A: An applicant for approval of a Category II manual or an amendment to an approved Category II manual must submit the proposed manual or amendment to the Flight Standards District Office having jurisdiction of the area in which the applicant is located. During the Category II evaluation program, records and information involving seven separate and distinct subject areas must be maintained by the applicant for each airplane with respect to each approach, and made available to the Administrator upon request. The maintenance program for Category II operations requires the promulgation of a list of each instrument and item of equipment in Section 2 of this Appendix, that is installed in the airplane and approved for Category II operations. In addition, a schedule for the performance of inspections, as well as the procedures to be accomplished (including the maintenance of records) must also be promulgated by the operator.

Estimated annual number of requests for approval for Category II Manuals	75
Average hours per request	<u>2.5</u>
Estimated annual burden/hours	188

Appendix B: An applicant for an authorization to exceed Mach 1 must apply in a form and manner prescribed by the Administrator.

Estimated annual number of requests for authorization	20
Average hours per request	<u>.7</u>
Estimated annual burden/hours	14

14 CFR 107.21, In-flight emergency: Requires that each remote pilot in command who deviates from a rule under 14 CFR 107.21(a) must, upon request of the Administrator, send a written report of that deviation to the Administrator. The existing regulations in 14 CFR § 91.3 give a PIC the power to deviate from the applicable FAA regulations to the extent necessary to respond to that emergency. By existing regulations a PIC who exercises this power must provide a written report of the deviation to the FAA if requested to do so by the FAA. There is one page of paperwork associated with reporting the use of emergency powers that will take an applicant 0.3 hours to complete. The FAA receives approximately 34 reports per year.

Estimated annual number of reports	34
Average hours per request	<u>.3</u>
Estimated annual burden/hours	10

The section of FAR 91 and FAR 107 containing reporting and recordkeeping requirements are listed and totaled by reporting hours, recordkeeping hours, burden costs, total hours and total costs.

Section	Reporting (hours)	Recordkeeping (hours)	Responses	Hours per response
91.3(c)	240		800	.3
91.9	183		730	.25
91.23	4400		4000	1.1
91.123	330		1100	.3
91.133	163		272	.6
91.135(c)	755		1887	.4
91.137	40		100	.4
91.171(d)		76,328	1526560	.05
91.203(a)(1)	115		230	.5
91.215(a)	14		54	.25
91.215(c)(3)	415		4150	.1
91.309(a)(4)	265		2650	.1

91.317	44		87	.5
91.319	515		1030	.5
91.409(d)	1065		2130	.5
91.409(f)		450	4500	.1
91.417		135,282	214733	.63
91.706	7500		3000	2.5
91.709	215		2150	.1
91.715(a)	1035		690	1.5
Appx. A	188		75	2.5
Appx. B		14	20	.7
14 CFR 107.21	10		34	.3
TOTALS	17,492	212,074	1,770,982	
	229,566 hours			
COST: 229,566*\$40.62 = \$9,324,971				

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

We estimate that there will be no additional costs.

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

The FAA estimates that it spends approximately 20,000 hours processing airspace authorizations, reviewing manuals, and other activities resulting from the reporting requirements of this ICR. The tasks are evenly distributed between Air Traffic Control Specialists and Aviation Safety Inspectors.

For Air Traffic Control Specialists, the FAA is using an estimate from the Bureau of Labor Statistics of \$122,990,³ or \$59.13 per hour assuming 2,080 hours per year. The FAA uses a fringe benefits and overhead cost, for FAA employees, of 100%.⁴ This results in a fully loaded hourly wage of \$118.26. 10,000 hours*118.26 = \$1,182,600

³ <https://www.bls.gov/ooh/transportation-and-material-moving/air-traffic-controllers.htm>

⁴ U.S. Department of Health and Human Services, "Guidelines for Regulatory Impact Analysis" (2016), https://aspe.hhs.gov/system/files/pdf/242926/HHS_RIAGuidance.pdf. On page 30, HHS states, "As an interim default, while HHS conducts more research, analysts should assume overhead costs (including benefits) are equal to 100 percent of pretax wages...."

For Aviation Safety Inspectors, the FAA assumes a mid-grade GS-13 salary, Rest of USA locality. Annual salary is \$103,396,⁵ divided by 2,080 hours for an hourly rate of \$49.70. The FAA uses a fringe benefits and overhead cost, for FAA employees, of 100%.⁶ This results in a fully loaded wage of \$99.42 per hour. 10,000 hours*99.42 = \$994,200.

Total FAA Annual Cost: 1,182,600 + 994,200 = \$2,176,800.

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

In this extension request, the FAA has broken out each collection into a separate IC. The total number of responses has increased, because they were miscounted in previous submissions. The estimated reduction in hours is due to the correction of calculation errors and the removal of a duplicative manual requirement, which was erroneously included in previous submissions. Finally, the federal cost has increased as a result of more rigorous accounting and analysis.

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.

The information reported or recorded will not be published, and no statistical methods are used.

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 such approval.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-1.

There are no exceptions.

⁵ <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2020/RUS.pdf>

⁶ U.S. Department of Health and Human Services, "Guidelines for Regulatory Impact Analysis" (2016), https://aspe.hhs.gov/system/files/pdf/242926/HHS_RIAGuidance.pdf. On page 30, HHS states, "As an interim default, while HHS conducts more research, analysts should assume overhead costs (including benefits) are equal to 100 percent of pretax wages...."