

Supporting Statement
Limited Extension of Relief for Certain Persons and Operations during the Coronavirus Disease 2019 (COVID-19) Outbreak (2120-AL64)
2120-0788

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

On May 4, 2020, the FAA issued a Special Federal Aviation Regulation (SFAR), *Relief for Certain Persons and Operations During the Coronavirus Disease 2019 (COVID-19) Outbreak* (SFAR 118, 2120-AL63) in response to the coronavirus disease (COVID-19) pandemic, which took effect on the date the rule was made available for public inspection at the Federal Register (April 30, 2020). 85 FR 26326. That rulemaking provided airmen relief from certain training, recency, testing, and checking requirements, and established qualification requirements for airmen seeking to conduct essential operations during the COVID-19 public health emergency. For these reasons, this rulemaking was within the scope of the FAA's authority.

The FAA has closely monitored the flexibilities provided by the SFAR, and has determined that additional flexibilities are needed. Even as routine activity begins to resume, the disruption caused by stay-at-home orders and social distancing have caused airmen to continue to experience difficulty complying with certain training, recency, checking, testing, duration, and renewal requirements. Safer-at-home measures are now widely in place and many training and testing facilities have reopened with safety measures in place to limit virus transmission provided airmen can travel to locations to accomplish the required tasks.

To facilitate continued essential transportation and aviation activities as the country continues to reopen, FAA is issuing a new SFAR, *Limited Extension of Relief for Certain Persons and Operations during the Coronavirus Disease 2019 (COVID-19) Outbreak*. (Limited Extension SFAR, 2120-AL64.) Among other things, the Limited Extension SFAR would extend the grace period for the completion of certain activities into September 2020 for part 125 certificate holders.

The FAA's authority to issue rules on aviation safety is found in Title 49 of the United States Code (49 U.S.C.). Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in 49 U.S.C. 106(f), which establishes the authority of the Administrator to promulgate regulations and rules; 49 U.S.C. 44701(a)(5), which requires the Administrator to promulgate regulations and minimum standards for other practices, methods, and procedures necessary for safety in air commerce and national security; and 49 U.S.C. 44703(a), which requires the Administrator to prescribe regulations for the issuance of airman certificates when the Administrator finds, after investigation, that an individual is qualified for, and physically able to perform the duties related to, the position authorized by the certificate.

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.

For **part 125** operators:

The FAA is now extending the grace period through September 2020 for completing the recurrent testing, checking, and training requirements. In addition, the FAA is retaining the additional sixty days for completing the three required takeoffs and landings, which was provided in the SFAR 118. The requirements of the SFAR ensure that certificate holders and A125 LODA holders demonstrate a plan to mitigate any potential risk introduced by extending flight crewmember qualifications. The relief now applies to requirements for currently qualified flight crewmembers only, whose base month is March, April, May, June, July, August or September of 2020. It does not apply to requirements for the training and qualification of new personnel.

Who must report, and why: In order to utilize the relief provided by this SFAR, the certificate holder or A125 LODA holder must provide an acceptable plan to its assigned principal operations inspector for acceptance that contains the following information--

- (i) A safety analysis and corresponding risk mitigations to be implemented by the certificate holder or A125 LODA holder; and
- (ii) The method the certificate holder or A125 LODA holder will use to ensure that each crewmember remains adequately tested and currently proficient for each aircraft, duty position, and type of operation in which the person serves.

For part 141 provisional pilot schools:

This revision of the ICR does not contain any changes to burden hours for part 141 provisional pilot schools. The inability for pilot schools and provisional pilot schools to graduate students from their program jeopardizes their ability within the 24 calendar month timeframe to meet the 80 percent pass rate of their applicants for practical tests and rating, and graduate at least ten different people from the school's approved training courses. Therefore, , under the extraordinary circumstances of the COVID-19 outbreak, the FAA is providing provisional pilot schools whose 24 calendar-month window expires in April through June 2020, until December 31, 2020 to meet §141.5(d) and (e), subject to the following conditions for provisional pilot schools taking advantage of this relief:

- (1) Each part 141 provisional pilot school must notify its responsible Flight Standards office that it is applying for a pilot school certificate in accordance with this SFAR.
- (2) In this notification, the part 141 provisional pilot school must submit an acceptable plan that explains the method to meet the requirements of §141.5(d) and (e), which includes ensuring each instructor used for ground or flight training is current and proficient and evaluating students to determine if they are assigned to the proper stage of the training course and if additional training is necessary.

For part 141 pilot schools:

This revision of the ICR does not contain any changes to burden hours for part 141 pilot schools. During the COVID-19 outbreak, many part 141 schools have ceased flight operations for their students. Some schools are utilizing online classroom instruction for the ground content of a course. However, not all part 141 schools may be capable of providing ground instruction online. The FAA has determined, under the extraordinary circumstances of the COVID-19 outbreak, that it is appropriate to allow pilot schools additional time to meet the requirements of §141.5.

Pilot school certificates with an expiration date of April 2020 through June 2020, are extended to December 31, 2020, subject to the following conditions for pilot schools taking advantage of this relief:

- (1) Each part 141 pilot school must notify its responsible Flight Standards office that it will renew its pilot school certificate in accordance with this SFAR.

(2) In this notification, the part 141 pilot school must submit an acceptable plan that explains the method to regain currency that includes ensuring each instructor used for ground or flight training is current and proficient and evaluating students to determine if they are assigned to the proper stage of the training course and if additional training is necessary.

The FAA will analyze these submissions to determine whether or not they provide adequate mitigations to balance out the time extensions.

FAA Flight Standards Service will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with FAA standards for confidentiality, privacy, and electronic information.

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 mitigation plans described in question 2 can all be submitted electronically, 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.

This information is not being collected by any other entity.

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

The provisions of this SFAR, including those that impose a reporting burden, are relieving; moreover, the FAA designed the reporting requirements to be performance-based and simple to comply with.

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.

By not collecting this information, the FAA would have no way of ascertaining whether the extensions and other flexibilities afforded by this SFAR are being adequately mitigated by the regulated entities. This would effectively result in laxer safety regulations.

7. Explain any special circumstances.

There are no special circumstances.

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.

This ICR and its title are being revised in connection with the SFAR identified in the title. As the FAA is seeking emergency approval due to the COVID-19 pandemic, the Federal Register citation is not yet available.

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

This involves no gifts or remuneration.

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

None.

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.

None.

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

Part 125: The FAA estimates that of the **69** part 125 certificate holders and A125 LODA holders, all would avail themselves of the relief provided by SFAR 118, and therefore would be required to provide mitigation plans to their assigned principal operations inspector. The FAA further estimates that each respondent would spend **2 hours** preparing and submitting its plan, for a total of **138 hours**. The FAA believes the additional paperwork burden would be borne by the director of operations. At **\$51 per hour** multiplied by 138 total hours, the FAA estimates the total burden to part 125 certificate holders and A125 LODA holders under SFAR 118 to be **\$7,038**.

Pursuant to the Limited Extension SFAR, the FAA estimates that those same **69** entities would submit revised mitigation plans to the FAA in order to avail themselves of the grace period provided by SFAR 118-1. The FAA estimates that each revised mitigation plan would take **2 hours** to complete, for a total of **138 hours**. The FAA believes the additional paperwork burden would be borne by the director of operations. At **\$51 per hour** multiplied by 138 total hours, the FAA estimates the total burden to part 125 certificate holders and A125 LODA holders under SFAR 118-1 to be an additional **\$7,038**.

Pursuant to the Second Limited Extension SFAR, the FAA estimates that those same **69** entities would submit revised mitigation plans to the FAA in order to avail themselves of the grace period provided by SFAR 118-2. The FAA estimates that each revised mitigation plan would take **2 hours** to complete, for a total of **138 hours**. The FAA believes the additional paperwork burden would be borne by the director of operations. At **\$51 per hour** multiplied by 138 total hours, the FAA estimates the total burden to part 125 certificate holders and A125 LODA holders under SFAR 118-2 to be an additional **\$7,038**.

The hour burden would thus be **138 hours** for initial mitigation plans, **138 hours** for revised mitigation plans from the first amendment, and 138 hours for revised mitigation plans in the

second amendment. The total is thus **414 hours**. Using the same hourly rate of **\$51**, the economic burden under both SFAR 118 and the Limited Extension SFAR would be **\$21,114**.

The FAA is using the BLS wage rate for commercial pilots of **\$39.54** per hour (<https://www.bls.gov/ooh/transportation-and-material-moving/airline-and-commercial-pilots.htm>) (\$82,240/2080 hours=\$39.54) multiplied by a fringe benefit multiplier of **29.9 percent** (<https://www.bls.gov/news.release/ecec.nr0.htm>) which results in an hourly wage of **\$51**.

Part 125 (Annual numbers)	Reporting	Recordkeeping	Disclosure
# of Respondents	69		
# of Responses per respondent	3		
Time per Response	2 hours		
Total # of responses	207		
Total burden (hours)	414		
Annual Cost	414 * 51 = \$21,114		

Part 141: Each pilot school or provisional pilot school taking advantage of the relief provided by SFAR 118 must notify its responsible Flight Standards office that it will renew its pilot school certificate, or seek a pilot school certificate if currently a provisional pilot school certificate holder, in accordance with this SFAR. Each pilot school or provisional pilot school must submit a plan that includes an explanation of the methods to regain currency and to ensure its instructors are current and proficient and how students will be evaluated to determine if they are assigned to the proper stage of the training course and if additional training is necessary. The FAA estimates that **all 10 provisional pilot schools** and **57 pilot schools** would request this relief, and would therefore be required to submit a plan to their responsible Flight Standards offices. The FAA further estimates that the preparation and submission of these plans would take **one hour**, for a total of **67 hours**. The FAA believes the chief flight instructor will develop and submit the plan. At **\$27** per hour multiplied by 67 hours, the FAA estimates the total burden to part 141 pilot schools and provisional pilot schools to be **\$1,809**.

The FAA uses a flight instructor hourly wage of \$20.54 multiplied by a fringe benefit multiplier of **29.9 percent** which results in a wage of approximately **\$27** per hour. This information is derived from the Bureau of Labor Statistics, Education, Training, and Library Occupations (code 25-0000) in the Nonscheduled Air Transportation Industry (NAICS 481200), and is assumed to be representative of flight instructor and representative occupations. http://www.bls.gov/oes/current/naics4_481200.htm

Part 141 (Annual numbers)	Reporting	Recordkeeping	Disclosure
# of Respondents	10 provisional pilot schools+ 57 pilot schools = 67		
# of Responses per respondent	1		
Time per Response	1 hour		
Total # of responses	67		
Total burden (hours)	67		
Annual Cost	67*27 = \$1,809		

TOTAL BURDENS

HOURS: 67+414 = **481 hours**

COST: \$21,114+\$1,809= **\$22,923**

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

None.

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.

The FAA assumes a mid-grade GS-13 salary, Rest of USA locality. Annual salary is \$103,396,¹ 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%.² This results in a fully loaded wage of \$99.42 per hour.

¹ <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2020/RUS.pdf>

² 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...."

Part 125: For part 125-related “acceptable plans” submitted under this SFAR, the FAA estimates that it would require an Aviation Safety Inspector 1 hour to review and analyze the plan.

207 responses * 1 hour * \$99.42 = **\$20,580**

Part 141: Any part 141-related submission required by this SFAR would require the assigned Aviation Safety Inspector (ASI) to review the plan, and place it in the school’s file. We estimate this would require 30 minutes of ASI time per response.

67 responses * 0.5 hours * \$99.42 = **\$3,331**

Total FAA Costs: \$3,331 + \$20,580 = \$23,911

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

The FAA is amending its regulations, on an emergency basis, to extend the grace period for part 125 certificate holders who submit safety mitigation plans to the FAA. This revision of the collection reflects the increased burden hours resulting from the preparation and submission of revised mitigation plans by part 125 certificate holders. The FAA is changing its estimate of the number of mitigation plans each part 125 operator will submit. Each such entity is now expected to submit 3 mitigation plans during the effective period of this SFAR. Previously, the FAA estimated that just one plan would be submitted per respondent.

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.

Results 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.

FAA is not seeking such approval.

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

There are no exceptions.