

Supporting Statement A
Flight and Duty Limitations and Rest Requirements - Flightcrew Members
OMB #2120-0751

Summary of Changes:

Provide a brief summary of changes from previous collection (reference paragraph number)

- The number of new programs was estimated to be 5 based on historical data. (Question 12)
- The number of existing programs and the time burdens were also updated to reflect current numbers. Airlines For America (A4A) also commented on the 60 day Federal Register Notice. Their time burdens were incorporated into this supporting statement. (Question 12)
- The wage rates were updated and cited in accordance with the wage rates on the BLS website. (Question 12)
- Question 14 was updated to indicate that the federal government incurs no additional wage costs because of this collection.

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

The FAA has implemented a data collection activity, in the form of reports, from air carriers certificated under Title 14 Code of Federal Aviation Regulations (14 CFR) part 121 as prescribed in 14 CFR part 117, §§ 117.11 and 117.19 of the Flightcrew Member Duty and Rest Requirements. This reporting requirement is required any time the certificate holder exceeded a maximum daily flight time limit or a maximum daily Flight Duty Period (FDP) limit.

The maximum daily flight time and FDP limits are established to mitigate the potential effects of flightcrew member fatigue by reducing exposure to long duty days. Maintaining realistic scheduling is a critical element to fatigue mitigation as it is the principal element to assuring that the certificate holder's actual flight times and FDPs remain within the applicable limitations.

Action is required when a certificate holder exceeds a maximum daily FDP limit or a maximum daily flight time limit. The FDP limit is defined as a period that begins when a flightcrew member is required to report for duty with the intention of conducting a flight, a series of flights, or positioning or ferrying flights, and ends when the aircraft is parked after the last flight and there is no intention for further aircraft movement by the same flightcrew member. The maximum daily flight time limit resides within the constraints of the FDP.

The maximum daily FDP limits are located in one of two FDP tables referred to as Tables B and C of 14 CFR part 117. Table B prescribes the maximum FDP limits for two pilot crews (referred to as unaugmented) and Table C prescribes the maximum FDP limits for three and four pilot crews (referred to as augmented).

The length of the maximum FDP limits in Table B is predicated upon the report time. The limit decreases incrementally based upon the time of day the flightcrew member is scheduled for that FDP and the number of scheduled segments. Since nighttime operations present the greatest risk for fatigue exposure, reducing the length of the FDP minimizes the risk exposure during late evening and night operations. Therefore, FDPs that start during the morning hours are longer than those that start in the late evening and night hours.

In order to increase the length of a maximum daily FDP, the flightcrew must be augmented by either one or two additional pilots above the minimum required as a means to mitigate this risk exposure. Table C prescribes the length of their maximum daily FDP based upon the FDP scheduled start time and the classification of onboard rest facility used by the flightcrew.

Each FDP limit depicted in Table B or C is constructed with a thirty-minute (30) buffer at the end of the FDP, which is not reflected as part of the maximum daily FDP limit. The purpose for the buffer is to provide limited relief should the flightcrew member's actual FDP time exceed the maximum daily FDP limit by no more than 30 minutes. With the buffer resting at the end of the maximum daily FDP limit, the certificate holder may not schedule into this buffer. If the actual FDP time exceeds the 30 minute buffer, then the certificate holder must apply FDP extensions in accordance with 14 CFR § 117.19, *Flight Duty Period Extensions*.

The Federal Aviation Administration (FAA) recognizes that certain conditions occur such as unforecast weather conditions, air traffic delays or operational irregularities that may not be known by the certificate holder and pilot prior to takeoff. The result of these occurrences may cause delays, which present the potential for the flightcrew member's maximum daily FDP to be exceeded. In response to this situation, the FAA has adopted limited relief in the form of an extension to a maximum FDP. This relief allows the certificate holder, upon consent of the pilot in command, to extend the length of the maximum daily FDP up to a total of two hours beyond the daily FDP limit.

The certificate holder is required to report any time that they use an FDP extension. Each certificate holder must report to the FAA within 10 days any flight duty period that exceeded the maximum flight duty period permitted in Tables B and C by more than 30 minutes. The report must contain a description of the extended flight duty period, the circumstances surrounding the need for the extension, and if the circumstances giving rise to the extension were determined by the Administrator to be within the certificate holder's control, the corrective action(s) that the certificate holder intends to take to minimize the need for future extensions. The certificate

holder must implement the required corrective action(s) within 30 days from the date of the extended flight duty period.

Table A of Part 117 depicts the maximum daily flight time limits for unaugmented flight operations and § 117.11(a) depicts the flight time limitations for augmented flight operations. In the event a certificate holder extends the maximum daily flight time limit for a flightcrew member depicted in Table A or §117.11, *Flight Time Limitations*, the certificate holder must report this extension to the FAA within 10 days. The report must contain a description of the extended flight time limitation and the circumstances surrounding the need for the extension.

Certificate holders conducting operations pursuant to contracts with the U.S. Government or pursuant to a deviation under § 119.57, *Obtaining Deviation Authority to Perform an Emergency Operation*, may encounter circumstances that could prevent the flightcrew members from being relieved by another crew at the end of their applicable flight duty period or may need to exceed their applicable flight duty period to move the aircraft to another location where the flightcrew members can be safely relieved by another crew. In this event, the pilot-in-command may determine that maximum applicable flight duty periods must be exceeded to the extent necessary to allow the flightcrew to fly to the closest destination where they can safely be relieved from duty by another flightcrew or can receive the requisite amount of rest prior to commencing their next flight duty period.

Should this event occur, the certificate holder must report within 10 days any flight duty period that exceeded the maximum flight duty period permitted in Tables B or C by more than 30 minutes. The report must contain a description of the extended flight duty period, the circumstances surrounding the need for the extension, and if the circumstances requiring the extension were within the certificate holder's control, the corrective action(s) that the certificate holder intends to take to minimize the need for future extensions. The certificate holder must implement the required corrective action(s) within 30 days from the date of the extended flight duty period.

Each air carrier is allowed to develop a Fatigue Risk Management System (FRMS) under § 117.7 if they wish. FRMS is a voluntary program. The air carrier is required to collect data specific to the needs of the operation for which they will seek an FRMS authorization. There is a performance evaluation required of FRMS, which requires a recordkeeping and reporting burden of the related FRMS activities to the FAA. Currently 3 air carriers are utilizing FRMS alternate method of compliance (AMOC) to exceed part 117 limits. Several FRMS AMOCs have progressed to being approved in Operations Specification (OpSpec) A318 FRMS. Reporting requirements vary from initially each month, then quarterly, then semi-annually, and finally annual. These are delineated in AC-120-103A.

Each air carrier is required to develop specific elements, and incorporate these elements into the relative FRMS training program. Once the elements have been

developed, the air carrier must submit the revised training program to the FAA for approval.

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 submission of the information collected is mandatory. The certificate holder is responsible for submitting the extension report to the FAA no later than 10 days from the date of the extension. The submission of a report is mandatory any time the certificate holder (Part 121 Certificated Air Carriers) exceeded a maximum daily flight time limit or a maximum daily Flight Duty Period (FDP) limit. The information collection is reporting and recordkeeping in nature. The reporting is on occasion and as needed whenever flight time or FDP limits were exceeded as described above. The report must contain a description of the extended flight duty period, the circumstances surrounding the need for the extension, and if the circumstances giving rise to the extension were determined by the FAA to be within the certificate holder's control, the corrective action(s) that the certificate holder intends to take to minimize the need for future extensions. The certificate holder must implement the required corrective action(s) within 30 days from the date of the extended flight duty period.

The certificate holder reports the information to the FAA. The purpose for this report is to ensure realistic scheduling is taking place. The maximum daily flight time and FDP limits are established to mitigate the potential effects of flightcrew member fatigue by reducing exposure to long duty days. Maintaining realistic scheduling is a critical element to fatigue mitigation as it is the principal element to assuring that the certificate holder's actual flight times and FDPs remain within the applicable limitations. The method for reporting must be in writing and transmitted via electronic mail or by facsimile.

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.

All reports will be written and transmitted by either electronic mail or facsimile. This method minimizes the burden for data collection while expeditiously reporting the flight time or FDP extension occurrence. Submission of the information is available 100% electronically.

There is no form utilized for this collection – there are no plans to utilize a form. The certificate holders are given the freedom to report the information to their certificate management office in the manner that they see fit to do so. While the FAA specifies what information must be provided, they do not specify a specific form to do that.

This information is not provided to the public.

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.

The FAA currently has a program referred to as Voluntary Disclosure Reporting Program (VDRP). The purpose of the program is to allow the certificate holder to voluntarily disclose to the FAA when they have violated a particular limitation or rule. This report must be submitted to the FAA with 24 hours after the certificate holder learns that they have violated a limitation or rule. It requires the certificate holder to investigate and determine a root-cause for the violation and develop a comprehensive fix to ensure the violation will not occur again. Then the certificate holder has 30 days from the violation to implement the comprehensive fix.

This reporting requirement is modeled after the VDRP. However, VDRP is not regulated in the sense that it is required; it is simply a voluntary program. Therefore, since this reporting requirement is regulatory, the VDRP cannot be used to report; thus, there is no duplicate reporting system.

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

The FAA does not feel this reporting requirement will have a significant impact on small businesses or other small entities.

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.

The FAA recognizes that certain conditions occur such as unforecast weather conditions, air traffic delays or operational and mechanical irregularities that may not be known by the certificate holder and/or pilot prior to takeoff. As a result of these occurrences delays can cause the flightcrew member's actual daily flight time or FDP to exceed maximum daily limit. In order to prevent such occurrences, the certificate holder would have to build substantial buffers into the schedule, which places an unnecessary burden on the certificate holder in the form of lost utilization. Therefore, the certificate holder will be provided with limited relief; thus, reducing a burden on the certificate holder by allowing them to extend the flight crew member's FDP by a maximum of two hours or the flight time limit to reach their final destination or alternate airport.

If there were no reporting requirements, the FAA could not track certificate holders utilizing extensions of flight time and FDPs. The purpose of this information collection is to ensure that certificate holders are realistically scheduling their flights. While the FAA

recognizes that certain circumstances are beyond the control of the carrier (weather, ATC delays, etc), there are many circumstances that are within a carrier's control. The FAA wants to ensure that the carrier is realistically scheduling during periods within their control. If they are not, then the certificate holder needs to take corrective action and report that corrective action to the FAA. Flight Crew fatigue can have undesirable results so this information collection is being done to ensure that certificate holders are operating at the highest level of safety. Without this data collection requirement, as a safety sensitive item, the certificate holders would face a utilization burdens as a result of buffers that must be built into schedules.

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

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.

A Federal Register Notice published on December 20, 2021 (86 FR 72026) solicited public comment. The FAA received comments from Airlines for America (A4A). Many of A4A's comments related to the actual rule and suggestions for improvement of the associated rules which is outside the scope of this information collection. Within their comment letter, they offered suggestions to make the burden reflected in this information collection more realistic. The FAA has incorporated the suggested burden changes.

Stakeholders have the opportunity to engage with the FAA through their Certificate Management Offices or Teams. They routinely communicate and offer feedback to the FAA through these channels.

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

No payments or gifts will be provided.

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

We offer no assurance of confidentiality.

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 sensitive questions.

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

- **Indicate the number of respondents, frequency of response, 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 hours 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.**
- **Provide estimates of annualized cost to respondents for the hour 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 under item 13.**

The paperwork burden comprises of five areas, fatigue risk management system §117.7, fatigue training §117.9, flight time limitation §117.11, and flight duty period extension reporting §117.19 and Emergency and government sponsored operations §117.29. The following analyses were conducted under Paperwork Reduction Act of 1995 (44 U.S.C. 3501).

- 1) PRA analysis for reporting fatigue risk management system (FRMS) §117.7 provision

Each air carrier is allowed to develop a Fatigue Risk Management System (FRMS) if it wishes. FRMS is a voluntary program. The air carrier is required to collect data specific to the needs of the operation for which they will seek an FRMS authorization. There is a performance evaluation required of FRMS, which requires a recordkeeping and reporting burden of the related FRMS activities to the FAA. Total FRMS annualized paperwork burden is determined by the numbers of FRMS to be developed and FRMS reporting cost per responders.

- a. Number of respondents (air carriers): the FAA estimated approximately 5 carriers or respondents;
- b. Estimated time of paperwork: about 250 hours per air carrier and 1,250 hours¹ in total for data collection, annual FRMS record-keeping and reporting required by the FAA;
- c. Average hourly wage rate of a FRMS information respondent (manager level): \$50.53² per hour for reporting and analyzing FRMS data.
- d. A 31.4 percent multiplier was then applied to account for fringe benefits which brings the salary to the salary to \$66.40.³ To account for overhead, a multiplier of 17 percent was applied.⁴ Therefore, the estimated hourly salary for a FRMS information respondent is \$77.69.
- e. FRMS paperwork hour estimation: total 1,250 hours (250 hours x 5 estimated carriers);
- f. Total annualized cost of FRMS paperwork is about \$97,112.50 (1,250 hours x \$77.69) for the estimated 5 carriers.

Summary (Annual numbers)	Reportin g	Recordkeepin g	Disclosur e
# of Respondents	5		
# of Responses per respondent	1		
Time per Response	250 Hours		
Total # of responses	5		
Total burden	1,250		

¹ Data provided by Airlines for America in comments submitted to the 60 Day Federal Register Notice for this collection.

² <https://www.bls.gov/oes/current/oes113071.htm>

³ <https://www.bls.gov/news.release/ecec.nr0.htm>

⁴ Source: Cody Rice, U.S. Environmental Protection Agency, "Wage Rates for Economic Analyses of the Toxics Release Inventory Program" (June 10, 2002), <https://www.regulations.gov/document?D=EPA-HQ-OPPT-2014-0650-0005>.

(hours)	Hours		
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2) PRA analysis for fatigue training §117.9 provision

The fatigue training requirement also results in an annual reporting burden. Total fatigue training annualized paperwork burden costs are determined by the numbers of responders and fatigue training reporting cost per responders. FAA estimated that the fatigue training will incur the paperwork burden approximately 376 hours.

FAA took steps to arrive the estimate as follows.

- a. Number of responders (dispatchers and managers): 47 operators;
- b. Estimated time needed for each responder: 8 hours, or 376 hours incurred by 47 responders;
- c. Average hourly wage rate of a FRMS information respondent (manager/dispatcher level): \$50.53⁵ per hour for reporting and analyzing FRMS data.
- d. A 31.4 percent multiplier was then applied to account for fringe benefits which brings the salary to the salary to \$66.40.⁶ To account for overhead, a multiplier of 17 percent was applied.⁷ Therefore, the estimated hourly salary for a FRMS information respondent is \$77.69.

Fatigue training paperwork cost: \$29,211.44 per year (\$77.69 hourly wage rate x 376 hours)

Summary (Annual numbers)	Reportin g	Recordkeepin g	Disclosur e
# of Respondents	47		
# of Responses per respondent	1		
Time per Response	8 Hours		
Total # of responses	47		
Total burden (hours)	376 Hours		

⁵ <https://www.bls.gov/oes/current/oes113071.htm>

⁶ <https://www.bls.gov/news.release/ecec.nr0.htm>

⁷ Source: Cody Rice, U.S. Environmental Protection Agency, "Wage Rates for Economic Analyses of the Toxics Release Inventory Program" (June 10, 2002), <https://www.regulations.gov/document?D=EPA-HQ-OPPT-2014-0650-0005>.

3) PRA analysis for §117.11, §117.19 and §117.29 provisions

The FAA combined the cost estimates in one PRA analysis for three provisions (§117.11, §117.19 and §117.29), since paperwork burdens for carriers to report activities that were not otherwise permitted by §117.11, §117.19 and §117.29 are the same. Reporting and recordkeeping by carriers can be done electronically by addressing the facts of events. Under the above provisions, carriers do not need to conduct complicated analyses, so that there will be no paperwork burden of analyses. In this analysis, the estimate of paperwork burden will be determined by the numbers of respondents, the frequencies of their reporting, hours required and the reporter’s wage rate. The FAA estimated the final annual paperwork burden for three provisions is \$2,278,492.32.

- a. Number of respondents (air carriers): there are 47 carriers or respondents;
- b. Estimated frequencies for reporting requirements under each provision: Although a definitive frequency is unknown and will decrease as certificate holders adapt the changes, the FAA assumes an average of 52 times per year for each provision;
- c. Estimated total frequencies of annual responses: 1 report per week per certificate holder 52 x 47 = 2,444 reports.
- d. Estimated time needed for each report for each occurrence: 12 hours per week, one hundred percent of these responses will be collected electronically. The time needed for each carrier to report is about 624 hours annually (12 hours x 52 reports), and 29,328 hours in total by 47 carriers for these three provisions⁸;
- e. Average hourly wage rate of a FRMS information respondent (manager level): \$50.53⁹ per hour for reporting and analyzing FRMS data.
- f. A 31.4 percent multiplier was then applied to account for fringe benefits which brings the salary to the salary to \$66.40.¹⁰ To account for overhead, a multiplier of 17 percent was applied.¹¹ Therefore, the estimated hourly salary for a FRMS information respondent is \$77.69.
- g. The estimated total annual cost of reporting is about \$2,278,492.32 (29,328 hours x \$77.69);

Summary (Annual numbers)	Reportin g	Recordkeepin g	Disclosur e
# of Respondents	47		
# of Responses	52		

⁸Data provided by Airlines for America in comments submitted to the 60 Day Federal Register Notice for this collection

⁹ <https://www.bls.gov/oes/current/oes113071.htm>

¹⁰ <https://www.bls.gov/news.release/ecec.nr0.htm>

¹¹ Source: Cody Rice, U.S. Environmental Protection Agency, “Wage Rates for Economic Analyses of the Toxics Release Inventory Program” (June 10, 2002), <https://www.regulations.gov/document?D=EPA-HQ-OPPT-2014-0650-0005>.

per respondent			
Time per Response	12 Hours		
Total # of responses	2,444		
Total burden (hours)	29,328 Hours		

	Number of Respondents	Time Per Response	Annual Time Burden	Hourly Wage	Annual Cost
§117.7	5	250 hours	1,250 hours	\$77.69	\$97,112.50
§117.9	47	8 hours	376 hours	\$77.69	\$29,211.44
§117.11, §117.19, §117.29	47	12 hours	29,328 hours	\$77.69	\$2,278,492.32
TOTALS			30,954 hours		\$2,404,816.26

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

There are no additional costs not included in item 12 above.

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 estimates no additional costs associated with this collection as the data gathered above is associated with normal job functions that an Aviation Safety Inspector would perform. Therefore, the costs would already be included in the salary that they receive.

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

The number of new programs was estimated to be 5 based on historical data.

The number of existing programs and the time burdens were also updated to reflect current numbers. A4A also commented on the 60 day Federal Register Notice. Their time burdens were incorporated into this supporting statement.

The wage rates were updated and cited in accordance with the wage rates on the BLS website.

Question 14 was updated to indicate that the federal government incurs no additional wage costs because of this collection.

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 data collected will not be published for public consumption.

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.

We are 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.