

SUPPORTING STATEMENT

General Operating and Flight Rules - FAR 91 and FAR 107

OMB 2120-0005

CHANGES IN THIS SUBMISSION:

- The collection is being revised to include the submission of materials to obtain a letter of deviation authority to permit flight instruction for compensation or hire aboard aircraft holding experimental certificates under 14 CFR § 91.319. The information to be collected will be used to determine whether such flight instruction can be conducted safely. In 2004, the FAA published a final rule requiring operators of experimental aircraft to apply for a Letter of Deviation Authority (LODA) to conduct operations for compensation or hire under 14 CFR 19.319. See 69 FR 44771 (July 27, 2004). When publishing the 2004 final rule, the FAA inadvertently omitted its submission to the OMB detailing the information collection burden under the Paperwork Reduction Act (PRA). See 69 FR at 44858 (explaining estimated PRA burden and OMB compliance requirements). As a result of this omission, the existing OMB collection does not account for the PRA burden of LODAs issued to operators under § 91.319. In the 2004 final rule, the FAA also implied that, beginning January 31, 2010, all experimental light sport aircraft (ELSA) operators would similarly need to apply for a LODA to conduct operations for compensation or hire. 69 FR at 44853 (explaining LODA requirements for ELSA operators). This additional LODA implication—published in the 2004 final rule with an effective date in 2010—was also inadvertently not accounted for in the OMB's information collection. As a result of these inadvertent omissions to OMB, the FAA submits this revision to ensure compliance with the PRA.

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.

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. This reporting requirement aids the FAA in investigation and analysis of aircraft accidents, incidents, and occurrences, and detection of potential systematic safety issues. This information must only be provided upon request of the FAA, and only when the pilot in command deviates from a part 91 rule in response to an emergency. The report should be sent to the FAA office requesting the information. The report may be submitted electronically by email or fax. This requirement applies to the pilot in command.

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. The requirement to provide a copy of a large aircraft lease or conditional sales contract enables the FAA to identify and contact the person who has operational control of the aircraft. This ability aids the FAA in their safety oversight mission, and in any investigation of suspected non-compliance. The rule specifies the lease or contract be mailed to the FAA's Aircraft Registration Branch. The FAA is moving towards electronic submission of lease or contract through the Civil Aviation Registration Electronic System (CARES). Lessees and conditional buyers should be able to submit lease or contract through CARES this year. This requirement applies to lessees and conditional buyers of large aircraft.

Section 91.123, Compliance with ATC Clearances and Instructions. Each pilot in command who, in an emergency, or in response to a TCAS advisory, deviates from an Air Traffic Control clearance shall notify ATC as of that deviation soon as possible. Additionally, a pilot in command who is given a priority clearance by Air Traffic Control in an emergency shall submit a detailed report if requested by the Air Traffic Center Manager within 48 hours. The requirement for a pilot in command to report any deviation from an ATC clearance as soon as possible is critical to safety. ATC deconflicts air traffic based on pilot compliance with their clearance. This report should be made by means of radio communication. The report regarding priority clearance in an emergency aids the FAA in analysis and investigation of incidents, occurrences, suspected non-compliance, and detection of potential systematic safety issue. This information is only to be provided upon request by the FAA. The report regarding priority clearance in an emergency may be submitted electronically by email or fax to the FAA office requesting the information.

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 thorough radio communication, a formal letter, or an informal phone call. The requirement to request permission from the controlling agency prior to entering restricted or prohibited airspace is crucial to safety and national security. This requirement protects non-participating aircraft from active military operations and ensure the security of critical national resources. Depending on the specific airspace, permission may be obtained by radio communication, telephone, or in writing. The form and manner of written requests are dependent upon the specific airspace and controlling agency. This requirement applies to each person desiring to operate within restricted or prohibited area.

Section 91.135(d), Operations in Class A airspace. ATC Authorizations.

An operator may deviate from any provision to operate in Class A airspace under provisions of an authorization from the Air Traffic Control facility having jurisdiction over the airspace. Requests must be submitted in writing 4 days before the proposed operation. In the case of an inoperative transponder, ATC may immediately approve an operation to continue. The requirement to request authorization ensures ATC is able to safely accommodate the operation. A written request may be submitted electronically by email or fax to the ATC facility having jurisdiction over the airspace. Requests for immediate approval may be by means of radio communication. Immediate approval of operation with an inoperative transponder enables ATC to safely accommodate an in-flight equipment malfunction. Requests for immediate approval may be by means of radio communication. This requirement applies to each person operating in Class A airspace.

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. The information included in the flight plan ensures ATC is

able to prevent unsafe congestion of the affected airspace. ATC uses this information to coordinate air traffic flow and deconflict with other aircraft. The flight plan may be filed using electronic means through Flight Service, or other third-party providers. The information is required of any person who operates an aircraft in the designated disaster/hazard area.

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). This recordkeeping requirement is in place to confirm VOR navigation equipment used for IFR flight is tested every 30 days. The record helps the operator ensure the VOR navigation equipment is safe for IFR flight, and detect and correct equipment defects. The record also aids the FAA when inspecting the aircraft for regulatory compliance. The record may be made using electronic means. The recordkeeping requirement applies to each person making the VOR operational check.

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. This collection of information is necessary to ensure each airworthiness certificate has the correct aircraft registration number, as required by 14 CFR part 47. The FAA uses this information to provide aircraft owners and operators information about potential mechanical defects or unsafe conditions of their aircraft, and in the investigation of accidents, incidents, occurrences, and suspected regulatory non-compliance. Application is made on FAA Form 8130-6, which may be submitted electronically by email or fax to the responsible FAA Flight Standards office. This requirement applies to the registered aircraft owner, or their agent.

Section 91.213(a), Inoperative instruments and equipment. This section prescribes Minimum Equipment List (MEL) requirements for certain operations. The certificate holder submits an MEL to the responsible Flight Standards District Office for review. The information submitted by the operator enables the FAA to approve the MEL and issue a letter of authorization the operation of the aircraft under the MEL. An application for MEL authorization may be submitted electronically by email or fax to the responsible FAA Flight Standards office. An application for MEL approval is submitted by the aircraft operator.

Section 91.215(d), ATC Authorized Deviations. Each person who has reason to operate an aircraft in certain controlled airspace without a fully operable coded radar beacon transponder must submit a request to the appropriate air traffic facility for a deviation from the rule. This requirement helps ensure ATC is able to safely accommodate and deconflict air traffic. Requests for immediate approval enables ATC to safely accommodate an in-flight equipment malfunction. Requests for immediate approval may be made by means of radio communication. Non-immediate requests may be made telephonically or in writing. Written requests may be submitted electronically by email or fax to the ATC facility having jurisdiction over the concerned airspace. This requirement applies to aircraft operations in the airspace specified in §91.215(b).

Section 91.309(a)(4) Towing: Gliders and Unpowered Ultralight Vehicles. Before conducting any towing operations within certain controlled airspace designated for an airport, the

pilot in command notifies the control tower. If such a control tower is not in operation, he must notify the FAA flight service station serving the controlled airspace before conducting any towing operations in that airspace. This notification requirement helps ATC to safely deconflict air traffic or, in the case of flight service, notify other pilots of the towing operation to enhance see-and-avoid traffic separation. Notification may be made by means of radio communication or telephonically. This requirement applies to the pilot in command.

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. This collection of information helps ensure a provisionally certificated aircraft is safe for operation, that the applicant meets the requirements of §21.213, and the purpose is one allowed under §91.317. Application is made on FAA Form 8130-6, which may be submitted electronically by email or fax to the responsible FAA Flight Standards office. This requirement applies to the registered aircraft owner, or their agent.

Section 91.319, Aircraft Having Experimental Certificates; Operating Limitations. Operating Limitations. A person who desires to operate an aircraft issued an experimental certificate beyond the limitations of this section is required to make application for deviation authority. This collection of information helps ensure that operators of an aircraft with an experimental airworthiness certificate who conduct operations for compensation or hire follow appropriate safety precautions. Application is made to the FAA electronically by email, fax, in-person delivery, or mail, to the responsible FAA Flight Standards District Office. This requirement applies to the registered aircraft owner seeking to conduct operations through deviation authority, or their agent.

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. This collection of information enables the agency to ensure an aircraft progressive inspection program meets the requirements of 91.409(d). A request may be submitted electronically by email or fax to the responsible FAA Flight Standards office. This requirement applies to the registered aircraft owner or operator.

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. This collection of information enables the agency to identify which inspection program is used and ensure an aircraft inspection program meets the requirements of 91.409(f). A request may be submitted electronically by email or fax to the responsible FAA Flight Standards office. This requirement applies to the registered aircraft owner or operator.

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). This recordkeeping requirement is in place to ensure the aircraft is maintained in accordance with regulatory requirements and help the operator and the FAA determine regulatory compliance. Electronic recordkeeping is acceptable. This requirement applies to the registered aircraft owner or operator.

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. This collection of information is necessary to ensure all aircraft operating within RVSM airspace meet the performance requirements essential for safe aircraft separation. To obtain an RVSM authorization, submit a written request to the appropriate FAA Flight Standards office. A request may be submitted electronically by email or fax. This collection requirement applies to the aircraft operator.

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. This reporting requirement provides proper notification to the U.S. and Cuban governments and thereby facilitates country entry and clearance requirements, and helps ensure the safe operation of flights into Cuba. The pilot in command must file a written statement, within 1 hour before departure, with the Office of Immigration and Naturalization Service at the airport of departure. The flight plan may be filed using electronic means through Flight Service, or other third-party providers. The FAA does not know if the written statement to the Office of Immigration and Naturalization Service may be submitted by electronic means. The information is provided by the pilot in command.

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. This collection of information is necessary to ensure the aircraft is capable of safe flight for the intended purpose. The application for a special flight authorization may be submitted electronically by email or fax to the responsible FAA office. Application is made by the aircraft owner or operator.

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. This collection of information helps the operator and the FAA ensure the aircraft is safe to conduct category II instrument approaches. The application for approval of a Category II manual or an amendment may be submitted electronically by email or fax to the responsible FAA office. An electronic signature is acceptable.

Section 91.818 Special Flight Authorization to Exceed Mach 1: An applicant for an authorization to exceed Mach 1 must apply in a form and manner prescribed by the Administrator. This collection of information enables the FAA to evaluate the potential environmental impact of any flight in excess of Mach 1 and thereby protect the environment from adverse effects of a sonic boom. Application may be submitted electronically by email or fax to the FAA Office of Environment and Energy. This information collection applies to all operators of civil aircraft that seek authorization to exceed Mach 1.

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. This reporting requirement aids the FAA in investigation and analysis of aircraft accidents, incidents, and occurrences, and detection of potential systematic safety issues. This information must only be provided upon request of the FAA, and only when the remote pilot in command deviates from a part 107 rule in response to an emergency. The report may be submitted electronically by email or fax to the requesting FAA office. This requirement applies to the remote pilot in command.

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.

Section 91.3, Responsibility and Authority of the Pilot in Command. The report should be sent to the FAA office requesting the information. The report may be submitted electronically by email or fax. An electronic signature is acceptable.

Section 91.23, Truth-In-Leasing Requirement in Leases and Conditional Sales Contracts. The rule specifies the lease or contract be mailed to the FAA's Aircraft Registration Branch. The FAA is moving towards electronic submission of lease or contract through the Civil Aviation Registration Electronic System (CARES). Lessees and conditional buyers should be able to submit lease or contract through CARES this year.

Section 91.123, Compliance with ATC Clearances and Instructions. The report regarding priority clearance in an emergency may be submitted electronically by email or fax to the FAA office requesting the information. An electronic signature is acceptable.

Section 91.133(a), Restricted and prohibited areas. Depending on the specific airspace, permission may be obtained by radio communication, telephone, or in writing. The form and manner of written requests are dependent upon the specific airspace and controlling agency.

Section 91.135(d), Operations in Class A airspace. ATC Authorizations. A written request may be submitted electronically by email or fax to the ATC facility having jurisdiction over the airspace. An electronic signature is acceptable. Requests for immediate approval may be by means of radio communication.

Section 91.137, Temporary flight restrictions in the vicinity of disaster/hazard areas. The flight plan may be filed using electronic means through Flight Service, or other third-party providers.

Section 91.171(d), VOR Equipment Check Required for IFR Operations. The record may be made using electronic means.

Section 91.203(a)(1), Civil Aircraft, certifications required. Application is made on FAA Form 8130-6, which may be submitted electronically by email or fax to the responsible FAA Flight Standards office. An electronic signature is acceptable.

Section 91.213(a), Inoperative instruments and equipment. An application for MEL authorization may be submitted electronically by email or fax to the responsible FAA Flight Standards office. An electronic signature is acceptable.

Section 91.215(d), ATC Authorized Deviations. Requests for immediate approval may be made by means of radio communication. Non-immediate requests may be made telephonically or

in writing. Written requests may be submitted electronically by email or fax to the ATC facility having jurisdiction over the concerned airspace. An electronic signature is acceptable.

Section 91.309(a)(4) Towing: Gliders and unpowered ultralight vehicles. Notification may be made by means of radio communication or telephonically. This requirement applies to the pilot in command.

Section 91.317, Provisionally Certificated Civil aircraft; Operating Limitations.

Application is made on FAA Form 8130-6, which may be submitted electronically by email or fax to the responsible FAA Flight Standards office. An electronic signature is acceptable.

Section 91.319, Aircraft Having Experimental Certificates; Operating Limitations. A request may be submitted electronically by email or fax, in-person delivery, or mail, to the responsible FAA Flight Standards District Office.

Section 91.409(d) Progressive Inspection. A request may be submitted electronically by email or fax to the responsible FAA Flight Standards office. An electronic signature is acceptable.

Section 91.409(f) Inspection Program. A request may be submitted electronically by email or fax to the responsible FAA Flight Standards office. An electronic signature is acceptable.

Section 91.417, Maintenance Records. Electronic recordkeeping is acceptable.

Section 91.706, Operations within airspace designed as Reduced Vertical Separation

Minimum Airspace. Submit a written request for RVSM authorization to the appropriate FAA Flight Standards office. A request may be submitted electronically by email or fax. An electronic signature is acceptable.

Section 91.709, Operating To, or Over, Cuba. The pilot in command must file a flight plan, which may be submitted using electronic means through Flight Service, or other third-party providers. The pilot in command must also file a written statement, within 1 hour before departure, with the Office of Immigration and Naturalization Service at the airport of departure. The FAA does not know if the written statement to the Office of Immigration and Naturalization Service may be submitted by electronic means.

Section 91.715(a), Special Flight Authorizations for Foreign Civil Aircraft. The application for a special flight authorization is made by the aircraft owner or operator, and may be submitted electronically by email or fax to the responsible FAA office.

Appendix A: The application for approval of a Category II manual or an amendment may be submitted electronically by email or fax to the responsible FAA office. An electronic signature is acceptable.

Section 91.818, Special flight authorization to exceed Mach 1.: Application may be submitted electronically by email or fax to the FAA Office of Environment and Energy. An electronic signature is acceptable.

14 CFR 107.21, In-flight emergency: The report may be submitted electronically by email or fax to the requesting FAA office. An electronic signature is acceptable.

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 February 14, 2022 (87 FR 8335). 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. Except for 14 CFR 91.319, most respondents are individual members of the aviation public from all walks of life; therefore, 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 for sections other than 91.319 is **\$9,324,971**.

For 14 CFR 91.319, the FAA estimates that most respondents are certificated flight instructors (CFIs). For these respondents, the FAA is using an average wage including benefits of \$63.25, which is the average wage of flight instructors (\$43.14) divided by the percent of total employer costs of employee compensation represented by wages (68.2%) to account for benefits of (31.8%). Flight instructor wages are estimated as the Bureau of Labor Statistics wage estimate for commercial pilots employed at technical and trade schools.³

Sections and Associated Burdens

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>

³ <https://www.bls.gov/oes/current/oes532012.htm> Accessed 4-12-2022.

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.

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

Section 91.23, Truth-In-Leasing Requirement in Leases and Conditional Sales Contracts.

Leasers or conditional buyers are required to prepare and include in their lease agreement the Truth-In-Leasing requirements of this section. Leasers 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, in an emergency, or in response to a TCAS advisory, deviates from an Air Traffic Control clearance shall notify ATC as of that deviation soon as possible. Additionally, a pilot in command who is given a priority clearance by Air Traffic Control in an emergency shall 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 through radio communication, 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(d), Operations in Class A airspace. ATC Authorizations. An operator may deviate from any provision to operate in Class A airspace under provisions of an authorization from the Air Traffic Control facility having jurisdiction over the airspace. Requests must be submitted in writing 4 days before the proposed operation. In the case of an inoperative transponder, ATC may immediately approve an operation to continue.

Estimated annual requests for authorization	1,887
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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 91.213(a), Inoperative instruments and equipment. This section prescribes Minimum Equipment List (MEL) requirements for certain operations. The certificate holder submits an MEL to the responsible Flight Standards District Office for review.

<u>Estimated annual number of submissions</u>	<u>2,638</u>
<u>Average hours per request</u>	<u>20</u>
<u>Estimated annual burden/hours</u>	<u>52,760</u>

Section 91.215(d) ATC Authorized Deviations. Each person who has reason to operate an aircraft in certain controlled airspace without a fully 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 and Unpowered Ultralight Vehicles. Before conducting any towing operations within certain controlled airspace designated for an airport, the pilot in command notifies the control tower. If such a control tower is not in operation, he must notify the FAA flight service station serving the controlled airspace before conducting any towing operations in that airspace.

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 deviation authority. This section also imposes recordkeeping requirements on each respondent; these recordkeeping activities include keeping their training records for three years, obtaining their flight instructor's signature, and other requirements necessary for the LODA.

Estimated annual applications	20
Average reporting hours per application	<u>15</u>
Average recordkeeping hours per respondent	4
Estimated annual burden	380

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

Section 91.818, Special flight authorization to exceed Mach 1. 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
91.23	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
91.213(a)	52760		2638	20
91.215(c)(3)	415		4150	.1
91.309(a)(4)	265		2650	.1
91.317	44		87	.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
91.319	300	80	20	15
TOTALS	69,840	212,154	1,771,826	
	Total hours: 281,994			
COST: 281,614*\$40.62 = \$11,439,161 380*\$63.25 = \$24,035 TOTAL COST: \$11,463,196				

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 23,780 hours processing airspace authorizations, reviewing manuals, and other activities resulting from the reporting requirements of this ICR. The tasks are almost 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 \$130,420,⁴ or \$62.71 per hour assuming 2,080 hours per year. The FAA uses a

⁴ <https://www.bls.gov/ooh/transportation-and-material-moving/air-traffic-controllers.htm>

fringe benefits and overhead cost, for FAA employees, of 100%.⁵ This results in a fully loaded hourly wage of \$125.42. 10,000 hours*125.42 = \$1,254,200.

For Aviation Safety Inspectors, the FAA assumes a mid-grade GS-13 salary, Rest of USA locality. Annual salary is \$104,429,⁶ divided by 2,080 hours for an hourly rate of \$50.21. The FAA uses a fringe benefits and overhead cost, for FAA employees, of 100%.⁷ This results in a fully loaded wage of \$100.42 per hour. 13,780 hours*100.42 = \$1,383,788.

Total FAA Annual Cost: 1,254,200+ 1,383,788= \$2,637,988.

15. Explain reasons for any program changes or adjustments.

In 2004, the FAA published a final rule requiring operators of experimental aircraft to apply for a Letter of Deviation Authority (LODA) to conduct operations for compensation or hire under 14 CFR 91.319. *See* 69 Fed. Reg. 44771 (July 27, 2004). When publishing the 2004 final rule, the FAA inadvertently omitted its submission to the OMB detailing the information collection burden under the Paperwork Reduction Act (PRA). *See* 69 Fed. Reg. at 44858 (explaining estimated PRA burden and OMB compliance requirements). As a result of this omission, the existing OMB collection does not account for the PRA burden of LODAs issued to operators under § 91.319.

In the 2004 final rule, the FAA also implied that, beginning January 31, 2010, all experimental light sport aircraft (ELSA) operators would similarly need to apply for a LODA to conduct operations for compensation or hire. 69 Fed. Reg. at 44853 (explaining LODA requirements for ELSA operators). This additional LODA implication—published in the 2004 final rule with an effective date in 2010—was also inadvertently not accounted for in the OMB’s information collection. As a result of these inadvertent omissions to OMB, the FAA submits this Supporting Statement to ensure compliance with the PRA. Importantly, the FAA has already requested and received public comment on the anticipated PRA burden for obtaining a LODA for experimental and ELSA aircraft operators. *See* 69 Fed. Reg. at 44858 (adjudicating comments from public regarding PRA burden). Thus, the FAA notes that it considered comments from interested members of the public when finalizing the LODA requirements under § 91.319. In other words, the FAA submits this Statement to ensure technical compliance with the OMB’s PRA requirements, as a matter of diligence in meeting these requirements and ensuring accuracy in recordkeeping procedures.

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.

⁵ 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....”

⁶ <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2021/RUS.pdf>

⁷ 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....”

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.