

Supporting Statement A
Commercial Air Tour Limitations in the Grand Canyon National Park Special
Flight Rules Area
OMB 2120-0653

- The wage rates were adjusted to reflect current wage rates.
- The number of current operators was adjusted from 12 to 9.

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

Under the authority of Title 49 USC Section 44701, 14 C.F.R. Parts 121 and 135 prescribe the terms, conditions, and limitations that are necessary to ensure safety in air transportation. Section 44702 empowers the Secretary of Transportation to issue air carrier operating certificates and to establish minimum safety standards for air carriers to whom such certificates are issued. Although this collection is contained in 14 CFR Part 93, the entities affected are Part 121 and Part 135 certificated air carriers.

This information collection directly supports the Department of Transportation's strategic goals concerning safety and protection of the human and natural environment as affected by transportation.

In 1987 Congress enacted Public Law (Pub. L.) 100-91, commonly known as the National Parks Overflights Act. Public Law 100-91 stated, in part, that "noise associated with aircraft overflights at GCNP [Grand Canyon National Park] [was] causing a significant adverse effect on the natural quiet and experience of the park and current aircraft operations at the Grand Canyon National Park have raised serious concerns regarding public safety, including concerns regarding the safety of park users." Section 3 of Public Law 100-91 required the Department of Interior (DOI) to submit to the Federal Aviation Administration (FAA) recommendations to protect resources in the Grand Canyon National Park (GCNP) from adverse impacts associated with aircraft overflights. The law mandated that the recommendations provide for, in part, "substantial restoration of the natural quiet and experience of the park and protection of public health and safety from adverse effects associated with aircraft overflight." This rule implements National Park Service (NPS) recommendations to enable the agencies to fulfill the statutory goal. The FAA considered safety and environmental issues during development of these requirements.

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.

Each operator seeking to obtain or in possession of an air carrier operating certificate must comply with the requirements of 14 CFR Part 135 or part 121, as appropriate. Air tour operators applying for this operating certificate must also, via a separate

information collection requirement, comply with 2120-0008 or 2120-0039. Thus, each operator conducting air tours in the Grand Canyon National Park must comply with the collection requirements for that airspace.

The FAA will use the information it collects and reviews to evaluate compliance with the regulations and, if necessary, take enforcement action against operators who exceed their allocation. The data collected also serves as the primary source of input into joint FAA/NPS modeling exercises to evaluate progress toward the “substantial restoration of the natural quiet and experience of the park”. Each certificate holder is required to submit in writing, within 30 days of the end of each calendar quarter, the total number of commercial SFAR operations conducted for that quarter. Quarterly reports must be filed with the responsible Flight Standards Office. The reports must include make/model of the aircraft, aircraft registration number, departure airport and date, departure time, type of operation and route flown.

This information collection also covers the reporting requirements associated with transferring allocations between air tour operators. Air Tour operators may experience a temporary need to conduct more flights than they are authorized to. Therefore, they negotiate with other operators who have available unused allocations. The two operators negotiate terms to temporarily transfer allocation and record the arrangement via a letter. The FAA would become aware of the temporary transfer once they receive the reporting template. The operators involved may also opt to transmit this temporary transfer directly to the FAA and the National Park Service (NPS).

In the case of a permanent transfer of allocation, the operators involved would notify the FAA of their intent to permanently transfer allocation via letters. After reviewing the submissions from the operators, if the FAA or NPS had questions, they could ask to see the underlying transfer agreements. For a permanent transfer, the FAA would approve the transfer via the operators OpSpecs. They would remove the authorizations from the operator permanently giving up their authorizations and add authorizations to the carrier who is picking them up.

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 FAA has encouraged the use of automation by the air carriers and specifically by Grand Canyon air tour operators in this project. Accordingly, the FAA has developed a reporting template in Operations Specifications (OpSpecs) for the air tour operators to use when submitting their reporting data. The template, which is a Microsoft Excel workbook, can be obtained by contacting the Western Pacific Special Programs Office (AWP-1SP) though email at grandcanyonairdata@faa.gov and can also be accessed directly by parties with access to the WebOps system. The information requested on the template follows the regulatory language in 14 CFR 93.325. OpSpecs are automated and issued by FAA. The operator obtains OpSpecs via the WebOps online system. The operator applies for approval and is then granted or denied approval from

the supervising FAA office. Once the allocations are allotted in WebOps the operator is authorized by the FAA to conduct the allocated number of flights each year without re-application. Any reports due from the operators may be submitted in hard copy but electronic transmission is encouraged and preferred.

The term "allocation" means the authorization to conduct a single commercial air tour flight in the Grand Canyon National Park Special Flight Rules Area. Each operator received one allocation for each air tour flight conducted during the average number of air tour flights during the base years of May 1, 1997, to April 30, 1998. The total number of allocations allowed is documented on the specific operator's OpSpecs. OpSpecs are automated documents completed by the FAA. There are temporary transfers and permanent transfers of allocations allowed in the rule. A temporary transfer would require FAA notification but no FAA approval. A temporary transfer typically involves covering a flight on behalf of another operator when bookings exceed available equipment, or when the rate of bookings, if continued, is forecast to exceed the operator's allocation total for the year. These transfers occur via formal agreements between the relevant air tour operators; while the parties may elect to notify the NPS and the FAA of the transfer, there is no regulatory requirement. A permanent transfer such as might result from mergers, acquisitions, or bankruptcies would require FAA notification and FAA approval. The FAA revises the OpSpecs for the affected operator reference any permanent transfers.

In response to the Government Paperwork Elimination Act (GPEA), 100% of the information may be collected electronically. The information is not disseminated to the public but is available in the WebOps system. The information is collected on a quarterly basis.

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.

We know of no other agency collecting information from air tour operators at the Grand Canyon National Park prescribing the terms, conditions, and limitations of this collection. This flight activity information collected in accordance with 14 CFR Part 93 helps the FAA and the National Park Service determine the status of natural quiet and the human experience of the park. This information is used to determine changes in policy to further protect health and safety from adverse effects associated with aircraft overflight. The information collected is only available from the air tour operators and not from any other source.

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

There are 9 small business entities and no large entities required to report this data. Each entity already holds part a 121 or part 135 air carrier certificate. Each carrier is guided through the administrative requirements by the local district office assigned

certificate responsibilities. The Flight Standards Office in Las Vegas, Nevada, guides all of the Grand Canyon operators in this data collection requirement. The actual OpSpecs are automated, and the paragraphs issued by the FAA are only those appropriate to a specific carrier's operation. Operators are burdened in proportion to the size of their operation and the number of flights made. All of the air tour operators currently operating at the Grand Canyon meet the definition of small entity. Reporting (generally by electronic means) of commercial air tour flight information poses a small burden on operators who collect the same information for other internal purposes.

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.

This rule specifically addresses Public Law 100-91. This law mandates the FAA and the National Park Service to limit the number of overflights to help restore natural quiet and visitor experience to the Grand Canyon National Park. Title 14 CFR 93.325 specifies the reporting requirements and is required by Public Law 100-91. It is necessary for the FAA to collect information on air tours conducted in the Grand Canyon in order to evaluate compliance with the requirements and take any necessary action if the numbers of flights conducted exceed those authorized.

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

- *requiring respondents to report information to the agency more often than quarterly;*
- *requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;*
- *requiring respondents to submit more than an original and two copies of any document; requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;*
- *in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;*
- *requiring the use of a statistical data classification that has not been reviewed and approved by OMB;*
- *that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or*

- ***requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.***

This collection of information is conducted in a manner consistent with the guidelines in 5 CFR 1320.5(d) (2)(i)-(viii).

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 February 15, 2024 (89 FR 11917), solicited public comment. One comment was received which was supportive of the collection of information.

The operators have frequent contact with and meetings with the FSDO. During these meetings they have the opportunity to offer feedback.

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

There are no monetary considerations for this collection of information.

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

Operators have been given no assurance of confidentiality except with respect to the number of flights allocated. The number of air tours that an operator may conduct is shown on OpSpecs as allocations. The FAA did not report allocations for any individual operator in the rule. Instead, the FAA identified each operator to receive allocations. Certificate holders identified were sent a written notification by certified mail, return receipt requested, from the FAA informing them of allocations applicable only to them. The allocations of all other air tour operators are kept separate and confidential from each other. The air tour operators may share the information among themselves, but the FAA does not participate in that process.

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 questions of a sensitive nature.

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

Each air tour operator conducting commercial air tours at the Grand Canyon National Park (GCNP) has to comply with this collection. Each of these operators meets the requirements of part 119 and holds a part 135 or a part 121 air carrier certificate or as authorized under Part 119.1(e)(2), a Part 91.147 Letter of Authorization with OpSpecs allowing air tours at GCNP. Air carrier application, certification, and various ongoing burdens are covered in OMB 2120-0593 for part 119, OMB 2120-0039 for part 135, and OMB 2120-0008 for part 121.

This document identifies additional requirements specifically for those air carriers operating commercial air tours at the GCNP. The FAA originally identified 24 operators conducting flights in the Grand Canyon Special Flight Rules Area (SFRA) during the May 1, 1997-Apr 30, 1998, base year. Currently, there are 9 operators conducting flights in the Grand Canyon Special Flight Rules Area (SFRA).

The following costs are based on the paperwork burden being done by a Director of Operations or equivalent staffer earning approximately \$78.41 per hour.¹ A 31.4 percent multiplier was then applied to account for fringe benefits which brings the hourly cost to \$103.03.² To account for overhead, a multiplier of 17 percent was applied.³ Therefore, the estimated hourly cost for a Director of Operations is \$121.

Section 93.321 Allocations:

The term "allocation" means the authorization to conduct a single commercial air tour flight in the Grand Canyon National Park Special Flight Rules Area. Each operator received one allocation for each air tour flight conducted during the average number of air tour flights during the base years of May 1, 1997, to April 30, 1998. The total number of allocations allowed is documented on the specific operator's OpSpecs. OpSpecs are automated documents completed by the FAA. There are temporary transfers and permanent transfers of allocations allowed in the rule. A temporary transfer would require FAA notification but no FAA approval. A temporary transfer typically involves covering a flight on behalf of another operator when bookings exceed available equipment, or when the rate of bookings, if continued, is forecast to exceed the operator's allocation total for the year. These transfers occur via formal agreements

¹ [General and Operations Managers \(bls.gov\)](https://www.bls.gov/news.release/ecec.nr0.htm)

² <https://www.bls.gov/news.release/ecec.nr0.htm>

³ 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>.

between the relevant air tour operators; while the parties may elect to notify the NPS and the FAA of the transfer, there is no regulatory requirement for them to do so. A permanent transfer might result from mergers, acquisitions, or bankruptcies would require FAA notification and FAA approval. In the case of a permanent transfer, the operators involved would notify the FAA via letter. Once the FAA agrees with the transfer, they would revise the OpSpecs for the affected operator reference any permanent transfers. The FAA assumes any operator costs associated with temporary transfers to be incidental. It was not known how often operators would transfer allocations permanently in a year, although the average number of permanent allocations transferred has averaged 1 per year.

Permanent transfers:

1 operator x 24 hours each x \$121 = 24 hours and \$2,904 per year

Summary (Annual numbers)	Reporting	Recordkeeping	Disclosure
# of Respondents	1		
# of Responses per respondent	1		
Time per Response	24 Hours		
Total # of responses	1		
Total burden (hours)	24 Hours		

§ 93.325 Quarterly Reporting:

Each of the affected air tour operators must report in writing (electronic transmission encouraged and preferred) to the FAA on a quarterly basis. This requirement adds the make and model of aircraft and further divides flights into segments based on departure airports. The previous requirement (§93.317) was only for sightseeing flights. Now the requirement is to include all flights in the Special Flight Rules Area to include transportation flights, repositioning flights, maintenance ferries, and training/proving flights. The “quarterly” aspect of reporting is at the operator’s request. Section 93.317 required reporting “within 30 days after April 30, August 31, and December 31, of each year, for the prior 4-month period”. The operators commented to FAA that it is easier for them to report quarterly since that more closely matches how they do business and report to other government offices.

2.0 hours per operator per year x 9 operators x \$121 = 18hours and \$2,178

Summary (Annual numbers)	Reporting	Recordkeeping	Disclosure
# of Respondents	9		
# of Responses per respondent	4		
Time per Response	.5 hour		
Total # of responses	36		
Total burden (hours)	18 hours		

Summary of Burden

Section	Hrs per Year	Cost Per Year
93.321 Allocations	24 Hours	\$2,904
93.325 Quarterly Reporting	18 Hours	\$2,178
Total Hours	42 Hours	\$5,082

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 beyond those identified in response to Question 12.

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.

These duties are performed by an Aviation Safety Inspector. Since many of these employees are remotely sited, the Kansas City locality rates were applied as it is a median locality rate. The cost to the federal government for a Kansas City, MO based employee at a grade 14, step 5 level is \$67.40/hour. A 31.4 percent multiplier was then applied to account for fringe benefits which brings the salary to \$88.56.⁴ To account for overhead, a multiplier of 17 percent was applied.⁵ The total employee cost per hour including overhead and fringe benefits is \$104. We estimate it would take approximately 16 hours per quarter to perform tabulation and reporting of SFRA flight activity. The Inspector's cost for 64 hours per year is approximately \$6,656.

⁴ <https://www.bls.gov/news.release/ecec.nr0.htm>

⁵ 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>.

The onsite physical audit of operator records by an Aviation Safety Inspector to ensure Quarterly reports required by §93.325 audit will be conducted as part of standard base inspections by Principal Inspectors assigned to certificate surveillance is estimated to consume no more than 2 hours on average per operator per year. With 9 current operators, this totals 18 hours of inspector resource time for all inspectors involved. Because this is included within normal surveillance activity by Aviation Safety Inspectors, no burden costs to government are estimated.

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

The wage rates were adjusted to reflect current wage rates.

The number of current operators was adjusted from 12 to 9.

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.

There is no publication plan.

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 to Item 19, OMB Form 83-1.