

SUPPORTING STATEMENT

One Time Re-Application for Letter of Deviation Authority (LODA) for Experimental Aircraft
Broadly Offered For Training, Testing or Checking PART 91
OMB 2120-AL61

CHANGES IN THIS SUBMISSION:

The final rule, “Public Aircraft Logging of Flight Time, Training in Certain Aircraft Holding Special Airworthiness Certificates, and Flight Instructor Privileges” will terminate all active letters of deviation authority (LODAs) for training operations for compensation in experimental aircraft within two years of the effective date of the final rule. The FAA expects operators of experimental aircraft with active LODAs who broadly offer their aircraft for training to re-apply for a LODA under the proposed § 91.326(b) of Title 14 of the Code of Federal Regulations (14 CFR) within this time period. The FAA will terminate current LODAs in order to ensure that all operators are in compliance with the proposed requirements.

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 LODA requirements under § 91.326(b) are similar to the current LODA requirements under § 91.319(h) for operators of certain experimental aircraft who broadly offer their aircraft for training, testing, or checking. In the “Public Aircraft Logging of Flight Time, Training in Certain Aircraft Holding Special Airworthiness Certificates, and Flight Instructor Privileges” final rule, the FAA will terminate current training LODAs issued under 91.319(h) within two years of the effective date of a final rule. To ensure that all operations in which an aircraft with a special airworthiness certificate is “held out” for training, testing, or checking comply with the proposed requirements, holders of current exemptions and LODAs permitting these training operations will need to apply for a LODA under the revised § 91.326(b).

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.

Final Rule: § 91.326(b), LODA Framework

Under the final rule, current LODA holders who broadly offer an aircraft issued an experimental certificate for training, testing, or checking are required to make application for deviation authority within two years of the effective date of publication of the final rule. This collection of information helps the FAA ensure effective training and maintenance for these operations. 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.

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. A request may be submitted electronically by email or fax, in-person delivery, or mail, to the responsible FAA Flight Standards District Office.

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 that would cause this information collection to be conducted in a manner inconsistent with 5 CFR 1320.5(d)(2)(i)-(viii).

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.

On June 23, 2023, the FAA published a Notice of Proposed Rulemaking (NPRM) entitled "Public Aircraft Logging of Flight Time, Training in Certain Aircraft Holding Special Airworthiness Certificates, and Flight Instructor Privileges" (88 FR 41194) to solicit comments regarding the proposed requirement. No comments were received on the proposed information collection.

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.

Under the final rule, current LODA holders who broadly offer their experimental aircraft for flight training, testing or checking must reapply for a LODA within two years of publication

of the final rule’s effective date. There are no new record-keeping requirements relative to what current LODA operators must already maintain. Because LODAs do not expire, there are also no renewal burdens.

The estimated annual burden only lasts for the first two years following the publication of the final rule. Over two years, approximately 180 current LODA holders who broadly offer their aircraft for flight training, testing and checking will be required to reapply. As a condition of their current active LODA, applicants are already required to possess the information required to reapply. Therefore, the burden per application is four hours to collect the information on hand and resubmit.

- Estimated annual applications 90
- Average reporting hours per application 4
- Estimated annual burden 360

Year	Number of LODA Applications from Current LODA Holders ¹	Hours Per Application Current LODA Holders	Total Burden Hours	Total Cost for Applicants Undiscounted ²
1	60	4	240	\$15,181
2	120	4	480	\$30,362
Total			720	\$45,543
Mean			360	\$22,772

LODA=Letter of Deviation Authority

1. The FAA assumes that approximately one third of current LODA holders will reapply the first year after the effective date of the final rule and the remaining LODA holders will reapply in the second year.

2. Undiscounted applicant cost calculated as burden hours times average labor rate including benefits. The FAA used 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 (31.8%). Flight instructor wages are the Bureau of Labor Statistics wage estimate for commercial pilots employed at technical and trade schools. Accessed April 12, 2022, <https://www.bls.gov/oes/current/oes532012.htm>.

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

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

Table 2. Total Burden Hours and Cost to Federal Government to Process Applications from Current LODA Holders who must Reapply				
Year	Number of LODA Applications from Current LODA Holders ¹	Hours Per Application FAA	Total Burden Hours FAA	FAA Cost Undiscounted ²
1	60	4	240	\$19,033
2	120	4	480	\$38,066
Total	180		720	\$57,098
Mean	90		360	\$28,549

LODA=Letter of Deviation Authority

- The FAA assumes that approximately one third of current LODA holders will reapply the first year after the effective date of the final rule and the remaining LODA holders will reapply in the second year.
- Undiscounted applicant cost calculated as burden hours times average labor rate including benefits. The FAA used an average wage including benefits of \$79.30, which is the wage of FG-13 Step 5 FAA aviation safety inspectors (\$58.20) in the Washington-Baltimore-Arlington Metro Area in 2022 plus benefits (36.25% of wages).

15. Explain reasons for any program changes or adjustments.

The final rule creates § 91.326(b) which establishes unified requirements for operators who broadly offer certain aircraft with special airworthiness certificates for flight training, testing, or checking to obtain prior approval from the FAA in the form of a LODA. Through the LODA process, the FAA provides oversight of operators who “hold out” certain aircraft with special airworthiness certificates for elective and specialized flight training, testing, and checking. The advisory circular published concurrently with this proposed rule provides guidance, sample documentation, and training materials to fulfill Recommendation A-12-035 of the National Transportation Safety Board. The FAA expects that the proposed § 91.326(c) and advisory circular will ensure consistency and clarify the application process, thereby making it easier for potential applicants to understand requirements and submit a successful application.

The FAA will terminate all active LODAs for training operations for compensation in experimental aircraft within two years of the effective date of the final rule. The FAA expects operators of experimental aircraft with active LODAs who broadly offer their aircraft for training to re-apply for a LODA under the proposed § 91.326(b) within this time period. The FAA currently issues LODAs without expiration dates for eligible operators who broadly offer their aircraft for training. The FAA will terminate current LODAs to ensure that all operators comply with the revised requirements.

16. For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used.

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

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

We are not seeking such approval.

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

There are no exceptions.