

Request for Non-substantive change to OMB Control Number

Bureau of Transportation Statistics

Office of Airline Information

Request for Non-substantive Change

Implementation of Section 511(b), FAA Reauthorization Act of 2024

OMB Control Number 2138-0041

Current OMB Control Number 2138-0041 approves DOT's collection of monthly "on-time performance" reports from the largest U.S. airlines. As part of the monthly report, airlines identify the causes of delay or the cause of cancellation for each delayed or canceled domestic scheduled flight. Under this collection, delays are reported in one of five categories: Air Carrier, Weather, NAS, Security, Late Arriving Aircraft. Cause of cancellation is reported using the same categories except Late Arriving Aircraft. To report delay, airlines enter the number of minutes of delay in each delay category, if any. For cancellation, airlines enter a numeral corresponding with the appropriate cancellation category.

Section 511(b) of the FAA Reauthorization Act of 2024 excludes 10 particular events from the Air Carrier causal reporting category. DOT issued a final rule on September 3, 2026 (91 FR 56588) implementing this statutory provision, finding good cause to dispense with the notice and comment requirements of the Administrative Procedure Act because the Department did not exercise any discretion in implementing the statutory requirement. The final rule states that airlines must not report delays or a cancellation due to any of the ten events in the Air Carrier category and would instead report the delay or cancellation in a new category named "Section 511(b)" after the relevant section of the FAA Reauthorization Act of 2024. The Department subsequently delayed the effective date of the rule until February 1, 2027. 91 FR 65456 (Oct. 15, 2026).

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The changes in the final rule do not substantively alter the information collection last approved by OMB Control Number 2138-0041 on May 19, 2025 (current expiration May 19, 2028):

- Neither the number of respondents nor the minutes of delay or number of cancellations reported by those respondents will change under the revised collection. Rather, under the revised collection, respondents will only assign a limited subset of delays and cancellations to the Section 511(b) causal category instead of the Air Carrier category. The final rule implements the statutory requirement without the exercise of discretion by the Department.
- Respondents have expressed support for the change. Airlines for America (A4A), the largest trade group representing U.S. airline respondents petitioned the Department for expedited rulemaking implementing this change and other changes that go beyond Section 511(b) and its implementing rule.¹ As discussed below, the Department plans to address changes that go beyond Section 511(b) and its implementing rule as requested by A4A in a separate rulemaking and will take comments under the Paperwork Reduction Act as part of that separate rulemaking.
- The final rule does not modify the burden on respondents as approved by OMB last year under OMB Control Number 2138-0041. The approval for this collection was 502 hours per year (42 hours per month) for the respondents to report for their operations and an additional 42 hours per month for respondents to report for any branded codeshare partners.²

¹ See Airlines for America, et al., *Petition for Rulemaking to Revise On-time Performance Reporting Regulations Under 14 CFR Part 234*, October 22, 2024, Docket No: DOT-OST-2024-0123, available at <https://www.regulations.gov/document/DOT-OST-2024-0123-0001>.

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- o The economic analysis in the final rule found in part that airlines already track cause of delay and cancellation in great detail and any up-front changes to systems needed would be handled in the normal course of business with de minimis cost.³ There would be no change to recurring costs for respondents.
- o For the sake of argument, the economic analysis of the final rule examined the alternative where implementation of the rule would not be handled in the normal course of business. Under this assumption, the economists found the rule would impose a modest one-time upfront incremental burden and cost of 100 labor hours or \$8,559 per carrier. The burdens of this less reasonable alternative also fall squarely within the burden approved under current OMB Control number 2138-0041.⁴

² U.S. Department of Transportation, Supporting Statement, March 24, 2025, available at: https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=202412-2138-002#:~:text=Updated%20OMB%202138%2D0041%20Justification%203.24.25%20FINAL.docx

³ This is consistent with the Department's assertions in the 2024-2025 proceeding leading to OMB's most recent approval of OMB Control Number 2138-0041. In addressing any future capital costs, the Department asserts, "[t]he automated systems that some airlines use to collect and record the data that gets reported to DOT are purchased for reasons other than reporting information to the Government such as for the airlines' own information, tracking, and improved performance. We consider the purchase of these equipment to be part of usual business practices." *See id.* at 12.

⁴ In comments submitted to the Department by A4A in January 2025, the airline representative group stated that the Department's estimate of 10 hours per month it published in the 60-day notice for renewal of the relevant collection under OMB control number 2138-0041 was "low" because "[b]ased on members information, it can take an air carrier up to 22 hours per month to report..." (emphasis added). Airlines for America, *In the Matter of: Notice of Submission of Proposed Information Collection to OMB; Agency Request for Renewal of a Previously Approved Collection: Airline Service Quality Performance-Part 234*, Docket No. DOT-OST-2014-0031, pp. 6-7, available at: <https://www.regulations.gov/comment/DOT-OST-2014-0031-0113>. In addition, A4A proposed that an addition 20 hours would be needed for carriers that reported root cause. *See id.* at 7. In consideration of the comment, the Department subsequently applied for OMB renewal of Control Number 2138-0041 and received approval using the upper bounds estimate cited by A4A of 42 hours per month (22 hours plus 20 hours). Assuming the case where carriers would encounter a 100 hour up front burden (8 hours per month the first year) from the changes in the final rule, adding 8 hours to the lower bounds estimate of 10 hours per month and the upper bounds estimate of 42 hours per month would yield 18 hours and 50 hours per month, respectively. The average of this upper and lower bounds (34 hours per month) falls well below the burden estimate approved last year of up to 42 hours per month per respondent.

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As discussed in the final rule, the Department is conducting a separate rulemaking to make additional changes to the causal reporting requirements in 14 CFR 234.4 (on-time performance). That rule will include a comprehensive PRA analysis of revisions and existing collections covered under OMB Control Number 2138-0041 and provide the opportunity for public comment on those issues.