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March 12, 2015

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Office of Information and Regulatory Affairs  
Office of Management and Budget  
Attn: Desk Officer, Department of Transportation/FAA  
Docket Library, Room 10102  
725 17<sup>th</sup> Street NW  
Washington, DC 20503

Re: Report of Inspections Required by Airworthiness Directives  
OMB Control No. 2120-0056; Docket No. FAA-2013-0259-0667

To Whom It May Concern:

The Aeronautical Repair Station Association (ARSA) represents the aviation maintenance industry; its members include aircraft operators, aviation maintenance facilities and individuals certificated by the Federal Aviation Administration (FAA). Accordingly, ARSA members are directly impacted by the above referenced information collection.

### General Comments

ARSA respectfully provides the Office of Information and Regulatory Affairs (OIRA) ample reason to disapprove the FAA's information collection request (OMB No. 2120-0056). Alternatively, ARSA believes OIRA has, at a minimum, the duty to return the information collection request to the FAA as improperly submitted due to its failure to meet the procedural requirements of the Paperwork Reduction Act (PRA).

On January 29, 2015, ARSA submitted substantive comments (included as Appendix A below) to the *Federal Register* notice.<sup>1</sup> The FAA response is in its supporting statement submitted to OIRA. The responses are inadequate under the PRA. The agency's responses to ARSA's initial comments are in *italics* below, with ARSA's replies in **bold**.

### Specific Comments

*While preparing this request to renew the information collection, a notice was published in the Federal Register on December 4, 2014, vol. 79, no. 233, page 72054 seeking comments on the burden. One comment was received. The Aeronautical Repair*

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<sup>1</sup> [79 Fed. Reg. 72054 \(Dec. 4, 2014\)](#), announcing the FAA's intent to seek renewed approval of information collections included in airworthiness directives (ADs), converting from blanket approval to generic.

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*Station Association (ARSA) requested that the OMB approval be withdrawn. We disagree with the request to withdraw OMB approval. The FAA needs the reporting information for safety in order to determine the scope of a problem and the adequacy of corrective actions. ARSA further stated the following:*

1. *Accuracy of the estimated burden is inaccurate and incorrect.*

*We disagree with the commenter. The estimated burden of 5 minutes is associated with the amount of time to prepare the inspection record.*

**Simply stating that the agency disagrees is not sufficient. The FAA must substantiate its claim. The PRA requires that each individual information collection be evaluated based upon a “specific, objectively supported estimate of burden.”<sup>2</sup>**

**As detailed in ARSA’s comments in Appendix A below, the agency vastly underestimates the time burden, as well as the number of required respondents. Furthermore, the agency states that, “To date, we have no other method for collecting this information.”<sup>3</sup> This statement is false. There are several established channels through which the FAA collects safety information.<sup>4</sup>**

2. *Both the time and number of respondents are vastly under estimated.*

*We partially agree. The applicability of each AD is unique and as such, the number of respondents affected varies with each AD.*

**Partial agreement still leaves unaddressed the fact that ADs are not issued against aircraft owner/operators, but rather against aircraft, engines, propellers and appliances—the actions required by these safety rules must be taken by persons authorized to perform maintenance, preventive maintenance or alterations under part 43. Thus, the burden is placed not only on the aircraft owner/operators, but also on those persons performing the maintenance, and exclusively situated to provide the information necessary for the inspection record.**

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<sup>2</sup> Paperwork Reduction Act, [44 U.S.C. § 3506\(c\)](#).

<sup>3</sup> Supporting Statement, “Report of Inspection Required by Airworthiness Directives,” [OMB No. 2120-0056](#), p. 2 (Uploaded Feb. 10, 2015).

<sup>4</sup> See, e.g., [14 C.F.R. § 145.221\(a\)](#) (“A certificated repair station must report to the FAA within 96 hours after it discovers any serious failure, malfunction, or defect of an article.”).

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**Furthermore, the FAA highlights the fact that each AD is unique – ARSA agrees. The unique nature of each AD, and varying requirements included in each is precisely why generic approval is inappropriate.**

- 3. The unique type of activity involved requires that each specific information collection contained within an AD be subject to individual review and approval by OMB.*

*We agree that each AD specifying a reporting requirement is unique. The previous OMB approval process allowed a blanket OMB approval for all ADs. The proposed conversion to a generic approval will require individual AD approval by OMB.*

**While ARSA appreciates that generic clearance allows greater OIRA oversight than blanket approval, generic clearance is still inappropriate. Generic clearance does not allow for public comment on each information collection. Generic clearance was not anticipated by the PRA; rather it is a method of approval developed by the Office of Management and Budget, addressed only in guidance material.<sup>5</sup> That guidance only allows voluntary, non-controversial collections generic clearance. The reporting requirements contained in ADs are mandatory, and often controversial. As such, they warrant the full protections guaranteed by the PRA – including notice and comment.**

- 4. Individual review of each information collection within an AD would help identify specific instances where the burden is unnecessary or overly cumbersome.*

*We partially agree. With the proposed generic OMB approval process, a review of each reporting requirement in an AD would help identify specific instances where the burden is overly cumbersome. However, it's the FAA's determination, in the interest of safety, whether the reporting requirement is necessary.*

**The PRA specifically states:**

**Before approving a proposed collection of information, the Director shall determine whether the collection of information by the agency is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility.<sup>6</sup> (Emphasis added).**

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<sup>5</sup> OMB, Memorandum for the Heads of Executive Departments and Agencies, and Independent Regulatory Agencies, *Paperwork Reduction Act – Generic Clearances* (May 28, 2010).

<sup>6</sup> [44 U.S.C. § 3508](#).

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**Thus, it is not within the FAA's sole discretion to determine whether the collection is necessary. Additionally, the PRA requires the agency to submit "the proposed collection of information, copies of pertinent statutory authority, regulations, and other related materials as the Director may specify."<sup>7</sup> These submissions facilitate reviewing the necessity of the collection; in the FAA's case, that showing is problematic.**

Conclusion

Generic clearance of information collections contained in ADs is inappropriate, and the deficiencies of the FAA's supporting statement make the information collection request procedurally suspect. Based upon the evidence presented in ARSA's submissions, it is appropriate for OIRA to disapprove the information collection request. Alternatively, OIRA has the evidence necessary to return the information collection request to the FAA as improperly submitted due to its failure to meet the procedural requirements of the PRA.

Sincerely,



Laura Vlieg  
Regulatory Affairs Manager

Legislation cited: Paperwork Reduction Act, 44 U.S.C. § 3501, *et seq.*

Attachments Appendix A – Report of Inspections Required by Airworthiness Directives  
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<sup>7</sup> [44 U.S.C. § 3507\(a\)\(1\)\(C\).](#)

# APPENDIX A

January 29, 2015

Delivered by email; read receipt requested: Kathy.DePaepe@faa.gov  
Original delivered by Certified Mail  
Return Receipt Requested  
Receipt No: 70110110000132594614

Ms. Kathy DePaepe  
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Oklahoma City, OK 73169

Re: Report of Inspections Required by Airworthiness Directives  
OMB Control No. 2120-0056; Docket No. FAA-2013-0259-0667

Dear Ms. DePaepe:

The Aeronautical Repair Station Association (ARSA) represents the aviation maintenance industry; its members include aircraft operators, aviation maintenance facilities and individuals certificated by the Federal Aviation Administration (FAA). Accordingly, ARSA members are directly impacted by the above referenced information collection.

ARSA respectfully submits its comments in response to the notice<sup>8</sup> on the FAA's intention to obtain the OMB's approval to renew the above referenced information collection request (ICR). The association requests that the OMB approval be withdrawn.

## **(a) Whether the proposed collection of information is necessary for FAA's performance**

This specific information collection is unnecessary. The generic clearance of all information collections included in airworthiness directives (ADs) is inappropriate. Rather, each information collection required by an AD must be submitted individually for approval.

The Paperwork Reduction Act<sup>9</sup> (PRA) mandates that each collection of information be evaluated for criteria including "a specific, objectively supported estimate of burden."<sup>10</sup> As discussed below, the unique nature of each unsafe condition precludes a meaningful aggregated estimate of the burden.

The statute does not contemplate generic ICRs; rather, an OMB memorandum dated May 28, 2010 ("Memo") provides guidance on their availability and usage.<sup>11</sup> The Memo specifically limits generic ICRs to information collections that are "usually voluntary, low-

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<sup>8</sup> 79 Fed. Reg. 72054 (Dec. 4, 2014).

<sup>9</sup> Paperwork Reduction Act, 44 U.S.C. § 3501, *et. seq.*

<sup>10</sup> Paperwork Reduction Act, 44 U.S.C. § 3506(c).

<sup>11</sup> OMB, Memorandum for the Heads of Executive Departments and Agencies, and Independent Regulatory Agencies, *Paperwork Reduction Act – Generic Clearances* (May 28, 2010), p. 1.

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burden, and uncontroversial.”<sup>12</sup> The Memo also acknowledges that “a generic ICR does not permit the public to examine the details of each individual collection.”<sup>13</sup>

Contrary to the Memo’s criteria, the specific information collections covered by OMB Control No. 2120-0056 are not voluntary. The FAA issues ADs under its general and specific rulemaking authority.<sup>14</sup> Any collection included in the final rule, i.e., the AD, is mandatory.

Generic clearance is not suitable; each AD information collection is unique and requires individualized approval. Indeed, the FAA’s stated reason for requiring these collections is the need for “more information to develop corrective action...if the unsafe condition results from manufacturing quality control problems.”<sup>15</sup> The FAA is definitely aware of these types of situations in sufficient time to apply for an approval number under the standard PRA clearance process.

### **(b) The accuracy of the estimated burden**

The estimated burden is inaccurate and misleading. Due to the unique nature of each AD, corresponding information collection is distinctive, with varying degrees of burden. While the FAA claims that the estimated time burden is five minutes per collection, the reality is that even the simplest collection effort for an AD takes much longer and will have different requirements, dictating individual oversight.

For instance, in 2013 the FAA issued a proposed rule<sup>16</sup> that included an information collection that would have taken between five and nine hours to complete.<sup>17</sup> Indeed, after considering comments to the proposed AD, including comments on the collection activity, the FAA issued a supplemental notice of proposed rulemaking<sup>18</sup> that, among other things, eliminated the reporting requirement altogether. The agency stated that the information collection was unnecessary since the FAA could rely on “established reporting channels.”<sup>19</sup> This action directly undermines the FAA’s justification to OMB that the agency has “no other method for collecting this information.”<sup>20</sup> It also highlights the deceptive burden estimate in

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<sup>12</sup> *Id.*

<sup>13</sup> *Id.* at p. 2.

<sup>14</sup> See generally Administrative Procedure Act, 5 U.S.C. §§ 551-59; see also, 49 U.S.C. § 106 (authorizing “the promulgation of regulations, rules, orders, circulars, bulletins, and other official publications of the Administration”).

<sup>15</sup> *Report of Inspection Required by Airworthiness Directives*, Title 14 CFR part 39, OMB No. 2120-0056, at pp. 1-2.

<sup>16</sup> Docket No. FAA-2012-0002

<sup>17</sup> See ARSA Comments, *Reporting Burden for OMB Control Number 2120-0056, Proposed Airworthiness Directive Docket No. FAA-2012-0002* (January 14, 2014).

<sup>18</sup> 80 Fed. Reg. 1008 (Jan. 8, 2015).

<sup>19</sup> 80 Fed. Reg. 1010 (Jan. 8, 2015).

<sup>20</sup> *Report of Inspection Required by Airworthiness Directives*, Title 14 CFR part 39, OMB No. 2120-0056, at p. 2.

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the generic request, and the need for OMB approval of each individual information collection, as required by law.

The stated number of respondents is 1,120 aircraft owners/operators, yet there are over 300,000 currently registered aircraft.<sup>21</sup> ADs are not issued against aircraft owner/operators, but rather against aircraft, engines, propellers and appliances—the actions required by these safety rules must be taken by persons authorized to perform maintenance, preventive maintenance or alterations under part 43. Thus, both the time and number of respondents are vastly under estimated.

### **(c) Ways for FAA to enhance the quality, utility and clarity of the information collection**

This information collection should not be approved. The unique type of activity involved requires that each specific information collection contained within an AD be subject to individual review and approval by OMB.

### **(d) Ways that the burden could be minimized without reducing the quality of the collected information.**

Individual review of each information collection within an AD would help identify specific instances where the burden is unnecessary or overly cumbersome, and would create oversight and opportunity for revision or elimination of such burden.

Sincerely,



Laura Vlieg  
Regulatory Affairs Manager

cc: Dominic J. Mancini, [Dominic\\_J.\\_Mancini@omb.eop.gov](mailto:Dominic_J._Mancini@omb.eop.gov)

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<sup>21</sup> As of Jan. 2, 2015, the U.S. Civil Aircraft Registry reported 305,597 registered aircraft.