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February 1, 2018

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Re: Non-Compliance with the Paperwork Reduction Act

Dear Gentlemen:

It has come to our attention that the agency has failed to obtain approval of its requirement that parts 121, 135 and 145 applicants and certificate holders complete the data collection tools (DCTs) associated with the agency's Safety Assurance System (SAS).

As we are sure the agency is aware, the Paperwork Reduction Act, [44 U.S.C. § 3507\(a\)](#) does not allow a federal agency to "conduct or sponsor the collection of information unless in advance of the adoption or revision of the collection of information" necessary justification has been submitted to and approved by the Director of the Office of Management and Budget.

The requirement for applicants and certificate holders to complete the DCTs and submit the answers to the agency is contained in numerous references within the [Flight Standards Information Management System](#) (FSIMS). While the FSIMS is purportedly directed at FAA employees, certificate holders are required to complete these collections of information in order to obtain and maintain certificates issued by the agency. Indeed, this association has emails and other written communications from FAA personnel stating that the certificate holder must complete the DCTs before certification or changes to existing certificates and authority can and will take place. Therefore, the data collection activities definitely cause the FAA to obtain answers to identical questions posed to ten

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or more persons other than agencies, instrumentalities or employees of the United States.<sup>1</sup>

We recognize that the agency has instituted the SAS to implement a risk-based approach to its safety oversight responsibilities. We also appreciate the fact that those efforts were directed not only by the FAA's desire to "do more with less" but by legislation and in response to various audits and findings by the Department of Transportation's Office of Inspector General and the Government Accountability Office. However, those pressures do not relieve the agency of its obligations under other laws passed by Congress; particularly those that reduce the burdens on small businesses. While "major" air carriers are not small enterprises, many part 135 operators and the majority of 145 certificate holders do fall into that category.

We respectfully request the agency immediately cease imposing any requirement to collect information from certificate holders through the SAS DCTs until such time as the FAA submits its justification for such efforts to the Director of OMB and obtains that agency's approval.

Sincerely,

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<sup>1</sup> See the definition of "collection of information" in [44 U.S.C. § 3502\(3\)](#).

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