



AUG 29 2018

Mr. Marshall S. Filler
Managing Director & General Counsel
Aeronautical Repair Station Association (ARSA)
121 North Henry Street
Alexandria, VA 22314

Dear Mr. Filler:

Thank you for your letter dated February 1, 2018, expressing concerns about Non-Compliance with the Paper Reduction Act (PRA).

Your letter detailed concerns about the requirement that parts 121, 134, and 145 applicants and certificate holders complete the data collection tools (DCTs) associated with the Agency's Safety Assurance System (SAS).

You are correct that "the Paperwork Reduction Act (PRA), 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 (OMB)."

The following actions have been taken by Flight Standards to support PRA requirements:

1. Published a policy change in FSIMS through Notice 8900.451 (dated 2/20/18) "Policy Change for Applicants/Certificate Holders Submitting Information Using the SAS External Portal and Data Collection Tools". Until the OMB provides a decision to our request for approval, this notice provides policy and guidance on the use of the external portal and DCTs.

Please note paragraph 5a, on page 2, of the Notice states (*italics added*):

a. SAS External Portal. *The SAS external portal is a secure, user-friendly, web-based interface for the applicant or certificate holder to exchange information with Flight Standards personnel. Until the OMB grants approval, Flight Standards has determined that the use of the external portal to collect the following information will be voluntary:*

- *Configuration data;*
- *Preapplication Statement of Intent (PASI);*
- *FAA Form 8310-3, Application for Repair Station Certificate and/or Rating;*

- *Scoped Element Design (ED) DCTs (Module 4);*
 - *Changes to the scope of operations;*
 - *Change requests to their certificate;*
 - *Submitted correspondence;*
 - *Manuals; and*
 - *Minimum equipment list (MEL) revisions.*
2. Initiated an approval of information collection for the SAS External Portal. The first Notice published in the Federal Register on February 23, 2018 (83 FR 8147) with a 60-day comment period. The second Notice posted on July 11, 2018 (83 FR 32184) and closed on August 10, 2018. Our request to OMB was submitted on August 2, 2018 and is pending a decision. The decision from OMB is the final step in the process.

If you have any questions, please contact Mr. Rick Domingo, Executive Director, Flight Standards Service, at (202) 267-8237.

Sincerely,



Ali Bahrami
Associate Administrator for Aviation Safety

Enclosure

Notice N 8900.451, "Policy Change for Applicants/Certificate Holders Submitting Information Using the SAS External Portal and Data Collection Tools"

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

N 8900.451

National Policy

Effective Date:
2/20/18

Cancellation Date:
2/20/19

SUBJ: Policy Change for Applicants/Certificate Holders Submitting Information
Using the SAS External Portal and Data Collection Tools

1. Purpose of This Notice. This notice supplements current policy and removes requirements for applicants and certificate holders to use the Safety Assurance System (SAS) external portal and Data Collection Tools (DCT). The changes impact the following policy contained within Federal Aviation Administration (FAA) Order 8900.1:

- Volume 2, Chapter 3, The Certification Process—Title 14 CFR Part 121;
- Volume 2, Chapter 4, The Certification Process—Title 14 CFR Part 135;
- Volume 2, Chapter 11, Certification of a Part 145 Repair Station;
- Volume 10, Chapter 2, Section 1, Safety Assurance System: Module 1 Configuration; and
- Volume 10, Chapter 5, Section 1, Safety Assurance System: Module 4 Data Collection.

2. Audience. The primary audience for this notice includes Flight Standards division managers, Office Managers (OM), principal inspectors (PI), and certification project managers (CPM) who have oversight responsibility for applicants and operators certificated under Title 14 of the Code of Federal Regulations (14 CFR) for operations under 14 CFR parts 121, 135, and 145. The secondary audience includes all Flight Standards divisions, branches, and offices.

3. Where You Can Find This Notice. You can find this notice on the MyFAA employee website at https://employees.faa.gov/tools_resources/orders_notices. Inspectors can access this notice through the Flight Standards Information Management System (FSIMS) at <http://fsims.avs.faa.gov>. Operators can find this notice on the FAA's website at <http://fsims.faa.gov>. This notice is available to the public at http://www.faa.gov/regulations_policies/orders_notices.

4. Background. The Flight Standards Service has determined that the collection of certain information through the SAS external portal and DCTs from applicants and certificate holders is covered by the Paperwork Reduction Act of 1995 (PRA) (refer to Title 44 of the United States Code (44 U.S.C.) chapter 35). The PRA is a law that requires Federal agencies to take responsibility and accountability for reducing the burden of Federal paperwork on the public (e.g., individuals, small businesses, educational and nonprofit institutions, Federal contractors, and state and local governments), regardless of whether the collection is mandatory, voluntary, or required to obtain or retain a benefit. The PRA covers almost all information collected,

including oral and written communication and automated, electronic, mechanical, or other technological collection techniques.

5. Policy Change. Flights Standards is in the process of working with the Office of Management and Budget (OMB) to obtain approval for the collection of information through the external portal and the DCTs. Until the OMB grants approval (or until the expiration date of this notice), this notice provides policy and guidance on the use of the external portal and DCTs.

a. SAS External Portal. The SAS external portal is a secure, user-friendly, web-based interface for the applicant or certificate holder to exchange information with Flight Standards personnel. Until the OMB grants approval, Flight Standards has determined that the use of the external portal to collect the following information will be voluntary:

- Configuration data;
- Preapplication Statement of Intent (PASI);
- FAA Form 8310-3, Application for Repair Station Certificate and/or Rating;
- Scoped Element Design (ED) DCTs (Module 4);
- Changes to the scope of operations;
- Change requests to their certificate;
- Submitted correspondence;
- Manuals; and
- Minimum equipment list (MEL) revisions.

b. SAS DCTs.

(1) System or Subsystem Performance (SP) DCTs and Element Performance (EP) DCTs. SP DCTs and EP DCTs are used by inspectors to determine if an applicant's or certificate holder's operating systems are producing the intended results, to confirm the applicant's or certificate holder's risk assessment is occurring through their monitoring process, and that they are taking appropriate corrective action when necessary. These tools are intended for inspector use only and *should not* be given to the certificate holder to complete.

(2) ED DCTs and National/Regional Custom DCTs (C DCT). ED DCTs and some National/Regional C DCTs (also known as "self-audited" DCTs) are used to ensure an applicant's or certificate holder's operating systems are designed to comply with the intent of regulations and system safety. Flight Standards uses many of these DCTs during the initial certification process to collect information from parts 121, 135, and 145 applicants. Until the OMB grants approval, Flight Standards has determined that we cannot mandate the use of the ED DCTs and National/Regional C DCTs by the applicant or certificate holder to collect information. If the applicant chooses not to use the "self-audited" DCTs, then the CPM or PI will need to conduct their own evaluation of the applicant's programs and complete the FAA DCTs.

6. Disposition. We will incorporate the information in this notice into Order 8900.1 before this notice expires. Direct questions concerning the information in this notice to the Safety Analysis and Promotion Division (AFS-900) at 9-AFS-900-SAFE@faa.gov.

ORIGINAL SIGNED by

/s/ John S. Duncan
Executive Director, Flight Standards Service