



121 North Henry Street
Alexandria, VA 22314-2903
T: 703 739 9543 F: 703 739 9488
arsa@arsa.org www.arsa.org

January 14, 2014

Original by certified mail
Return receipt requested 7011 0110 0001 3259 4034

Federal Aviation Administration
Attn: Information Collection Clearance Officer
AES-200
800 Independence Ave. SW.
Washington, DC 20591

Re: Reporting Burden for OMB Control Number 2120-0056
Proposed Airworthiness Directive Docket No. FAA-2012-0002

To Whom It May Concern:

ARSA is an association for the aviation maintenance industry; its members include aircraft operators, aviation maintenance facilities and individuals certificated by the Federal Aviation Administration (FAA). Accordingly, many ARSA members are directly impacted by the proposed Airworthiness Directive (AD) and its unnecessary reporting requirements.

General Issues

Pursuant to the Paperwork Reduction Act,¹ reiterated in Section (I) of the proposed rulemaking, ARSA challenges the information collection on several grounds including the—

- (1) Inaccuracy of the burden—please review the section titled “[Specific Concerns](#)” to understand the time burden associated with each step in the requested information.
- (2) Lack of practical utility²—the FAA does not explain why it needs the information in this particular case and consequently the agency has not provided a practical utility

¹ Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq*

² See Paperwork Reduction Act, 44 U.S.C. § 3506 stating that an agency must “...consult with members of the public and affected agencies concerning each proposed collection of information, to solicit comment to—

- (i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;
- (ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;
- (iii) enhance the quality, utility, and clarity of the information to be collected; and
- (iv) minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology...”.

Re: Reporting Burden for OMB Control Number 2120-0056
Proposed Airworthiness Directive Docket No. FAA-2012-0002

for the data once collected. Indeed, there seems to be no reason for the collection other than curiosity since the agency is—

- Ultimately proposing to remove the cylinders from service entirely; and,
- Not requesting information on all conditions found, which would enhance knowledge of the wear and tear on the cylinders of reciprocating engines.

Even more importantly, the FAA completely fails to provide a reason that it cannot fulfill its proper functions without the information being sought. In this case, there can be no justifiable reason since the removal of the cylinders from service is the agency's ultimate requirement. Certainly, removing the cylinders from service completes the agency's function to ensure the continued safe operation of aircraft in this instance.

- (3) AD fails to inform the person receiving the collection of information of—
- (I) The reasons the information is being collected; and
 - (II) The way such information is to be used.³

Since the agency failed to provide a reason for collecting the particular information in the cited proposal, it also failed to supply the FAA employee receiving the data the purpose for which it is being collected and how it should be used when obtained.

The FAA offered the following justification in its submission to OMB for approval of information collections required by any and all ADs the agency may publish.⁴

If the condition is serious enough and we need more information to develop corrective action, we may require specific information from aircraft owners/operators.

We may also require reports if the unsafe condition results from manufacturing quality control problems. We need these reports to determine the scope of the problem and how adequate the manufacturer's corrective actions are.

Contrary to the agency's assertion, the owner/operator is not the person who will be required to make the report. Indeed, owner/operators have no authority to perform the actions necessary to obtain and provide the required report; the actions must be accomplished in accordance with 14 CFR part 43;⁵ only persons with the authority to

³ *Id.*

⁴ *Report of Inspection Required by Airworthiness Directives*, Title 14 CFR part 39, OMB No. 2120-0056, at pp. 1-2.

⁵ See particularly, 14 CFR section 43.3.

Re: Reporting Burden for OMB Control Number 2120-0056
Proposed Airworthiness Directive Docket No. FAA-2012-0002

perform maintenance, preventive maintenance, rebuilding or alterations may perform the inspections and report the findings required by the collection effort.

Furthermore, since the proposed AD bans the cylinders from use the need for “more information to develop corrective actions” is eviscerated. Also, there is no accusation of a manufacturer defect—the only reasons cited by the agency for obtaining OMB approval of collection activity relating to any and all ADs. The need to collect information is therefore totally unjustified in this case.

In the same document, the FAA states that it “cannot predict exactly who will be affected by an AD,”⁶ and yet the proposed AD itself forecasts the proposal will affect “about 6,000 Continental Motors, Inc. installed on airplanes of U.S. registry.”⁷

Additionally, despite its assertion that “[w]e make every effort to minimize the burden on small businesses or other small entities, including our preparation of a Regulatory Flexibility Act analysis for non-emergency ADs,”⁸ the proposed AD did not contain any RFA analysis, but simply states the AD “[w]ill not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.”⁹

Finally, the FAA statement that “[w]e have no other way to require reports of information,” is blatantly false. Title 14 CFR parts 121, 135, 145 lay out specific requirements for reporting serious failures, malfunctions and defects to the agency.¹⁰ Furthermore, owner/operators must report incidents and accidents to the National Transportation Safety Board and the failure of a cylinder would create the requirement for such a report.¹¹

Clearly the FAA regulations contradict the statements made in its submission to the OMB for approval of information collections for any and all ADs. Indeed, since each rulemaking is unique, the OMB’s blanket approval allowing the FAA to collect information in any and all ADs is contrary to the letter and spirit of the Paperwork Reduction Act.

Specific Issues

⁶ *Report of Inspection Required by Airworthiness Directives*, at p. 3.

⁷ 78 Fed. Reg. 48830.

⁸ *Report of Inspection Required by Airworthiness Directives*, at p. 3.

⁹ 78 Fed. Reg. 48830.

¹⁰ 14 CFR § 121.703, 121.705, 135.415, 135.417, 145.22114 C.F.R. 91.417(a)(v).

¹¹ 49 CFR § 830.5.

Re: Reporting Burden for OMB Control Number 2120-0056
Proposed Airworthiness Directive Docket No. FAA-2012-0002

Under the Paperwork Reduction Act, each collection of information must be evaluated for criteria including “a specific, objectively supported estimate of burden.”¹² The FAA estimated the burden of information collections in all ADs that would use the OMB collection number to be a five-minute reporting effort. This estimate is not objectively supported in this case and is problematic in all cases. In fact, in the proposed AD at issue, an objectively supported estimate of the burden is between five and nine hours, as detailed below.

To ensure the full burden is realized versus the estimate by the agency, ARSA has reproduced the FAA’s proposed reporting requirements for this AD in *italics* with the association’s comments in **bold**.

Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information.

The five-minute time burden for reporting the required information is vastly underestimated; indeed, the time necessary to review and fully understand the nature and extent of the required reporting is approximately five minutes.

The time associated with the other individual steps required to obtain the information is specified for each element below.

(a) *Reporting Requirements*

Report to the FAA all cylinder assemblies that you removed per this AD.

The person removing the cylinders may not be the person removing the engine from the aircraft. The assumptions of data collection are thereby skewed.

Furthermore, data on operating hours must be obtained from the aircraft records, which may or may not be available to the person required to report the majority of the information.

Send your report to the Special Certification Office, FAA, Rotorcraft Directorate, Attn: Jurgen E. Priester, Aerospace Engineer, 2601 Meacham Blvd., Fort Worth, TX 76137; phone: 817-222-5159; fax: 817-222-5785; email: 9-ASW-190-COS@faa.gov. Include the following information:

- (1) *Aircraft model.*
- (2) *Continental Motors, Inc. engine model number.*

¹² Paperwork Reduction Act, 44 U.S.C. § 3506(c).

Re: Reporting Burden for OMB Control Number 2120-0056
Proposed Airworthiness Directive Docket No. FAA-2012-0002

(3) *ECi cylinder assembly S/N.*

These three steps each must be obtained through both a records review and a visual inspection of the aircraft and its engines.

An aircraft record review will take approximately 10 minutes

An engine record review will take approximately 10 minutes.

The detailed visual inspection in Section (f) of the proposed AD to identify each cylinder by serial number, will take approximately three hours.

(4) *Cylinder assembly total operating hours.*

(5) *Installation date of ECi cylinder assembly.*

These two steps require consulting the engine maintenance records to establish the installation date of each cylinder assembly, and the aircraft records for the number of operating hours since installation of each cylinder.

A review of the engine records to determine when each cylinder was installed will take approximately 10 minutes.

If the aircraft records are available, reviewing them will take approximately 10 minutes. This step is problematic since the person performing maintenance on the engine may not have access to the aircraft records. Since the “person removing the cylinder” is required to complete the record, there is no incentive for the owner/operator of the aircraft to make the necessary records available in a timely fashion or even at all.

Admittedly, the owner/operator is responsible for complying with the AD. Therefore, although the person removing the cylinder is responsible for completing the record, the AD cannot be “signed off” without the owner/operator providing the information necessary to comply with the AD or submitting the “required” record itself. In any event, obtaining the records from the owner/operator could take anywhere from five minutes to make the phone call and receive the information verbally up to four hours to harass the person or company into providing the records necessary to complete the AD requirements.

(6) *Airplane utilization average per year (flight hours per year).*

This step requires consulting the time-in-service records and the maintenance records to calculate the number of flight hours. To be accomplished by the

Re: Reporting Burden for OMB Control Number 2120-0056
Proposed Airworthiness Directive Docket No. FAA-2012-0002

person removing the cylinder from the engine requires the cooperation of the aircraft owner/operator. As stated above, this is a problematic situation.

This step requires consulting the flight time records of the aircraft and calculating the annual average. Since the collection effort does not indicate how many years must be calculated, it is assumed that all years of operation must be collected. This will take approximately 35 minutes.

- (7) *Number of flight hours since last mandatory inspection required by this AD.*

This step requires consulting the aircraft records, a problematic situation. If the records were readily available, this step will take approximately five minutes.

- (8) *Reason for cylinder removal, i.e., leaking head with cracks or other indications found, failed compression test, valves or rings leaking, or a head separation.*
- (9) *How the defect was found, i.e., visual inspection, leak check, compression test, etc.*
- (10) *Source of leak(s).*
- (11) *Location of crack(s). Locate by counting the number of cooling fins up from the head/barrel interface.*
- (12) *Length of crack(s).*
- (13) *Location of separation. Locate by counting the number of cooling fins up from the head/barrel interface.*

The information required by steps (8)-(13) must be obtained through visual inspection, compression tests and leak checks, which, according to the agency's proposed AD, takes approximately six hours per engine. Additionally, these steps can only be taken by appropriately certificated persons under 14 CFR part 43.

Furthermore, the specified cylinder assemblies in Group A (with fewer than 500 or more than 1,000 operating hours) and Group B (with more than 1,000 operating hours) must be removed from service whether or not there are any "failures" or problems, thus steps (9)-(13) become irrelevant.

If the agency can justify the collection of this information, it must collect all information, good or bad on the cylinders; therefore, the verbiage would need to be changed to request all conditions discovered.

Reporting the results of such actions with the specificity required by the data collection efforts will take approximately 30 minutes.

Re: Reporting Burden for OMB Control Number 2120-0056
Proposed Airworthiness Directive Docket No. FAA-2012-0002

(14) *Your contact information (optional).*

It is unfathomable that the information requested is mandatory, yet the contact information for the person providing is optional. The person performing the operations required to obtain the data must be certificated (see, 14 CFR section 43.3). If the information is so important to the agency, providing false or misleading data must be subject to the provisions of 14 CFR section 43.12.

This information is supposedly required by the agency under the provisions of its submission for collection discussed above. Again, the agency's purported justification is that the collection of information can help the agency develop further corrective action or assess the manufacturer's corrective actions. However, the cylinders are banned under the proposed AD; therefore, there is no further corrective action that can be developed by this information collection. The collection is not only burdensome, but entirely unnecessary.

Conclusion

The FAA's submission to the OMB justifying the collection of information in an AD is problematic since it does not meet the requirements of the Paperwork Reduction Act that each collection of information be evaluated for criteria including "a specific, objectively supported estimate of burden."¹³

This is particularly troublesome since the generic clearance did not and does not meet the requirements of the Office of Information and Regulatory Affairs (OIRA) for such collection efforts. Namely, the need for collections as part of each AD rulemaking are not "similar" nor "low-burden." Each collection is unique—the persons providing the information are not the owner/operators to which the rulemaking is directed and the collection activity takes substantially more than the 5 minutes claimed by the FAA. Furthermore, the specifics of each collection can definitely be determined well before the data are to be collected. Indeed, many ADs are contemplated for years before being issued and involve NPRMs that request comment on the collection efforts.¹⁴

¹³ Paperwork Reduction Act, 44 U.S.C. § 3506(c).

¹⁴ See, April 7, 2010, "MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES, AND INDEPENDENT REGULATORY AGENCIES, SUBJECT: Information Collection under the Paperwork Reduction Act" at p. 5 and May 28, 2012 "MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES, AND INDEPENDENT REGULATORY AGENCIES, SUBJECT: Paperwork Reduction Act – Generic Clearances.

Re: Reporting Burden for OMB Control Number 2120-0056
Proposed Airworthiness Directive Docket No. FAA-2012-0002

Even if the OMB number was properly issued for all ADs, this particular reporting request does not meet any of the FAA's information collection submission justification claims and therefore must be removed from the cited rulemaking.

Finally, the reporting burden involved with this information collection will take far greater than five minutes. Adding all of the steps involved, a more accurate estimate is that the reporting will take anywhere from five to nine hours.

Your Servant,



Sarah MacLeod
Executive Director

cc: Al Spence
Directives Program Manager
AES 200
Office of IT Enterprise Services
Kathy DePaepe
FAA Forms and PRA Programs Manager
Howard Shelanski
Administrator
Andrei Greenawalt
Associate Administrator
Office of Information and Regulatory Affairs

Al.Spence@faa.gov

Kathy.DePaepe@faa.gov

By electronic mail to:
OIRA_submission@omb.eop.gov
By facsimile to: (202) 395-5806
By certified mail, return receipt
requested to:
725 17th Street, NW
Washington, D.C. 20506-0001
FAA 2012-0002

<http://www.regulation.gov>