DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 11, 121, 125, 129, 135

[Docket No. 28109; Amendment No. 11–44]

RIN 2120–AF76

Revisions to Digital Flight Data Recorder Rules

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; Disposition of comment.

SUMMARY: This document informs the public of the Office of Management and Budget (OMB) approval and the assigned control number for the Revisions to Digital Flight Data Recorder Rules final rule information collection requirements, and responds to the one comment received. This document also adds the OMB control number to the table in FAA's general rulemaking procedure regulations.

EFFECTIVE DATE: June 10, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Gary E. Davis, Air Carrier Operations Branch (AFS–220), Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267–3747.

SUPPLEMENTARY INFORMATION: The following information summarizes the information collection considerations for the Revisions to Digital Flight Data Recorder Rules final rule (62 FR 38362, July 17, 1997).

1. *The reasons the information is planned to be and/or has been collected.* This regulation revises and updates the Federal Aviation Regulations to require that certain airplanes be equipped to accommodate additional digital flight data recorder (DFDR) parameters. These revisions follow a series of safety recommendations issued by the National Transportation Safety Board (NTSB), and the Federal Aviation Administration's decision that DFDR rules should be revised to upgrade recorder capabilities in most transport airplanes. These revisions will require additional information to be collected to enable more thorough accident or incident investigation and to enable industry to predict certain trends and make necessary modifications before an accident or incident occurs.

2. *The way such information is planned to be and/or has been used to further agency purposes and service agency needs.* These revisions will require additional information to be collected and retained by aircraft operators to enable more thorough accident or incident investigation and to enable industry to predict certain trends and make necessary modifications before an accident or incident occurs.

3. *An estimate, to the extent practicable, of the average burden of the collection.* Once the DFDR has been upgraded to record the required parameters, no further expenditures are required; recordation and storage of the data in the recorder is automatic. Costs of upgrade and installation vary by type of aircraft and are detailed in the final rule and regulatory evaluation (62 FR 28262).

4. *Whether responses to the collection of information are voluntary, required to obtain or retain a benefit, or mandatory.* Collection of data is required by regulation. In the case of an accident, when the flight data recorder is retrieved from the scene, the 25 hours of information recorded by the aircraft's recorder will be downloaded and analyzed by accident investigators at the NTSB and the FAA to determine probable cause.

5. *The nature and extent of confidentiality to be provided, if any.* Flight data recordings are surrendered to the National Transportation Safety Board only in the event of an accident or an incident. Only after the data has been analyzed and interpreted is a compilation released.

6. *The fact that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.*

OBM has approved the Digital Flight Data Recorder rule and assigned it the following control number: 2120–0616.

Comments Received: The FAA received one comment from Midwest Airlines. The comment addresses concerns regarding ''language made in the final rule as well as the compatibility of the LORAL F800 DFDR's utilized'' by Midwest Express airlines. This comment goes beyond the scope of the request. The FAA solicited comments on the information requirements in order to: (1) Evaluate whether the proposed collection of information necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; including the validity of the methodology and assumptions used; (3) enhance the quality utility, and clarity of the information to be collected; and (4) minimize the burden of data collection by regulated entities, including the use of appropriate automated, electronic, mechanical, or other collection techniques or other forms of information technology. Discussion of the compatibility of a particular flight data recorder model with the requirements of the rules has already been addressed in the preamble to the final rule.

List of Subjects in 14 CFR Part 11

Administrative practice and procedure, Reporting and recordkeeping requirements.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 11 as set forth below:

PART 11—GENERAL RULEMAKING PROCEDURES

1. The authority citation for part 11 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40101, 40103, 40105, 40109, 40113, 44110, 44502, 44701–44702, 44711, 46102.

2. Section 11.101(b) is amended by revising the entry for part 125 and by adding the following entries in numerical order to read as follows:

§ 11.101 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

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(b) *Display.*

14 CFR part or section identified and described	Current OMB control No.
* * * * *	
Part 121 (except as below)	
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§ 121.344	2120–0616
§ 121.344a	2120–0616
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Part 125 (except as below)	2120–0085
§ 125.226	2120–0616
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§ 129.20	2120–0616
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§ 135.152	2120–0616
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Issued in Washington, DC on June 1, 1998.

Mardi R. Thompson,

Acting Assistant Chief Counsel for Regulations.

[FR Doc. 98–15142 Filed 6–9–98; 8:45 am]

BILLING CODE 4910–13–M