

**Department of Transportation  
Office of the Chief Information Officer**

**SUPPORTING STATEMENT FOR  
PUBLIC CHARTERS UNDER TITLE 14 CFR Part 380**

**INTRODUCTION**

This is to request the Office of Management and Budget's (OMB) renewed three-year approved clearance for the information collection entitled, "PUBLIC CHARTERS"(OMB Control No. 2106-0005.

**Part A.**

This justification supports the request to collect public charter information under Title 14 CFR Part 380, which is consolidated into a charter prospectus using the following: OST Form 4532, 4533, 4534, and 4535. The collection information is necessary in order to protect the participants and their funds.

1. Circumstances that make the collection of information necessary.

*Title 14 CFR Part 380* grants US and foreign charter operators an exemption from certain provisions of *Subtitle VII Part A Chapters 411 and 413 of Title 49* of the U.S. Code in order that they may arrange and sell public charter flights on aircraft chartered from direct air carriers. This exemption is conditioned with the stipulation that the operators comply with the requirements of Part 380. One of the requirements of Part 380 is that the operators file a charter prospectus with the Department prior to marketing the charter flights. The information required by the regulation to be included in the prospectus is the submission of Forms 4532, 4533 and 4534. The information requested on Form 4535 is required to be included in the prospectus *if* the direct air carrier involved substitutes its own security agreement and/or depository arrangements for those required by the charter operator. This collection supports the DOT's performance goals concerning *National Security and Aviation Safety*, which is intended to ensure that no terrorist or other individual is successful in causing harm or significant disruption to the aviation system.

2. How, by whom, and for what purpose the information is to be used.

14 CFR Part 380 establishes the regulations of the Department's terms and conditions governing Public Charter operators to conduct air transportation using direct air carriers. Public Charter operators arrange transportation for groups of people on chartered aircraft. This arrangement is less expensive for the travelers than individually buying a ticket. Part 380 exempts charter operators from certain provisions of the U.S. code in order that they may provide this service. A primary goal of Part 380 is to seek protection for the consumer. Accordingly, the rule stipulates that the charter operator must file evidence (a

prospectus--that consists of OST Forms 4532, 4533, 4534 and 4535) with the Department for each charter program certifying that it has entered into a binding contract with a direct air carrier to provide air transportation and that it has also entered into agreements with Department-approved financial institutions for the protection of charter participants' funds. The prospectus must be approved by the Department prior to the operator's advertising, selling or operating the charter. If the prospectus information were not collected it would be extremely difficult to assure compliance with agency rules and to assure that public security and other consumer protection requirements were in place for the traveling public.

3. Extent of automated information collection.

Approximately 25% of the information collected is filed electronically. We also respond electronically, although we are currently seeking the capabilities to install the e-signature mechanisms needed to approve the prospectuses, without sacrificing passenger protection for which our rules were established. We have made all of our Public Charter information available via the internet, in addition to the procedures on how to electronically file the required forms and the respondent's security documents.

4. Describe efforts to identify duplication.

The responses are not required by any other agency or organization. There is no duplication.

5. Efforts to minimize the burden on small businesses.

Completion of all forms in a prospectus can be accomplished in approximately two hours (30 minutes per form) for new filers and one hour for amendments (existing filers). The forms are simplified and request only basic information about the proposed programs and the private sector. The respondent can submit a filing to operate for up to one year and include as many flights as desired, in most cases. The operator is then required by regulations to file revisions to its original prospectus.

6. Impact of less frequent collection of information.

If the collection is not conducted, the Department could not enforce its regulations and protect the payments and expectations of the traveling public. The frequency of the collection is not an issue since the filings are *generated by the private sector*.

7. Special Circumstances.

None, except that a respondent could be conceivably required to report information more often than quarterly if previously submitted information needed to be updated.

8. Compliance with 5 CFR 1320.8(d). An electronic copy of the 60-day Federal Register Notice is attached. It was published in the Federal Register on May 21, 2009, page 23925. No comments have been received.

9. Payment or gifts to respondents. There are no payments or gifts made to respondents.

10. Assurance of confidentiality. The information collected is available for public inspection (*unless the respondent specifically requests confidential treatment*). Part 380 does not provide any assurances of confidentiality.

11. Justification for collection of sensitive information. No private information is requested.

12. Estimate of burden hours for information requested:

*Number of Respondents:* 245

*Number of Responses:* 1,782

Frequency of Responses:

245 (respondents) x 4 = 980

401 (amendments *from the same respondents*) x 2 = 802

Total estimated responses: 980 + 802 = 1,782

The frequency of response is dependant upon whether the operator is requesting a new program or amending their existing prospectus. Variations occur due to the respondents' criteria. On average four responses (forms 4532, 33, 34 and/or 35) are required for filing new prospectuses and two of the responses (forms) are required for amendments. The separate hour burden estimate is as follows:

Total Annual Burden: 891

Approximately 1,782 (responses) x 0.50 (per form) = 891

13. Estimate of the total annual costs burden. N/A

14. Estimates of costs to the Federal Government. N/A

15. Explain reasons for any adjustment or program change. The adjustments in both responses and burden hours are due to fluctuations in the airline industry. As a result the estimated annual responses increased slightly because of schedule changes to the respondents' existing programs, and the estimated total annual burden hours decreased due to respondent familiarity with filing procedures.

16. Publication of results of data collection. The information contained on the forms are not intended to be published for reporting or statistical use.

17. Approval for not displaying the expiration date of OMB approval. N/A

18. Exceptions to the certification statement. N/A

#### ATTACHMENTS

1. Published 30-day FR Notice
2. Published 60-day FR Notice
3. Supporting Statement
4. Forms 4532, 4533, 4534, 4535
5. 14 CFR Part 380
6. Title 49: Subtitle VII Part A Chapters 411 and 413