

SUPPORTING STATEMENT
OMB-2120-0660

Flight Operational Quality Assurance (FOQA) Program

Justification

1. Explain the circumstances that make the collection of information necessary.

Flight Operational Quality Assurance (FOQA) is a program for the routine collection and analysis of digital flight data from airline operations, including but not limited to digital flight data currently collected pursuant to existing regulatory provisions. The FAA requires certificate holders who voluntarily establish approved FOQA programs to periodically provide aggregate trend analysis information from such programs to the FAA.

The purpose of collecting, analyzing, aggregating, and reporting this information is to identify potential threats to safety, and to enable early corrective action before such threats lead to accidents. FOQA provides an objective source of information for FAA decision making, including identification of the need for new rulemaking based on observed trends in FOQA data. No other source of such objective data from line operations is available. A reduction in the already low accident rate is needed in order to preclude a projected growth in the number of future accidents as traffic volume increases.

Title 14, Code of Federal Regulations (14CFR), Subpart 13.401, stipulates that the FAA does not use FOQA information in punitive enforcement action against an air carrier or its employees, when that air carrier has an FAA approved FOQA program. There are no legal or administrative requirements that necessitate this rule. The rule is intended to encourage the voluntary implementation of FOQA programs in the interest of safety enhancement. The reporting requirements of the rule are intended to enable the FAA to determine whether or not FOQA programs are achieving their intended purposes, and to provide the FAA with the benefits of airline collected FOQA information for agency use to better manage the National Aerospace System.

14CFR, Subpart 13.401 supports the Department of Transportation and FAA goals for safety improvement.

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

The submitted aggregate trend information is reviewed by the FAA principal operations inspector (POI) responsible for oversight of the certificate holding respondent. The POI and his staff make use of this information to monitor operational trends, to identify areas in need of corrective action, and to verify that corrective action is effective. Other organizational elements within the FAA may also receive FOQA information specific to their respective mission areas. In general, the information is used to provide an improved basis for agency decisions based on objective data from line operations.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Air carriers participating in the FOQA program routinely make use of state-of-the-art automated electronic collection and data transmission techniques as the primary means of compliance with the reporting requirements of the proposed rule. Participating certificate holders use electronic information management technology for archiving, maintaining, and reporting aggregate data associated with the requirements of the final rule. This information collection is compliant with the Government Paperwork Elimination Act (GPEA).

4. Describe efforts to identify duplication.

Prior to its implementation the FAA conducted two studies which have addressed the feasibility of implementing FOQA programs in the U.S. These studies documented that similar information is not available from any other source, and FAA experience since implementation validates that 14 CFR, Subpart 13.401 does not entail any duplication of information reporting requirements.

5. If the collection of information has a significant impact on a substantial number of small businesses or other small entities, describe methods used to minimize burden.

The rule was reviewed by the FAA's Office of Policy and was determined not have a significant effect on small entities.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently.

If the requested information is not collected, the FAA would not be able to ascertain that appropriate actions are being taken to correct deficiencies that impact safety, nor would the FAA be able to benefit from the use of FOQA aggregate information for agency decision making purposes. The information collection frequencies required by this rule are the minimum amount necessary and appropriate for these purposes.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with 5 CFR 1320.5(d)(2)(i)-(viii).

There are no special circumstances.

8. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and

recordkeeping, disclosure, or reporting format (if any) and on the data elements to be recorded, disclosed, or reported.

The FAA funded a study of the feasibility of FOQA implementation in the U.S. in which industry viewpoints were documented. The FAA also conducted a FOQA Demonstration Project in cooperation with four airlines, with supplemental participation by four additional airlines. The FAA participates in periodic industry forums during which many airlines provide input to the FAA regarding FOQA and associated data collection/reporting issues. Industry viewpoints and concerns obtained from these various sources are discussed in the preamble to the Flight Operational Quality Assurance Program final rule (66 FR 55042).

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the FAA submitted a request for review of the information collection activity associated with this rule to OMB at the time the NPRM was originally published in the Federal Register soliciting comments from the public and other interested parties on the information collection and reporting requirements contained in this rule.

Pursuant to this OMB renewal request, the FAA issued Federal Register notice soliciting public comments on its renewal. A 60-Day notice for public comments was published in the Federal Register on July 6, 2016 (81 FR 44087). No comments were received.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

There is no payment or gift to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

In the Federal Aviation Reauthorization Act of 1996, Congress included specific provisions pertinent to the release to the public of safety related information voluntarily submitted to the FAA. Specifically, the Reauthorization Act added a new section, 49 USC § 40123, to the FAA's governing statute to protect voluntarily submitted information under certain circumstances. Section 40123 provides:

(a) In General. -- Notwithstanding any other provision of the law, neither the Administrator of the Federal Aviation Administration, nor any agency receiving information from the Administrator, shall disclose voluntarily-provided safety or security related information if the Administrator finds that --

(1) The disclosure of the information would inhibit the voluntary provision of that type of information and that the receipt of that type of information aids in fulfilling the Administrator's safety and security responsibilities; and

(2) Withholding such information from disclosure would be consistent with the Administrator's safety and security responsibilities.

(b) Regulations. -- The Administrator shall issue regulations to carry out this section.

By a final rule on Protection of Voluntarily Submitted Information, 14 CFR, Part 193, the FAA implemented the provisions of 49 USC § 40123. In accordance with that rule, by FAA Order 8000.81 FOQA data and aggregate data were designated as protected from disclosure under the Freedom of Information Act.

In addition, applicants may be provided confidentiality under the provision of the Privacy Act and the Privacy system of records DOT/FAA 847, Aviation Records on Individuals.

11. Provide additional justification for any questions of a sensitive nature.

There are no questions anticipated to entail matters commonly considered to be sensitive or private.

12. Provide estimates of the hour burden for the collection of information.

Number of respondents who have established a FOQA program: 49

FAA estimates an additional 5 FOQA programs in this 3 year reporting period for total of: 54

Frequency of response per respondent: Monthly

Estimated number of hours per respondent to prepare aggregate trend information to be submitted to the FAA: 1.0

Estimated annual hour burden per respondent: 12

Total estimated hours of industry burden: 648

The estimated 1.0 hour burden is the additional time required to transform the aggregate data already produced monthly by the certificate holder as part of an approved FOQA program into the appropriate form for use by the FAA.

When the final rule was published in 2001, the FAA identified approximately 60 certificate holders who were candidates to take the necessary steps to comply with the rule and gain the benefits of so doing. Currently 49 certificate holders have established FOQA programs. FAA estimates an additional 5 FOQA programs in this 3 year reporting period for a total of 54. Because of the benefits of FOQA participation to both safety and cost containment, it is anticipated that FOQA will someday be implemented on an industry wide basis in the U.S.

The certificate holder's FOQA Analyst will typically prepare and submit aggregate trend information to the FAA. Current data from BLS (May 2015) estimates the average hourly wage for an Operations Research Analyst (15-2031) in the 75th percentile to be \$50.52/hr. With employer costs at 30% of hourly wage (\$15.16), the average burdened cost of a FOQA Analyst is \$65.78/hr. Therefore, the maximum potential cost of this burden for 54 certificate holders (648 hours) is \$42,625.44.

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information.

The initial capital and start-up costs as well as those associated with annual operations, maintenance, and purchase of services components by the certificate holder will be accomplished for reasons other than to provide information or keep records for the government. Any costs over and above the latter are born by the government. Therefore, there are no costs other than those included in question 12.

14. Provide estimates of annualized cost to the Federal Government.

The FAA will not use FOQA information in punitive enforcement action against an air carrier or its employees. There are no legal or administrative requirements that mandated. The FAA encourages the voluntary establishment of FOQA programs by individual airlines. Voluntarily participating airlines with FAA approved programs are encouraged to share their findings at InfoShare in order to raise awareness among the aviation community.

The airlines are also encouraged to participate in the Aviation Safety Information Analysis and Sharing (ASIAS) in order to advance the aviation community's ability to identify and mitigate systemic risk in commercial aviation. These initiatives provide confidentiality and protections to ensure the data is only used to advance safety. The FAA has no access to this data (outside of the FAA field certificate management functions for each individual air carrier) as it is contrary to ASIAS protocols and signed agreements.

FAA Staff Burden-Field Certificate Management of Individual Air Carriers:

- (1) FAA Staff Action: To obtain approval for its FOQA program, the operator must develop and submit an FOQA Implementation and Operations (I&O) plan to the FAA for review and approval. The FAA estimates that review and approval by an Aviation Safety Inspector will take 5 hrs. The FAA estimates an additional 5 operators will implement FOQA programs in this 3 year reporting period.
- (2) FAA Staff Action: To approve the I&O plan, the FAA will initiate a letter of approval. The FAA estimates that developing the letter of approval by an Aviation Safety Inspector will take 1 hr. The FAA estimates that processing the letter of approval by an Aviation Safety Assistant will take .25 hrs. The FAA estimates an additional 5 operators will implement FOQA programs in this 3 year reporting period.
- (3) FAA Staff Action: FAA Certificate Holding District Office (CHDO) managers shall prepare a summary report of safety enhancements achieved each quarter by each certificate holder's FOQA program. The FAA estimates that generating a summary report by a CHDO manager will take .25 hrs. There are currently 49 operators with FOQA programs. The FAA estimates an additional 5 operators will implement FOQA programs in this reporting period for a total of 54.

FAA Staff Action	FAA Personnel	Burden	
		Time	Cost
(1) Review/Approval of I&O Plan	Aviation Safety Inspector - 5 hrs x 5 operators = 25 hrs at \$54/hr = \$1350	25	\$1350
(2) Provide approval letter to air carrier	Aviation Safety Inspector- 1 hr x 5 operators = 5 hrs at \$54/hr = \$270	5	\$270
	Aviation Safety Assistant- .25 hr x 5 operators = 1.25 hr at \$22/hr = \$27.5	1.25	\$27.5
(3) Prepare Quarterly Summary Report	CHDO Manager .5 hr x 4 times a year = 2 hr per yr x 54 operators = 108 hrs x 3 yrs of this PRA reporting period = 324 hrs at \$64/hr = \$20736	324	\$20,736
	Total	255.25	\$22,383.5

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14.

During the preparation of this updated Supporting Statement the FAA responded to the terms of clearance: Prior to any additional approval of this collection, FAA shall fully account for the cost of staff time associated with this collection. The FAA response resulted in adjustments reported in Item 14.

16. For collections of information whose results are planned to be published, outline plans for tabulation and publication.

The information to be collected will not be published, and is not releasable to the public except under special circumstances as may be required under 49 U.S.C. § 40123.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

FAA is not seeking approval to not display the expiration date of OMB's approval of this collection of information.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

There are no exceptions.