

Department of Transportation Office of the Chief Information Officer

SUPPORTING STATEMENT:

ENHANCING AIRLINE PASSENGER PROTECTIONS: REPORTING AND POSTING REQUIREMENTS

OMB Control Number 2105-0561

JUSTIFICATION

- This is a request for OMB reinstatement and partial modification of control number 2105-0561. This number was previously approved for four information collection requests contained in the rules to enhance airline passenger protections (Docket Numbers DOT-OST-2007-0022 and DOT-OST-2010-0140). This request includes a fifth ICR requiring covered carriers to post customer service plans and contracts of carriage on their websites, which is also a requirement under the rules.
- On December 30, 2009, the DOT issued the first final rule to enhance airline passenger protections (EAPP #1) that included three new information collection requests.
- On April 25, 2011, the DOT issued a second final rule (EAPP #2) that amended the existing information collection requests to extend them to more carriers and include additional requirements.
- The information collections apply to U.S. and, except for one requirement, Foreign Air Carriers and consist of the following requirements:
 - Retain Tarmac Delay Data - Retain information on ground delays of at least three hours
 - Adopt a Customer Service Plan – Adopt a Customer Service Plan that must be posted on the carrier’s website and self-audit compliance
 - Display on-time performance data on the carrier’s website (U.S. Air Carriers only)
 - Report Tarmac Delay Data Not Otherwise Reported - Report tarmac delay information to the DOT for passenger operations that experience a tarmac delay time of 3 hours or more at a U.S. airport; and
 - Post customer service plans and contracts of carriage on a carrier’s website.
- On November 3, 2016, the DOT issued the third final rule to enhance airline passenger protections (EAPP #3) that amended the provision to post on-time performance data on the carrier’s website to include more carriers.¹

1. Circumstances that make collection of information necessary. ***Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.***

¹ This provision of the rule became effective on January 1, 2018.

The Enhancing Airline Passenger Protections Rule, as currently effective and amended, requires the following paperwork requirements for each covered carrier: (i) retain for two years certain information about any ground delay that lasts at least three hours, (ii) audit its own adherence to its Customer Service Plan annually and retain the results for two years, (iii) post customer service plans and contracts of carriage on a carrier's website, (iv) display information concerning listed flights' on-time performance for the previous month on its website for both its flights and those of its non-reporting code-share carriers and (v) report all passenger operations that experience a tarmac time of three hours or more at a U.S. airport.

The information collection furthers the objectives of 49 U.S.C. §§ 41712, 40101(a)(4), 40101(a)(9), and 41702 to protect consumers from unfair or deceptive practices, and to ensure safe and adequate service in air transportation.

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

The Department already requires the five information collections because of the rules promulgated in EAPP #1 and EAPP #2. EAPP#3 expanded the requirement to post on-time performance to include more carriers that must post the information on their respective websites.

Data Retention Requirement – 14 CFR 259.2 and 259.4

The first is a requirement that U.S. carriers that operate or market scheduled or public charter passenger service using any aircraft with a designed seating capacity of 30 or more seats, and foreign air carriers that operate or market scheduled or public charter passenger service to and from the U.S. using any aircraft with a designed seating capacity of 30 or more passenger seats retain for two years the following information about any ground delay that lasts at least three hours: the length of the delay, the precise cause of the delay, the actions taken to minimize hardships for passengers, whether the flight ultimately took off or returned to the gate, and an explanation for any tarmac delay that exceeds three hours. To be covered, the tarmac delay must have occurred at a U.S. large hub, medium hub, small hub or non-hub airport. The Department uses the information as needed to investigate instances of long delays on the ground and to identify any trends and patterns that may develop.

Customer Service Plan; Self-Audit – 14 CFR 259.2 and 259.5

The second is a requirement that U.S. carriers that operate scheduled passenger service using any aircraft with a designed seating capacity of 30 or more seats, and foreign air carriers that operate scheduled passenger service to and from the U.S. using any aircraft with a designed seating capacity of 30 or more passenger seats adopt a Customer Service Plan, audit its adherence to the plan annually, and retain the results for two years. The Department uses the audits as needed to monitor carriers' compliance with their plans. The information may assist the Department to determine if a carrier has a pattern or practice of unfair or deceptive treatment of consumers.

Post On-Time Performance Data (U.S. Air Carriers Only) – 14 CFR 234.11

The third is a requirement that each reporting air carrier (i.e., U.S. carriers that account for at least 1 percent of domestic scheduled passenger revenues) display on its website information on

each listed flights' on-time performance for the previous month for both the carrier's flights and those of its non-reporting code-share carriers. Beginning January 1, 2018, this provision will include carriers that operate scheduled passenger service that accounts for at least 0.5 percent and less than 1.0 percent of domestic scheduled passenger revenue and that market flights directly to consumers via a website. This information may help consumers select the flights that best suit consumers' needs and preferences.

Report Tarmac Delay Data Not Otherwise Reported – 14 CFR 244.2

The fourth is a requirement that U.S. carriers that operate scheduled passenger service or public charter service using any aircraft with a designed seating capacity of 30 or more seats, and foreign air carriers that operate scheduled passenger service to and from the U.S. using any aircraft with a designed seating capacity of 30 or more seats report on a monthly basis all passenger operations that experience a tarmac time of 3 hours or more at a U.S. airport (to the extent such information is not reported by U.S. reporting carriers under 14 CFR Part 234). To be covered, the tarmac delay must have occurred at a U.S. large hub, medium hub, small hub or non-hub airport. The Department uses this information to investigate lengthy tarmac delays.

Post Customer Service Plans and Contracts of Carriage – 14 CFR 259.2 and 259.6

The fifth is a requirement that U.S. carriers that operate scheduled passenger or public charter service using any aircraft with a designed seating capacity of 30 or more seats, and foreign carriers that operate scheduled passenger or public charter service to or from the U.S. using any aircraft with a designed seating capacity of 30 or more seats post customer service plans and contracts of carriage on a carrier's respective website. This provision is applicable to U.S. carriers that have a website and foreign carriers that have a website marketed toward U.S. consumers. The Department requires carriers to post these plans so that consumers can review a carrier's policies and procedures and better understand consumer air travel rights.

3. Extent of automated information collection. *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.*

With respect to the first and second information collections, a covered carrier is free to determine whether it would like to use automated, electronic, mechanical, or other technological collection techniques or other forms of information technology in retaining the proposed information.

For the third information collection, the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology is central to the collection because the rule requires that certain on-time performance information be published on a covered carrier's website for consumers to view. It requires that a covered carrier upload the on-time performance information for the previous month into its internal reservations systems between the 20th and the 23rd days of the current month. The Department issued a Direct Final Rule that amended the date carriers must upload information to the fourth Saturday of each month (75 Fed. Reg. 42599; July 22, 2010).

With respect to the fourth collection of information, the reports shall be made in the form and manner set forth in accounting and reporting directives issued by the Office of Airline

Information of the Department's Bureau of Transportation Statistics. That office has specified that the information be provided to them electronically at <http://esubmit.rita.dot.gov>.

Regarding the fifth information collection, the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology is central to the collection because the customer service plans and contracts of carriage must be made publically available to consumers (by posting them on the carriers' websites).

4. Efforts to identify duplication. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purpose(s) described in 2 above.

None of the information being required is available through other means.

For the first and second collection of information, covered U.S. and foreign carriers are required to collect information about tarmac delays of more than 3 hours and to audit their customer service plans because that information is not available through any other means.

With respect to the third information collection, the requirement that carriers disclose on-time performance for individual flights on a carrier's website ensures that consumers making reservations through a carrier's website are presented with on-time performance information.

With respect to the fourth information collection, certain tarmac delay information is already reported by reporting U.S. air carriers. (Currently, those that account for at least 1 percent of domestic scheduled passenger revenues). This requirement does not duplicate the reporting carrier requirement but ensures that tarmac delay information not reported under Part 234 is reported. This includes U.S. air carrier international flights and charter flights as well as foreign air carrier tarmac delays at U.S. airports.

With respect to the fifth information collection, 14 CFR Part 259 requires U.S. and foreign carriers to post customer service plans and contracts of carriage on their websites to make the information readily available to consumers.

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

This rule will not have a significant economic impact on a substantial number of small entities.

6. Impact of less frequent collection of information. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

If the first collection regarding retaining information about ground delays is not conducted, the Department will not be able to investigate instances of long delays on the ground and identify any trends and patterns that may develop.

If the second collection regarding retaining results on audits of a carrier's Customer Service Plan is not conducted, the Department cannot determine whether carriers are complying with their plans or whether enforcement action is needed to protect consumers.

If the third collection regarding displaying on-time performance on a reporting carrier's website is not conducted, the Department can not ensure that consumers using a large U.S. carrier's website to make a reservation will be provided the necessary information regarding a carrier's on-time performance to select their flights.

If the fourth collection regarding collection and submission of tarmac delay data is not conducted, the Department cannot get a complete picture of lengthy tarmac delays to obtain a baseline that the Department can use to analyze the issue by carrier, by region/airport, by month, or by the type of flight.

If the fifth collection regarding posting customer service plans and contracts of carriage is not conducted, the Department cannot determine whether carriers have adequate plans on-line that inform consumers of their rights or whether enforcement action is needed to protect consumers.

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

The collection of information is consistent with 5 CFR 1320.5(d)(2)(i)-(viii).

8. Compliance with 5 CFR 1320.8. *Describe the 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 the recordkeeping disclosure, or reporting format (if any) and on the data elements to be recorded, disclosed, or reported.*

For the first rule on Enhancing Airline Passenger Protections (EAPP #1), notice and public comment were solicited with publication in the Federal Register of an Advanced Notice of Proposed Rulemaking (ANPRM) in Docket DOT-OST-2007-0022 entitled "Enhancing Airline Passenger Protections" on November 15, 2007 (72 Fed. Reg. 65233; November 17, 2007). Approximately 200 comments were received, analyzed and considered when drafting the Notice of Proposed Rulemaking (NPRM).

Notice and public comment were also solicited with publication in the Federal Register of a NPRM in the same docket on December 8, 2008 (73 Fed. Reg. 74586; December 8, 2008). Approximately 22 comments were received, analyzed and considered when drafting the Final rule (FR). The comments received were in reference to the NPRM and not to the collection of information. All the above-mentioned comments can be found on Regulations.gov under the docket number DOT-OST-2007-0022. The final rule to enhance airline passenger protections (EAPP #1) was issued on December 30, 2010 (74 Fed. Reg. 68983; December 30, 2009).

For the second rule to Enhance Airline Passenger Protections (EAPP #2), notice and public comment were solicited with publication in the Federal Register of a NPRM (75 Fed. Reg.

32318; June 8, 2010). Approximately 2100 comments were received, analyzed and considered when drafting the Final Rule (FR). All the above-mentioned comments can be found on Regulations.gov under the docket number DOT-OST-2010-0140. Similar to EAPP #1, the comments received were in reference to the NPRM and not to the collection of information.

For the third rule to Enhance Airline Passenger Protections (EAPP #3), notice and public comment were solicited with publication in the Federal Register of a NPRM (79 Fed. Reg. 29970, May 23, 2014). Approximately 750 comments were received, analyzed and considered when drafting the Final Rule (FR). All the above-mentioned comments can be found on Regulations.gov under the docket number DOT-OST-2014-0056. Similar to EAPP #1 and #2, the comments received were in reference to the NPRM and not to the collection of information. On November 3, 2016, the final rule (EAPP 3#) was published in the Federal Register (81 FR 76800, November 3, 2016.)

To reinstate this control number, notice and comment were solicited with publication of a 60-Day notice in the Federal Register (82 Fed. Reg. 23486, May 22, 2017). One comment was received in which the commenter, Airports Council International (ACI), strongly supported the reinstatement of this control number. After the commenting period for the 60-Day notice ended a 30-Day notice was published in the Federal Register (82 Fed. Reg. 53563, November 16, 2017). A4A and IATA submitted comments on the information collection requesting that OMB not clear these information collection requests.

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

There are no payments or gifts in this rule.

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

There are no such assurances in this rule.

11. Justification for collection of sensitive information. *Provide additional justification for any questions of a sensitive nature such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.*

There are no questions of this nature.

12. Estimate of burden hours for information requested. *Provide estimates of the hour burden for the collection of information. The statements should: Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. If this request for approval covers more than one form, provide separate hour burden estimates for each form. Provide estimates of annualized cost to*

respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories

Table 1: Data for Collection of Information, Enhancing Airline Passenger Protection’s Rule (OMB Control Number 2105-0561): Requirements 1-4 (Rounded to the nearest dollar/hour)

	Collect and Retain Tarmac Delay Information	Retain Audit of Customer Service Plans	Display Flight Information on Websites*	Report Tarmac Delay Data
Total # of Respondents	61 U.S carriers and 93 foreign carriers	45 U.S. carriers and 65 foreign carriers	11 carriers	61 U.S. carriers and 70 foreign carriers
Frequency	212 total incidents per BTS** CY2016 data (84 for U.S. carriers; 128 for foreign carriers)	1 per year	12 x per year (per carrier)	212 total incidents per BTS CY2016 data
Burden per Respondent	For U.S. carriers 2 hours per report (up to 44 incidents per carrier). For foreign carriers 4 hours per report (up to 8 incidents per carrier).	15 minutes	24 hours per carrier (1440 minutes) + One time burden of 4,673 hours (280,380 minutes) for one newly complying carrier	30 minutes per report
Total Annual Burden (in minutes and hours)	40,880 minutes (680 hours) total (168 hours for U.S. carriers; 512 hours for foreign carriers)	1,680 minutes (28.0 hours)	15,840 minutes (264 hours) + One time burden of 4,673 hours (280,380 minutes) for one newly complying carrier	6,360 minutes (106 hours)
Total Burden Costs	\$44,234.00	\$1,088.00	\$17,173.00 (per year) + \$441,926.00 (one-time cost for the newly complying carrier)	\$4118.00
Total Chart 1: (annual burden)	<i>First year only</i> 5,751.00 hours (345,060 minutes)	<i>Subsequent Years</i> 1,078.00 hours (64,680 minutes)		

*Currently there are 12 reporting carriers. The DOT estimates that one more carrier will be required to comply with this requirement on the January 1, 2018, effective date that expands the definition of a reporting carrier.

**BTS = The United States Department of Transportation’s Bureau of Transportation Statistics.

Table 2: Data for Collection of Information, Enhancing Airline Passenger Protection’s Rule (OMB Control Number 2105-0561): Requirement 5 (Rounded to the nearest dollar/hour)

	Post Customer Service Plans and Contracts of Carriage on website
Total # of Respondents	45 U.S. carriers and 65 foreign carriers
Frequency	1
Burden per Respondent (in minutes)	15 min per carrier carrier
Total Annual Burden (in minutes)	1680 minutes (28.0 hours)
Total Burden Costs	\$1789.00
Total Chart 2: (annual burden)	28.0 hours (per year) (1680 minutes)

Table 3: Data for Collection of Information, Enhancing Airline Passenger Protection’s Rule (OMB Control Number 2105-0561): Total Burden for all Requirements (Rounded to the nearest dollar/hour)

TOTAL BURDEN for All Requirements:	<i>(First Year Only)</i>	<i>(Subsequent Years)</i>	Total Burden Costs
	5,779 hours 346,740 minutes	1,106 hours 66,360 minutes	\$66,402.00 (annual burden) + \$441,926.00 (one-time cost for the new reporting carrier) = \$510,328.00

#1 Requirement to retain for two years information about any ground delay that lasts at least three hours.

Respondents: U.S. carriers that operate or market scheduled or public charter passenger service using any aircraft with a designed seating capacity of 30 or more seats, and foreign air carriers that operate or market scheduled or public charter passenger service to and from the U.S. using any aircraft with a designed seating capacity of 30 or more passenger seats (Estimated 61 U.S. and 93 foreign carriers).

Estimated Annual Burden on Respondents: A maximum of up to 88 hours (5,280 minutes) per carrier for U.S. respondents and a maximum of up to 32 hours (1,920 minutes) per year for each foreign respondent. The total estimate for U.S. respondents was calculated by multiplying the estimated time to retain information about one ground delay (2 hours) by the maximum number of ground delay incidents lasting at least three hours for a U.S. respondent (44), derived from analysis of CY2016 on-tarmac delay data obtained from BTS. For foreign respondents, the estimate was similarly calculated by multiplying the estimated time to retain information about one ground delay (4 hours) by the maximum number of ground delay incidents lasting at least three hours for a foreign respondent (a maximum of 8 incidents).

Estimated Total Annual Burden: A maximum of 680 hours (40,800 minutes) for all respondents (168 hours for U.S. carriers and 512 hours for foreign carriers). For U.S. carriers, the total (168 hours) was calculated by multiplying the report time per U.S. carrier (2 hours) by the total estimated number of ground delay incidents projected under the rule lasting at least three hours for all U.S. carriers (84 incidents). For foreign carriers the total (512 hours) was calculated by multiplying the total report time per foreign carrier (4 hours) multiplied by the by the total number of ground delay incidents lasting at least three hours for the foreign carriers (128 incidents).

Frequency: Zero hours (0) up to a maximum of forty-four (44) ground delay information sets to retain per year for a single respondent. [Note: Some carriers may not experience any ground delay incidents of at least three hours in each year, while one larger carrier experienced 44 delays per review of CY2016 data compiled by BTS].

#2 Requirement that each covered carrier retain for two years the results of its annual self-audit of its compliance with its Customer Service Plan.

Respondents: U.S. carriers that operate scheduled passenger service using any aircraft with a designed seating capacity of 30 or more seats, and foreign air carriers that operate scheduled passenger service to and from the U.S. using any aircraft with a designed seating capacity of 30 or more passenger seats. Applicable to U.S. carriers that have a website and foreign carriers that have a website marketed to U.S. consumers (Estimated 45 U.S. carriers and 65 foreign carriers).

Estimated Annual Burden on Respondents: 15 minutes per year for each respondent. The estimate was calculated by multiplying the estimated time to retain a copy of the carrier's self-audit of its compliance with its Customer Service Plan (15 minutes) by the number of audits per carrier in each year (1).

Estimated Total Annual Burden: A maximum of 28.0 hours (1,680 minutes) for all respondents. The estimate was calculated by multiplying the time in each year for each carrier to retain a copy of its self-audit of its compliance with its Customer Service Plan (15 minutes) by the total number of covered carriers (45 U.S. carriers and 65 foreign carriers).

Frequency: One information set to retain per year for each respondent.

#3 Requires that each covered carrier display on its website, at a point before the consumer selects a flight for purchase, the following information for each listed flight regarding its on-time performance during the last reported month: the percentage of arrivals that were on time, the percentage of arrivals that were more than 30 minutes late (with special highlighting if the flight was more than 30 minutes late more than 50 percent of the time), and the percentage of flight cancellations if the flight is cancelled more than 5% of the time. In addition, a marketing/reporting carrier display delay data for its non-reporting code-share carrier(s).

Respondents: Currently requires every U.S. carrier that accounts for at least one percent of scheduled passenger revenue and maintains a website (10 carriers). As of January 1, 2018, the rule will be extended to include carriers that operate scheduled passenger service that accounts for at least 0.5 percent and less than 1.0 percent of domestic scheduled passenger revenue and that market flights directly to consumers via a website (1 carrier),² at which time the total number of respondents will be thirteen (11) carriers.

Estimated Annual Burden on Respondents: 2 hours per month (24 hours per carrier per year) to cover both updates of a carrier's own delay data and updates of code-share delay data.

The one newly reporting carrier which markets to consumers will also incur approximately 4,673 hours to set up the website to post online the on-time performance records for flights marketed on their websites. Ongoing costs for updating the website are assumed to be minimal once the systems are in place and the carrier is reporting its on-time performance to BTS as required elsewhere.

Estimated total annual burden: No more than 264 hours (15,840 minutes) a year for all respondents. The estimate was calculated by multiplying the number of hours per year for management of data links (24) by the number of covered carriers (11). For the first year, the annual burden will also include the 4,673 (280,380) hours for one newly reporting carrier.

Frequency: Updating information for each flight listed on website: 12 times per year (1 time per month) for each respondent (for both own carrier delay data and code-share delay data).

4. Requirement that carrier report certain tarmac delay data for tarmac delays exceeding 3 hours to the Department on a monthly basis.

Respondents: U.S. carriers that operate scheduled passenger service or public charter service using any aircraft with a designed seating capacity of 30 or more seats, and foreign air carriers

² Currently, Allegiant Airlines is the only carrier that fits in this category.

that operate scheduled passenger service to and from the U.S. using any aircraft with a designed seating capacity of 30 or more seats (Estimated 61 U.S. and 70 foreign carriers).

Estimated Annual Burden on Respondents: 0.0 to 22.0 hours per U.S. respondent (the latter if 44* three-hour plus tarmac delays must be reported) and 0.0 to 4 hours per foreign respondent (the latter if 8* three-hour plus tarmac delays must be reported). This is estimating that each report takes 30 minutes to submit. [*Note: This is the maximum number of delays reported by a given U.S. or foreign carrier in CY16.]

Estimated Total Annual Burden: 106 hours for all respondents (using a total of 212 reportable incidents in CY16, of which U.S carriers had 84 reportable incidents and foreign carriers had 128 reportable incidents).

Frequency: One information set to submit per incident for each respondent that experiences a tarmac delay of 3 hours or more.

#5 Requirement that each covered carrier Post Customer Service and Contracts of Carriage on website.

Respondents: U.S. carriers that operate scheduled passenger or public charter service using any aircraft with a designed seating capacity of 30 or more seats, and foreign carriers that operate scheduled passenger or public charter service to or from the U.S. using any aircraft with a designed seating capacity of 30 or more seats. Applicable to U.S carriers that have a website and foreign carriers that have a website marketed to U.S. consumers (Estimated 45 U.S. carriers and 65 foreign carriers).

Estimated Annual Burden on Respondents: 15 minutes per year for each U.S. carrier and foreign carrier. The estimate was calculated by multiplying the estimated time (15 min) to post an updated copy of the carrier's customer service and/or contract of carriage on its website per year (if changes are made) by the number of updates per carrier in each year (1) for U.S and foreign carriers.

Estimated Total Annual Burden: A maximum of 28 hours for all respondents. The estimate was calculated by multiplying the time in each year for each U.S. carrier (45) and foreign carrier (65) to post an updated copy of its customer service plan and contract of carriage on its website (15 minutes x 110 carriers).

Frequency: Once per carrier.

13. Estimate of total annual costs to respondents.³ *Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information.*

³ Wage estimates in this section are based on The Bureau of Labor Statistics' (BLS) May 2016 National Industry-Specific Occupational Employment and Wage Estimates as related to Air Transportation (NAICS 481000).

The Department estimates that the total annual cost burden to respondents resulting from the first requirement will be \$44,234. This is estimated by summing the costs to U.S. carriers (\$10,928.40) and the costs to foreign carriers (\$33,305.60).

For U.S. carriers, the estimate is calculated by multiplying the number of incidents for U.S. covered carriers (84) by the number of hours to file (2) and the cost of an hour of time for a programmer at \$65.05 per hour (the median hourly wage plus benefits for computer programmers for scheduled air transportation).

For foreign carriers, the estimate is calculated by multiplying the number of incidents for covered foreign carriers (128) by the number of hours to file (4) and the programmer's time at the cost of an hour of time for a programmer at \$65.05 per hour (the median hourly wage plus benefits for computer programmers for scheduled air transportation).

The Department estimates that the total annual cost burden to respondents resulting from the second proposed requirement will be \$1,088.00 (\$1,087.80 rounded up). This is calculated using the total time to audit the reports (28.0 hours) multiplied by \$38.85 per hour (the median hourly wage plus benefits for paralegals for scheduled air transportation).

The Department estimates that the total annual cost burden to respondents resulting from the third proposed requirement will be \$17,173.00 (\$17,173.20 rounded down) a year. This is calculated using the number of times the data must be updated a year (12) times the number of hours per month to update the data (2) times the number of carriers that needed to comply with the rule (11) and multiplied by \$65.05 (the median hourly wage plus benefits for computer programmers for scheduled air transportation).

In addition, the burden for the first year will include the one-time cost estimate for the one newly reporting carrier that must post online the on-time performance records for flights marketed on its website, which is \$441,926.00 (\$441,925.61 rounded up) using the hours needed to set up the website (4,673) multiplied by \$94.57 (the median hourly cost for specific technical work needed to set-up the website).⁴

The Department estimates that the total annual burden to respondents resulting from the fourth proposed requirement will be \$4,118.00 (\$4,118.10 rounded down) using the total number of delays that may need to be reported (212) times half an hour and multiplied by \$38.85 (the median hourly wage plus benefits for paralegals).

The Department estimates that the total annual burden to respondents resulting from the fifth proposed requirement will be \$1,789.00 (\$1,788.88 rounded up) using the total number of plans (110) that need to be posted for U.S. carriers (45) and foreign carriers (65) times fifteen minutes and multiplied by \$65.05 (the median hourly wage plus benefits for computer programmers for scheduled air transportation).

⁴ Based on information provided in the *The Final Regulatory Impact Analysis for Consumer Rulemaking Regarding Enhancing Airline Passenger Protections III*.

14. Estimate of cost to the Federal government. ***Provide estimates of annualized cost to the Federal Government.***

There is no annualized cost to the federal government.

15. Explanation of program changes or adjustments. ***Explain the reasons for any program changes or adjustments reported.***

There is one change to the program. As of January 1, 2018, EAPP #3 extends the rule to post on-time performance to include U.S. carriers that operate scheduled passenger service that accounts for at least 0.5 percent and less than 1.0 percent of domestic scheduled passenger revenue and that market flights directly to consumers via a website. At this time, only one carrier fits into this category.

Posting customer service plans and contracts of carriage on covered carriers' websites is already required as part of the rules, but is a new ICR request for purposes of this control number.

16. Publication of results of data collection. ***For collections of information whose results are planned to be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.***

Historical information about the afore-mentioned collection requirements, including cost estimates, is available in the FR.

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

Not applicable.

18. Exceptions to certification statement. ***Explain each exception to the certification statement "Certification for Paperwork Reduction Act Submissions."***

Not applicable.