

SUPPORTING STATEMENT

Use and Change of Names of Air Carriers, Foreign Air Carriers, and Commuter Air Carriers

OMB Control Number 2106-0043

A. Justification

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

14 CFR Part 215 prohibits a U.S. or foreign air carrier from holding out to the public or performing any air transportation services in any name other than that in which its operating authorization is issued or which has otherwise been approved by the Department. In addition, it sets forth the procedures to be followed by air carriers in changing the name on their authorization or using a trade name. Data collection is done on an occasional basis, in connection with applications from companies seeking new, reissued, or transferred authority in a new name or the use of a trade name. The collection of information is authorized by 49 U.S.C. sections 40113, 41102, 41302, 41738, and 41712.

DOT Strategic Goal:

This information collection supports the Department of Transportation's strategic goals on safety and security. The Department is responsible for the safety of the public from U.S. air carriers using names that may be deceptive or that may otherwise result in significant public confusion.

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

All U.S. certificated and commuter air carriers, and all foreign air carriers holding permits under 49 U.S.C. § 41302 are subject to this rule, the purpose for which is to ensure that these air carriers do not advertise or operate in any name other than that in which they are authorized to do so by the Department. This is necessary so that the Department, as well as the traveling and shipping public, can identify, specifically, the air carriers offering or operating services.

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, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection.

14 CFR Part 302 authorizes the filing of documents by electronic means. Approximately 95 percent of the applicants submit registration applications electronically through email directly to our office. Electronic submission reduces applicant costs associated with printing and mailing the information through the postal service. In addition, the Department electronically scans into the computerized Federal Docket Management System (FDMS) all paper documents filed in docket proceedings. All of these documents may be accessed by the public through the Internet at <http://www.regulations.gov>.

4. Describe efforts to identify duplication.

Separate applications are not required when the Department receives an application for new, reissued or transferred authority, and that application includes a request to register a proposed trade name.

A separate application and notice under 14 CFR Part 215 is required when the request for usage of a name does not include the issuance or reissuance of operating authority. This information is not otherwise available in any filing.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

In the majority of cases, name registration will occur automatically with the filing of an application for operating authority; no separate filing is required. If a separate filing is required, generally, it can be accomplished in a letter to the Department's staff.

6. 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.

The rules require any air carrier proposing to change its name to register the new name with the Department since the Department issues economic authority to air carriers based on the name initially on file. This name registration can be part of an application for initial, reissued, or transferred authority or a separate notice where use of a trade name is sought. In any case where another air carrier has a name similar to the one proposed, the applicant must notify the other air carrier of its proposed usage of the name and advise the Department of such notice. [Once notified, the other air carrier may seek judicial relief to protect its names if action is warranted.] Subsequent to all required notification, the Department will then "acknowledge" the proposed name in its action on the initial, reissued, or transferred authority or in a separate notice register the trade name. Should this collection occur less frequently or not conducted at all, the greater the potential for anti-competitive and deceptive business practices, which could ultimately lead to significant public confusion.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with guidelines.

No such circumstances exist.

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.

A notice, pursuant to 5 CFR 1320.8(d), soliciting comments on the proposed reinstatement of the information collection was published in the Federal Register on October 1, 2019, (84 FR 52173). No comments were received. A 30-day notice was published on December 16, 2019 (84 FR 68543). Comments go directly to OMB.

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

No payments or gifts are provided to respondents.

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

Although confidentiality is not usually sought in connection with applications to register a trade name, any applicant may file a motion for confidential treatment under section 302.12 of the Department's Procedural regulations, and the application would be handled in accordance with the provisions of the Freedom of Information Act.

11. 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.

There are no sensitive questions.

12. Provide estimates of the hour burden of 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 established.

Number of respondents: 12
Frequency of response: on occasion
Annual hour burden: 60 hours
Annualized cost to respondents: \$6,000

Explanation of how the burden was estimated: The burden on approximately 12 applicants per year for a name change to prepare and prosecute their applications is estimated to be 5 hours each. For applicants for initial air carrier authority or foreign air carrier permits whose proposed name is included in its application for operating authority, we have not calculated a separate burden. We have found that such an

applicant normally has already researched the federal and state trademark/servicemark records to determine whether its proposed name is likely to conflict with that of another company, thus, the applicant rarely must comply with the requirement that 14 CFR Part 215 to notify any other air carriers with the same or a similar name that the applicant proposes to operate under. The estimated number of respondents was based upon the average annual number of applications for name changes filed in calendar year 2018.

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

The burden cost estimate was based on our acquired knowledge of the industry's experience in preparing the various types of applications. Assuming a normal mix of analytical/legal/clerical participation in the preparation of name registration applications, the total salary cost is:

$$12 \text{ applicants} \times 5 \text{ hours} \times \$100 \text{ per hour} = \$6,000 \text{ salary costs}$$

14. Provide estimates of annualized costs to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

$$12 \text{ respondents} \times 5 \text{ hours per response} = 60 \text{ hours}$$

We estimate that approximately 12 applications are filed each year seeking a name change or use of a trade name. The average time needed to process an application is 4.6 hours each. This includes time needed to review the applicant's proposed name against the names of existing air carriers, contact the applicant about air carriers with similar names, and reissue the authority or a notice announcing the new name. For applications for new or reissued authority, where the name registration is part of the application and no separate order or notice authorizing the name is issued, no separate name registration burden has been calculated, since the staff work on this task is counted as part of the burden processing the application for authority under 14 CFR Parts 201, 204, and 291 (see OMB Control Number 2106-0023).

We estimate that the average cost per hour for processing an application to be \$70.00 (based on the average hourly mid-step GS-14 and GS-15 pay rate as of January 2019).

Total salary cost to government:

$$12 \text{ name applications} \times 5 \times \$70 \text{ per hour} = \$4200$$

15. Explain the reasons for any program changes or adjustments.

There are adjustment changes due to the changes in the number of applications/filings submitted in 2018 plus the increase per hour burden cost to the government.

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

The information contained on the form is not intended to be published for statistical use.

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.

We are not seeking approval to not display the expiration date.

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.