

**Supporting Statement A**  
**Pilots with Alcohol or Drug Related Motor Vehicle Offenses (14 Code of Federal Regulations (CFR) Parts 61 and 67).**  
**OMB Control Number: 2120-0543**

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

49 U.S.C. Chapter 447 Section 44701 establishes that the Administrator of the Federal Aviation Administration (FAA) shall promote safe flight of civil aircraft in air commerce by prescribing regulations and minimum standards for other practices, methods, and procedure the Administrator finds necessary for safety in air commerce and national security.

49 U.S.C. Chapter 447 Section 44703 authorizes the Administrator to issue an airman certificate to an individual when the Administrator finds, after investigation, that the individual is qualified for, and physically able to perform the duties related to, the position to be authorized by the certificate.

In November 1990, the FAA implemented Title 14 Code of Federal Regulations (C.F.R.) Part 61 § 61.15, specifically addressing offenses involving alcohol or drugs by certificated airmen.

14 C.F.R. § 61.15(e) states:

Each person holding a certificate issued under this part shall provide a written report of each motor vehicle action to the FAA, Civil Aviation Security Division (AMC-700), P.O. Box 25810, Oklahoma City, OK 73125, not later than 60 days after the motor vehicle action. The report must include:

- (1) The person's name, address, date of birth, and airman certificate number;
- (2) The type of violation that resulted in the conviction or the administrative action;
- (3) The date of the conviction or administrative action;
- (4) The State that holds the record of conviction or administrative action; and
- (5) A statement of whether the motor vehicle action resulted from the same incident or arose out of the same factual circumstances related to a previously reported motor vehicle action.

It is imperative the FAA collect this information to either address a potential drug or alcohol abuse problem or to take action against the certificates held by an airman displaying such a reckless disregard for laws and regulations which is incompatible with pilot certification.

Additionally, pilots convicted of alcohol or drug related offenses present an increased safety risk and may not meet the medical standards contained in the C.F.R. Pursuant

to the FAA's statutory authority noted above, the FAA considers that information related to any such offense is necessary to properly determine the suitability of an individual applying for an airman medical certificate.

**2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

Pilots are mandated to provide, in writing, information pertaining to the alcohol or drug related motor vehicle conviction or administrative action. The FAA's Security and Hazardous Materials Safety, Office of National Security Programs and Incident Response, Regulatory Investigations Division, DUI/DWI Investigations Branch, AXE-710, is the office of record for all reports sent in pursuant to 14 C.F.R. § 61.15(e). This office is responsible for ensuring compliance with the regulations by comparing the submitted information against official state records.

To enhance the safety of aviation transportation, this office conducts investigations on airmen who may prove unsuitable for airman certification as indicated by an inability or unwillingness to comply with general safety regulations and, those persons who have failed to report violations of general safety regulations in concert with established FAA requirements. This office then recommends either a compliance action, administrative action, or legal enforcement action if a violation has occurred.

This office also shares this information with Aviation Safety, the Office of Aerospace Medicine, Civil Aerospace Medical Institute (CAMI) AAM-313, for their requirements to evaluate the qualifications of that airman to hold a medical certificate.

This information is not disseminated with any other FAA offices or the public.

**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.**

Pilots are required to provide, in writing, information pertaining to the alcohol or drug related motor vehicle conviction or administrative action. Our website [http://www.faa.gov/about/office\\_org/headquarters\\_offices/ash/ash\\_programs/](http://www.faa.gov/about/office_org/headquarters_offices/ash/ash_programs/)

[investigations/airmen\\_duidwi/](#) will include a digital avenue for airmen to submit their notification letters.

The link will open a webpage for the airman to submit their email, requesting to submit a letter. An email will be sent to the airman containing instructions and a unique url. They can click on the link that opens up an electronic form they can fill out with the information necessary. Once they click submit, their information will be transferred to our database and encrypted on the Office of Security and Hazardous Materials Safety servers. Estimated completion of August 2020. The information collected will not be made available to the public over the internet.

**4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

The information provided by the airmen is original and found nowhere else. The only other time an airman is supposed to report alcohol or drug related motor vehicle actions is on the application for a medical certificate; however, this application may be years after the incident occurred and would not meet the 60 day timeframe required by regulations.

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

This collection will not involve small business or small entities.

**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 timely written submission provides for an immediate evaluation as authorized by Part 61 & Part 67, and enables the effective implementation of the enforcement provisions provided in Part 61. To collect this information less frequently would inhibit the prompt enforcement of existing safety regulations. The FAA firmly believes that it is obligated to remove persons who pose a threat to the national airspace system as swiftly as possible.

**7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**

- *requiring respondents to report information to the agency more often than quarterly;*
- *requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;*
- *requiring respondents to submit more than an original and two copies of any document; requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;*
- *in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;*
- *requiring the use of a statistical data classification that has not been reviewed and approved by OMB;*
- *that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or*
- *requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.*

There are no special circumstances requiring the collection of information to be conducted in a manner inconsistent with OMB guideline.

**8. Provide information on the PRA Federal Register Notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. 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 recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

A 60 day notice was published on March 4, 2020 (82 FR 12817) for public comment.

Comment 1 posted on March 11, 2020, by Law Offices of Robert Strumor, LLC. Suggests the FAA create and make available an official form for the collection of the requested information.

The agency already utilizes a pdf template airmen can use to submit the required information. This template is found on our public website. By the end of FY20, an electronic submission format will be available for use.

Comment 2 posted on April 23, 2020, by Aircraft Owners and Pilots Association (AOPA) suggests:

- The average burden for this information collection is incorrect. The FAA estimates the average burden of time to submit this information is 20 minutes; however, AOPA suggests the average burden per response is 90 minutes. 60 minutes to read, interpret, and understand the regulations, and 30 minutes to review relevant documents to identify exactly what information is reportable.

The agency only accounted 20 minutes for the physical act (i.e. the creation and transmittal of a document) of the information collection. The agency also asked six respondents the amount of time it took them. Their responses ranged from “a couple minutes” to “45 minutes.” With multiple quotes of 30 minutes, the agency will adopt that time for the average burden for this information collection.

- The available Notification Letter template is not Mandatory; however, the FAA website implies the template is mandatory.

The agency will review the verbiage and make changes accordingly.

- Notification letter template requests information that is not mandatory per language in 61.15e.

The agency will review and revise the template for easier use.

Six respondents were contacted via telephone. They each were asked the same questions:

1. Were the instructions clear on what to report, to whom, and within how many days? Please explain.
2. How long did it take to create their letter and send it on its way?
3. Were the costs associated with sending the letter reasonable? (i.e. stamps, cost of paper & envelope, or did they fax it)
4. Do they have any suggestions on improving the process?

Their responses are included below.

Lucas M. Jan. 28, 2020 4:16pm

1. Understood it clearly.
2. Couple minutes. He emailed the NL.
3. Yes, purchased stamp.
4. Email or electronic link

Kevin M. Jan. 29, 2020 3:40pm

1. Yes
2. 45 minutes
3. Sent FedEx and thought reasonable.
4. Email or electronic link

David J. Jan. 29, 2020 4:05pm

1. Yes. With the exception on the 60 days (for instance, calendar or business days).
2. 30 minutes
3. No cost and he sent it via email.
4. Provide step by step instructions, add email or electronic link.

Joshua H. Jan. 29, 2020 3:55pm

1. Yes
2. Easy, filled it out online and pdf'd.
3. No cost, faxed from work.
4. No, good with the fax.

Beau C. Jan. 29, 2020 4:30pm

1. Unclear on reporting the arrest/conviction/suspension.
2. 30 minutes
3. Yes, purchased stamp.
4. It was difficult to get through on the fax machine. Email or electronic.

James J. Jan. 30, 2020 11:15 am

1. Clarify reporting of conviction/suspension (such as reporting on the same notification letter, as opposed to filling out 2 separate letters)Specify certificate, such as pilot, medical etc.
2. 5 minutes
3. Yes, purchased stamp.
4. Make it more plain language, clarify the 60 days along with what administration action means, email or electronic link, send confirmation.

**9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.**

No consideration has been made to provide any remuneration or the payment of money or gifts for any respondent and none is contemplated at this time.

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

The information collected from respondents will only be handled by personnel with the requirement to perform those tasks, and included in the Privacy Act System of Records, FAA/DOT 847, "General Air Transportation Records on Individuals," and handled accordingly.

**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.**

It may be argued that alcohol or drug related problems are possibly considered sensitive; however, the FAA firmly believes that any personal interest in such information is manifestly outweighed by the public interest in ensuring aviation safety.

**12. Provide estimates of the hour burden of the collection of information. The statement should:**

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices. \* If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate**

**categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included under item 13.**

Although this submission may be a revision to an approved collection, and thus describes only the new or changed requirements in Question 2, this answer should state the total new burden hours and how much this figure is increased/decreased from the previous burden (if any) for the requirement. **NOTE: You are NOT required to stick to the estimated numbers in the Federal Register Notice for this collection.**

- The FAA expects approximately 862 reports annually from 589 respondents. We estimate that it will take approximately 30 minutes for the airman to document this portion of Part 61 requirements for an annual total of 431 hours.
- Pilots submitting reports per 61.15e range from student pilots up to airline transport pilots. They are not required to detail their occupation; therefore, employment for the reports submitted is not known or tracked.

Hypothetically, if half of all reports were submitted by fully employed commercial pilots and airline transport pilots from the aviation industry, we could average the salaries<sup>1</sup> of commercial pilots (\$82,240) and airline transport pilots (\$140,340), which equals \$111,290. This salary divided by the annual work hours of 2,087 equals an hourly wage rate of \$53.33. This rate multiplied by two<sup>2</sup> to account for benefits and overhead equals \$106.66.

This rate multiplied by the time it takes to submit half of the total number of reports (215.5 hours) would equal the annual burden of cost of \$22,985.23.

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<sup>1</sup> Salaries obtained from the Bureau of Labor Statistics <https://www.bls.gov/ooh/transportation-and-material-moving/airline-and-commercial-pilots.htm#tab-5>

<sup>2</sup> The wage rates of Federal employees at NPWC and NPC in Chicago were estimated using the midpoint (Step 5) for Grade 12 of the General Schedule in the Chicago locality area.[3] The Department multiplied the hourly wage rate by 2 to account for a fringe benefits rate of 69 percent[4] and an overhead rate of 31 percent.[5] Source: U.S. Department of Health and Human Services, "Guidelines for Regulatory Impact Analysis" (2016), [https://aspe.hhs.gov/system/files/pdf/242926/HHS\\_RIAGuidance.pdf](https://aspe.hhs.gov/system/files/pdf/242926/HHS_RIAGuidance.pdf). On page 30, HHS states, "As an interim default, while HHS conducts more research, analysts should assume overhead costs (including benefits) are equal to 100 percent of pretax wages...." To isolate the overhead rate, the Department subtracted the benefits rate of 69 percent from the recommended rate of 100 percent.



Summary (Annual numbers)	Reporting	Recordkeeping	Disclosure
<b># of Respondents</b>	589		
<b># of Responses per respondent</b>	1.46		
<b>Time per Response</b>	30 min		
<b>Total # of responses</b>	862		
<b>Total burden (hours)</b>	431		

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

Material costs to the airmen will vary from zero to approximately **\$1.00** depending on the method of transmission (fax or regular mail); at the maximum cost of regular mail including the cost of a piece of paper, envelope, and stamp, we estimate the average annual cost to be **\$862.00**.<sup>3</sup>

**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.**

The FAA expects approximately **862** reports annually. We estimate that it will take approximately 60 minutes for the contract staff to process this information through the administrative process, and approximately 120 minutes for the average federal employee to work through all the technical processes associated with the collection of this information.

Estimated annual time would be **862** hours for the contract staff and **1,724** hours for the federal employees. The average hourly wage rate for the contract staff equaled **\$43.96**. This rate multiplied by two<sup>4</sup> to account for benefits and overhead equals **\$87.92**.

<sup>3</sup>Annual number of notification letters (862) x \$1.00.

<sup>4</sup> The wage rates of Federal employees at NPWC and NPC in Chicago were estimated using the midpoint (Step 5) for Grade 12 of the General Schedule in the Chicago locality area.[3] The Department multiplied the hourly wage rate by 2 to account for a fringe benefits rate of 69 percent[4] and an overhead rate of 31 percent.[5]

**862 hours x \$87.92 contract staff hourly wage rate = \$75,787.04 annual cost for contract staff**

The federal employee average hourly wage equaled **\$52.60**. This rate multiplied by two to account for benefits and overhead equals \$105.20.

**1,724 hours x \$105.20 wage rate = \$181,364.80 annual cost for federal employees**

The annualized total cost is calculated by adding the cost paid to contract staff (**\$75,787.04**) to the cost paid to federal employees (**\$181,364.80**).

**\$75,787.04 + \$181,364.80 = \$257,151.84 annualized cost to the federal government**

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

Reports generated over the last three years shows the number of letters are declining. No reasoning can be explained.

**16. For collections of information whose results will 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.**

The FAA does not anticipate that the collected information at issue will 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 why display would be inappropriate.**

An exemption is not being requested.

**18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."**

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Source: U.S. Department of Health and Human Services, "Guidelines for Regulatory Impact Analysis" (2016), [https://aspe.hhs.gov/system/files/pdf/242926/HHS\\_RIAGuidance.pdf](https://aspe.hhs.gov/system/files/pdf/242926/HHS_RIAGuidance.pdf). On page 30, HHS states, "As an interim default, while HHS conducts more research, analysts should assume overhead costs (including benefits) are equal to 100 percent of pretax wages...." To isolate the overhead rate, the Department subtracted the benefits rate of 69 percent from the recommended rate of 100 percent.

There are no exceptions to the certification statement.