

Supporting Statement A
Protection of Voluntarily Submitted Information
2120-0646

Summary of Changes:

- Increased Number of Respondents explained in question 15
- The salary burdens for aviation manager, administrative personnel, and aviation safety inspector were re-estimated based on data from payscale.com. The hourly wages of these workers were re-calculated to include overhead and fringe benefits (question 12 and 14)

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

Part 193 of the Federal Aviation Administration (FAA) regulations provides that certain information submitted to the FAA on a voluntary basis is not to be disclosed. This part implements a statutory provision. The purpose of Part 193 is to encourage the aviation community to voluntarily share information with the FAA so that the agency may work cooperatively with industry to identify modifications to rules, policies, and procedures needed to improve safety, security, and efficiency of the National Airspace System (NAS). The information collection associated with Part 193 also supports the Department of Transportation's Strategic Goal of Safety and Security.

To encourage people to voluntarily submit desired information, § 40123 was added to Title 49, United States Code, in the Federal Aviation Reauthorization Act of 1996. Section 40123 allows the Administrator, through FAA regulations, to protect from disclosure voluntarily provided information relating to safety and security issues.

The White House Commission on Aviation Safety and Security issued a recommendation on this subject. In Recommendation 1.8, the Commission noted that the most effective way to identify problems is for the people who operate the system to self-disclose the information, but that people will not provide information to the FAA unless it can be protected.

FAA programs that are covered under Part 193 are the Voluntary Safety Reporting Programs (FAA Order 7200.20), Air Traffic and Technical Operations Safety Action Programs (FAA Order 7200.22), Flight Operational Quality Assurance (FAA Order 8000.81), Aviation Safety Action Program (FAA Order 8000.82), and Voluntary Disclosure Reporting Program (FAA Order 8000.89).

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.

Participating entities enroll in these programs mentioned in number 1 above voluntarily. It is mandatory that a regulated entity or other person who choose to participate in these

programs report information to this collection in order to have an information program designated as protected under Section 40123. Regulated entities or other persons submit an application for an individual program on occasion of requesting protection of information.-

The goal is to encourage employees of air carriers, repair stations or other eligible entities to voluntarily report safety information whenever they observe an event that may be critical to identifying potential precursors to accidents.

Safety concerns observed or experienced can be reported—without fear of punitive action being taken by the Company or the FAA. Regulatory violations may also be reported under the program.

The information gathered is voluntarily provided by the participating entities, such as air carriers, repair stations and other entities operating under parts 91, 91K, 133, 141 (flight schools) and 142 (training centers). It is anticipated that three types of reports will be voluntarily provided to the Event Review Committee: safety-related reports that appear to involve a possible noncompliance with 14 CFR, reports that are of a general safety concern, but do not appear to involve possible noncompliance with 14 CFR, and any other reports, e.g., involving catering or passenger ticketing issues. All safety-related reports shall be fully evaluated and, to the extent appropriate, investigated by the ERC.

However, non-safety-related reports will be forwarded to the appropriate department head for his/her information and, if possible, internal resolution. For reports related to flight safety, including reports involving possible noncompliance with 14 CFR, the ERC will analyze the report, conduct interviews of reporting flight crewmembers, and gather additional information concerning the matter described in the report, as necessary.

This is information that the FAA would not have if it wasn't voluntarily provided by the participating entities. The information is submitted electronically into electronic data bases after which the FAA and the participating entities review the provided information and work together cooperatively to find negative trends in policies, procedures and FAA rules and regulations. Once a negative trend is identified, the FAA and the participating entities work together to establish a corrective action in order to correct and/or improve a specific policy, procedure or FAA regulation. This leads to a safer and more efficient NAS.

The voluntarily provided information is protected under Section 40123 and part 193 and is not disseminated to 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.

In accordance with the provisions of the Government Paperwork Elimination Act, the FAA allows for 100% electronic transmission of this data.

The FAA Voluntary Programs upload all the information/data electronically to their own specific electronic databases. This information is used internally for the FAA and the participating entities and is not available to the public off the internet due to the fact this information is protected under Section 40123 and part 193. There is no URL for public access. The information is uploaded to the participating entities specific internal database and used by the FAA working together to establish a safer National Airspace System (NAS)

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.

Efforts are continually made to reduce both duplication and information collection burden through regulatory reviews. This rule does not entail any duplication of information reporting requirements.

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

Part 193 has been reviewed by FAA's Office of Policy and has been determined not to 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, as well as any technical or legal obstacles to reducing burden.

Without this program, the FAA would not be able to ascertain whether appropriate actions are being taken to correct deficiencies that impact safety. The information collection frequencies required by Part 193 are the minimum necessary and appropriate for these purposes. The impetus is on the respondent, at his/her discretion, to participate in the program.

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 in this collection.

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 Federal Register Notice published on December 31, 2020 (85 FR 86975) solicited public comment. The comment period was open to all Division Managers and internal and external stakeholders. No comments were received

9. Explain any decisions to provide payments or gifts 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 assurance in statute, regulation, or agency policy.

In the Federal Aviation Reauthorization Act of 1996 (Pub. L. 104 264), 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 (§ 40123) to Title 49, United States Code to the FAA governing statute to protect voluntarily submitted information under certain circumstances. Under part 193, records are available through 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 questions of a sensitive nature.

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.**

Each respondent would be required to submit a letter notifying the Administrator that they wish to participate in a current program. In previous Supporting Statements, the FAA has based its burden calculations on the number of participating eligible entities. However, each eligible entity may participate in multiple programs. Therefore, in order to increase accuracy regarding the calculation of burden, the FAA looks at the number of respondents based on data regarding participation in the pertinent voluntary programs.

Currently, there are 1335 participants in the FAA's voluntary programs. Because the FAA has greatly increased the number of respondents from previous submissions due to increased efficacy regarding data gathering, the FAA is accounting for all previous initial submissions from current respondents.

Part 193 imposes a negligible paperwork burden for air carriers or other participants that choose to participate in this program. The FAA continues to estimate that this letter

costs approximately \$100 (\$97.56) to generate, based on the cost of a technical preparer's salary cost for preparation of the information and secretarial cost for submission. The FAA also continues to estimate that the hour burden for each letter would be one (1) hour, as follows:

The assumed hourly labor rate for an aviation manager is \$33.13/ hour.¹ A 31.4 percent multiplier was then applied to account for fringe benefits which brings the salary to \$43.53.² To account for overhead, a multiplier of 17 percent was applied.³ Therefore, the estimated hourly salary for an aviation manager is \$50.93. The FAA estimates that the hourly wage for an administrative assistant is \$15.95 an hour.⁴ A 31.4 percent multiplier was then applied to account for fringe benefits which brings the salary to \$20.95.⁵ To account for overhead, a multiplier of 17 percent was applied.⁶ Therefore, the estimated hourly salary for an administrative assistant is \$24.51.

Estimated number of respondents	1335
Estimated technical time per response	.75/hr
Total technical time	1001.25
Cost of technical time (Aviation Manager)	1001.25 x \$50.93
Total estimated burden of technical time	\$50,993
Estimated administrative assistant time per response	.25/hr
Total estimated administrative assistant time	333.75
Cost of administrative assistant time	333.75 x \$24.51
Total estimated burden of administrative assistant time	\$8,180
Cost of Letter Preparation	\$100

The total cost to the industry of notifying the Administrator concerning participation in these programs would be 1335 hours and \$59,273.

¹ https://www.payscale.com/research/US/Job=Program_Manager%2C_Aviation_%2F_Aerospace/Salary

² <https://www.bls.gov/news.release/ecec.nr0.htm>

³ Source: Cody Rice, U.S. Environmental Protection Agency, "Wage Rates for Economic Analyses of the Toxics Release Inventory Program" (June 10, 2002), <https://downloads.regulations.gov/EPA-HQ-OPPT-2014-0650-0005/content.pdf>

⁴ https://www.payscale.com/research/US/Job=Administrative_Assistant/Hourly_Rate

⁵ <https://www.bls.gov/news.release/ecec.nr0.htm>

⁶ Source: Cody Rice, U.S. Environmental Protection Agency, "Wage Rates for Economic Analyses of the Toxics Release Inventory Program" (June 10, 2002), <https://downloads.regulations.gov/EPA-HQ-OPPT-2014-0650-0005/content.pdf>

Summary (Annual numbers)	Reporting	Recordkeeping	Disclosure
# of Respondents	1335	1335	
# of Responses per respondent	1	1	
Time per Response	.25 hour	.75 hour	
Total # of responses	1335	1335	
Total burden (hours)	333.75	1001.25	

Occasionally, an air carrier may want to propose a program to the FAA that would require voluntarily submitted information that would have to be protected. The FAA continues to estimate that it would cost approximately \$1,000 to develop such a proposal, and we anticipate that there would only be one (1) such proposal per year.

Estimated number of respondents	1 per year
Estimated technical time per response	10 hours
Total technical time	10 hours
Cost of technical time (Aviation Manager)	10 x \$50.93
Total estimated burden of technical time	\$509.30
Estimated administrative assistant time per response	1 hour
Total estimated administrative assistant time	1 hour
Cost of administrative assistant time	1 x \$24.51
Total estimated burden of administrative assistant time	\$ 24.51

Summary (Annual numbers)	Reporting	Recordkeeping	Disclosure
# of Respondents	1	1	
# of Responses per respondent	1	1	
Time per Response	1 hours	10 hours	
Total # of responses	1	1	
Total burden (hours)	1 hours	10 hours	

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

There are no additional costs associated with this collection, other than the estimates already described in item # 12.

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.

Part 193 does not specifically require the FAA to establish and manage a recordkeeping and aggregate data monitoring capability for this requirement. However, whereas the purpose of Part 193 is to encourage the voluntary submission of information from punitive enforcement, some voluntarily participating air carriers may submit an application. The FAA in turn is obligated to establish an infrastructure suitable for the acquisition, monitoring and use of voluntarily submitted information submitted by participants. An Aviation Safety Inspector would review this information. Since many of these employees are remotely sited, the Kansas City locality rates were applied as it is a median locality rate. The cost to the federal government for a Kansas City, MO based employee at a grade 14, step 5 level is \$59.14 / hour. A 31.4 percent multiplier was then applied to account for fringe benefits which brings the salary to \$77.71.⁷ To account for overhead, a multiplier of 17 percent was applied.⁸ The total salary including overhead and fringe benefits is \$90.92. An Aviation Safety Assistant is typically a GS-6. Using the same formula as above for an ASI, the Kansas City locality rate was applied at a Step 5. The cost to the federal government for a Kansas City, MO based employee at a grade 6, step 5 level is \$21.35/ hour. A 31.4 percent multiplier was then applied to account for fringe benefits which brings the salary to \$28.05.⁹ To account for overhead, a multiplier of 17 percent was applied.¹⁰ The total salary including overhead and fringe benefits is \$32.82.

FAA Staff Action	FAA Personnel	Burden
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⁷ <https://www.bls.gov/news.release/ecec.nr0.htm>

⁸ Source: Cody Rice, U.S. Environmental Protection Agency, "Wage Rates for Economic Analyses of the Toxics Release Inventory Program" (June 10, 2002), <https://downloads.regulations.gov/EPA-HQ-OPPT-2014-0650-0005/content.pdf>

⁹ <https://www.bls.gov/news.release/ecec.nr0.htm>

¹⁰ Source: Cody Rice, U.S. Environmental Protection Agency, "Wage Rates for Economic Analyses of the Toxics Release Inventory Program" (June 10, 2002), <https://downloads.regulations.gov/EPA-HQ-OPPT-2014-0650-0005/content.pdf>

		Time	Cost
Review/Approval of Application	Aviation Safety Inspector - 1 hrs x 1335 submissions =1335 hrs at \$91/hr = \$121,485	1335	\$121,485
Integration into existing FAA systems/database	Aviation Safety Assistant- 1 hr x 1335 submissions =1335 hrs at \$33/hr = \$44,055	1335	\$44,055
	Total	1335	\$165,540

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

There has been an increased estimate of burden since the previous submission due to a new method of calculating burden more accurately. In previous Supporting Statements, the FAA has based its burden calculations on the number of participating eligible entities. However, each eligible entity may participate in multiple programs. Therefore, in order to increase accuracy regarding the calculation of burden, the FAA now looks at the number of respondents based on data regarding participation in the pertinent voluntary programs.

Currently, there are 1335 participants in the FAA's voluntary programs. Because the FAA has greatly increased the number of respondents from previous submissions due to increased efficacy regarding data gathering, the FAA is accounting for all previous initial submissions from current respondents.

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.

Not Applicable.

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.

Not applicable.

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

There are no exceptions requested.