

**Supporting Statement A**  
**[Compliance and Enforcement Actions (CEA)**  
**FAA Order 2150.3C**  
**Voluntary Disclosure Report (VDR)**  
**CFR Part 193**  
**OMB No. 2120-XXXX]**

**Introduction:** This information collection is submitted to the Office of Management and Budget (OMB) to obtain PRA clearance for information collection done using the Aviation Safety Knowledge Management Environment Compliance and Enforcement Actions (ASKME CEA) application. The Federal Aviation Administration (FAA) uses the internal ASKME CEA application for the purpose of collecting and processing Compliance and Enforcement Action (CEA) & Voluntary Disclosure Report (VDR) actions.

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

Compliance and Enforcement Actions (CEA)

Title 49 United States Code, Subtitle VII - Aviation Programs encourages the development of civil aeronautics, and promotes safety in air commerce. Sections 44709, 44711 and 44736 allows the Department of Transportation or the Administrator of the Federal Aviation Administration (FAA) to re-inspect and perform oversight activities for civil aircraft, aircraft engine, propeller, appliance, design organization, production certificate holder, and Organization Designation Authorizations. An Organization Designation Authorization or "ODA" is an authorization by the FAA under section 44702(d) for an organization composed of 1 or more ODA units to perform approved functions on behalf of the FAA. See 49 U.S.C. § 44736

Section 44709 allows the FAA to re-inspect at any time a civil aircraft, aircraft engine, propeller, appliance, design organization, production certificate holder, air navigation facility, or air agency, or reexamine an airman holding a certificate issued under 49 U.S.C. § 44703.

Section 44711 prohibits a person from violating a term of an air agency, design organization certificate, or production certificate or a regulation prescribed or order issued under section 44701(a) or (b) or any of sections 44702–44716 related to the holder of the certificate;

Under section 44736, when overseeing an ODA holder, the Administrator of the FAA shall conduct regular oversight activities by inspecting the ODA holder's delegated functions and taking action based on validated inspection findings.

When the FAA officials perform Section 44709 re-inspection or oversight activities and discovers alleged violation(s), they process cases using FAA Orders 8000.373B,

Federal Aviation Administration Compliance Program, 2150.3C, FAA Compliance and Enforcement Program and AIR-002-035 Aircraft Certification Service (AIR) Compliance and Enforcement Process.

### Voluntary Disclosure Report (VDR)

Title 14 Code of Federal Regulations, 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 statutory provision 49 U.S.C. 40123. 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. 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<sup>i</sup>, 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).

The AIR ASKME CEA application supports the electronic processing of the three main compliance and enforcement actions as defined by FAA Order 2150.3C, Compliance and Enforcement Program. These actions are Voluntary Disclosure Reports, Compliance Actions and Enforcement Actions.

**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.**

Responding to the collection of data is voluntary. Aviation design and manufacturing regulated entities, including production approval holders, design approval holders, and organizational designation authorization holders will voluntarily respond to actions through written correspondence. There are currently 1400 Production Approval Holders (PAH) and 78 Organization Designation Authorization (ODA) holders who, if alleged violations to regulations occur, maybe impacted by this process. These PAH's and ODA holders are considered Regulated Entities (RE).

The information collected is for reporting of compliance and enforcement actions taken against regulated entities overseen by the FAA Aircraft Certification Service (AIR) for the collection of FAA detected and voluntary reports of potential noncompliance to regulations, provided by these regulated entities, for review by the FAA.

Information collection frequency is as needed. The information that is collected from the RE is related to responding to compliance and enforcement actions and reporting potential noncompliance, such as information on a corrective actions plan for compliance actions, corrective action completion dates for corrective actions, information on noncompliance for Voluntary Disclosure Reports (VDR), CFR requirements to which the regulated entity potentially failed to comply (for VDRs), procedure/policy requirements to which the regulated entity potentially failed to comply (for VDRs), cause of noncompliance (for VDRs), corrective action plan (for VDRs) and corrective action completion date (for VDRs).

Information submitted by the regulated entities is received by FAA members of AIR ("investigative personnel"), to include Aviation Safety Inspectors (ASIs), Aviation Safety Engineers (ASEs), their supervisors and managers, and Organization Designation Authorization (ODA) Organization Management Team (OMT) members.

The collection of this information is to enforce a consistent application of policy, reduce human error, limit the amount of paperwork currently used and allow for data mining options, in support of the FAA Compliance Philosophy (FAA Order 8000.373) and its associated policy and guidance within AIR.

**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 through email or agreed upon website.

The CEA system supports AIR ASKME employee users. These users include AIR employees who perform oversight of design and manufacturing regulated entities, including production approval holders, design approval holders, and organizational designation authorization holders.

### Compliance and Enforcement Actions

AIR personnel initiate actions in the ASKME CEA system, based on the information collected from audits, inspections or RE voluntary disclosure report(s). ASKME CEA consists of the following six modules:

- Administrative Settings Module
- Voluntary Disclosure Module
- Action Determination Module
- Compliance Action Module
- Administrative Enforcement Action Module
- Legal Enforcement Action Module

#### **Administrative Settings Module**

This module allows the ASKME CEA system administrator to input and manage RE data (full names, addresses, and contact information), create system announcements, manage Correspondence Templates, view the Event Log, update Frequently Asked Questions (FAQs), and edit user profiles. Once system administrators input the name and address of an RE into ASKME CEA, FAA users can select that RE from a dropdown text field in other modules. All users can set their on/off notifications for announcements and view their user profile. Changes to a user's profile information occurs after contacting the system administrator by email outside of the system.

#### **Voluntary Disclosure Module**

Investigating Personnel (IPs) use this module to upload voluntary disclosure letters and manage the RE's voluntary disclosure. Voluntary disclosures are violations that REs discover on their own and self-report to the FAA. REs initiate the voluntary disclosure process by submitting a letter, via mail or email, to an Aircraft Certification Office (ACO) or Manufacturing Inspection District Office (MIDO). Voluntary disclosure letters generally include the following information submitted by REs:

- Full company/individual's name of RE;
- Company/individual's contact information (email address, mailing address and telephone number);
- Aircraft part make, model or series number (optional);
- Aircraft Tail number (N-number) (optional);

- A brief description of the apparent noncompliance, including an estimate of
- the duration of time that it remained undetected, and information regarding
- whom, where, how, and when it was discovered;
- Verification the noncompliance has ceased;
- Brief description of immediate action;
- Description of the Corrective Action Plan (CAP) if needed;
- Verification of evaluation; and
- Full name of individual responsible for the CAP for the RE (may be different than the POC).

### **Action Determination Module**

IPs log in to this module and use a series of drop-down text fields to answers questions to make the determination on the type of action needed (administrative, informal or formal compliance, or legal) based on the RE's non-compliance discovered during oversight. Upon submitting the answers to these questions, ASKME CEA generates a tracking number used to track and retrieve specific actions in ASKME CEA related to an RE.<sup>9</sup> For example, a legal or administrative action generates an Enforcement Investigative Report (EIR) number while a compliance action generates a Compliance Report (CMP) number.

IPs select the RE, POC, company size, and aircraft make and model via drop-down text fields. IPs input the tail numbers of aircraft involved, serial numbers of parts involved, type of date of noncompliance, region, location, description of noncompliance, policy requirement, and the violated statute(s) in various open-text comments box in the module. Upon completion, the IP or Regional Office Manager (ROM) enter the *Compliance, Legal, or Administrative Module* based on the 'Yes or No' answers given in this module to determine the type of action.

### **Compliance Action Module**

IPs access this module to begin the informal or formal action. Once the CMP number generates in the *Action Determination Module* or the RE's voluntary disclosure reporting process has failed, IPs answer a series of questions to determine whether the action is informal or formal. Formal actions require a ROM review and approval before closure. Informal actions can be closed by an IP after validation of the CAP.

IPs upload documents and correspondence received from the RE into this module. Like with the Voluntary Disclosure Reporting module, REs send their CAPs, design drawings, product photographs, and individual or company statements, either by mail or email, to the FAA. Statements could include the full name of the individual and their contact information. Hard-copy documents or correspondence, once uploaded, are stored in a locked file cabinet and retained for a period of five years. All correspondence sent to the RE can be mailed or sent electronically within the ASKME CEA system. IPs post summary comments on their investigative work in this correspondence, as well as in this module. IPs validate and submit completion verification of the RE's CAP in the module. The AIR ROMs review and approve all validated actions sent with ASKME CEA. IPs and ROMs may enter comments in an

open-text box that explains their final decisions. Upon final review, IPs or ROMs close the formal or informal action within the module. IPs or ROMs generate, print and mail out final completed action letters to REs. Electronic copies of these letters are retained within ASKME CEA. Hard copies of these letters may be retained and stored in the ACO or MIDO, based on local office discretion.

### **Administrative Enforcement Action Module**

ROMs review submitted actions from IP in this module. ROMs receive notifications from ASKME CEA when a new action requires their review. ROMs enter comments in an open-field text box as part of their review of validated actions. ROMs can approve each decision or reject the action by sending the action back with edits to the IP. ASKME CEA generates letters with final, administrative sanctions to REs. These letters are printed and mailed to REs. ROMs digitally sign the letters prior to printing. ASKME CEA maintains the electronic copies of these letters. Once printed, the Administrative Enforcement Action process ceases.

### **Legal Enforcement Action Module**

Legal counsel use this module to review non-compliance actions in need of legal enforcement. All legal actions require review by legal counsel. Legal counsel summarize their review by submitting comments and a statement of the case into an open-text field box. When legal counsel review is completed, ASKME CEA sends a notification to the AIR ROM to approve the legal enforcement action prior to completion. ASKME CEA generates letters with final legal sanctions to REs. These letters are printed and mailed to REs. IPs, ROMs, or Legal Counsel digitally sign the letters prior to printing. ASKME CEA maintains electronic copies of these letters. Once printed, the Legal Enforcement Action process ceases.

### **Data Exchanges and Reports**

For all completed actions in ASKME CEA, AIR personnel manually input the following data from the CEA application into the Enforcement Information System (EIS):

- RE's full company or individual's name;
- RE's company or individual's mailing address;
- RE's company or individual's telephone number;
- Make, model, and/or series number of aircraft, engine, propeller or part involved (as applicable);
- Aircraft Tail Number (N-Number);
- Date and time of violation;
- Region of discovery;
- Location of violation;
- Reporting inspector's full name;
- Investigating office;
- Regulation(s) believed violated;
- Recommended type action;
- Recommended sanction;
- Region; and

- Full name and title of approving official.

**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.**

Compliance and Enforcement Actions (CEA)

The FAA has developed and implemented the ASKME CEA that allows the Regulated Entities to respond to compliance and enforcement actions and report potential noncompliance. AIR personnel, such as Investigating Personnel (IP), inspectors, field office managers (FOMs), regional office managers (ROMs) and legal counsel use ASKME CEA to track, initiate, and manage regulatory non-compliance actions, Voluntary Disclosure Reports submitted by Regulated Entities (REs), and enforcement actions from these non-compliance events.

Voluntary Disclosure Report (VDR)

Part 193 has been reviewed by FAA's Office of Policy and has been determined not to have a significant effect on 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.**

Voluntary Disclosure Report (VDR)

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.

Compliance and Enforcement Actions (CEA)

The ASKME CEA application collection of information is consistent with the guidelines and business processes in accordance with FAA Order 2150.3C, *Compliance and Enforcement Program*, and AIR-002-035, *AIR Compliance and Enforcement Process*. If the collection is not conducted, it will delay the enforcement process and could impact safety.

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

There are no special circumstances for this information collection. The number and frequency of VDRP and Enforcement activity varies as the industry evolves, introduces changes and hazards into the aviation industry.

**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 for comment was published on October 3, 2022 (87 FR 59864). 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 gift will be 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:**

The information in this section is estimated based on the guidance provided by “How to estimate burden” via “A guide to the Paperwork Reduction Action”, <https://pra.digital.gov/burden/estimation/>

For any given VDR or compliance and enforcement action, it is estimated that one (1) respondent will submit information on behalf of the regulated entity.

The frequency of response is a total of six (6) responses, inclusive of the initial response to the compliance and enforcement action – or initial voluntary disclosure (in the case of VDR) – and five (5) additional responses as the regulated entity interacts with the process, responding to the FAA.

The initial response is estimated to incur a burden of two (2) hours. The five additional responses are estimated to incur a burden of one (1) hour each. The total burden is seven (7) hours.

It is estimated that the labor category that will be submitting information will be primarily “Skilled-labor, craft-labor and other technical workers” from the regulated entities who interact with FAA investigative personnel. In some cases, information may be entered by “professionals and managers” such as managers within the regulated entities with dedicated roles performing regulatory compliance activities. In some cases, “clerical and unskilled workers” may enter information directly on behalf of regulated entity personnel from the above-mentioned labor categories.

The table below reflects the text above, describing one individual responding on behalf of a regulated entity during the process of a single compliance and enforcement action, or a single VDR. Annually, a regulated entity may participate in responses to zero (0), one (1), or many compliance, enforcement or VDR actions. The number of responses per regulated entity per year is entirely dependent on the compliance behavior of the regulated entity during any given year and, therefore, it is unreasonable to estimate frequency of response beyond the processing of a single compliance, enforcement or VDR action.

The numbers in the below table came from the FAA’s Labor Distribution Report (LDR) average hours from FY2018 to FY2021 and the average Compliance and

Enforcement/VDR closed case activity from the CEA and Boeing Aviation Safety Oversight Office (BASSO) data bases.

The FAA estimates that the total average hourly wage, including benefits, for an aircraft manufacturing industry is \$89.07<sup>1</sup>.

The annual burden is summarized in the following tables:

#### CEA

<b>Summary (Annual numbers)</b>	<b>Reporting</b>
Estimated # of Respondents	796
Estimated # of Responses per respondent	7
Estimated time per Response	1 Hour x 7 = 7 hours
Estimated total # of responses	796 Cases x 7 = 5572 hours
Estimated total cost burden (hours)	5572 Hours x \$89.07 = \$496,298 per year

#### BASOO

<b>Summary (Annual numbers)</b>	<b>Reporting</b>
Estimated # of Respondents	1
Estimated # of Responses per respondent	7
Estimated time per Response	1 Hour x 7 = 7 hours
Estimated total # of responses	68 Cases x 7 hours = 476
Estimated total cost burden (hours)	476 hours x \$89.07 = \$42,397

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

---

<sup>1</sup><https://www.bls.gov/news.release/eccec.t04.htm>

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.**

The numbers in the below came from the FAA's Labor Distribution Report (LDR) average hours from FY2018 to FY2021 and the average Compliance and Enforcement/VDR closed case activity from the CEA and BASOO data bases.

An Aviation Safety Inspector or Aviation Safety Engineer 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 \$61.33 / hour<sup>2</sup>. A 31.4 percent multiplier was then applied to account for fringe benefits which brings the salary to \$80.59<sup>3</sup>. To account for overhead, a multiplier of 17 percent was applied<sup>4</sup>. The total salary including overhead and fringe benefits is \$94.29.

The FAA is obligated to establish an infrastructure suitable for the acquisition, monitoring and use of voluntarily submitted information submitted by participants. The FAA continues to estimate cost to the Federal Government is approximately \$1,6029 to process one VDR or CE case (17 average hours) @ \$94.29/hr., as follows:

FAA Staff Action	FAA Personnel	Burden	
		Time	Cost
Review/processing of VDR or CE cases per Fiscal year	Aviation Safety Inspector - 17 hrs x 864 submissions = 14,688 hrs at \$94.29/hr = \$1,384,936	14,688	\$1,384,936
	Total	14,688	\$1,384,936

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

<sup>2</sup> [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/22Tables/html/KC\\_h.aspx](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/22Tables/html/KC_h.aspx)

<sup>3</sup> <https://www.bls.gov/news.release/ecec.nr0.htm>

<sup>4</sup> 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>

This is a new collection.

**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 results of the collection will not be made available or published on FAA web pages.

**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.** The FAA is not seeking approval to not display the expiration date for OMB approval of the information collection.

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

There are no exceptions.

<sup>i</sup> <https://www.hSDL.org/?abstract&did=1839>