

Supporting Statement A
Protection of Voluntarily Submitted Information
2120-0646

- All labor costs were updated for 2023 rates.
- New data was added for VDRP into SMS programs which are currently in development.
- Additional information was added for the number and burden of reviewing submitted VDRP and ASAP reports.

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

14 CFR 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. Part 193 carries out 49 U.S.C. § 40123 which prescribes when and how the FAA protects from disclosure safety and security information that is voluntarily submitted to the FAA. 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, 49 United States Code (USC) § 40123 was added in the Federal Aviation Reauthorization Act of 1996. § 40123 allows the Administrator, through FAA regulations, to protect from disclosure voluntarily provided information relating to safety and security issues. 49 USC § 44735 protects ASAP and ASIAs information from disclosure and review by the general public.

The White House Commission on Aviation Safety and Security issued a 1 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), Aviation Safety Action Program (ASAP) (FAA Order 8000.82), and Voluntary Disclosure Reporting Program (VDRP) (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 of VDRP is to encourage air carriers to voluntarily report safety information and possible non-compliance to the FAA. It is FAA policy that open sharing of apparent violations and the cooperative as well as an advisory approach to solving problems will enhance and promote aviation safety. The FAA's policy of forgoing civil penalty actions when one of these entities detects violations, promptly discloses the violations to the FAA, and takes prompt Corrective Action to ensure that the same or similar violations do not recur is designed to encourage compliance with FAA regulations, and foster safe operating practices.

The VDRP is currently being conducted in two ways. The first way to disclose apparent violations is by the legacy VDRP program. The second way to disclose apparent violations is through an air carrier's SMS program. Currently, one carrier is in a trial program to combine the legacy VDRP program with their own SMS program.

The goal of ASAP 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.

ASAPs are designed for air carriers that operate under 14 CFR parts 91, 91K, 121, 125, 135, 137, 141, 142, and 145; and major domestic repair stations certificated under part 145. The information gathered is voluntarily provided by the participating entities. 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 for VDRP and ASAP are protected under 49 USC § 40123 and 14 CFR Part 193. Title 49 U.S.C. § 44735 provides statutory protection apart from § 40123. Section 44735 protects from disclosure to certain reports, data, or other information developed under the ASAP that is submitted to the FAA voluntarily and that is not required to be submitted to the Administrator under any other provision of law. 49 USC § 44735 extends the limitation on disclosure to "reports, data, or other information produced or collected for the purpose of developing and implementing" an SMS acceptable to the administrator. VDRP and ASAP information 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. VDRP does allow for "paper" submission of their disclosures meaning they would not use the FAA web link to disclose a violation. Most operators using the "paper" method of disclosure would communicate their paper disclosure electronically via email. Therefore, nearly 100% of disclosures both through ASAP and VDRP are electronic.

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 §40123, §44735 and Part 193. There is no URL for the general public to access this information. Regulated Entities can access VDRP through this web address: <https://vdrp.faa.gov/>. 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 June 23, 2023 (88 FR 41185) solicited public comment. No comments were received.

Non-FAA stakeholders have the opportunity to communicate with their FAA offices at meetings.

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

No payment 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.

49 USC § 40123, 49 USC § 4473514 CFR 193 and FAA Orders, require the FAA to protect certain voluntary provided safety information from release under the Freedom of Information Act or otherwise to the public. However, these instruments do not restrict our internal use for safety improvement purposes. The information obtained from

voluntary programs is protected from public disclosure primarily so information can be obtained and used to improve safety in the National Airspace System (NAS). The information is considered “For official Use Only” – to be disclosed within the FAA on a “need to Know” basis to be used for safety related purposes only. 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 1381 participants in the FAA's Voluntary Disclosure Reporting Program. There is currently 1 participant in the VDRP into SMS program. There are currently 1,223 participants in the ASAP program. Each year, approximately 35 new ASAP programs begin.

Part 193 imposes a negligible paperwork burden for air carriers or other participants that choose to participate in ASAP. ASAP Memorandum of Understanding are reviewed by the signatories of the MOU every two years. The FAA estimates that the hour burden for each review would be one (1) hour, as follows:

The assumed hourly labor rate for an aviation manager is \$48.16/ hour.¹ A 31.4 percent multiplier was then applied to account for fringe benefits which brings the salary to \$63.28.² To account for overhead, a multiplier of 17 percent was applied.³ Therefore, the estimated hourly salary for an aviation manager is \$74. The FAA estimates that the hourly wage for an administrative assistant is \$20.87 an hour.⁴ A 31.4 percent multiplier was then applied to account for fringe benefits which brings the salary to \$27.42.⁵ To account for overhead, a multiplier of 17 percent was applied.⁶ Therefore, the estimated hourly salary for an administrative assistant is \$32.

Estimated number of respondents	1,223
Estimated technical time per response	.75/hr
Total technical time	917.25
Cost of technical time (Aviation Manager)	917.25 x \$74
Total estimated burden of technical time	\$67,877
Estimated administrative assistant time per response	.25/hr
Total estimated administrative assistant time	305.75
Cost of administrative assistant time	305.75 x \$32
Total estimated burden of administrative assistant time	\$9,784

¹ [Administrative Services and Facilities Managers : Occupational Outlook Handbook: : U.S. Bureau of Labor Statistics \(bls.gov\)](https://www.bls.gov/news.release/ecec.nr0.htm)

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 [Secretaries and Administrative Assistants, Except Legal, Medical, and Executive \(bls.gov\)](https://www.bls.gov/news.release/ecec.nr0.htm)

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>

The total cost to the industry of notifying the Administrator concerning participation in these programs would be 1,223 hours and \$77,661.

Summary (Annual numbers)	Reporting	Recordkeeping	Disclosure
# of Respondents	1223	1223	
# of Responses per respondent	1	1	
Time per Response	.25 hour	.75 hour	
Total # of responses	1223	1223	
Total burden (hours)	305.75	917.25	

The Aviation Safety Action Program (ASAP) reviews reports submitted by air carrier employees to look for safety concerns. Last year, 137,000 ASAP reports were submitted by employees. Each report takes approximately 3.5 hours to review, process, and establish corrective action. This review is done at the aviation manager rate.

Estimated number of reports	137,000
Estimated technical time per report	3.5 hours
Total technical time	479,500 hours
Cost of technical time (Aviation Manager)	479,000 x \$74
Total estimated burden of technical time	\$35,483,000

Summary (Annual numbers)	Reporting	Recordkeeping	Disclosure
# of Respondents			137,000
# of Responses per respondent			1
Time per Response			3.5 hours
Total # of responses			137,000
Total burden (hours)			479,500 hours

Occasionally, an air carrier may want to propose a program to the FAA that would involve voluntarily submitted information. Currently, airlines are proposing to include VDRP in their SMS programs. The FAA estimates that participation in this trial would take approximately 500 hours to move their program from legacy VDRP to SMS. We estimate that this would be technical time. We estimate approximately 2 carriers per year moving to this program.

Estimated number of respondents	2 per year
Estimated technical time per response	500 hours
Total technical time	1,000 hours
Cost of technical time (Aviation Manager)	1,000 x \$74
Total estimated burden of technical time	\$74,000

Summary (Annual numbers)	Reporting	Recordkeeping	Disclosure
# of Respondents	2		
# of Responses per respondent	1		
Time per Response	500 hours		
Total # of responses	2		
Total burden (hours)	1,000 hours		

We estimate approximately 1500 Voluntary Disclosure's per year. While the amount of time to complete a voluntary disclosure can vary widely depending on the issue it was filed for, we estimate it takes a carrier approximately 8 hours to complete a disclosure.

Estimated number of Respondents:	1,500
Estimated technical time per response	8 hours
Total technical time	12,000 hours
Cost of technical time (Aviation Manager)	12,000 x \$74
Total estimated burden of technical time	\$888,000

Summary (Annual numbers)	Reporting	Recordkeeping	Disclosure
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# of Respondents			1500
# of Responses per respondent			1
Time per Response			8 Hours
Total # of responses			1500
Total burden (hours)			12,000 Hours

Total Burden:

Title	Admin Time	Admin Cost	Technical Time	Technical Cost
ASAP MOU	305.75 hours	\$9,784	917.25 hours	\$67,877
ASAP Report Review			479,500 hours	\$35,483,000
VDRP into SMS			1,000 hours	\$74,000
VDRP Report Review			12,000 hours	\$888,000
Total:	305.75 hours	\$9,784	493,417.25 hours	\$36,512,877

Total Hours: 493,723 hours and \$36,522,661

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 \$64.12/ hour.⁷ A 31.4 percent multiplier was then applied to account for fringe benefits which brings the salary to \$84.25.⁸ To account for overhead, a multiplier of 17 percent was applied.⁹ The total salary including overhead and fringe benefits is \$98.57.

FAA Staff Action	FAA Personnel	Burden	
		Time	Cost
Review/Approval of Application	Aviation Safety Inspector - .5 hrs x 1223 submissions = 611.5 hrs at \$99/hr = \$60,538.5	611.5	\$60,538.5
FAA Review of ASAP Reports	Aviation Safety Inspector – 3 hrs x 137,000 reports = 411,000 hrs at \$99/hr = \$40,689,000	411,000	\$40,689,000
FAA Review of VDRP into SMS Programs	Aviation Safety Inspector – 200 hrs x 2 submissions = 400 hrs at \$99/hr = \$39,600	400	\$39,600
FAA Review of VDRP	Aviation Safety Inspector – 4 hrs x 1500 reports = 6,000 hrs x \$99/hr = \$594,000	6,000	\$594,000
	Total	418,011.5	\$41,383,138.50

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

All labor costs were updated for 2023 rates.

⁷ [SALARY TABLE 2023-KC \(opm.gov\)](https://www.opm.gov/policy-data-oversight/salary-tables/2023/kc/)

⁸ <https://www.bls.gov/news.release/ecec.nr0.htm>

⁹ 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>

New data was added for VDRP into SMS programs which are currently in development. Additional information was added for the number and burden of reviewing submitted VDRP and ASAP reports.

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.