

SUPPORTING STATEMENT
Supplemental Restraint Systems: Passenger Safety Briefings
OMB 2120-XXXX

RIN 2120-AL37

A. JUSTIFICATION:

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

This paperwork burden directly supports the Department of Transportation Strategic Goal on Safety. Specifically, the goal is to promote the public health and safety by working toward the elimination of transportation related deaths, injuries, and property damage.

The reporting and recordkeeping requirements of this proposed rule will fall under 14 CFR part 91, General Operating and Flight Rules, which is authorized by Part A of Subtitle VII of the Revised Title 49 United States Code. The FAA is proposing to require operators conducting operations using SRS, including operations with doors opened or removed, to present updated safety information to passengers.

This proposed rule would prohibit civil aircraft operations conducted with supplemental restraint systems (SRS) unless operators meet certain requirements, including passenger briefing and demonstration requirements. The FAA also proposes certain requirements regarding persons participating in such operations. The FAA expects these proposed requirements would increase the safety of passengers during civil aircraft operations conducted with SRS. This proposal addresses recommendations from the National Transportation Safety Board and the Office of Inspector General. Additionally, this proposed rule codifies an Emergency Order currently in effect. The proposed rule is applicable to all civil aircraft operations conducted with use of SRS. The rule as proposed would not interfere with parachute operations conducted under part 105 and would not apply to rotorcraft external-load operations conducted under part 133. Additionally, the proposed rule does not apply to operations conducted as public aircraft operations under Title 49 of the United States Code (49 U.S.C.) §§ 40102(a)(41) and 40125.

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.

Section 91.108, Use of Supplemental Restraint Systems. This section prohibits civil aircraft operations conducted with supplemental restraint systems (SRS) unless operators meet certain proposed requirements, including briefing passengers on the use of SRS, and observing passengers demonstrating the use of SRS. The FAA believes these proposed requirements will ensure the safety of passengers during civil aircraft operations conducted with SRS.

While this proposed regulation does not impose reporting or recordkeeping requirements on regulated entities, it does impose third-party disclosure requirements in the form of passenger briefings and the preparation thereof.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

Because this proposed collection would consist of third-party disclosure, and not reporting or recordkeeping, there is no need for electronic collection or retention technologies. Operators affected by this proposed rule would be free to prepare their third-party briefings in the way they find most efficient.

4. Describe efforts to identify duplication. Show specifically why any similar information already available can used for the purpose described in Item 2 above.

This proposed collection is part of a proposed rule that would add a new section to 14 CFR part 91. The third-party disclosure requirements in this proposed collection do not currently exist in FAA regulations or elsewhere.

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

The collection of information is obtained only when necessary to fulfill the requirements of the Federal Aviation Regulations. Individuals or small entities may receive, upon request, specific assistance from FAA's Aviation Safety Inspectors located in district offices around the country. This assistance can greatly reduce the amount of time needed for regulated entities to study and understand their information requirements.

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.

All reporting, recordkeeping, and third-party disclosure requirements, whether mandated on a scheduled basis, on demand, or as required by regulation, are in place for the accomplishment of specific regulatory requirements necessary to maintain a high degree of safety in aviation. These requirements were carefully thought out prior to implementation and to delay the collection and documentation of this information might create possible hazards in the airspace system. Specifically, failure to impose these information requirements, or to impose less

frequent disclosure requirements, would hamper the FAA's ongoing responsibilities of surveillance, safety analysis, enforcement, and other activities essential to the safety of the National Airspace System.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with 5 CFR 1320.5(d)(2)(i)-(viii).

There are no special circumstances.

8. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

An NPRM will be published with a summary of the proposed burdens. The public will be afforded an opportunity to comment on the FAA's estimates.

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

No payments or gifts are made to respondents.

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

No assurances given.

11. Provide additional justification for any questions of a sensitive nature.

There are no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information.

For proposed 14 CFR section 91.108, the FAA is using the following occupations and wage rates:

- o Pilot:¹ \$75.90
- o Director of Operations:² \$68.66

Section 91.108 Use of Supplemental Restraint Systems. Operators conducting operations using SRS, including operations with doors opened or removed, will initially develop

¹ Bureau of Labor Statistics. *Occupational Employment and Wages*, May 2020. . Hourly wage is \$110,830 divided by 2080 hour per year. BLS data, for 2020, has wages at 70.2 percent total compensation while benefits are 29.8 percent. – June 2020

² PROFESSIONAL PILOT - June 2020, Salary Study 2020: airlines target corporates. Average Salary for Aviation Department Manager, under Corporate Helicopter, of \$100,250 divided by 2080 hours per year. Includes BLS EMPLOYER COSTS FOR EMPLOYEE COMPENSATION - June 2020 <https://www.propilotmag.com/arc/>

and periodically update an enhanced safety briefing pertaining to SRS. The estimated annual burden hours are calculated by multiplying the average number of operators, over 3 years, by 2 hours to initially develop or update the briefing content.

Estimated average number of operators yearly (average over 3 years)	
Part 91 operators	7
Part 135 operators	11
Average hours to develop or update briefing	2
Estimated average annual burden hours	36

For both part 91 and part 135 operators, the FAA expects that the briefings will be prepared by a Director of Operations, at a fully loaded wage rate of \$68.66 per hour. **36*68.88=\$2,472 per year.**

Pilots will brief passengers on the content of the enhanced passenger briefing prior to each flight. The estimated average number of flights, over 3 years, is multiplied by 2 minutes per briefing for part 91 and part 135 annual burden hours to brief passengers.

Estimated average number of flights yearly (average over 3 years)	
Number of Part 91 flights	90,853
Number of Part 135 flights	10,685
Average time to present briefing	0.03
Estimated annual burden hours	3,046

3,047*75.90=\$231,267 per year

Total burdens for Section 91.108:
-Time burden: 36+3046=**3,082**
-Economic burden: \$2,472+\$231,267=**\$233,739**

Reporting and recordkeeping requirements are listed and totaled by reporting hours, recordkeeping hours, third-party disclosure hours, burden costs, total hours and total costs.

Time burden for developing or updating briefing:

Year	Number of Operators		Time to Develop or Update Briefing (Hours per Briefing)	Total Hour Burden	
	Part 91	Part 135		Part 91	Part 135
1	21	31	2	42	62
2	0	0	2	0	0
3	0	1	2	0	2
Annual Average	7	11			
Total				42	64
Average Over 3 Years				14	21

Time burden for delivering briefing:

Year	Number of Flights		Time to Present the Enhanced Safety Briefing (Hours per Briefing)	Total Hour Burden	
	Part 91	Part 135		Part 91	Part 135
1	8 9,935	10,475	0.03	2,698	3 14
2	9 0,845	10,684	0.03	2,725	3 21
3	9 1,780	10,897	0.03	2,753	3 27
Annual Average	90,853	10,685			
Total				8,177	9 62
Average Over 3 Years				2,726	321

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

We estimate that there will be no additional costs.

14. Provide estimates of annualized cost to the Federal government.

The FAA would incur costs for periodic inspections of an operator's SRS program. Inspections of the SRS would take place during routine inspections and surveillance. All Part 135 operators and 50 percent of Part 91 air tour operators³ are inspected and surveilled yearly. The FAA estimates that it would take an ASI 15 minutes to examine the SRS. The additional cost to

³ Part 91.137 commercial air tours - 50 percent of air tours inspected yearly (National Air Tour Program)

inspect an SRS during yearly routine inspections is calculated by multiplying the number of operators inspected per year by an additional 15 minutes and the ASI wage of \$100.42 per hour, as shown in the table below.

Assuming that each SRS program inspection adds an additional 15 minutes, the FAA costs are as follows.

Cost per inspection:

$\$100.42 * 0.25 = \25.11 per SRS inspection.

Year	Number of Operators ⁴		Addition of SRS to Routine Inspections ⁵	
	Part 91	Part 135	Part 91	Part 135
1	21	31	\$527	\$778
2	0	0	\$0	\$0
3	0	1	\$0	\$25
Annual Average	7	11	\$176	\$268

$\$176 + \$268 = \$444$, which we estimate will be the FAA’s average annual cost.

The SRS program inspections are conducted by Aviation Safety Inspectors.

For Aviation Safety Inspectors, the FAA assumes a mid-grade GS-13 salary, Rest of USA locality. Annual salary is \$104,429,⁶ divided by 2,080 hours for an hourly rate of \$50.21. The FAA uses a fringe benefits and overhead cost, for FAA employees, of 100%.⁷ This results in a fully loaded wage of \$100.42 per hour.

15. Explain reasons for any program changes or adjustments.

The collection is being created to include a new proposed section, 14 CFR 91.108, as part of the NPRM Use of Supplemental Restraint Systems, RIN 2120-AL37. Inter alia, this new section imposes a new briefing requirement on pilots in certain situations; this amounts to a disclosure requirement under the PRA.

⁴ Table 2: 50 Percent of Estimated Part 91 Operators and All Part 135 Operators
⁵ Additional Time for SRS in Routine Inspections/Surveillance = Number of Operators * Estimated Time to Inspect the SRS * ASI Hourly Wage
⁶ <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2021/RUS.pdf>
⁷ 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. 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....”

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.

The information reported or recorded will not be published, and no statistical methods are used.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

We are not seeking such approval.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-1.

There are no exceptions.