

Supporting Statement
Application for Replacement of Lost, Destroyed, or Paper Airman Certificate(s) and
Knowledge Test Report(s)
2120-AI43

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 and authorizing the collection of information.

Under authorizing legislation, the FAA must issue an airman certificate to an individual when we find that the individual is qualified for, and physically able to perform the duties related to, the position authorized by the certificate (49 U.S.C. 44703).

The FAA Drug Enforcement Assistance Act of 1988 (the Act) amended section 44703 to authorize the FAA to make the system for issuing airman certificates more effective in serving the needs of airmen and officials responsible for enforcement of laws relating to the regulation of controlled substances. The Act identified a number of deficiencies and abuses that the modifications must address, including the use of counterfeit and stolen airman certificates. The Act also amended section 44703 to require the FAA to prescribe regulations to address the abuses and deficiencies.

In 2002, the FAA revised the pilot certificate requirements of Part 61 to require a person to carry photo identification when exercising the privileges of the pilot certificate and to present photo identification when requested by law enforcement officials (67 FR 65858, October 28, 2002). These changes address security and law enforcement concerns regarding the identification of pilots. Also, in July 2003, the FAA discontinued issuing paper airman certificates and began issuing airman certificates that incorporate a number of security features. The new certificates are made of higher-quality plastic card stock and include micro printing, a hologram, and an ultraviolet-sensitive layer that contains certain words and phrases. These new certificates greatly reduce the ability to create counterfeit airman certificates.

As far as airman certificates issued since July 2003 are concerned, these measures address the problem of counterfeit and stolen airman certificates. However, there was no requirement that a holder of a paper airman certificate get a new plastic certificate. So the outstanding paper certificates are all subject to potential counterfeiting for the foreseeable future. If there were a requirement for a holder of a paper certificate to periodically get a re-issued certificate, such as is the case with driver's licenses issued by most States, the problem of potential counterfeiting would gradually diminish over time.

For this reason, the FAA changed the existing airman certification regulations to require each holder of a paper pilot certificate to get the new plastic certificate within two years. The FAA also invalidated all existing paper pilot certificates after two years from the date of adoption of the final rule. To effect this change, the FAA added 14 CFR 61.19(h), titled, "Duration of pilot certificates."

The FAA also required ground instructors, flight crewmembers other than pilots (14 CFR part 63) and airmen other than flight crewmembers (14 CFR part 65) to replace their certificates within five years. Their existing certificates would become invalid after five years from the date of adoption of the final rule.

To effect these changes, the FAA revised existing 14 CFR 61.19(e) and added new 14 CFR 63.15(d) and 65.15(d).

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.

The information may be collected in 3 ways: (1) in a composed letter from the airman, (2) by completing AC Form 8060-56, or (3) through the Civil Aviation Registry's website, Airmen Services page.

The Airmen Certification Branch will collect the information.

The information will be, and has always been used to identify the appropriate airman certificate to be replaced.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, and 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.

To make the replacement process as easy and painless as possible and in compliance with the Government Paperwork Elimination Act, the Registry has recently set up a system that allows a certificate holder to request a replacement using the Internet. It is feasible that 100% of the replacements could be obtained through the Internet.

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

The information is used to identify the appropriate airman certificate to be replaced. The information collected is compared to information previously collected to verify the identity of the requester and to allow the airman to update certain variable data (i.e. address, height, weight, hair color).

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

Collect of this information has no impact on small businesses or other 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 FAA Drug Enforcement Assistance Act of 1988 identified the need to hinder the use of counterfeit and stolen airman certificates to the greatest extent possible. Paper certificates are subject to potential counterfeiting for the foreseeable future and require replacement in order for the FAA to comply with the legislation.

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

There are no special circumstances that would cause an information collection to be conducted in a manner inconsistent with 1320.5(d)(2)(i)-(viii).

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 data elements to be recorded, disclosed, or reported.

A Notice of Proposed Rulemaking (NPRM) published in the Federal Register on January 5, 2007, at 72 FR 493, accepting comments for a period of 60 days. The final rule published in the Federal Register on February 28, 2008, at 73 FR 10662.

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

The decision was made to not provide any payment or gift to respondents, or other remuneration of contractors or grantees.

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

Several statutes allow or require the FAA to release basic airman certification information. For example, The Pilot Records Improvement Act, codified at 49 U.S.C. § 44703(h)(1)(A)(i), requires that air carriers request and that the FAA provide information concerning “current airman certificates and associated type ratings, including any limitations to those certificates and ratings” prior to the pilot being allowed to fly passengers.

Individual Airman records are contained in Department of Transportation / FAA System of Records 847 (See 65 Fed. Reg. 19527, April 11, 2000). One of the routine uses of information contained in this system of records is to “provide basic airmen certification and qualification information to the public upon request.” Basic certification information, such as the fact that an individual holds an airman certificate as well as ratings held and limitations to those certificates, may be released pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”). Requests for information exceeding “basic certification information” is protected pursuant to the Privacy Act, 5 U.S.C. 552a and Section 552(b)(6) of FOIA.

Prospective employers, aviation insurance companies, members of the media and others make many requests for basic information contained in airmen records. Therefore, the Electronic Freedom of Information Act Amendments of 1996, codified at 5 U.S.C. § 552 subparagraphs (D) and (E), (“E-FOIA”) require the FAA to make this often requested information available via computer telecommunications or other electronic means. The FAA’s Civil Aviation Registry website, which provides information about airmen certificates and limitations, was implemented to comply with the E-FOIA amendments.

The FAA has historically made names of airmen and their mailing addresses available to the public in various ways, such as the Airmen Directory. In early 1998, the FAA Chief Counsel’s Office issued an opinion stating that the Privacy Act protected mailing addresses.

The FAA subsequently stopped releasing the mailing addresses of certificated airmen. Industry interest groups, who previously had been furnished mailing addresses, objected. This led to the language now contained in the Aviation Investment and Reform Act for the 21st Century and codified at 49 U.S.C. § 44703(c). The relevant language is:

(c) PUBLIC INFORMATION. -

- (1) IN GENERAL. - Subject to paragraph (2) and notwithstanding any other provision of law, the information contained in the records of contents of any airman certificate issued under this section that is limited to an airman’s name, address, and ratings held shall be made available to the public after the 120th day following the date of the enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century.
- (2) OPPORTUNITY TO WITHHOLD INFORMATION. – Before making any information concerning an airman available to the public under paragraph (1), the airman shall be given an opportunity to elect that the information not be made available to the public.

The legislative history, of Section 44703(c), makes it clear that the intent of the legislation was to provide an airman with the opportunity to withhold only his/her mailing address. House Report 106-513 (106th Congress, 2nd Session, 2000) at Section 711 indicated that the bill “[r]equires airman records (name, address, and ratings) be made available to the public 120 days after enactment. Before making the address available, the airman shall be given the opportunity

to have it withheld.” Further, Congressman Shuster, of the Committee on Transportation and Infrastructure, submitted Report 106-167, Part 1, on the Act for the Congressional Record. Mr. Shuster reported that the Act “requires that, before an airman’s address is released, the airmen be given an opportunity to prohibit the FAA from releasing it.” Finally, Mr. Shuster reported that the Act requires that the FAA provide “a one time written notification to airmen of the advantages and disadvantages of having their address released and the opportunity to elect that their address not be released.”

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

The FAA is not collecting sensitive information.

12. Provide estimates of hour burden of the collection information. This information should: Provide number of respondents, frequency of response, annual burden, and an explanation of how the burden was estimated.

Requesting a replacement certificate should require no more than 5 minutes. This is the time it takes to write a letter or complete a form or make the request through the Internet.

The FAA estimates that there are 900,000 active airmen, of which 450,000 are pilots. Due to our issuing plastic certificates since July 2003, a percentage of active airmen are already in compliance with the final rule. Thus, the FAA anticipates that 297,973 airmen will request replacement certificates annually, for an annual total of 24,831 hours.

This is a one-time requirement.

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

Each airman having a paper certificate would need to provide the FAA, the Airmen Certification Branch at the Civil Aviation Registry with the appropriate paperwork. This can be done either through the mail or electronically. The fee for this new replacement certificate is \$2. The FAA assumes that it will take no more than five minutes for each airman to process the paperwork; the total cost to each airman would be about \$5. Five-year costs range from \$3.78 million (\$3.29 million, discounted) to \$5.39 million (\$4.67 million, discounted). The lower cost represents the low cost scenario; the higher cost represents the high cost scenario.

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

There are several steps involved with the FAA processing a request for a replacement airman certificate. These steps include different grade levels and/or contract costs and includes Legal Instruments Examiners as well as contractors who would microfilm the requests, preprocess and scan the images, pre-index the image, index the image, review the certificate for accuracy, and print and mail the certificates. The total costs per new certificate sum to \$3.49. However,

airmen would pay \$2 for the certificate and therefore the net cost to the government would be \$1.49 per certificate; five-year costs range from \$1.11 million (\$967,500, discounted) to \$1.58 million (\$1.37 million discounted). The lower cost represents the low cost scenario; the higher cost represents the high cost scenario.

Total costs, over five years, to replace the existing paper certificates range from \$4.89 million (\$4.26 million, discounted) to \$6.98 million (\$6.04 million, discounted). The lower cost represents the low cost scenario; the higher cost represents the high cost scenario.

15. Explain reasons for program changes or adjustments reported in Items 13 or 14 of OMB Form 83-1.

This is a new requirement.

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.

No results will be published.

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.

The FAA is not seeking approval to exclude the expiration date.

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.

Attachments:

1. Supporting Statement
2. NPRM
3. 8060-56 Form
4. 49 USC 44703
5. 14 CFR Part 61
6. 14 CFR Part 63
7. 14 CFR Part 65