

SUPPORTING STATEMENT

Airport Certification (14 CFR part 139), OMB 2120-0675

A. Justification

1. **Explain the circumstances that make the collection of information necessary.**

Since 1970, the FAA Administrator has had the statutory authority to issue airport operating certificates to airports serving certain air carriers and to establish minimum safety standards for the operation of those airports. This authority is currently found in Title 49, United States Code (U.S.C.) § 44706, Airport operation certificates. The FAA uses this authority to issue requirements for the certification and operation of certain land airports. These requirements are contained in Title 14, Code of Federal Regulation part 139 (14 CFR part 139), Certification and Operations: Land Airports Serving Certain Air Carriers, as amended.

Until 1996, this statutory authority was limited to those land airports serving passenger operations of an air carrier that is conducted with an aircraft having a seating capacity of more than 30 passengers. However, this authority was broadened by the Federal Aviation Administration Reauthorization Act of 1996. Section 44706 was amended to allow the FAA to certificate airports, with the exception of those located in the State of Alaska, that serve any scheduled passenger operation of an air carrier operating aircraft designed for more than 9 passenger seats but less than 31 passenger seats. FAA's existing authority to certificated airports serving air carrier operations conducted in aircraft with more than 30 seats remained unchanged.

The FAA has issued a Rule to implement this authority and certificate all airport operators allowed by law. The Rule establishes certification requirements for airports serving scheduled air carrier operation in aircraft with 10-30 seats.

Further, this rule revises and clarifies several safety and operational requirements that had become outdated. The last major revision of part 139 occurred in November 1987, and since then industry practices and technology have changed. Also, changes have been made to the regulation to address National Transportation Safety Board (NTSB) recommendations and petitions for exemptions and rulemaking.

These changes to part 139 will result in additional information collections. This additional collection of information is necessary to allow the FAA to verify

compliance with proposed part 139 safety and operational requirements. Further, this information collection supports the Department of Transportation strategic goals on safety and security.

2. Indicate how, by whom, and for what purpose the information is to be used.

Information collection requirements contained in the final rule will be used by the FAA to determine an airport operator's compliance with part 139 safety and operational requirements, and to assist airport personnel to perform duties required under the proposed regulation.

Under part 139, the FAA requires airports to comply with safety requirements prior to serving operations of certain air carrier aircraft. When an airport satisfactorily complies with such requirements, the FAA issues to that facility an airport operating certificate (AOC) that permits an airport to serve air carriers. The FAA periodically inspects these airports to ensure continued compliance with part 139 safety requirements, including the maintenance of specified records. Both the application for an AOC and annual compliance inspections require operators of certificated airports to collect and report certain operational information.

Specifically, operators of certificated airports are required to develop, and comply with, a written document, an Airport Certification Manual (ACM), that details how an airport will comply with the requirements of part 139. The ACM shows the means and procedures whereby the airport will be operated in compliance with part 139, plus other instructions and procedures to help personnel concerned with operation of the airport to perform their duties and responsibilities. The AOC remains in effect as long as the need exists and the operator complies with the terms of the AOC and the ACM.

Additionally, certain changes in the operation of the airport must be reported to the FAA for information or approval. If an exemption is needed to commence airport operations, justification for, and FAA approval of, the exemption is required for issuance of the AOC. The operator may request FAA approval of changes to the AOC or ACM, or an exemption from part 139 requirements, by submitting justification and documentation. Also, the FAA Administrator may propose changes to the AOC or ACM and the airport operator may submit contrary evidence of argument concerning the proposed changes.

The likely respondents to new information requests are those civilian U.S. airport certificate holders who operate airports that serve scheduled and unscheduled operations of air carrier aircraft with more than 30 passenger seats (approximately 566 airports). These airport operators already hold an AOC and comply with most of the new information collection requirements.

Certain airport operators not currently certificated by the FAA also will be required to apply for a certificate under part 139 if they want to continue to serve certain air carriers. These airports, approximately 37 airports, serve scheduled operations of air carrier aircraft with 10 – 30 seats. Such airport operators would be required to complete FAA Form 5280-1, Airport Operating Certification Application, develop an ACM and provide written documentation as to when air carrier service will begin. After the FAA reviews these documents, an airport operator may be required to revise its proposed certification manual prior to being issued an AOC. Once an airport operator is issued an AOC, the operator will be required to comply with proposed information collection requirements (similar to other certificated airports) to show compliance with part 139.

- 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, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

In accordance with the Government Paperwork Elimination Act (GPEA), operators of certificated airports may use improved information technology to maintain their ACM and any required records, and 100% of the information may be submitted electronically. They are also permitted to choose the methodology to report information and can design their own recordkeeping system. As airports vary in size, operations and complexities, the FAA has determined this method of information collection allows airport operators greater flexibility and convenience to comply with reporting and recordkeeping requirements.

The FAA has automated its information collection during annual part 139 inspections. This automated system, the Certification and Compliance Management Information System (CCMIS), allows FAA airport safety and certification inspectors to enter into a national database airport inspection information. This information is monitored to detect trends and developing safety issues, to allocate inspection resources, and generally, to be more responsive to the needs of regulated airports.

- 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.**

The FAA has reviewed other public-use reports and finds no duplication. These collections of information have been occurring for many years and the FAA has not received any indication of their duplication. No other agency collects this

data from airport operators. Similar information is not available from any other sources. Information to be collected can only be supplied by airport operators.

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

Using the Small Business Administration (SBA) definition of small entity, approximately 202 airport operators that will be affected by the final rule are classified as small entities. Of these 202 airport operators, approximately 173 airport operators have been complying with part 139 reporting and recordkeeping requirements for many years.

The FAA airport safety and certification inspectors work with certificated airports on a case-by-case basis to ensure compliance with required standards and information collection are not unduly burdensome. In addition, procedures are in place for an airport operator to request an exemption from a reporting or recordkeeping requirement that is financially burdensome or operationally difficult.

In addition to relief from certain operational requirements, compliance costs for smaller airports could be offset by Federal funding that would assist these airports in complying with certain part 139 requirements. Likewise, such airport operators may share costs related to part 139 certification with airport users, e.g., air carriers, and can even choose not to be certificated under part 139. Part 139 is mandatory only if the airport operator chooses to serve air carrier operations.

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.

Any less frequent collection of information would not allow the FAA to verify that operators of certificated airports are in compliance with part 139 safety and operational requirements.

7. Explain any special circumstances that would cause an information collection not be conducted in a manner -

- **requiring respondents to report information to the agency more often than quarterly;**

As proposed, operators of certificated airports would be able to amend their airport certification manual at any time. A written request for an amendment must be submitted the FAA for approval.

- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**

The requirements of § 139.205, as adopted, would require airport operators to document amendments made to their airport certification manuals. In responding to certain emergency or unanticipated event, the FAA could require a written or telephone response in fewer than 30 days to ensure safety is not compromised.

- **requiring respondents to submit more than an original and two copies of any document;**

There are no special circumstances requiring collection of information to be submitted in 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 3 years;**

There are no special circumstances requiring respondents to retain records for more than 3 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;**

There are no special circumstances that would cause an information collection to be conducted in connection with a statistical survey.

- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**

There are no special circumstances that would cause an information collection to be conducted in a manner requiring the use of a statistical data classification not 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;**

There are no special circumstances that would cause an information collection to be conducted in a manner that includes a pledge of confidentiality that is not supported by authority established in statute or regulation.

- **requiring respondents to submit proprietary trade secret, 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.**

As proposed, the application for an airport operating certificate and subsequent operational documentation does not propose any special circumstances requiring collection of information to be conducted in a manner requiring respondents to submit proprietary trade secrets or other confidential information.

- 8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden. 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, and on the data elements to be recorded, disclosed, or reported.**

A notice soliciting public comment was published in the Federal Register on December 6, 2007, vol. 72, no. 234, page 68949. No comments were received. A copy of the notice is attached.

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

The FAA does not provide for any type of payment or gift to operators of certificated airports. These airport operators may obtain funds through Federal grant programs, such as the Airport Improvement Program (AIP), to make facility improvements and acquire equipment to enhance safety and assist in the compliance with part 139 certification requirements.

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

Confidentiality is not provided to any respondent. As an existing collection with no changes that affect privacy, it has been determined that no Privacy Impact Assessment is needed.

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.

The certification of airports does not require any reporting or recordkeeping activities of a sensitive nature.

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

The public recordkeeping and reporting burden associated with part 139 requirements, as adopted, are shown below. Burden hours are estimated as the number of reports and records made by each respondent varies yearly as does the average time per response. These variations are largely due to disparities in airport size and aircraft operations served. The labor burden is estimated on an annual basis.

The following sections of the part 139, as adopted, may require currently certificated airports to conduct more information collections and newly certificated airports to comply with required information collections for the first time. Estimates of the hour burden have been determined separately for currently certificated airports and newly certificated airports. These estimates also provide both initial and annual burden hours, as appropriate.

Note: To minimize confusion resulting from the inclusion of additional airports into the FAA's existing airport certification program, the FAA has reclassified types of airports certificated into four new classes, Class I-IV, as follows. Based on comments received, estimates of the total number of airports in each category have changed slightly from estimates contained in the proposal.

- Class I airports are those airports that serve the largest air carrier operations and account for most certificated airports and are currently certificated under part 139. The number of Class I airports has changed from 433 airports to 436 airports.
- Class II airports are those airports that serve a mixture of small air carriers and an occasional unscheduled large air carrier. These airports also are currently certificated. The number of Class II airports has changed from 120 airports to 112 airports.
- Class III airports are those airports that would be newly certificated under the final rule and only serve scheduled operations of small air carrier aircraft. The number of Class III airports has changed from 38 airports to 37 airports.

- Class IV airports are the smallest of the airports currently certificated and only serve an occasional operation of large air carrier aircraft. The number of Class IV airports has changed from 18 airports to 15 airports.

The total number of respondents (both currently and newly certificated airports) has been revised from 606 airports to 600 airports.

a. § 139.103, Application for certificate

As adopted, § 139.103 establishes requirements for airport operators to apply for an airport operating certificate (AOC). An airport operator must hold an AOC prior to serving scheduled air carrier operations conducted in aircraft with more than 9 passenger seats, and unscheduled air carrier operations conducted in aircraft with more than 30 seats.

Several comments were received about the cost and personnel needed to develop an airport certification manual. Operators of three airports that would be classified as Class III airports state that their limited staff would not have time to develop an airport certification manual and a consultant would have to be hired. These commenters did not challenge the number of hours FAA estimated to develop an airport certification manual under proposed § 139.203, Content of airport certification manual.

In addition, initial reporting hours have changed slightly because the number of anticipated airports that would be newly certificated under this rule has decreased by one airport. FAA now estimates that 37 airports could be newly certificated under this rule.

Currently Certificated Airports: No cost – this rule would not require already certificated airports to reapply.

Newly Certificated Airports:

Initial – 37 newly certificated airports x 8 hours = 296 **reporting** hours to complete an application for part 139 certificate.

Other Airports: Generally, two non-certificated airports per year apply for an AOC.

Annual - 2 airports/yr. x 8 hours = 16 **reporting** hours annually for airport operators requesting an AOC to complete an application.

b. § 139.111, Exemptions

As adopted, § 139.111 establishes procedures for an airport operator to petition for an exemption from the requirements of part 139, including

requests from aircraft rescue and fire fighting (ARFF) requirements. This section does not require action by an airport operator. In the event that an airport operator chooses to apply for an exemption under this section, it is at the discretion of the operator.

In the proposal, ARFF exemptions were addressed in a new section (proposed § 139.321) that prescribed the circumstances under which the FAA would grant an exemption from ARFF requirements. In response to comments, proposed § 139.321 has been deleted and new requirements for requesting an exemption from ARFF requirements has been included in § 139.111. As a result, reporting and recordkeeping burden estimates for proposed § 139.321 have been revised and included with the burden estimates for § 139.111.

FAA works with each airport operator to determine the appropriate level of compliance with part 139 requirements, particularly ARFF requirements. Depending on an airport's existing facilities and local community services, there may be several compliance options available. Additionally, Federal funds are available to help airport operators comply with certain part 139 requirements. Using alternative compliance options and Federal funding, most ARFF compliance issues will be addressed.

Since requesting an exemption is voluntary and there are other means to assist airport operators to comply with part 139 requirements, it is difficult to estimate how many airport operators would request an exemption. Estimates provided are based on the frequency that operators of currently certificated airports request exemptions and the number of airport operators that would be required to take action to comply with the final rule.

No comments relating to reporting or recordkeeping burdens were received on either proposed § 139.111 or proposed § 139.321.

Currently Certificated Airports: Except for requests for ARFF exemptions, no new burden hours are estimated for operators of currently certificated airports as they can already apply for an exemption under this section.

While most operators of currently certificated airport can already request an exemption from ARFF requirements, changes to part 139 will require approximately 80 airport operators to comply with additional ARFF requirements or provide ARFF coverage on a more frequent basis. As a result, these airports operators may decide to request an exemption from some or all of ARFF requirements.

Initial – 80 currently certificated airports x 4 hours = 320 **reporting** hours to apply for an ARFF exemption.

Annual – Approximately 20 airports would request an exemption under this section (these airports are in addition to those airports that initially requested an exemption):

20 certificated airports x 4 hours = 80 **reporting** hours annually to apply for an ARFF exemption

Newly Certificated Airports:

Initial – Any burden hours associated with a request for an exemption will be covered under proposed § 139.203. Any initial exemptions will be addressed when FAA approves the airport certification manual.

Annual - 4 newly certificated airports x 8 hours = 32 **reporting** hours annually for the estimated 4 airports that may apply for an exemptions.

c. § 139.113, Deviations

As adopted, § 139.113 permits the certificate holder to deviate from requirements of part 139 of the regulation during emergency conditions. Typically, this will involve a certificate holder providing temporary assistance to the local community during occasional catastrophic or natural emergencies that do not involve air carriers. No comments were received on this section.

Currently Certificated Airports: No new burden hours – certificated airports can already apply for a deviation under this section.

Newly Certificated Airports:

Annual - 5 newly certificated airports/yr. x 1 hour = 5 **reporting** hours annually for newly certificated airports to request a deviation (most deviations would require only a phone call to the FAA).

d. § 139.201, General Requirements

As adopted, § 139.201 would prescribe general requirements for the preparation and maintenance of an airport certification manual.

No comments relating to reporting or recordkeeping burdens were received on this section. However, annual recordkeeping hours have changed slightly because the number of anticipated airports that would be newly certificated under this rule has decreased by one airport. FAA now estimates that 37 airports could be newly certificated under this rule.

Currently Certificated Airports: No new burden hours – these certificate holders already comply with this section.

Newly Certificated Airports:

Annual

- 37 newly certificated airports x 16 hours = 592 **recordkeeping** hours annually to upkeep airport certification manual;
- 37 newly certificated airports x 16 hours = 592 **reporting** hours annually to respond to a FAA Letter of Investigation regarding compliance with the certification manual.

e. § 139.203, Content of airport certification manual

As adopted, § 139.203 specifies the contents of an airport certification manual, including a description of procedures and equipment used to comply with the operational requirements of part 139.

Only one comment was received on this proposed section regarding reporting and recordkeeping burdens. An operator of a Class I airport agrees with the proposed requirement to include in the airport certification manual a description of personnel training and equipment and a system for maintaining records. However, this commenter notes such additional requirements would have an economic impact. The commenter did not provide cost data or challenge the estimated report and recordkeeping burdens.

No changes were made to burden estimates as a result of this comment. However, the number of newly certificated airports has been adjusted, as described above.

Currently Certificated Airports: No new burden hours – already complying with this section.

Newly Certificated Airports:

Initial – 37 newly certificated airports x 40 hours = 1,480 **reporting** hours to develop an airport certification manual and submit it to the FAA for approval.

f. § 139.205, Amendment of airport certification manual

As adopted, § 139.205 establishes procedures for the certificate holder and the FAA to amend the airport certification manual.

No comments relating to reporting or recordkeeping burdens were received on this section. However, FAA has increased its estimate of burden hours for operators of currently certificated airports to revise their airport certification manual because of additional recordkeeping requirements contained in Subpart D that were adopted in the final rule.

In addition, initial reporting hours have changed slightly because the number of anticipated airports that would be affected by the rule has changed, as described earlier.

Currently Certificated Airports: Certificated airports would have to amend their ACM as the result of this proposed rulemaking. Under this section, there would be some initial burden hours. There would be no additional annual burden hours as these airports already comply with this section.

Initial -

- Class I airports: 436 airports x 40 hrs. = 17,440 **reporting** hours to update airport certification manual.
- Class II and IV airports: 130 airports x 40 hrs. = 5,200 **reporting** hours to update airport certification manual.

Newly Certificated Airports:

Annual – 37 newly certificated airports x 2 amendment per yr x 16 hrs = 1,184 **reporting** hours annually to amend ACM.

g. § 139.301, Records

As adopted, this section establishes the certificate holder's responsibility to keep records to show compliance with part 139 and specifies that the FAA will be given access to such records.

In addition, paragraph (b) of proposed § 139.301 proposed that operators of airports that serve less than 10,000 annual air carrier operations keep records of these operations. Based on comments received from three airport operators that would have to comply with this proposed requirement, FAA has deleted this requirement. Subsequently, the estimated burden associated with this proposed requirement has been deleted.

One additional comment was received on this section. A commenter states that the new recordkeeping requirements will be an added cost for airport operators if the training required under proposed § 139.303 is more than "on-the-job" training. In response, FAA has clarified that required training, except for emergency medical personnel, is "on-the-job" training. This clarification does affect the estimated reporting and recordkeeping burdens.

h. § 139.303, Personnel

As adopted, this section requires all certificated holders to maintain, train and equip personnel necessary to comply with requirements of part 139. While operators of currently certificated airports generally comply with

the adopted requirements of this section, new recordkeeping requirements are proposed to document training of personnel.

Several comments were received that recommended that this section more clearly define what personnel must be trained, what topics this training should cover and what training records should include. In addition, an airport operator association notes that FAA has underestimated the time to initially set up a recordkeeping system for training records and the average annual recordkeeping burden. However, this commenter did not provide alternative estimates.

As a result of these comments, FAA revised the requirements of this section and additional recordkeeping requirements were adopted. The recordkeeping burden estimate has been increased to reflect this change. In addition, the number of affected airports has been revised, as discussed earlier.

As noted in the proposal's application for OMB approval, the numbers of operations and maintenance personnel employed by an airport operator varies widely. FAA estimates that there are 12,419 operations and maintenance personnel at both currently and newly certificated airports.

Currently Certificated Airports

Initial – 566 currently certificated airports x 16 hours = 9,056 **recordkeeping** hours to verify and organize training records of existing ops./maint. personnel

Annual - The FAA estimates that turnover rate for airport operation and maintenance personnel is 6% per year – 12,115 existing employees x .06 = 727 new employees per year.

- 727 new ops/maint. personnel annually x 2 hours = 1,454 **recordkeeping** hours annually of new employee training (additional cost – 40 hrs OJT plus one supervisor for 40 hrs.).
- 12,115 existing ops/maint. personnel x 1 hour = 12,115 **recordkeeping** hours annually of recurrency training for existing employees.

Newly Certificated Airports

Initial – 37 newly certificated airports x 16 hours = 592 **recordkeeping** hours to set up record system.

Annual – 304 ops/maint. person x 6% turnover per year = 18 new employees.

- 18 new ops/maint. person annually x 2 hours = 36 **recordkeeping** hours annually of new employee training.
- 304 existing ops/maint. person x 1 hour = 304 **recordkeeping** hours annually of recurrency training for existing employees.

i. § 139.313, Snow and ice control

As adopted, this section requires certain certificate holders to develop and implement snow and ice control plans. Snow and ice plans include procedures for removal and control of snow and ice accumulations and for notification of air carriers when portions of the airports are unusable due to snow and ice.

No comments were received relating to reporting or recordkeeping burden estimates.

Currently Certificated: No new burden hours for proposed Class I airports – these airports already comply with this section. However, 65 proposed Class II airports are in snow areas and would be required for the first time to comply with this section:

Initial – 65 currently certificated airports x 24 hours = 1,560 **reporting** hours to develop a snow plan.

Annual – 65 currently certificated airports x 8 hours annually = 520 **recordkeeping** hours annually to review and update manual.

Newly Certificated:

Initial – 27 newly certificated airports x 24 hours = 648 **reporting** hours to develop snow plan (only 27 Class III airports in areas where snow occurs regularly).

Annual – 27 newly certificated airports x 8 hours annually = 216 **recordkeeping** hours annually to review and update manual.

j. § 139.317, ARFF: Equipment and agents

This proposed section prescribes standards for aircraft rescue and firefighting (ARFF) equipment and fire extinguishing agents.

No comments were received relating to reporting or recordkeeping burden estimates. However, changes were made to the number of affected airports, as described earlier.

Currently Certificated: No new burden hours – these airports already keep records to show compliance with ARFF equipment and agent requirements. This includes the approximately 80 airport operators that will be required to comply with additional ARFF requirements or provide ARFF coverage on a more frequent basis as the result of changes to part 139.

Newly Certificated:

Initial – Burden hours to set up recordkeeping system incorporated into hours calculated for proposed § 139.319.

Annual – 37 newly certificated airports x 55 hours annually = 2,035 **recordkeeping** hours annually to document ARFF equipment status, including the results of periodic tests.

k. § 139.319, ARFF: Operational requirements

As adopted, § 139.319 prescribes standards for the training of ARFF personnel; ARFF vehicle marking, lighting and readiness; and emergency access roads. This section also establishes criteria for a certificate holder to adjust ARFF coverage to correspond to changes in air carrier operations.

No comments were received relating to reporting or recordkeeping burden estimates. However, changes were made the number of affected airports, as described earlier.

Currently Certificated: No new burden hours – these airports already keep records to show compliance with ARFF operational requirements. This includes the approximately 80 airport operators that will be required to comply with additional ARFF requirements or provide ARFF coverage on a more frequent basis as the result of changes to part 139.

Newly Certificated:

Initial – 37 newly certificated airports x 24 hours = 888 **recordkeeping** hours to set up record system.

Annual – 37 newly certificated airports x 5 hours x 3 ARFF personnel = 555 **recordkeeping** hours annually to document ARFF personnel training.

l. New Section § 139.321, Handling and Storing of Hazardous Substances and Materials (proposed § 139.323)

In the proposal, § 139.321, Aircraft rescue and firefighting: Exemptions, contained procedures for requesting an exemption from ARFF requirements. As discussed earlier, proposed § 139.321 has been withdrawn and all requirements for petitions of exemption are now

contained in § 139.111. Consequently, all following sections have been redesignated.

As adopted, § 139.321 requires airport operators to establish and implement procedures for the safe storage and handling of aviation fuel and procedures for hazardous materials when the certificate holder acts as a cargo agent. This section also would require the certificate holder to conduct quarterly inspections of fueling agents (such as air carriers and fixed base operators).

Most airports that are currently certificated already comply with the requirements of this section. However, this section as adopted requires these airport operators for the first time to inspect air carrier fuel storage areas. The remaining currently certificated airports (approximately 130 airports) and airports newly certificated (approximately 37 airports) do not comply with hazardous materials requirements and are required to do so under the final rule.

No comments were received relating to reporting or recordkeeping burden estimates. However, changes were made the number of affected airports, as described earlier.

Currently Certificated:

Initial – 130 currently certificated airports x 2 hours = 260 **recordkeeping** hours to set up fuel inspection record system.

Annual – 571 currently certificated airports x 4 quarterly inspections x 1 hour = 2284 **recordkeeping** hours annually to document additional inspections of air carrier fuel storage areas.

Newly Certificated:

Initial – 37 newly certificated airports x 8 hours = 296 **recordkeeping** hours to set up record system for quarterly fuel inspections.

Annual – 37 newly certificated airports x 4 quarterly inspections x 1 hour = 148 **recordkeeping** hours annually to document tenant fueling inspections.

m. New Section § 139.325, Airport emergency plan (proposed § 139.327)

As adopted, this section requires certificate holders to develop and implement an emergency plan to respond to air carrier accidents, and to conduct tests of this plan. Most airports that are currently certificated already comply with the requirements of this section.

The remaining currently certificated airports (approximately 130 airports) and airports newly certificated under this proposal (approximately 37 airports) do not comply with emergency plan requirements and now are required to do so.

While two Class III airport operators commented that they do not have the resources to develop and exercise an airport emergency manual, no comments were received that challenged reporting or recordkeeping burden estimates. However, changes were made to the number of affected airports, as described earlier.

Currently Certificated:

Initial – 130 currently certificated airports x 40 hours = 5,200 **recordkeeping** hours to document initial emergency plan.

Annual – 130 currently certificated airports x 24 hours = 3,120 **recordkeeping** annually to update emergency plan.

Newly Certificated:

Initial – 37 newly certificated airports x 40 hours = 1,480 **recordkeeping** hours to document initial emergency plan.

Annual – 37 newly certificated airports x 24 hours = 888 **recordkeeping** hours annually to update emergency plan.

n. New Section 139.327, Self-inspection program (proposed § 139.329)

As adopted, this section requires certificate holders to conduct daily inspections of areas used by air carrier aircraft to ensure these areas remain compliant with part 139 standards. Most operators of airports that are currently certificated already comply with the requirements of this proposed section.

The remaining currently certificated airports and newly certificated airports do not comply with self inspection requirements and as proposed, will now be required to do so.

One comment was received on the recordkeeping requirements of this section. The commenter opposes new requirements for formalized recordkeeping, stating that such requirements are unnecessary and burdensome. The commenter believes that annual FAA inspections ensure compliance without the need for burdensome recordkeeping requirements. The commenter did not provide economic or operational data to justify the claim that recordkeeping requirements are unnecessary or burdensome.

No changes were made to the recordkeeping burden estimate for this section as result of this comment. The FAA believes most certificate holders already comply with this section and need only document existing training procedures.

However, the burden estimates for this section were amended to reflect changes to the number of affected airports, as discussed earlier, and as requested in the terms of clearance, changes were made to clarify how annual recordkeeping hours were calculated.

Currently Certificated:

Initial – 130 currently certificated airports x 16 hours = 2,080 **recordkeeping** hours to develop self inspection checklist and record system.

Annual – 130 currently certificated airports x 104 hours (30 minutes per inspection x 4 inspections per week x 52 weeks) = 13,520 **recordkeeping** hours annually to record inspection findings.

Newly Certificated:

Initial – 37 newly certificated airports x 16 hours = 592 **recordkeeping** hours to develop self inspection checklist and record system.

Annual – 37 newly certificated airports x 104 hours (30 minutes per inspection x 4 inspections per week x 52 weeks) = 3,848 **recordkeeping** hours annually to record inspection findings.

o. New Section 139.329, Access to Movement Areas and Safety Areas (proposed § 139.331, Ground vehicles)

As adopted, this section requires certificate holders to limit access to areas used by air carrier aircraft to those pedestrians and ground vehicles necessary for airport operations. This section also requires the certificate holder to ensure that employees, tenants or contractors who operate ground vehicles in such areas receive training on the established ground vehicle and pedestrian operating procedures.

In addition, this section has been modified to require records of required training. No changes have been made to the recordkeeping burden estimate as the result of this additional requirement. The estimate contained in the earlier request for clearance already included hours for such recordkeeping requirement as there is no other way for the certificate holder to show compliance with training requirements.

Most airports that are currently certificated already comply with the requirements of this section. The remaining currently certificated airports

and newly certificated airports do not comply with ground vehicle requirements. All but 18 airports are required to do so under the final rule.

No comments were received relating to reporting or recordkeeping burden estimates. However, changes were made the number of affected airports, as described earlier.

Currently Certificated:

Initial – 112 currently certificated airports x 8 hours x 10 employees = 8,960 **recordkeeping** hours to document initial training.

Annual – 112 currently certificated airports x .5 hours X 10 employees = 560 **recordkeeping** hours annually to document retraining and new employee training.

Newly Certificated:

Initial – 37 newly certificated airports x 8 hours x 10 employees = 2,960 **recordkeeping** hours documenting initial training.

Annual – 37 newly certificated airports x .5 hours X 10 employees = 185 **recordkeeping** hours annually to document retraining and new employee training.

p. New Section 139.337, Wildlife hazard management (proposed § 139.339)

As adopted, this section establishes criteria for when a certificate holder is required to develop and implement a wildlife hazard management plan. It also specifies what this plan must include and the action the certificate holder must take to respond to wildlife hazards. Most airports that are currently certificated comply with the requirements of this section.

The remaining currently certificated airports and airports newly certificated under this proposal do not comply with wildlife hazard management requirements. Except for 18 airports (Class IV airports), these airports are now required to do so.

One comment was received on the recordkeeping requirements of this section. The commenter recommends that this section require airport operators to include in their wildlife hazard management plan procedures for maintaining records of all reported wildlife strikes and all wildlife carcasses found within 200 feet of the runway. FAA disagrees with this recommendation as airport operators may not know of all wildlife strike reports as such reports are typically made by pilots and air traffic controllers, and sent directly to FAA.

No changes were made to the recordkeeping burden estimate as the result of this comment. However, changes were made to the number of affected airports, as discussed earlier.

Currently Certificated:

Initial – Burden hours counted under proposed § 139.205.

Annual –

- 112 currently certificated airports x 24 hours = 2,688 **recordkeeping** hours to document wildlife incidents;
- 46 currently certificated airports (those airports required to conduct a wildlife assessment, an estimated 38% of certificated airports) x 16 hours = 736 **recordkeeping** hours annually to document a wildlife assessment;
- One airport x 16 hrs. = 16 **reporting** hours to correspond with the FAA on wildlife assessment (an estimated one airport per year has wildlife conditions that warrant correspondence with the FAA).

Newly Certificated:

Initial – Burden hours counted under proposed § 139.201

Annual –

- 37 newly certificated airports x 24 hours = 888 **recordkeeping** hours to document wildlife incidents;
- 18 airports (38% of 38 airports) x 16 hours = 288 **recordkeeping** hours annually to document a wildlife assessment;
- One airport x 16 hrs. = 16 **reporting** hours to correspond on wildlife assessment.

q. New Section 139.339, Airport condition reporting (proposed § 139.341)

As adopted, this section requires that certificate holders report changed airfield conditions to air carriers. In addition, a new requirement was added in the final rule that requires the airport operator to maintain a record of each airport condition report for a specified time. Additional hours have been added to the estimate of the initial recordkeeping burden for currently and newly certificated airports.

Most airports that are currently certificated already comply with the requirements of this proposed section. The remaining currently certificated airports and newly certificated airports do not comply with airport condition reporting requirements. All of these airports are now required to do so.

No comments were received relating to reporting or recordkeeping burden estimates. However, changes were made to the number of affected airports, as discussed earlier.

Currently Certificated:

Initial – 130 currently certificated airports x 4 hours = 520 **recordkeeping** hours to establish a system for issuing a Notice to Airmen (NOTAM). The NOTAM system is a FAA-established notification system used nationwide to notify pilots of national and local flight and airport conditions.

Annual – 130 currently certificated airports x 50 NOTAMs x .5 hours = 3,250 **recordkeeping** hours to record NOTAM's.

Newly Certificated:

Initial – 37 newly certificated airports x 4 hours = 148 **recordkeeping** hours to establish a system for issuing NOTAM's.

Annual – 37 newly certificated airports x 50 NOTAM's x .5 hours = 925 **recordkeeping** hours to record NOTAM's.

r. New Section 139.341, Identifying, marking and reporting construction (proposed § 139.343)

As adopted, this section would require that whenever a certificate holder cannot correct an unsafe condition, air carrier operations shall be limited to those portions of an airport that are not rendered unsafe.

Burden hours for this section are counted under §§ 139.327 and 139.339.

s. Summary of reporting and recordkeeping burden to regulated airport operators:

The following table summarizes the total number of burden hours by part 139 sections. As requested in the terms of clearance, burden hours for newly certificated airports are differentiated from those burden hours associated with currently certificated airports.

New Part 139 Sections	Initial Reporting Hours		Initial Recordkeeping Hours		Annual Reporting Hours		Annual Recordkeeping Hours	
	Currently Certificated	Newly Certificated	Currently Certificated	Newly Certificated	Currently Certificated	Newly Certificated	Currently Certificated	Newly Certificated
139.103	0	296	0	0	0	16	0	0
139.111	0	0	0	0	0	32	0	0
139.113	0	0	0	0	0	5	0	0
139.201	0	0	0	0	0	592	0	592
139.203	0	1,480	0	0	0	0	0	0
139.205	22,640	0	0	0	0	1,184	0	0
139.303	0	0	9136	592	0	0	13,569	340
139.313	1,560	648	0	0	0	0	520	216
139.317	0	0	0	0	0	0	0	2,035
139.319	0	0	0	888	0	0	0	555
139.321	0	0	260	296	0	0	2284	148
139.325	0	0	5,200	1,480	0	0	3,120	888
139.327	0	0	2,080	592	0	0	13,520	3,848
139.329	0	0	8,960	2,960	0	0	560	185
139.337	0	0	0	0	16	16	3,424	1,173
139.339	0	0	520	148	0	0	3,250	925
Subtotal:	24,200	2,424	26,076	6,956	16	1,845	40,227	10,905
TOTALS	26944		33112		1941		51152	
:	60056				53093			

Total Initial burden to certificated airports: 59,656 hours (an increase of 15,296 hours from the proposal's request for OMB clearance)

Total Annual burden to certificated airports: 52,993 hours (an increase of 223 hours from the proposal's request for OMB clearance)

t. Estimated total initial reporting cost burden:

Estimated total initial reporting burden:	26944 hrs.
Operation/Maint. Labor (26944 hrs. x .7 x \$26)	\$490381
Clerical Labor (26944 x .3 x \$14)	\$113165
Total Labor Costs:	\$603546
Other expenses (\$603546 x .15):	\$ 90532

Estimated initial reporting cost to respondents: \$694078

u. Estimated total annual reporting cost burden:

Estimated total annual reporting burden: 1941 hrs.

Operation/Maint. Labor (1941 x .7 x \$26)	\$ 35326
Clerical Labor (1941 x .3 x \$14)	\$ 8152
Total Labor Costs:	\$ 43487

Other expenses (\$43487 x .15): \$ 6521

Estimated annual reporting cost to respondents: \$ 50009

v. Estimated total initial recordkeeping cost burden:

Estimated total initial recordkeeping burden: 33112 hrs.

Operation/Maint. Labor (33,032 x .7 x \$26)	\$602638
Clerical Labor (33112 x .3 x \$14)	\$139070
Total Labor Costs:	\$741708

Other expenses (\$741708 x .15): \$111256

Estimated initial recordkeeping cost to respondents: \$855343

w. Estimated total annual recordkeeping cost burden:

Estimated total annual recordkeeping burden: 51152 hrs.

Operation/Maint. Labor (51152 x .7 x \$26)	\$ 930966
Clerical Labor (51152 x .3 x \$14)	\$ 214838
Total Labor Costs:	\$1145804

Other expenses (\$1145804 x .15): \$ 171870

Estimated annual recordkeeping cost to respondents: \$1317674

v. Total burden cost to respondents

The estimate of the total initial reporting and recordkeeping cost burden for certificated airports would be \$1549421 (an increase of \$406708 from the proposal estimate). The annual reporting and recordkeeping cost burden for certificated airports would be \$1367683 (an increase of \$17328 from the proposal estimate).

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

There are no additional costs not already included in Item #12.

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

In addition to existing duties to implement and enforce part 139, the following sections of the final rule will require FAA to perform additional work. This work includes FAA personnel reviewing and amending airport certification manuals, reviewing airport training and operational documents to verify compliance, and documenting compliance and enforcement actions. Burden hour estimates include both initial and annual burden hours, as appropriate.

a. § 139.103, Application for certificate

Burden hours counted under proposed § 139.107.

b. Proposed § 139.107, Issuance of certificate

Initial – 37 newly certificated airports x 40 hours = 1,480 hours to review application and inspect applicant for compliance.

Annual – 2 airports/yr. x 40 hours = 80 hours annually to review application and inspect applicant for compliance for est. 2 airports per year seeking part 139 certification.

c. § 139.111, Exemptions

Annual - 4 newly certificated airports x 8 hours = 32 hours annually for the FAA to review est. 4 airports that would apply for an exemption,

ARFF exemption -

Initial –

- 80 currently certificated airports x 8 hours = 640 hours to review and respond to request for initial ARFF exemption; and
- 29 newly certificated airports x 8 hours = 232 hours to review and respond to request for initial ARFF exemption.

Annual – 20 airports x 8 hours = 160 hours annually to review and respond to request for ARFF exemption.

d. § 139.113, Deviations

Annual - 5 newly certificated airports/yr. x 1 hour = 5 hours annually to review requests for deviations.

e. § 139.201, General Requirements**Annual –**

- 37 newly certificated airports x 34 hours = 1,258 hours annually to inspect for compliance with part 139 and airport certification manual;
- 37 newly certificated airports x 16 hours = 592 hours annually to respond to incidents requiring a letter of investigation.

f. § 139.203, Content of ACM

Initial – 37 newly certificated airports x 40 hours = 1,480 hours to approve airport certification manuals.

g. § 139.205, Amendment of ACM

Initial – 566 currently certificated airports x 16 hours = 9008 hours to review amendments of existing airport certification manuals.

Annual – 37 newly certificated airports x 8 hours x 2 amendment/yr. = 592 hours annually to review ACM amendments of newly certificated airports.

h. § 139.301, Records

Burden hours counted under proposed § 139.201.

i. § 139.303, Personnel

Burden hours counted under proposed § 139.201.

j. § 139.313, Snow and ice control

Initial – 92 airports (65 currently certificated and 27 newly certificated airports) x 8 hours = 736 hours to review and approve snow and ice removal plans. Annual review of plan is counted as part of inspection hours under proposed § 139.201.

k. § 139.317, ARFF: Equipment and agents

Burden hours counted under proposed § 139.201.

l. § 139.319, ARFF: Operational requirements

Burden hours counted under proposed § 139.201.

m. New Section 139.321, Handling & storage of hazardous materials (proposed § 139.323)

Initial – Burden hours counted under proposed §§ 139.201 and 139.205.

Annual – Burden hours counted under proposed § 139.201.

n. New Section 139.325, Airport emergency plan (proposed § 139.327)

Initial – Burden hours counted under proposed §§ 139.201 and 139.205.

Annual – Burden hours counted under proposed § 139.201.

o. New Section 139.327, Self-inspection program (proposed § 139.329)

Initial – Burden hours counted under proposed §§ 139.201 and 139.205.

Annual – Burden hours counted under proposed § 139.201.

p. New Section 139.329, Access to Movement Areas and Safety Areas (proposed § 139.331, Ground vehicles)

Initial – Burden hours counted under proposed §§ 139.201 and 139.205.

Annual – Burden hours counted under proposed § 139.201.

q. New Section 139.337, Wildlife hazard management (proposed § 139.339)

Initial – Burden hours counted under proposed §§ 139.201 and 139.205.

Annual – Burden hours counted under proposed § 139.201, except for an additional 10 newly certificated airports annually that would require FAA wildlife expertise; 10 newly certificated airports x 40 hours = 400 hours annually to review and respond to wildlife mitigation issues.

r. New Section 139.339, Airport condition reporting (proposed § 139.341)

Initial – Burden hours counted under proposed §§ 139.201 and 139.205.

Annual – Burden hours counted under proposed § 139.201.

s. New Section 139.341, Identifying, marking and reporting construction (proposed § 139.343)

Burden hours counted under proposed §§ 139.329 and 139.341.

t. Summary of burden hours to the FAA to maintain and oversee part 139 airport certification program:

Proposed part 139 Section	Initial Burden Hours	Annual Burden Hours
139.107	1,480	80
139.111	872	192
139.113	0	5
139.201	0	1,850
139.203	1,480	0
139.205	9008	592
139.313	952	0
139.339	0	400
TOTAL:	13792	3,119

v. Cost to the Federal Government

The initial cost to the Federal Government is estimated at \$399968 (a decrease of \$2320 from the proposal estimate). The annual cost to the Federal Government is estimated at \$90,451 (a decrease of \$1,914 from the proposal estimate). These minor changes are due to a decrease in the number of affected airports, as discussed in the response to Question #12.

These costs are based on the cost of collecting and analyzing the data at the rate of \$29 per hour. The burden for collecting and analyzing data is borne primarily by Airport Certification Safety Inspectors (ACSI). The average pay grade for an ACSI is GS 13, Step 5. The 1999 OPM General Schedule reports the hourly rate for a GS 13, Step 5 is \$29.

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

There are no changes from the previous submission.

16. For collection of information whose results will be published, outline plans for tabulation and publication.

Information to be collected would not be published for statistical use as defined.

- 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 requesting approval to not display the expiration date for OMB approval on FAA Form 5280-1. It would not be cost beneficial to destroy dated, unused stock.

- 18. Explain each exemption to the certification statement identified in Item 19 “Certification for Paperwork Reduction Act Submissions” of OMB Form 83-1.**

No exceptions requested.