

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Further, this rule revises and clarifies several safety and operational requirements that had become outdated.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 2004, 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 required additional information collections. This additional collection of information was 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 are 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 561 airports). These airport operators already hold an AOC and comply with all current 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 serve certain air carriers. 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 are affected by the final rule are classified as small entities. These 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 May 12, 2011, vol. 76, no. 92, page 27742-27743. No comments were received.

- 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.

Total Burden Hours: 100,132 hours

These burden hours are split amongst the information collection requirements detailed below.

In addition to various recordkeeping and reporting requirements, there is one form associated with this collection (FAA Form 5280-1). The burden estimate included in the PRA statement on the form, assesses burden to individuals for filling out the form, and developing an Airport Certification Manual or Airport Certification Specifications that must accompany this form, to be approximately 200 hours, a subset of the total burden accrued to the public through this information collection. These 200 hours are a subset of the burden hours below.

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..

- 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 436 airports to 384 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 112 airports to 47 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 37 airports to 34 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 15 airports to 84 airports.
- Inactive airports are airports, typically Class IV, that do not currently serve any commercial aircraft operations. They are part 139 certificated airports, but due to the fact that they have no commercial operations, the FAA and airport operator agree to place the airport on inactive status. These airports cannot receive any future commercial air carrier operations without reapplying for a Class I, II, III, or IV certificate. There are currently 14 inactive airports.

The total number of respondents (both currently and newly certificated airports) has been revised from 600 airports to 563 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.

Initial reporting hours have changed because the number of anticipated airports that would be newly certificated annually under this rule has decreased to one airport. FAA now estimates that one airport per year 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 – One newly certificated airport x 8 hours = 8 **reporting** hours to complete an application for part 139 certificate.

Other Airports: Generally, one non-certificated airport per year applies for an AOC.

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

b. § 139.111, Exemptions

§ 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 original 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 was deleted, and new requirements for requesting an exemption from ARFF requirements are included in § 139.111. As a result, reporting and recordkeeping burden estimates for proposed § 139.321 were 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 are 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 requesting exemptions.

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

Newly Certificated Airports:

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

Annual - 1 newly certificated airport x 8 hours = 8 **reporting** hours annually for the estimated 1 airport that may apply for an exemptions.

c. § 139.113, Deviations

§ 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.

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

Newly Certificated Airports:

Annual - One newly certificated airport/yr. x 1 hour = 1 **reporting** hour 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

§ 139.201 prescribes general requirements for the preparation and maintenance of an airport certification manual.

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

Newly Certificated Airports:

Annual

- One newly certificated airports x 16 hours = 16 **recordkeeping** hours annually to upkeep airport certification manual;
- One newly certificated airports x 16 hours = 16 **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

§ 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.

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

Newly Certificated Airports:

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

f. § 139.205, Amendment of airport certification manual

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

Newly Certificated Airports:

Annual – One newly certificated airport x 2 amendment per yr x 16 hrs = 32 **reporting** hours annually to amend ACM.

g. § 139.301, Records

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.

h. § 139.303, Personnel

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

Currently Certificated Airports

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 – One newly certificated airport x 16 hours = 16 **recordkeeping** hours to set up record system.

Annual – Eight ops/maint. personnel x 6% turnover per year = less than one new employee.

- One new ops/maint. person annually x 2 hours = 2 **recordkeeping** hours annually of new employee training.

- Eight existing ops/maint. person x 1 hour = 8 **recordkeeping** hours annually of recurrency training for existing employees.

i. § 139.313, Snow and ice control

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.

Currently Certificated: No new annual burden hours for certificated airports.

Annual – 87 currently certificated airports x 8 hours annually = 696 **recordkeeping** hours annually to review and update manual.

Newly Certificated:

Initial – 1 newly certificated airports x 24 hours = 24 **reporting** hours to develop snow plan

Annual – 1 newly certificated airports x 8 hours annually = 8 **recordkeeping** hours annually to review and update manual.

j. § 139.317, ARFF: Equipment and agents

This 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 annual burden hours – these airports already keep records to show compliance with ARFF equipment and agent requirements.

Newly Certificated:

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

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

k. § 139.319, ARFF: Operational requirements

§ 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.

Newly Certificated:

Initial – One newly certificated airport x 24 hours = 24 **recordkeeping** hours to set up record system.

Annual – One newly certificated airport x 5 hours x 3 ARFF personnel = 15 **recordkeeping** hours annually to document ARFF personnel training.

I. § 139.321, Handling and Storing of Hazardous Substances and Materials

In the original 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.

§ 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 requires the certificate holder to conduct quarterly inspections of fueling agents (such as air carriers and fixed base operators).

Airports that are currently certificated already comply with the requirements of this section.

Currently Certificated:

Annual – 563 currently certificated airports x 4 quarterly inspections x 1 hour = 2,252 **recordkeeping** hours annually to document additional inspections of air carrier fuel storage areas.

Newly Certificated:

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

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

m. Section § 139.325, Airport emergency plan

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. Airports that are currently certificated already comply with the requirements of this section.

Currently Certificated:

Annual – 563 currently certificated airports x 8 hours = 4,504 **recordkeeping** annually to update emergency plan.

Newly Certificated:

Initial – One newly certificated airport x 40 hours = 40 **recordkeeping** hours to document initial emergency plan.

Annual – One newly certificated airport x 8 hours = 8 **recordkeeping** hours annually to update emergency plan.

n. § 139.327, Self-inspection program

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. Operators of airports that are currently certificated already comply with the requirements of this proposed section.

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:

Annual – 563 currently certificated airports x 104 hours (30 minutes per inspection x 4 inspections per week x 52 weeks) = 58,552 **recordkeeping** hours annually to record inspection findings.

Newly Certificated:

Initial – One newly certificated airport x 16 hours = 16 **recordkeeping** hours to develop self inspection checklist and record system.

Annual – One newly certificated airport x 104 hours (30 minutes per inspection x 4 inspections per week x 52 weeks) = 104 **recordkeeping** hours annually to record inspection findings.

o. §139.329, Pedestrians and Ground Vehicles

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 requires 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.

Airports that are currently certificated already comply with the requirements of this section.

Currently Certificated:

Annual – 563 currently certificated airports x .5 hours X 10 employees = 2,815 **recordkeeping** hours annually to document retraining and new employee training.

Newly Certificated:

Initial – One newly certificated airport x 8 hours x 10 employees = 80 **recordkeeping** hours documenting initial training.

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

p. Section 139.337, Wildlife hazard management

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. Airports that are currently certificated comply with the requirements of this section.

Currently Certificated:

Initial – Burden hours counted under proposed § 139.205.

Annual –

- 563 currently certificated airports x 24 hours = 13,512 **recordkeeping** hours to document wildlife incidents;
- 30 currently certificated airports (those airports required to conduct a wildlife assessment due to a triggering event,) x 16 hours = 480 **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 –

- One newly certificated airport x 24 hours = 24 **recordkeeping** hours to document wildlife incidents;
- One airport x 16 hrs. = 16 **reporting** hours to correspond on wildlife assessment.

q. Section 139.339, Airport condition reporting

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.

Currently certificated airports already comply with the requirements of this section.

Currently Certificated:

Annual – 150 currently certificated airports x 50 NOTAMs x .5 hours = 3,750 **recordkeeping** hours to record NOTAM's.

Newly Certificated:

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

Annual – One newly certificated airport x 50 NOTAM's x .5 hours = 25 **recordkeeping** hours to record NOTAM's.

r. Section 139.341, Identifying, marking and reporting construction

This section requires 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	8	0	0	0	8	0	0
139.111	0	0	0	0	0	8	6	0
139.113	0	0	0	0	0	1	0	0
139.201	0	0	0	0	0	16	0	16
139.203	0	40	0	0	0	0	0	0
139.205	0	0	0	0	0	32	0	0
139.303	0	0	0	16	0	0	13,569	10
139.313	0	24	0	0	0	696	520	8
139.317	0	0	0	0	0	0	0	55
139.319	0	0	0	24	0	0	0	15
139.321	0	0	0	8	0	0	2284	4
139.325	0	0	0	40	0	0	3,120	8
139.327	0	0	0	16	0	58552	13,520	104
139.329	0	0	0	80	0	0	560	5
139.337	0	0	0	0	16	16	3,424	24
139.339	0	0	0	4	0	0	3,250	25
Subtotal:	0	72	0	188	16	59,329	40,253	274
TOTALS	72		188		59,345		40,527	
:								
	260				99,872			

Total Initial burden to certify new airports: Currently 260 hours

Total Annual burden to certificated airports: 99,872 hours

BURDEN TOTAL: 100,132 hours

t. Estimated total initial reporting cost burden:

Estimated total initial reporting burden: 72 hrs.

Operation/Maint. Labor (72 hrs. x .7 x \$26) \$1,310

Clerical Labor (72 x .3 x \$14) \$302

Total Labor Costs: \$1,612

Other expenses (\$603546 x .15): \$ 242

Estimated initial reporting cost to respondents: \$1,854

u. Estimated total annual reporting cost burden:

Estimated total annual reporting burden:	59,345 hrs.
Operation/Maint. Labor ($59,345 \times .7 \times \26)	\$ 1,080,079
Clerical Labor ($59,345 \times .3 \times \14)	\$ 249,249
Total Labor Costs:	\$ 1,329,328
Other expenses ($\$1,329,328 \times .15$):	\$ 199,399
Estimated annual reporting cost to respondents:	\$ 1,528,727

v. Estimated total initial recordkeeping cost burden:

Estimated total initial recordkeeping burden:	188 hrs.
Operation/Maint. Labor ($188 \times .7 \times \$26$)	\$3,422
Clerical Labor ($188 \times .3 \times \$14$)	\$790
Total Labor Costs:	\$4,211
Other expenses ($\$4,211 \times .15$):	\$632
Estimated initial recordkeeping cost to respondents:	\$4,843

w. Estimated total annual recordkeeping cost burden:

Estimated total annual recordkeeping burden:	40,527 hrs.
Operation/Maint. Labor ($40,527 \times .7 \times \26)	\$ 737,591
Clerical Labor ($40,527 \times .3 \times \14)	\$ 170,213
Total Labor Costs:	\$907,804
Other expenses ($\$907,804 \times .15$):	\$ 136,170
Estimated annual recordkeeping cost to respondents:	\$1,043,975

v. Total burden cost to respondents

The estimate of the total initial reporting and recordkeeping cost burden for certificated airports would be \$6,697. The annual reporting and recordkeeping cost burden for certificated airports would be \$2,572,702

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

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

c. § 139.111, Exemptions

Annual - One of four newly certificated airports x 8 hours = 4 hours annually for the FAA to review est. 1 airports that would apply for an exemption,

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

e. § 139.201, General Requirements

Annual –

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

f. § 139.203, Content of ACM

Initial – One newly certificated airport x 40 hours = 40 hours to approve airport certification manuals.

g. § 139.205, Amendment of ACM

Initial – 563 currently certificated airports x 16 hours = 9008 hours to review amendments of existing airport certification manuals.

Annual – One newly certificated airport x 8 hours x 2 amendment/yr. = 16 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

Annual – 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. §139.321, Handling & storage of hazardous materials

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

Annual – Burden hours counted under proposed § 139.201.

n. §139.325, Airport emergency plan

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

Annual – Burden hours counted under proposed § 139.201.

o. §139.327, Self-inspection program

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

Annual – Burden hours counted under proposed § 139.201.

p. §139.329, Pedestrians and ground vehicles

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

Annual – Burden hours counted under proposed § 139.201.

q. §139.337, Wildlife hazard management

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

Annual – Burden hours counted under proposed § 139.201.

r. §139.339, Airport condition reporting

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

Annual – Burden hours counted under proposed § 139.201.

s. §139.341, Identifying, marking and reporting construction

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:

Part 139 Section	Initial Burden Hours	Annual Burden Hours
139.107	0	40
139.111	0	164
139.113	0	5
139.201	0	40
139.203	40	0
139.205	9008	16
139.313	0	0
139.339	0	0
TOTAL:	9,048	265

v. Cost to the Federal Government

The cost of initial submissions to the Federal Government is estimated at \$262,392. The annual cost to the Federal Government is estimated at \$7,685. This is a total of \$270,077.

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.

The primary change from the previous submission is because at the previous submission, not all part 139 airports were certificated and fell under the new rule. That large pool of airports has now completed all the main initial reporting requirements under the rule and now must comply with all of the certification requirements of Part 139 listed above in question 12. This has resulted in fewer responses to the initial reporting requirements, and an overall increase in the reported burden.

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.