

Supporting Statement

Specific Release Form

2120-0740

A. Justification

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

The FAA only conducts administrative investigations. Those investigations impact the safety and security of the national airspace system. Internal investigations are initiated based on a request from management to determine if an FAA employee, applicant for employment, or contractor has violated an agency orders, regulations, or laws. Regulatory investigations are conducted on FAA certificate holders who are suspected of violating the statutory or regulatory requirements set forth in 49 United States Code or 14 Code of Federal Regulations to maintain their airman certificate.

It is sometimes necessary to contact outside parties in an effort to impartially gather the facts necessary to prove or disprove an allegation of misconduct on the part of the Subject of an investigation. At times outside entities require the knowledge/approval of the individual concerned before they are willing to or can legally provide requested information. This form allows the Special Agent to obtain approval from the subject of the investigation to contact the outside party to obtain the needed information.

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

Title 49 United States Code, Sections 106, 40113, 40114, 46101, and 46104, the Aviation Drug Trafficking Control Act of 1984, the Anti-Drug Abuse Act of 1986, and the FAA Drug Enforcement Assistance Act of 1988, which is part of Public Law 100-690, also known as the Anti-Drug Abuse Act of 1988. The Department of Transportation (DOT) Act of 1966 (Section 6) transferred to the Secretary of Transportation all functions, powers and duties of the FAA, the Administrator and other officers and offices empower the Administrator of the Federal Aviation Administration (FAA).

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

The information garnered from a signed Specific Release form will be used by FAA Special Agents to obtain information related to a specific investigation. That information is then provided to the FAA decision making authority to make FAA employment and/or pilot certification/revocation determinations.

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

This information requested by the form does not include any statistical information. At the present time, the best method available to obtain certain records during the process of an investigation is to make a direct request to a person or entity for the information. Due to a tightening of the control of personal information, many entities refuse to provide requested information without a signed release form from the person being investigated.

The form is an internal form, provided as a hard copy to the individual under investigation, when a release to obtain specific information from a third party is requested. The form would normally be presented to the individual as a part of an investigative interview.

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

A review of forms revealed that pages 8 and 9 of Standard Form 85P, OMB No. 3206-0191, requests similar information. However, the purpose of the SF 85P is for the conduct of background investigations and reinvestigations to establish that applicants or incumbents either employed by the Government or working for the Government under contract to determine if the individual is suitable for the job and/or eligible for a public trust or sensitive position. The purpose of the specific release form is to collect, with the voluntary permission of an individual under investigation, specific information to prove or disprove an allegation of misconduct. A review of FAA forms yielded no other form requesting the same information for the same purpose.

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

The form is not used in all administrative or regulatory investigations. It is only used in those instances when it is necessary to contact outside parties in an effort to impartially gather the facts necessary to prove or disprove an allegation of misconduct on the part of the Subject of an investigation. The individual is only asked to provide the release on the section of the form relative to the allegation being investigated. Thus the impact to the public is negligible.

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.

Frequency of and type of collection is determined by the circumstances of the investigation of a particular subject. While no technical or legal obstacles are anticipated, we do not presently foresee any public burden reduction. The consequence to FAA's program activities if the collection of information was not conducted would be the inability of the appropriate FAA decision maker to make an employment and/or pilot certification/revocation determination.

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

This collection of information is conducted in a manner consistent with 5 CFR 1320.5(d)(2).

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

A 60 day notice for public comments was published in the Federal Register on April 3, 2012, vol 77, no. 64, pages 20093-20094.

On May 23, 2012, The Equal Employment Opportunity Commission (EEOC) indicated that when the form was in the employment context, it posed a potential conflict with the requirements of Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA). The EEOC provided suggested language that was incorporated into the body of the form. No other comments were received.

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

There is no payment involved in this collection.

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

The information collected is covered under the Privacy Act of 1974.

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

There are no questions of a sensitive nature.

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

There is a wide range of salaries for potential respondents. The estimated annual burden on respondents is 22.5 hours.

The cost is determined by estimating the respondents required time to review and sign the Specific release form. An annual salary of respondents is estimated to be \$28 per hour.

270 Specific Release Forms at 5 minutes each x \$28.00 per hour = \$630.00

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

There is no additional cost to respondents not already included in question #12.

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

Estimated annual cost to the Federal government is \$2430.00. This is based on the FAA Investigators' time to fill out the form with the requested information and the time to review and meet with the respondent for their signature.

270 Specific Release Forms at 10 minutes each x \$54.00 per hour = \$2430.00

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

The cost burden figures have been updated to current wage costs.

16. For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used.

No publication is planned for this information.

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

We are not seeking approval not to display the expiration date.

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

There are no exceptions.