

INFORMATION COLLECTION SUPPORTING STATEMENT

Repair Station Security Final Rule

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information. (Annotate the CFR parts/sections affected).***

On December 12, 2003, the President of the United States signed into law the Vision 100 Century of Aviation Reauthorization Act. Section 611 of the Act, requires the Department of Homeland Security (DHS) to ensure the security of aircraft repair stations.¹

The Act further requires a security review and audit of foreign repair stations certificated by the Federal Aviation Administration (FAA). The Transportation Security Administration (TSA), on behalf of DHS, will be conducting the relevant tasks associated with this legislation. TSA published a notice of proposed rulemaking (NPRM) in the Federal Register on November 18, 2009, 74 FR 59873, and solicited comments on TSA's proposals. TSA is now publishing a final rule to finalize the new requirements.

Under TSA regulations implemented by the final rule, aircraft repair stations located on or adjacent to an airport, as further defined in No. 8 below, are required to implement security measures to prevent the unauthorized operation of large aircraft capable of flight that are left unattended and designate an individual to be the TSA point of contact and be responsible for compliance. These repair stations will also be required to maintain employment history records if used as the means to verify employee background information.

All repair stations (except for a part 145 certificated repair station located on a U.S. or foreign Government military installation) are subject to other portions of the rule. All aircraft repair stations covered by the final rule—including those not located on or adjacent to an airport—may be required to provide TSA access to the records and facilities necessary for TSA to conduct security inspections. (See 49 CFR 1554.5). They must also comply with security directives if issued by TSA, which could include requirements to maintain records or provide information to TSA. However, for those repair stations not required to carry out security measures on a regular basis (i.e., those repair stations not located on or adjacent to an airport, as further defined in No. 8 below), TSA does not intend to conduct inspections except except as necessary to comply with the requirement in 49 U.S.C. 44924 to conduct a security audit of all part 145 certificated repair stations located outside the U.S., to evaluate security risks as conditions warrant, and, in the event that TSA issues a security directive to such a repair station, for compliance with the security directive.

Under this final rule, TSA is conducting the following information collections:

¹ To maintain consistency with FAA terminology, TSA will refer to domestic repair stations as repair stations within the U.S., and will refer to foreign repair stations as repair outside within the U.S.

- (1) **Recordkeeping.** Repair stations that verify employee background information using employment history will be required to maintain employment history records and other records to demonstrate compliance with the security measures, and make the records available for inspection by TSA upon request.(49 CFR 1554.3)
- (2) **Petition for Reconsideration.** TSA has established procedures whereby a repair station operator or owner may request reconsideration of a determination that its certificate must be suspended or revoked. The petition must be in writing, in English, signed by the repair station operator or owner, and follow the procedures as outlined in § 1552.201 and § 1552.203.
- (3) **Paper Audits.** TSA will send repair stations outside of the United States (U.S.) a letter and questionnaire, requiring the repair station to respond back to TSA with general information about the repair station.(49 CFR 1554.3)
- (4) **Desk Audits.** TSA will send repair stations on/adjacent to a commercial airport outside of the United States a letter informing them that they will be required to provide a description of how they apply the required security measures from the Final Rule.(49 CFR 1554.3)

2. *Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.*

TSA will review the employment history records to determine compliance with the regulation's employment history verification.

The TSA Administrator will review a petition for reconsideration of a determination that a repair station certificate must be suspended or revoked prior to issuing a final agency order. The TSA Administrator will either direct the TSA-designated official to notify FAA and the repair station that the determination is rescinded and the certificate may be reinstated or affirm the determination.

For the paper audit, TSA will send a letter and questionnaire to repair stations outside the U.S. to collect general information about the repair station. TSA will send a survey as a desk audit to repair station outside the U.S. to collect information of how it applies the required security measures from the Final Rule.

3. ***Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden. [Effective 03/22/01, your response must SPECIFICALLY reference the Government Paperwork Elimination Act (GPEA), which addresses electronic filing and recordkeeping, and what you are doing to adhere to it. You must explain how you will provide a fully electronic reporting option by October 2003, or an explanation of why this is not practicable.]***

This collection of information is in compliance with the Government Paperwork Elimination Act (GPEA - Pub. L. 105-277) in that TSA will allow transmission of all documents via email, (ars@tsa.dhs.gov (U. S.), frs@tsa.dhs.gov (outside the U.S.)) or fax, 703-603-4044, and retention of all records to be conducted electronically.

4. ***Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purpose(s) described in Item 2 above.***

The requirement to respond to audits, implement security measures, and maintain employment history records is an entirely new requirement for certain repair stations. Therefore, none of this work is a duplication of existing federal requirements.

5. ***If the collection of information has a significant impact on a substantial number of small businesses or other small entities (Item 5 of the Paperwork Reduction Act submission form), describe the methods used to minimize burden.***

This collection of information does not have a significant impact on a substantial number of small businesses or other small entities.

6. ***Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.***

TSA will not be able to meet its obligations under the Vision 100—Century of Aviation Reauthorization Act if the information described in this Supporting Statement is not collected.

7. ***Explain any special circumstances that require the collection to be conducted in a manner inconsistent with the general information collection guidelines in 5 CFR 1320.5(d)(2).***

None of the requirements are inconsistent with the guidelines in 5 CFR 1320.5.

- 8. Describe efforts to consult persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d) 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.**

TSA published the final rule in the Federal Register, on January 13, 2014, 79 FR 2119. The rule was effective on February 27, 2014. A detailed description of the responses to the public comments is included in Section II of the final rule. (<http://www.gpo.gov/fdsys/pkg/FR-2014-01-13/pdf/2014-00415.pdf>) TSA did not receive any comments specifically related to the collection of information and record keeping requirements.

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

TSA will not provide any payment or gifts to respondents for this information collection.

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

Although TSA will not provide any assurances of confidentiality to respondents, Security Directives will be protected as Sensitive Security Information in accordance with 49 CFR Part 1520.

- 11. Provide additional justification for any questions of sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.**

This information collection does not involve any questions of a sensitive nature.

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

In this justification, TSA describes the respondent population and then presents a summary of each of the information collections covered by this ICR.

Table 1: Respondent Summary (3 Years)

Respondent Category	# of Respondents
On-Airport RS Located Within the U.S.	451

On-Airport RS Located Outside the U.S.	707
Total Unique Respondents	1,158

Information Collections

Repair stations on or adjacent to an airport as described in No. 8 above will be required to designate a TSA point of contact and prevent the operation of large aircraft capable of flight that are left unattended. The regulations also authorize TSA to conduct security audits, assessments, and inspections of repair stations.

Repair stations may be responsible for maintaining updated employment history records to demonstrate compliance with the regulatory requirements. These records must be made available to TSA upon request. Additionally, a repair station operator or owner may appeal a determination by TSA that FAA must suspend or revoke its certificate.

Finally, a repair station must respond to paper and desk audits by completing a form and sending it to TSA.

The respondents to this information collection are the owners and/or operators of repair stations certificated by the FAA under 14 CFR part 145, which is estimated to number approximately 1,158 unique respondents over the next three years (451 repair stations located within the United States and 707 repair stations located outside the United States).

The average yearly burden for recordkeeping is estimated to be 2 hours for repair stations located outside the United States. The average yearly burden for suspension and revocation appeals is estimated to be 10 hours for repair stations located within the United States and 100 hours for repair stations located outside the United States. The average yearly burden for paper audits is estimated to be 236 hours for repair stations located outside the United States. The average yearly burden for desk audits is estimated to be 80 hours for repair stations located outside the United States. Therefore, the total average annual time burden estimate is approximately 428 hours.

Table 2: Information Collection and Hour Burden Summary

Collection	Time Per Response	Number of Responses			3-Year Time Burden	Average Annual Time Burden
		Year 1	Year 2	Year 3		
Recordkeeping	Continuous as needed					
On-Airport RS outside the United States	0.25 hours	227	5	5	6.0	2.0
Suspension/Revocation Appeals	As needed					
On-Airport RS within the United States	10 hours	1	1	1	30	10
On-Airport RS outside the United States	12 hours	8	8	9	300	100
Paper Audits	One-Time					
On-Airport RS outside the United States	1 hour	707			707	236
Desk Audits	Annual					
On-Airport RS outside the United States	1 hour	78	80	82	240	80
Total Burden (responses)					1,212	404
Total Burden (hours)					1,283	428

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

There are no monetary costs associated with the information collections.

14. Provide estimates of annualized cost to the Federal Government. Also, provide a description of the method used to estimate cost, and other expenses that would not have been incurred without this collection of information.

The Federal government will incur costs to review employment history records. This cost is included in the overall cost of the inspection. TSA inspectors will review employment history records when verifying that the repair station has implemented the security measures and other requirements under the rule. TSA will also audit and/or inspect all active 707 repair stations that are located outside the U.S.

For inspections of domestic repair stations, the duration of an inspection is estimated to be an hour. Inspections will be performed by a TSA inspector with a fully loaded wage rate of \$58.89 per hour. Therefore the cost of an inspection for a domestic repair station is estimated to be \$58.89. For inspections performed at repair stations located outside the U.S., the duration of an inspection is estimated to be an hour and the fully loaded wage rate of the inspector is \$55.35 per hour. Therefore the cost of an inspection of a repair station located outside the U.S. is estimated to be \$55.35. The total inspection cost over a ten-year period is \$135,024; and the annual cost of inspections is \$13,502.40. These figures were derived from the table below.

Year	Domestic Inspections		Foreign Inspections		Total Inspection Costs	Discounted at 3%
	Repair Stations (RS)	TSA Outreach Cost <i>(RS × 1 hr × \$58.89 Inspection Costs (Live Audits))</i>	Repair Stations (RS)	TSA Inspection Costs (Live Audits) <i>(RS × 1 hr × \$55.35) + \$1540 travel expenses* **</i>		
1	451	\$26,559	149	\$9,840	\$36,399	\$35,339
2	0	\$0	11	\$2,202	\$2,202	\$2,075
3	0	\$0	71	\$5,523	\$5,523	\$5,054
4	438	\$25,794	89	\$6,519	\$32,313	\$28,710
5	0	\$0	71	\$5,523	\$5,523	\$4,764
6	0	\$0	11	\$2,202	\$2,202	\$1,844
7	426	\$25,087	149	\$9,840	\$34,927	\$28,399
8	0	\$0	11	\$2,202	\$2,202	\$1,738
9	0	\$0	71	\$5,523	\$5,523	\$4,233
10	414	\$24,380	86	\$6,353	\$30,733	\$22,869
Total	1729	\$101,821	719	\$55,725	\$157,546	\$135,024
				Annual	\$15,754.58	\$13,502.40

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

This is a new information collection.

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. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

This information collection will not be published for statistical purposes.

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.

TSA will display the OMB number and 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.

TSA is not seeking any exceptions to the certification requirement.