

INFORMATION COLLECTION SUPPORTING STATEMENT

Transportation Worker Identification Credential

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).***

TSA developed the Transportation Worker Identification Credential (TWIC) program to mitigate threats and vulnerabilities in the national transportation system. The TWIC is a biometric credential that can be used as an identification tool for workers in various segments of the national transportation system. Before issuing an individual a credential, TSA performs a security threat assessment, which requires it to collect certain personal information such as name, address, etc.

The program implements authorities set forth in the Aviation and Transportation Security Act (ATSA) (Pub. L. 107-71; Nov. 19, 2002; sec. 106), the Maritime Transportation Security Act of 2002 (MTSA) (Pub. L. 107-295; Nov. 25, 2002; sec. 102), and the Safe, Accountable, Flexible, Efficient Transportation Equity Act—A Legacy for Users (SAFETEA-LU) (Pub. L. 109-59; Aug. 10, 2005; sec. 7105), codified at 49 U.S.C. 5103a(g).

TSA and the U.S. Coast Guard issued a joint Notice of Proposed Rulemaking (NPRM) on May 22, 2006. After consideration of public comment on the NPRM, TSA is issuing a joint Final Rule (FR) with the U.S. Coast Guard applicable to the maritime transportation sector that would require this information collection.

As described in the FR, TSA will require this collection of information from transportation workers in order to issue a TWIC to those workers who need unescorted access to secure areas of vessels and maritime facilities. Included in this population will be commercial drivers licensed in Canada or Mexico who are applying for a TWIC in order to transport hazardous materials in accordance with 49 CFR 1572.201 and not necessarily to access secure areas of a facility or vessel. The information to be collected is the minimum amount that must be gathered to establish the identity of the individual and to perform the various background records checks required by MTSA. Data is collected during an optional pre-enrollment step or during the enrollment session at an enrollment center. Among the records checks required by MTSA are a criminal history records check, a check of intelligence databases, and an alien status check. TSA also intends to conduct a survey to capture worker overall satisfaction with the enrollment process. TSA's contractor will conduct the survey and compile the results (see Part B).

- 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 use the information to verify the identity of the individual applying for a TWIC and to verify that the person poses no known security threat that would preclude issuance of a

TWIC. TWIC applicants will be required to submit their fingerprints and other biographical data at enrollment centers designated by TSA. TSA will collect certain information, such as a phone number and email address, in order to notify the applicant when their TWIC is available to be picked up and activated. The fingerprint data will be used to conduct a criminal history record check (CHRC), using the FBI's Integrated Automated Fingerprint Identification System. The biographical data will be used to perform checks against national and international terrorist watch lists, as well as searches against immigration databases (in the cases of aliens as defined by the Immigration and Nationality Act.) Once the background investigation is complete and it has been determined that the applicant does not pose a security risk, TSA will issue a TWIC with the individual's name and photograph printed on it, which the applicant will be required to pick up and activate at the enrollment center.

Biometric data will be securely stored on the credential using integrated circuit chips. Storing this data on the credential will allow facility and vessel owners/operators to determine positively that the individual bearing the TWIC is the individual to whom it was issued, and that the TWIC is valid. TSA will use the survey results to measure customer satisfaction with the enrollment process and as part of the contractor's Program Management Review (PMR).

- 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.]**

All data will be collected and stored electronically. Applicants for TWICs will enroll in person with TSA, or an agent thereof, and provide the required biographic information, which will be entered into an electronic enrollment record. Fingerprints and a photograph will be captured electronically and will be part of the enrollment record. Proof-of-identity documents will be scanned and stored electronically. When all data has been collected, the enrollment record will be transmitted to an information technology system capable of securely storing information, at which time all information will be automatically deleted from the enrollment station. The TWIC data collection fulfills the requirements of the Government Paperwork Elimination Act. The survey will be provided to respondents at the time of card issuance. TSA believes this will be less burdensome and most convenient to respondents. Additionally, this will allow capture of both the enrollment and issuance processes.

- 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.**

A key security objective of the TWIC Program is to accurately establish a TWIC applicant's claimed identity. There is no similar information held by TSA that could be used to initiate

the required background checks and accurately establish that a person's claimed identity is a true identity. For cases in which an applicant has already received a comparable threat assessment from DHS, including those for a credentialed merchant mariner, Hazardous Materials Endorsement (HME), and Free and Secure Trade (FAST) card holders, the biographic and biometric information will still be collected in order for the TWIC system to ensure that applicants do not apply for multiple TWIC's under the same or a different claimed identity. In such cases the previous DHS threat assessment will be used and the fee charge to the applicant will be reduced by the cost of the threat assessment. In addition, the survey information is not already available to TSA.

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 does not have a significant impact on a substantial number of small businesses.

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.***

If this information is not collected, TSA cannot fulfill its statutory mandate. Without collection of the information, it will be impossible to conduct background checks and security threat assessments (STA) on individuals who require unescorted access to secure areas of transportation facilities and vessels. Thus, TSA will be unable to issue biometric transportation security credentials (TWIC's) to individuals who require unescorted access to secure areas of vessels and maritime facilities as required under the MTSA. If the survey is not conducted TSA will be unable to measure participant customer satisfaction and the contractor will be unable to meet its goals for the PMR.

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).***

This collection will be conducted consistent with the information collection guidelines with the exception of (ii). To make the survey more convenient and personal for the enrollees we will capture the information immediately from the workers as they are departing the enrollment center. This will allow a more accurate capture of the data and will provide timely input for our process improvement efforts.

- 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 conducted a prototype of the TWIC enrollment and issuance procedures. Volunteer transportation workers enrolled and provided some of the data that will be required with full implementation of the TWIC system. (TSA was not able to collect fingerprints during the prototype without prior issuance of a regulation.) Prior to the prototype, TSA published a notice in the Federal Register on April 5, 2004, for public comment. See 69 FR 17704. As stated earlier, TSA published an NPRM on May 22, 2006. TSA received various comments on cost and hour burden in response to the NPRM, particularly on the hour burden estimate for enrollment. Numerous comments asserted this estimate was too low, with some stating the process could take as much as a full day or more due to the need to travel long distances. Thus, in the final rule, TSA estimated enrollment burden hours for times ranging from 1.5 to 8 hours. See Question 12 for more information. One commenter expressed concern about the accuracy of the estimate of the population that may require a TWIC. TSA believes its estimates are a good faith analysis of the potential respondent population, and will continue to conduct further analysis as the program is implemented. However, after further evaluation, in the final rule TSA has increased its total baseline population estimate from 750,000 to 770,000. See Question 12 and the rule text for more information. TSA received other public comments concerning the paperwork burden in response to the NPRM but, with the exception of those described above, most did not apply to TSA's collection of information under the final rule. Rather, these comments concerned the U.S. Coast Guard's collection of information under the final rule.

TSA will incorporate notice of this collection into the TWIC Final Rule. In addition, the agency has been working closely with lead stakeholders throughout development of the credentialing system.

- 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 gift to respondents.

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

TSA will not provide assurances of confidentiality to respondents.

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.

TSA will not ask any questions of a sensitive nature.

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

Estimates of the total maritime worker population are based on research conducted by TSA and USCG; the estimate of the total population of merchant mariners is based on data from the National Maritime Center (NMC). Together, the total estimated base population that will be affected by TWIC is 777,800 (770,000 including a 1 percent annual growth rate discussed below). The initial TWIC enrollment estimates are provided in Table 1.

Table 1: Initial TWIC Enrollments

Year	Initial Enrollments
1	777,800 (770,000 plus a 1% annual growth rate)

Table 2 includes calculations of the yearly enrollments that would occur due to labor turnover. We used a turnover rate of 12 percent, which we based on anecdotal evidence collected during research for the population estimate. In addition, TSA estimated the additional TWIC enrollments that would occur due to growth and turnover in the maritime and merchant mariner populations. We used an annual growth rate of 1.0 percent, which we rounded from a 1.1 percent projection taken from the Bureau of Labor Statistics (BLS) National Employment Matrix, which estimates growth in the Transportation and Warehousing sector of the economy. Table 2 presents the additional enrollments that would occur through year three of the program due to labor turnover.

Table 2: Enrollments Due to Turnover

Year	Enrollments
1	46,668
2	94,270
3	95,213

We then summed all estimates to generate a total, three-year enrollment estimate, shown in Table 3.

Table 3: Total Enrollments

Year	New Enrollments	Turnover & Growth	Total = A + B + C
	A	B	
1	777,800	46,668	824,468
2	0	94,270	94,270
3	0	95,213	95,213
Annualized			337,984

Pre-Enrollment Hour Burden

The second factor in the calculation of the cost of workers' time was an estimate of the time required to pre-enroll. We calculated this time as the approximate number of port workers that choose to pre-enroll (50%) multiplied by the actual time required to complete the fields necessary for pre-enrollment (30 minutes).

Year	Pre-Enrollments	Hours per Pre-Enrollment	Total = A x B
	A	B	
1	412,234	0.5	206,117
2	47,135	0.5	23,568
3	47,607	0.5	23,804

Enrollment Hour Burden

The next factor in the calculation of the cost of workers' time was an estimate of the actual time that workers need to spend to enroll in the program. This calculation is required for two groups, those workers that pre-enrolled and those that did not.

For those workers that did not pre-enroll, we estimated this time as the sum of the average commute time (22.49¹ minutes multiplied by two to account for commuting to and from the enrollment facility) and an average enrollment time of 15 minutes (program estimate). In addition to these estimates, we added 30 minutes of time to the total estimate in order to account for possible wait time at the enrollment facility. The sum of commuting time, enrollment time, and possible waiting time were rounded to 90 minutes, or 1.5 hours for this calculation.

This information is captured in Table 4 below.

¹ U.S. Department of Transportation, Federal Highway Administration, "Summary of National Travel Trends, 2001 National Household Travel Survey," Prepared by Patricia S. Hu, Center for Transportation Analysis, Oak Ridge National Laboratory, and Timothy R. Reusher, MacroSys Research and Technology (Washington, D.C.: 2004), 45.

Table 4: Total Enrollment Burden Hours – Without Pre-Enrollment

Year	Enrollments	Hours per Enrollment	Total = A x B
	A	B	
1	412,234	1.5	618,351
2	47,135	1.5	70,703
3	47,607	1.5	71,411

For those workers that pre-enrolled, we estimated this time as the sum of the average commute time (22.49² minutes multiplied by two to account for commuting to and from the enrollment facility) and an average enrollment time of 10 minutes (program estimate). In addition to these estimates, we added 15 minutes of time to the total estimate in order to account for possible wait time at the enrollment facility (pre-enrollments can make an appointment). The sum of commuting time, enrollment time, and possible waiting time were rounded to 70 minutes, or 1.15 hour for this calculation. This information is captured in Table 5 below.

Table 5: Total Enrollment Burden Hours – with Pre-Enrollment

Year	Enrollments	Hours per Enrollment	Total = A x B
	A	B	
1	412,234	1.15	474,069
2	47,135	1.15	54,205
3	47,607	1.15	54,748

Table 6 provides the total enrollment burden hours. This estimate was calculated by adding the total enrollment burden hours for pre-enrollments and enrollments for each period.

Table 6: Total Enrollment Burden Hours

Year	Total Enrollment Burden Hours – <u>without</u> Pre-Enrollment	Total Enrollment Burden Hours – <u>with</u> Pre-Enrollment	Total = A + B
	A	B	
1	618,351	474,069	1,092,420
2	70,703	54,205	124,908
3	71,411	54,748	126,159

² U.S. Department of Transportation, Federal Highway Administration, “Summary of National Travel Trends, 2001 National Household Travel Survey,” Prepared by Patricia S. Hu, Center for Transportation Analysis, Oak Ridge National Laboratory, and Timothy R. Reusher, MacroSys Research and Technology (Washington, D.C.: 2004), 45.

Card Issuance Hour Burden

The next factor in the calculation of the cost of workers' time was an estimate of the actual time that workers need to spend retrieving their card. Upon successful completion of a security threat assessment, individuals will be notified to return to the enrollment site to receive their card. Upon reaching the enrollment site and providing their unique biographical information, port workers will be asked to complete a short, optional customer satisfaction survey while their card is being activated.

We estimated this time as the sum of the average commute time (22.49³ minutes multiplied by two to account for commuting to and from the enrollment facility) and an average card issuance time of 10 minutes (program estimate). This includes the time required to complete the customer satisfaction survey since the survey will be completed while the port worker is waiting to have their card activated. In addition to these estimates, we added 15 minutes of time to the total estimate in order to account for possible wait time at the enrollment facility. The sum of commuting time, card issuance, and possible waiting time were rounded to 70 minutes, or 1.15 hour for this calculation. This information is captured in Table 7 below.

Table 7: Total Enrollments

Year	Total Enrollments	Hours per Card Issuance	Total = A x B
	A	B	
1	824,468	1.15	948,138
2	94,270	1.15	108,411
3	95,213	1.15	109,495

Appeals and Waivers Hour Burden

The proposed rule would allow individuals to appeal decisions made by the agency with respect to security threat assessments. The rule would also allow individuals to ask for a waiver from certain qualification standards. As both provisions of the rule may impose administrative costs on individuals, we estimated opportunity costs to applicants in order to account for lost time.

We estimated the number of appeals by taking the total number of yearly enrollments estimated above and making assumptions on the number of enrollments that would be initially disqualified as part of the security threat assessment. We then assumed all of those individuals would either appeal or ask for a waiver. For an estimation of the number of enrollments to be disqualified, we used a rate of 2 percent, gleaned from TSA operational

³ U.S. Department of Transportation, Federal Highway Administration, "Summary of National Travel Trends, 2001 National Household Travel Survey," Prepared by Patricia S. Hu, Center for Transportation Analysis, Oak Ridge National Laboratory, and Timothy R. Reusher, MacroSys Research and Technology (Washington, D.C.: 2004), 45.

data. This number was used due to the lack of statistics dealing with specific disqualifying crimes for the TWIC program. See Table 8 below.

Table 8: Total Waiver and Appeals

Year	Enrollments	Disqualification Rate	Appeal / Waiver Rate	Total = A x B x C
	A	B	C	
1	824,468	2%	100%	16,489
2	94,270	2%	100%	1,885
3	95,213	2%	100%	1,904

We assumed that each appeal would take six hours to complete, which is likely an overestimate of the time needed for the process. Individuals who ask for appeals and waivers must do a variety of activities. At the very least, they need to write a letter to TSA, and they also may need to collect information about their conviction from their local jurisdiction. In other cases, the applicant may need to only provide their social security number or legal resident number. We show the estimates for the yearly hours of appeals and waivers below in Table 9.

Table 9: Total Waiver and Appeals Respondent Hours

Year	Appeals / Waivers	Hours	Total = A x B
	A	B	
1	16,489	6	98,934
2	1,885	6	11,310
3	1,904	6	11,424

Totals

Table 10 presents the annual number of estimated respondents to the TWIC program. .

Since we anticipated each TWIC applicant in a given year to submit his or her information to TSA only once, the total number of responses is the total number of respondents plus those applicants who submit additional information for an appeal or waiver. Table 10 below shows the total annual responses estimated for the TWIC program. The annualized number of total responses is 368,810.

Table 10: Total Responses

Year	Enrollments	Appeals / Waivers	Total = A + B
	A	B	
1	896,668	16,489	913,157
2	94,270	1,885	96,155
3	95,213	1,904	97,117
Annualized			368,810

Table 11 shows the total three-year hour burden to TWIC applicants. The annualized hour burden is 1,289,816 hours.

Table 11: Total Respondent Burden Hours

Year	Pre- Enrollment Hours	Enrollment Hours	Card Issuance Hours	Appeal / Waiver Hours	Total = A + B + C + D
	A	B	C	D	
1	206,117	1,092,420	948,138	913,157	3,159,832
2	23,568	124,908	108,411	96,155	353,042
3	23,804	126,159	109,495	97,117	356,575
Annualized					1,289,816

NOTE: TSA has included a provision in the Final Rule in response to comments on the NPRM, which will allow new, direct hires of vessel and facility owners/operators to have limited access to secure areas for up to 30 consecutive days, provided the conditions described in the rule are met. For these individuals, the owner/operator's Vessel or Facility Security Officer will be required to enter their biographic information directly into the U.S. Coast Guard's Homeport web portal. Because at this stage TSA cannot predict with any certainty the number of operators that will utilize this provision, and therefore cannot calculate an accurate hour burden, TSA has not included this population in this ICR. When TSA has more information, and if TSA discovers this provision has a significant impact on the hour burden, TSA will amend this ICR accordingly.

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

TWIC is a fee-based program, meaning that TWIC applicants will pay a fee that represents the total cost of the program, prorated over the expected number of applicants. TWIC credentials will be valid for a period of five years. TSA has estimated the information collection and credential issuance portion of the TWIC fee will be \$43.25, plus \$17.25 for the FBI CHRC fee, and \$72.00 for TSA to complete the threat assessment and produce the credential, for a total of \$132.50. This portion of the fee may overstate the actual cost of the information collection as it includes costs of the enrollment process, system operations and

maintenance, and TWIC credential production and shipping. The TWIC fee may change over time as actual costs are determined and analyzed. Table 5 below shows the estimated annual fee collections. The annualized estimate is \$43,517,417.

Table 5: Fees Paid by Applicants

Year	Total Enrollments A	Fee		Total	
1	896,668	\$132.50		\$118,808,510	
2	94,270	\$132.50		\$12,490,775	
3	95,213	\$132.50		\$12,615,723	
Annualized				\$47,971,669	

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.

TSA will charge a fee to recover the majority of its threat assessment, credentialing, and other operational costs associated with the implementation of this rule. However, the agency anticipates that it will incur start-up costs that will not be recovered by a user fee. TSA estimates the total startup costs to be \$15 million.

This total may overestimate the cost associated with the information collection as it includes all costs associated with the TWIC program.

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 program changes or adjustments, as this is a new 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.

TSA will not publish the results of this collection.

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 is not seeking such approval.

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 statement.