

# **INFORMATION COLLECTION SUPPORTING STATEMENT**

## **Aviation Security Infrastructure Fee (ASIF) Records Retention**

- 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).**

To help defray TSA's costs of providing civil aviation security services, and as authorized by 49 U.S.C. 44940 (Aviation and Transportation Security Act) (ATSA), TSA published in the Federal Register on February 20, 2002, an interim final rule adding part 1511 to the Transportation Security Regulations, which imposed a fee known as the Aviation Security Infrastructure Fee (ASIF) on certain air carriers and foreign air carriers. See 67 FR 7926 (attached), codified at 49 CFR part 1511. The amount of ASIF collected by TSA from the carriers, both overall and per carrier, is based upon the carriers' aggregate and individual costs, respectively, for screening passengers and property in calendar year 2000. 49 U.S.C. 44940(a)(2)(B)(i), (ii).

In conjunction with the issuance of part 1511, TSA requested OMB approval to collect information necessary for the agency to establish the ASIF, including information about the carriers' individual and aggregate costs related to screening passengers and property in calendar year 2000. This information collection included submissions to TSA of data on the carriers' screening-related costs and also of independent audits of that data. This collection is currently approved under 1652-0001. In 2004, TSA sought and received a three-year OMB approval to acquire air carriers to retain the records that support each carrier's cost submission under a separate OMB control number, 1652-0018. Because the three-year OMB approval for 1652-0018 is expiring, TSA is now seeking to renew this control number for another three-years.

- 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.**

The information certain air carriers and foreign air carriers are required to retain is randomly audited by TSA. Under ATSA, once the final amount of the ASIF is established, that aggregate fee level (capped at the industry costs of calendar year 2000 passenger and property screening), must remain static for the life of the ASIF, unless otherwise changed by legislation. If the basis of the cost information is not retained by air carriers as requested, TSA will not be able to conduct reviews to determine the most appropriate amount of the fees to charge air carriers.

Under part 1511, carriers are required to retain any and all documents, records, or information related to the amount of the ASIF, including all information applicable to the carrier's calendar year 2000 security costs and information reasonably necessary for TSA to complete an audit. There is no additional information collection proposed under this notice, but rather this notice is intended to apply to the retention requirement of 49 CFR 1511.9. This requirement includes retaining the source information for the calendar year 2000

screening costs reported to TSA; the calculations and allocations performed to assign costs submitted to TSA; information and documents reviewed and prepared for the required independent audit; the accountant's working papers, notes, worksheets, and other relevant documentation used in the audit; and, if applicable, the specific information leading to the accountant's opinion, including any determination that the accountant could not provide an audit opinion.

- 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.]**

Air carriers have the latitude and flexibility to maintain the required information in a manner that best meets their particular needs, which includes electronic maintenance of this information. Thus, this collection is in compliance with the Government Paperwork Elimination Act for record keeping; electronic signatures are not applicable to this program. TSA estimates that approximately 50% of the records are maintained 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.**

No other agency requires the collection of this specific data for the purposes described in Item 2, and there has not been indication of any duplication of effort.

- 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.**

The amount of information required by this collection is proportional to the size of each air carrier operation and therefore the collection does not create a significant impact on 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 the basis of the cost information is not retained by air carriers as requested, TSA will not be able to conduct reviews of the data that are necessary for TSA to make its statutorily required determinations regarding the industry's 2000 screening costs. According to ATSA, once the cap is set on the ASIF, that aggregate fee level must remain static for the life of the

ASIF, unless otherwise changed by legislation. After completion of TSA's inspection and audit of this information, TSA will be able to determine the ASIF cap.

**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).**

There are no special circumstances that require the collection to be conducted in a manner inconsistent with the general information collection guidelines in 5 CFR 13.20.5(d)(2).

**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 sought public comments on its data retention estimates via a notice in the Federal Register on May 9, 2007. (72 FR 26417). To TSA's knowledge, no public comments were received in response to this notice..

**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.**

The regulation imposing this requirement, 49 CFR Part 1511, provides that the ASIF cost information each air carrier submitted to TSA would be kept confidential. Section 1511.5(f) of the regulation provides that the requested data "is Sensitive Security Information and is subject to the non-disclosure requirements of 49 USC 40119(b)." The appendix to the regulation (Appendix A) further provides that "confidential information and economic information provided in Appendix A will be protected from public disclosure, as appropriate, under 5 U.S.C § 552, 14 CFR § 302.12, and 18 U.S.C § 1905." The purpose of this protection was to avoid the identification and public dissemination of specific spending levels by detailed security functions and categories captured in Appendix A. At the time the ASIF regulation was issued, air carriers were still providing security screening on TSA's behalf. Such detailed information could have resulted in misinterpretation of weaknesses or vulnerabilities in the security services being rendered. Also, the costs reported by carriers consisted of negotiated rates and agreements that are considered confidential "financial and commercial" information between two non-Governmental entities.

**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.**

The information collection, submission, and retention requirement applies to each air carrier and foreign air carrier that incurred costs for the screening of passengers and property in calendar year 2000. It is estimated that the 196 respondent air carriers and foreign air carriers will each on average incur two hours annually for records management. It is not expected that these air carriers will have additional hourly burdens for records storage. Thus, the total annual hour burden is 392 hours [196 x 2 = 392].

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

The information collection, submission, and retention requirement applies to each air carrier and foreign air carrier that incurred costs for the screening of passengers and property in calendar year 2000. It is estimated that the 196 respondent air carriers and foreign air carriers will each on average incur \$104.60 annually, which includes \$54.60 in records storage and \$50 in labor costs for two hours of records management at \$25 per hour. Thus, the total annual burden for 196 air carriers is estimated at \$20,502. The annual average burden related to this requirement for all respondents combined over a three-year period is at a cost of \$61,506.

**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.**

There are no costs to the Federal Government associated with this information collection.

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

The adjustments are due to a change in the number of reporting air carriers as well as the additional records management burden.

**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.**

The results of this collection will not be published.

**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.**

Because this collection involves only recordkeeping requirements, TSA is seeking approval not to 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 seeking no exception to the certification statement.