

# INFORMATION COLLECTION SUPPORTING STATEMENT

## Airport Security Part 1542

- 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).***

Title 49 U.S.C. Section 44901(a), as modified by the Aviation and Transportation Security Act (ATSA) (Public Law 107-071) (11-19-2001; 115 Stat. 597), states that TSA shall provide for the screening of all passengers and property to ensure that no unauthorized weapons or other deadly or dangerous items are carried aboard a passenger aircraft operated by an air carrier or foreign air carrier in air transportation or in intrastate transportation.

Title 49 U.S.C. Section 44903(b) states that TSA shall prescribe regulations to protect passengers and property on aircraft operating in air transportation or in intrastate air transportation against acts of criminal violence or aircraft piracy.

Title 49 U.S.C. Section 44903(b)(3) states that TSA shall, to the maximum extent practicable, require a uniform procedure for searching and detaining passengers and property to ensure their safety, and to ensure courteous and efficient treatment by air carriers, their agents and employees, and by Federal, State, and local law enforcement personnel engaged in carrying out any air transportation security program. This section also states that the Administrator shall consider the extent to which the proposed regulation will carry out this Section.

Title 49 U.S.C. Section 44903(c) states that regulations required under Section 44903(1) shall require operators of airports regularly serving air carriers holding a certificate issued by the Secretary of Transportation to establish an air transportation security program that provides a law enforcement presence and capability at such airports adequate to ensure the safety of passengers. Such regulations shall authorize airport operators to use the services of qualified State, local, and private law enforcement personnel.

Title 49 U.S.C. Section 44938(a) requires TSA to submit annual reports to Congress concerning the effectiveness of screening procedures and current and potential threats to the domestic air transportation system.

“Civil Aviation Security Rules” (67 FR 8340, 02/22/2002): This rulemaking, codified at 49 CFR Parts 1500, 1510, 1520, 1540, 1542, 1544, 1546, 1548, and 1550, transferred the Federal Aviation Administration’s (FAA) rules governing civil aviation security to TSA to implement the requirements of ATSA. This rulemaking also amended those rules to enhance security as required by legislation. This rulemaking also required additional qualifications, training, and testing of individuals who screen persons and property that are carried in passenger aircraft. The rule improves the quality of screening conducted by aircraft operators and foreign air carriers, and improves the qualifications of individuals performing screening, thereby improving the level of security in air transportation.

This information collection activity, which includes information collection and recordkeeping requirements associated with 49 CFR Part 1542, directly supports DHS' strategic goal of safety and security in air transportation as the Department has delegated that authority to TSA.

- 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.**

Under 49 CFR 1542.101, security programs are developed individually at each subject airport. When approved by the appropriate TSA officials, these programs specify the systems, measures, and procedures the operators will use to comply with TSA requirements cited in Item 1 above. Respondent airport operators are required to maintain these security programs on file. TSA inspectors monitor the airport operators' compliance with the provisions of their programs. A statistical review of the status of program compliance, individually by airport, and aggregated across the system, provides TSA with a basis to establish the condition of the system and the effectiveness of its capability to prevent or deter terrorist or other criminal acts against civil aviation.

TSA takes information developed in this manner, together with information recorded by the airport operators under the requirements of 49 CFR 1542.221, to make records of certain law enforcement responses. Added to this is information generated independently by TSA as it conducts its own passenger and baggage screening, as well as other related activities. TSA uses the aggregated information to monitor the effectiveness of the overall system. Further, TSA uses the information developed to prepare the required annual Report to Congress on the Effectiveness of Security Screening Procedures.

49 CFR 1542.205 and 1542.209 requires airport operators to subject each individual with access to a Security Identification Display Area (SIDA) to a criminal history records check (CHRC) in order to determine whether the individual has a disqualifying criminal offense. In order to conduct a CHRC, these individuals must provide their identifying information to the aircraft operator, including fingerprints, and these records must be maintained by the airport operator. The intent of a CHRC is to ensure that an aircraft operator employee working in a security sensitive position or in secured areas of an airport does not pose a risk to transportation security.

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.]***

TSA does not use an automatic method to develop, revise, or operate an airport security program because each is a narrative package developed by the airport operator. Each airport security program is then reviewed and approved locally by TSA. The programs describe individual systems, measures, and/or procedures the individual operators will use to comply with Federal requirements in such a way that is unique to each airport. The methodology for recording and reporting law enforcement responses specifically related to the Screening Activities Report, the Screening Activities Arrest Report, and Bomb Threat Report, under 49 CFR 1542.221, is the prerogative of the individual airport operators. Consistent with the provisions of the Government Paperwork Elimination Act (GPEA), the respondents are free to maintain records in any format they choose.

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.***

This information collection is not collected in any form; therefore it is not duplicated.

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 involves a very small number of small businesses. The paperwork requirements imposed on these small businesses are minimal due to their size, the limited information sought, and level of activity. TSA provides guidance to all respondents to ensure that the requirements involved are kept to the minimum necessary to bring effective compliance with 49 CFR part 1542. Almost all information collected is derived directly from airport operators and TSA's own staff.

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 collection of information were not conducted, TSA would fail to comply with the requirements of the United States Code and the Code of Federal Regulation (CFR) provisions described above. In addition, TSA would not be able to properly carry out and monitor activities designed to ensure the protection of persons and property in air transportation

against acts of criminal violence and aircraft piracy. Without full knowledge of airport security activities, as well as complete, accurate, and timely information concerning law enforcement actions at airports, the development of improved security procedures and systems at airports would be seriously jeopardized. This lack of knowledge could possibly result in a failure to recognize trends that may otherwise have revealed emerging threats.

Further, TSA would be hindered in improving security procedures and systems at airports if this information collection were not conducted. Revisions to procedures, staffing, and other resource allocations rely heavily upon the data developed through this collection effort.

**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 of information will be conducted consistent with the general information guidelines in 5 CFR 1320.5 (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 published a notice for comment, as required by 5 CFR 1320.8(d), on June 6, 2008 (73 FR 32344). To TSA's knowledge, no comments were received. Further, in completing this ICR, as described above, TSA consulted with various industry sources, to include the Airports Council International–North America, which is the industry association representing airport operators, e.g., the Port Authority of New York and New Jersey, the City of Chicago.

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

TSA does not provide any payment or gift to the respondents in exchange for benefit sought.

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

Both TSA and the respondents to the data collection requirements of 49 CFR part 1542 are subject to the provisions of 49 CFR Part 1520, Protection of Sensitive Security Information (SSI). Information or data collected that meet any of the various categories of SSI, as defined in 49 CFR 1520.5(b), are protected in accordance with the requirements of that regulation and of TSA's internal control procedures.

**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.**

There are no questions of sensitive nature.

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

The burden of this collection of information upon each of the 445 airports regulated for this purpose varies according to the number and complexity of security requirements placed upon the specific airport operator. In order to assign the appropriate requirements, TSA, as the successor to FAA in this regard, has continued to categorize airports based upon the sorts of requirements imposed through the TSA-approved airports security programs. While the actual requirements assigned to each airport are considered Sensitive Security Information (SSI) in accordance with 49 CFR part 1520, and consequently are not available for public dissemination, the definition of the categories used in this analysis are as follows:

- Category X: An airport where screening is performed pursuant to 49 CFR 1544.101(a)(1) or 1546.101(a) and the number of annual enplanements is 5 million or more and international enplanements are 1 million or more.
- Category I: An airport where screening is performed pursuant to 49 CFR 1544.101(a)(1) or 1546.101(a) and the number of annual enplanements is 1.25 million or more.
- Category II: An airport where screening is performed pursuant to 49 CFR 1544.101(a)(1) or 1546.101(a) and the number of annual enplanements is 250,000 or more, but less than 1.25 million.
- Category III: An airport where screening is performed pursuant to 49 CFR 1544.101(a)(1) or 1546.101(a) and the number of annual enplanements is less than 250,000.
- Category IV: An airport with screening operations pursuant to 49 CFR 1544.101(a)(2), (b), (f) or 1546.101(b), (c) or (d).

[Note that any airport, regardless of its status within the context of the preceding definitions, may be assigned to a particular category based upon other security-related issues not evidenced by these criteria alone.]

The following is the estimate of the hour burden of the required collection of information (see attachment for a more detailed breakdown):

Category	Number of Airports	Hours per Airport	Total Hours
X & 1	84	5,339	448,476
II & III	197	388	76,436
IV	177	68	12,036
<b>Totals</b>	<b>458</b>		<b>536,948</b>

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

There are no record keeping, capital, start-up or maintenance costs associated with this information collection request.

**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.**

While TSA now conducts the civil aviation security program, the program as it affects airport operators under 49 CFR part 1542 remains much the same as during FAA's administration of 14 CFR part 107. Consequently, the annualized costs to the Federal Government remain very consistent. For example, while TSA field representatives may no longer need to do cover-to-cover reviews of airport programs that have been reviewed and approved over the past three years, TSA representatives will still occasionally review and consult with operators regarding changes to the security programs. Where the programs are more complex, opportunities for such interactions are greater, and conversely, where programs are less complex, such opportunities are generally less frequent.

Because TSA's current operations in this area track closely with those previously conducted by FAA, TSA has adopted the assumptions relied upon in the 2005 submission as follows:

- Adjusting figures based upon the current 458 affected airports;
- Relying upon a base hourly rate of \$31.76 per TSA representative, adjusted by the most recent Employee Cost Index (ECI) data available; and
- Allowing that it will take one TSA representative approximately one day (eight hours) per year to review each airport's security program changes and other required submissions, and to coordinate with appropriate persons.
- **TSA projects it will spend about \$116,369 each year (458 airports × \$31.76 per hour × 8 hrs).**

<b>Number of Airports</b>	<b>Cost Per Hour</b>	<b>Number of Hours per Year for each Airport</b>	<b>Total Cost</b>
458	\$31.76	8	\$116,369

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

TSA has revised the hour burden and cost estimate due to the increase in number of airports regulated under 49 CFR part 1542.

**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 expiration date for OMB approval of this information collection.

**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 does not request an exception to the certification of this information collection.