

INFORMATION COLLECTION SUPPORTING STATEMENT

TSA AIRSPACE WAIVER APPLICATIONS

- 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).***

The Federal Aviation Administration (FAA) has authority to regulate the safe and efficient use of the navigable airspace within the United States (U.S.) and its territories (see 49 U.S.C. 40103, attached). The FAA also has the authority, in consultation with the Department of Defense (DOD), to establish security provisions that will encourage and allow maximum use of the navigable airspace by civil aircraft consistent with national security. Such provisions may include establishing airspace areas the FAA decides are necessary in the interest of national defense; these provisions may also include restricting or prohibiting flight of certain civil aircraft in such areas by regulation or order.

The Transportation Security Administration (TSA) has authority over civil aviation security (see 49 U.S.C. 114, attached). TSA is responsible for developing policies, strategies, and plans for dealing with threats to transportation security, as well as other plans related to transportation security, including coordinating countermeasures with appropriate departments, agencies, and instrumentalities of the U.S. Government. TSA is also authorized to work with the FAA on any action or activity that may affect aviation safety.

Since September 11, 2001, the FAA has implemented restricted airspace areas throughout the U.S., including the airspace over major sporting events and other special events. These areas of restricted airspace typically exclude general aviation (GA) aircraft operators (which include private aircraft operators, corporate operators, and private charters), but do not exclude regularly scheduled, commercial air carrier operators with a TSA-approved security program. To operate in these restricted airspace areas, GA aircraft operators are required to obtain a waiver.

TSA processes each application for a waiver, conducts a security threat assessment for each applicant, and forwards its recommendation to FAA. The FAA conducts a safety assessment for each applicant and issues the final approval of such waivers.

- 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 requires aircraft operators that request an airspace waiver to submit identifying information for all pilots, crewmembers, and passengers who will be onboard aircraft that will be operated in restricted airspace. An aircraft operator may apply for a TSA airspace waiver via the TSA/FAA Airspace Access Program site at <https://waiver.c3.faa.gov>. Aircraft operators are required to file an airspace waiver request seven (7) business days prior to the start date of the flight.

The process for submitting and processing waiver requests is explained below:

Domestic Waiver Process:

A requestor must submit a TSA airspace waiver request via the TSA/FAA Airspace Access Program site at <https://waiver.c3.faa.gov>. The waiver request form has several sections requesting certain information about the aircraft operator, pilot, crewmember, passenger, and aircraft security information.

The waiver request requires the requestor to provide:

- The name of the company applying for the waiver;
- Any previous waiver number granted (if applicable);
- The mailing address, phone, and fax numbers of the company applying for the waiver;
- The name, number, and email address of the requestor;
- The purpose of the flight;
- Whether the flight is cargo, passenger, or both;
- The type of aircraft, the aircraft's call sign, the aircraft's registry/tail number, the aircraft's maximum certificated gross takeoff weight; and
- The flight itinerary (start date, end date, and all legs of the flight).

The waiver request form also requires the requestor to provide the following information for pilot(s), crewmember(s), and passengers(s): full name, date of birth, city/state/country of birth, and Social Security Number.

Once TSA receives the waiver request form, TSA conducts the required security threat assessments. TSA will formulate a recommendation based on the results of the security threat assessment and forward the waiver request to the FAA via the TSA/FAA Airspace Access Program. The FAA will either concur or non-concur with TSA's recommendation. If FAA authorizes the waiver request, the FAA signs and returns the waiver via the TSA/FAA Airspace Access Program. TSA then emails the waiver to the requestor.

Sporting Events Waiver Process:

Requests for sporting event waivers are processed and used in the same manner as requests for domestic waivers.

International Waiver Process:

Requests for international waivers are processed and used in the same manner as requests for domestic waivers. Applicants are required to submit the same information as applicants for domestic waivers, plus the following information for pilots, crewmembers, and passengers: passport number and passport country of issuance.

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.]***

In accordance with the Government Paperwork Elimination Act, TSA, in coordination with the FAA, has developed an online waiver system that automatically processes all waivers and reduces the burden on the GA community and other Federal agencies.

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 is not collected in any form, and therefore is not duplicated elsewhere.

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 likely has a significant impact on a substantial number of small businesses because most GA aircraft operators that request airspace waivers would qualify as small businesses. This impact is a result of the time needed for a requestor to collect the required information and complete a waiver application, which includes information on individual pilots, crewmembers, and passengers. However, the collection of information is necessary to enhance the security of aviation, the public, and property on the ground (such as participants and spectators at major sporting events). Additionally, in order to minimize the burden to these entities, TSA, together with the FAA, has developed an online system for the airspace waiver application process that would meet the requirements of the Government Paperwork Elimination Act.

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 required information on the waiver request forms is not collected, TSA will not be able to identify pilots, crewmembers, and/or passengers onboard GA aircraft operating in restricted airspace, and thus will not be able to conduct security threat assessments on them. TSA believes that conducting security threat assessments on individuals onboard aircraft operating in restricted airspace is essential to helping protect against a potential threat to aviation and assets on the ground, especially in those areas that are subject to restricted airspace.

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).

Airspace waivers are issued in increments of 30, 60, 90, 120, 180 days or 1 year depending on the type of operation. In some cases, respondents will be required to report information to TSA more often than quarterly because the waivers only last up to 120 days. This information will be transmitted to TSA via the online waiver system.

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 has contacted various domestic and international customers who frequently submit a waiver request to address any complications these customers may have experienced when completing a waiver request form. The purpose was to: (1) assess TSA's ability to track incoming waivers; (2) determine the average number of applicants applying for a waiver per year; (3) determine the frequency with which they applied for a waiver; and (4) determine the purpose for which they were authorized to fly. Based on these customers' responses, TSA was able to determine that the total average time required for a requestor to complete and submit a waiver request form is up to 2 hours (which incorporates the time necessary to collect pilot and passenger information).

TSA published a notice, as required by 5 CFR 1320.8(d), in the Federal Register on June 30, 2008 (73 FR 36887), providing for a 60 day comment period. To TSA's knowledge, no 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

There is no offer of monetary or material value 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.

There are no assurances of confidentiality provided to the respondents for this information collection.

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 likely respondents to this information collection are foreign and domestic GA aircraft operators who request waivers that grant them permission to operate in restricted airspace. TSA estimates that it will receive 6,000 requests annually. TSA estimates that approximately 60 percent (3,600) of the total number of waiver requests will be from international operators and 40 percent (2,400) will be from domestic operators. The total annual burden will be 4,400hours, based on the following:

1. Domestic operators require up to an average of 20 minutes to complete a single waiver via the online waiver system.
2. International operators require an average of 1 hour to complete a single waiver via the online waiver system.

Based on the above, TSA estimates the hour burden of the collection of information as follows:

		<u>Time Per Request</u>	<u>Total Hours</u>
International	3,600 (60% of total)	1 hour	3,600
Domestic	2,400 (40% of total)	20 minutes	800
<u>Total Annual Requests</u>	6,000		4,400

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

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

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 utilize existing staff to direct and manage the Airspace Waiver Program, but will need additional funding to continue enhancing the current online waiver system.

Administration of this program includes: receiving waivers via the online waiver system; reviewing each request, and contacting (by telephone) or email the requestor for verification and clarification; vetting the request (background checks, etc.); data input (into a manual TSA database); drafting the waiver letter; transmission, receipt, and review of FAA approval; and transmission of waiver decision documents to the waiver requestor.

There is a shared cost between TSA and FAA in maintaining the online waiver system to include server hosting, technical support, and redundancy requirements. This cost has been estimated at \$250,000 annually with phased development averaging \$100,000 annually.

\$250,000 (System Maintenance)
\$100,000 (Development of System)
 Total =\$350,000

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

TSA has reported changes in the hour and cost burden based on two changes. Previous respondents are now operating under TSA approved security programs and no longer require an airspace waiver to operate in restricted airspace.

TSA in coordination with FAA, has developed an online waiver system to eliminate the manual paper process. At this time, the waiver process is totally paperless and provides no cost burden to respondents.

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