

**Supporting Statement
Application for Overflight Program
1651-0087**

Justification

- 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.**

This collection includes the Application For Exemption From Special Landing requirements (Overflight) and the Advance Notice for Aircraft Landings requirements. Under 19 CFR 122.25 provisions for the exemptions from special landing requirements (Overflight) are listed, which provide for private aircraft operators wishing to request an exemption from the requirement for all flyers to land at designated airports. The request for this program shall be made by using the Forms 442 and 442A. This procedure is specifically designed for those aircraft crossing into the U.S. over a point north of 33 degrees north latitude, crossing into the U.S. over a point of the Gulf of Mexico or Atlantic Coast north of 30 degrees north latitude, or crossing into the U.S. over the Southwest land border.

Part 122 of the CBP regulations also require that the owners or operators of commercial aircraft that enter the U.S. from foreign areas and intend to land at landing rights or user fee airports request CBP permission to land in writing at least 30 days before the first flight date and secure CBP approval to land before the first flight begins.

- 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 application for exemption from special landing requirements (Overflight) is used by private flyers to participate in a designed privilege program which either: provides a waiver for landing requirements and normal CBP processing at the CBP designated airports along the Southern Border. The data on these two forms will be used by CBP to identify and approve or deny pilots; passengers; and/or aircraft crew requesting to participate in the program. The new Form 442A, will be used to gather information on the pilot and crew. The ultimate use of the data will be to input into the Treasury Enforcement Communication System (TECS) as a tracking record. In addition, the advance notice

regulations are necessary so that CBP can have sufficient time to coordinate the inspection of aircraft at the approved airports with the many other Federal inspection agencies that may be involved. These advance notice requirements are also to provide timely inspection services as a whole within the budget and staffing constraints under which the Federal inspection services as a whole must operate.

- 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.**

The Advance Notice for Aircraft Landings is transmitted electronically using the Advance Passenger Information System (APIS). The Overflight forms require an original signature from the applicant and from the CBP Officer.

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

This information for each submission is unique and is therefore, not duplicated.

- 5. If the collection of information impacts small businesses or other small entities (Item 5 of the OMB Form 83-I), describe any methods used to minimize burden.**

This information collection does not have an impact on small businesses or other small entities.

- 6. Describe consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently.**

If this information were not collected, CBP could not effectively query passengers, pilots, or aircraft prior to arrival and pre-approve applications for telephonic clearance. This information is used to enhance enforcement techniques, to research and track private aircraft, and to interdict smugglers

- 7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**

This information is collected in a manner consistent with the guidelines of 5 CFR 1320.5(d)(2).

- 8. 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.**

Public comments were solicited through two Federal Register notices published on April 27, 2009 (Volume 74, Pages 19098-19099) and on June 30, 2009 (Volume 74, Page 31287). No comments were received.

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

There is no offer of a 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 of this information collection.

- 11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

There are no questions of a sensitive nature.

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

INFORMATION COLLECTION	TOTAL ANNUAL BURDEN HOURS	NO. OF RESPONDENTS	NO. OF RESPONSES PER RESPONDENT	TOTAL RESPONSES	TIME PER RESPONSE
Overflight App. Form 442	571	1,731	1	1,731	20 minutes (.33 hours)
Pilot/ Crewmember Information Form 442A	575	1,731	4	6,924	5 minutes (.083 hours)
Permission to Land	332	2,000	1	2,000	10 minutes (.166 hours)
TOTAL	1,478	5,462		10,655	

Public Cost

The estimated cost to the respondents is \$41,384. This is based on the estimated burden hours (1,478) multiplied (x) hourly rate (\$28.00).

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, which should include quantification of hours, operational expenses (such as equipment overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

The estimated annual cost to the Federal Government associated with the review of these records is **\$61,905**. This is based on the number of responses (10,655) that must be verified, the number of hours 10 minutes (.166 hours) to verify each response and the average salary cost (\$35.00 per hour).

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

There was an increase in the burden hours due to new estimates by CBP in the time per response for the Forms 442 and 442A. In addition, advance notice of aircraft arrivals was removed from this ICR because it is included in information collection 1651-0088.

16. For collection of information whose results will be published, outline plans for tabulation, and publication.

This information collection will not be published for statistical purposes.

17. If seeking approval to not display the expiration date, explain the reasons that displaying the expiration date would be inappropriate.

CPB will display the expiration date for OMB approval of this information collection

18. "Certification for Paperwork Reduction Act Submissions."

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

B. Collection of Information Employing Statistical Methods

No statistical methods were employed.