

## SUPPORTING STATEMENT

### SAFETY Act

(1640-0001)

#### A. Justification

1. The Support Anti-Terrorism by Fostering Effective Technologies Act (SAFETY Act) of 2002 (6 CFR Part 25) was enacted as part of the Homeland Security Act of 2002, Public Law 107-296, requires the collection of information.
2. The information collected is used by the DHS Office of SAFETY Act Implementation (OSAI) to:
  - a. Provide incentives for the development and deployment of anti-terrorism technologies by creating a system of risk and litigation management. The Act creates certain liability limitations for claims arising out of, relating to, or resulting from an Act of Terrorism, as defined by the Secretary of Homeland Security.
  - b. These Applications are received from business entities, associations, and State, Local and Tribal Government entities. Applications are reviewed for benefits, technology/program evaluations, and regulatory compliance.

Information is typically collected via the DHS OSAI secure website, but the public has the option of providing the information via hardcopy forms that can be either mailed or faxed to the DHS OSAI Office.

3. Information technology will be used in the collection of this information to reduce the data gathering and records management burden. DHS S&T provides a secure website, accessible through <http://www.SAFETYAct.gov>, through which the public can learn about the program, submit applications for SAFETY Act protections, submit questions to OSAI and provide feedback. The data collection forms have standardized the collection of information that is both necessary and essential for the DHS OSAI.
4. The information being collected is either being submitted voluntarily by the public, or through Outreach efforts initiated by OSAI. The collection of SAFETY Act Application Kit information was based on new legislation which identified the need for the federal government to collect critical information regarding technologies that could benefit Homeland Security initiatives. OSAI then evaluates and qualifies these Anti-Terrorism Technologies, based on the economic and technical criteria contained in the SAFETY Act Final Rule, for protection in accordance with the Act, and therefore encourages the

development and deployment of new and innovative anti-terrorism products and services

5. Collection of this information via a secure website is intended to minimize burden for small businesses and other small entities, who encompass a large portion of the OSAI application pool. OSAI also developed a streamlined on-line application process that can be saved and updated. It has been deployed to minimize the burden on interested Small Business participants and other applicants. Small businesses and other small entities, which do not have access to the Internet, can request that hard copies of forms be mailed or faxed to them for completion and return to the DHS OSAI.
6. The DHS OSAI collects only information that is necessary to comply with 6 CFR Part 25. Not collecting this information would make it much more difficult, time consuming and costly for DHS to identify viable anti-terrorism technologies. Collecting it less frequently would result in the review of fewer anti-terrorism technologies resulting in the issuance of fewer SAFETY Act protections and ultimately fewer anti-terrorism technologies deployed to protect the nation.
7. OSAI has the ability to process Classified application information. Respondents may submit company-proprietary information. All such sensitive but unclassified material is safeguarded as outlined in Department of Homeland Security Management Directive Number 11042.1, Safeguarding Sensitive But Unclassified (For Official Use Only) Information.
8. The Federal Register Notice, soliciting public comment by over a 60-day period was published on June 18<sup>th</sup>, 2009 (FR 28940). A second Federal Register Notice soliciting public feedback over a 30-day period was published on August 21<sup>st</sup>, 2009 (FR 42318). If public comments are made they will be summarized in this section.
9. DHS S&T does not provide payments or gifts to respondents in exchange for a benefit sought.
10. Confidentiality and protection of intellectual property is assured in accordance with the Final Rule, paragraph 25.10. The Privacy Act of 1974 (Public Law 93-589) mandates that personal information solicited from individuals completing Federal records and forms be kept confidential. A Privacy Threshold Analysis was completed and required the submission of a Privacy Impact Assessment, which was accepted as complete. They are included in the submission package.
11. There are no questions of a sensitive nature in this information collection.
12. Estimated Annualized Burden Hours and Costs

Estimates of Annualized Labor Costs and Respondents	DHS Form # 10010: Registration of a Seller	DHS Form # 10009: Request for a Pre-Application Consultation	DHS Form # 10002: Notice of Modification
No. of Respondents	500	150	30
Avg. Burden per Form (in hours)	.5	1	10
Total Annual Burden (in hours)	250	150	300
Average Hourly Wage Rate	\$100	\$100	\$100
Total Annual Respondent Cost	\$25,000	\$15,000	\$30,000

Estimates of Annualized Labor Costs and Respondents	DHS Form # 10001: Application for Transfer of SAFETY Act Designation	DHS Form # 10057: Application for Renewal	DHS Form # 10006: Application for Developmental testing and Evaluation Designation
No. of Respondents	10	35	25
Avg. Burden per Form (in hours)	10	50	60
Total Annual Burden (in hours)	100	1,750	1,500
Average Hourly Wage Rate	\$100	\$100	\$100
Total Annual Respondent Cost	\$10,000	\$175,000	\$150,000

Estimates of Annualized Labor Costs and Respondents	DHS Form # 10008: Application for SAFETY Act Designation	DHS Form # 10007: Application for SAFETY Act Certification	DHS Form # 10005: SAFETY Act Block Designation
No. of Respondents	125	50	10
Avg. Burden per Form (in hours)	80	40	50
Total Annual Burden (in hours)	10,000	2,000	500
Average Hourly Wage Rate	\$100	\$100	\$100

Total Annual Respondent Cost	\$1,000,000	\$200,000	\$50,000
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Estimates of Annualized Labor Costs and Respondents	DHS Form # 10004: SAFETY Act Block Certification	DHS Form # 10003: Notice of License
No. of Respondents	10	5
Avg. Burden per Form (in hours)	50	50
Total Annual Burden (in hours)	500	250
Average Hourly Wage Rate	\$100	\$100
Total Annual Respondent Cost	\$50,000	\$25,000

**Annual Reporting Burden and Respondent Cost:** The total estimated ICR Public Burden in hours is 17,300. This figure was derived by summing the total annual burden hours from the forms.

**Public Cost**

The estimated annual public cost is \$1,730,000. This figure was derived by summing the estimated annual respondent costs for all forms.

13. There are no capital or start-up costs associated with this information collection.
14. **Government Cost:** The annualized cost associated with the program is \$9M.
15. All form changes were made by DHS S&T to reduce the cost and time burden to the public.
16. DHS S&T does not intend to employ the use of statistics or the publication thereof for this information collection.
17. DHS S&T will display the expiration date of OMB approval for this information collection.
18. DHS S&T does not request an exception to the certification of this information collection.

**B. Collection of Information Employment Statistical Methods**

Not Applicable.