PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing the form. For additional forms or assi Send two copies of this form, the collection instrument to be reviewed, the Supporting	stance in completing this form, contact your agency's Paperwork Clearance Officer. Statement, and any additional documentation to: Office of Information and
Regulatory Affairs, Office of Management and Budget, Docket Library, Room 1	
Agency/Subagency originating request	OMB Control Number b. None
DHS/Transportation Security Administration	a <u>1652-0040XXXX</u>
Type of information collection (check one)	Type of review requested (check one)
a. New collection	a. Regular
b. ————————————————————————————————————	b. Emergency - Approval requested by:/
c. Extension of a currently approved collection	c. Delegated
d.—————-Reinstatement, without change, of a previously approved-	
collection for which approval has expired	Small entities
e	Will this information collection have a significant economic impact on a substantial
for which approval has expired	number of small entities? Yes \(\sigma\)-No
f. Existing collection in use without an OMB control number	Requested expiration date
For b-f, note Item A2 of Supporting Statement instructions	a.————————————————————————————————————
	Specify:/
Title	
Air Cargo Security Requirements	
Agency form number(s) (if applicable)	
N/A	
Keywords	
Security measures, Air carrier Aircraft operators, Foreign air carriers, India	<u>ect air carriers,</u> Cargo
Abstract	
TSA created is creating a mandatory security program for all-cargo aircraf	operations and amending existing security regulations and programs for
aircraft operators, foreign air carriers, aircraft operators, airport operators,	and indirect air carriersaircraft operators (IACs). TSA is also conducts
security threat assessments on individuals proposing to expand background	
individuals who have <u>unescorted</u> access to airport ramps used by cargo or	
individuals who have <u>unescorted</u> access to airport rainps used by cargo of	erators.
Affected public (Mark primary with "P" and all others that apply with "X")	Obligation to respond (Mark primary with "P" and all others that apply with "X")
Affected public (<i>Mark primary with "P" and all others that apply with "X"</i>) a Individuals or households	Obligation to respond (Mark primary with "P" and all others that apply with "X") aVoluntary
aX_ Individuals or households d Farms bP_ Business or other-for-profit e Federal Government	a Voluntary
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OMB 83-I (10/95)

Certification fo	r Paperwork	Reduction	Act Submissions
	-		

On behalf of this Federal agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9.					
NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. The certification is to be made with reference to those regulatory provisions as set forth in the instructions.					
The following is	a summary of the topics, regarding the proposed collect	ction of information, that the certification covers:			
(a)	It is necessary for the proper performance of agency	r functions;			
(b)	It avoids unnecessary duplication;				
(c)	It reduces burden on small entities;				
(d)	It uses plain, coherent, and unambiguous terminolog	gy that is understandable to respondents;			
(e)	Its implementation will be consistent and compatible	with current reporting and recordkeeping practices;			
(f)	It indicates the retention periods for recordkeeping re	equirements;			
(g)	It informs respondents of the information called for u	nder 5 CFR 1320.8(b)(3):			
	(i) Why the information is being collected;				
	(ii) Use of information:				
	(iii) Burden estimate;				
	(iv) Nature of response (voluntary, required for	a benefit, or mandatory;			
	(v) Nature and extent of confidentiality; and				
	(vi) Need to display currently valid OMB control	l number:			
(h)	It was developed by an office that has planned an all in to be collected (see note in Item 19 of the instruction:	located resources for the efficient and effective management and uses);			
(i)	It uses effective and efficient statistical survey metho	odology; and			
——————————————————————————————————————					
If you are unable to certify compliance with any of these provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.					
Cignotics of Co.	pior Official or Decimans	Data			
Signature of Ser	nior Official or Designee	Date			

OMB 83-I (10/95)

INFORMATION COLLECTION SUPPORTING STATEMENT AIR CARGO SECURITY REQUIREMENTS

Final Rule

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 Aviation and Transportation Security Act of 2001 (ATSA), Public Law 107-71, 115 Stat. 597 (Nov. 19, 2001), transferred the responsibility for civil aviation security to the Transportation Security Administration (TSA). Congress set forth in ATSA two specific requirements for TSA in the area of air cargo security: (1) to provide for screening of all property, including U.S. mail, cargo, carry-on and checked baggage, and other articles, that will be carried aboard a passenger aircraft; and (2) to establish a system to screen, inspect, report, or otherwise ensure the security of all cargo that is to be transported in all-cargo aircraft as soon as practicable. While new aviation security requirements have greatly reduced the vulnerability of the air cargo system, TSA, in cooperation with industry partners, has identified additional gaps in the existing cargo security requirements that must be filled to reduce the likelihood of cargo tampering or unauthorized access to the aircraft with malicious intent. This collection is a central component of this solution and proposes updatingupdates the requirements of airports, aircraft operators, and indirect air carrierair craft operatorcarriers (IACs)aircraft operators currently operating under a security program and instituting security requirements for all-cargo carriers and the freight forwarders IACs freight forwarders servicing them as set forth in 49 CFR parts 1540, 1542, 1544, 1546, and 1548. TSA published a final rule implementing these requirements on XXXMay 26, 2006 (XX71 FR XXXXX30478).

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 regulationsule associated with this information collection will requires require the respondents, who may include certain regulated entities, to: (1) create, implement, and update as necessary security programs, provide cargo screening data, and provide data with which to vet known shippers, that must remain on file and ready for inspection by TSA personnel; (2) for regulated entities with cargo screening responsibilities, maintain a written record of the justification for exemption from screening and provide cargo screening data as provided for in the applicable security programs; (3) accomplish security training for employees and agents who have access to secure areas and keep records of such training on file and ready for inspection; and (4) conduct background checks, which includes a criminal history records check (CHRC) and a security threat assessment (STA) on employees and agents who have access to secure cargo areas, who have unescorted access to cargo, and who screen cargo for certain aircraft operators, in order to ensure fitness for security responsibilities, and on sole proprietors, general partners, officers, directors, and certain owners of indirect air carrieraircraft.

<u>operator IACindirect aircraft operator</u>_because these operations are a critical link to a secure cargo supply chain.

More specifically, TSA_will collects and retains the following information for a security threat assessment for an individual with unescorted access to cargo; each individual who is a general partner, officer or director of an IAC or an applicant to be an IAC, and certain owners of an IAC or an applicant to be an IAC; and an individual who has responsibility for screening cargo that will be carried on an aircraft of an aircraft operator required to screen cargo under 49 CFR part 1544:

- (1) Legal name, including first, middle, and last; any applicable suffix; and any other names used.
- (2) Current mailing address, including residential address if different than current mailing address, and all other residential addresses for the previous seven years and email address, if applicable.
- (3) Date and place of birth.
- (4) Social <u>seSecurity</u> number (although provision of one's social security number is voluntary, failure to provide a <u>sS</u>ocial <u>S</u>security number may result in delays in processing the security threat assessment).
- (5) Citizenship status and date of naturalization if the individual is a naturalized citizen of the United States.
- (6) Alien registration number, if applicable.

Further, TSA will collect identifying information for a database for both companies and individuals whom IACs and who indirect air carrieraircraft operator and air carrieraircraft operators and air carrieraircraft operators." This information is primarily collected electronically via the Known Shipper Management System (KSMS); however, a manual method is allowed for those shippers who are unable to be entered into KSMS. The manual method is comprised of completion and retention of TSA Form 419H. IACs and aircraft operators enter information into the database. Entry into the database is accomplished by the aircraft operators and indirect aircraft operators. The information consists of:

- (1) Legal name, including first, middle, and last; any applicable suffix; and any other names used.
- (2) Current physical address.
- (3) Phone number.

In addition to information specified above, individuals who work for aircraft operators and who have the responsibility to screen cargo must undergo a CHRC. Collections of CHRC for individuals who work for aircraft operators and who have responsibility to screen cargothispopulation are covered under the Aircraft Operator Security Program and the Model Security Program, OMB number 1652-0003. The rule requires that these individuals must complete a fingerprint application, including personal information, and submit the application through their employer to the American Association of Airport Executive's (AAAE) Transportation Security Clearinghouse, a service that AAAE provides to airports, air carrieraircraft operators, and their members. Using AAAE provides one point of contact, instead of multiple contacts. Additionally, AAAE converts paper fingerprint submissions into an electronic format, if the employer does not have the capacity to do so. This service limits the number of unreadable prints and facilitates a better turn-around time for adjudication. AAAE sends this information to TSA via secured e-mail. TSA then transmits the fingerprints to the FBI for the CHRC. The FBI returns the results to TSA's secure Fingerprint Results Distribution website for adjudication. The FBI will make a notation that the fingerprint record has been audited and may retain a copy of the fingerprints if the copy that TSA provided is more readable than the one on record. TSA does not currently collect CHRC information for indirect aircraft operatorIACsoperators, but may in the future and has included the estimated burden in this supporting statement. Finally, TSA may collect information that an individual chooses to submit in connection with an appeal of a TSA determination on an applicant's STA.

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.

In compliance accordance with the Government Paperwork Elimination Act, TSA intends and is working to develop systems to collect all information electronically. However, f_through the Air Cargo Data Management System (ACDMS)... For those respondents without the resources to submit information electronically, TSA will continue to work with them so that they can submit and/or maintain the required information in a manner that best meets their particular needs. TSA has already converted the record keeping and data collection requirements for the known shipper program from a manual to an electronic process. TSA expects to fully deploy the ACDMS to enable automated STA processing and the cargo reporting requirements in 2010 Electronic signatures are not applicable to this program.

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.

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.

<u>This</u>The amount of information required is proportional to the size of each air <u>carrieraircraft</u> <u>operator</u> and <u>indirect air carrieraircraft operator</u> operation and, therefore, ththe collection does not create a significant impact on a substantial number of 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 this collection was not conducted, key components of TSA's compliance with its statutory mandates and programs to secure the Nation's air cargo infrastructure would be hindered.

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 $\frac{1}{2}$).

5 CFR 1320.5(d)(2)(Ii):

Employees regulated under this rule have an obligation to inform TSA of any disqualifying offenses under 49 CFR 1544.229 for purposes of the CHRC, which means employees, if necessary, may have to report more often than quarterly.

IACs have an obligation to submit changes in business and associated personal information within 24 hours of the change to TSA, if necessary, which may occur more often than quarterly.

5 CFR 1320.5(d)(2)(iv):

In the interests of national transportation security, IACs are required to retain records indefinitely, according to security program requirements, which may exceed three years.

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 <u>is promulgating tis promulgated the</u> regulation <u>associated with these collections</u> after extensive consultation with industry through its Aviation Security Advisory Committee, other Federal agencies including the Department of Transportation, and the U.S. Customs and Border Protection. <u>Frequent Ooutreach and consultation with industry trade groups and representatives continues on a daily basis.</u> TSA <u>also</u>-published a notice of proposed rulemaking for this rule in the Federal Register on November 10, 2004 (69 FR 65258), has-

reviewed comments to that rule, and provided responses to the comments in tand published a he-final rule on May 26, 2006XXX (XX71 FR XXXXX30478). Combined, the regulatory and programmatic changes associated with this collection will impose significant barriers to anyone seeking to access the air cargo system with malicious intent.

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

No payments or gifts will be provided to the respondents.

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

While there are no assurances of confidentiality, records will be protected from disclosure to the extent required by existing laws and regulations.

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 such questions.

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

For this ICR PRA, TSA estimates 4,890551 unique respondents to this information collection. Of these, 480 141 are aircraft operators and foreign air carriers and 4,410 are Individual Air Carriers (IACs).

The time burden associated with the initial submission of security programs is estimated by TSA to be 4 hours for each of the 152141 aircraft operator, s and foreign air carriers and IAC average annual additional respondentss foreign air carriers for an average annual hour burden of 606564 hours. The time burden associated with the security program updates is estimated by TSA to be 4 hours for each of the 4,509197 aircraft operators, foreign air carriers, and IACs for an average annual hour burden of 18,036616,787 hours. TSA estimates one percent of IACs (42) will file an appeal at 5 hours per appeal for an average annual hour burden of 210 hours.

TSA estimates out of the total universe of 480, the cargo reporting will be done by the 135 aircraft operators and foreign air carriers because not all aircraft operators and foreign air carriers transport cargo. TSA estimates this will take an estimated one hour per week (52 hours per year) for a total average annual burden of 6,994 hours.

For the security threat assessments (STAs), based on a 15-minute estimate for each of the average 40,003 annual responses, TSA estimates that the average annual burden will be 10,001 hours.

For recordkeeping, based on a 5-minute estimate for each of the 40,003 average annual responses, TSA estimates that the total average annual burden will be 3,320 hours.

For Criminal History Record Checks (CCHRCs), TSA estimates it will take 30 minutes for the 20,001 average annual responses for a total average annual burden of 10,001 hours.

For the Known Shipper Management System (KSMS), given that the IAC or aircraft operator must input only a name, address and telephone number, TSA estimates it will take 2 minutes for the 792,000 electronic submissions for a -total annual burden of 26,400 hours. Also for KSMS, TSA estimates it will take one hour for the 8,000 manual submissions for a total annual burden of 8,000 hours.

The combined average annual hour burden is estimated to be 73,56782,277 hours for an average of 884904,842904,521 responses.

The following table illustrates the collections' hour burden estimates:

FUNCTION	AVERAGE ANNUAL HOURS	AVERAGE ANNUAL RESPONDENTS	AVERAGE ANNUAL RESPONSES	TIME PER RESPONSE	TSA FORM NUMBER	CFR CITE
Security Programs Submissions	<u>606</u>	<u>152</u>	<u>152</u>	4 hours	<u>N/A</u>	49 CFR 1544.101,103,105
• <u>Updates</u>	<u>18,036</u>	<u>4,509</u>	<u>4,509</u>	4 hours	<u>N/A</u>	<u>49 CFR</u> 1546.101,103,106
• <u>Appeals</u>	<u>210</u>	<u>42</u>	<u>42</u>	<u>5 hours</u>	<u>N/A</u>	49 CFR 1548.5,7
Cargo Reporting	<u>6,994</u>	<u>135</u>	<u>135</u>	1 hour per week X 52weeks	<u>N/A</u>	49 CFR 1544.3 49 CFR 1546.3 49 CFR 1548.3
STA	10,001	40,003	40,003	15 minutes	TSA Form 419F	49 CFR 1544.228 49 CFR 1546.213 49 CFR 1548.15,16
Recordkeeping	3,320	<u>5,307</u>	40,003	<u>5 minutes</u>	<u>N/A</u>	49 CFR 1544.3 49 CFR 1546.3 49 CFR 1548.3
Known Shipper						49 CFR 1544.239
• KSMS	<u>26,400</u>	<u>4,890</u>	<u>792,000</u>	2 minutes	Web Based Entry	49 CFR 1546.215
• <u>Manual Method</u>	<u>8,000</u>	<u>4,890</u>	<u>8,000</u>	<u>1 hour</u>	TSA Form 419H	49 CFR 1548.17
TOTAL	73,567		884,842			

The time burden associated with the security program and recordkeeping aspect of this collection is estimated to be 24 hours for each of the 65 cargo carriers, 8 hours for each of the 5,000 IACs, and 5 hours for each of the 50 appeals TSA has estimated will result (TSA has

estimated that approximately 1 percent of IACs will appeal TSA determinations), for an annual average of 43,143 hours.

For regulated entities with cargo screening responsibilities who are required to maintain a written record of the justification for exemption from screening as provided in the applicable security programs, based on an estimated 10 seconds per entry, TSA estimates the annual hour burden will be 500 hours. This hour burden is based on TSA's estimates that this type of recording will occur approximately 500 times per day throughout the system, 360 days per year.

For the security threat assessments (STAs), based on a 15-minute estimate for each of the 51,625 respondents the first year, TSA estimates that the annual burden will be 12,906 hours the first year. TSA estimates that the number of respondents for the STAs will then drop to 7,744, respondents (1,936 hours) in subsequent years for an annual average of 5,593 hours over 3 years.

For the criminal history records check (CHRC), based on a 30-minute estimate for each of the 50,000 respondents the first year, TSA estimates that the annual burden will be 25,000 hours the first year. TSA estimates that the number of respondents for the CHRC will then drop to 7,575 in the second year, and then at 7,651 in the third year for an annual average of 10,871 hours over 3 years.

The combined average annual hour burden is estimated to be 60,107 hours for an average of 49,395 respondents. The combined total hour burden over 3 years is estimated to be 178,821 hours for approximately 148,184 respondents.

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

There is no cost burden to respondents or record keepers resulting from the collection of information.

TSA estimates the 20,001 average annual CHRCs at \$30 each will cost the respondents \$600,038 on average annually. TSA will also bear an average annual cost of \$680,043 for STA fees at \$17 each for the average annual 40,003 applicants.

TSA estimates that the average annual cost to:

Air carrier employees for the CHRCs will be approximately \$907,000.

Air carrier employees for the STAs will be approximately \$767,000.

IACs for vetting will be approximately \$1,778,000.

IACs for the appeals process will be approximately \$12,500.

Air carriers for the annual reporting of their security program will be approximately \$68,000.

• Thus, TSA estimates that the average annual cost to all respondents as a result of this information collection will be approximately \$3,600,000.

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.

The average annual cost to the government for conducting this collection of information is \$63,54106,40327,3,416,427. This total is comprised of several components. First, the average annual cost of \$23,474 to review new security programs by a TSA Principal Security Inspector is calculated by taking the loaded average hourly wage rate of \$68.85 at two hours and fifteen minutes multiplied by the 15241141 annual average new program submissions. The average annual cost of \$698,488 to review updated security programs by a TSA Principal Security Inspector is calculated by taking the loaded average hourly wage rate of \$68.85 at two hours and fifteen minutes multiplied by the 4,509197 annual average new program submissions. The total average annual cost of \$8,398 to review cargo reporting is calculated by applying the loaded average hourly wage rate of \$50.24 for a TSA H Band employee at 6 hours per month for 12 reviews per year with the loaded average hourly wage rate of \$66.40 for a TSA I Band employee at 6 hours per month for 12 reviews per year. TSA will incur The average annual costs for KSMS of \$3,6002,056,000 for an outside contract and \$750,000 for operations and computer maintenance for a total of \$4,350,000. TSA will also incur average annual costs for STAs of \$750,000 for operations and maintenance and \$680,043 (\$17 fee multiplied by 40,003 average annual applicants) for STA fees for a total of \$1,500,000, help desk contract support of \$1,430,043,436,000 and supervisory costs of \$120,000.

TSA will also incur an annual hourly burden of 10,001 hours for CHRC review at 30 minutes each for the average annual 20,001 applications. The cost to the government for conducting this collection of information stems from the modification of a web-based portal and the electronic processing of 101,625 cargo employee background checks the first year, and 15,395 each year afterwards. Based on information provided to us by the contractor responsible for this aspect of the program, the initial computer program modification will cost approximately \$500,000, and it will cost approximately \$2,400,000 per year for the shared application over the next three years, which comes to an annual total of \$7.7 million for system modification, operations, data, and maintenance costs.

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

This is a new renewal of an expiring collection of information. The existing populations covered in this ICR as reflected in the burden estimate provided above, including KSMS, have increased. We have also provided more detailed burden estimates for cargo reporting.

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 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.

No such approval is being sought.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

There are no exceptions.