

INFORMATION COLLECTION SUPPORTING STATEMENT

Corporate Security Review (CSR)

- 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 Transportation Security Administration's (TSA's) authority with respect to transportation security is comprehensive and supported with specific powers related to the development and enforcement of regulations, security directives (SDs), security plans, and other requirements. Accordingly, under this authority, TSA may assess a security risk for any mode of transportation, develop security measures for dealing with that risk, and enforce compliance with those measures.

TSA's Corporate Security Review (CSR) program is one piece of a much larger domain awareness, prevention, and protection program in support of TSA's and the Department of Homeland Security's (DHS's) missions. The CSR is an "instructive" review that provides the TSA with an understanding of each surface transportation owner/operator's ability to protect its critical assets. TSA needs the results of the CSR program questions to establish the current state of security practices for highway modes of transportation. TSA will then be able to make policy and programmatic decisions to improve the overall security posture within the surface transportation community. The data collected also can be utilized to develop security practice assessments and issue security guidelines, best practices, and lessons learned for the stakeholder community. Respondents, major transportation asset owners and operators, work with TSA on a voluntary basis.

In carrying out CSRs, teams of Transportation Security Specialists from TSA's Highway and Motor Carrier Division (HMC) conduct site visits on school bus, motor coach, trucking (general freight and Hazardous Materials (Hazmat)), State Departments of Transportation, State Departments of Education, and privately-owned assets such as bridges and tunnels throughout the Nation. The TSA team analyzes the owner/operator's security plan and determines if the mitigation measures included in the plan are being implemented. In addition to reviewing the security plan document, TSA tours the site and interviews the owner/operator's security coordinator, employees, and contractors.

Under the Aviation and Transportation Security Act (ATSA)¹ and delegated authority from the Secretary of Homeland Security, TSA has broad responsibility and authority for "security in all modes of transportation . . . including security responsibilities . . . over modes of transportation that are exercised by the Department of Transportation."² TSA has authorities in addition to those transferred from DOT.³ TSA is empowered to develop policies, strategies, plans, and regulations for dealing with threats to all modes of transportation.

¹ Pub. L. 107-71, 115 Stat. 597 (November 19, 2001).

² See 49 U.S.C. 114(d).

³ 49 U.S.C. 114(f).

As part of its security mission, TSA is responsible for assessing intelligence and other information to identify individuals who pose a threat to transportation security and to coordinate countermeasures with other Federal agencies to address such threats.⁴ TSA enforces security-related regulations and requirements,⁵ ensures the adequacy of security measures for the transportation of cargo,⁶ oversees the implementation and ensures the adequacy of security measures at transportation facilities,⁷ and carries out other appropriate duties relating to transportation security.⁸ TSA has broad regulatory authority to achieve ATSA's objectives, and may issue, rescind, and revise such regulations as are necessary to carry out TSA functions.⁹ TSA is also charged with serving as the primary liaison for transportation security to the intelligence and law enforcement communities.¹⁰

The TSA Assistant Secretary's current authorities under ATSA have been delegated to him by the Secretary of Homeland Security. Section 403(2) of the Homeland Security Act (HSA) of 2002, Pub. L. 107-296, 116 Stat. 2315 (2002), transferred all functions of TSA, including those of the Secretary of Transportation and the Under Secretary of Transportation for Security related to TSA, to the Secretary of Homeland Security. Pursuant to DHS Delegation Number 7060.2, the Secretary delegated to the Assistant Secretary (then referred to as the Administrator of TSA), subject to the Secretary's guidance and control, the authority vested in the Secretary with respect to TSA, including that in section 403(2) of the HSA.

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.

CSRs consist of information collection on the following topics: management and oversight of the security plan, threat assessment, criticality assessment, vulnerability assessment, personnel security, training, physical security countermeasures, en route security, information technology security, security exercises and drills, and a Hazmat addendum. TSA conducts this collection through voluntary face-to-face visits at the company/agency headquarters. TSA stakeholders often proactively seek these reviews.

To conduct a CSR, TSA typically sends one to three employees to conduct a two to three hour discussion and interview with representatives from the company/agency owner/operator. During the site visit, TSA personnel complete the CSR form, which asks questions on the above mentioned topics. TSA conducts these discussions to ascertain information on security measures and to identify coverage gaps. The discussions also

⁴ 49 U.S.C. 114(f)(1)-(5); (h)(1)-(4).

⁵ 49 U.S.C. 114(f)(7).

⁶ 49 U.S.C. 114(f)(10).

⁷ 49 U.S.C. 114(f)(11).

⁸ 49 U.S.C. 114(f)(15).

⁹ 49 U.S.C. 114(l)(1).

¹⁰ 49 U.S.C. 114(f)(1) and (5).

provide TSA with a method to encourage surface transportation company/agency owner/operators to be diligent in effecting and maintaining security-related improvements.

- 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 addition to the data collection aspects of this program, TSA gains value from the relationships it builds with the managers within individual corporations and agencies during the interviews. Because the program has a relationship-building component to it, TSA has not, to any extent, collected information using automated, electronic, mechanical, or other technological collection techniques. These collections have been face-to-face only. In compliance with the GPEA, TSA is considering making the individual questions available via the Internet, but has not yet made a final determination as to whether the benefits of establishing a fully electronic reporting option outweigh the costs in potentially reduced data quality and diminished relationship strength, and the resulting impacts on security posture.

- 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.**

TSA has searched for similar information from our Federal partners in the Departments of Homeland Security and Transportation, but has found no other sources collecting information sufficiently similar to that covered by the CSR program. TSA has found that vulnerability assessments conducted by other agencies are driven by other concerns, concentrate on specific assets, and as a result, do not yield information of sufficient breadth to enable TSA to effectively assess the transportation industry's security posture.

- 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.**

Although TSA plans to collect information from businesses of all sizes, there is minimal potential burden to small businesses or other small entities.

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 is not conducted, TSA will be unable to assess current security practices in the highway mode segment of the transportation sector, and will, therefore, be unable to fully exercise its oversight authority as provided for under ATSA. If the information collection is conducted less frequently, TSA's ability to compare data collected at different sites will be diminished.

This program provides TSA with real-time information on current security practices within the highway mode of the surface transportation sector. This information allows TSA to adapt programs to the changing threat dynamically, while incorporating an understanding of the improvements owners/operators make in their security posture. Without this information, the ability of TSA to perform its security mission would be severely hindered.

Additionally, the relationships these face-to-face contacts foster are critical to the Federal Government's ability to quickly reach out to highway mode of transportation stakeholders to respond to any incidents in this transportation mode. The relationships foster a sense of trust and a willingness to share information with the Federal Government.

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).***

TSA will conduct this collection in a manner consistent with the general information collection 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 has consulted our Federal partners in the Departments of Homeland Security and Transportation. TSA found no other sources collecting information similar to what TSA collects through the CSR program. Based upon these consultations, however, TSA has reviewed the existing questionnaire and revised/rephrased the questions and instructions for the interviewer. The consultations did not extend to recordkeeping, disclosure, or reporting formats as TSA does not intend to mandate such efforts by the respondents.

In addition to consultations with our Federal agency partners, TSA published a notice in the Federal Register on June 15, 2009 (74 FR 28264) announcing our intent to reinstate the OMB control number, 1652-0036, for this information collection and requested comments. In response to this notice, TSA received a consolidated comment from the American Trucking Associations (ATA) and the American Bus Association (ABA). Their comments were reviewed and TSA responded to their concerns in writing as well as in this Supporting Statement.

a. ATA and ABA asked TSA to review data already collected through the Federal Motor Carrier Safety Administration's (FMCSA) Security Contact Review (SCR) inspections rather than replicate security audit programs. In response to ATA's and ABA's considerations, TSA requested, received, and reviewed information on the SCR inspections. There is no duplication of efforts with general freight carriers and shippers, school bus and motorcoach operators, as well as State Departments of Transportation and State Departments of Education.

There is, however, an apparent duplication for carriers of hazardous materials subject to SCR inspection for their compliance with regulations of the Pipeline and Hazardous Materials Safety Administration's HM-232 (FMCSA inspects and enforces this rule as it affects motor carriers, the Federal Rail Administration inspects and enforces the rule as it affects the rail system). While the questions posed by TSA as part of the CSR are similar to those posed by FMCSA, TSA requires more detailed answers and are not restricted to regulatory compliance with PHMSA's rule. For example, TSA has issued voluntary security practices (Security Action Items). During a CSR, TSA inquires about background checks for non-drivers, advance notification of shipments of certain hazardous materials, use of technology to track hazardous materials, policies and procedures to be implemented by carriers during elevated threat conditions, and the existence of written communication plans that include Standard Operating Procedures for communication between company employees in the event of a security incident.

TSA is, nonetheless, sensitive to the burden on the industry from complying with requests for information and has taken appropriate steps to avoid overlap where possible. For example, we have reviewed and used information on the SCRs, to the extent it is available and meets our needs. In addition, we continue to work with FMCSA to avoid requesting a CSR with motor carriers who have had a recent visit from FMCSA for the purposes of an SCR.

b. ATA and ABA asked TSA to consider coordinating the CSR with FMCSA's SCR and to leverage resources identified in its October 2008 Memorandum of Understanding (MOU) with FMCSA, building upon its previous collaboration in the Missouri CSR Pilot.

DHS and TSA have signed agreements with DOT and its relevant components to delineate clear lines of authority and responsibility, promote communication and efficiency, and avoid duplication of effort through cooperation and collaboration, including in the area of hazardous materials transportation security, based on existing legal authorities and core competencies. These MOUs acknowledge that DHS has lead authority and primary

responsibility for security activities in all modes of transportation and notes that TSA is the lead Federal entity for transportation security.

As noted by ATA and ABA, in the “Missouri Pilot,” CSRs were conducted by state commercial motor vehicle enforcement officers at the same time that they were onsite to conduct FMCSA compliance reviews and safety audits; one visit, two missions. TSA has built upon the Missouri Pilot project by extending the program to include the states of Arkansas, Colorado, Arizona, and Michigan. TSA has also engaged the states of Texas, California, Florida, and Ohio.

TSA considers this use of state officers conducting CSRs as an interim measure. In the meantime, TSA has been building a cadre of surface transportation inspectors with one of their duties being to conduct CSRs. Over the last several months we have trained over 200 federal transportation inspectors who will be utilized to reduce risk through several TSA surface transportation programs and initiatives, such as the CSR.

c. ATA and ABA asked TSA to avoid duplication of efforts with FMCSA by advising FMCSA on any weaknesses in the SCR process and the additional specific information that FMCSA should be collecting. As an alternative, ATA and ABA suggested that the CSR and SCR processes be combined in order to avoid errors by inspectors who are confused and improperly trained on the goals and scope of TSA’s programs.

TSA and FMCSA are currently holding a series of interagency meetings to compare the CSR and SCR data elements and to remove duplicate and redundant information. The goal is one form with two purposes.

DHS and TSA are in agreement with DOT on the delineation of roles relating to security and safety. As previously noted, TSA has been working with FMCSA on clarifying roles and responsibilities and leveraging resources, and intends to continue these efforts. As further noted, TSA continues to develop its resources to meet its transportation security mission. As more of its own inspectors are trained and begin to work in the field, many of the problems identified by ATA and ABA should be avoidable.

d. ATA and ABA further commented that the “frequency and manner in which CSRs are conducted is inadequate for TSA’s stated intention of building relationships” and questioned the burden associated with the information collection.

The purpose of the CSR does not require inspecting every carrier, but rather to obtain enough information to have a valid assessment of the current state of security practices for highway modes of transportation; support policy and programmatic decisions to improve the overall security posture within the surface transportation community; and develop security practice assessments and issue security guidelines, best practices, and lessons learned for the stakeholder community. To reach that level of awareness, TSA will maximize the use of its Surface Transportation Security Inspection Program as means for reaching stakeholders. We have 200 surface inspectors out in the field, establishing face-to-face contact with our motor

carrier population. We also continue to maximize the use of other resources within TSA and our partners.

TSA has also adjusted the burden estimate. See answer to Question 12.

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

TSA will not provide payment or gifts to respondents.

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

TSA assures respondents that the portion of their responses that is deemed Sensitive Security Information will be handled as such, as described in 49 CFR parts 15 and 1520.

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.

TSA does not ask questions of a private, sensitive nature.

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

The estimated annual hour burden for this information collection is 1,200 hours. This estimate is based on TSA Highway and Motor Carrier (HMC) personnel and Transportation Security Inspectors-Surface (TSI-S) conducting an average of 400 visits for FY'09, each visit lasting 2-3 hours (400 X 3 = 1,200).

Hour Burden for Information Collection		
Number of Respondents	Hour Burden Per Visit	Annual Burden
400	3 hours	1200 hours

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

TSA does not estimate a cost to the industry beyond the hour burden detailed in answer 12.

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 annualized cost to the Federal Government is approximately \$83,200. The only cost to TSA is travel. The TSA cost estimate is based on sending one HMC employee to each long-distance site, conducting 24 visits per year, and spending an average of \$1,900.00 per employee per visit (\$1,900 X 1 X 24 = \$45,600). Meanwhile, local travel for the 376 CSRs

conducted by the TSI-S will cost an average of \$100 per review for local travel costs (\$100 X 376= \$37,600).

Cost to the Federal Government			
Annual HMC Visits (non-local travel)	Annual TSI-S Visits (local travel)	Cost Per Visit	Annual Cost
24		\$1,900	\$45,600
	376	\$100	\$37,600
TOTAL COST			\$83,200

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

The CSR Program has undergone revisions and changes since its original Information Collection Request (ICR) submitted to OMB in 2006. The original CSR form applied to all surface modes-mass transit, pipelines, railroads, as well as highway. The current form has been revised and adapted to reflect primarily the highway and motor carrier industry- owners and operators of school bus, motorcoach, and trucking (general freight and hazardous materials) companies, privately owned assets, State Departments of Transportation, and State Departments of Education.

In addition, the original CSR was performed by three Headquarters (HQ) personnel during each review which lasted two full eight-hour days. Since then, HMC typically sends one HQ Transportation Security Specialist to conduct each review within two to three hours. The program has also been expanded to include the assistance of TSA Surface Transportation Security Inspectors (TSI-S) to conduct reviews. The use of local TSI-S field forces enables TSA to expand the number of CSRs conducted per year and also reduces the cost to the Federal Government by decreasing HQ travel expenses (approximately \$1,900 per Transportation Security Specialist per visit) and utilizing local travel expenses (approximately \$100 per TSI-S visit).

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.

TSA will not publish the results of this information collection.

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.

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 not seeking any exceptions to the statement in Item 19.