

# **INFORMATION COLLECTION SUPPORTING STATEMENT AIR CARGO SECURITY REQUIREMENTS**

OMB# 1652-0040

- 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 updates the requirements of airports, aircraft operators, and indirect air carriers (IACs) currently operating under a security program and instituting security requirements for all-cargo carriers and the IACs servicing them as set forth in 49 CFR parts 1540, 1542, 1544, 1546, and 1548. TSA published a final rule implementing these requirements on May 26, 2006 (71 FR 30478).

- 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 regulations associated with this information collection 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 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 IACs or applicants to be an IAC because these operations are a critical link to a secure cargo supply chain.

More specifically, TSA 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 Security number (although provision of one's social security number is voluntary, failure to provide a Social 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 aircraft operators have qualified to ship cargo on passenger aircrafts, also referred to as "known shippers." 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. 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 cargo 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, aircraft 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 secure 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. 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 accordance with the Government Paperwork Elimination Act, TSA is working to develop systems to collect all information electronically 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.

- 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.**

This 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) (2).***

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

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

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 promulgated the regulation associated with these collections 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. Frequent outreach and consultation with industry trade groups and representatives continues. TSA published a 60 day notice in the Federal Register on November 16, 2009 (74 FR 58969), and published 30 day notice on March 4, 2010 (75 FR 9919) no comments were received from either notice.

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.**

TSA estimates 4,890 unique respondents to this information collection. Of these, 480 are aircraft operators and foreign air carriers and 4,410 are IACs.

The time burden associated with the initial submission of security programs is estimated by TSA to be 4 hours for each of the 152 aircraft operator, foreign air carrier and IAC average annual additional respondents for an average annual hour burden of 606 hours. The time burden associated with the security program updates is estimated by TSA to be 4 hours for each of the 4,509 aircraft operators, foreign air carriers, and IACs for an average annual hour burden of 18,036 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, cargo reporting will be done by 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 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 the Known Shipper Management System (KSMS), given that the IAC or aircraft operator must input only a name, address and telephone number, For web-based entry, respondents can use <https://extranet.tsa.dhs.gov/stat/>. 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 73,567 hours for an average of 884,842 responses.

The following table illustrates the hour burden estimates for the collections:

FUNCTION	AVERAGE	AVERAGE	AVERAGE	TIME PER	TSA FORM	CFR CITE
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	ANNUAL HOURS	ANNUAL RESPONDENTS	ANNUAL RESPONSES	RESPONSE	NUMBER	
Security Programs						
• Submissions	606	152	152	4 hours	N/A	49 CFR 1544.101,103,105
• Updates	18,036	4,509	4,509	4 hours	N/A	49 CFR 1546.101,103,106
• Appeals	210	42	42	5 hours	N/A	49 CFR 1548.5,7
Cargo Reporting	6,994	135	135	1 hour per week X 52weeks	N/A	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	4,890	40,003	5 minutes	N/A	49 CFR 1544.3 49 CFR 1546.3 49 CFR 1548.3
Known Shipper						
• KSMS	26,400	4,890	792,000	2 minutes	Web Based Entry	49 CFR 1544.239 49 CFR 1546.215
• Manual Method	8,000	4,890	8,000	1 hour	TSA Form 419H	49 CFR 1548.17
<b>TOTAL</b>	<b>73,567</b>		<b>884,844</b>			

**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.

**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 \$6,510,403. 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 152 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 4,509 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 average annual costs for KSMS of \$3,600,000 for an outside contract and \$750,000 for operations and 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 \$1,430,043.

**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 renewal of an expiring collection of information and there have been no changes to the cost or hour burden since the previous ICR submission.

**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.