

INFORMATION COLLECTION SUPPORTING STATEMENT

Certified Cargo Screening Program

OMB 1652-0053

- 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).**

Section 1602 of The Implementing Recommendations of the 9/11 Commission Act of 2007 (PL 110-53)(August 2007) (9/11 Act) requires the development of a system to screen 50 percent of cargo transported on passenger aircraft by operating within the United States by February 2009, and 100 percent of such cargo by August 2010. TSA issued an interim final rule (IFR) on September 16, 2009, 74 FR 47672, amending part 49 of the Code of Federal Regulations (CFR) to implement this statutory requirement. The IFR amended parts 1515, 1520, 1540, 1544, 1546, and 1548 and added new parts 1522 and 1549. Under the IFR, TSA certifies qualified facilities as Certified Cargo Screening Facilities (CCSFs) to screen cargo as part of the Certified Cargo Screening Program (CCSP). Certified CCSFs may screen cargo off-airport and must implement measures to ensure a secure chain of custody from the point of screening to the point at which the cargo is tendered to the aircraft operator. CCSFs are required to engage TSA-approved validation firms to assess the CCSFs' compliance with TSA requirements. A subset of CCSFs provide data for the evaluation of cargo screening technology effectiveness until August 2010.

In order to comply with the statutory mandate and to begin building the CCSP , TSA developed the CCSP Pilot. The CCSP pilot allows shippers, indirect air carriers, and other entities to participate voluntarily in a program in which TSA certifies qualified entities to screen air cargo off-airport before it is tendered to air carriers for transport on passenger aircraft. TSA submitted a separate ICR and received approval for the collections of information under the pilot (See OMB number 1652-0052). The CCSP Pilot ICR covers the following collections from entities seeking to participate in a voluntary program to become CCSFs:

- (1) CCSF Applications.** Applications to become a CCSF.
- (2) STA Information.** Personal information so that individuals with access to cargo can undergo STAs.
- (3) Recordkeeping.** Recordkeeping requirements including maintaining cargo and other security-related records.
- (4) Cargo Reporting.** Cargo reporting requirements.

TSA anticipates that the entities that have made a business decision to participate in the pilot program will become regulated entities once the IFR is effective. These collections are continuing now that the IFR is effective, and thus they are also identified as part of this ICR.

In this ICR, TSA is including the following information collections:

(1) **CCSF Applications.** Require initial applications, changes to information in the application, and re-application every thirty-six months, for any CCSF.

(2) **Validation Firm Applications.** Require annual applications and changes to information in the application for any TSA-approved validation firm.

(3) **STA Information.** Require the appropriate CCSF, Indirect Air Carrier, and TSA-approved validation firms, CCSF representatives authorized to perform screening functions, and other key entities to submit information so that TSA can perform security threat assessments (STAs). This is a previously approved collection under OMB control number 1652-0040, but this ICR expands the population from which the information is collected.

(4) **Security Programs.** Require CCSFs to accept a standard security program provided by TSA or submit a proposed modified security program to the designated TSA official for approval initially and periodically thereafter as required. Require validation firms to accept a standard security program provided by TSA or submit a proposed modified security program to the designated TSA official for approval initially and periodically thereafter as required. The validation firm must also submit an additional security plan that specifies processes and procedures that the firm will use to maintain the qualification of its validators and its personnel assisting validators with assessments to the designated TSA official for approval.

(5) **Recordkeeping.** Require CCSFs and TSA-approved validation firms to maintain records of compliance with the IFR and make them available for TSA inspection (49 CFR 1549.105).

(6) **Validation Assessment Reports.** Require TSA-approved validation firms to submit their validators' assessments of CCSFs to TSA.

(7) **Cargo Reporting.** Require CCSFs to submit monthly cargo screening metrics.

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.***

Requirements Included in This Information Collection Request (ICR):

(1) **CCSF Applications.** Require applications for any CCSF. Under TSA regulations implemented by the IFR, a CCSF is required to submit an application at least 90 days before the intended date of operation, the contents of which are outlined in 49 CFR 1549.7. In addition, once submitted, a CCSF is required to submit any changes to the application as they occur. CCSFs must renew their certification every 36 months by submitting a new complete application. As explained above, CCSF applicants must engage a TSA-approved validation firm to assess the firm's capability to comply with TSA's requirements. The CCSF application process requires the applicant to ensure that an assessment by a validator working for an approved validation firm is sent to TSA as a part of the application process. CCSF applicants are required to provide validators access to their records, equipment, and facilities

necessary for the validator to conduct an assessment. See TSA forms 419 B, D, and E (49 CFR 1549.7).

(2) **Validation Firm Applications.** Require an information collection by which a firm may apply for approval to operate as a TSA-approved validation firm. TSA will prescribe the form and manner of the application, which must be in writing and submitted at least 90 days in advance. In addition, once submitted, a validation firm is required to submit any changes to the application as they occur. Validation firms must renew their application annually by submitting a new complete application. See TSA Form 419G (49 CFR 1522.105 and 1522.107).

(3) **STA Information.** TSA requires that CCSF applicants ensure that individuals performing screening and related functions under the amended and new TSA regulations have successfully completed an STA conducted by TSA. Key individuals performing, assisting in, and supervising validation assessments also need STAs. In addition, Security Coordinators and their alternates for both CCSFs and validation firms need STAs. TSA regulations require these individuals to submit information to TSA so that TSA can perform the STAs. See TSA Form 419F, previously approved under OMB control number 1652-0040 (49 CFR 1549.11, 1549.103, 1522.117, and 1522.121).

(4) **Security Programs.** Requires TSA-approved CCSFs to accept and implement a standard security program provided by TSA or submit a proposed modified security program to the designated TSA official for approval. Requires validation firms to accept a standard security program and submit an additional security plan that specifies processes and procedures that the firm will use to maintain the qualification of its validators and its personnel assisting validators with assessments to the designated TSA official for approval. Once the application is approved, TSA allows the regulated entity to adopt the appropriate security program, any security directives, and amendments to the current security program, and other alternative procedures that apply to the CCSF (49 CFR 1549.5, 1549.105, and 1522.105). NOTE: No TSA form.

(5) **Recordkeeping.** Require CCSP participants and TSA-approved validation firms to maintain records of compliance with the new and amended TSA regulations and make them available for TSA inspection. For CCSF, these records of compliance include cargo reports, which are submitted to TSA monthly (49 CFR 1549.105 and 1522.129).

(6) **Validation Assessment Reports.** Require TSA-approved validation firms to submit assessments to TSA and maintain assessments records: Validators are also required to provide their assessments to TSA as described in the regulations and retain for 42 months the validation reports that they prepare (49 CFR 1549.127). NOTE: No TSA form.

(7) **Cargo Reporting.** Require CCSFs to provide information on the amount of cargo screened and other cargo screening metrics at an approved facility. TSA requires this information in order to evaluate the compliance and performance of the CCSFs and to provide information needed for congressional reporting and future rulemaking relating to air

cargo security (49 CFR 1549.105 provides that CCSFs must maintain security programs, which require them to report screening metrics.) NOTE: No TSA form.

- 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.**

CCSF applicants and validation firms have the latitude and flexibility to maintain the required information in a manner that best meets their particular needs, including maintaining the information electronically. Validation firms and CCSF applicants submit applications and related information required under the TSA regulations either electronically through email or through the Air Cargo Data Management System (ACDMS) under development. TSA also accepts paper applications by mail. TSA will use the ACDMS, when it is functional, to serve as a repository of information on the certified facilities participating in the CCSP to support the application process, the STA application and review process, and the TSA-approved validators' recommendations. Individuals submit information required for TSA to conduct STAs via a web-based tool available on www.tsa.gov. Once ACDMS is functional, this collection will be in full compliance with the Government Paperwork Elimination Act.

- 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.**

In lieu of an STA application, TSA may accept: A current Hazardous Materials Endorsement (HME) indentified in 49 CFR part 1572 evidenced by a State-issued commercial driver's license (CDL) with hazardous materials endorsement; A current Transportation Worker Identification Credential in accordance with a final rule on Transportation Worker Identification Credential Implementation in the Maritime Sector; A current FAST card issued by U.S. Customs and Border Protection under the Free and Secure Trade Program; or, another STA determined by TSA to be comparable to the STA specified in the regulations.

- 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 have a significant impact on a substantial number of 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.***

The CCSP provides a program for the air cargo industry to meet the congressionally mandated requirement to screen 100% of all air cargo no later than August 3, 2010. If this information collection is not conducted, the air cargo industry may not be able to screen 100% of cargo transported on passenger aircraft without significant delays, which may have a negative effect on commerce.

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).***

CCSFs and TSA-approved validation firms are required to submit any changes to their applications as they occur, which may be more frequently than quarterly.

Under TSA regulations, for individuals required to undergo a security threat assessment (for example, an individual authorized to perform screening functions), TSA notifies the individual's employer in writing that it has served a Determination of No Security Threat, a Final Determination of Threat Assessment, or a Withdrawal of Final Determination of Threat Assessment, as applicable, to the individual. In the interest of transportation security, the employers are required to retain this notification for 180 days after the employee has separated from the company.

Each TSA-approved validation firm must maintain records demonstrating compliance with all statutes, regulations, directives, orders, and security programs that apply to operation as a TSA-approved validation firm, including the records listed below, and may need to retain them for longer than three years.

The following records must be retained for 180 days after the individual is no longer employed by the TSA-approved validation firm or is no longer acting as the firm's agent.

(1) Records of all training and instruction given to each individual under the requirements of this subpart.

(2) Records demonstrating that the TSA-approved validation firm has complied with the security threat assessment provisions of 49 CFR 1522.121.

(3) Records about the qualifications of validators it uses to conduct assessments under this subpart.

The following records must be retained until completion of the TSA-approved validation firm's next review, after which the records may be destroyed unless the TSA-approved validation firm is instructed by TSA to retain the records for a longer period, which may be longer than three years.

(1) Copies of all applications for approval, or renewal of approval, by TSA to operate as a TSA-approved validation firm under part 1522.

(2) Copies of TSA's approval and renewals of approval as required by part 1522.

Otherwise, the collection is conducted in accordance with 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 is in continuous dialogue with potential CCSF applicants and industry stakeholders. As required by 5 CFR 1320.8(d), TSA published a Federal Register notice on November 16, 2009, 74 FR 58967, and received no comments.

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

TSA will not provide any payment or gift to respondents.

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

TSA will not provide any assurances of confidentiality. Information provided by individuals will be protected from disclosure to the extent appropriate under the applicable provisions of the Freedom of Information Act and the Privacy Act of 1974. Personal data will be collected and maintained in accordance with the Privacy Act.

- 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 will not ask any questions of a sensitive or private nature.

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

In this justification, TSA describes the expanded respondent population and then presents a summary of each of the information collections covered by this ICR.

Table 1: 49 CFR Part 1544 Respondent and Hour Burden Summary (3 Years)

<u>Respondent Category</u>	<u>Total Unique Respondents</u>
Validation Firms	83
CCSFs	16,906
Total	16,989

Information Collections

TSA has identified seven separate information collections under this ICR. These seven collections affect an estimated total of 16,989 unique respondents, including the CCSP Pilot respondents, over the three years of the PRA analysis. Collectively, these seven information collections represent an estimated average of 723,312 responses annually, for an average annual hour burden of 718,255 hours. Table 2 provides a summary of TSA's estimates for these collections. The ensuing paragraphs provide a general description of each collection and the basis for TSA's estimate.

Table 2: 49 CFR Part 1544 Information Collection and Hour Burden Summary

<u>Function</u>	<u>Annual Respondents</u>	<u>Annual Responses</u>	<u>Time Per Response</u>	<u>Annual Hours (3-Year Total)</u>	<u>TSA Form Number</u>	<u>IFR Cite</u>
CCSF Applications	(Initial application is a one time collection, re-certification is every three years)					
One Year	7,514	7,514	2 hours	15,028	419E	Section 1549.7
Three Years	22,541	22,541	2 hours	45,083	419E	Section 1549.7
Validation Firm Applications	Annual collection					
One Year	28	28	.5 hours	14	419G	Section 1522.107
Three Years	83	83	.5 hours	42	419G	Section 1522.107
STA Applications	Collected every five years after initial application					
One Year	313,164	313,164	.25 hours	78,291	419F	Section 1549.11 & 1549.103
Three Years	939,493	939,493	.25 hours	234,873	419F	Section 1522.117 & 1522.121
Security Programs						
Creations	One time collection					
One Year	5,663	5,663	42 hours	237,846		Section 1522.105
Three Years	16,989	16,989	42 hours	713,538		Section 1522.105
Updates	Once annually					
One Year	10,530	10,530	4 hours	42,120	N/A	Section 1549.5
Three Years	31,589	31,589	4 hours	126,356		Section 1549.5
Recordkeeping	Continuous as needed					
One Year	313,164	313,164	.083 hours	25,993	N/A	Section 1549.105 & 1522.129

Three Years	939,493	939,493	.083 hours	77,978		Section 1549.105 & 1522.129
Validation Assessment Reports	Continuous as needed					
One Year	28	5,635	4 hours	22,540	N/A	Section 1522.127
Three Years	83	16,906	4 hours	67,624		Section 1522.127
Cargo Reporting	Monthly collection					
One Year	5,635	67,624	52 hours	293,020	N/A	Section 1549.105
Three Years	16,906	202,872	52 hours	879,112		Section 1549.105
CCSF Subset- 1 year	121	1,452	2.5 hours	3,630	N/A	Section 1549.105
TOTAL for One Year	655,846	724,774		718,482		
TOTAL for Three Years	1,967,538	2,174,322		2,155,446		

(17,117 Unique Respondents Over 3 Years)

CCSF Applications

Facilities desiring to become certified to screen cargo send TSA an application for consideration. The application requires basic profile information and supporting documentation demonstrating that the firm satisfies the specified credentials. TSA estimated that it will receive 22,541 applications in 3 years, for an average of 7,514 applications annually and that these applications will require an average of 2 hours each to complete, resulting in an annual burden of 15,028 hours (7,514 × 2). TSA estimates that 75% of these applicants, or 16,906, will actually become certified locations.

Validation Firm Applications

Firms desiring to become TSA-approved validation firms send TSA an application for consideration. The application requires basic profile information and supporting documentation demonstrating that the validator or firm satisfies the specified credentials. TSA estimated that it will receive 83 applications in 3 years, for an average of 28 applications annually and that these applications will require an average of 30 minutes each to complete, resulting in an annual burden of 14 hours (28 × 0.5) on the validation firms.

STA Applications

All CCSP participants subject to 49 CFR parts 1544, 1546, 1548, and 1549, as well as TSA-approved validation firms, are required to have certain employees undergo security threat assessments (STAs). Each individual is required to complete an STA application via a web-based tool available on www.tsa.gov. The time to complete an STA application is estimated at 15 minutes per individual.

TSA estimated it will receive a total of 939,493 applications in 3 years, for an average of 313,164 applications annually.

STA application requirements result in an annual burden of approximately 78,291 hours (313,164 × 0.25).

Security Programs

CCSF and validation firms incur collection burdens to maintain security programs. CCSF and validation firms subject to the different security programs (such as Indirect Air Carriers) also need to submit applications to TSA.

TSA estimates that a total of 16,989 CCSFs and validation firms create their security program for an average of 5,663 security programs created annually. Each firm devotes approximately 42 hours to create their initial security program, resulting in an annual burden of 237,846 hours ($5,663 \times 42$).

TSA estimates that a total of 16,989 CCSFs and validation firms are required to maintain and update their security programs. Each firm will devote approximately 4 hours each annually, beginning in the second year, updating their security programs. TSA estimates 31,589 security program updates in the first three years for an average of 10,530 updates per year. The annual hour burden is 42,120 ($10,530 \times 4$).

Recordkeeping

All CCSFs and validation firms, or 16,989, are required to maintain records of compliance with the new and amended TSA regulations. TSA estimates a time burden of approximately five minutes (0.083 hours) per employee who is required to have an STA annually for each CCSF and validation firm to file the training records, and other records of compliance. This includes validation firm filings of validation assessment reports, resulting in a total of 939,493 record updates in the first three years for an average of 313,164 record updates per year. TSA estimates an annual burden of approximately 25,993 hours ($313,164 \times 0.083$).

Validation Assessment Reports

Validation firms will be required to submit a validation report to TSA. TSA estimates it will take individual validators four hours to write up a validation report. Validation firms inspect CCSFs as part of the CCSF's initial application process and then every three years thereafter. TSA estimated this will result in 5,635 validations being completed annually, resulting in an annual burden of 22,540 hours ($5,635 \times 4$).

Cargo Reporting

TSA estimates that all CCSFs complete monthly cargo volume reports at an estimated time of one hour per week. The average annual responses, based on one response per firm per month, are 67,624 ($5,635 \times 12$). The estimated annual burden is 293,020 hours ($5,635 \times 52$). For the subset of CCSFs who report data on the evaluation of screening technologies, the burden is 2.5 hours per month until August 2010. The average annual response per location per month is 1,452 (121×12). The estimated total annual hourly burden is 3,630 ($1,452 \times 2.5$).

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

There are no industry costs estimated, beyond the hourly burden, for this collection.

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 will not have been incurred without this collection of information.

TSA estimates the total cost to the Federal Government associated with the information collections identified in this request amount to approximately \$11.1 million annually. Table 3 shows TSA costs for information collections associated with each of these respondents. More detailed information about how TSA estimated these costs is provided below.

Table 3: 49 CFR Part 1544 TSA Costs by Respondent to Process Information Collections

<u>Respondent Category</u>	<u>Average Annual Responses</u>	<u>Average Annual Cost</u>	<u>Previous Annual Cost</u>	<u>Net Annual Cost</u>	<u>Net Three Year Cost</u>
Security Program Reviews	16,193	\$2,508,498	0	\$2,508,498	\$7,525,494
Security Threat Assessment Fees	313,164	\$5,323,788	0	\$5,323,788	\$15,971,364
Validation Reviews	5,635	\$3,103,758	0	\$3,103,758	\$9,311,274
ACDMS Personnel	2	\$170,186	0	\$170,186	\$510,558
Total		\$11,106,230,	0	\$11,106,230	\$33,318,690

Security Program Reviews

49 CFR part 1544 currently requires TSA to verify the initial security program information produced by the respondents, as well as each facility's yearly program update and enrollment applications. TSA estimates an annual average of 16,193 (10,530 updated programs + 5,663 new programs) security programs for review in the first three years. Verification is estimated to take an average 2.25 hours per entity requesting certification at a cost of \$68.85 per hour for a TSA employee and includes review of the enrollment applications. The wage is based on the average loaded hourly wage rate for an SV I/J level TSA employee. The cost to TSA to verify the security programs and updates required of CCSFs and validation firms participating in the CCSP is \$2.5 million ($16,193 \times 2.25 \times \68.85) annually.

Security Threat Assessment Fees

TSA costs to process STAs are equal to the \$17/STA fee for the entire population of STAs needed. As of now, there is no rule that requires industry to pay for STAs, so TSA will burden the cost. For the estimated total 313,164 STAs required per year, the average cost burden to TSA is \$5.3 million ($312,433 \times \17) annually. This is the combined total for both CCSFs and validation firms.

Validation Reviews

This estimate is based on 8 hours to review each validation firm at a wage rate of \$68.85/hr for an average of 5,635 applications received annually. TSA's review of the validation firms will cost an estimated \$3.1 million ($5,635 \times 8 \times \68.85) annually.

ACDMS

TSA will continue to develop, maintain, and expand the computerized management system to govern CCSP. The development of this system began in the CCSP Pilot. This system will

require the labor of two full time equivalents (FTEs) at a cost of \$85,093 per year for each FTE. This salary is equivalent to a SV G band TSA employee. Therefore, the costs involved in the ACDMS relevant to the ICR are estimated to \$170,186 ($2 \times \$85,093$) per year.

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

TSA revised the number of STA applications to be collected for one year to include the expected CCSP and Validator in the first year.

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 collection.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display will be inappropriate.

TSA is not seeking such 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.