

## ***INFORMATION COLLECTION SUPPORTING STATEMENT***

### **Security Threat Assessment for Individuals Applying for a Hazardous Materials Endorsement (HME) for a Commercial Driver's License (CDL)**

- 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).***

This is a request to renew a currently approved collection with minor changes. This collection supports the implementation of section 1012 of the USA PATRIOT Act (Pub. L. 107-56, 115 Stat. 272, 396, Oct. 26, 2001, the "Act"), which mandates that no State or the District of Columbia may issue a hazardous materials endorsement (HME) on a commercial driver's license (CDL) unless TSA has first determined the driver is not a threat to transportation security. The currently published rule found at 49 CFR 1572 ("the rule") and section 1012 of the Act are attached to this application.

The rule describes the procedures, standards, and eligibility criteria for security threat assessments of individuals seeking to obtain, renew, or transfer an HME on a CDL. In order to conduct the security threat assessment, States (or a TSA designated agent in States that elect to have TSA perform the collection of information) must collect information in addition to that already collected for the purpose of HME applications, which will occur once approximately every five years. The driver is required to submit an application that includes personal biographic information (for instance, height, weight, eye and hair color, date of birth); information concerning legal status, mental health defects history, and criminal history; as well as fingerprints. In addition, 49 CFR part 1572 requires States to maintain a copy of the driver application for a period of one year.

In this information collection renewal, TSA is amending the application to collect minor additional information, such as legal status document information and whether the driver is a new applicant or renewing or transferring the HME. This will enable the program to better understand and forecast driver retention, transfer rate, and drop-rate, thus improving customer service, reducing program costs, and identifying other DHS/TSA security threat assessments the applicant has already undergone.

Since there were not many new items added to the application, we believe the burden associated with an applicant providing this information is minimal. By receiving these pieces of information during the application process, requests for additional information/documentation will be minimized during the post-adjudication process, thus reducing the processing time for threat assessments.

- 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.***

Commercial drivers seeking an HME will be required to provide fingerprints and an application for the purpose of conducting a security threat assessment. State Motor Vehicle Agencies, or a TSA designated contractor in TSA-agent States, will collect this information as part of the procedure to obtain, renew or transfer an HME on a CDL, which will occur once approximately every five years. Minor changes to the application have been made to collect metrics necessary to understand and forecast driver retention, transfer rate, and drop-rate to help improve customer service and reduce program costs, and provide comparability with other Federal background checks, including the Transportation Workers Identification Credential (TWIC).

- 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.]***

The process is fully electronic except in some remote locations such as parts of Alaska and other sparsely populated sites in the United States. In areas where the process is not electronic, the information is collected via a hard-copy application and converted to a fully electronic format. Currently, the program completes initial processing of 90 percent of applications in five days or less, and 97 percent of all applications in 10 days or less, averaging approximately 25,000 applications monthly. Additional capabilities (e.g., comparability with other Federal background checks) and lower costs are expected after a planned consolidation of technical architectures of multiple security threat assessment programs.

- 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 developed the HME and TWIC programs to be consistent in terms of eligibility criteria, standards, appeals, and waivers, and HME holders who apply for a TWIC pay a reduced TWIC fee and forego a duplicative threat assessment based on the comparability between programs. A planned Information Technology (IT) integration will further remove duplication and enable TWIC holders who apply for a HME to also pay a reduced fee and forego a duplicative threat assessment.

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 will not have a significant impact on a substantial number of small businesses or other 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.***

Without collecting this information, TSA would be unable to collect the information necessary to determine whether an individual poses a security threat warranting denial of a hazardous materials endorsement for a CDL. Failure to determine this threat would result in a statutory violation and would degrade ground transportation security efforts.

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).***

There are no special circumstances requiring collection of information to be inconsistent 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 published a 60 day notice in the Federal Register on August 30, 2010 (75FR 52961) and a 30 day notice on June 22, 2011, (76 FR 36560) announcing our intent to renew the OMB control number, 1652-0027, 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). The main concern expressed by these groups was that currently there is not a process to allow Transportation Worker Identification Credential (TWIC) holders to bypass the full HME background check process (since they are the same) and pay a reduced fee when they apply for an HME. In our response, we provided an update on the plans for implementing this comparability. Specifically that TSA is developing the technical solution to support this effort.

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

There are no gifts or payments to respondents.

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

Results of security threat assessments are reviewed and retained by TSA. The rule contains provisions for appeal or waiver of an initial notification of a disqualifying factor. Although there is no assurance of confidentiality to any respondent, TSA will handle all records in accordance with the Privacy Act of 1974, and maintain the security of the IT systems that transmit, process, and/or store the personal information in accordance with FISMA requirements.

**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.**

Collection of this information may raise questions of a sensitive nature for the individual undergoing the security threat assessment, but only to the extent necessary for TSA to determine the risk of the individual to transportation security. The security threat assessment could reveal, for example, mental health defects or convictions of certain sex crimes that would bar the individual from transporting explosives or other hazardous materials.

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

Number of Individual Background Checks. Drivers are required to obtain a background check before applying for a new endorsement and HME renewal, which occurs every five years. At the inception of the program in January 2005, it was estimated that 2.7 million people had hazardous material endorsements for a CDL. Since that time, the population appears to be dropping based on the number of people each year who are actually applying for HMEs. The program does expect a 2.5 percent growth per annum in the number of new drivers applying for HMEs. As shown in Table 1, the total number of endorsements to be issued from 2009 through 2011 is expected to be approximately 900,000 thousand (an average of 300,000 per year). TSA estimates that respondents will spend approximately 22.9 million hours over three years (978,000 thousand annualized) on the application and background check process. On average there are 300,854 respondents which equals approximately 977,776 hours of burden per year.

Year	Number of Respondents	Time per Response (hours)	Total Hour Burden
2009	293,457	3.25	953,735
2010	300,793	3.25	977,577
2011	308,313	3.25	1,002,017
Total 2009-2011	902,563		2,933,329

State Plans. The estimated annual hour burden to individual states for creating their fingerprinting and application plans is 320 hours per state (51 X 320 hrs=16,320 hours of burden per year), at a cost of approximately \$10,000 per state. This estimate includes materials, publication, and mailing costs that would be associated with publication of these plans, to include distribution of plans for coordination with other state offices and agencies. States already have fingerprinting processes and procedures in place to support other programs (such as the Child Protection Act) and take advantage of these existing capabilities. Similarly, states also already have application processes in existence and the effort to modify this process to account for the additional elements required for HAZMAT endorsements should not be overly burdensome.

Wages. Drivers who apply for an HME incur an opportunity cost thru loss of wages. It is estimated that the total time to enroll, including travel time to and from the enrollment center, is 3 hours and 15 minutes. At an hourly wage rate of \$50 per hour, the wages lost during these three years are estimated to be \$146.7 million.

Year	Wages Opportunity Cost
2009	\$47,686,762
2010	\$48,878,862
2011	\$50,100,862
<b>Total 2009-2011</b>	<b>\$146,666,486</b>
<b>Annualized</b>	<b>\$48,888,829</b>

**13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).**

Cost Per Background Check. The program cost burden of issuing Hazmat endorsements includes initial processing costs, costs for an FBI criminal history records check, and administrative costs. Processing costs vary depending on whether drivers are enrolled by their individual states or by a TSA agent. The average total cost for these elements was \$93.60 per person from FY07 and before. In FY09 and later, the average cost is \$89.25 per person due to a reduction in the FBI fee. The \$89.25 rate is used to calculate the program cost burden estimated to be \$80.6 million from 2009 through 2011.

**Table 1**

Year	Number	BGC Population	Average Cost	Total Cost Burden
2009	1,735,395	293,457	\$89.25	\$26,191,037
2010	1,620,188	300,793	\$89.25	\$26,845,775
2011	1,650,596	308,313	\$89.25	\$27,516,935

<b>Total 2009-2011</b>	<b>5,006,179</b>	<b>902,563</b>		<b>\$80,553,747</b>
<b>Annualized</b>		<b>300,854</b>		<b>\$26,851,249</b>

**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.**

There are no additional costs to the Federal Government associated with this collection.

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

The program has been in operation for five years, and is using actual data to predict the future burden. Prior reporting and cost burdens were based on estimates prior to program launch. Also, there were a few new items added to the application, we believe the burden associated with an applicant providing this information is minimal. The purpose of the changes to the application will reduce the processing time for threat assessments.

**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.**

Results of this information collection 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.**

Such approval is not 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.**

No exceptions are requested.