

# INFORMATION COLLECTION SUPPORTING STATEMENT

## EMPLOYMENT STANDARDS 49 CFR Parts 1542, 1544 OMB Control Number 1652-0006

- 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).**

TSA must require by regulation that an employment investigation, including a criminal history record check and a review of available law enforcement data bases and records of other governmental and international agencies be conducted for certain individuals by airport operators and aircraft operators. 49 U.S.C. § 44936. TSA implemented these regulations about employment standards at 49 CFR Parts 1542 and 1544. This collection of this information, which requires airport and aircraft operators to maintain records of compliance with 49 CFR Parts 1542 and 1544 regarding employment standards, is an important element in TSA's efforts to maintain aviation security by deterring "insider threats."

- 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.**

Airport operators are required to maintain records of compliance with Part 1542 for those employees with access privileges to secure areas of the airport. Aircraft operators are required to maintain records of compliance with Part 1544 for selected flight crew and security employees. These records include records of training and background checks on all employees who have access to secure areas. TSA Transportation Security Inspectors (TSI) review these records to ensure that the safety and security of the public is not compromised, to include using this information to take corrective action when necessary.

- 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.]**

Airport and aircraft operators have the latitude and flexibility to maintain the required information in a manner that best meets their particular needs, which includes the electronic maintenance of this information. Thus, this collection is in compliance with the Government Paperwork Elimination Act for record keeping; electronic signatures are not applicable to this program.

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- 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.**

To TSA's knowledge, these recordkeeping requirements are not duplicated elsewhere.

- 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.**

The recordkeeping requirements are proportional to the size of each airport and air carrier operation and therefore the collection does not create a significant impact on 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, TSA would not be in compliance with its statutory mandate and the security of our airports and aircraft operators would be compromised.

- 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).**

Pursuant to 49 CFR 1542.209(k)(5) and 1544.229(k)(4), all records must be maintained at least 180 days after the termination of an individual's unescorted access to secure areas of airports. This may require airport and aircraft operators to maintain records of employees for over three years as described in 5 CFR 1320.5(d)(2)(iv).

- 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 airport and aircraft operator stakeholders. TSA sought public comments via a 60-day notice in the Federal Register (76 FR 49503, August 10,

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2011). The 30-day notice (76 FR 65740 ) was published October 24, 2011. TSA 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 does not provide any assurances of confidentiality. However, 49 CFR 1542.209 (k)(4) and 1544.229 (k)(3) and a related Security Directive require airport and aircraft operators to maintain records in a manner that protects confidentiality of the individual and is acceptable to TSA.

**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 any questions of a sensitive nature.

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

TSA has identified three categories of respondents for this collection; part 1542 airports, part 1544 Commercial and All Cargo Aircraft Operators and Twelve-Five (TFSSP) and Private Charter (PCSSP) Aircraft Operators. The total 1,337 respondents is comprised of 446 airports and 891 airlines. The average annual number of unique respondents is detailed in the table below.

**Table 1: Average Annual Unique Respondents by Regulated Party**

<b>Regulated Party</b>	<b>Average Annual Unique Respondents</b>
1542 Airports	446
1544 Commercial and All-Cargo Aircraft Operators	95
1544 TFSSP and PCSSP Aircraft Operators	796
<b>Total</b>	<b>1,337</b>

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TSA regulations require airports and aircraft operators to maintain records of training and background checks on all employees who have access to secure areas. Based on data these respondents have collected, TSA estimates that respondents maintain approximately 432,500 training and background check records each year. These records can be separated into two categories: those who receive training because they work unescorted in the SIDA, secure, or sterile area of an airport (part 1542 airports and part 1544 Commercial and All-Cargo Aircraft Operators) and those who receive training and background checks because they perform screening functions or are flightcrew of part 1544 TFSSP and PCSSP Aircraft Operators. The associated recordkeeping time for each employee is approximately five minutes. Thus, the annual hour burden estimate for respondents to maintain the training and background check records is 35,898 (432,500\*0.083).

**Table 2: Annual Recordkeeping Burden for Airports and Airlines**

<b>Training &amp; Background Check Recordkeeping Requirement</b>	<b>Average Annual Respondents</b>	<b>Average Annual Records</b>	<b>Time per Record (hours)</b>	<b>Annual Hours</b>
1542 Airports & 1544 Commercial and All-Cargo Aircraft Operators	541	429,000	0.083	35,607
1544 TFSSP and PCSSP Aircraft Operators	796	3,500	0.083	291
<b>Total Annual Burden</b>	<b>1,337</b>	<b>432,500</b>		<b>35,898</b>

**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 would not have been incurred without this collection of information.**

**Table 3: Annual Compliance Inspection Cost for the Federal Government**

<b>Category</b>	<b>Average Annual Reviews</b>	<b>Time Per Review (hours)</b>	<b>Cost per Hour</b>	<b>Annual Cost</b>
Compliance Inspections	1,337	3.5	\$49.59	\$232,056

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TSA will perform inspections to verify that the airport and aircraft operators are complying with the recordkeeping requirements. TSA will spend approximately 3.5 hours verifying the respondents records. The total cost annual cost to TSA for these inspections is approximately \$232,056 (1,337 reviews x 3.5 hours each x \$49.59 per hour).

The estimated annual cost to the government is \$232,056 (1,337 respondents \* 3.5 hours \* \$49.59 wage rate for inspectors).

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

The adjustments reported in Items 13 or 14 of OMB Form 83-I are due to a reduction in the number of applicants for access to secure areas of the airport, an improvement in processing time for background checks conducted for these applicants, and a difference in the methodology used in data gathering for this Paperwork Reduction Act collection submission from 2009 to 2011.

**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 this collection of information.

**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 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 such exception.