

# **INFORMATION COLLECTION SUPPORTING STATEMENT**

## **Airport Security, 49 CFR Part 1542 OMB Control Number 1652-0002**

- 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, November 19, 2001, transferred the responsibility for civil aviation security from the Federal Aviation Administration (FAA) to the Transportation Security Administration (TSA). In February 2002, TSA implemented its airport operator security standards regulations through 49 CFR Part 1542, while FAA's legacy regulation covering its portion of aviation security, 14 CFR Part 107, was repealed. The information collection required by 49 CFR Part 1542 remains critical in the aftermath of the terrorist attacks of September 11, 2001. This information collection activity, which includes information collection and recordkeeping requirements associated with 49 CFR Part 1542, directly supports DHS' strategic goal of safety and security in air transportation as the Department has delegated that authority to TSA.

The following information collections and other recordkeeping requirements with which respondent airport operators must comply fall under this OMB control number: 1) development of an Airport Security Program (ASP) and submission to TSA; 2) submission of ASP amendments to TSA when applicable; 3) collection of data necessary to complete a criminal history records check (CHRC) for those individuals with access to a Security Identification Display Area (SIDA); 4) submission to TSA of identifying information about individuals to whom the airport operator has issued identification media, such as name, address, and country of birth, in order for TSA to conduct a Security Threat Assessment (STA); and 5) recordkeeping requirements associated with records required for compliance with the regulation, and for compliance with Security Directives (SDs) issued pursuant to the regulation.

- 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.***

### Security Programs

Under 49 CFR Section 1542.101, airport operators that operate an airport subject to 49 CFR Section 1542.103 are required to develop an ASP for each subject airport that provides for the safety and security of persons and property on an aircraft operating in air transportation or intrastate air transportation against an act of criminal violence, aircraft piracy, and the introduction of an unauthorized weapon, explosive, or incendiary onto an aircraft. Once approved by the appropriate TSA officials, the airport operator must adhere to these programs, which specify the systems, measures, and procedures the operator will use at that airport to comply with TSA requirements. Respondent airport operators are required to

maintain these ASPs on file, and TSA regulatory inspectors then inspect those airport operators to verify compliance with the provisions of the TSA-approved program. TSA uses the information obtained regarding regulatory compliance, individually by airport, and aggregated across the system, to establish the condition of the system and the effectiveness of its capability to prevent or deter terrorist or other criminal acts against civil aviation.

#### Security Program Amendments

Under 49 CFR Section 1542.105(b), the airport operator is required to maintain the Airport Security Program (ASP) through amendments completed by the operator. Under Section 1542.105(c) or (d), the airport operators must maintain the ASP through applying amendments required by TSA. Under Section 1542.107, airport operators are required to maintain their ASP when temporarily changed conditions occur at the airport which require temporary amendments. Respondent airport operators are required to submit amendments and/or complete amendments directed by TSA so that TSA regulatory inspectors can inspect those airport operators to verify compliance with the provisions of the TSA-approved program. Again, TSA uses the information obtained regarding regulatory compliance, individually by airport, and aggregated across the system, to establish the condition of the system and the effectiveness of its capability to prevent or deter terrorist or other criminal acts against civil aviation.

#### Criminal History Records Checks (CHRC)/Security Threat Assessments (STAs)

Under 49 CFR Section 1542.209, airport operators are required to subject each individual with access to a SIDA to a CHRC in order to determine whether the individual has a disqualifying criminal offense. In order to conduct a CHRC, these individuals must provide their identifying information to the airport operator, including fingerprints, and the airport operator must maintain these records. The intent of a CHRC is to ensure that each airport user working in a security-sensitive position or in secured areas of an airport does not pose a risk to transportation security. These CHRCs are generally combined with the collection of information for Security Threat Assessments (STAs); TSA requires airport operators to submit identifying information, such as name, address and country of birth, about individuals to whom the airport operator has issued identification media, which includes individuals with unescorted access at airports to secured areas, SIDAs, sterile areas, and air operations areas.

#### Other Recordkeeping Requirements

Under 49 CFR Section 1542.213(b), airport operators are required to ensure that no individual is authorized unescorted access to the secured area or SIDA unless that individual has successfully completed training in accordance with the TSA-approved curriculum specified in its TSA-approved ASP. The airport operator must maintain a record of all training and information given to each individual who receives such training, and must further maintain such records for 180 days after the termination of that person's unescorted access authority. TSA regulatory inspectors then inspect those airport operators to verify compliance with the training provision of the TSA-approved program. Again, TSA uses the information obtained regarding regulatory compliance, individually by airport, and aggregated across the system, to establish the condition of the system and the effectiveness of its capability to prevent or deter terrorist or other criminal acts against civil aviation.

Under 49 CFR Section 1542.217(d), airport operators are required to maintain those records associated with the training of the law enforcement officers (LEO) assigned to respond at the airport. The airport operator must maintain a record of the type of training given to each LEO who receives such training.

Under 49 CFR Section 1542.221, airport operators are required to ensure that a record is made of each law enforcement action made at the airport. The airport operator can maintain these records or allow the responding law enforcement agency to manage such records. The airport operator must maintain those records for a minimum of 180 days and allow for TSA inspection. TSA uses this information, together with information generated independently by TSA as it conducts its own passenger and baggage screening as well as other related activities, to monitor the effectiveness of the overall level of security in the system.

Under 49 CFR Section 1542.303, airport operators are required to comply with each Security Directive (SD) issued by TSA. When TSA determines that additional security measures are necessary to respond to a threat assessment or to a specific threat against civil aviation TSA issues such a SD, which includes requirements for operators to maintain records and provide information to TSA, such as that data collected and retained for STAs and watchlist matching. The airport operator must maintain an electronic record, paper record, or a comparable TSA-approved records verification system of the documents required to be collected under SDs. TSA uses the information obtained regarding regulatory compliance, individually by airport, and aggregated across the system, to establish the condition of the system and the effectiveness of its capability to prevent or deter terrorist or other criminal acts against civil aviation.

- 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 operators have the latitude and flexibility to maintain or report the required information in a manner that best meets their particular operational needs, to include electronic formats. Thus, this collection is in compliance with the Government Paperwork Elimination Act (GPEA); electronic signatures are not applicable to this program. It is estimated that 70% of airport operators currently maintain most of these records electronically.

Airport operators can access a secure TSA webboard to obtain guidance for this information collection.

**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.**

Prior to TSA's existence, this information collection was conducted by the Federal Aviation Administration. To TSA's knowledge, since the responsibility for this collection transferred to TSA, with the exception of the information below, it has not been duplicated anywhere else.

Under transportation security statutes and regulations, airports and aircraft operators perform CHRCs on individuals with unescorted access to secured areas and SIDAs. Pursuant to statute and regulation, individuals who have convictions for certain crimes within the preceding 10 years are not eligible for unescorted access to the airport secured areas and SIDAs.

Similarly, pursuant to regulation, the U.S. Customs and Border Protection (CBP) agency requires CHRCs be conducted on individuals with unescorted access to CBP's designated airport Federal Inspection Station (FIS) areas. Some individuals working at the airport may need access to the airport secured areas and SIDAs regulated by TSA and the FIS area controlled by CBP. However, typically, we usually do not know whether access is needed to the FIS until after the individual applies for the SIDA, rather than contemporaneously. Because a CHRC would be required by both agencies for the same applicant, it would be optimal and consistent with the government's view that applicants' fingerprints and associated FBI fees should be collected once rather than twice, and any resulting rap sheets shared among the airport and CBP where the applicant is seeking access.

We have short- and long-term solutions to this scenario. Today, CBP may obtain the rap sheets from the airport when a SIDA worker applies for or needs access to the FIS. Thus, the applicant is not required to undergo a new fee or CHRC. For the long-term, TSA is modernizing and consolidating its vetting architecture and the new system will permit other entities, such as CBP, to obtain data on applicants directly from our system.

In an effort to minimize any duplicate collections, the TSA continually strives to work with and identify other entities who have a need to know the information in the performance of their official duties pursuant to the Privacy Act, 5 U.S.C 552a552A(b)(1), in an effort to reduce redundancy of information collection processes.

**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 amount of information required by this collection is proportional to the size of each airport operator's organization and therefore 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.**

TSA has the responsibility of ensuring the security of persons and property traveling within, to, and from the United States. Title 49 CFR Part 1542 requires airport operators regularly serving operations of certain aircraft operators or foreign air carriers described in 49 CFR Parts 1544 or 1546, respectively, to adopt and implement an ASP that provides for the safety and security of persons and property on an aircraft operating in air transportation or intrastate air transportation against an act of criminal violence, aircraft piracy, and the introduction of an unauthorized weapon, explosive, or incendiary onto an aircraft. This information is necessary to ensure airport operators within the United States provide adequate security measures. All collected information is subject to review during the TSA inspection process, so as to verify airport operator compliance with regulatory requirements.

Due to ever changing security risks and assessments, it may be necessary, with short notice, to require airport operators to perform certain security measures which may involve maintaining records and providing information to TSA more often than regularly noted in its ASP. TSA conveys the need for such security measures to the airport operator via amendments to its ASP and/or by issuing SDs when appropriate. A consequence of not requiring such collections would be that TSA could not adequately ensure the security of the aviation transportation system.

If any airport operator is unable to meet a changed requirement, airport operators are provided, via the regulation, an opportunity to indicate they cannot meet such requirements, due to the uniqueness of their operation. Airport operators may then provide to TSA an alternate means by which they can meet the intent of the required TSA security measures. TSA handles such requests on a case-by-case basis.

If TSA did not require the collection of information, TSA would be hindered in improving security procedures and systems at airports. Revisions to procedures, staffing, and other resource allocations rely heavily upon the data developed through this collection effort.

**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 Section 1320.5(d)(2)(i) (requiring the collecting agency to demonstrate why a respondent must report more often than quarterly): Under Security Directives (SDs), airport operators are required to compare all persons to whom the airport operator has issued SIDA, sterile area, or other ID media, to the “no-fly” and “selectee” watch lists, and then report matches to TSA immediately.

Additionally, it may be necessary, with short notice, to require airport operators to perform certain security measures which may involve maintaining records and providing information to TSA more often than regularly noted in its ASP. TSA conveys the need for such security

measures to the airport operator via amendments to its ASP and/or by issuing SDs when appropriate.

5 CFR Section 1320.5(d)(2)(iv) (requiring the collecting agency to demonstrate why a respondent must retain records other than health, medical, government contract, grant-in-aid, or tax records for more than three years): For security purposes, information submitted by the airport operator must be maintained for 180 days after the end of employment of the individual, which could be more than three (3) years.

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 published a 60-day notice for comment, as required by 5 CFR Section 1320.8(d), on August 10, 2011 (76 FR 49503-49504), and a 30 day notice on November 14, 2011, (76 FR 70468). TSA received no comments.

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

TSA does not provide any payment or gift to the 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. Information provided by individuals will be protected from disclosure to the extent appropriate under the applicable provision of the Freedom of Information Act, and the Privacy Act of 1974. Personally identifying information will be collected and transmitted in accordance with the Privacy Act. To the extent that the information collected is Sensitive Security Information (SSI) as defined in 49 CFR Part 1520, "Protection of Sensitive Security Information," such information is protected from public disclosure.

- 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 questions of sensitive nature.

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

Currently, approximately 444 airports are regulated by 49 CFR Part 1542. TSA anticipates growth of approximately one airport each subsequent year of this ICR, for a total of 446 unique respondents and an annual average of 445 airports. The burden of this collection of information upon each of the airports regulated for this purpose varies with the number and complexity of security requirements placed upon the specific airport operator.

The following table shows the estimated hour burden incurred by the airport operators as a result of the information collections described above.

Table 1: Total Estimated Annual Hour Burden

<b>Information Collection</b>	<b>Average Annual Respondents</b>	<b>Average Annual Responses</b>	<b>Hour Burden per response</b>	<b>Total Annual Hour Burden</b>	<b>Regulation</b>
<i>Security Program Requirements</i>					1542.101
New ASP	1	1	500	500	1542.101 (a)
Amendments- TSA-Directed	445	445	250	111,250	1542.105 (c), (d)
Amendments- Airport-Requested	445	4,450	25	111,250	1542.105 (b)
Amendments- Temporary Changed Conditions	445	6,675	40	267,000	1542.107
<i>CHRC Applications</i>	445	115,700	0.50	57,850	1542.209
<i>Security Directive Requirements</i>					1542.303
STA Applications and records	445	578,500	0.35	202,475	1542.303
Watch List Matching	336	336	60	20,160	
Watch List Match Resolution	336	16,800	1	16,800	
<i>Recordkeeping Requirements</i>					
CHRCs/STAs	445	445	800	356,000	1542.209
SIDA Training	288	288	1,300	374,400	1542.213 (b)
LEO Training and LEO Response	445	445	200	89,000	1542.217 and 221
<b>Total</b>	<b>445</b>	<b>724,085</b>		<b>1,606,685</b>	

New Security Programs

Under 49 CFR Section 1542.101, airport operators operating an airport subject to 49 CFR Section 1542.103 must develop and implement an ASP. TSA estimates one new ASP per year, for an estimated annual burden of 500 hours.

#### TSA-Directed Amendments

Under 49 CFR Section 1542.105(c) and (d), airport operators are required to add to their ASP any amendments promulgated by TSA. TSA estimates that it will issue approximately one amendment per year, for an annual average of 445 responses. TSA estimates an average response time of 250 hours, which yields an annual burden of 111,250 hours (445 airports x 250 hours).

#### Airport-Requested Amendments

Under 49 CFR Section 1542.105(b), airport operators may add to their ASP amendments that they request and receive TSA approval to implement (for example, an ASP amendment may be requested due to a change in management or operations). TSA estimates that each airport operator will request approximately 10 amendments per year, for an annual average of 4,450 responses. TSA estimates an average response time of 25 hours, which yields an annual burden of 111,250 hours (445 airports x 10 amendments x 25 hours).

#### Amendments for Temporary Changed Conditions

Under 49 CFR 1542.107, airport operators may request amendments to their ASP on the basis of temporary changes in conditions that may impact security (such as construction and renovation projects). On average, TSA estimates that an airport operator will request approximately 15 amendments per year for this reason, for an annual average of 6,675 responses. TSA estimates an average response time of 40 hours, which yields an annual burden of 267,000 hours (445 airports x 15 amendments x 40 hours).

#### CHRC Applications

Employees requiring airport-issued identification media permitting unescorted access to a secured area, sterile area, air operations area (AOA), or security identification display area (SIDA) at TSA-regulated airports must apply for a CHRC. TSA estimates that each airport will have approximately five CHRC applicants per week, or 260 per year, for an annual average of 115,700 CHRC applicants (445 airports x 260 applicants) across all airports. The opportunity time associated with this application is estimated at 30 minutes, or 0.5 hours. The estimated annual burden is 57,850 hours.

#### STA Applications

Employees requiring airport-issued identification media permitting unescorted access to the secured area, SIDA, sterile area, or AOA at TSA-regulated airports must apply for a STA. On average, TSA estimates that an airport will have approximately 25 STA applicants per week, or 1,300 per year, for an annual average of 578,500 STA applicants across all airports (445 airports x 25 applicants/week x 52 weeks). The opportunity time associated with this application is estimated at 21 minutes, or 0.35 hours. The estimated annual burden is 202,475 hours (578,500 applications x 0.35 hours).

#### Watch List Matching



Airport operators are required to conduct watchlist matching of certain individuals against government watch lists, unless otherwise exempted by TSA. There are 335 airports subject to this requirement in Year 1, and an annual average of 336, that must collect and submit passenger information, a requirement estimated at 60 hours per year per airport. The estimated annual burden for watch list matching is 20,160 hours (336 airports x 60 hours).

#### Watch List Match Resolution

TSA estimates that, on average, an airport operator subject to the watch list matching requirement will need to resolve approximately 50 matches per year. Resolution time for each match is estimated at one hour. The annual burden estimated for this requirement is 16,800 hours (336 airports x 50 matches x 1 hour).

#### CHRC/STA Recordkeeping

Airport operators are required to maintain records of all employees' CHRC- and STA-related paperwork. TSA estimates that, on average, an airport will spend approximately 800 hours per year fulfilling this requirement, for an estimated annual burden of 356,000 hours (445 airports x 800 hours).

#### SIDA Training Recordkeeping

All employees who require access to the SIDA will require training before being granted unescorted access. TSA estimates that each of the 288 airports subject to this requirement, the average annual population excluding the 157 Category IV airports, will spend approximately 1,300 hours per year maintaining SIDA training records, an estimated annual burden of 374,400 hours (288 airports x 1,300 hours). 49 CFR Section 1542.205(a) requires that only those airports with an approved "complete" ASP have a secured area. 49 CFR Section 1542.205(a)(1) mandates that the secured area must be a SIDA. The 157 Category IV airports mentioned above do not have SIDA requirements.

#### LEO Training and Response Recordkeeping

All LEOs at TSA-regulated airports must be trained in security response procedures unique to that airport, and all events to which LEOs responded must be recorded. TSA estimates that each airport will spend approximately 200 hours fulfilling this requirement, for an estimated annual burden of 89,000 hours (445 airports x 200 hours).

The total estimated annual burden for airport operators to fulfill the requested information collections is 1,606,685 hours.

### ***13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information.***

Employees requiring a CHRC must have their fingerprints taken and submitted to TSA. While airport operators actually collect this information and submit it to TSA, the fees are usually paid by the individual requesting access to the sterile area, secure area, air operations area, or SIDA. The National Aviation Trades Association (NATA) charges a fee for this service ranging from \$29 to \$75. TSA uses the midpoint of this range, \$52, to estimate the annual cost to respondents for CHRC fees.

**Table 2: Total Estimated Annual Cost to Respondents for CHRC Fees**

<b>Information Collection</b>	<b>Average Annual Respondents</b>	<b>Average Annual Responses</b>	<b>Cost Burden per response</b>	<b>Total Annual Cost Burden</b>
CHRC Fees	445	115,700	\$52	\$6,016,400

TSA estimated each airport operator will require an average of 5 CHRCs for airport employees per week, or 260 per year. Using the \$52 fee range midpoint, the average annual cost to ASP holders to process CHRCs will be \$6,016,400 (445 operators x 260 CHRCs x \$52).

**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.**

49 CFR part 1542 requires TSA to verify the information maintained by the respondents, as outlined above. A TSA Transportation Security Inspector (TSI) assumed to be an H-band employee with a loaded hourly wage rate of approximately \$45 conducts inspections of airport operators. The total cost to TSA is estimated at \$500,625 (445 airports x 25 hours x \$45).

**Table 3: Total Estimated Annual Cost to TSA for Inspection of 1542 Airports**

<b>Information Collection</b>	<b>Average Annual Inspections</b>	<b>Hour Burden per Respondent</b>	<b>Cost Burden Per Respondent</b>	<b>Total Annual Cost Burden</b>
Airport Inspections	445	25	\$45	\$500,625

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

TSA has revised the following assumptions relating to the cost burden estimates in Item 14: a decrease in the number of airports regulated under 49 CFR part 1542, due to a decision made by the airport operator to no longer participate as a regulated entity; an increase in the wage rate of TSA inspectors, and an increase in the hour burden per inspection. Also, due to a new security mandate, employees requiring airport-issued identification media permitting unescorted access to the secured area, SIDA, sterile area, or AOA at TSA-regulated airports must apply for an STA.

TSA has revised the cost burden under Item 13 due to the implementation of security directive requirements that have occurred since the previous renewal of this information collection request.

**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.**

This information collection will not be published for statistical purposes.

**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 does not request an exception to the certification of this information collection.